

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JULY 16, 2013**

The Skagit County Board of Commissioners met in regular session on Tuesday, July 16, 2013, with Commissioners Sharon D. Dillon, Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 8:30 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dillon led the gallery in the salute to the flag.

III. AGENDA:

- a) 8:30 a.m. - 9:30 a.m. Planning and Development Services - Dale Pernula, Director:

Dale Pernula, Director was present to introduce the agenda items and answers questions.

1. Discussion/Possible Action: Approval of Natural Resource Land Easement (NRLE) for Short CaRD PL13-0062, Submitted by Morrison Land Co.

Marge Swint, Senior Planner, indicated that pursuant to Skagit County Code 14.18.310(5)(b) the open space area within CaRD's zoned Ag-NRL, IF-NRL, SF-NRL, or RRc-NRL would be designated as Open Space-Natural Resource Lands (Os-NRL) unless designated Open Space-Protection Areas (Os-PA). She indicated that the purpose of the Natural Resource Lands designation was to preserve the natural resource lands within Skagit County by clustering development and leaving the remainder open for resource production.

Ms. Swint indicated that the subject property was approximately 127.79 acre parcel, zoned Agriculture-NRL (Ag-NRL.) The short CaRD created a total of four (4) lots, one (1) 1.71 acre residential lot with an existing house, one (1) .59 acre residential lot with an existing house, one (1) one (1) acre residential lot, vacant, and one (1) 124.29 acre lot as open space (Os-NRL) which would be encumbered by this easement. The open space lot consists of 5.56 acres of farm buildings and 118.73 acres of farmable land. The purpose of the easement was to ensure that the natural resource designated open space area would be retained as provided for in the document until the easement was terminated and to prevent any use of or activity in the open space that would significantly impair or interfere with the open space function. The easement would confine the use of, or activity in the open space area to those uses and activities consistent with this purpose. Ms. Swint noted that the property was located at 19216, 19224, and 19220 Morrison Road in Mount Vernon.

There was a discussion about the purpose of the land division and development rights.

A motion was made by Commissioner Dahlstedt to approve and sign the Natural Resource Land Easement (NRLE) for Short CaRD PL13-0062 submitted by Morrison Land Co. (**Contract No. C20130303**) Commissioner Wesen seconded the motion. The vote passed unanimously.

2. Presentation: Small Wind Energy Systems in Skagit County

Mr. Pernula indicated that Skagit County utilized a Windpowering America Grant (Grant - DE-FG36-08G048039) to contract with Graham-Bunting Associates to review small wind energy systems.

Oscar Graham with Graham-Bunting and Associates presented a report titled "Small Wind Energy Systems: A Review of Alternative Approaches to Regulation in Skagit County", dated June 10, 2013. He indicated that Windpowering America was a US Department of Energy program to advance wind development throughout America. He reported that the grant would be used to develop a model permitting ordinance for small wind projects in Skagit County that could be adopted for use by other Washington State jurisdictions. He indicated that nothing in the grant should be construed as a requirement for Skagit County to adopt wind power regulation.

Mr. Graham displayed pictures depicting a small wind turbine at Anderson's General Store on Guemes Island; a skystream turbine on Minkler Road, east of Sedro-Woolley; highland energy systems turbine, located on Old Highway 99, north of Burlington; Hoffman windmill, located on Bay View Edison Road, north of Bay View; a communication tower, located in Bow; small wind turbine at Axthelm Construction, located on Dike Road, south of Mount Vernon. He noted that the projects were all small wind energy systems which involve the use of wind turbines with ratings of up to 100 kilowatts.

Mr. Graham reported that as a precaution, most jurisdictions that he had spoken with required that the tower be substantially setback from the property line and surrounding obstructions. He noted that towers do not generally fall over because they are built in sections; they tend to fall onto themselves and collapse in a small area near the base. He indicated that Skagit County had taken the preliminary steps to streamline regulations in a manner that would promote development of small wind energy systems consistent with Federal and State incentives by issuing an Administrative Official Interpretation (AOI) regarding renewable energy systems and major utility developments in the County. He said the County had made a good faith effort to respond to community concerns relating to the time and cost associated with local permit requirements.

There was a discussion about whether there was sufficient space in Skagit County to make the use of wind energy viable and whether there was sufficient wind resource. Mr. Graham indicated that he had worked with Planning and Development Services to provide a general approach to wind regulations in the future.

The Commissioners thanked Mr. Graham for the presentation.

### 3. Miscellaneous

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

Chair Dillon recessed the proceedings at 9:19 a.m.

#### b) 10:30 a.m. - 11:30 a.m. Public Works - Henry Hash, Director:

Chair Dillon reconvened the proceedings at 10:30 a.m.

Henry Hash, Director, and Rachel Beck Ferry Operations Manager were present to introduce the agenda item and answer questions.

#### 1. Public Hearing to Consider Testimony Regarding a Resolution to Amend the Guemes Island Ferry Revenue Target Methodology and Amending the Guemes Island Ferry Fare Structure

Jim Martin, Interim Controller, indicated that Public Works staff had met with the Guemes Island Ferry Committee to discuss the proposed changes to the fare being charged to stacked logging trucks. He indicated the proposed amendment would add a separate fare category for stacked logging trucks which would correlate with the overall length when the trucks were stacked with logs and take into account how much space they would occupy when fully loaded on the return trip from Guemes Island to Anacortes. He indicated that the logging trucks return to Anacortes more than twice as long therefore, the rate would need to be increased to account for the space they occupy.

Mr. Martin said that the current revenue target methodology does not specifically state how surpluses and shortages from the revenue targets were accounted. He said in conjunction with the Ferry Committee, Public Works staff had discussed revising the revenue target methodology in such a way that surpluses and shortfalls would be accounted for by adjusting operations and maintenance expenses by that year's surplus or shortfall. This would provide for the ability to account for the surpluses and/or shortfalls on an annual basis and provide a tracking mechanism for future ferry adjustments as they become necessary. Mr. Martin provided an example of the 2013 revenue target calculations showing the five (5) year average of the operation and maintenance costs, less the five (5) year average of the motor vehicle fuel tax, and the five (5) year average of the ferry deficit reimbursement. He went on to provide a table depicting an example of what revenue targets would look like if the proposal were adopted.

There was discussion about how to account for surpluses and deficits for the past five (5) years and to potentially use reserve funds to pay for the replacement of the ferry. The Commissioners directed Public Works to take the five (5) year average of actual revenue numbers to recoup losses, and to implement the five (5) year average by going back to the years 2013, 2012, 2011, 2010, and 2009. The Commissioners directed Public Works to make the suggested revisions to the Guemes Island Ferry Revenue Target Resolution and bring it forward for discussion and possible action under the miscellaneous items' agenda on Monday, July 29, 2013.

Chair Dillon opened the public hearing at 10:45 a.m. Seeing no public testimony forthcoming, Commissioner Dahlstedt made a motion to close the public hearing at 10:45 a.m. Commissioner Wesen seconded the motion which passed unanimously.

A motion was made by Commissioner Wesen to approve the Resolution amending Resolution No. R20120139 and No. R20110099 regarding the establishment of a revised Guemes Island Ferry fare structure. **(Resolution No. R20130190)** Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

## 2. Miscellaneous

Rachel Beck, Ferry Operations Manager, provided an update on the Guemes Island ferry operations.

Chair Dillon recessed the proceedings at 11:05 a.m.

### c) 11:30 a.m. - 11:45 a.m. Board of County Commissioners:

Chair Dillon reconvened the proceedings at 11:30 a.m.

#### 1. Public Comment Period

Seeing no public comment forthcoming, Commissioner Wesen made a motion to close the public comment period at 11:30 a.m. Commissioner Dahlstedt seconded the motion which passed unanimously.

#### 2. Miscellaneous Announcements

The Commissioners expressed condolences to the Berentson family on the passing of Duane Berentson.

Chair Dillon recessed the proceedings at 11:33 a.m.

### d) 1:30 p.m. - 2:30 p.m. Community Services - Jennifer Kingsley, Director:

Chair Dillon reconvened the proceedings at 1:32 p.m.

1. Public Hearing to Consider Testimony Regarding an Application for a Public Service Grant Component of the Community Development Block Grant (CDBG) Planning Only Grant Funds Which Would be Used to Develop a Multi-County HOME Consortium that will Enable Skagit County to Receive HOME Housing Funds

Jennifer Kingsley, Director of Community Services, thanked the Board of County Commissioners for the opportunity to create the Affordable Housing Committee and introduced Paul Schissler, Community Planner.

Mr. Schissler provided a PowerPoint presentation which summarized the "Building a Skagit County Housing Affordability Strategy" interim report which he explained was a project led by Community Action. He indicated that the generally accepted definition of affordability was that not more than thirty (30) percent of a household's annual income should be spent on housing. Mr. Schissler reported that three (3) of every five (5) homes in Skagit County were affordable and noted that the goal of the Affordable Housing Committee was to aim to shrink the wage/cost gap with lower housing costs. He provided the a listing of the twelve (12) recommendations excerpted from the November 2012 interim report. He went on to explain the ripple effects that make affordable housing an important part of local economic development strategies.

Mr. Schissler noted that Skagit County was not large enough to be eligible for a HOME grant on its own. Therefore, it was recommended that Skagit County approach Island and Whatcom Counties to create a three (3) County application to seek funding as a HOME Consortium. The funding would be ongoing and would provide \$600,000 each year for the HOME consortium.

Mr. Schissler said that part of the requirement for applying for a Community Development Block Grant (CDBG) Planning-Only Grant Funding was to conduct a public hearing. Applying for the HOME grant would require a significant level of expertise. Skagit County could apply for the CDBG planning-only grant funds, and receive \$24,000 to support the hiring a contracted professional to compile the HOME application. He provided a handout of the "Overview of the CDBG Program and its Eligible Uses" and provided copies of a "Description of the Citizen Participation Requirements."

Chair Dillon opened the public hearing at 1:52 p.m.

Chair Dillon indicated that the Mayor of the City of Burlington and Skagit/Island Count Builders Association (SICBA) had sent letters of support for the CDBG Planning Only Grant for Affordable Housing.

Bill Henkel, Director of Community in Action of Skagit County, located at 350 Pacific Place in Mount Vernon expressed Community Action's strong support of the application for CDBG Planning Only Grant for Affordable Housing. He said that not having enough affordable housing in Skagit County greatly impacts the community. Community Actions sees the lack of affordable housing because the need sends a great deal of people to Community Action to obtain services. He thanked Mr. Schissler for his assistance with the application process.

Debra Lancaster, United Way of Skagit County Executive Director, located at 831 S. Burlington Blvd. said that she was honored to be a member of the Affordable Housing Committee and expressed United Way of Skagit County's strong support of the CDBG Planning Only Grant. Ms. Lancaster said that United Way recognized the need for affordable housing.

Dave Malsed, Home Trust of Skagit Executive Director, located at 320 E. Fairhaven in Burlington, spoke in support of the Community Development Block Grant Planning Only funds and encouraged the Commissioners to approve the submission of a grant application and to form the HOME Consortium.

Mr. Schissler stated that Ryan Larsen, City of Anacortes Community and Economic Development Director; Gus Ramos, Skagit County Housing Executive Director; and the Port of Skagit Commissioners were not able to attend the public hearing but had sent letters of support. He read portions of the letters and said that copies of the letter would be attached to

the application.

Commissioner Dahlstedt thanked his fellow Commissioners and community partners for allowing him to serve on the Affordable Housing Committee. He stressed the importance of having continuity in community leaders in order to complete important projects like affordable housing. Commissioner Wesen said the community has to work together to help build affordable housing. Chair Dillon thanked Mr. Schissler for preparing the report and stated that she was excited to move forward.

Commissioner Dahlstedt made a motion to close the public hearing at 2:08 p.m. Commissioner Wesen seconded the motion which passed unanimously.

A motion was made by Commissioner Wesen to approve a Resolution Authorizing submission of Application for Community Development Block Grant Planning-Only Grant Funding. **(Resolution No. R20130190)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

Ms. Kingsley requested approval from the Commissioners to extend the terms of the Affordable Housing Committee members.

The Commissioners directed Ms. Kingsley to prepare a resolution extending the terms of the Affordable Housing Committee members for a two (2) year period and present it on a future consent agenda.

Chair Dillon recessed the proceedings at 2:16 p.m.

e) 6:00 p.m. - 7:30 p.m. Board of County Commissioners:

1. Public Informational Meeting Regarding the Skagit County Jail

Chair Dillon reconvened the proceedings at 6:02 p.m.

Chair Dillon recognized the following elected officials present in the gallery: City of Mount Vernon Mayor Jill Boudreau, City of Burlington Mayor Steve Sexton, and City of Burlington Council Member Garnor Bensen.

Tim Holloran, Skagit County Administrator, stated that the purpose of the meeting was to provide the public with information about the jail facility project.

Sheriff Will Reichardt indicated that he had given the jail informational presentation to several groups around the County over the past several weeks. He provided a brief history of the Skagit County Jail and the reason that a new jail facility was needed. He stated the current jail was planned in the early 1980's when Washington State funded a significant amount of jail construction. The facility opened in 1984 with a capacity of 83 inmates, it now serves a population of about two and a half-times that amount. He explained that cells had been converted to hold double bunk beds, and that meeting spaces and recreation areas had been converted to house additional inmates. Sheriff Reichardt indicated that due to the overcrowding, assault cases had increased and there had been several riots at the jail. He went on to say that the jail due to the overcrowding, jail staff have had to turn people away that should be in jail. He said that there are about 7,500 outstanding arrest warrants in Skagit County that need to be served.

Marc Estvold, Project Manager, provided a PowerPoint presentation and a video depicting an overview of the existing jail conditions. He discussed the work of the Jail Coordinating Council which was a group established to provide the Board of County Commissioners with advice on what was needed to alleviate the jail's overcrowding. He said the Jail Coordinating Council meet several times a month in 2012 and 2013 to review and discuss three options: 1) Renovation/Expansion of the Existing Facility 2: Renovation/Expansion and Outsourcing; and

3) Construction of a New Facility on a New Site. After many meetings, the Committee recommended construction of a new facility on a new site. A map depicting the two sites under consideration was provided; both sites are within the City of Mount Vernon: 1) Truck City on Old Highway 99 south of Anderson Road which is approximately the (10) acres; and 2) Alf Christensen Seed site located south of Kincaid Street which is approximately eight (8) acres. Mr. Estvold indicated that both sites had been docketed and were in the permitting processing to determine which property would be the most feasible for the new jail facility. The proposal would be to build a 400 bed core facility with the space to expand which would allow for another 400 beds at a cost of approximately \$60 million which includes the purchase price of the property. It was noted that the County had obtained purchase and sales agreements for both of the sites.

Mr. Estvold indicated that Skagit County voters would be receiving ballots in the mail for the August 6, 2013 Primary Election where they would vote on Skagit County Proposition No. 1, Sales and Use Tax for Jail Facilities and Police and Fire Protection. If approved, the proposition would authorize an addition sales and use tax at a rate of .3 percent to be used for the construction, maintenance and operation of jail facilities and police and fire protection. Mr. Estvold presented the timeline of the project and stated that the permitting process should be complete by October 2014, design and construction of the jail would be completed in the Fall of 2017.

Mr. Estvold presented the advantage to the cities which he indicated included not paying bed rates, the sales tax would pay the bed rate for the cities.

An audience member from the residential area in Mount Vernon asked how the County arrived at setback buffer for the building. Mr. Estvold responded that the design of the jail would be vetted through the public process.

Bob Helton of Mount Vernon asked about the County's plan for the old jail facility and what consideration was given to building in flood plain. Mr. Estvold said that best practices would be used to stay above the flood evaluation level, and Sheriff Reichardt listed several County departments that could potentially use the old jail facility.

Carol Ehlers of West Fidalgo Island asked for the definition of a felony offence versus a misdemeanor offence. Sheriff Riechardt explained that the State Legislature was responsible for determining by law what was deemed a felony offence and what was deemed a misdemeanor offence. Sheriff Reichardt and Deputy Prosecuting Attorney Melinda Miller provided several definitions of felonies and misdemeanor offices and indicated that that a felony offence was any crime for which a person could be imprisoned for one or more years in a state or federal prison, and a misdemeanor is any other crime. He said that more information would be provided on the Skagit County's website at [www.skagitcounty.net](http://www.skagitcounty.net).

A discussion ensued regarding crime rates in Skagit County, recidivism rates, the plan for future growth, potential programs to help inmates with mental health, substance abuse issues, whether the sites being considered were viable to accommodate future growth, and how many additional full time staff would be required at the new facility.

Susan Musselman, Financial Adviser, explained that sales tax revenue was estimated raise approximately \$6.4 million annually. A portion of the revenue would be used for the project debt service and a portion would be used for operations. She said that a financial committee had been established that would monitor sales tax revenues and jail capacity. She indicated that the finance committee would be able to decide what to do with any surplus revenue.

The Commissioners thanked the public for attending the meeting and reminded everyone to vote on August 6, 2013.

#### IV. ADJOURNMENT:

The Commissioners attended an executive Session on Wednesday, July 17, 2013, from 10:00 a.m. to 11:12

a.m., the purpose was Litigation RCW 42.30.110(1)(I) (matters relating to County enforcement actions, actual litigation, or potential litigation) the following attorney was present and provided legal advice to the Commissioners: Deputy Prosecuting Attorney Melinda Miller. Others Present: County Administrator Tim Holloran, Information Services Manager Mike Almvig, Human Resources Director Jessica Neill Hoyson, Accounting and Administrative Services Manager Lynda Thomas, Records Manager Cori Russell, and Consultant Doug Selix.

Chair Dillon adjourned the proceedings at 7:11 p.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Sharon D. Dillon, Chair

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Ron Wesen, Commissioner

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Kenneth A. Dahlstedt, Commissioner

ATTEST:

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Clerk of the Board