

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 19, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, April 19, 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. Public Works - Henry Hash, Director:

1. Public Hearing/Possible Action: Regarding Vacating a Portion of Unopened County Right-of-Way, Known as Hermway Heights Road, #87450

Mr. Hash introduced Tory Nelson, Engineering Technician, who briefed the Commissioners on the matter regarding the vacation of Hermway Heights Road which was Quit Claimed to Skagit County in 1929 by the English Lumber Company. Mr. Nelson stated that the portion being petitioned for vacation is nearly 1,400 feet long, 50 feet wide, and currently runs through property owned by Windward Development Inc. Mr. Nelson informed the Board that no properties would be land-locked due to the vacation and he ended by saying that the Public Works Department recommends that the right-of-way be vacated and that the petitioner reimburse Skagit County the assessed value of land in the amount of \$28,224.

Commissioner Dillon asked how the right-of-way would be closed from the current street.

Mr. Nelson stated that one end of the right-of-way ends in the woods and the other end already ends in a cul-de-sac. Mr. Nelson said that the portion of Hermway Heights Road right-of-way is covered in trees.

Chairman Wesen asked whether there was a railroad built on the right-of-way.

Mr. Nelson believed that a portion of railroad was constructed within part of the right-of-way.

Chairman Wesen opened the public hearing at 8:35 a.m.

Greg Krabbe, of GFK Consulting, Inc., stated that he was the applicant's representative and was present to discuss the valuation of the right-of-way.

Mr. Krabbe showed the Commissioners a topographical map of the area and stated that two portions of the right-of-way are critical areas and that, if a road were to be constructed in the future, it would be costly due to a waterfall which cuts through the right-of-way. Mr. Krabbe stated that the two critical areas are not useful and are valueless from a residential development aspect. Mr. Krabbe asked that the Commissioners consider an appraisal for the right-of-way which took the critical areas into account and reduced the total amount of land to be valued by approximately 25%. Chairman Wesen asked if the decision was time-sensitive.

Mr. Krabbe answered that an appraisal could be submitted within a week and that they would appreciate a decision on the matter within 30 days.

Commissioner Dahlstedt clarified that Skagit County did not request the vacation of this right-of-way, but that it was petitioned by Windward Development Inc. and that the Commissioners would need to decide what action to take since this petition essentially sells the public's property. He stated that they would need to decide what would be best for all parties and that the public hearing was being held in order to see what kinds of public interest there may be.

Mr. Ross Bridges, 20810 Hermway Heights Road in Mount Vernon, stated that he lives next to the right-of-way and he believed that parts of the right-of-way are unusable.

Seeing no further public testimony forthcoming, Commissioner Dahlstedt made a motion to close the public hearing at 8:41 a.m., which was seconded by Commissioner Dillon. The motion passed unanimously.

Mr. Nelson stated that the usual practice for valuing right-of-ways has been to use the assessed value, but if the Commissioners preferred, they could probably wait to decide after Mr. Krabbe submits the discussed appraisal.

The Commissioners asked that correct vacation measures be in place before the decision is made and stated that if they can legally accept the appraisal, they would consider it before making their decision.

Mr. Hash suggested that the Commissioners re-visit this matter in four weeks. There was discussion regarding a date and time.

A motion was made by Commissioner Dahlstedt to approve that the Board render decision on this matter on Tuesday, May, 17, 2011, at 8:30 a.m. Commissioner Dillon seconded the motion.

The vote passed unanimously.

2. Discussion: Clean Water Program

Mr. Hash introduced Dan Berentson, Natural Resources Division Manager, who would be presenting the Clean Water Program as well as discussing the

steps already taken, the measures which are in place, and the work left to be completed regarding the Governor's questions regarding the Samish watershed.

Before Mr. Berentson began his presentation, Commissioner Dahlstedt asked if anyone from the Governor's office tried to contact Skagit County in order to get information from the county regarding the work that has been performed.

Mr. Berentson informed Commissioner Dahlstedt that the Governor's office had not contacted Skagit County.

Mr. Berentson introduced staff from Public Works who have been working on this project: Samantha Clark, Administrative Assistant; Mary Sutton Carruthers, Environmental Resources Technician; Kara Symonds, Watershed Planner; Margo Gillaspy, Hydrogeologist Technician; Tracy Alker, Water Resources Technician; and Emily Derenne, Water Resources Technician. Mr. Berentson also introduced Mr. Stoyka to brief the Commissioners on the clean water program.

Gary Stoyka, Water Resources Section Manager, briefed the Board on the annual clean water report. Mr. Stoyka shared the history of the clean water program, which first began in 1995 in order to address failing septic systems in the Samish watershed. Mr. Stoyka stated that the clean water program has been countywide since 2005. Mr. Stoyka said that program funding is provided by property taxes and grants. Mr. Stoyka discussed the components and projects in place in order to accomplish Skagit County's goals which include the following: Clean Samish Initiative, Critical Areas Ordinance, Fish Habitat Restoration, Marine Resources Committee, Lake Management, Groundwater Management, Administration, and Partner Agencies. Mr. Stoyka recognized the following partner agencies: Skagit Conservation District, Skagit Conservation Education Alliance, Skagit Fisheries Enhancement Group, Skagit Watershed Council, Western Washington Agricultural Association, and the Skagit County Health Department, and he ended by sharing their accomplishments from 2010 and goals for 2011. Commissioner Dahlstedt asked Mr. Stoyka to send some of the brochures to the Governor's Office once they are printed.

Commissioner Dahlstedt said that these projects are funded by the citizens of Skagit County and that we care about these problems and have partnered with as many agencies as possible in order to solve the problem. Commissioner Dahlstedt commented that it takes money to do the job and if the Governor is not pleased with our progress, then Commissioner Dahlstedt encouraged her to support these projects and send us the resources needed to address the problems and be sure to check with us on our projects instead of only relying on one entity which may have their own agenda. Commissioner Dahlstedt appreciated the Washington State Department of Ecology's partnership.

3. Discussion: Clean Samish Initiative

Emma Whitfield, Skagit County Public Information Officer, thanked the Commissioners for their support of the Clean Samish Initiative (CSI) and for partnering with the Department of Ecology and the Environmental Protection Agency. Ms. Whitfield stated that high fecal coliform levels in our watersheds threaten our health, our shellfish, our food production, and our quality of life, and that through the CSI, Skagit County is committed to correcting this problem. Ms. Whitfield stated that the CSI began in 2008 with the Department of Ecology as the lead. After receiving funding from the Environmental Protection Agency, Skagit County took the lead in 2010. Grant funding is utilized for the CSI and it is made up of partnerships with many agencies. Ms. Whitfield discussed the recent attention the CSI received on April 6, 2011, when the Governor requested more substantial change during the GMAP session and Ms. Whitfield discussed the activities that have been performed for the CSI which include: ambient and storm fecal coliform levels will continue to be monitored, outreach and education will continue. Many of the agencies that have been partnered with have performed a lot of outreach by way of workshops and town hall meetings. The CSI also has presence on the website and a face book page was recently launched. Ms. Whitfield stated that preliminary DNA testing has been submitted to Oregon State University and land owner contacts at Thomas Creek, Middle Samish, and Samish to Highway 99 tributaries has been an ongoing project.

Ms. Whitfield stated that water quality would continued to be monitored as well as landowner contacts and that a more intensive media campaign would be starting which would run daily ads for two weeks to inform the public of the law regarding pollution and list a compliant telephone number. Ms. Whitfield stated that there would be faster responses to complaints and that more people would be on the ground assessing problems. Lastly, certain county employees would be given specific assignments for proper complaint oversight and waste site facilities would be set up for the disposal of pet and human waste in the basin.

4. Presentation: Annual Report Clean Water Monitoring

Rick Haley, Water Quality Analyst, informed the Commissioners that monitoring began in 2003 in order to compare the fecal coliform trends both within and outside of agricultural areas. Biweekly samples are taken at 40 different sites and this data is available online. Mr. Haley was happy to report that biweekly sampling has never been missed. Mr. Haley stated that the Skagit River meets all clean water regulations, however smaller streams, like the Samish and other agricultural drainages, are still not meeting regulations. Mr. Haley reported that in 2010, 8 out of 40 sites met the standards for dissolved oxygen, an important indicator of salmonid rearing conditions. 12 out of 40 sites met the standard for temperature, an important indicator of salmonid habitat quality; and 16 out of 40 sites met the standard for fecal coliform bacteria levels. Mr. Haley added that not all of the sites tested are considered to be salmonid habitat. Mr. Haley stated that excess fecal coliform counts in the Samish River and other bay tributaries has led to 28 closures of shellfish beds in the last 3 years. He went on to say that the Governor's Office did not contact them before or after the GMAP session.

Mr. Haley stated that they have been responding to multiple state agencies requests for more information and that this is an opportunity to showcase the program being implemented to correct the problem. Mr. Haley stated that they would be happy to accept more manpower or funding in order to accelerate the programs.

Commissioner Dahlstedt stated that the Public Works department has done a great job and that the Samish is a high priority. He said that Skagit County requires all homeowners to test their septic systems every three years, and when a home is up for sale, the septic system is checked. He stated that Skagit County has a lot of great partnerships and he expressed his hope that the state would communicate directly with Skagit County the next time they needed more information.

Shellfish harvesting closures were discussed and Chairman Wesen thanked everyone for their work. He understood that extra testing was performed during the large rain event at some farms that had excess water running across the property. He asked what the fecal coliform counts were.

Mr. Haley answered that the counts coming off the farm were actually lower than the counts that were currently in the river.

Chairman Wesen appreciates Mr. Haley and Ms. Sutton testing the sites in all types of weather. Chairman Wesen stated that he is on the Board of the Clean Samish Initiative and that he participates in many telephone conferences. He said that they have discussed that this problem is everyone's since the fecal coliform is from many sources: people, cows, birds, pet waste, etc. Chairman Wesen stated that they are concerned about the shellfish beds, but they are also concerned about the people downstream and in the bay who play in the water, which should not be polluted.

5. Miscellaneous

Mr. Hash ended by saying that a lot has been accomplished and that they have a great program in place being led by competent leaders.

Chairman Wesen agreed, said that everyone needs to work together, and stated that creating large buffers around waterways is not the only way to resolve the problem.

Chairman Wesen recessed the proceedings at 9:28 a.m.

b) 10:00 a.m. - 10:30 a.m. Skagit Land Trust Partnership Award Presentation

Chairman Wesen reconvened the proceedings at 10:02 a.m.

Molly Doran, Executive Director of the Skagit Land Trust, was present to discuss their program and to give an award to Skagit County Parks and Recreation.

Ms. Doran said that Skagit Land Trust's slogan is "saving land for tomorrow" and

that it was founded in 1992. Land in all four corners of Skagit County is protected by either acquiring land, helping other agencies acquire and protect land, and perform conservation easements with landowners. She stated that Skagit Land Trust became nationally accredited in 2009 after the program investigated how Skagit Land Trust protects, manages, and stewards each parcel.

Jane Zillig, Land Specialist of the Skagit Land Trust, stated that their partnership with Skagit County has been productive and they recently presented Skagit County Parks and Recreation with the Outstanding Conservation Partner of the Year award. Ms. Zillig stated that combining their efforts has been more productive than working alone. Ms. Zillig reported that their most recent projects include the re-opening the public Samish Island beach area access and the grand opening of the Nichol's Bar Park. Ms. Zillig and Ms. Doran presented the award to Mr. Brian Adams, Director of Parks and Recreation.

Mr. Adams thanked the Skagit Land Trust on behalf of the advisory board and staff. He also thanked the Commissioners, Tim Holloran, County Administrator; Henry Hash, Public Works Director; the members of the Skagit County Parks and Recreation Advisory Board; and staff at Parks and Recreation for their support and advocacy.

Ms. Doran briefed the Board on other projects they have worked on with Skagit County and on some future endeavors to conserve Skagit County forests and farmland.

Commissioner Dillon stated that she was pleased that the county had this partnership with the Skagit Land Trust. She also thanked Pauli Mickelson, Administrative Manager at Skagit County Parks and Recreation, for her tireless efforts.

Commissioner Dahlstedt also thanked everyone and knows that the Parks and Recreation department took the brunt of the most recent budget cuts since Skagit County has to be sure to provide funding for the mandated departments and programs. He knows that there have been disappointments over time, but he is proud at how Skagit County Parks and Recreation has been able to accomplish their tasks. He stated that they are committed to doing a great job and he appreciates Mr. Adam's and Ms. Mickelson's leadership. Commissioner Dahlstedt also thanked the Skagit Land Trust for their partnership over the years.

Chairman Wesen thanked everyone as well and recessed the proceedings at 10:27 a.m.

c) 10:30 a.m. - 11:15 a.m. Sustainability - Ryan Walters, Sustainability Administrator:

1. Sustainability Program First Quarter 2011 Update

Chairman Wesen reconvened the proceedings at 10:33 a.m. Sustainability Administrator Ryan Walters was present to give the Commissioners the quarterly report. Mr. Walters informed the Commissioners that Katie Hampton accepted employment in Tacoma and that Kaci Radcliffe was the

new Sustainability Coordinator. Mr. Walters stated that they have received additional grant funding for the program as well.

Mr. Walters discussed different aspects of The Climate Action Plan which have been partially or fully implemented so far including: building and employee waste stations, Zero Waste Events Program, the testing of GreenPrint, review of the county vehicle fleet, issuance of no-idling signs, and bike rack installation.

Mr. Walters also discussed the Skagit Council of Governments Resource Conservation Manager Program, and plans for certain Skagit County buildings to receive updates in order to be more energy efficient. Mr. Walters reported that in 2010, \$70,509 was saved in energy costs. Emails will be sent to Skagit County employees informing them of the progress they are making towards energy efficiency.

Mr. Walters discussed upcoming projects including: centralized sustainable purchasing, Sustainable Skagit home recognition program, launching a paperless policy, updating the litter ordinance, installing GreenPrint software county-wide, updating the vehicle policy, and utilizing Laser fiche county-wide.

The Commissioners thanked Mr. Walters for the update.

A motion was made by Commissioner Dillon to approve the Resolution in honor of Earth Day 2011, challenging county employees to increase energy conservation and to recognize employees for being good energy stewards. **(Resolution No. R20110151)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

Chairman Wesen recessed the proceedings at 11:13 a.m.

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

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

Public Works Director Henry Hash introduced Skagit County Engineer Paul Randall-Grutter and Design Construction Manager David Walde to the Commissioners. They both thanked everyone for the opportunity to serve Skagit County and the Commissioners were pleased that they accepted the positions.

Commissioners Dahlstedt and Wesen gave their condolence to Commissioner Dillon whose mother had recently passed.

IV. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 11:36 a.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