

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 3, 2016**

The Skagit County Board of Commissioners met in regular session on Tuesday, May 3, 2016, with Chair Lisa Janicki, Commissioner Ron Wesen, and Commissioner Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

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

II. PLEDGE OF ALLEGIANCE:

Chair Janicki 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:

Chair Janicki introduced Dale Pernula to discuss the agenda item.

1. 2016 Planning and Development Services Work Program

Director Pernula briefed the Commissioners on the projects and work involved to complete the items listed on the legislative work program for 2016.

Director Pernula listed other projects Planning and Development Services was working on and what would be worked on in the future.

Discussion followed on the amount of time it took to implement regulations made by state and federal mandates and the need to balance staff time in order to expedite local matters and permits as well.

A motion was made by Commissioner Wesen to approve the 2016 Planning and Development Services Work Program (**Resolution No. R20160125**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

Mr. Pernula shared a list of work that was accomplished in 2015.

2. Update: Code Compliance

Code Compliance Officer Sandy Perkins showed a map depicting current code compliance cases. They were located throughout Skagit County.

Ms. Perkins updated the Board on the properties currently under floodway enforcement. She said that 52 properties had been identified by the Federal Emergency Management Agency and Washington State Department of Ecology that were not compliant with state, federal and local codes. Ms. Perkins reported that after multiple meetings and correspondence with property owners who were in violation, that by the end of 2015, 23 properties had remedied their violations, 25 had signed agreements to come into compliance by 2018, and 3 owners had not yet responded. One of the three properties was in Janicki Cove and the other two were located in Cape Horn.

Ms. Perkins informed the Commissioners that a new enforcement team was being put together with employees from Planning and Development Services, Public Health, the Prosecuting Attorney's Office and the Sheriff's Office. She said that the group would be working on developing an efficient and effective way to resolve difficult, high-risk properties.

Ms. Perkins reviewed before and after photographs taken of properties that had come into compliance with Skagit County Code. The improvements positively affected property values and often times stopped illegal activities. She thanked the Commissioners for providing budget for a Motorola Radio so that she could communicate with 911, and, for authorizing a dedicated code enforcement vehicle.

The Commissioners asked what someone should do if they had concerns about the state of a neighbor's property. Ms. Perkins said that the process starts with a completed Request for Investigation form. Once submitted to Planning and Development Services, she works with the property owner to come into compliance. Discussion was held on fines and how cases are prioritized by effect on public health and safety.

Some information provided by Planning and Development Services can be found at <ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/05022016>

Chair Janicki recessed the proceedings at 9:20 a.m.

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

Chair Janicki reconvened the proceedings at 9:32 a.m. and introduced Dan Berentson.

1. Public Hearing/Possible Action: To Consider Testimony Regarding a Petition Submitted by the Blanchard Community to Establish a Railroad Quiet Zone

Mr. Berentson invited Transportation Programs Manager Forrest Jones to provide an overview of the request to create a quiet zone.

Mr. Jones said that the request involved four rail crossings, that Federal Code gave authority to the Commissioners to request the consideration of quiet zones, and that in October of 2015, the Commissioners adopted policies and procedures to outline the process towards creating quiet zones. Mr. Jones said that Public Works conducted traffic studies in the area and determined what kinds of supplemental safety measures would need to be installed to qualify for quiet zone approval and what steps would follow if the Commissioners approved the Resolution accepting the Petition to Establish a Railroad Quiet Zone. Mr. Jones provided 13 comments he had received on the matter to the Commissioners. He said that all comments were in support of creating a quiet zone and no comments received were against the establishment. Chair Janicki opened the public hearing at 9:40 a.m. Due to the number of people wishing to provide testimony, Chair Janicki announced that each speaker would have two minutes each to address the Commissioners. Steve Reimer of Legg Road in Bow informed the Board that the proposed quiet zone involved 103 parcel numbers. Of that, 33 owners did not live in the area and 18 did not have correct addresses. He shared that over 90% of the property owners who lived directly in the quiet zone corridor supported the establishment of a quiet zone. He said people wanted a good night's sleep. The group understood that their community was required to fund any improvements needed in order to establish the quiet zone. So that the community could find out what amount of funding to raise, Mr. Reimer asked the Commissioners to move forward with a Letter of Intent to the Federal Railroad Administration (FRA). He also asked that the community be given 180 days, instead of 60 days, to raise the funds to pay for the costs needed for the quiet zone.

Lynn Lennox of Blanchard shared that she had been involved with the creation of a quiet zone for three years. She understood that Skagit County expected funding assurance from the community. She asked that a letter providing Notice of Intent be sent to the Federal Railroad Administration (FRA) immediately so that additional delays could be avoided and so that the community could begin fundraising. Ms. Lennox provided a Funding Agreement to the Commissioners that the Blanchard community created and she asked that the Commissioners accept.

Linda Castell of Bow shared that the toll on her health has been significant due to lack of sleep from train noise. She said horns go off at 2:20 a.m. and last for approximately ten

minutes. She said she is unable to get back to sleep for a few hours and she also reported that when she first moved to her home 13 years ago, the train noise was not as disruptive. She said she supports the quiet zone. Patti Yount of Mount Vernon said that she moved away from the Blanchard area about 6 months ago and that she now felt guilty for getting better rest and sleep. She supports the quiet zone. Kelly Hill of Bellingham said that she used to house sit for Lea Lucky and that after staying at her home twice, she had to decline the third time due to the loud, house rattling train horns. She said she considered moving to the area, until she stayed the night and could not get any sleep. She supports the creation of a quiet zone. Nora Kammer said that she had lived 200 feet from the train tracks for the last 8 years. She shared that her son was exhibiting a new behavior by hiding and covering his ears when he heard the engine coming and that he held his position until after the engines passed. She told the Commissioners that they liked the area and recently added on to their home. However, when their appraisal came back, \$22,000 was deducted from the value due to their proximity to the railroad tracks. She supports the establishment of a quiet zone.

Sather Flynn of Bow shared that 23 years ago there were not as many trains. He asked the Commissioners for their support and to allow the Blanchard community to improve their lives. He supports the establishment of a quiet zone.

Lea Lucky of Blanchard encouraged the Commissioners to move forward with a Letter of Intent to the FRA. She signed the Funding Agreement that the community put together and she asked the Commissioners to accept it. Ms. Lucky said that the community couldn't start their big fundraising push without Skagit County's Letter of Intent. She read a letter from her husband who echoed her requests and they support establishing a quiet zone. Kveta Morgan of Chuckanut Drive shared that she had lived in the area for 21 years and was impressed with her neighbors' efforts towards establishing a quiet zone. She lives in an area where she can hear the train horns sound off at each railroad crossing and knows that she will hear 15 loud blasts before she can get back to sleep. She said she supports the creation of the quiet zone. Roger Wechsler of Colony Road said that he lived in the area for 28 years and that the train horns were louder and more disturbing than they used to be. He asked the Commissioners to move forward in creating the quiet zone.

Tom Wake of Chuckanut Drive shared that the community suffered from sleep deprivation and that friends and family no longer would come spend the weekend at his home due to nightly train noise. He was concerned about the effect on the community's property values as well. He asked the Commissioners to accept the funding agreement and to keep it simple and move forward to establish the quiet zone. Lisa Williams of Legg Road shared that she lived between two railroad crossings with her husband and four children and that she and her family suffered greatly from sleep deprivation. With a masters in counseling, she said that she knows about the brain and the long-term effects of sleep deprivation on a person. She said that she bought their home after the realtors assured them that there was a quiet zone in process and that it would only be a few months. She said that was three years ago. Ms. Williams said that they desired the establishment of a quiet zone. If a quiet zone was not possible, she would be asking for quieter train horns.

Oscar Graham of Legg Road thanked the Community for attending the public hearing. He said that the FRA would be the entity to make the final decision on whether or not to establish a quiet zone, and provide the final figure of the cost its establishment. He asked the Commissioners to move forward with a Letter of Intent so that the community could begin raising funds. Pat Bunting of Legg Road asked for a simple process and simple funding agreement. She supports the creation of a quiet zone.

Seeing no further public testimony forthcoming, Commissioner Wesen made a motion to close the public hearing at 10:04 a.m. which was seconded by Commissioner Dahlstedt. The vote passed unanimously. Civil Deputy Prosecuting Attorney Steve Fallquist informed the Commissioners that according to policies and procedures, a Notice of Intent could not be sent to the FRA until either a county road improvement district had been formed, or, a county approved Funding Agreement was executed. Mr. Fallquist informed the Commissioners that the Funding Agreement provided by the Blanchard Quiet Zone Community was appreciated but that it was not adequate.

Discussion followed regarding the execution of a Funding Agreement, terms and conditions, policies and procedures.

A motion was made by Commissioner Wesen to approve the acceptance of a Petition to Establish a Railroad Quiet Zone. **(Resolution No. R20160126)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

The Commissioners said they were looking forward to executing a Funding Agreement with the Blanchard Community to move the quiet zone forward and they encouraged representatives of the Blanchard Community to work with Steve Fallquist and Dan Berentson to achieve that.

2. Presentation: 2015 Annual Reports

Due to the lack of sufficient time left on the agenda, Dan Berentson agreed to postpone this presentation.

3. Proclamation: National Public Works' Week

County Engineer Paul Randall-Grutter provided information on National Public Works Week and acknowledged staff's hard work and dedication.

The Commissioners thanked Public Works for the services provided to the community.

Commissioner Dahlstedt read the proclamation regarding Public Works Week.

Chair Janicki recessed the proceedings at 10:30 a.m.

c) 10:30 a.m. - 11:00 a.m. Public Health - Bob Hicks, Operations Manager:

Chair Janicki introduced Bob Hicks.

1. Second Public Hearing: To Consider Testimony Regarding the 2016-2017 Action Plan to the HOME Investment Partnerships Program

Mr. Hicks said that Public Health was almost ready to submit the 2016-2017 Action Plan and that before opening the second public hearing on the matter, HOME Program Manager Felicia Medlen had some additional information to share.

Ms. Medlen had an update for the Commissioners. She said that since the first public hearing on April 5, 2016, Housing and Urban Development (HUD) had amended the amount of their award from \$657,158 to \$660,000 and the allocation amounts would be updated accordingly. Ms. Medlin said that all other information provided on April 5th remained the same. Chair Janicki opened the public hearing at 10:38 a.m. Paul Schissler of Bellingham was present and spoke in support of the Action Plan.

Seeing no further public testimony forthcoming, Commissioner Dahlstedt made a motion to close the public hearing at 10:44 a.m. which was seconded by Commissioner Wesen. The vote passed unanimously. Mr. Hicks asked the Commissioners for their approval to submit the Action Plan to HUD.

A motion was made by Commissioner Dahlstedt to approve submitting the 2016-2017 Action Plan to HUD. Commissioner Wesen seconded the motion.

The vote passed unanimously.

Chair Janicki recessed the proceedings at 10:45 a.m.

d) 11:00 a.m. - 11:30 a.m. Consideration of the Hearing Examiner's Recommendation for Approval for the Following Space Applications:

Chair Janicki reconvened the proceedings at 11:00 a.m. and introduced Current Use Specialist Kiffin Saben.

1. Resolution Concerning an Open Space Application Submitted by JoAnne Squires, and Now Currently Owned by Lisa and Dan McShane, to Transfer 11.27 Acres from Current Use Farm and Agriculture to Current Use Open Space (CU/OS #01-2015)

Ms. Saben provided the location of the property, said that a conservation easement in favor of Skagit Land Trust had been on the property since August of 1995 for Blue Heron and Bald Eagle nesting sites, and that there would be little if any tax shift.

A motion was made by Commissioner Wesen to approve the Resolution Concerning an Open Space Application Submitted by JoAnne Squires, and Now Currently Owned by Lisa and Dan McShane, to Transfer 11.27 Acres from Current Use Farm and Agriculture to Current Use Open Space (CU/OS #01-2015) **(Resolution No. R20160127)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

2. Resolution Concerning an Open Space Application Submitted by Skagit Land Trust, and Now Currently Owned by Matthew Williams, to Transfer 13.03 Acres from Current Use Farm and Agriculture to Current Use Open Space (CU/OS #02-2015)

Ms. Saben provided the location of the property, said that a conservation easement in favor of Skagit Land Trust had been on the property since August of 1999, said that the property was currently designated forest land, and that if transferred there would be little if any tax shift.

Discussion was held between the Commissioners, Ms. Saben, and Chief Deputy Assessor Annette DeVoe regarding errors contained in the open space transfer. Portions were advertised at Designated Forest Land to Open Space, and portions were advertised as Current Use Farm and Agriculture to Open Space.

It was decided to remove the application from the docket, correct the errors, and bring back to the Commissioners at a later date.

3. Resolution Concerning an Open Space Application Submitted by Ramon and Lois Pruiett, to Transfer 9.0 Acres from Current Use Farm and Agriculture to Current Use Open Space Farm and Agriculture Conservation (CU/OS F & A #03-2015)

Ms. Saben provided the location of the property, said that it had been in the Farm and Agricultural program since 1977 and no longer met the requirement for gross commercial agricultural income but had a high potential of returning to the Farm and Agricultural program, and said that there would be little if any tax shift.

A motion was made by Commissioner Wesen to approve approve the Resolution Concerning an Open Space Application Submitted by Ramon and Lois Pruiett, to Transfer 9.0 Acres from Current Use Farm and Agriculture to Current Use Open Space Farm and Agriculture Conservation (CU/OS F & A #03-2015) **(Resolution No. R20160128)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

4. Resolution Concerning an Open Space Application Submitted by Judith Meadows, to Transfer 9.0 Acres from Current Use Farm and Agriculture to Current Use Open Space Farm and Agriculture Conservation (CU/OS F & A #04-2015)

Ms. Saben provided the location of the property, said that it had been in the Farm and Agricultural program since 1977 and no longer met the requirement for gross commercial agricultural income but had a high potential of returning to the Farm and Agricultural

program, and said that there would be little if any tax shift.

A motion was made by Commissioner Dahlstedt to approve the Resolution Concerning an Open Space Application Submitted by Judith Meadows, to Transfer 9.0 Acres from Current Use Farm and Agriculture to Current Use Open Space Farm and Agriculture Conservation (CU/OS F & A #04-2015) (**Resolution No. R20160129**) Commissioner Wesen seconded the motion.

The vote passed unanimously.

5. Resolution Concerning an Open Space Application Submitted by Thayer and Betty Hughes, to Transfer 87.0 Acres from Current Use Farm and Agriculture to Current Use Open Space Farm and Agriculture Conservation (CU/OS F & A #05-2015)

Ms. Saben provided the location of the property, said that it had been in the Farm and Agricultural program since 1982, was going to be used for cattle grazing and no longer met the requirement for gross commercial agricultural income but had a high potential of returning to the Farm and Agricultural program, and said that there would be little if any tax shift.

A motion was made by Commissioner Wesen to approve the Resolution Concerning an Open Space Application Submitted by Thayer and Betty Hughes, to Transfer 87.0 Acres from Current Use Farm and Agriculture to Current Use Open Space Farm and Agriculture Conservation (CU/OS F & A #05-2015) (**Resolution No. R20160130**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

6. Resolution Concerning an Open Space Application Submitted by Lohink LLC and Currently Owned by Seth and Cecilia Carson, to Transfer 10 Acres from Farm and Agriculture to Current Use Open Space (CU/OS #06-2015)

Ms. Saben provided the location of the property, said that it had been in the Farm and Agricultural program since 1974, had wetlands located on the property, and no longer met the requirement for gross commercial agricultural income but had a high potential of returning to the Farm and Agricultural program, and said that there would be little if any tax shift.

A motion was made by Commissioner Dahlstedt to approve the Resolution Concerning an Open Space Application Submitted by Lohink LLC and Currently Owned by Seth and Cecilia Carson, to Transfer 10 Acres from Farm and Agriculture to Current Use Open Space (CU/OS #06-2015) (**Resolution No. R20160131**) Commissioner Wesen seconded the motion.

The vote passed unanimously.

7. Resolution Concerning an Open Space Application Submitted by Joost Businger and Marianne Kooiman, to Transfer 19 Acres from Designated Forest Land to Current Use Open Space (CU/OS #07-2015)

Ms. Saben provided the location of the property, said that it had been in the Designated Forest Land program since 1978, said that a conservation easement in favor of the San Juan Preservation Trust had been on the property since December of 1992 for habitat preservation for the Peregrine Falcon and Bald Eagle, and said that there would be little if any tax shift.

A motion was made by Commissioner Wesen to approve the Resolution Concerning an Open Space Application Submitted by Joost Businger and Marianne Kooiman, to Transfer 19 Acres from Designated Forest Land to Current Use Open Space (CU/OS #07-2015) (**Resolution No. R20160132**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

8. Resolution Concerning an Open Space Application Submitted by Richard and Shirley Fair, to Transfer 8.78 Acres from Farm and Agriculture to Current Use Open Space Farm and Agriculture Conservation (CU/OS F & A #01-2016)

Ms. Saben provided the location of the property, said that it had been in the Farm and Agricultural program since 1982, that the property no longer met the requirement for gross commercial agricultural income but had a high potential of returning to the Farm and Agricultural program, and said that there would be little if any tax shift.

A motion was made by Commissioner Dahlstedt to approve the Resolution Concerning an Open Space Application Submitted by Richard and Shirley Fair, to Transfer 8.78 Acres from Farm and Agriculture to Current Use Open Space Farm and Agriculture Conservation (CU/OS F & A #01-2016) (**Resolution No. R20160133**) Commissioner Wesen seconded the motion.

The vote passed unanimously.

Chair Janicki recessed the proceedings at 11:22 a.m.

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

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

1. County and Individual Success Stories
2. Public Comment Period

Carol Ehlers of Fidalgo Island commented on the firefighting job performed at Hansen's Furniture in West Mount Vernon. She reported that the building next door did not show any damage from the fire. Ms. Ehlers also discussed the planning being performed by the Puget Sound Partnership. She reported that some of the maps contained in their reports were inaccurate. She shared other problems that she saw with the plan as well: that there was not a homeowner or aquaculture group involved, and that that water left in the ground can lead to landslides which lead to additional silt and sediment in the waterways which also pollute creatures in the water. She suggested an employee of Skagit County verify the accuracy of Puget Sound Partnership's work.

Sharon Sowell of Mount Vernon asked the Commissioners to continue enforcement matters on property located on Dunbar Lane that has a fence that violates county code.

Lea Lucky of Blanchard informed the Commissioners that she worked for the American Society for Prevention of Cruelty to Animals (ASPCA) out of New York and that she was working with the Skagit County Department of Emergency Management on a disaster plan for small animals. One location identified by their group to house animals in a disaster was at the Skagit County Fairgrounds. They learned that the fairgrounds would not be made available to them for such a purpose and she wanted to find out why.

Kelly Hill of Bellingham informed the Commissioners that she worked for the American Red Cross and was also involved in putting together an emergency plan for housing pets and livestock during emergency situations. She said that the Skagit County Fairgrounds were utilized during a large scale animal cruelty case when multiple puppy mills were closed in 2009. She also wanted to know why the fairgrounds were no longer available in emergency situations.

Barb Hendrickson of Dunbar Lane echoed Ms. Sowell's request and asked Skagit County to follow through on enforcement cases and make sure the tall fence on their street was removed.

3. Miscellaneous Announcements

- f) 11:45 a.m. - 12:00 p.m. Proclamation Recognizing Apollo 8 Day

Executive Director Greg Anders from the Heritage Flight Museum shared information about the museum and their mission: Honoring Veteran's....Keeping History Alive. The museum was founded in 1996 by Apollo 8 astronaut Bill Anders, is a 501 (c) (3) charitable organization, and included flying and static museum pieces.

Greg Anders showed a PowerPoint presentation highlighting aircraft at the museum:
<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/0502201>

Mr. Anders also said that the Heritage Flight Museum served as an educational resource for students, could be used as a unique events venue, is a unique visitor experience, that they hold monthly fly days the 3rd Saturday of every month, and that they offered other unique experiences.

One special event coming up was An Evening With Apollo 8. The event was for fundraising purposes and included dinner with the Apollo 8 crew and flight directors. Mr. Anders said that the Apollo 8 mission, meant to discover the moon, took the famous 'Earthrise' photo of the moon in the foreground and earth in the background and that what they really discovered was the Earth. Mr. Anders said that tickets were still on sale and that, due to worldwide interest of this event, they were also working towards offering attendance by pay-per-view.

The Commissioners thanked Mr. Anders for the information and for locating in Skagit County.

Commissioner Wesen read the proclamation regarding Apollo 8 Earthrise Day in Skagit County: May 14, 2016. Commissioner Dahlstedt invited Mr. Anders to the May 20, 2016 groundbreaking ceremony of the Veteran's Park at Northern State Recreation Area in Sedro-Woolley. Chair Janicki recessed the proceedings at 12:06 p.m.

g) 2:00 p.m. - 2:30 p.m. Jail Construction Update

Chair Janicki introduced Project Manager Marc Estvold.

Mr. Estvold shared the webcam with the Commissioners:
<https://www.workzonecam.com/projects/lydig/skagitcountyjail/scjcam>

He briefed the Commissioners on current construction projects (installing conduit and testing the vapor barrier) and he discussed milestones, saying that jail construction was still on track for opening summer of 2017.

The Commissioners thanked Mr. Estvold for the updates.

h) *5:30 p.m. Leadership Skagit - Leaders Create Leaders Spring Reception (Burlington Visitor Center and Chamber of Commerce, 520 East Fairhaven Avenue, Burlington)

IV. ADJOURNMENT:

Chair Janicki adjourned the proceedings at 2:16 p.m.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Lisa Janicki, Chair

Ron Wesen, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Clerk of the Board