

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 12, 2017**

The Skagit County Board of Commissioners met in regular session on Tuesday, December 12, 2017, with Chair Ron Wesen, Commissioner Kenneth A. Dahlstedt, and Commissioner Lisa Janicki present.

I. CALL TO ORDER:

Chair Wesen called the proceedings to order at 9:46 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

a) 9:45 a.m. - 10:30 a.m. Public Works - Dan Berentson, Director:

Director Dan Berentson provided background information about Noxious Weed Coordinator Joseph Shea.

1. Noxious Weed Presentation

Mr. Shea provided an overview of the Noxious Weed Board, applicable state laws, and the Noxious Weed Control program.

Out of 39 Washington State counties, 38 had Noxious Weed Boards in place to advance the control of weeds. The weed control program began in Washington in 1881 in response to Canada Thistle. Weed laws established the responsibilities of property owners for helping to control and prevent the spread of noxious weeds and Mr. Shea said there were three classes of weeds and different methods that worked best to control each class. Weed control was important for the health of livestock; reduction of erosion and damage to buildings, roads and sidewalks; reduction of fuel for forest fires, and some species were toxic to humans.

Mr. Shea discussed weed management, and control and monitoring in relation to the type of land and acceptable applicable ways to provide for weed control (such as on river banks, agricultural land, forest lands, wet lands, etc.). He also provided information on the Washington Wilderness Hay and Mulch Certification, rock pit survey, knotweed, spartina, purple loosestrife, and scotch broom programs and management occurring in Skagit County.

The Skagit County Noxious Weed Control Board partnered with many other entities for the performance of work and for funding or in-kind contributions. Mr. Shea discussed advances that were occurring with data collection and data sharing and plans for online maps and documents. Mr. Shea shared his vision for the Noxious Weed Control Board and discussion was held with the Commissioners regarding education, outreach, and strengthening partnerships with cities and towns.

The PowerPoint provided by Mr. Shea can be found at this link:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/12112017/>

Chair Wesen recessed the proceedings at 10:28 a.m.

b) 10:30 a.m. - 11:30 a.m. Public Works - Dan Berentson, Director:

Chair Wesen reconvened the proceedings at 10:33 a.m.

Director Dan Berentson introduced Skagit County Engineer Paul Randall-Grutter. Mr. Randall-Grutter provided background information regarding the recent revision to the speed limit on a

portion of Rosario Road which had been reduced from 50 mph to 40 mph.

Mr. Randall-Grutter said that the Commissioners could deny the appeal and maintain the 40 mph zone, accept the appeal and direct Public Works to review the Ordinance and return the speed limit to 50 mph, or defer the decision to a later date.

1. Public Hearing to Consider Testimony Regarding the Appeal of a Recent Speed Limit Revision on Rosario Road #10310

Chair Wesen confirmed the number of audience members who wished to provide testimony and directed the Clerk of the Board to set the timer for 3 minutes per speaker.

Duane Knapp of Bay Lane, Jim Laurel of Bay Lane, Roger Noar of Central Avenue, Chief of Fire District No. 11 Michael Noyes, Roger Jewett of Cove Court, Roger Robinson, Mark Lawrence of Pointe Place, Mark Raphael of Biz Point, Jan Robinson of Rosario Crest Lane, Lindsey Faller of Bay Lane, Debra Brodie of Bay Lane, Ray Ramsay of Seaward Lane, Carol Ehlers of Windcrest Lane, John Christoferson of Rosario Road, Tom Glade of Mansfield Court, Civil Engineer John Tuttle, Julie Taslik of Seaview, and Vicky Sabelton all spoke against the appeal of the speed limit revision and wanted it to remain at 40 mph.

Some of the reasons provided to keep Rosario Road at 40 mph included: less severe motor vehicle accidents, easier to enter Rosario Road, the feeling that it was now safer for school-children/walkers/bicyclists/people who lived off of Rosario Road, that the density of the neighborhoods had increased dramatically over the years and the feeling that the Rosario Road was more like a neighborhood road and not like a commuter road, that dropping the speed limit by 10 mph added 36 seconds to the commute, stopping distance was improved, the Sheriff and County Engineer supported the 40 mph zone, continued population growth warranted the 40 mph zone, and 184 signatures had been collected from neighbors living off of Rosario Road who supported the 40 mph zone.

Todd McClain of Hemlock Place, Harold Harrington of Ginnett Road, Heather Ireland of Anacortes, Bruce Mullen of Eaglecrest Lane, Michelle McClain of Hemlock Place, Ken Ireland of Anacortes, and Carol Harrington of Ginnett Road all spoke in favor of the appeal of the speed limit revision and wanted it to return to 50 mph.

Some of the reasons provided to return Rosario Road to 50 mph included: that the initial report from the Skagit County Engineer supported the 50 mph zone, traffic was more congested, vehicles often traveled at or slower than 40 mph, there was an increased risk for accidents due to passing cars, concerns that the speed limit change was to gain additional revenue by issuing speeding tickets, public should support the military families who commute on the road, 36 seconds adds up to extra time away from home, the sight-distance problem was exaggerated and could be easily fixed, accidents on the roadway were caused by inattentive drivers, it would take more time for emergency responders to travel the road, the road was designed for 50 mph, that driveways along Rosario Road should be reengineered instead.

A motion was made by Commissioner Dahlstedt to approve closing the public hearing and to deliberate on the matter on Monday, December 18, 2017. Chair Wesen seconded the motion.

The vote passed unanimously.

Items turned in during the public hearing can be viewed here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/12112017/>

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

Chair Wesen reconvened the proceedings at 11:40 a.m.

1. County and Individual Success Stories

No one provided county or individual success stories.

2. Public Comment Period

Chair Wesen confirmed the number of audience members who wished to provide public comment and directed the Clerk of the Board to set the timer for 2 minutes per speaker.

Peggy Ratermann of Burlington, Teresa Dix of Mount Vernon, Gena Dilabio of Mount Vernon, Brenda Cunningham of Mount Vernon, Mary Ruth Holder of Mount Vernon, Arnold Byron of Mount Vernon, Tim Manns of Mount Vernon, Martha Bray of Sedro-Woolley, and Susan Woods of Sedro-Woolley, all spoke against renewing a contract with Robert Weidner.

Barbara Purnell of Mount Vernon on Nelson Road and Sue Van Nortwick of Burkland Road in Mount Vernon shared concerns about a dangerous dog in their neighborhood. Mrs. Purnell provided a letter that outlined the dangerous dog situation in their neighborhood:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/12112017/>

Carol Ehlers of Windcrest Lane urged the Commissioners to protect what was left of the property tax base and she provided some articles for the Commissioners to review:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/12112017/>

Chair Wesen recessed the proceedings at 12:09 p.m.

3. Miscellaneous Announcements

No miscellaneous announcements were made.

d) *1:00 p.m. - 2:30 p.m. Elected Official/Department Head Meeting

Emergency Medical Services Director Jeff Sargent, Chief Deputy Auditor Sandy Perkins, Director of Assigned Counsel Letty Alvarez, Public Works Director Dan Berentson, Assessor Dave Thomas, Public Health Director Jennifer Johnson, Sheriff Will Reichardt, Coroner Hayley Thompson, Human Resources/Risk Management Assistant Director Donnie LaPlante, Budget and Finance Director Trisha Logue, Engineer Paul Randall-Grutter, Chief of Corrections Charlie Wend, Treasurer Katie Jungquist, Chief Criminal Deputy Prosecuting Attorney Rosemary Kaholokula, Skagit County resident Ed Stauffer, Public Works Litter Crew Coordinator Dennis Collins, and Solid Waste Division Manager Margo Gillaspay attended the elected official/department head meeting.

Discussion items included the new sick leave policy, opioid data collection, due dates for the 4th quarter budget amendment, safety concerns at the intersection of Kincaid and 2nd Street in Mount Vernon, and an update regarding the United Way campaign that had been held.

e) 2:30 p.m. - 4:30 p.m. Joint Meeting with Skagit Public Utility District No. 1 Regarding Water Banking

Skagit County Chair Wesen reconvened the Board of Skagit County Commissioners and Skagit Public Utility District President Robbie Robertson called the Skagit Public Utility District (PUD) Commission to order for the joint work session at 2:30 p.m.

Introductions were performed and the Boards approved the agenda which can be found here: <ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/12112017/>

Skagit PUD General Manager George Sidhu introduced the topic and said that Skagit PUD was the largest purveyor of water and that they wanted to help find solutions for property owners who had been negatively impacted by recent case law and legislative actions regarding water rights in Skagit County.

Skagit PUD had hired Aspect Consulting to review water rights case law, review other issues, and collect information about what other jurisdictions from around the state were implementing towards solving the problem. Mr. Sidhu introduced Dan Haller from Aspect Consulting to provide an overview of findings and also options for the Boards to consider.

Dan Haller provided a PowerPoint regarding the situation in Skagit County and what solutions

were being explored in other basins. He said that the issue was complicated since it was as much shaped by case law as it was by state law and updates were still occurring. Mr. Haller discussed different types of water rights (perfected vs. inchoate) and their definitions, and the importance of when a water right was established. He discussed permit-exempt wells, the instream flow rule, and the views of the Washington State Department of Ecology. An overview of 4 permitting methods was provided (ecology, County Water Conservancy Board, cost-reimbursement, and coordinated cost-reimbursement processing), followed by examples of applicable case law from 2000 – the present along with an overview of how counties in Washington had responded.

Mr. Haller said issues to address in Skagit County were: inadequate legal water availability for about 480 existing homes, inadequate legal water availability for new growth, and options for permitting. Solutions being explored in other counties included: purchasing water rights, creating regional water banks, extending the water system, cross basin transfers, trucking water/cistern program, bulk water fill stations, rainwater catchment program, reoperation of existing storage, tributary storage, new small storage options, and the pump and dump method.

Skagit County's water basin was expansive and included areas that were not affected and areas that had a variety of limitations and exemptions. Mr. Haller indicated that Skagit County would need to implement more than one solution to address water availability and it would be important to identify other stake holders.

The PowerPoint provide by Aspect Consulting can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/12112017/>

Skagit County Chair Wesen invited questions and discussion by the Boards.

Questions were asked about water banking and moving water into trust. Mr. Haller discussed a lawn buy-back program. Discussion was held on changing the use of some exempt wells/those used for livestock to residential use, if it was practical to implement a County Water Conservancy Board, implementing a pump and dump system, the viability of home water tank systems and neighborhood tanks, discussing the relicensing of the dam with Seattle City Light, working with the Swinomish Indian Tribal Community, diverting water from wastewater treatment discharges, limiting factors to changing the historic use and discharge of water, how the Department of Ecology factored mitigated water, the challenges and advantages to being exempt from the Hirst decision, the benefit to plan now for what will be needed in 50 years, the idea to create a water bank, provide for wells upriver, look for another reservoir, working with the City of Anacortes, finding short-term solutions and working on long-term solutions, implementing collective storage and deeper wells, whether any of Skagit County's permitting processes could be updated, updating Skagit County's Coordinated Water System Plan, and continuing to work together towards a solution.

Skagit County Administrator Tim Holloran thanked Aspect Consulting for the presentation. He talked about the success Skagit County had had with forming a smaller meeting group with the Port of Skagit and City of Sedro-Woolley to implement changes at the SWIFT Center in Sedro-Woolley and he believed that the same could be accomplished with Skagit PUD.

Skagit PUD General Manager George Sidhu suggested they reach out to involve other stakeholders, review some preliminary solutions, and schedule additional work sessions.

IV. ADJOURNMENT:

Skagit County Chair Wesen adjourned the proceedings and Skagit Public Utility District President Robbie Robertson recessed the proceedings at 4:18 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chair

Kenneth A. Dahlstedt , Commissioner

Lisa Janicki, Commissioner

ATTEST:

Clerk of the Board