

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 22, 2011**

The Skagit County Board of Commissioners met in regular session on Monday, August 22, 2011, with Commissioners Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

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

Commissioner Dillon's absence was excused from today's proceedings.

II. PLEDGE OF ALLEGIANCE:

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

I. AGENDA:

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

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

1. Discussion/Possible Action: Closed Record Hearing on the Examiners' Recommendation to Approve the Preliminary Plat Request of Saratoga Passage View Long CaRD Alteration of Final Plat #PL-0099

Brandon Black, Senior Planner, said that the purpose of the Closed Record Hearing was to review and potentially approve the Hearing Examiner's approval recommendation for the Preliminary Plat Request of the Saratoga Passage View Long CaRD alteration of final plat #PL11-0099. He stated that the applicant requested a modification to the plat CaRD land division of Saratoga View Passage (existing as PL06-0107) to alter a property line associated with the open space portion of Lot #26. The proposal included the reconfiguration of the northwest property of Lot #26 to exclude approximately 4.5 acres from the previous land division along with an existing residence currently located within the open space. This area is designated as agricultural natural resource land and will not change the number of lots created with the previous approval. He said that the project proposal would allow Public Utility District #1 water storage tank to be defined as a tract for liability and maintenance purposes similar to the detention pond.

A motion was made by Commissioner Dahlstedt to approve the Hearing Examiner's approval recommendation for the Preliminary Plat request of the Saratoga Passage View Long CaRD Alteration of the final plat and sign the resolution. **(Resolution No. R20110253)**
Chairman Wesen seconded the motion.

The vote passed unanimously. Commissioner Sharon D. Dillon's absence was excused

2. Discussion/Possible Action: 2011 Code Amendments V.2 Docket

Mr. Christensen provided background information for the 2011 annual code amendments. He stated that pursuant to the Planning Commission's recommendation and the Board's instruction, the Planning Department was prepared to release a second set of 2011 annual code amendments to address two issues that were not resolved with the code amendments adopted in Skagit County Ordinance No. O20110007. He said that he had discussed the code amendments with Commissioner Dillon and that she had provided him with her recommendations on each of the code amendments.

Mr. Christensen addressed the eight items that required the Board's action as follows:

There was a brief discussion about the process of presenting the code amendments to the Planning Commission.

- 1) The Burlington Edison School District (BESD) has proposed changes to the Bayview Ridge Residential zoning district, Skagit County Code (SCC) 14.16.340(4)(f) and (5)(e) related to school siting.
 - a) Remove requirements that schools and churches be sited as close to the outer edge of [airport safety] zone 6 as possible.
 - b) Amend open space language to require 25% permanent open space rather than include or abut permanent open space.
 - c) Add language to allow schools to exceed the 40' height limit. New language providing 55' height limit for schools with statement of support from the Port.

Commissioners Wesen and Dahlstedt indicated that they supported the Burlington Edison School District (BESD) proposal to change the Bayview Ridge zoning.

Mr. Christensen indicated that Commissioner Dillon had shared with him that she would be supportive of docketing the code amendment.

- 2) The Department is proposing a revision to the sign regulations, Skagit County Code 14.16.820 to remove an outdated reference to the 2003 International Building Code (IBC) to be replaced with general currently adopted language.

The Commissioners stated that they would prefer to review any code amendments and then adopt them at that time.

- 3) The Planning Commission is proposing a revision to the Land Division chapter relating to extension opportunities for preliminary subdivisions. Recently a one time, one- year extension provision was added to Skagit

County Code 14.18.100. Additional extension options proposed by the Planning Commission include:

- a) A two year, one time extension.
- b) A three year, one time extension.
- c) A one year, renewal extension (with or without a limit for the number of renewals allowed).
- d) A one year, renewal extension granted only to existing applications (not applicable to future applications).

There was a brief discussion about plat extension opportunities for preliminary subdivisions. The Commissioners agreed that this item should be docketed.

- 4) The BESD is proposing an amendment to the Bayview Ridge Residential zoning district requirements to exempt non-residential development from any future Planned Unit Development ordinance.

The Commissioners agreed that this item should be docketed.

- 5) The BESD is proposing an amendment to the Airport Environs Overlay chapter, specifically, SCC 14.16.210 Table 1, Safety Zone 6, for consistency with the language change relating to open space.

The Commissioners agreed that this item should be docketed.

- 6) The BESD has expressed concern with the implementation of SCC 14.16.215 (3)(c) requiring a land owner to sign an agreement not to protest a future local improvement district (LID) or other pro rata sharing of costs to upgrade the surface water management system or install additional urban standard stormwater management improvements within 20 years, as a condition of any development permit issued in the Bayview Ridge UGA.

Mr. Christensen said that there is not a proposal to bring before the Planning Commission to docket but was addressing this item because it was brought forward in the BESD letter to Mr. Christensen, dated July 25, 2011. There was a discussion about whether this matter should be addressed before a local improvement district (LID) had been created. The Commissioners agreed that this item could be addressed at later date.

- 7) The BESD has expressed concern with the implementation of SCC 14.16.210 as it relates to the siting of school related uses such as drive lanes, playfields and playfield equipment.

There was a discussion about getting clarification from the Port of Skagit County regarding the location of drive lanes, playfields and playfield equipment with because they are more familiar with the Federal Aviation Requirements. The Commissioners agreed that this should be docketed.

- 8) A request by a member of the development community to revisit recent amendments to the CaRD approval criteria, SCC 14.18.320, clarifying that building lots within CaRD developments must adjoin one another.

Mr. Christensen noted that the Board had addressed the issue of clarifying that building lots within CaRD developments in Ordinance No. O20110007.

The Commissioners agreed not to docket this item.

A motion was made by Commissioner Dahlstedt to approve the adoption of the 2011 code amendments as discussed and bring them forward to the Planning Commission on September 13, 2011. Chairman Wesen seconded the motion.

The vote passed unanimously. Commissioner Sharon D. Dillon's absence was excused

Mr. Christensen stated that a resolution would be brought forward for the Commissioners to sign on the Monday, August 29, 2011, Consent Agenda.

3. Miscellaneous

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

Chairman Wesen recessed the proceedings at 9:20 a.m.

- b) 9:30 a.m. - 10:00 a.m. Consideration of the Hearing Examiner's Recommendation for Approval for the Following Open Space Timber Applications:

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

Karie Storle and Susan Saum from the Assessor's office were present to provide information and answer questions.

1. Resolution Concerning a Timber Open Space Application of Ardella Douglas to Include Approximately 5.47 Acres in the Current Use Timber Program (C/UTMB 001-2011)

A motion was made by Commissioner Dahlstedt to approve a resolution concerning a Timber Open Space Application of Ardella Douglass C/UTMB 001-2011. (**Resolution No. R20110254**) Chairman Wesen seconded the motion.

The vote passed unanimously. Commissioner Sharon D. Dillon's absence was excused

2. Resolution Concerning an Open Space Application of David Pemberton to Transfer a 21.5 Acre Parcel from Farm and Agriculture to the Current Use Open Space Program (CUOS #1-2011)

Ms. Storle noted that the application had been revised to reflect the

transfer was for approximately 7.622 acres from the Farm and Agriculture Program to the Current Use Open Space Program instead of 21.5 acres.

A motion was made by Commissioner Dahlstedt to approve a Resolution concerning an Open Space Application of David Pemberton CUOS #1-2011. (**Resolution No. R20110255**) Chairman Wesen seconded the motion.

The vote passed unanimously. Commissioner Sharon D. Dillon's absence was excused

Chairman Wesen recessed the proceedings at 9:39 a.m.

- c) 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, Commissioner Dahlstedt made a motion to close the public comment period at 11:30 a.m. Chairman Wesen seconded the motion, which passed unanimously.

Chairman Wesen recessed the proceedings at 11:31 a.m.

- d) 1:30 p.m. - 2:00 p.m. Consent Agenda and Miscellaneous Items

- e) *2:00 p.m. - 3:00 p.m. Executive Session (Potential Litigation)

The Commissioners attended an executive session from 2:05 p.m. to 3:00 p.m. The purpose was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorney was present at the executive session and gave legal advice to the Board of County Commissioners: Rich Weyrich, and Ryan Walters. County Administrator Tim Holloran, and Director of Planning and Development Services were in attendance.

- f) *3:00 p.m. - 4:00 p.m. Executive Session (Real Estate)

The Commissioners attended an executive session from 3:00 p.m. to 3:49 p.m. The purpose was Real Estate Sale - RCW 42.30.110(1)(c). (Matters relating to real estate sale or lease where public knowledge would impact price negotiations.) The following attorney was present at the executive session and gave legal advice to the Board of County Commissioners: Rich Weyrich and Steve Fallquist. County Administrator Tim Holloran, Public Works Director Henry Hash, Planning and Development Services Director Gary Christensen, Road Operations Supervisor Cliff Butler, ER&R Coordinator Mike Elde, and Hydrogeologist/Planner John Cooper were in attendance.

IV. CONSENT AGENDA FOR MONDAY, AUGUST 22, 2011 (items 1 through 15):

Chairman Wesen reconvened the proceedings at 1:30 p.m.

A motion was made by Commissioner Dahlstedt to approve the Consent Agenda

items 1 through 15, vouchers and warrants for Monday, August 22, 2011.

Chairman Wesen seconded the motion.

The vote passed unanimously. Commissioner Sharon D. Dillon's absence was excused

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, August 15, 2011. **(Approved)**
2. Record of the Proceedings for Tuesday, August 16, 2011. **(Approved)**

b) COMMUNITY SERVICES:

3. Interlocal Cooperative Agreement with North Sound Mental Health Administration to provide funds to match a State grant that will provide High Fidelity Wraparound Mental Health Services to children and their families in Skagit County. The Agreement shall commence upon the date of execution and continue through June 30, 2012. Compensation shall not exceed \$38,880. **(Contract No. C20110370)**

c) HUMAN RESOURCES:

4. Resolution to amend Skagit County Personnel Policies and Procedures Manual, Section 5.14, Bilingual Pay Differential. **(Resolution No. R20110256)**
5. Resolution to authorize Bonus Sick Leave Cash Out for employees who retire in any year when County Closure Days are observed beginning January 1, 2011. **(Resolution No. R20110257)**

d) INFORMATION SERVICES:

6. Subscription Agreement with AV Capture All, Inc. for digital recording of Skagit County District and Superior Court sessions. The Agreement shall commence upon the date of execution and continue until August 1, 2014. Compensation shall not exceed \$18,283.32. **(Contract No. C20110371)**
7. Vendor Services Agreement with Applied Technologies NW, Inc. to assist with the configuration and installation of the AV Capture All software to operate with the existing sounds systems in Skagit County District and Superior Courts. The Agreement shall commence upon the date of execution and continue for one year. AV Capture All, as a Partner Company, will compensate Applied Technologies NW. Skagit County will not reimburse Applied Technologies NW. **(Contract No. C20110372)**

e) PARKS, RECREATION AND FAIRGROUNDS:

8. Resolution calling for a public hearing to consider testimony regarding a proposal to dispose of Skagit County real property located at 1412 Walter Street in Mount Vernon. The public hearing is scheduled to take place on

Tuesday, September 13, 2011, at 11:00 a.m. **(Resolution No. R20110258)**

f) PLANNING AND DEVELOPMENT SERVICES:

9. Personal Services Agreement with Lombard Consulting L.L.C. to assist with the development of grant proposals to help implement recommendations of the Envision Skagit 2060 Citizen Committee. The first two tasks will be to develop a full application for the Housing and Urban Development (HUD) Sustainable Communities Regional Grant, and development of a pre-proposal and final proposal for a Washington State Department of Commerce to Protect and Restore Fresh Water Ecosystems' grant. The Agreement shall commence upon the date of execution and continue until December 31, 2012. Compensation shall not exceed \$15,000. **(Contract No. C20110373)**

g) PUBLIC WORKS:

10. Resolution amending Resolution No. R20090370 appointing members to the Skagit County Marine Resources Committee. **(Resolution No. R20110259)**
11. Resolution calling for a public hearing to consider testimony regarding the vacation of a portion of unopened County right-of-way known as Skagit City Road. The public hearing is scheduled to take place on Tuesday, September 13, 2011, at 8:30 a.m. **(Resolution No. R20110260)**
12. Resolution awarding the bid and appropriating funds for the 2011 Asphalt Overlay Project #ESA011-1 to Lakeside Industries, Incorporated in the amount of \$918,638.75. **(Resolution No. R20110261)**
13. Resolution calling for public hearing regarding application for a Franchise Agreement with San Juan Cable, Incorporated, dba "PacAccess Cable and Internet". The public hearing is scheduled to take place on Tuesday, September 13, 2011, at 8:30 a.m. **(Resolution No. R20110262)**
14. Amendment No. 2 to Personal Services Agreement No. C20090564 with People for Puget Sound to perform Spartina survey and removal, which is one of the eleven tasks including ten action projects and general administration identified in Amendment No. 2 to the Washington State Department of Ecology Grant No. G1000022. The purpose of this Amendment, fulfill the requirements identified in Grant Agreement G1200005 and add the recently awarded funds from Grant No. G1000022 in the amount of \$3,100 to perform additional surveys. Compensation to Skagit County is increased from \$36,200 to \$39,300. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110116)**
15. Vendor Services Agreement with Gardner Electronics to provide installation of electric equipment, two-way radios, radar, video equipment, light bars and computer equipment in police vehicles and radio equipment in other county vehicles. The Agreement shall commence upon the date of execution and continue for one year. Compensation shall not exceed \$24,500. **(Contract No. C20110374)**

VII. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 1:31 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