

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, NOVEMBER 8, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, November 8, 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 8:33 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

Chairman Wesen announced the following executive session which had been scheduled for Wednesday, November 9, 2011:

The Commissioners attended an executive session from 11:20 a.m. to 11:41 a.m. The purpose of the executive session was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorneys were present at the executive session and gave legal advice to the Board of County Commissioners: Steve Fallquist and attending by telephone, Mike Schechler of Foster Pepper. Commissioners Ron Wesen, and Ken Dahlstedt, and Public Works Director Henry Hash, Engineer Paul Randall-Grutter, Project Manager Dave Walde, and Project Manager Mike Farthing also attended the executive session.

a) 8:30 a.m. to 9:30 a.m. Public Works - Henry Hash, Director:

Henry Hash introduced Skagit County Engineer Paul Randall-Grutter to discuss the first item.

1. Public Hearing/Possible Action: To Consider Testimony Regarding the Consideration to Vacate a Portion of County Right-of-Way Easement Known as MacFarland Road, No. 30900

Mr. Randall-Grutter had a discussion with the Commissioners regarding the need to investigate some recent issues that came up in order to collect more information and provide it to the Commissioners. Mr. Randall-Grutter requested that the public hearing be rescheduled at a later date.

Everyone agreed to postpone the public hearing to a later date.

2. Discussion for Consideration of Signature: Resolution regarding Request For Qualifications for Construction Administration Services for the Anderson/LaVenture Road Extension, Cedardale to Blodgett, Project No. ES71000-1, Federal Aid #STPUS-7337(005) and Anderson/LaVenture Road Extension, Blodgett to Blackburn, Project No. ES71000-1B, Federal Aid #STPUS-7337(004)

Project Manager Mike Farthing informed the Board that Public Works would like to issue a Request for Qualifications for the project due to the size and time needed to manage it properly. Mr. Farthing stated that Public Works had the expertise, but that if this project was managed solely within the Public Works Department, there would not be any time available to manage other Public Works projects.

Discussion was held regarding large, complex, projects and that it was standard practice to hire a project manager for oversight.

A motion was made by Commissioner Dillon to approve the Resolution for Request for Qualifications for Construction Administration Services for the Anderson/LaVenture Road Extension Project (**Resolution No. R20110358**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

### 3. Miscellaneous

Mr. Hash stated that Public Works did not have any miscellaneous items to discuss. Commissioner Dahlstedt stated that he had an issue to discuss with the Commissioners and Henry Hash. Commissioner Dahlstedt and Henry Hash discussed the status of the solid waste hauling contract. Mr. Hash reported that Skagit County found two interested parties for the contract and that the department met with each provider (Allied Waste and Waste Management) to determine which provider should be awarded the contract.

Commissioner Dahlstedt said that the Commissioners are members of the Solid Waste Governance Board which would help make a decision on which provider to award the solid waste contract to and that Waste Management and Allied Waste had attended the most recent meeting and provided the Board with a presentation.

Commissioner Dahlstedt stated that a letter was recently received from Waste Management, one of the companies that would like the contract, and that Waste Management had threatened Skagit County with a legal suit unless he recused himself from any decision since they believed he had a conflict of interest because Commissioner Dahlstedt owns a very small share of his father's farming company which owns some land which is leased to the current long-haul company. Commissioner Dahlstedt discussed the perceived conflict of interest and pointed out that the same issue had been brought up every time a new company wants the garbage contract and that an independent firm evaluated the situation years ago and found that he did not have any conflict and did not need to recuse himself from making any decisions. However, Commissioner Dahlstedt stated that he trusted his fellow Commissioners to make the best decision for Skagit County and that he would agree to recuse himself from the vote unless a decision could not be made and he needed to act as a swing vote. He stated that he would not want the county to invest any funds against a frivolous lawsuit.

Chairman Wesen and Commissioner Dillon stated that they understood Commissioner Dahlstedt's decision and they appreciated his trust in them to make the best decision for Skagit County.

Chairman Wesen recessed the proceedings at 8:49 a.m.

- b) 9:30 a.m. - 10:30 a.m. Follow-up to Joint Skagit County Commissioners and Skagit County Assessor - Strategic Meeting

Chairman Wesen reconvened the proceedings at 9:31 a.m.

Chairman Wesen asked Assessor Munks if he had any other follow-up information to provide from last week.

Assessor Munks discussed the property reevaluation process and the upcoming large taxing districts in 2012 and 2013 and stated that if he had one more appraiser in his department, then the required work within his office could be completed on time both in the field and in the office. He discussed how accounts which they manage and evaluate grow and that staffing levels need to better match that growth.

Assessor Munks briefly discussed the status of the Current Special Use Program and the dilemma with having his specialist deployed to the Afghanistan and the uncertainty for the employee they hired to fill her position while she will be deployed. Lastly Assessor Munks expressed his concern over his Chief Deputy Wes Hagen's retirement and the need to fill the position as soon as possible. A hiring committee was discussed to fill Mr. Hagen's position.

Chairman Wesen expressed his thanks for Wes Hagen's service to Skagit County. He also wanted to make sure that citizens questions were being answered.

Assessor Munks stated that he appreciated receiving the emails which had been sent to the Commissioners Office. He stated that he often meets with people and neighborhood associations at their homes to discuss the appraisal system and laws and answer questions and discuss concerns.

The Commissioners discussed with Assessor Munks the division of reevaluating Skagit County and, comparatively, the amount of work from year to year to perform. Discussion was also held on the date to appeal the property valuation notices and if options had been explored to lighten the Assessor's Office workload by transferring certain duties to other departments.

Discussion was held regarding the strategic plan that the Washington State Department of Revenue (DOR) requires. Assessor Munks said it would be completed by November 21, 2011 and it would be reviewed with DOR. Senior citizen exemptions and placing informational material on Skagit21 was discussed.

Concerned citizen Dorothy Hasse was present she asked what the Assessor's plans were for auditing the properties in the open space program.

Assessor Munks said the open space program had been discussed with DOR. DOR recommended that all properties under 20 acres be audited. Assessor Munks was concerned with the amount of time the audit would take.

Assessor Munks encouraged citizens with questions or concerns to contact him directly.

County Administrator Tim Holloran briefly discussed the current use open space program and the requirement for an advisory committee. Assessor Munks stated that the responsibilities of that committee were delegated to the Agricultural Advisory Committee.

Chairman Wesen thanked Assessor Munks and recessed the proceedings at 10:19 a.m.

c) 10:30 a.m. -11:00 a.m. Discussion/Possible Action: Pipeline Safety Regulations

Chairman Wesen reconvened the proceedings at 10:31 a.m.

Civil Deputy Prosecuting Attorney Ryan Walters held a discussion with the Commissioners regarding feedback received on pipeline safety standards and what changes the Commissioners wished to make to the proposed Ordinance.

One of the items discussed was setbacks from pipelines. PIPA recommends 660 feet. Many comments received by the Commissioners requested only 100 feet. The difference was debated as well as whether or not to add specific timelines for notification to pipeline companies and applicant for Planning and Development Services. And, title notice was discussed and revised.

Mr. Walters researched the comment regarding garden tilling near a pipeline as compared to prohibited significant land disturbances near pipelines and after reviewing Whatcom County's Ordinance, language was added to Skagit County's proposed Ordinance to clarify this matter. Mr. Walters further stated that tilling is exempted from call before you dig law and for more direction on these types of matters, one could review the language contained on their pipeline easement.

Commissioner Dillon and Mr. Walters discussed adding language directing the Department of Emergency Management to put safety procedures and protocols in place for any possible explosion or leak.

Commissioner Dahlstedt discussed the proposed setback of 660 feet from the pipeline. He stated that if the pipeline companies only required 100 feet and that is what has been requested from multiple concerned citizens, then he stated that it sounded reasonable to place the setback at 100 feet which would also take into account property owners rights. Commissioner Dahlstedt stated that he wanted to be sure safety measurements were in place but he also stated that he would like to be consistent with easements and expectations.

Chairman Wesen stated that he agreed with Commissioner Dahlstedt and felt that

100 feet would be sufficient. Chairman Wesen preferred to not have any extra regulations.

Roger Mitchell of Bow was present and asked a clarification question: when the Commissioners stated that there would be a 100 foot buffer, is that 100 feet on either side of the pipeline or 100 feet total?

The Commissioners stated that it would be 100 feet on each side if the pipeline.

Mr. Walters said that he would make the change from a 660 foot setback to 100 foot setback.

Mr. Walters and the Commissioners discussed SEPA and R.C.W. 19.122 with some input from Mr. Mitchell and Mr. Taylor and it was decided to reference R.C.W. 19.122 within the Ordinance in order to bring people's attention to the call before you dig requirements.

Commissioner Wesen stated that the proposed Ordinance with these changes would come back before the Commissioners on December 6, 2011 at 9:30 a.m. and that another draft would be posted on the website for additional comments.

A motion was made by Commissioner Dahlstedt to approve that the Board of Commissioners close the public hearing and as the draft Ordinance is placed on the website allow two weeks for the receipt of written comments. Commissioner Dillon seconded the motion.

The vote passed unanimously.

Chairman Wesen recessed the proceedings at 11:15 a.m.

d) 11:00 a.m. - 11:30 a.m. Community Services - Jennifer Kingsley, Director:

Chairman Wesen reconvened the proceedings at 11:18 a.m.

1. 2012 - 0.1% Budget Recommendation Presentation

Jennifer Kingsley was present to review the .1% sales tax allocation recommendations for 2012.

Ms. Kingsley briefed the Board on the history of the .1% sales tax allocation: in 2005 Washington State Legislature adopted Chapter 504 which authorized counties to impose a sales tax to provide new or expanded chemical dependency and mental health treatment services in order to meet the needs within the community. R.C.W. 82.14.460 relates to laws for .1% sales tax funds. Ms. Kingsley stated that in 2008 a community forum was held and the following priorities were identified: housing, inpatient services, crisis and acute services, and outpatient services. Ms. Kingsley discussed the advisory committee, their duties, and the process of allocating funds.

Ms. Kingsley reviewed each 2012 Skagit County .1% sales tax fund recommendations for the following priorities: individuals in the criminal justice system, including new or expanded therapeutic courts; individuals in

need of treatment who do not have access to other forms of funding or benefits to obtain such services; crisis and acute services; early intervention and outreach services for children and adolescents; and create and expand access to services that support people in recovery. Ms. Kingsley stated that the projected revenue from the sales tax for 2012 is \$2,191,266.

The Commissioners thanked Ms. Kingsley for making sure the fund was managed and allocated according to law.

Commissioner Dahlstedt stated that he remembered when they implemented the fund and he believed in treatment and recovery services for individuals. He stated that it costs taxpayers more money to incarcerate an individual as opposed to mental health or substance abuse treatment services.

The Commissioners thanked the advisory committee for the work they perform and pointed out that they are un-paid volunteers.

Ms. Kingsley thanked the Commissioners and stated that the advisory committee's recommendations would be coming before the Commissioners on a future consent agenda.

Chairman Wesen recessed the proceedings.

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

Court Administrator Delilah George was present to discuss adoption statistics and inform the Commissioners of the upcoming National Adoption Day and event happening at Superior Court on November 18, 2011.

The Commissioners thanked Ms. George for the information and Commissioner Dillon read the proclamation recognizing National Adoption Day in Skagit County on November 18, 2011.

Chairman Wesen recessed the proceedings at 11:56 a.m.

f) 1:30 p.m. - 2:30 p.m. Planning and Development Services:

Chairman Wesen reconvened the proceedings at 1:32 p.m.

1. Public Hearing: To Consider Testimony Regarding the Docketing of the 2011 Comprehensive Plan Amendments

Gary Christiansen provided a memorandum to the Commissioners with recommendations from the department on each amendment proposal under consideration for the 2011 docket.

Senior Planner Kirk Johnson clarified the docketing process and stated that there were four citizen initiated proposals and three department proposals and that the Board was scheduled to make a decision on which to docket on November 29, 2011. Mr. Johnson said that under code, Planning and Development Services (PDS) is required to make recommendations to the

Board on each proposed amendment being considered for docketing. PDS reviewed each proposal and made the following suggestions:

After reviewing the application of James Ritchie, PL11-0239, PDS determined that the parcel did not meet the minimum requirements in place in order to move forward with the request and that if the department made an exception in this case, it could raise more problems and concerns for other parcels with a similar request. PDS recommended docketing the request so that it could be explored further.

After reviewing the application of Art Jensen, PL11-0240, PDS determined that the application was inappropriate as it conflicts with state law and county policies. PDS recommended that the proposal not be docketed and noted that the same proposal was before the Commissioners once in 1996 and 1997 and was denied twice since rural intermediate areas cannot repeatedly be expanded.

After reviewing the application of Triton-America LLC, PL11-0249, PDS determined that the proposal was problematic and could not find a viable route forward under current comprehensive plan policies. PDS recommended not docketing the request.

After reviewing the application of Lake Erie Trucking (Bill Wooding), PL11-0250, PDS believes further review and evaluation of the proposal was required and they recommended docketing the request.

Chairman Wesen opened the public hearing at 1:48 p.m.

Carol Ehlers of Anacortes commented on PL11-0250 and was in favor of docketing the proposal. Bill Wooding of Burlington commented on PL11-0250 and wanted to let the Commissioners know that he had operated the gravel pit for 49 years and did his best to buffer his neighbors from the noises made during operations. Mr. Wooding explained that he purchased the parcel with the intent to run it as a gravel pit and at the end of the life of the gravel pit, sell the land as lots for development.

John Ravnik of Burlington commented on PL11-0250 and discussed the parcels owned by Mr. Wooding and stated that the soils had been tested and were not suitable for farming or forestry production.

Marianne Manville-Ailles of Sedro-Woolley commented on PL11-0240 and discussed the requests of the Jensen's over the years and the history of the designations of the parcel and other parcels in the area. Ms. Manville-Ailles requested that the Commissioners consider the Jensen's request and review the re-designation of the Zimmerman property from 2007.

Rebecca Peck of Bow commented on PL11-0240 and asked for the chance for a complete review and asked that it be docketed.

James Ritchie of Tacoma and La Conner commented on PL11-0239 and thanked PDS for the recommendation for docketing. Mr. Ritchie discussed the history of the neighborhood and his property and his intention to use the

property as residential lots. Mr. Ritchie pointed out that the property had been taxed for the past 22 years as a residential lot and not as an agricultural lot. He received lot certification in 2004. He stated that the property had never been farmed and could not be farmed easily due to the soil, shape, and nearby ditch. Mr. Ritchie believed that his property should have been re-designated along with the rest of the bordering neighborhood and that it was an oversight that it wasn't and he would like it corrected.

John Ravnik of Burlington commented on PL11-0239 and pointed out that Mr. Ritchie's property is also levied to pay for road maintenance costs. He discussed the covenants of the neighborhood and stated that the parcel is part of Skagit Beach. An agronomist inspected the soil on site and stated that it was not farmable soil and that while the parcel meets the size criteria for farming but the soils and shape is awkward for farming.

John Blanchard, attorney for James Ritchie, commented on PL11-0239 and stated that he had been assisting Mr. Ritchie for two years. Mr. Blanchard pointed out that Mr. Ritchie was not asking for a major change in land designation, but was just wanting to fix a historical error. Mr. Blanchard is not concerned that this re-designation will set a precedence for other parcels since Mr. Ritchie has a unique case. Mr. Blanchard stated that failure to properly re-designate the property would render the lot useless since Mr. Ritchie cannot farm it due the neighborhood rules and regulations and he cannot currently build on it due to Skagit County Code.

Allen Rozema of Skagitonians to Preserve Farmland (SPF) commented on PL11-0249 and PL11-0239 and stated that SPF would recommend that the applications not be docketed.

A motion was made by Commissioner Dillon to approve that written comments on the four citizen initiated proposals and three department proposals be received through November 22, 2011, at 4:30 p.m. and that they be submitted to the Commissioners Office to the attention of Linda Hammons. Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

The Commissioners announced that the decision on these proposals were scheduled to be made on November 29, 2011.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing at 2:50 p.m., which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

Mr. Johnson briefly discussed PDS three proposed code amendments.

- g) 2:30 p.m. - 2:15 p.m. Discussion/Possible Action: Pipeline Safety Regulations
- h) \*6:00 p.m. Skagit County Farm Bureau Annual Meeting (Emerald City Grill, 1912 W. State Route 20, Sedro Woolley)



IV. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 2:53 p.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