

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 13, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, December 13, 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. to 9:30 a.m. Public Works - Henry Hash, Director:

1. Public Hearing/Possible Action: To Consider Testimony Regarding the Consideration of Vacating County Right-of-Way Known as South Texas Lane, No. 17210

Engineering Technician Shane Whitney briefed the Commissioners on the history of the right-of-way which he said was located on Fidalgo Island. Mr. Whitney stated that the petitioner, Equilon Enterprises, LLC, owns all of the property which surrounds the right-of-way and that no comments were received from the public regarding the proposed vacation. Mr. Whitney stated that Public Works was recommending that Skagit County vacate the property for the amount of \$4,200.

Commissioner Dahlstedt and Shane Whitney discussed land valuation. Commissioner Dahlstedt said he believed that heavy industrial zoned property was valued at \$4 per square foot instead of \$1 per square foot.

Chairman Wesen opened the public hearing at 8:36 a.m.

Mark Boger was present and was representing Equilon Enterprises dba Shell. Mr. Boger stated that the surrounding land which Shell had been purchasing over the last 30 years was formerly zoned as residential lots which was why the right-of-way was zoned and priced accordingly.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close public hearing, which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

Commissioner Dillon stated that she did not have any problems with the right-of-way vacation.

Commissioner Dahlstedt was also fine to vacate the right-of-way if the valuation was fair and appropriate under current market conditions.

Chairman Wesen agreed with Commissioner Dahlstedt.
Henry Hash said that Public Works would provide more information to the Commissioners next week so that they could make a decision on the valuation of the property.

A motion was made by Commissioner Dahlstedt to approve that the Commissioners postpone making a decision on the vacation of County right-of-way known as South Texas Lane, No. 17210 until Tuesday, December 20, 2011 at 10:30 a.m. Commissioner Dillon seconded the motion.
The vote passed unanimously.

2. Discussion/Possible Action: Resolution to Approve the Guemes Island Fourteen-Year Ferry Capital Improvement Plan 2012 - 2025

Ferry Manager Rachel Beck briefed the Commissioners on the fourteen-year Ferry Capital Improvement Plan and asked the Commissioners for their approval.

The Commissioners and Ms. Beck discussed how many more years the current vessel could operate and whether or not a larger vessel would be necessary since growth was minimal on Guemes Island. The valuation of the parking lot was also discussed as well as the need to plan for the eventual replacement of the current ferry.

A motion was made by Commissioner Dillon to approve the Resolution to approve the Guemes Island Fourteen-Year Capital Improvement Plan 2012 - 2025 (**Resolution No. R20110392**)
Commissioner Dahlstedt seconded the motion.
The vote passed unanimously.

3. Miscellaneous

Mr. Hash stated that Public Works had one miscellaneous item to discuss: an update on the Pollution Identification and Correction (PIC) Grant that was recently offered to the County. Mr. Hash stated that the grant was offered from the State of Washington through the Department of Health and that Public Works planned to use the funds to expand their current pollution identification program.

Natural Resources Division Manager Dan Berentson reported that Planning and Development Director Gary Christensen, Water Resources Section Manager Gary Stoyka, and Water Quality Analyst Rick Haley recently travelled to Olympia to discuss the grant with the Environmental Protection Agency as well as a concern the local Tribes had expressed regarding grant related enforcement issues.

Water Resources Section Manager Gary Stoyka reported that the grant would enhance and expand their current program by enabling Public Works to evaluate more parcels each month; expand the water quality program to other watersheds; fund a field inspector, additional microbial source tracking, DNA testing, a partial employee to help manage the amount of data

collected on the project; and fund a PIC Program Coordinator who would apply the program to the Padilla Bay watershed.

Mr. Stoyka stated that the Tribes were concerned about the enforcement of the Critical Areas Ordinance. Mr. Stoyka stated that Skagit County normally refers cases to the Department of Ecology for enforcement.

The Commissioners thanked Mr. Stoyka for the information and stated that work on the Clean Samish Initiative could be completed faster if funding were awarded.

Chairman Wesen also shared his appreciation for the Storm Team, a group of volunteers that help collect data and clear drains.

Mr. Hash stated that the grant would be positive for Skagit County and there were no strings attached or match funding required.

Chairman Wesen recessed the proceedings at 9:18 a.m.

- b) 9:30 a.m. - 10:30 a.m. Budget and Finance - Trisha Logue, Director:

Chairman Wesen reconvened the proceedings at 9:32 a.m.

1. Discussion/Possible Action: Adoption of the 2012 Skagit County Budget, Associated Levies, 2012 - 2017 Capital Facilities Plan, Compensation and Benefits for Non-Represented Employees, & Establishing Closure Days for 2012

Trisha Logue presented 12 documents for the Commissioners to consider. The first was a Resolution to adopt the 2012 Skagit County budget.

A motion was made by Commissioner Dillon to approve the resolution adopting the 2012 Skagit County Budget. **(Resolution No. R20110393)** Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue stated that the next 8 resolutions related to county levies which had remained consistent in the last eight years.

A motion was made by Commissioner Dillon to approve the Resolution authorizing the 2012 general property tax levy. **(Resolution No. R20110394)** Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue briefed the Commissioners on the 2012 property road property tax levy for the road fund.

A motion was made by Commissioner Dillon to approve the Resolution authorizing the 2012 road property tax levy. (**Resolution No. R20110395**) Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue briefed the Commissioners on the 2012 conservation futures levy which funds the Farmland Legacy program, for the purchase of development rights to farmland.

A motion was made by Commissioner Dillon to approve the Resolution authorizing the 2012 Skagit County conservation futures levy. (**Resolution No. R20110396**) Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue stated that the next three resolutions set property tax limit factor for the general, road, and conservation futures levies.

A motion was made by Commissioner Dillon to approve each of the following three resolutions: authorizing the 2012 general property tax limit factor at 100% of the 2011 levy (**Resolution No. R20110397**), authorizing the 2012 road property tax limit factor at 100% of the 2011 levy (**Resolution No. R20110398**), and authorizing the 2012 conservation futures property tax limit factor at 100% of the 2011 levy (**Resolution No. R20110399**). Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue briefed the Commissioners on the next Resolution which authorized a diversion of \$1,350,000 from the road levy to the general levy for traffic law enforcement for the Sheriff's Office.

A motion was made by Commissioner Dillon to approve the Resolution authorizing a diversion of \$1,350,000 from the 2012 road levy to the general fund for traffic law enforcement (**Resolution No. R20110400**) Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue briefed the Commissioners on the resolution shifting \$1,000,000 from the 2012 road levy to the 2012 general levy, which would spread the tax burden from unincorporated Skagit County to all of Skagit County.

A motion was made by Commissioner Dillon to approve the Resolution authorizing a shift of \$1,000,000 from the 2012 road levy to the 2012 general levy (**Resolution No. R20110401**) Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue stated that the next Resolution established closure days for 2012 and that there were nine for 2012 instead of twelve.

A motion was made by Commissioner Dillon to approve the Resolution authorizing unpaid closure days for 2012 (**Resolution No. R20110402**) Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue stated that the next Resolution established 2012 salary levels for certain regular full time and regular part time non represented employees as well as the county medical plan.

A motion was made by Commissioner Dillon to approve the Resolution establishing 2012 salary increases for certain regular full-time and regular part-time non-represented employees as well as the medical plan (**Resolution No. R20110403**) Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Ms. Logue stated that the last document before the Commissioners was the Ordinance for capital facilities plan. Commissioner Dillon thanked Carly Ruacho for her work on the plan.

A motion was made by Commissioner Dillon to approve the Ordinance adopting the 2012 - 2017 Skagit County Capital Facilities Plan (**Ordinance No. R20110011**) Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

County Administrator Tim Holloran was present and stated that Skagit County continued to feel the impacts of the distressed economy and he thanked Skagit County employees as they have been asked again to do more with less. Mr. Holloran predicted that there would be further changes made to the 2012 budget after the county finds out what cuts are made at the State level.

The Commissioners thanked Skagit County Departments for putting together a sustainable budget and doing their best to maintain current levels of service. Chairman Wesen recessed the proceedings at 9:51 a.m.

- c) 10:30 a.m. - 11:00 a.m. Public Hearing: Consider Testimony Regarding the 2012 Emergency Medical Services (EMS) and Central Valley Ambulance Authority (CVA) Budgets

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

Marty Coble of Central Valley Ambulance Authority (CVAA) explained that a revised budget had been put together, which would cut an additional \$350,000.

Mr. Coble and the Commissioners discussed anticipated revenues, transport fees, and property values.

Chairman Wesen opened the public hearing at 10:33 a.m.

Brett Lopes of Oak Harbor was present and briefed the Commissioners on his work with CVAA and he asked CVAA and the Commissioners to consider having an EMT and paramedic on each ambulance. He stated the current practice had two paramedics on each ambulance which costs more money. Mr. Lopes also pointed out that the majority of calls could be handled by an EMT. He ended by stating that he did not believe reducing employees would be good for Skagit County citizens. Ryan Willis of Burlington was present and encouraged CVAA and the Commissioners to research other ways to reduce the budget in ways that did not include laying off thirteen individuals.

Earl Klinefelter of the EMS Commission discussed the budget they put together for 2012.

Mr. Klinefelter and the Commissioners discussed closure days, anticipated revenues, property values, and the current levy.

Chairman Wesen thanked Mr. Coble and Mr. Klinefelter, the EMS Commission, and the dedicated ambulance drivers.

Seeing no further public testimony forthcoming, Commissioner Dahlstedt made a motion to close the public hearing at 10:50 a.m., which was seconded by Commissioner Dillon. The motion passed unanimously.

The Commissioners announced that a decision on this matter would be made on Monday, December 19, 2011, at 1:30 p.m. on the consent agenda.

Chairman Wesen recessed the proceedings at 10:52 a.m.

- d) 11:00 a.m. - 11:30 a.m. Decision: Closed Record Appeal PL#11-0362, Submitted by Robert Weeks, and PL#11-0366, Submitted by Evergreen Islands, Regarding the Preliminary Approval of Short Plat SP 93-0040, a Three-Lot Short Plat Submitted on June 10, 1993, Approved November 3, 2010 for Larry Dent

Chairman Wesen reconvened the proceedings at 11:02 a.m. and excused Commissioner Dahlstedt.

Commissioner Dillon stated that old plats, permits, and applications had become a challenge for Skagit County, which is one of the reasons that Skagit County recently updated the Code to sunset old applications. She stated that the appellants Robert Weeks and Evergreen Islands brought forward the question of whether or not the transfer of the original application of Larry Dent was possible. Commissioner Dillon stated that she would like to send this matter back to the Hearing Examiner for further consideration.

Chairman Wesen stated that vesting was an issue in this matter and he would be hesitant to approve an application that was applied for in 1993. Chairman Wesen stated it would be difficult to make a decision on the matter with no case law to refer

to for direction. Chairman Wesen stated that the issue should go back before the Hearing Examiner for new evidence so that the issue of vesting could be decided upon. Chairman Wesen stated that this case would set the precedence for future similar cases.

A motion was made by Commissioner Dillon that the closed record appeal numbers PL11-0362 and PL11-0366 be remanded back to the Hearing Examiner for further fact finding and deliberation on the issue of whether applicant Dent succeeded to the rights of the short plat application number SP93-0040 when acquiring the real property on which the short plat was proposed (**Resolution No. R20110404**) Chairman Wesen seconded the motion.

The vote passed unanimously. Commissioner Kenneth A. Dahlstedt's absence was excused

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

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

Seeing no public present for comment, Commissioner Dillon made a motion to close the public comment period, which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

- f) 1:30 p.m. - 2:30 p.m. Health Department - Peter Browning, Director:

1. Public Hearing: Health Code Revisions

Chairman Wesen reconvened the proceedings at 1:38 p.m.

Environmental Public Health Manager Corinne Story was present and stated that over 1,000 letters were mailed out to property owners in the Samish Bay area since, in addition to making some minor changes and updates to Skagit County Code, they were also proposing to expand the Marine Recovery Area (MRA). Ms. Story discussed many of the proposed revisions which included changes to: on-site sewage, camps and parks, food establishments, drinking water, camping vehicle parks, mobile home parks, and public swimming beaches. Ms. Story stated that the proposed expanded MRA would also include campgrounds and mobile home parks which would require an operational permit.

Ms. Story stated that the current MRA was designated in 2007 since the area had many on-site sewage systems which impact nearby marine areas. She stated that of 2,500 septic systems, only 1,800 are accounted for. Ms. Story stated that mailings had been sent to property owners informing them of the need to inspect their systems. Ms. Story showed a map of the current MRA and proposed expanded MRA.

Chairman Wesen asked what the difference was between properties which were designated as being in a MRA to those which were not.

Ms. Story stated that the septic system requirements were the same; however, those within the MRA receive septic system inspection reminder letters.

Chairman Wesen opened the public hearing at 1:56 p.m.

Mike Rigacci of Sedro-Woolley stated he was concerned about the financial hardship which would be placed on him if his property was included in the MRA. Mr. Rigacci pointed out that water from his property runs into Hansen Creek.

David Brown of Sedro-Woolley wanted to know how clean the Samish River needed to be. Mr. Brown was concerned about fees, differences between old septic designs and new, buffer zones, and due process of law. Mr. Brown wanted to know what the goal was for the Samish River.

Carla Glassman of Sedro-Woolley stated she was a watershed master graduate and understands the problems with the Samish River. Ms. Glassman stated that studies show that fecal coliform levels where her property is located are low. Ms. Glassman concluded that the expanded MRA designation must be a way to make money since many properties within the proposed new area do not have any septic system problems. She stated that the problem areas should be focused on instead.

Tony Splane of Sedro-Woolley stated he lived 5 miles from the Samish River and his septic system worked well. Mr. Splane stated that inspections were unnecessary and he believed more attention should be given to the swans and geese that migrate to the valley.

Denny Post of Sedro-Woolley stated that new septic systems were made to last 70 years and would not need to be pumped every 3 years. Mr. Post was concerned about the tests taken from the river and how much water was present for each test. Mr. Post stated that he believed the county is looking for money and he would like better information and to see maps which showed current and proposed MRA's.

Kent Knutzen of Burlington stated that he was a crop farmer and had been dealing with water and drainage issues for 50 years. Mr. Knutzen thinks that county should look to the birds. He stated that he maintains his septic system and does not like to be forced to make periodic inspections. He said the state mandate was not really enforced and he suggested that Skagit County not designate the area as a MRA until required by the State. Mr. Knutzen stated that there were errors on the MRA maps since the properties he owns do not drain into the Samish River. He asked that the maps be accurate before moving forward, and that the Commissioners not move forward until mandated to do so.

Lynn Schneider of Olympia was present on behalf of Washington State Department of Health and she stated that septic systems allowed people to purchase and develop affordable properties and that like sewer systems, septic systems require inspections which benefit homeowners. Ms. Schneider stated that the MRA program was a success and she thanked the Commissioners for their leadership and support of the proposal and commended their efforts to clean the Samish watershed.

Janet McRae of Sedro-Woolley stated that she received seven (7) letters and

that the proposed MRA was another way for government to take away property owners freedoms. Ms. McRae stated that septic systems work better after a few years after proper bacteria build up. Ms. McRae believed that the county should take into consideration the amount of water used by each household, as households with less water usage also impact their septic systems less.

Teresa Johnson of Sedro-Woolley stated that she was present on behalf of her mother and that most people who have septic systems also have wells and that they would want good drinking water and so septic owners are conscientious of their systems. Ms. Johnson believes funds should be used to inspect their wells instead of their septic systems to make sure the water they drink is healthy.

Don Cullen of Sedro-Woolley stated that when his home was built in 1965, just half a mile from the Willard Creek tributary, and that they had put in a large drain field. Mr. Cullen commented on the economy and government control. Mr. Cullen stated that he would like clean water but is concerned about the pumping and inspection fees. Mr. Cullen said he had been told not to ever pump a good working septic system. Mr. Cullen asked that the boundaries of the MRA be considered and not cover such a large area.

John Fuller of Sedro-Woolley stated that water from his property goes into Brickyard Creek which goes to Skagit River and that he should not be included in the Samish Bay MRA. Mr. Fuller was concerned about the proposed properties in the MRA and believed decisions should be made after inspections are made, not by looking at a map.

Lloyd Wilson of Sedro-Woolley shared concerns about Skagit PUD and Skagit County Planning and Development Services and forms they were requiring people to sign who wanted permits. Mr. Wilson stated that farmers near him spread chicken manure on the fields which washes off into the Samish and should be investigated.

Bill Dewey of Taylor Shellfish Farms thanked Skagit County for their leadership to clean the waters in Samish Bay. He commended Skagit County for their excellent septic program. Mr. Dewey stated that he supported the expanded MRA and said that periodic shellfish bay closures are hard on their employees and that expanding the MRA helps ensure that all septic systems are properly maintained.

Roy Hensler of Sedro-Woolley stated his septic system was installed in 1962 and he is a good steward of his system, checking and inspecting it regularly. Mr. Hensler was concerned about inspection fees, the proposed new MRA boundaries, the needs of the shellfish growers and his property rights.

Bill Schmidt of Concrete was concerned about the county loan program and did not think Skagit County should be in the business of making loans. Mr. Schmidt was also concerned about fines, furthering education, and Skagit County's approach regarding septic system requirements.

Mr. Wilson commented again that Olympia extended the period of time for an inspection from 90 days to a year and he is taking Skagit County's Septic

101 and 201 classes so that he can inspect his septic system himself.

Corinne Story confirmed that Skagit County offers classes to property owners who are concerned about inspection costs. She stated that after property owners had completed the two classes, they would be certified to perform their own inspections. She also clarified that being in a MRA requires periodic inspections, not necessarily pumping of the system. Ms. Story answered some of the questions brought up by individuals concerned about the proposed expansion of the MRA and stated that this was not a way for Skagit County to make money.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing on the health code revisions, which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

Commissioner Dillon asked Ms. Story to move forward with the minor changes and updates to the Health Code for the Commissioners signature and that they would revisit the portion which addressed the proposed expanded MRA in the New Year for a final decision.

IV. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 2:50 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