

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 20, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, September 20, 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 8:31 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:

1. Discussion/Possible Action: Federal Emergency Management Agency, (FEMA)/ National Marine Fisheries Services (NMFS) Biological Opinion (BiOP) Proposal

Director Gary Christensen read a memo to the Commissioners which outlined the history of a lawsuit filed against the Federal Emergency Management Agency (FEMA) and the regulations issued by the National Marine Fisheries Service (NMFS) regarding the biological opinion that provides guidance and options for local governments to comply with the Endangered Species Act regarding development within a floodplain. In order to comply with these regulations, which are aimed at protecting Orca whales and Chinook salmon, Mr. Christensen stated that Skagit County must choose from one of the following three options:

1. Adopt a model ordinance and its regulatory standards; or
2. Utilize existing or adopt new local codes, regulations, and standards; or
3. Use federal agency consultations on each development project, on a project-by-project basis.

Mr. Christensen stated that Skagit County is proposing to use option two in combination with updating Skagit County Codes 14.24 and 14.34. He also said that if Skagit County failed to choose one of the three options, then the County would automatically be mandated to use option three.

Mr. Christensen pointed out that the Planning Commission held a Public Hearing on this matter and he briefed the Commissioners on their recommendations. Mr. Christensen pointed out that the Planning Commission voted 8 to 0 to exclude the Samish River from the modifications within their recommendations.

Discussion followed regarding excluding the Samish River floodplain. Mr. DeVries contacted FEMA and NMFS and was informed that if the Samish watershed was excluded, FEMA and NMFS would turn down the proposal. Mr. DeVries explained that the Skagit and Samish flood plains overlap, and although there are not populations of Chinook salmon in the Samish River, the ecosystem would benefit by including the Samish River.

The Commissioners further discussed the options available to them with Civil Deputy Prosecuting Attorney Ryan Walters. Mr. DeVries stated that 122 other communities also had to make a decision.

A motion was made by Commissioner Dillon to approve the proposed ordinance adopting the Planning Commission's recommendations as expressed in their Recorded Motion with the exception of Finding #1 and Recommendation #1, and that Recommendation #2 be amended to end after the second "SFHA" (**Ordinance No. O20110008**). Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

2. Discussion: 2011 Legislative Work Program Status Report

Gary Christensen discussed the 2011 Legislative Work Program which included nine projects which the department has been focusing on this year. Mr. Christensen gave a brief update each of the nine projects which included:

1. Bayview Ridge Urban Growth Area Implementation; and
2. Envision Skagit 2060; and
3. Shoreline Master Program Update; and
4. Skagit County Capital Facilities Plan Update 2012- 2017; and
5. Annual Skagit County Code Amendments; and
6. Comprehensive Plan Amendments 2011 Docket; and
7. FEMA Flood Insurance Rate Map and Regulation; and
8. FEMA and NMFS Biological Opinion; and
9. Pipeline and Hazardous Materials Pipeline Safety Standards.

Mr. Christensen stated that Senior Planner Betsy Stevenson had some more information for them regarding item three, however due to the schedule, she would present the information to the Commissioners on Tuesday, September 27, 2011.

Chairman Wesen recessed the proceedings at 9:26 a.m.

3. Miscellaneous

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

- b) 9:30 a.m. - 10:30 a.m. Closed Record Appeal PL11-0254, Submitted by Kees C.

Hofman, Ph.D., of Special Use Permit PL10-0076, Submitted by Jeffrey & Melinda VanDenTop to Operate an Outdoor Shooting Club

Chairman Wesen reconvened the proceedings at 9:32 a.m. and noted that the hearing was a Closed Record Appeal and that the appellant and respondent would each have 15 minutes to provide opening arguments, followed by rebuttal statements or clarification by the appellant and the respondent. He stated that no new evidence or testimony could be received.

Chairman Wesen introduced Senior Planner Marge Swint who briefed the Commissioners on the history of the matter. She stated that the applicants, Jeff and Melinda Van Den Top, requested a Special use Permit to allow for an outdoor shooting club on their property which is designated as Secondary Forest-NRL. The Permit was for an annual four-day tournament with as many as 300 competitors. In addition to the annual tournament, the applicant also requested to host two to three charity events per year which would include up to five individuals shooting for up to four hours on a Saturday. Ms. Swint listed the steps that the Applicants have taken to reduce any negative impacts the neighbors may have with the annual event. Ms. Swint stated that Planning and Development had received many letters both for and against the Permit and that the biggest concern has been the noise and vibration experienced by neighbors during the event. Ms. Swint stated that a noise study performed by an engineer found that the shoot did not violate the standards set forth in W.A.C. 173-60. Ms. Swint ended by saying that Kees Hofman, Ph.D. filed a timely appeal of this matter so that tighter conditions could be set on the Permit and so that more extensive noise studies could be performed. Ms. Swint stated that Planning and Development Services recommends that the Commissioners uphold the Hearing Examiner's decision to approve the Special Use Permit to allow for an outdoor shooting club with the main purpose to host a four-day Sporting Clay Tournament to be held annually in August.

Dr. Kees Hofman, appellant, requested the Commissioners reconsider the decision made by the Hearing Examiner. Dr. Hofman referred to the Ordinance signed by the Commissioners on March 29, 2010 which stated that "serenity, tranquility and quiet are an essential part of the quality of the environment and serve an important public need; and inadequately controlled noise adversely affects people's health, safety, and welfare, the value of property, quality of life, and the environment" and Dr. Hofman stated that his quality of life had been diminished since the shoots have started. Dr. Hofman said that the data provided by the applicant was not adequate and that independent studies needed to be performed at multiple sites which measured noise levels and the effects on the neighbors. Dr. Hofman discussed the nature of sounds and their affect on people and stated that loud intermittent noises, like those that come from the Van Den Top's property, are the most harmful to the physiology and psychology of a person. Dr. Hofman ended by saying that the noise is unbearable and reduces the value of his property; he does not want to reside at his home during the shoots; and he would like the Commissioners to reconsider the permit for this shooting range. Dr. Hofman also stated that the noise from this year was less than in 2010 and he wondered what was changed and pointed out how the noise can be unpredictable and different from year to year.

Mr. Jeff Van Den Top, applicant, informed the Commissioners that he has met all of the requirements set by Planning and Development and the Hearing Examiner. He stated that noise conditions could differ from year to year due to the weather and that wet cloudy weather holds noise in and that nice sunny weather lets noise out. Mr. Van Den Top stated that they also reduced the number of participants this year

which may have reduced the impact on the neighbors and that the trees have been growing and filling in. He pointed out that the function helps many local kids buy school clothes (these are kids who help direct traffic, etc. during the shoots), and that there are other economic benefits for the area during the event. Mr. Van Den Top said he looked forward to the final approval of his permit.

Neighbor Trudy Young asked if she could make comments about the most recent shooting event?

Chief Civil Deputy Prosecuting Attorney Will Honea answered that only parties of record could make comments on the current record and that no new evidence and comments could be made.

Mike Crawford of Guemes Island stated that the Boys and Girls Club had benefited from the shooting event and that the noise could be compared to the noise one would experience by living near a football stadium or playground. Mr. Crawford did not think that infrequent shoots would negatively bother the neighbors.

Neighbor Trudy Young discussed the impact on her family in regards to the increased traffic on Taylor Road, which is a dead end road. She stated that she was frustrated with the lack of respect contestants have for the people who live in the area and said that Taylor Road is a one lane road. She stated that many people turn around in her driveway. She said that the noises coming from the applicant's property are nothing like the noises coming from a park or playground. She encouraged the Commissioners to imagine gunfire constantly going off and reverberating the next time they have a family barbeque in their backyard.

Dr. Hofman stated that he did not appreciate the nuisance of the shooting range in his neighborhood and the fact that it was being forced on him and his neighbors and being justified since it benefited the community at large.

Ms. Swint stated that they received a lot a lot of testimony in favor of the permit and testimony against the permit. It has been confirmed that there will only be one large event a year and that both the department and Hearing Examiner would have approached this application for a permit differently if the shooting was happening every weekend. Ms. Swint stated that the noise was biggest issue and that they require noise monitoring reports.

Chairman Wesen stated that the Board shall examine the record and the arguments presented and shall select one of the following courses of action:

- 1) Remand the matter for further consideration by the Hearing Examiner; or
- 2) Deny the appeal and affirm the decision of the Hearing Examiner; or
- 3) If the Board finds the Hearing Examiner's decision was clearly erroneous, the Board may adopt its own findings, conclusions and decision based upon the record made before the Hearing Examiner.

Chairman Wesen requested that individuals do not contact the Commissioners regarding his matter since they were acting in a judicial manner. He stated that people could contact Chief Civil Deputy Prosecuting Attorney Will Honea or the Clerk of the Board. Chairman Wesen stated that a decision on this matter would be made on Tuesday, September 27, 2011, at 11:00 a.m. in the Commissioners' Hearing Room.

Chairman Wesen recessed the proceedings at 10:14 a.m.

- c) 10:30 a.m. - 11:00 a.m. Information Services - Mike Almvig, Manager:

Chairman Wesen reconvened the proceedings at 10:30 a.m.

1. Results of the Information Technology Analysis Study

Mike Almvig was present to discuss the IT Analysis Project and he thanked his staff for participating. Mr. Almvig introduced Adrian Pearce to discuss the results from the IT Analysis Project.

Adrian Pearce stated that he worked with many department heads performing interviews in order to gain some insight into what they felt were the assets and roles of IS. Mr. Pearce stated that the IT department can be viewed like an iceberg in that other Skagit County departments only see a small part of all that IS does.

In 1988 IS began with a financial program and Spillman, and a workforce of four staff members. In the 2000's the workforce grew to 15 staff members. IS manages equipment, towers, lines, racks of servers, and the maintenance of many software systems, and the staff of IS helps 700 county employees and tracks and manages 774 work stations.

Mr. Pearce interviewed IS employees and one of the questions he asked them was what their role was in Skagit County Government. He found that they all saw themselves in a service oriented department solving problems and helping Skagit County be more efficient. Mr. Pearce showed a graph depicting the costs of technology which are constant and why the true costs of potential new programs or software need to be carefully analyzed before purchased and implemented. Mr. Pearce said that his full report would be ready in a few weeks and he asked the Commissioners if they had any questions.

The Commissioners discussed becoming paperless and being sure to consider the costs of new technology.

County Administrator Tim Holloran thanked the IS Department for everything that they do and he thanked Mr. Pearce for the work he has performed at IS.

Mr. Holloran and the Commissioners wished Mr. Pearce well at his new job and Chairman Wesen recessed the proceedings at 11:11 a.m.

- d) 11:00 a.m. - 11:30 a.m. Administrative Services - Tim Holloran, County Administrator:

Chairman Wesen reconvened the proceedings at 11:17 a.m.

1. Award of Economic Development Funds

County Administrator Tim Holloran was present to recognize the following people who served on the Economic Development Advisory Committee: Commissioner Ron Wesen, Mayor of Sedro-Woolley Mike Anderson, Mayor of Concrete Judd Wilson, Patricia Martin of the Port of Skagit, Alice Takehara of Peoples Bank, County Administrator Tim Holloran, Don Wick of EDASC, and Budget and Finance Director Trisha Logue. Mr. Holloran said that the committee reviewed each application and made awards to almost every applicant from the limited amount of funds. Budget and Finance Director Trisha Logue said that the committee was formed in 1998 which began a shift of a portion of the tax towards the development fund. Ms. Logue said that the purpose of the funds was to stimulate economic development for public facilities and create and retain family wage jobs. Ms. Logue stated that the Commissioners have funded 81 projects from this funding source and that on August 15, 2011 the advisory committee met and reviewed 13 applications. The applications' merit and job creation were evaluated and the recommendations go before the Commissioners. Ms. Logue showed a table which outlined each applicant, project, total cost, if the applicant received an award in the past, the applicant's current funding request, and the committee's recommendation.

Committee member Pasty Martin from Port of Skagit stated that the decisions made were difficult, as there were many worthy projects, but since they had a limited amount of funds to work with, they had to prioritize and rank each project to determine the job creation in Skagit County.

Chairman Wesen echoed Ms. Martin's comment and said that \$4.1 million was requested and only \$2.4 million was available for funding. Chairman Wesen thanked the rest of the committee for their hard work.

Commissioners Dillon and Dahlstedt thanked the committee. Mr. Holloran also thanked the committee and Ms. Logue for the information she was able to procure before the committee met.

A motion was made by Commissioner Dahlstedt to approve the Resolution awarding grant funding for Economic Development Public Facilities projects as recommended by the committee (**Resolution No. R20110298**) Commissioner Dillon seconded the motion.

The vote passed unanimously.

Chairman Wesen recessed the proceedings at 11:29 a.m.

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

Chairman Wesen reconvened the proceedings at 11:32 a.m. Michael Dyrland of Bellingham asked the Commissioners not to overlook toxic materials being transported by train through Skagit County when doing flood planning. Eron Berg of the City of Sedro-Woolley thanked the Commissioners for the award of economic development funds and he also thanked Skagit County for their

partnership on flood protection matters.

VI. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 11:40 a.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Ron Wesen, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Sharon D. Dillon, Commissioner

ATTEST:

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Linda Hammons, Clerk of the Board