

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 6, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, December 6, 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. to 9:30 a.m. Planning and Development Services - Gary Christensen, Director:

Director Gary Christensen was present to provide information on the agenda items.

1. Discussion/Possible Action: 2012 - 2017 Capital Facilities Plan

Senior Planner Carly Ruacho discussed the Planning Commission's Recorded Motion on the 2012-2017 Capital Facilities Plan (CFP).

She explained that CFPs are required by State statute and the specific requirements for the capital facility element were set forth in the Growth Management Act (GMA): a capital facilities plan element consisting of: (1) an inventory of existing capital facilities owned by public owned entities, showing the locations and capacities of the capital facilities; (2) a forecast of the future needs for such capital facilities; (3) the proposed locations and capacities of expanded or new capital facilities; (4) a six-year plan that would finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (5) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

She explained that the proposed CFP had gone through the Planning Commission's public comment process. She went on to explain that the Planning Commission held a work session on October 4, 2011, and that the proposal was released to the public on October 14, 2011. A public hearing on the CFP was held on November 1, 2011. Ms. Ruacho stated that Planning and Development Services Department (Department) had recommended amendments in order to accurately reflect the location of two County-owned parks and that Planning Commission had included the amendments in their Recorded Motion.

Ms. Raicho further explained that the Department had received more accurate information on the transportation component after the November 1, 2011, public hearing. She pointed out that the inventory for the Sheriff's office may need to be amended.

There was a brief discussion about updating the CFP every other year.

A motion was made by Commissioner Dillon to approve directing the Department to prepare an ordinance to adopt the revised 2012-2017 Capital Facilities Plan as recommended by the Planning Commission's Recorded Motion and to include the updated amendments as recommended by Planning and Development Services. Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

2. Discussion: Envision Skagit 2060 Citizen Committee Report & Project Implementation Phase

Senior Planner Kirk Johnson provided the Commissioners with the Final Report of the Envision Skagit 2060 Citizen's Committee. He explained the project was in the consideration and implementation phase. This phase involves elected officials from the county, cities, towns, tribes, ports, and community-based organizations reviewing the recommendations and deciding which to include in the Comprehensive Plan.

The final report would be considered in February by the Growth Management Act Steering Committee with a proposed process for considering the regional issues and possibly the Skagit Council of Governments.

Mr. Johnson reviewed the implementation matrix on page 57 of the final report. Commissioner Dillon said she would prefer to move forward with the recommendations that affect County-only issues. It was suggested that the Commissioners go through the recommendations and note which ones they would like to prioritize.

Mr. Johnson indicated that the Planning Commission would have an opportunity to review the final report at their meeting this evening, and that it would be included as a discussion item at the Planning Commission's first meeting in January of 2012.

Commissioner Dahlstedt indicated that he thought it was important to utilize the resources of the Planning Commission and other citizen advisory committees and have them provide their input on the plan. Chairman Wesen said that a study session with the public should be scheduled.

3. Miscellaneous

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

Chairman Wesen recessed the proceedings at 9:21 a.m.

- b) 9:30 a.m. - 10:00 a.m. Discussion/Possible Action: Pipeline Safety Regulations

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

Deputy Prosecuting Attorney Ryan Walters said that the public comment period regarding Pipeline Safety Regulations closed on November 28, 2011, and that 14 comments had been received. He provided a draft ordinance, which he indicated incorporated changes received from the public comments.

The Commissioners thanked the public for their input in the process.

A motion was made by Commissioner Dahlstedt to approve the ordinance with amendments. (**Ordinance No. O20110010**) Commissioner Dillon seconded the motion.

The vote passed unanimously.

Commissioner Dahlstedt pointed out that if the ordinance needed to be amended in the future there would be the opportunity to do so.

Chairman Wesen recessed the proceedings at 9:42 a.m.

- c) 10:00 a.m. - 10:15 a.m. Budget and Finance - Trisha Logue, Director:

Chairman Wesen reconvened the proceedings at 10:00 a.m.

1. Public Hearing to Consider Testimony Regarding An Amendment to the 2011 Skagit County Budget

Budget and Finance Director Trisha Logue explained that the purpose of this amendment was to reflect the increase in the 911 telephone tax. The amendment raises the revenue and expenditure budget in the Emergency Communications Fund by \$700,000.

Commissioner Wesen opened the public hearing at 10:02 a.m. Seeing no public testimony forthcoming, Commissioner Dillon motioned to close the public hearing at 10:02 a.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Commissioner Dahlstedt to approve the amendment to the 2011 Skagit County Budget. (**Resolution No. R20110387**) Commissioner Dillon seconded the motion.

The vote passed unanimously.

- d) 10:30 a.m. - 11:30 a.m. Public Hearing to Consider Testimony Regarding the Proposed Commissioner District Boundary Changes

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

Skagit County Elections Supervisor was present to provide a brief overview on the redistricting process. He said that the U.S. Constitution requires that all states review electoral district boundaries every ten years following the U.S. Census, which requires internal district lines to be reviewed. He pointed out that the changes are for the internal County Commissioner district lines and not the external County boundaries. He explained that redistricting was based on population figures, and that represeting was based on registered voters. He pointed out that individual districts were responsible for their internal district lines, which include city wards, school district Director district lines, etc).

Geographic Information Services Director Geoff Almvig explained that the goal for his part of redistricting process was to rebalance the internal Commissioner district lines so that they accurately represent equal shares for the district's population based on the 2010 Census data. He indicated that the goal was to maintain contiguous districts using boundaries that follow clear geographic features (rivers, roads and other). They also try to maintain the current Commissioner district lines. He explained that the proposed population for Commissioner 1 was 38,573, Commissioner District 2 was 39,346, and for Commissioner District 3 it was 38,982.

Mr. Almvig explained that once the proposed changes are accepted, legal descriptions are written for each district and sent to the Commissioners office to be prepared for adoption. Mr. Almvig provided a PowerPoint presentation depicting the proposed Commissioner Districts.

More information can be found at Access Skagit County's website located at <http://www.skagitcounty/elections> or Washington State Redistricting Commission located at <http://www.redistricting.wa.gov/>.

Chairman Wesen opened the public hearing at 10:51 a.m.

Ed Stauffer of Bow spoke about the public process of the redistricting effort. He said that in the last census, his Commissioner district was changed without notice. He addressed concerns about the rural and urban split. He said that rural people were losing their power at the ballot box.

Mr. Cunningham responded to Mr. Stauffer's concerns by clarifying that purpose of the public hearing was to present the redistricting plan to the public. He stated that the proposed plan would not be not final until it has been adopted by the Board of County Commissioners.

County Administrator Tim Holloran thanked David Cunningham and Geoff Almvig for their hard work and thanked the County Commissioners for their professional approach in allowing Geographic Information Services (GIS) to use the GIS modeling tools and not engaging in the process.

Seeing no further public testimony forthcoming, Commissioner Dillon motioned to close the public hearing at 10:59 a.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Commissioner Dahlstedt said that the Commissioners make every effort to not politically manipulate the districts lines. Commissioner Wesen suggested that there should be a press release requesting public input for a two-week period.

A motion was made by Commissioner Dahlstedt to approve a public notice and public comment period regarding Commissioner's districts based on the census 2010 population figures. Public comments will be accepted until Tuesday, December 20, 2011, at 4:30 p.m., and a decision would be made on the matter on Tuesday, December 27, 2011, at 11:00 a.m. in the Commissioners' Hearing Room. Commissioner Dillon seconded the motion. The vote passed unanimously.

Chairman Wesen recessed the proceedings at 11:05 a.m.

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

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

Ed Stauffer of Bow apologized for any loss of control, improprieties or comments he may have made during the pipeline safety regulation discussions. He thanked the County Commissioners for meeting individually with him on the pipeline safety issue. He stressed the importance of public outreach and involvement in the development of any future proposals. He said that the issues addressed the Envision Skagit 2060 plan had already been addressed in the Growth Management Act. He pointed out the pipeline safety ordinance adopted on Tuesday, December 6, 2011, was not necessary. He addressed the difference between consultation zones and notification zones.

Chairman Wesen recessed the proceedings at 11:44 a.m.

f) 1:30 p.m. - 2:15 p.m. Planning and Development Services - Gary Christensen, Director:

1. Discussion/Possible Action: Consideration of Enrollment in the Voluntary Stewardship Program and Updates to the Critical Areas Ordinance for Ongoing Agriculture

Chairman Wesen reconvened the proceedings at 1:31 p.m.

Director of Planning and Development Services Gary Christensen, and Senior Planner Betsy Stevenson were present to introduce the agenda item and answer any questions.

Deputy Civil Prosecuting Attorney Ryan Walters provided an update of the process of enrollment in the Voluntary Stewardship Program (VSP) or Critical Areas Protection. He indicated that the Planning Commission deliberated on the proposal and voted on an 8-0 to recommend enrollment in the VSP. Mr. Walters said that the County's Agricultural Advisory Board voted 7-1 to support enrollment in the VSP and to recommend nomination of the Samish and Skagit as state priority watersheds.

Mr. Walters recommended that the Ordinance be adopted before December 28, 2011.

Commissioner Dillon said she was glad that the VSP had been reviewed by the County's Agricultural Advisory Board and the Planning Commission.

Commissioner Dahlstedt said the VSP would give the County an opportunity to move forward to protect both fisheries and agriculture.

Chairman Wesen said the VSP would be a very good complimentary program to the Clean Samish initiative.

Mr. Walters said he would bring the Ordinance forward for the Commissioners consideration on a future consent agenda.

The vote passed unanimously.

- g) *2:30 p.m. - 3:30 p.m. Executive Session (Potential Litigation)
- h) *5:30 p.m. Leadership Skagit Holiday Gathering (Skagit Valley Gardens, 18923 Peter Johnson Road, Mount Vernon)

IV. MISCELLANEOUS:

Staff brought forward the Record of the Proceedings for Tuesday, November 29, 2011.

A motion was made by Commissioner Dillon to approve Record of the Proceedings for Tuesday, November 29, 2011. Commissioner Dahlstedt seconded the motion.

V. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 2:12 p.m.

The Commissioners attended an executive session on Tuesday, December 6, 2011, from 2:34 p.m. to 3:23 p.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: Will Honea and Rich Weyrich. Others in attendance were: County Administrator Tim Holloran, Public Works Director Henry Hash, Natural Resource Manager Dan Berentson, and Hydrogeologist and Water Resource Manager Gary Stoyka.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chairman

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board