

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, March 20, 1990

9:00 a.m. Private Industry Council Update - Gay Dubigk:

- 1) Two-Year Plan.
- 2) Summary Report of Last Year's Performance.

10:00 a.m. Public Hearing - Budget Amendment - Insurance Reserve Fund.

MISCELLANEOUS ITEMS.

10:30 a.m. Board of Health:

- 1) Discussion - Fee Schedule - 1990.

2:00 p.m. 1) Planning Commission Referred Items:

- a) Recommendation for Approval - County-Initiated Proposal to Consider County-Wide Comprehensive Plan and Zoning Map Amendments for Public Use Land.
- b) Recommendation for Approval - Comprehensive Plan Amendment and Rezone of Keith Johnson.

2) Department of Planning and Community Development - Scott Kirkpatrick, Director:

- a) Discussion - Policies and Guidelines Pertaining to Variance Requests for Agricultural Land.
- b) Discussion - Interlocal Agreements for Building Code Administration and Enforcement - Town of LaConner.
- c) Enforcement Update.
- d) Staffing Update.
- e) Miscellaneous.

3:30 p.m. Board of Commissioners' Tour of Skagit County Jail.

The Skagit County Board of Commissioners met in regular session on Tuesday, March 20, 1990, with Commissioners Ruth Wylie, W. W. Vaux, and Dave Rohrer present.

PRIVATE INDUSTRY COUNCIL UPDATE - GAY DUBIGK:

The Chairman of the Board of the Private Industry Council (PIC), Knute Figenshaw, introduced Gay Dubigk, Executive Director, and Judy Menish, Council Member. He then turned the program over to Ms. Dubigk.

1) Two Year Plan.

Ms. Dubigk presented the 1990-1991 PIC Draft Job Training Plan for the Northwest Washington Service Delivery Area SDA III to the Board for their information and comments. She stated that the plan has only minor changes from the last plan, one being that the PIC has elected to serve 14 and 15 year

olds, where before the maximum client age was 16 years old. Service to 14 and 15-year-olds will focus on basic skills education for academically deficient clients.

2) Summary Report of Last Year's Performance.

Ms. Dubigk presented an Annual Report and Current Program Status Summary for the PIC Program Year 1988 to the Board. Ms. Dubigk stated that again this year, of the 12 Service Delivery Areas in the State, the PIC Service Delivery Area (SDA III) had the best overall performance in nine established standards.

Ms. Dubigk described the needs of the PIC client base, stating that most clients are generally lacking in skills that would enable them to be employable. She stated that PIC provides a high service level to single parents and Welfare supported families.

Ms. Dubigk discussed the PIC program as it relates to similar Federal programs, and gave information on the PIC learning centers established in Sedro Woolley and in Anacortes.

PUBLIC HEARING - BUDGET AMENDMENT - INSURANCE RESERVE FUND.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on March 6 and 13, 1990.

Mike Woodmansee, Budget/Finance Director, presented a resolution which would authorize the use of \$500,000 within the insurance reserve fund for the administration of insurance coverage for the Public Works Department. This matter has previously been administered through the County Road Fund and at the discretion of Public Works Department personnel. This step would place administration of the Public Works insurance matters more appropriately under the auspices of the Risk Manager, and would authorize charges to the Road Fund as needed to compensate the insurance reserve fund for Public Works claims.

Seeing no further comment, Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion, which passed unanimously.

Commissioner Vaux then motioned approval of the resolution authorizing a budget amendment in the amount of \$500,000 within the Insurance Reserve Fund #150. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12426)

MISCELLANEOUS ITEMS.

A. In accordance with action previously taken, the Board approved for signature the resolution denying the expansion of an existing contract rezone #R-79-017, application #R-89-010, for Food Services, Inc., by William Crawford. (Resolution #12428)

B. At the recommendation of the Public Works Department, Commissioner Vaux motioned to adopt the resolution designating Boral Cascade Culvert as an eligible supplier of culvert stock for the Public Works Department.

Commissioner Rohrer seconded the motion, which passed unanimously.
(Resolution #12427)

BOARD OF HEALTH:

1) Discussion - Fee Schedule - 1990.

John Thayer, Environmental Health Supervisor, stated that the last major revision to the fee schedule of the Health Department occurred in 1986. Minor revisions have been made more recently regarding fees for water testing, vital statistics, and food and beverage permits. He stated that it is advisable to adopt new fees at this time to better reflect the costs of administering the services provided by the Health Department.

Barb Meier, Public Health Nurse, reviewed proposed changes to the public health fees. She gave a brief history of vaccine charges, and compared those and other charges to those at other county health departments. Ms. Meier stated that, in order to recover some of the costs of providing health services through the billing of DSHS for State assisted patients, it is necessary to have a fee schedule in place. The proposed fee schedule includes a sliding scale which would allow those who are unable to afford health services to pay a reduced fee or no fee at all. No proof of income would be required.

Carolyn Milat, Health Department Director, noted that, with the advent of a new fee schedule, revenues from patient payments will probably not increase appreciably, but there will be a new source of funding from DSHS which the Health Department has not previously utilized for lack of a fee schedule. She stated that the fees have been formulated based on a study of the fees charged in other counties, as well as the DSHS allowable charges. She added that Skagit County is probably the last county to establish health fees.

Regarding Laboratory and Environmental Health fees, Mr. Thayer reviewed a number of charges that will be increasing. Water sample testing, camping vehicle/mobile home park inspections, solid waste surcharge for landfill monitoring, and day or youth camp inspections fees will increase in the proposed schedule.

As the Board had some concern for the notification of those effected by the increase to environmental health fees, the Health Department was instructed to schedule a public hearing for consideration of the proposed nursing and clinical lab fee schedule, but to work, through meetings and notices, to notify effected food establishments and stores of the fee increases being proposed to environmental health fees. Commissioner Vaux volunteered to participate in meetings with the food services industry.

PLANNING COMMISSION REFERRED ITEMS.

1) Recommendation for Approval - County-Initiated Proposal to Consider County-Wide Comprehensive Plan and Zoning Map Amendments for Public Use Lands.

Scott Kirkpatrick, Planning Department Director, explained that as part of the Comprehensive Plan update, a need was identified to reconcile differences in

the Comprehensive Plan and the Zoning Map regarding public use lands; specifically pre-existing non-conforming fire stations. This need was identified when it was discovered that certain fire halls have been mis-zoned and are unable to receive building permits unless rezoned.

Gary Christensen, Associate Planner, reviewed the Recorded Motion of the Planning Commission which rezones pre-existing, non-conforming public use activities (i.e. churches and firehalls) to their appropriate designation as public use lands. A condition of the decision is that reclassification of privately owned property on which several fire station are located be completed with the consent of the landowner.

After brief discussion, Commissioner Vaux motioned to adopt the recommendations of the Planning Commission for reconciliation of public use lands within the Comprehensive Plan and Zoning Map. Commissioner Rohrer seconded the motion, which was unanimously approved.

2) Recommendation for Approval - Comprehensive Plan Amendment and Rezone of Keith Johnson.

Mr. Kirkpatrick explained to the Board that the issues of a Comprehensive Plan Amendment and of a Rezone must be treated as separate and different issues.

Mr. Christensen provided the Board with an aerial photo of the subject property, located south of Mount Vernon, east of Stackpole Road. He explained that the Board should consider the Comprehensive Plan Amendment first.

Mr. Christensen stated that the Board may exercise any of the following options:

- 1) To uphold the decision of the Planning Commission.
- 2) To remand the matter back to the Planning Commission for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

Mr. Christensen explained that the request is to reclassify an approximate 31 acre parcel from Forestry to Rural Intermediate (a change in minimum lot size from 20 acres to 2.5 acre) for the purpose of creating approximately 13 residential building lots. Mr. Johnson owns 45 acres of adjacent adjacent property which is presently zoned Rural Intermediate. Mr. Johnson wishes to join the two parcels and create a 31 lot residential development.

Mr. Christensen stated that the Planning Commission recommended approval of this request based on the fact that in November of 1988, the Board of County Commissioners allowed the reclassification of Forestry to Rural an approximate 200 acre parcel to the east of Mr. Johnson's property. A 40 lot planned unit development owned by Mr. Johnson within this 200 acres parcel was subsequently approved. Since this reclassification was allowed, the Planning Commission felt that the development activity indicated in Mr. Johnson's present request should also be allowed.

Mr. Christensen then drew the Board's attention to finding #12, which indicates that just prior to the Planning Commission's deliberation on this matter, a letter was received from the applicant which notified the DNR and Skagit County that Mr. Johnson intends to develop his 31 acres of land, which is within a 1987 forest practice application. Mr. Christensen stated that in reviewing the 1987 FPA, it states that there is no intention for the land to be converted from a Forestry application, and that the land will be reforested for future timber harvesting. Mr. Christensen explained that because of this response on the FPA, the County may invoke a condition of the FPA which states that for a six year period following the application, applications for permits or approvals, including building permits and subdivision approvals, may be denied. This same FPA, however, was also in effect when the 200 acre parcel previously mentioned was allowed to be classified.

Bruce Lisser, representative of Mr. Johnson, provided a topographical map for the Board's review. He demonstrated areas that would not be considered for development, since the steepness of the area would not be conducive for residential development. These areas would remain Forestry designated.

Mr. Lisser maintained that a conversion was not indicated at the time of the FPA because Mr. Johnson was not aware it would be needed. As the need has now been identified, Mr. Lisser stated, his client did not know how to go about applying for conversion.

Commissioner Vaux requested to know of Mr. Lisser why the County should not require Mr. Johnson to comply with the six year moratorium conditioned in the FPA.

Mr. Lisser replied that the invocation of the moratorium is at the County's discretion, and that, since Skagit County has no policy for conversion, it was felt that the same action would be taken as when the 200 acre parcel was reclassified.

Ken Osborne of Arbor-Pacific, also Mr. Johnson's representative, stated that he felt that the original FPA was filed in ignorance of the needs for conversion. He stated that a contact with the DNR suggested that the Board be approached to point out the mis-statement on the FPA.

Commissioner Vaux pointed out that the FPA clearly states that the area will be reforested, not subdivided.

Mr. Lisser maintained that reforestation was accomplished, but that it was felt that since the 40 acre Cascade Ridge development was allowed, this request would be allowed as well. The Cascade Ridge Development is also owned by Mr. Johnson, and this additional development would help to defray the costs for the development of Cascade Ridge.

Commissioner Vaux stated that the purpose of the six year moratorium is to allow counties or cities infrastructure to catch up with development plans. He did, however, indicate his understanding that in government's attempt to save farmland from dense residential development, it has driven development into the transition zones around forestry areas.

For the Board's information, Mr. Kirkpatrick confirmed that the moratorium could be enacted at the discretion of the County.

In answer to Chairman Wylie's question regarding the intentions to harvest the area again, Mr. Osborne stated that a commercial thin would probably be accomplished within the next 30 years using special forestry techniques compatible with areas of residential population. Mr. Osborne compared residence in an area adjacent to a logging operation as no worse than living in a neighborhood harboring illegal drug activity.

Mr. Lisser made indications that the applicant should be allowed to utilize his property for the largest revenue production.

Mr. Kirkpatrick indicated a concern for a Planning Agency policy on the intended use for this area.

Commissioner Rohrer indicated that he felt that the low lying hills in this area would eventually be developed, and motioned to approve the Comprehensive Plan Amendment of Mr. Johnson. Commissioner Vaux seconded the motion, which passed unanimously.

Commissioner Vaux then motioned to adopt the recommendation of the Planning Commission to reclassify the area in question from Forestry to Rural Intermediate. Commissioner Rohrer seconded the motion, which passed unanimously.

The Board directed the Planning Department to convey to the Planning Commission the Board's direction that a policy be developed regarding the enforcement of the conditions of forest practices applications as pertain to conversions.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR:

1) Discussion - Policies and Guidelines Pertaining to Variance Requests for Agricultural Land.

Mr. Kirkpatrick stated that as a result of the emphasis that has been placed on the allowance of variances on agricultural land, the Planning Commission has requested to discuss this as part of their regular agenda. The group would like permission to hold a public hearing and make recommendations to the Board for policies and guidelines pertaining to these variances. Mr. Kirkpatrick noted that it is typical for the Planning Commission to make recommendations on policy issues.

Commissioner Vaux motioned approval of the Planning Commission's request. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12429)

2) Discussion - Interlocal Agreements for Building Code Administration and Enforcement - Town of LaConner.

Mr. Kirkpatrick stated that for some time attempts at enforcing the building

code at a certain business in the Town of LaConner have been occurring. This pertains to a compliance issue regarding a building permit. Mr. Kirkpatrick stated that pursuant to these attempts, it has been discovered that, although interlocal agreements for code administration and enforcement have been in place up until January 1, 1989, for the Town of LaConner, as well as other local jurisdictions, they are now expired. In discussions with the Chief Civil Deputy, several items have been identified that should be clarified prior to continuing the contracts.

Specifically, Mr. Kirkpatrick questioned, at the point that a civil action is started, if it would be handled by our attorney or the LaConner City Attorney. Historically, the Town has asked the County to enforce the code; however, clearly the Prosecuting Attorney's Office would have the resources to provide legal services only up to a certain point prior to any civil court action.

Mr. Moffat, Chief Civil Deputy, confirmed that the Prosecuting Attorney's Office is not in a position to handle suits for the many jurisdictions covered by these interlocal agreements. He felt that the agreements should draw a line where the County's responsibility ends, and recommended the negotiation of new contracts which satisfy the County's wishes in this area.

Commissioner Vaux felt strongly that the County should not administer the building code in the cities if they have no ability to enforce it. He felt that the agreements need to reflect the condition that if the County follows enforcement action to the point of prosecution, the towns will assume responsibility.

Mr. Kirkpatrick pointed out that if the city or town refuses, then, to assume responsibility, the contract would become null and void. He stated that eviction also needs to be addressed.

The Board agreed that the County would be willing to provide administration and enforcement services to local jurisdictions if the contracts and agreements conform to the specifications of the Prosecuting Attorney's Office and of the Planning Department.

3) Enforcement Update.

Mr. Kirkpatrick provided a report on complaint enforcement status for the Planning Department. He discussed with the Board revisions to the Landlord/Tenant Act requiring a response by the local planning authority to complaints by tenants of dangerous conditions, and institution of enforcement action.

4) Staffing Update.

Mr. Kirkpatrick presented a sample form checklist to be completed by Planning Department staff for every project administered by the Planning Department, and to be used for database entry and generation of reports.

5) Miscellaneous.

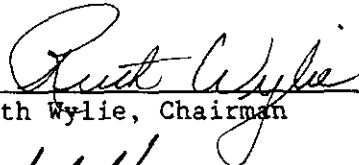
A. The Board approved for signature the Plat Map of Classic Ridge.

ADJOURNMENT


Commissioner Vaux motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

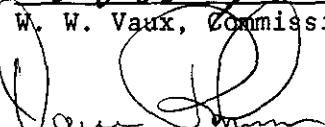




Ruth Wylie, Chairman

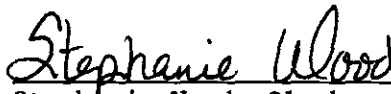


W. W. Vaux, Commissioner



Dave Rohrer, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners