

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 20, 2012**

The Skagit County Board of Commissioners met in regular session on Tuesday, November 20, 2012, with Chairman Kenneth A. Dahlstedt, Commissioner Sharon D. Dillon, and Commissioner Ron Wesen present.

I. CALL TO ORDER:

Chairman Dahlstedt called the proceedings to order at 11:30 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

a) *10:30 a.m. - 11:30 a.m. Executive Session (Potential Litigation - RCW 42.30.110(1)(i))

b) 11:30 a.m. - 11:45 a.m. 1. Public Comment Period

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

2. Miscellaneous Announcements

The Commissioners wished everyone a happy and safe Thanksgiving. Chairman Dahlstedt recessed the proceedings at 11:32 a.m.

c) 2:00 p.m. - 2:30 p.m. Planning and Development Services - Dale Pernula, Director:

Chairman Dahlstedt reconvened the proceedings at 2:00 p.m. and introduced Director Dale Pernula.

1. Discussion/Possible Action: 2011 Comprehensive Plan Amendment (CPA) Proposals

Senior Planner Kirk Johnson said that they were present for the Commissioners decisions on the 2011 Comprehensive Plan Amendment Proposals: citizen initiated and County initiated. Commissioner Wesen asked Mr. Johnson to provide a brief summary of each proposal, and also state how the Planning Commission voted. The first proposal, James Ritchie, PL11-0239, was a request to re-designate 5.5 acres from Agriculture-Natural Resource Land to Rural Reserve. After review, the Planning Commission voted to approve the request (9 to 0).

A motion was made by Commissioner Wesen to approve PL11-0239, the James Ritchie amendment proposal, as recommended by the Planning Commission, to re-designate and re-zone P69432 from Agriculture-Natural Resource Land to Rural Reserve. Chairman Dahlstedt seconded the motion.

The vote passed on a 2 - 1 vote with Commissioner Dillon dissenting.

The second proposal, Jensen/Peck, PL11-0240, was a request to re-designate and re-zone two parcels from Rural Reserve to Rural Intermediate. After review, the Planning Commission voted to approve the request (5 to 4). Mr. Johnson briefly discussed some of the reasons given by the Planning Commission for their vote.

A motion was made by Commissioner Wesen to approve PL11-0240, the Jensen/Peck amendment proposal as recommended by the Planning Commission to re-designate and

re-zone two parcels P35204 and P112774 from Rural Reserve to Rural Intermediate. Chairman Dahlstedt seconded the motion.

The vote passed on a 2 - 1 vote with Commissioner Dillon dissenting.

The third proposal, Lake Erie Trucking, PL11-0250, was to re-designate and re-zone a 35 acre parcel from Rural Resource-Natural Resource Land to Rural Reserve. After review, the Planning Commission voted to approve the request (7 to 1, with 1 member recused).

A motion was made by Commissioner Wesen to approve PL11-0250, the Lake Erie Trucking amendment proposal as recommended by the Planning Commission to re-designate and re-zone P19168 parcel from Rural Resource-Natural Resource Land to Rural Reserve. Chairman Dahlstedt seconded the motion.

The vote passed on a 2 - 1 vote with Commissioner Dillon dissenting.

County-Initiated Proposal #1 was to amend Skagit County's policy to further refine re-zone requirements for Rural Intermediate and Rural Village land use designations. After review, the Planning Commission voted to deny the proposed change to the policy (9 to 0 to deny).

A motion was made by Commissioner Dillon to approve to accept the recommendation from the Planning Commission and deny County-Initiated Proposal #1 to amend Skagit County's policy to further refine re-zone requirements for Rural Intermediate and Rural Village land use designations, and instead to leave the Comprehensive Plan text unchanged. Commissioner Wesen seconded the motion.

The vote passed unanimously.

County-Initiated Proposal #2 was to correct minor non-substantive scrivener's errors in the Comprehensive Plan text. After review, the Planning Commission voted to approve the changes (9 to 0).

A motion was made by Commissioner Wesen to approve County-Initiated amendment proposal #2 to correct minor non-substantive scrivener's errors in the Comprehensive Plan text, as further amended and approved by the Planning Commission. Commissioner Dillon seconded the motion.

The vote passed unanimously.

County-Initiated Proposal #3 was placed on the docket by the Commissioners to make changes to the Bayview Ridge Subarea Plan. Mr. Johnson explained that the department and the Planning Commission were not able to move forward with the item due to other information needed from Skagit County Public Utility District. Mr. Johnson said that the Commissioners would need to either terminate the proposal or move it to the 2012 docket cycle. Mr. Johnson and the Commissioner discussed the item further.

A motion was made by Commissioner Dillon to approve To defer County-Initiated amendment proposal #3, changes to the Bayview Ridge Subarea Plan, to the 2012 Comprehensive Plan Amendment cycle. Commissioner Wesen seconded the motion.

The vote passed unanimously.

Commissioner Sharon Dillon, Commissioner Ron Wesen, and Chairman Ken Dahlstedt explained why they voted for or against each proposal. Mr. Johnson said that a document would come before the Commissioners on a future consent agenda to sign which would reflect their decisions on each item.

2. Miscellaneous

Senior Deputy Attorney Arne Denny briefly discussed a proposed Settlement Agreement between Skagit County and the Estate of John Lallas in the amount of \$170,000. Mr.

Denny said that the Prosecuting Attorney's Office felt this was a fair and reasonable settlement.

A motion was made by Commissioner Dillon to approve the Agreement between Skagit County and the Estate of John T. Lallas to settle Snohomish County Superior Court Cause No. 05-2-08892-1 in the amount of \$170,000. (Contract No. C20120484) Commissioner Wesen seconded the motion.

The vote passed unanimously.

d) *2:30 p.m. - 3:30 p.m. Executive Session (Potential Litigation - RCW 42.30.110(1)(i))

IV. ADJOURNMENT:

The Commissioners attended an executive session on Tuesday, November 20, 2012, from 2:36 p.m. to 2:50 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: Prosecutor Rich Weyrich, Chief Civil Deputy Prosecuting Attorney Will Honea. Other attendees: County Administrator Tim Holloran, and Skagit County Parks, Recreation and Fairgrounds Director Brian Adams.

The Commissioners attended an executive session on Tuesday, November 20, 2012, from 2:52 p.m. to 3:50 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: Prosecutor Rich Weyrich, Chief Civil Deputy Prosecuting Attorney Will Honea, and Civil Deputy Prosecuting Jill DVorkin. Other attendees: Natural Resource Manager Dan Berentson, Hydrogeologist/Water Resource Manager Gary Stoyka, and Director of Planning and Development Services Dale Pernula.

Chairman Dahlstedt adjourned the proceedings at 2:25 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Sharon D. Dillon, Commissioner

Ron Wesen, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board