

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 16, 2014**

The Skagit County Board of Commissioners met in regular session on Tuesday, September 16, 2014, with Chair Ron Wesen, Commissioner Kenneth A. Dahlstedt, and Commissioner Sharon D. Dillon present.

I. CALL TO ORDER:

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

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

a) 8:30 a.m. - 9:30 a.m. Public Works - Dan Berentson, Director:

Dan Berentson was present to introduce the agenda items and answer questions.

1. Presentation by West Skagit Community Emergency Response Team (CERT)

Brock Ward, Anacortes area volunteer with the West Skagit Community Emergency Response Team (CERT), explained that the CERT Program provided education to help people with disaster preparedness and hazards that may impact their area. He made several requests 1) that the Commissioners approve a Proclamation recognizing October as Emergency Preparedness Month; 2) that the County be involved in the Great Washington Shakeout, occurring on October 16, 2014, at 10:16 a.m. and explained that to participate in the event, people would be required to drop, cover, and hold on; 3) that the Commissioners provide their support to reactivate the CERT Program.

Ron Shringley, La Conner area volunteer provided a PowerPoint presentation and a brief history of CERT. Mr. Shringley said that CERT was created by the City of Los Angeles Fire Department in 1985; adopted by the Federal Emergency Management Agency (FEMA) in 1993 and was a nationally recognized FEMA training program. He noted that 300 people had been trained since the start of the CERT Program in 2000. He said that 92 people that had completed the CERT training were located in the Fidalgo Island area; and that 182 CERT Volunteers were also Ham Radio operators.

Mr. Shringley reported that the Anacortes School District had supported the CERT Program by providing and information training. He said that it was crucial that the County supported emergency preparedness and reported on the Island Quake 2014 (IQ-14) event that occurred in April 2014.

Mr. Ward noted that there was an 87% chance of having an earthquake in Skagit County and that the citizens of Skagit County needed to be trained and prepared. He explained the future goals of CERT which included working to create individual training. He went on to report that the next CERT training course would occur in Anacortes on October 13, 2014.

The Commissioners said they supported the Washington State Great Shakeout.

Mr. Berentson said that Public Works would route the Proclamation for the

Commissioners consideration within the next two weeks and the request for funding support would be brought forward during the budget process.

The Commissioners thanked Mr. Ward and Mr. Shringley for the presentation.

2. Presentation/Possible Action: Voluntary Stewardship Program and Resolution Initiating County Participation in the State Voluntary Stewardship Program to Protect and Enhance Critical Areas where Agricultural Activities are Conducted

Mr. Berentson noted that during an open regular session on August 8, 2014, the Board of County Commissioners indicated their support to move forward with initiating the Voluntary Stewardship Program. He indicated that he if the Commissioners approved the draft resolution today, it would give the County 60 days to designate a Watershed Group to draft a work plan.

Ryan Walters, Deputy Prosecuting Attorney, noted that comments supporting the Resolution had been received from the Agricultural Advisory Board; Samish Tribe, and the 3 Fish and Flood Initiative Oversight Teams. He said that neutral comments had been received from the Swinomish Tribe and the Upper Skagit Tribe and that all comments could be viewed at the Voluntary Stewardship Program website located at www.skagitcounty.net/vsp. Mr. Walters reported that a call had been received from the Washington State Farm Bureau indicating that they would prefer if Skagit County did not self-fund because that would provide them with more leverage to lobby for funding for the entire State. Mr. Walters indicated that if the County did not move ahead with self-funding, the County would have to revert to the Growth Management Act (GMA) regulations.

Mr. Walters said the only change to the Resolution was that the deadline date to receive letters of interest for the Watershed Group had been added and noted that the deadline was Monday, October 13, 2014. Mr. Walters noted that staff recommended that the Board of County Commissioners adopt the Resolution, after which Public Works would start the process of advertising for letters of interest to participate in the Watershed Group.

There was a brief discussion about implementation of the Voluntary Stewardship Program being dependent on funding and whether the County could sufficiently demonstrate to the Washington State Conservation Commission that it was adequately self-funded; and the consequences that would occur if the State could not provide funding in the next legislative cycle.

Commissioner Dillon said that she supported the Program.

Commissioner Dahlstedt said that this had been a long battle and that a significant amount of time and money had been spent. He said that he supported the Program and that it was important to provide education and support to homeowners before initiating any enforcement.

Chair Wesen said he supported the Program but had concerns about the trigger date and would prefer to have the State provide funding. He indicated that he would prefer to send the letter to the Washington State Conservation Commission in March of 2015 indicating that Skagit County would be seeking funds from the State.

A motion was made by Commissioner Dahlstedt to approve a Resolution initiating County participation in the State Voluntary Stewardship Program to Protect and Enhance Critical Areas where agriculture activities are conducted. **(Resolution No. R20140287)** Commissioner Dillon seconded the motion.

The vote passed unanimously.

3. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

Chair Wesen recessed the proceedings of 9:11 a.m.

b) 9:30 a.m. - 10:00 a.m. Planning and Development Services - Dale Pernula, Director:

Dale Pernula was present to introduce the agenda item and answer questions.

1. Discussion/Possible Action: Decide whether to Implement a Transfer of Development Rights (TDR) Program in Skagit County

Kirk Johnson, Senior Planner and Project Manager, provided an overview of the Transfer of Development Rights (TDR) Program. He noted that at this point, the Board was being asked to consider whether Skagit County should take the next steps to implement a TDR Program.

Commissioner Wesen addressed the individual meetings that Mr. Johnson and Mr. Pernula had with each Commissioner. Mr. Johnson provided an overview of the meetings and the key policy choices that were discussed. He indicated that overall, the Board of County Commissioners had indicated that they would like the Program to be kept simple in order to make it easy to implement and that they did not want to use a lot of staff resources. He indicated that if they were to authorize Planning and Development Services to take the next steps to implement a TDR Program, they would 1) develop draft TDR policies and code; and 2) review the draft policies through the formal legislative process which would involve public review and comment and Planning Commission hearings and deliberations.

There was a discussion about the purchase of development rights; ability to add an accessory dwelling; and exchange rates.

Commissioner Dillon said the Program would be a benefit for the small forest owners and that she supported moving forward.

Commissioner Dahlstedt said that this had been a two-year process; the program was voluntary; there had been substantive changes to the federal requirements which effect the funding for Farmland Legacy Program and that the TDR option would be another tool in the toolbox. He said that if the Program was properly implemented and managed it would allow the ability to have funding and support to discourage development in agricultural and timber lands.

Commissioner Wesen said the Farmland Legacy Program was a good Program and worked well. He said he wanted to make sure the Farmland Legacy Program stayed intact and would not be affected by the TDR Program. He said it was important for the timber land property owners to have an option to sell some of their development rights and to keep the natural resource industry viable. He did not agree with some of the details in the TDR Program but thought it was important to move forward in order to modify some of the details to help the natural resource lands.

A motion was made by Commissioner Dillon to approve that Skagit County continue to move forward with the TDR project by directing Planning and Development Services to draft TDR policies and code, and to review them through the formal legislative process, involving public review and comment and Planning Commission hearings and deliberations. Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

2. Miscellaneous

There were no miscellaneous items for Planning and Development Services to

discuss.

Chair Wesen recessed the proceedings at 9:50 a.m.

c) 10:00 a.m. - 10:45 a.m. Planning and Development Services - Dale Pernula, Director:

1. Work Session Regarding Revisions to Skagit County Code 14.44
"Enforcement/Penalties"

Mr. Pernula noted that the revisions to Skagit County Code 14.44 were initiated by the Prosecuting Attorney's office and that the Planning and Development Services Department were involved because it related to enforcement.

Mr. Walters provided an overview of the work that had been done to date to revise Skagit County Code Chapter 14.44, "Enforcement/Penalties". He noted that Commissioner Dahlstedt had meet with the committee of concerned citizens to identify their remaining concerns with the objective of crafting a new revised draft. The meeting was held on July 31, 2014, after which the committee submitted a new list of revision requests.

He noted that the committee's additional revision requests had been thoroughly reviewed and that new and replacement language had been drafted to address many areas of concern and to make the code more user friendly both to the public and the Planning Department. Mr. Walters indicated that King County's code was reviewed because the committee's draft revisions seemed to have been based on that code.

The new revisions to Chapter 14.44 included the following new changes:

- * Added new recitals to the ordinance text and corresponding policy statements to the code text;
- * Deleted the overview section;
- * Added a new section on investigation and follow-up that outlines in one subsection the options the Administrative Official has in pursuing code enforcement;
- * Added a new section on denial of permit applications while a code enforcement matter is pending.

Mr. Walters stated that included in the ordinance was a recital stating: "Whereas the residents of Skagit County want the County to use education as a first step toward achieving compliance with those codes and to offer property owners the opportunity to correct violations before imposing fines."

Mr. Walters stated that the new draft was significantly different and had not received public comment and noted that the ordinance did not relate to land use control and was not subject to the land use code requirements (Section 14.08 Legislative Actions). He noted that the Commissioners could take action today; or set a written comment period; or set a public hearing; or any combination of any of the options. He requested direction from the Board of County Commissioners.

Commissioner Dahlstedt said that it was good to have meetings with citizens when there were a lot of concerns. He said that it would be difficult to come up with a perfect document that satisfied everyone and noted that ordinances were flexible and there were areas that did not work, they could be improved. He said that it was important to give the public an opportunity to review the revised ordinance and have a chance to provide their written comments over the next two weeks. He said he appreciated all the time that the concerned citizens and staff had spent on revising the code.

Commissioner Dillon said the revision process had taken nine months so far and she would prefer to take action today.

Chair Wesen said he agreed with Commissioner Dahlstedt about allowing time for written public comment and addressed the two meetings that he had with the committee of concerned citizens.

Roger Mitchell spoke on behalf of the concerned citizens group and thanked Commissioner Wesen and Commissioner Dahlstedt for involving the citizens group directly with staff and for chairing one of the meetings that the group had with staff. He went on to thank Mr. Walters and Mr. Pernula for making a sincere effort to listen to the concerned citizens group and for doing their best to incorporate as much of the concerns of the citizens suggestions as they thought was appropriate. Mr. Mitchell also thanked the group of concerned citizens for all their hard work in working through the revisions. He ended by stating the three areas of concern that the group had 1) does the code tell me what the rules are? 2) does the code tell me what happens if I break a rule?; and 3) what happens if the County says I broke a rule but I don't think I did? He indicated that the revised was significantly better than the initial draft but everything that citizens needed was not incorporated in the latest draft of the code but that it was time to move on. He said he appreciated the opportunity to involve citizens and hoped the County would involve citizens in the beginning of a project in the future.

Mr. Walters responded by stating that he agreed with Mr. Mitchell that the current revised code was significantly better than the existing code and in that sense the process was a worthwhile exercise and if the Board of County Commissioners adopted the code the County would send it to the Municipal Research and Services Center (MRSC) for publication on their website as a model for other jurisdictions to look at.

The revisions are available for review on the Planning and Development webpage located at:
<http://www.skagitcounty.net/Departments/PlanningAndPermit/chapter1444.htm>.

Mr. Walters said that Planning and Development Services would provide the Commissioners with a memo which would include any public comments that had been received.

Commissioner Wesen directed Mr. Walters to present the ordinance under the Miscellaneous Agenda on Monday, September 29, 2014, at 1:30 p.m. or as soon thereafter as possible.

Chair Wesen recessed the proceedings at 10:19 a.m.

2. Miscellaneous

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

d) 10:45 a.m. - 11:00 a.m. Public Works - Dan Berentson, Director:

1. Presentation: Certificate of Commendation to Jim Martin

Dan Berentson was present to introduce the agenda item and congratulated Jim Martin on his new career opportunity at Skagit Valley College.

The following people were present and wished Mr. Martin well in his future endeavors: Mark Watkinson, Department of Emergency Management; Rick Haley, Water Resources Management; Jim Mickel, Public Works Controller; Betsy Stevenson, Senior Planner; Katie Jungquist, Treasurer; Samantha Clark,

Natural Resources Division; and Don McKeehan, former Public Works employee.

Mr. Martin thanked everyone for their support over the years and for their kind words and best wishes.

The Commissioners thanked Mr. Martin for his years of service with Skagit County and wished him well in his future career.

Commissioner Dahlstedt presented Mr. Martin with a Certificate of Commendation in recognition of dedicated public service rendered on behalf of the people, the community and in the public interest, faithfully and unselfishly from July 17, 2000 to September 22, 2014.

Chair Wesen recessed the proceedings at 11:00 a.m.

- e) 11:00 a.m. - 11:15 a.m. Introduction of Rob Leafdale, Facilities Maintenance; Karrie McCrea, Administrative Assistant; and Dan Fitting, Facilities and Sustainability Coordinator

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

Ron Kitchener, Facilities Operations Supervisor, introduced Rob Leafdale, Facilities Maintenance Work I; Karrie McCrea, Administrative Assistant; and Dan Fitting, Facilities and Sustainability Coordinator.

Mr. Kitchener provided a brief history of Mr. Leafdale, Ms. McCrea; and Mr. Fiting's work history.

Chair Wesen recessed the proceedings at 11:13 a.m.

- f) 11:15 a.m. - 11:30 a.m. Board of County Commissioners:

Chair Wesen reconvened the proceedings at 11:18 a.m.

1. Discussion/Possible Action: Closed Record Appeal No. PL14-0283 Submitted by Tom Butler and Linda Lewis to Review and Consider the July 10, 2014, Written Order Issued by the Hearing Examiner Pro Tem in Regard to the Following Items 1) Hearing Examiner Denial of Appeal PL14-0117 Regarding Approval of Reasonable Use Exemption PL14-0026; 2) Hearing Examiner Denial of Appeal PL13-0354 Regarding Approval of Administrative Reduction in Setbacks PL14-0146

Commissioner Dahlstedt discussed the evidence that was brought forth at the Closed Record Appeal hearing on Tuesday, September 9, 2014. He said in his opinion, the evidence brought forward did not prove that the Hearing Examiners' decision was clearly erroneous.

Commissioner Dillon said she needed more information than what had been provided and would prefer to remand the matter back to the Hearing Examiner.

A motion was made by Commissioner Dillon to approve remanding the matter to the Hearing Examiner for further fact findings and consideration of whether the variance granting administrative reduction in setback complied with Skagit County Code Chapter 14.10; and the effect of the plat of Holiday Hideaway and associated restrictions on the boundary line adjustment and variance considered by this appeal. **(Resolution No. R20140288)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

Chair Wesen recessed the proceedings at 11:23 a.m.

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

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

1. County and Individual Success Stories

Commissioner Wesen mentioned that his parents were celebrating their 60th wedding anniversary.

2. Public Comment Period

There was no one present to provide public comment.

3. Miscellaneous Announcements

Commissioner Dillon reminded everyone about exercising their right to vote in the upcoming elections on November 4th.

Commissioner Dahlstedt mentioned that the roundabout in Conway was working well and the upcoming Oyster Run would be the ultimate test.

Chair Wesen provided information about how to use a roundabout properly.

Chair Wesen announced that on Wednesday, September 17, 2014, at 5:30 p.m. the Commissioners and several elected officials and department heads would be attending the Guemes Island Ferry Community forum. He reminded everyone that if your signature had changed significantly on their Voter's Registration Card to go to the Auditor's office to provide them with an updated signature. He mentioned that Skagit County and the Washington State Department of Ecology would be hosting a public meeting to discuss progress toward rural water solutions in the Skagit watershed in the wake of last year's state Supreme Court ruling impacting water use. The meeting will be held at the Lincoln Theatre in downtown Mount Vernon at 712 South 1st Street on Wednesday, October 1, 2014, from 6:00-8:00 p.m.

IV. ADJOURNMENT:

Chair Wesen adjourned the proceedings at 11:36 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chair

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

Clerk of the Board