

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 8, 2013**

The Skagit County Board of Commissioners met in regular session on Tuesday, October 8, 2013, with Chair Sharon D. Dillon, Commissioner Ron Wesen, and Commissioner Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 9:00 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

a) 9:00 a.m. - 9:20 a.m. Planning and Development Services - Dale Pernula, Director:

Dale Pernula, Director; and Ryan Walters, Civil Deputy Prosecuting Attorney, provided a brief background of the history of the Bayview Ridge Subarea Plan and the Planned Unit Development (PUD) ordinance.

1. Discussion/Possible Action: Bayview Ridge Planned Unit Development

Commissioner Dahlstedt addressed his concerns that there had been previous action taken by the Board of County Commissioners on the Subarea Plan and the Planned Unit Development (PUD) ordinance. He indicated that the Subarea Plan and the PUD ordinance should not be separated. He stated that he supported the Burlington-Edison School District's efforts to find a location for the school and suggested that the project needed to move forward as quickly as possible.

Tim Holloran, County Administrator, stated the reasons that the PUD ordinance was on the agenda; he confirmed the meeting had been properly advertised and would meet the required timeline.

Commissioner Dillon indicated that recommendations on the PUD ordinance could be scheduled at any time. She said that the Bayview Ridge subarea plan was part of the comprehensive plan and could only be updated once a year and needed to be approved before the end of the year.

There was a discussion about the concerns from members of the Planning Commission that they needed to have flexibility to make a decision on the PUD ordinance; more time was required to review the economic study performed on the PUD; the impact of additional traffic on county roads; and whether to place homes at Bayview Ridge before a site for a school could be determined.

A motion was made by Commissioner Wesen postpone the Planned Unit Development (PUD) ordinance until the Planning Commission had approved the Subarea Plan Chair Dillon seconded the motion.

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

2. Miscellaneous

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

Chair Dillon recessed the proceedings at 9:14 a.m.

b) 9:30 a.m. - 10:00 a.m. Public Works - Dan Berentson, Interim Director:

Chair Dillon reconvened the proceedings at 9:32 a.m.

1. Work Session with the Army Corps of Engineers Regarding 2013 Flood Awareness Week

Dan Berentson, Interim Director, noted that due to the Federal Government's budget, the U.S. Army Corps of Engineers staff were not able to be present during today's presentation but would be available at the Flood Awareness Breakfast on Wednesday, October 9, 2013, and were available in the event of an emergency. He stated that a Flood Awareness Week insert had been published in the Skagit Valley Herald and would be inserted into the Town of La Conner's utility bills.

Mark Watkinson, Emergency Management Director, reported on the Flood Awareness Week exercises and events taking place during the week.

Daryl Hamburg, Dike District No. 17 Manager, briefly discussed the recent inspection of Dike District No.17 and indicated that the District had received a favorable rating from the Army Corps of Engineers.

The Commissioners thanked everyone for the information.

2. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

Chair Dillon recessed the proceedings at 9:55 a.m.

c) 10:00 a.m. - 11:00 a.m. Board of County Commissioners:

Chair Dillon reconvened the proceedings at 10:01 a.m.

1. Closed Record Appeal Submitted by Blue Coastal Holdings - Appeal No. PL13-0315 of the Hearing Examiners' Decision Regarding Shoreline Variance, PL13-0037; Critical Areas Variance, PL13-0036; and Zoning Setback Variance, PL13-0031, Dated August 5, 2013

Staff Present Representing Planning and Development Services:

Leah Forbes, Senior Planner; Jill Dvorkin, Civil Deputy Prosecuting Attorney.

Staff Present Representing the Board of County Commissioners:

Will Honea, Chief Civil Deputy Prosecuting Attorney.

Appellant Present Representing Blue Coastal Holdings:

Dave Gilbert and Warren Otteson.

Chair Dillon stated that the time set for the hearing was one (1) hour. She indicated that Planning and Development Services staff would be given up to fifteen (15) minutes for their presentation; the Appellant would be provided up to 15 minutes; and respondents, or any parties of record, being any person who had testified at a prior hearing on this issue or who had submitted a written statement, or formally requested to receive information on this issue, would be given up to 15 minutes. Chair Dillon indicated that rebuttal statements would be heard, first from staff, then from the Appellant up to five (5) minutes each. She stated that this was a closed-record hearing, under Skagit County Code, the Board of County Commissioners would not hear any new evidence or testimony. Instead, they would hear arguments based on the record that was before the Hearing Examiner.

Ms. Forbes made an opening statement at 10:01 a.m. and noted that Planning and Development Services had reviewed the Shoreline Management Master Program variance criteria and policies, the setback reduction request and application of Skagit County Code and recommended against approval of the variance and setback reduction requests.

Mr. Otteson made an opening statement at 10:12 a.m. and indicated that the Appellants were

willing to modify their request for the front yard setback from one (1) to five (5) feet if Public Works would accept what was proposed and identified by the Hearing Examiner. Mr. Otteson urged the Commissioners to rule and reverse the Hearing Examiner's decision related to the setbacks and to allow for reasonable development of the waterfront lots.

Barbara Busby spoke in support of the Appellant's proposal at 10:28 a.m.

Ms. Forbes made rebuttal statements at 10:29 a.m. and urged the Board to uphold the Hearing Examiner's decision.

Mr. Otteson made rebuttal statements at 10:31 a.m. and urged the Board to reverse the Hearing Examiner's decision relating to the setbacks and allow for reasonable redevelopment of the waterfront lots.

Seeing no further testimony forthcoming, Chair Dillon announced that under Skagit County Code, the Board of County Commissioners were directed to render their decision within sixty (60) days of the appeal, which the clerk had confirmed that both parties had waived. She announced that the Board would consider the evidence and were scheduled to render a decision in public session on Tuesday, October 29, 2013, at 9:30 a.m.

Chair Dillon stated that the appeal was a quasi-judicial proceeding, which meant in this instance the Board of County Commissioners were acting as judges, not lawmakers. The parties were instructed not to contact the members of the Board about this matter before a decision had been rendered. If the parties had questions they were instructed to contact Mr. Honea or the Clerk of Board.

Chair Dillon recessed the proceedings at 10:38 a.m.

- d) 11:00 a.m. - 11:30 a.m. Award to Skagit County for the Hedlin Farm Grant from the Washington State Recreation and Conservation Office (RCO) Director Kaleen Cottingham

Chair Dillon reconvened the proceedings at 11:00 a.m.

Kendra Smith, Farmland Legacy Program Coordinator; introduced Kaleen Cottingham, Director of the Washington State Recreation and Conservation Office.

Ms. Cottingham stated that Skagit County's project to conserve nearly fifty-four (54) acres of the Hedlin Farm was the top ranked project out of twenty-two (22) competing in the farmland preservation category for the statewide grant program. Ms. Cottingham noted that Skagit County had submitted eleven (11) grant applications last year for farmland preservation projects and was awarded funding for ten (10) farms from the Recreation and Conservation Office. The County has had the top scoring farmland project twice in the past three grant rounds and overall had been awarded forty-eight (48) grants since 1967 in eight (8) different grant programs, totaling more than \$6 million.

Ms. Cottingham mentioned that the Hedlin Farm project was a great example of what the grant program aimed to accomplish. The County would match the state funding with \$181,350 in conservation futures funding.

Ms. Cottingham presented the Board of County Commissioners with an award recognizing Skagit County for the top ranked farmland preservation project.

Dave Hedlin spoke about the preservation of farmland and thanked everyone who volunteered their time to work on the project.

The Commissioners thanked everyone for the presentation.

Chair Dillon recessed the proceedings at 11:14 a.m.

- e) 11:30 a.m. - 11:45 p.m. Board of County Commissioners:

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

1. Update from the Washington State Department of Transportation Regarding the Skagit River Bridge Repair Project, Phase III

Polly Brooks, Washington State Department of Transportation - Mount Vernon Project Engineers Office, explained that the intent of Phase III was to replace the overhead beams of the I-5 Bridge to make the bridge stronger and higher. Ms. Brooks noted that the contractors were working six (6) days a week, Sunday through Friday from 9:00 p.m. to 5:00 a.m.

The Commissioners thanked WSDOT for their responsiveness to the business owners and commuters by closing the bridge at night.

2. Public Comment Period

Ed Stauffer of Alger, commented on the recent departure of Henry Hash, Public Works Director; addressed concerns regarding the Supreme Court's ruling in favor of the Swinomish Tribe; rural residents constitutional rights to home rule; and read from the preamble of the Constitution of the State of Washington.

Roger Mitchell of 1155 Chuckanut Ridge Drive in Bow, commented on the proposed Planning and Land Use Ordinance and urged the Commissioners to reject it.

Seeing no further public comment forthcoming, Chair Dillon closed the public comment period at 11:41 a.m.

3. Miscellaneous Announcements

Commissioner Wesen reminded everyone to be careful when driving around farming equipment.

Chair Dillon recessed the proceedings at 11:41 a.m.

- f) 11:45 a.m. - 12:00 p.m. Board of County Commissioners:

1. Decision Regarding Amending the Planning and Land Use Legislative Reform Ordinance

Chair Dillon reconvened the proceedings at 11:45 a.m.

Roger Mitchell of 1155 Chuckanut Ridge Drive in Bow, spoke in opposition of the draft ordinance prepared by the County and recommended that the Commissioners appoint a group to work on drafting a new ordinance.

Commissioner Dillon spoke in support of the proposed ordinance drafted by the County and rejected the perception that the Planning and Development Services department had proposed the ordinance.

Commissioner Dahlstedt said that he had heard loud and clear from testimony and written comments that the citizens do not support the draft ordinance that was prepared by the County.

The Commissioners deliberated on whether or not to reject the draft ordinance; discussed the draft ordinance that was prepared by Roger Mitchell and a group of citizens; and how to fix the staggering of the Planning Commission members' terms.

A motion was made by Commissioner Dahlstedt to reject the proposed Planning and Land Use Ordinance. Commissioner Wesen seconded the motion. The vote passed on a 2 - 1 vote with Chair Dillon dissenting.

- g) *2:30 p.m. - 3:30 p.m. Skagit Safe Kids Meeting (Washington Elementary School, 1020 McLean Road, Mount Vernon)

IV. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 11:54 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chair

Ron Wesen, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Clerk of the Board