

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 3, 2013**

The Skagit County Board of Commissioners met in regular session on Tuesday, December 3, 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 8:31 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. Public Works - Dan Berentson, Interim Director:

Chair Dillon introduced Interim Public Works Director Dan Berentson.

1. Public Hearing/Possible Action: To Consider Testimony Regarding an Ordinance Amending Chapter 12.18, Solid Waste Disposal System, of the Skagit County Code

Mr. Berentson introduced Solid Waste Division Manager Kevin Renz, Civil Deputy Prosecuting Attorney Steve Fallquist, and Financial Controller Jim Mickel.

Mr. Renz presented an ordinance amending Skagit County Code, Chapter 12.18 for the Commissioners to consider. He said the proposed ordinance was discussed on September 10, 2013, when they adopted the flow-control ordinance, and, at that time had directed Public Works to draft an amendment to the code to allow for a cost-effective method for the direct delivery of residuals resulting from the processing of construction and demolition wastes. The proposed ordinance required a 75% monthly recycling rate. Public Works received confirmation from businesses in the community that 75% was achievable.

Commissioner Dahlstedt confirmed that the cities had pledged to direct their waste flows to the County system. He was informed that specific language in their Interlocal Agreements addressed that point. Commissioner Dahlstedt said that he wanted to make sure that the code was consistent with other agreements.

Chair Dillon opened the public hearing at 8:40 a.m. Seeing no one present to provide testimony, Commissioner Dahlstedt made a motion to close the public hearing which was seconded by Commissioner Wesen. The motion passed unanimously.

A motion was made by Commissioner Wesen to approve and adopt the Ordinance Amending Chapter 12.18 of the Skagit County Code. **(Ordinance No. O20130004)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

2. Public Hearing/Possible Action: To Consider Testimony Regarding a Resolution to Set Solid Waste Disposal Rates

Mr. Renz presented a Resolution regarding solid waste disposal rates. He briefed the Board on the proposed Resolution and discussed the two-tier rate structure. Commissioner Wesen verified that businesses had been provided an opportunity to provide their input on the proposed rates.

Chair Dillon opened the Public Hearing at 8:45 a.m. Seeing no one present to provide testimony, Commissioner Wesen made a motion to close the public hearing, which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

A motion was made by Commissioner Dahlstedt to approve the Resolution regarding solid waste disposal rates. **(Resolution No. R20130358)** Commissioner Wesen seconded the motion.

The vote passed unanimously.

The Commissioners thanked Mr. Renz for his work with the Solid Waste Advisory Committee.

3. Miscellaneous

The Commissioners were informed that the Solid Waste Comprehensive Plan would be updated in 2014.

Chair Dillon recessed the proceedings at 8:52 a.m.

b) 10:30 a.m. - 11:30 a.m. Washington State Department of Ecology - Instream Flow Work Session

Chair Dillon reconvened the proceedings at 10:30 a.m. and informed those present that the meeting was being filmed and would be available to watch on television and online. She introduced Mr. Tom Loranger from Washington State Department of Ecology (DOE). Mr. Loranger, Water Resources Section Manager, said that they were present to discuss the effect of the recent Supreme Court Ruling on the Skagit Watershed and possible solutions. Also present was Section Manager, Northwest Region, Jacque Klug with the DOE Water Resources Program. Ms. Klug said that on October 3, 2013, the Supreme Court ruled in favor of the Swinomish Tribe and against the State of Washington, repealing the 2006 Instream Flow Rule. She briefed the Board of some of the facts of the case and their concern about the methods used to make their decision. Ms. Klug showed maps of areas affected by the court's decision and she briefed the Board on some the mitigation projects being planned by DOE to help offset the closures created in the water basin by the recent ruling. She discussed purchasing old water rights and reallocating them, increasing water storage in reservoirs, expanding Public Utility District water lines, capturing water and storing it during wet times to release into streams at dryer times, and securing additional storage at the Baker reservoir. Ms. Klug said that landowners could also develop their own mitigation plans for water use. Chair Dillon invited the public to provide comments and ask questions. Louis Requa of Sedro-Woolley shared that there was a state-owned reservoir above Hansen Creek that used to be used for the Northern State Hospital. Local resident and realtor Kyle Brown questioned the science used for the Supreme Court's decision. He said that local re-

charges needed to be taken into consideration. Keith Wagoner of Sedro-Woolley asked if the Supreme Court's decision was appealable. Zack Barbarinas of Mount Vernon questioned the science used by the Supreme Court for their decision. John Roozen of Mount Vernon questioned the science behind the Supreme Court's decision. Mike Newman of Mount Vernon said that water recharge needed to be studied. Michele Coda of Concrete discussed her concerns for losing her water right to her 2003 well. Dean Hayes of Bow said there was enough water to solve the problem. Kathy Hartsen asked if DOE was aware of a recent meeting in Olympia regarding this issue. Ed Stauffer of Bow encouraged Skagit County to fight for their rights. Andrea Xavier of Big Lake was concerned with the future of farming in Skagit County. J.B. Bryson of Sedro-Woolley pointed out that fish levels might not be dropping due to water levels but due to gill-netting fish and over-fishing. Tom Yayn of Stanwood said that the issue came down to fish. Commissioner Dahlstedt said that this issue needed to be brought to the attention of the Washington State Representatives and he asked the audience if they would attend another meeting to address representatives from the 10th, 39th, and 40th districts. Chair Dillon recessed the proceedings at 11:55 a.m.

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

1. **Public Comment Period**

No one was present for public comment period.

2. **Miscellaneous Announcements**

d) **1:30 p.m. - 2:00 p.m. Parks and Recreation - Brian Adams, Director:**

Chair Dillon reconvened the proceedings at 1:30 p.m. and introduced Parks and Recreation Director Brian Adams.

1. **Stewardship Award to Al Craney**

Mr. Adams and Administrative Manager Pauli Mickelson were present to commemorate Mr. Al Craney for his strong partnership and for being a steward of Northern State Recreation Area (NSRA) which was a unique and popular park in Sedro-Woolley. Mr. Adams briefed the Board on Mr. Caney's work at NSRA. The Commissioners thanked Mr. Craney for his service.

Commissioner Wesen read the certificate honoring Al Craney for his dedicated work to enhance NSRA.

Chair Dillon recessed the proceedings at 1:38 p.m.

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

Chair Dillon reconvened the proceedings at 2:00 p.m. and introduced Planning and Development Services Director Dale Pernula.

1. **Discussion/Possible Action: 2012 Comprehensive Plan Amendments**

Mr. Pernula briefed the Board on five items that had been docketed in 2012:

C-1 Proposal to re-designate and rezone four parcels (P74450, P103560, P103559, and P74451) near La Conner to Rural Business;

C-2 Proposal to re-designate and rezone Parcel No. P118792, owned by Del Mar Community Service, from Rural Resource-NRL to Rural Reserve;

C-3 Proposal to incorporate into the Comprehensive Plan by reference the 2012 Parks and Recreation Comprehensive Plan;

C-4 Proposal to amend the Bayview Ridge Subarea Plan;

NC-1 Proposal to expand the City of Anacortes's Urban Growth Area by about 10.45 acres.

After the Commissioners discussed the five items with Mr. Pernula,

A motion was made by Commissioner Dahlstedt to approve the Ordinance Adopting the 2012 Comprehensive Plan Amendments and the NC-1 proposal would be deferred until the next Comprehensive Plan amendment cycle. **(Ordinance No. O20130005)** Commissioner Wesen seconded the motion.

The vote passed unanimously.

IV. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 2:15 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chair

Ron Wesen, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Clerk of the Board