

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, FEBRUARY 27, 2018**

The Skagit County Board of Commissioners met in regular session on Tuesday, February 27, 2018, 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 9:00 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- a) 9:00 a.m. - 11:00 a.m. Closed Record Appeal Hearing of Shoreline Development Permit PL 15-0302 Granted to Tesoro Anacortes Refining and Marketing Company

Chair Dahlstedt made welcoming a statement to the closed record hearing, submitted by Stand.earth of Case #PL15-0302 regarding the Hearing Examiner's Decision, dated December 7, 2017, in the matter of the appeal of the requested Shoreline Substantial Development Permit. He informed the audience that this was a closed-record hearing, so under Skagit County Code, the Board of County Commissioners would not hear any new evidence or testimony. Instead, they would hear arguments based on the record from the Hearing Examiner.

Chair Dahlstedt provided the time frame for the presentations as follows:

Appellants' counsel - 30 minutes;

Planning and Development staff - 15 minutes;

Respondent, or any parties of record, being any person who testified at a prior hearing on this issue or who had submitted a written statement, or had formally requested to receive information on this issue - 15 minutes; and

Rebuttal - first from staff, then appellant - up to 3 minutes each.

Counsel for Appellants Chris Winter provided a PowerPoint presentation and opening arguments related to whether Tesoro was required by the Skagit County Shoreline Master Program to apply for and obtain a Shoreline Conditional Use Permit; the analysis of greenhouse gas emissions in the Final Environmental Impact Statement (FEIS) and how the Board should resolve the appeal.

Marine Protection Program Director with Friends of the San Juans Lovel Pratt provided a PowerPoint presentation, opening arguments related to the potential impacts of the projects worst-case spill and the impacts of vessel noise on the southern resident killer whales.

Staff Attorney with Friends of the San Juans Kyle Loring provided opening arguments related to vessel impacts and spill risks. Mr. Loring urged the Commissioners to remand the matter to the Hearing Examiner or issue their own decision.

Attorney for Respondent Skagit County Planning and Development Services Julie Nicoll requested that the Board of County Commissioners deny the Appeal. She outlined Skagit County Code 14.06.170 regarding the whether Appellants had proved that the

Hearing Examiner's decision was clearly erroneous. She noted that any documents that were not in the administrative record should be disregarded. Ms. Nicoll requested that the Board uphold the Hearing Examiner decision with respect to the Shoreline Permit. Ms. Nicoll addressed the Appellants' claims regarding the State Environmental Policy Act (SEPA) and stated that the Board of County Commissioners lacked jurisdiction under Skagit County 14.06.110(13).

Counsel for Tesoro Diane Meyers provided opening arguments and noted that the shoreline development permit granted to Tesoro was for the installation of a Marine Vapor Emission Control system (MVEC) and explained how the system would operate to control the air emissions and addressed the adequacy of the FEIS. She explained that the MVEC project was part of Tesoro's Clean Products Upgrade Project. Ms. Meyers requested that the Appellant's appeal to the MVEC Project be denied and the Hearing Examiner's decision be affirmed.

Sally Stapp of Anacortes; Stephen Orsini of Guemes Island; Janice Huseby of Decatur Island; Bud Ullman of Guemes Island and a Guemes Island Ferry Committee member; Member of the Opportunity Council Jeff Aslan of Bellingham and Nan Munk of Sedro-Woolley spoke in opposition to the Shoreline Substantial Development Permit granted to Tesoro Anacortes Refining and Marketing Company.

Ron McHenry of Mount Vernon and Mount Vernon Chamber of Commerce Executive Director Andy Mayer spoke in favor of the Shoreline Substantial Development Permit granted to Tesoro Anacortes Refining and Marketing Company.

Ms. Nicoll provided rebuttal arguments and noted that some of the parties that commented were not parties of record.

Mr. Winter made rebuttal arguments and requested that the Board remand the shoreline permit to the Hearing Examiner.

Mr. Loring made rebuttal arguments and requested that the Board remand the shoreline permit to the Hearing Examiner.

Ms. Meyers made rebuttal arguments and requested that the Board uphold and affirm the Hearing Examiner's decision to grant the shoreline permit. She argued that Skagit County Code did not provide for an administrative appeal process for EIS adequacy.

Attorney Representing the Board of County Commissioners Will Honea addressed the overall intent of State Environmental Policy Act (SEPA) administrative appeal process.

Ms. Nicoll agreed that Skagit County Code did not provide for an administrative appeal process for EIS adequacy.

Mr. Winter indicated that the Board of County Commissioners did have jurisdiction over the EIS adequacy process.

Chair Dahlstedt made a closing statement and announced that under Skagit County Code, the Board of County Commissioners were directed to render a decision within 60 days of the appeal. He noted that the Appellants had waived that requirement and that the Board would consider the evidence and were scheduled to render their decision in public session on Friday, March 9, 2018, at 9:00 a.m., in the Skagit County Commissioners' Hearing Room.

[Link to PowerPoint Presentation and Written Comment:](ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/02262018/)

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Chair Dahlstedt recessed the proceedings at 10:51 a.m.

b) [11:30 a.m. - 11:45 a.m. Board of County Commissioners:](#)

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

1. County and Individual Success Stories

There were no County and Individual Success Stories provided.

2. Public Comment Period

There was no one present to provide public comment.

3. Miscellaneous Announcements

Commissioner Janicki noted that she had been assigned to Forest Practices Board's Process Improvement Group. She also commented on her activities on the County Road Administration Board.

Commissioner Wesen commented on how the Washington State Supreme Court's Hirst decision affected building permits in Skagit County.

The Commissioners discussed preserving agriculture by not letting brassica plants like cabbage, cauliflower, kale, turnip, Brussels sprout and mustard go to seed.

Commissioner Dahlstedt announced that he and Commissioner Wesen would be attending the National Association of Counties Legislative conference taking place March 2, through March 7, 2018, in Washington, D.C.

Chair Dahlstedt recessed the proceedings at 11:38 a.m.

c) 1:30 p.m. - 2:00 p.m. Public Health - Jennifer Johnson, Director:

Chair Dahlstedt reconvened the proceedings at 1:35 p.m.

Housing Coordinator Kathy Ferris provided a PowerPoint presentation and noted that the hearing today was a preliminary public hearing to gather information for the Consolidated Plan. The final public hearing was scheduled for April 17, 2018, at 11:00 a.m., in the Skagit County Commissioners' Hearing Room. Ms. Ferris provided an overview of the HOME Consortium and said that it included Island County, Whatcom County, Skagit County and 16 municipalities. The Consortium was formed in 2015 to obtain HOME funding and Skagit County was the lead agency.

She discussed the HOME Consortium's achievements since its inception in 2015, 2018-2022 staff recommendations for Community Housing Development Organization (CHDO) and discretionary investments.

Ms. Ferris explained that the Analysis of Impediments (AI) to Fair Housing Choice survey would help to identify whether barriers to fair housing choice existed in the rental, real estate, mortgage lending, insurance, and appraisal markets. She indicated that AI survey would also examine private and public policies and practices that may lead to housing discrimination and would identify actions to overcome impediments to fair housing. She provided information about the AI survey and encouraged the public to participate by going to Skagit County Public Health's Housing Division's webpage at <https://www.skagitcounty.net/Departments/HumanServices/HousingMain> and clicking on the link to Community Planning: Housing and Homelessness Survey. She announced that the draft AI would be released on April 2, 2018. She said that the study was scheduled to be completed by the middle of May 2018.

She provided information about the Consolidated Plan and explained that it was a five-year strategic plan for the years 2018 through 2022. She said the Consolidated Plan helped to outline affordable housing needs and market conditions and served as a framework for a community-wide dialogue to identify housing priorities.

1. Public Hearing to Consider Testimony Regarding the HOME Investment Partnerships Program Consolidated Plan for the Years 2018-2022 and the Annual Action Plan of the Consolidated Plan for the Year 2018-2019, and the Analysis of Impediments to Fair Housing Choice

Chair Dahlstedt opened the public hearing at 1:51 p.m.

Justin Krupa of the Skagit Valley YMCA Oasis Teen Shelter; Nancy Hamilton of Mount Vernon; Carl Young of Mount Vernon; Marta Martinez of Mount Vernon and Jorge Manzanera of Mount Vernon spoke about permanent supportive housing; housing first model resolution to allow local authorities to regulate rent; zoning regulations and affordable multi-family housing.

Executive Director of Home Trust of Skagit Jodi Monroe thanked the Commissioners and staff for helping to acquire the funding to build four homes in the Summerlynd housing project. Ms. Monroe requested that Home Trust of Skagit be considered for CHDO funding to assist with building homes on five lots at Channel Cove in La Conner. Vice Chair of Home Trust of Skagit's Board of Directors Wendie Granberg encouraged the Commissioner to fund more than the 15% that had been set aside for CHDO to aid in permanent supportive housing.

Housing affordability consultant Paul Schissler spoke about the possibility of other grant funding and advocated for affordable homeownership.

Seeing no further testimony forthcoming, Commissioner Janicki made a motion to close the public hearing at 2:10 p.m. Commissioner Wesen seconded the motion which passed unanimously.

Commissioner Janicki said that she supported the idea of building multi-family homes and mentioned that there was a bill that was put forth in Olympia that would expand the property tax exemption for private builders who build in cities with a population of less than 15,000.

Commissioner Wesen commented on the Growth Management Act and the fact that it did not permit multi-family homes to be built in the county. He discussed the importance of attending city council and planning commission meetings because multi-family units were generally built within city limits.

Chair Dahlstedt discussed the need for affordable housing for the labor force and distressed county funding.

#### IV. VOUCHERS AND WARRANTS:

A motion was made by Commissioner Wesen to approve vouchers and warrants for Tuesday, February 27, 2018. Commissioner Janicki seconded the motion.

- a. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board. As of this date, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:
  - a) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$108,314.56 (Transmittal No. C-36-18); and
  - b) ACH Transfer Request Form and Certification to Delta Dental from Clearing Fund 696 in the total dollar amount of \$55,948.29 (Transmittal No. C-37-18); and

- c) ACH Transfer Request Form and Certification to Delta Dental from Clearing Fund 696 in the total dollar amount of \$6,784.05 (Transmittal No. C-38-18).

VIII. ADJOURNMENT:

Chair Dahlstedt adjourned the proceedings at 2:24 p.m.

**BOARD OF COUNTY 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