

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JULY 21, 2015**

The Skagit County Board of Commissioners met in regular session on Tuesday, July 21, 2015, with Chair Kenneth A. Dahlstedt, Commissioner Lisa Janicki, and Commissioner Ron Wesen present.

I. CALL TO ORDER:

Chair Dahlstedt called the proceedings to order at 8:30 a.m. and announced that Commissioner Janicki would be arriving at a later time.

Commissioner Janicki arrived at the proceedings at 8:40 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dahlstedt led the gallery in the salute.

III. AGENDA:

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

1. Update by Skagit Public Utility District (PUD) General Manager Robert Powell Regarding Repair of a Water Transmission Pipeline from Judy Reservoir at South Skagit Highway

Robert Powell, Skagit Public Utility District (PUD) General Manager reported on the repair of a water transmission pipeline from Judy Reservoir at South Skagit Highway. Mr. Powell introduced PUD Commissioner Robbie Robertson and thanked the Board of County Commissioners for their cooperation in authorizing the closure of South Skagit Highway. Mr. Powell noted that even though the project was extremely difficult and complex they were able to complete it four days ahead of schedule.

There was a discussion about the current drought and the impacts on the PUD system.

Commissioner Wesen and Chair Dahlstedt thanked PUD, the PUD Commissioners, and the City of Anacortes for working with farmers to provide them with water.

2. Discussion/Possible Action: Resolution to Establish Policies and Procedures for the Creation of a Railroad Quiet Zone

Dan Berentson, Director, introduced the agenda item.

Paul Randall-Grutter, County Engineer, said that the purpose of the discussion was to seek direction from the Board of County Commissioners to establish policies and procedures for the creation of quiet zones within Skagit County.

Forrest Jones, Transportation Section Manager, provided a PowerPoint presentation and explained that due to an increase in train traffic throughout Skagit County, communities located near railroad crossings were seeking relief from the noise of the horns being blown. Mr. Jones explained that in a Quiet Zone, trains do not sound their horns when approaching public railroad crossings but the horns may still be used in emergency situations. He noted that pursuant to the Code of Federal Regulations (CFR) Title 49, Part 222 and the Revised Code of Washington Chapter 36.86.40, a County may establish a railroad quiet zone for the abatement of train horn noises at particular County road crossing locations. He said that in order to facilitate potential establishment of Quiet Zones within Skagit County in a programmatic, fiscally sound, and orderly manner, policies and procedures to provide a necessary framework for the process was necessary and that the Board of Commissioners, as the County Legislative Authority, would need to approve the policies and procedures. He presented a draft Resolution to Establish Policies and Procedures for the Creation of a Railroad Quiet Zone. He said that pursuant to the policies and procedures outlined in the Resolution, all roadway and railroad crossing improvements would be required to be paid for by the community or group seeking the establishment of the Quiet Zone.

Mr. Jones reported that public authorities that were interested in establishing a Quiet Zone were required to submit certain documentation during the establishment process. He summarized the Quiet Zone Policy and Procedures include submitting an application; determine whether the Quiet Zone met the Federal Railroad Administration Code; and enter into a funding agreement with the community.

The Commissioners spoke in support of moving forward with the Railroad Quiet Zone Policies and Procedures Resolution and addressed concerns with the proposed Resolution. Chair Dahlstedt addressed concerns about the County's liability if someone was killed or injured in a Quiet Zone.

The Commissioners said that they would provide Public Works with their suggested revisions to the draft Resolution and instructed Public Works to present the revisions in open session on or before August 25, 2015.

PowerPoint Presentation:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/07202015/>

Draft Resolution Establishing Policies and Procedures for the Creation of a Railroad Quiet Zone:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/07202015/>

3. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

Chair Dahlstedt recessed the proceedings at 9:24 a.m.

b) 9:30 a.m. - 10:30 a.m. Parks, Recreation and Fair - Brian Adams, Director:

1. Presentation by Skagit County Fairgrounds Event Coordinator Aric Gaither Regarding the 2015 Skagit County Fair Kick Off ~ Wednesday, August 12 through Saturday, August 15, 2015

Chair Dahlstedt reconvened the proceedings at 9:32 a.m. and welcomed former County Commissioner Ted Anderson who was in the audience.

Brian Adams, Director, said that the Skagit County Fair was an affordable, long standing tradition that celebrated the agricultural community and culture and that the Fair has been an annual tradition for more than 100 years.

Aric Gaither, Fairgrounds Event Coordinator, said that this year's theme was "The Best Day of our Lives - The Summer of Sixty-Swine". He spoke about the various events taking place at the Fairgrounds.

Mr. Gaither introduced Macklin Hamilton an intern from Western Washington University. Mr. Hamilton previewed the 2015 Skagit County Fair commercial.

Dorothy Elsner, 4-H Fair Coordinator, provided information about the benefits of 4-H Program and said that she expected to have 350 exhibitors at the Fair this year. Justin Swanson, member of 4-H, spoke about his experience with the Fair.

Greg Knutzen, FFA Coordinator, provided information about FFA. Elizabeth Smith, Anna Ingram, FFA members, spoke about their experience at the Fair.

The Commissioners spoke about their appreciation of the Skagit County Fair and thanked the volunteers, exhibitors, and the Parks and Recreation Department for their hard work every year during the Fair.

Mr. Adams invited the Commissioners to the Parks and Recreation Advisory Board BBQ on Thursday, July 23, 2015, taking place at the Skagit County Fairgrounds.

Former Skagit County Commissioner Ted Anderson spoke about his experience at the Fair and thanked the Commissioners for their support of the Fair.

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

c) 10:30 a.m. - 10:45 a.m. Facilities Management - Dan Fitting, Director:

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

1. Introduction of Operations Engineer Todd Saulsbury

Dan Fitting, Director, introduced Todd Saulsbury, Operations Engineer. Mr. Saulsbury provided information about his work experience.

The Commissioners welcomed Mr. Saulsbury to Skagit County.

Chair Dahlstedt recessed the proceedings at 10:34 a.m.

d) 11:00 a.m. - 11:30 a.m. Parks, Recreation and Fair - Brian Adams, Director:

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

Brian Adams, Director, introduced Pauli Mickelson, Coordinator; and Rusty Regan, Lead for East Skagit County Parks. Mr. Adams stated that user fees had not increased since 2010. He indicated that there had been significant upgrades to structures

including new cabins; and that the Department was working on a plan to provide Wi-Fi service to Park patrons.

Mr. Regan provided information about attendance at the Park, usage of the parking lot areas and he said that the camping facilities were heavily utilized especially on weekends and during the summer.

1. Public Hearing to Consider Testimony Regarding Proposed Revisions to User Fees at Howard Miller Steelhead Park in Rockport

Chair Dahlstedt opened the public hearing at 11:12 a.m.

Seeing no one present to provide testimony, Commissioner Wesen made a motion to close the public hearing which was seconded by Commissioner Janicki. The motion passed unanimously.

A motion was made by Commissioner Wesen to approve authorizing a revised user fee schedule for Howard Miller Steelhead Park in Rockport. Commissioner Janicki seconded the motion.

The vote passed unanimously.

The Resolution to authorize the revised fee schedule for Howard Miller Steelhead Park will be presented on the Consent Agenda on Monday, July 27, 2015.

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

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

Chair Dahlstedt reconvened the proceedings at 11:31 a.m.

1. County and Individual Success Stories

Tim Holloran, County Administrator, shared that he was the Coordinator of the local Special Olympics' program and that Special Olympian James Walker from Anacortes would be representing Skagit County at the International Special Olympic Games.

2. Public Comment Period

There was no one present to provide public comment.

3. Miscellaneous Announcements

The Commissioners shared stories about their recent National Association of Counties (NACo) conference that they attended in Charlotte, North Carolina.

Commissioner Janicki spoke about her work on the County Road Administration Board (CRAB).

Commissioner Wesen spoke about his work on NACo Energy and Land Use Committee.

Chair Dahlstedt spoke about his work on NACo's Rural Action Caucus and the Healthcare Steering Committee.

Chair Dahlstedt reminded everyone to attend the Skagit County Fair on August 12, through August 15, at the Skagit County Fairgrounds.

Chair Dahlstedt recessed the proceedings at 11:43 a.m.

f) 1:30 p.m. - 2:30 p.m. Planning and Development Services - Dale Pernula Director:

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

1. Discussion Regarding Proposed Marijuana Code

Dale Pernula, Director, provided the procedural background of the proposed land use regulations for marijuana facilities and referenced the staff report dated, July 16, 2015. Mr. Pernula said that the Washington State Legislature had adopted a new law that integrated medical marijuana into the recreational marijuana (I-502) system.

Ryan Walters, Deputy Prosecuting Attorney, pointed out that under Washington State law collective gardens would be prohibited as of July of 2016 and that they would be replaced by marijuana cooperatives. He said that the proposed land use regulation would give the Board of County Commissioners the option to prohibit marijuana cooperatives. He noted that the State Senate recently passed Second Engrossed Second Substitute House Bill 2136 (2E2SHB) which among other changes, would rename the Liquor Control Board to be the Liquor and Cannabis Board.

There was a discussion about whether the Planning Commission was aware of the Planning Department's new recommendations. Mr. Pernula indicated that he had informally discussed the new recommendations during a couple of Planning Commission meetings.

Proposed Land Use Regulations for Marijuana Facilities:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/07202015/>

The Commissioners discussed the following options and whether they should be included in the final ordinance:

General:

Characterize marijuana as industrial, not agricultural - ***The Commissioners agreed that marijuana facilities were industrial and not agricultural and that this requirement should be included in the text of the final code.***

Prohibit hazardous chemical processing in zones other than Bayview Ridge Heavy Industrial (BR-HI) - ***The Commissioners agreed to include this requirement in the text of the final code.***

Notify the local fire district or other fire authority whenever the Department approves a permit for any Marijuana Production or Processing Facility - ***The Commissioners agreed to include this requirement in the text of the final code.***

Prohibit medical marijuana collective gardens and cooperatives - ***The Commissioners agreed to include this requirement in the text of the final code.***

Notification Distances:

Expand standard special use permit notification distance from 300 to 500 feet to all parcels within 1000 feet of marijuana facilities special use permit applications - ***The Commissioners agreed to include this requirement in the text of the final code.***

Require that license applicants provide individual notice of their application to listed entities (schools, parks, child care centers, churches, etc.) - ***The Commissioners agreed to include this requirement in the text of the final code.***

Buffer Distances:

400 feet setback from property lines for all marijuana facilities and their security fences - ***The Commissioners agreed to have this requirement go through the Hearing Examiner process.***

Reduce 1000 feet setback to 100 feet for certain entities (enabled by House Bill 2ESSHB 2136) ***The Commissioners agreed not to include this requirement in the text of the final code.***

Zoning:

Prohibit marijuana production/processing in greenhouses in any zone - ***The Commissioners agreed to include this requirement in the text of the final code.***

Require special use permits for marijuana retail facilities anywhere they are allowed - ***The Commissioners agreed to include this requirement in the text of the final code and added; except for in the Rural Freeway Service zone.***

There was a discussion about where retail marijuana facilities could be located.

Mr. Walters said that once the Department had determined that the recommendations had sufficient public review, the Commissioners recommendations would be incorporated into the final code and that the recommendations would be brought forward on a future Consent Agenda.

IV. ADJOURNMENT:

Chair Dahlstedt adjourned the proceedings at 2:37 p.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Kenneth A. Dahlstedt, Chair

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Lisa Janicki, Commissioner

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Ron Wesen, Commissioner

ATTEST:

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Clerk of the Board