

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, OCTOBER 4, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, October 4, 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. - 9:00 a.m. Skagit County Board of Commissioners:

1. Discussion: Pipeline Safety Investigation

Tim Holloran, County Administrator, reported on the citizen complaint regarding the Planning and Development Services Department's application for, and use of, the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration grant. He noted that there were two concurrent investigations conducted. One investigation was conducted by the Washington State Auditor's Office and the other was conducted by Summit Law Group. He reported that the State Auditor reviewed the allowable use, costs of grant funds and cash advances, and found that the County had adequate support for the costs charged to the grant and used proper procedures to administer the grant.

Mr. Holloran reported on the findings by Summit Law Group, as follows:

1.	Allegation: The County obtained the grant through fraud and willful deceit, misrepresenting the purpose of the proposed project. - Summit Law Group did not find any evidence to substantiate the complaint.
2.	Allegation: The County misrepresented the purpose of the grant to obtain reasonable regulations. - Summit Law Group did not find any evidence to substantiate the complaint.
3.	Allegation: The County diverted grant funds to cover a budget gap. - Summit Law Group did not find any evidence to substantiate the complaint.
4.	Allegation: The Planning Department concealed information from the public. - Summit Law Group did not find any evidence to substantiate the complaint.

Mr. Holloran said that there was no evidence that the Planning Department had done anything illegal or inappropriate and the allegations were unfounded. He concluded by stating that the County considers the matter resolved.

Commissioner Dillon stated that she was satisfied with the pipeline safety investigation and the results.

Commissioner Dahlstedt said that when accusations are made, they are taken seriously and are reviewed and investigated.

Chairman Wesen said that all allegations are taken seriously and that it was important to have them investigated by an outside, independent agency.

2. Discussion/Possible Action: Pipeline Safety Standards

Commissioner Dillon said she thought that the County should consider including setbacks in pipeline safety regulations but through the public process, she has heard the public's testimony in opposition to any setbacks. She discussed the need for setbacks for new high consequence land use and essential public facilities, public education, communication, and pipeline location notification on titles.

Commissioner Dahlstedt said that public safety and that property rights were important issues in his consideration of pipeline safety standards. He agreed with Commissioner Dillon that the location of pipelines should be provided on titles. He said that most explosions occur because of improper maintenance of the pipelines by the pipeline operators and the lack of knowledge of the location of pipelines.

Chairman Wesen indicated that he did not agree with adding the use of a sensitive utility corridor overlay. He said the proposed ordinance should include consultation zones, citizen involvement, pipeline location notification on titles, and

public education.

A motion was made by Commissioner Dahlstedt to approve directing legal staff to draft an ordinance that includes: consultation at 660 feet from transmission pipelines; easement protection during construction, and title notice; but does not include any setback requirements; any other dimensional standards or mitigation requirements; and does not call it the "sensitive utility corridor overlay" that plain language be used and to direct the Department of Emergency Management to produce public education materials about pipeline safety and plan for emergency response coordination, and to delete any previous draft proposals about pipeline safety. Commissioner Dillon seconded the motion.  
The vote passed unanimously.

A motion was made by Commissioner Dahlstedt to approve scheduling a public hearing on Monday, October 24, 2011, at 6:00 p.m., and to make a decision on the matter on Tuesday, November 8, 2011, at 9:30 a.m. Commissioner Dillon seconded the motion.  
The vote passed unanimously.

Commissioner Dillon stated that due to a scheduling conflict on the Commissioners' calendar, it would be necessary to amend the motion that set the date and time for the Commissioners to render a decision on the pipeline safety regulations.

A motion was made by Commissioner Dillon to amend the time to render a decision on the pipeline safety regulations on Tuesday, November 8, 2011, from 9:30 a.m., as stated in the previous motion, to 10:30 a.m. Commissioner Dahlstedt seconded the motion.  
The vote passed unanimously.

### 3. Miscellaneous

There were no miscellaneous items for the Commissioners to discuss.

#### b) 9:00 a.m. - 9:30 a.m. Planning and Development Services - Gary Christensen, Director:

Chairman Wesen reconvened the proceedings at 9:00 a.m.

##### 1. Discussion/Possible Action: Planning Commission Recommendations on 2011 Annual Code Amendment V.2

Gary Christensen, Director, discussed the Planning Commission's Recorded Motion on the remaining 2011 Code Amendments. He said that the majority of the 2011 Code Amendments were adopted earlier in the year as Ordinance No. O20110007. Mr. Christensen stated the two main issues included in the current process were 1) school siting criteria in the Bayview Ridge Urban Growth Area (UGA); and 2) additional land division extension opportunities.

Jason Easton, Chair of the Skagit County Planning Commission, was present to explain the Planning Commission's proposed code amendment to Skagit County Code 14.16.340(5)(e) to allow an extended height limit for schools within the Bayview Ridge Urban Growth Area.

Mr. Easton addressed Recommendation R7: The Planning Commission's recommendation that the Board of County Commissioners request the Prosecuting Attorney's Office to carefully review the letter from Dionne and Rorick dated, September 6, 2011, and provide a clear and detailed response to the Burlington-Edison School District and Planning Commission.

A discussion ensued regarding the recommendation to the proposed code relating to exempting schools from planned unit development (PUD) regulations in the Bayview Ridge Residential zoning district. Mr. Christensen indicated that the department did not recommend exempting the school district from any future PUD process.

Mr. Easton discussed the Planning Commission's recommendation to exempt schools from any future PUD regulations. He stated the Planning Commission made the recommendation because of concerns about the length of time related to the PUD process.

Ryan Walters, Deputy Prosecuting Attorney, pointed out that the timeline for Bayview Ridge PUD regulations was difficult to determine. He indicated that the recommendation to exempt the school district from future PUD's could provide false hope to the school district in that the current Board of County Commissioners could not make decisions that would bind future commissioners.

John Sitkin of 1500 Railroad Avenue, Bellingham was present to represent Bouslog Properties. Mr. Sitkin said that prior to the pipeline ordinance being drafted, the school district had tentatively sited a school on his client's property but was later altered because of the proposed pipeline regulations.

There was discussion held regarding the Planning Commission's recommendation to allow five, one-year extension opportunities for preliminary approved subdivisions.

John Ravnik of Ravnik and Associates commented on the PUD regulations for Burlington, Mount Vernon, and Sedro-Woolley. He said they generally address residential activities and they did not address school districts. He said that a school district needed certainty in siting their schools.

A motion was made by Commissioner Dahlstedt to approve the Skagit County Planning Commission Recorded Motion regarding the 2011 Annual Skagit County Code Amendments known as V 2, Recommendations 1 through 7. Commissioner Dillon seconded the motion.  
The vote passed unanimously.

2. Miscellaneous

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

c) 9:30 a.m. - 10:00 a.m. Washington State University (WSU), Skagit County Extension - Kay Haaland Director:

1. Discussion/Update: WSU Extension Organizational Chart

Kay Haaland, Director, Department Head Leadership and Public Issues Education, provided an overview of the Washington State University Skagit County Extension. She said when fully staffed WSU has 18 full and part-time employees. Ms. Haaland explained that WSU was experiencing many organizational changes.

Ms. Haaland said that Joanne Austin had recently retired and that they did not have an in-house academic person in the nutrition or food safety program. She said that she was currently acting as the interim coordinator and were working on getting a faculty member with nutritional expertise.

Ms. Haaland informed the Commissioners that she would be on medical leave from October 10, 2011 until mid December and that Don MacMoran would be the interim director in her absence.

2. Presentation: Skagit County Pest Control Program

Doug Karr, Pest Control Program Coordinator, presented a PowerPoint presentation explaining that since 1922, Skagit County has partnered with Washington State University to advance knowledge, economic well-being, and quality of life by fostering inquiry, learning, and application of research. He stated that the partnership led to the development of the Skagit County Pest Control Board. Mr. Karr discussed several workshops held to identify and monitor invasive pests. He reported that the integrated pest management program for apple maggots was a success this year.

3. Miscellaneous

There were no miscellaneous items for WSU to discuss.

Chairman Wesen recessed the proceedings at 9:45 a.m.

d) 10:00 a.m. - 10:30 a.m. Planning and Development Services - Gary Christensen, Director:

1. Discussion/Possible Action: Skagit County's Participation in a Multi-Jurisdictional Grant Application to the Federal Department of Housing and Urban Development

Gary Christensen, Director, and Kirk Johnson Senior Planner, were present to request the Commissioners formal approval for Skagit County's Sustainable Communities Regional Planning Grant Proposal to the Department of Housing and Urban Development.

Mr. Johnson indicated that the partnership working to develop the application included 12 members in addition to Skagit County. The partners included various organizations, including the City of Burlington; the Port of Skagit County; Skagit Council of Governments; Burlington Chamber of Commerce; and Skagit County Housing Authority. He stated that the grant application deadline was October 6, 2011.

Commissioner Dahlstedt stated that there should be interlocal agreements between each entity that participates in the grant that would commit them to fulfill their share of the matching requirement.

A motion was made by Commissioner Dillon to approve that Skagit County should participate in the grant proposal to the federal Department of Housing and Urban Development, for a Skagit Sustainable Communities Regional Planning Grant, and that the Commissioners sign a letter of commitment for the grant application. Commissioner Dahlstedt seconded the motion.  
The vote passed unanimously.

2. Miscellaneous

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

e) Skagit Safe Kids Update:

Chairman Wesen reconvened the proceedings at 10:45 a.m.

Earl Klinefelter, Administrative Manager for Skagit County Medic One, said that they collaborate with Skagit Safe Kids to prevent unintentional childhood injury, which was the leading cause of death and disability for children ages 1 to 14.

Bill Craig, Skagit Safe Kids Coordinator, provided an update on various projects and public education classes conducted by Skagit Safe Kids. He estimated that approximately 1,500 Skagit County residents would be trained in cardiopulmonary resuscitation (CPR) in 2011.

The Commissioners thanked Skagit Safe Kids for the update.

Chairman Wesen recessed the proceedings at 10:51 a.m.

- f) 11:00 a.m. - 11:15 a.m. Proclamation: Recognizing October 2011 as Down Syndrome Awareness Month in Skagit County

Chairman Wesen reconvened the proceedings at 11:00 a.m.

Heather Milliren, Skagit County Coordinator Parent to Parent, thanked the Commissioners for taking time to recognize October 2011 as Down Syndrome Awareness and spoke about the Buddy Walk on Saturday, October 8, 2011. She thanked Heidi Heigert for her work in co-chairing the committee that organizes the annual Buddy Walk event.

Joy Caldwell and her daughter Jessica thanked the Commissioners for their leadership in helping families and children with development disabilities.

Tim Holloran, County Administrator, spoke about his work in Special Olympics.

Malinda Bjaaland, Skagit County Community Services, spoke about her involvement in the Buddy Walk event.

Commissioner Dillon read the Proclamation recognizing October 2011 as Down Syndrome Awareness Month.

- g) 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 Dillon made a motion to close the public comment period. Commissioner Dahlstedt seconded the motion, which passed unanimously.

VI. ADJOURNMENT:

The Commissioners discussed the upcoming Annual Legislative Reception for People First of Skagit County being held on Wednesday, October 5, 2011, from 5:30 p.m. to 7:30 p.m. at the Skagit Valley College in Mount Vernon, and the Buddy Walk event taking place on Saturday, October 8, 2011, from 11:00 a.m. to 2:00 p.m. at Bakerview Park in Mount Vernon.

Chairman Wesen adjourned the proceedings at 11:34 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