

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 26, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, July 26, 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 - Gary Christensen, Director:

1. Discussion/Possible Action: Planning Commission Recommendation on Pipeline Safety Proposal

Gary Christensen, Director, was present to provide information and answer questions on the agenda items.

Kirk Johnson, Senior Planner, read the Skagit County Planning Commission's Recorded Motion Regarding Pipeline Safety, dated July 19, 2011, and signed on July 25, 2011, by Jason Easton, Chair of the Planning Commission; and Kirk Johnson, Secretary. Mr. Johnson indicated that the Planning Commission recommended that the Board of County Commissioners not adopt the Planning and Development Services Department's proposed pipeline safety regulations that were released on May 17, 2011.

Chairman Wesen reported that the allegations made under Recommendation Number 4 of the Planning Commissions' Recorded Motion, in the Findings of Fact and Reasons for Action section; which addressed the accusations from members of the public against the Planning and Development Services Department, would be reviewed by an independent third-party investigator.

Mr. Christensen responded to Chairman Wesen's comment by indicating that he supported the decision to have the allegations investigated by an independent third party.

Ryan Walters, Civil Deputy Prosecuting Attorney, provided the Commissioners with what their options would be if they wanted move forward. He indicated the Board of County Commissioners could accept the Planning Commission's recommendations and reject the proposal; or accept the original proposal; or direct the department to provide an alternate proposal, which must be within the scope of the original proposal; or prepare a different proposal; or start over and hold a new public hearing.

Chair Wesen asked Mr. Easton which code amendment the Planning Commission would recommend to ensure the life and safety of the people of Skagit County. Mr. Easton responded by stating the Planning Commission could not continue to deliberate the proposal that had been brought to them because they believed the public process had broken down. He went on to say that the Planning Commission recognized the need to discuss pipeline safety and that process should be restarted by appointing a citizen's advisory committee to work with the department to come up with a better proposal.

Commissioner Dillon stated that the Planning Commission should have deliberated on the proposal instead of focusing their efforts on the allegations with grant compliance. She said the opportunity for more public comment was in the hands of the Planning Commission and that the public comment period should have been continued.

Mr. Easton stated the Planning Commission discussed whether they had the authority to call for additional public hearings, they also discussed extending the deliberations. He said that a motion to take action in that direction had not been pursued because they had received concerns from the public about the public process not being followed by the department. Mr. Easton stated that the process should be restarted from the beginning in order to allow more public participation.

Commissioner Dahlstedt discussed the pipeline safety presentation held at the 2011 National Association of Counties conference in Portland, Oregon. He stated that the pipeline companies should be responsible for maintenance and inspections of the pipelines and not the property owners. He indicated that he would not support the taking of property from property owners and would not be in favor of mandatory setbacks. He recommended that the Board of Commissioners delay making a decision on the proposal in order to allow time review plans that had been successfully implemented in other jurisdictions.

Chairman Wesen addressed that fact that property owners should be aware of where the pipelines are and addressed concerns about building over pipelines.

A motion was made by Commissioner Dillon to approve that the Board of County Commissioners hold a public hearing on pipeline safety on Tuesday, September 13, 2011, from 9:30 a.m. to 10:30 a.m. Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

A brief discussion regarding the date, time and format of the public hearing ensued.

A motion was made by Commissioner Dillon to amend the previous motion by stating that the purpose of the public hearing is to gather public comment on pipeline safety, starting from a clean slate. Amend the date and time of the public hearing to Monday, September 12,

2011, at 6:00 p.m. Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

2. Discussion: Department Permitting Process Update

Tim DeVries, Building Official and Flood Plain Manager, presented the workflow chart for a single-family residence and the building permit process. Mr. DeVries stated that once a building application has been received, the application goes through a simultaneous review process by various departments within the county.

Mr. DeVries said that the length of time of the review is dependent on the staff workload. He explained that the permit application was prepared the day after all the reviews have been completed. He went on to discuss the review lead times for the week of July 25, 2011. Mr. DeVries indicated that the public could go to the county's website at <http://www.skagitcounty.net/Apps/Planning/PermitSearch> at any time to review the progress of any permit application. He said that generally the review process takes approximately 30 days or less.

The Commissioners thanked Mr. DeVries for the update.

3. Discussion: Envision Skagit 2060 Update

Kirk Johnson, provided a brief update on the Envision Skagit 2060 project. He stated that the citizen committee work was in phase two of a three phase process. He indicated that there were some state and federal grant opportunities that could help to implement the recommendations of the Envision Skagit 2060 citizen's committee. Mr. Johnson said that he would provide a more detailed report to the Board in the near future.

Carol Ehlers of West Fidalgo Island, was in the gallery and asked when the general public would be able to review the Envision Skagit 2060 committee work. Mr. Johnson indicated the Mayors on the Growth Management Act Steering Committee and Skagit County Council of Governments Board would be reviewing the recommendations, they would then be made available for public comment before any action would be taken.

4. Miscellaneous

There were no miscellaneous items for Planning and Development Services to discuss.

b) 9:30 a.m. - 10:30 a.m. Skagit County Board of Health:

1. Review of Salary Survey Results from the Washington State Healthy Youth Survey

Peter Browning, Director of Skagit County Public Health, discussed and provided a PowerPoint presentation regarding the 2010 Healthy Youth Survey. He stated that the survey was implemented in all counties in

Washington State by the Superintendent of Public Instruction. The Washington State Healthy Youth Survey measures health risks behaviors that contribute to morbidity, mortality, and social problems among youth. He said that the results would be used by Public Health and Human Services departments to target their efforts in their communities around substance abuse, teen pregnancy, healthy decision making, teen violence and suicide prevention.

Mr. Browning introduced Jaydee Dahl, an intern from Central Washington University, who said she appreciated being back in Skagit County and looked forward for the opportunity to use her public health education.

2. Child and Family Health Updates

Jennifer Sass-Walton, Child/Family Health Nurse Manger, provided the status of Child and Family Health programs and the expected impacts on the community. She stated that funding information should be available by September.

Ms. Sass-Walton stated that on July 1, 2011, Skagit County received \$30,000 in funding from the State of Washington's Medicaid program to restore the baby and child dentistry service. She went on to state that maternity support services would be retained; the home visiting services to families referred by Child Protective Services would be continued; and that they are waiting for a decision by the Department of Early Learning on the child care consultation redesign.

3. Envirostars Program

Polly Dubbel, Environmental Health Specialist, said that Skagit County Public Health would be launching an Envirostars Program to recognize businesses that reduce their use of hazardous materials and waste. She explained that the EnviroStars Program was created in King County, as a service of the Local Hazardous Waste Management Program. She explained that the program was educational. Ms. Dubbel said that the inspections of small quantity hazardous waste generating businesses would be funded through the Local Source Control Program grant with the Department of Ecology.

Ms. Dubbel explained that the purpose of the program was to acknowledge and educate businesses that are properly managing hazardous waste and chemicals. She stated that once a business has determined that their business is eligible for certification in the program, the business could earn various levels of EnviroStar ratings. She said the star certification would give the public an objective way to identify and chose environmentally responsible businesses in the community. She indicated that the Skagit County Health Department would be promoting businesses that have earned the EnviroStar certification by naming the businesses on their website. Ms. Dubbel can be contacted for more information by e-mail at P2@skagit.wa.us or by telephone at (360) 419-3404.

4. Prescription Drug Take-Back Program

Mr. Browning said that the Skagit County Sheriff and the Skagit County Public Health Department are working in cooperation with the surrounding cities to make sites available where prescription drugs can be disposed of in a safe manner. He stated that there were secure drop-off boxes located at the Skagit County Sheriff's offices, the Swinomish Tribal Police and the Anacortes Police Departments.

5. Miscellaneous

Mr. Browning stated that the Skagit County Health Department recently went through a standards review process with the state. He stated that one of the recommendations was that the Health Department meets with the Board of Health on a more regular basis. Mr. Browning said that he would work with the Board of Health's staff to schedule more meetings.

Chairman Wesen recessed the proceedings at 10:32 a.m.

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

Chairman Wesen opened the public comment period at 11:32 a.m.

Ed Stauffer of 17160 Barrell Springs Lane in Bellingham, encouraged the Commissioners to listen to the Planning Commissioners testimony at the Tuesday, July 19, 2011 meeting. He commended the Commissioners for giving the public a chance to provide dialogue on the pipeline safety issue. He also addressed his long range concerns about the shifting of the voting power from rural areas to urban areas.

Sara Spence of 1922 Barrell Springs Road in Bellingham, commented on the grant that Skagit County received from the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) to assist Skagit County in developing land use regulations pertaining to transmission pipeline safety. She requested that the Commissioners consider developing a work plan that would make the public aware of pipeline safety rather than passing another law.

Maggie Sullivan of 740 Shaw Road in Bellingham, provided the Commissioners with a Skagit County press release, dated October 13, 2010, regarding Skagit County's receipt of \$46,667 from the U.S. Department Transportation (DOT) Pipelines and Hazardous Material Safety Materials for pipeline safety. She said that the informational pipeline safety meeting that was held on May 9, 2011, made no mention that an ordinance would be created.

Sondra Stauffer of 17160 Barrell Springs Lane in Bellingham, commented on what the format would be at the Monday, September 12, 2011, public hearing. She stated that a public hearing is not a dialogue and it marginalized the public process. Ms. Stauffer said that the Planning Commission had done their job and had listened to the public concerns.

Kathy Mitchell of 1155 Chuckanut Ridge Drive in Bow, urged the Commissioners to accept the July 19, 2011, recommendation from the Planning Commission not to approve any proposed amendment to Skagit County Code. She also suggested that none of the current language in the any of the previous revisions should be

used. She stated that interested citizens became involved in the pipeline safety issue because of the substance of the proposal. She stated that the intent of the grant was to provide public education and to facilitate public involvement. She said that the process should start from the beginning with education and public involvement.

Carol Ehlers of West Fidalgo Island, and a member of the Planning Commission, stated that it was time to discuss substance and not process. She said the substantive issue related to public safety and education about where pipelines are located. Ms. Ehlers showed a picture depicting pipeline markers on Ovenell Road. She also said that there was no process in place, under Skagit County Code, which would notify pipeline companies about buildings being constructed over or near their pipelines.

a) *12:00 p.m. - 2:30 p.m. Skagit County Fairgrounds Work Event

IV. MISCELLANEOUS:

1. Drainage Easement granted by Dahlstedt Family Properties, LLC, over Parcel Number P21281, allowing for construction, erosion control, and long term maintenance of the Farm to Market Road (#31010) culvert located at milepost 0.65, just south of Ovenell Road. The Easement shall commence on the date of execution and is a permanent easement.

Commissioner Dahlstedt recused himself from voting on this item because the easement was located on his family's property.

A motion was made by Commissioner Dillon to approve the Drainage Easement granted by Dahlstedt Family Properties, LLC, over Parcel Number P21281, allowing for construction, erosion control, and long term maintenance of the Farm to Market Road (#31010) culvert located at milepost 0.65, just south of Ovenell Road. (**Contract No. C20110343**) Chairman Wesen seconded the motion. The vote passed unanimously.

V. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 11:57 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