

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Tuesday, September 18, 1990

9:00 a.m. - 9:30 a.m. Public Hearing - Amendments to Skagit County Code: General Penalties (Chapter 1.24).

- 10:00 a.m. - 10:30 a.m.
- 1) Public Hearing - Supplemental Budget - Current Expense Fund #001.
 - 2) Resolution - Authorizing Development Loan Fund Application.
 - 3) Bid Award - Burlington Shop Roof Repair.
 - 4) Resolution - Appointment to Diking District #12 - Mr. Charles Bennett.
 - 5) Resolution - Approval of Issuance of Industrial Development Revenue Bonds of Port of Skagit County Industrial Development Corporation.
 - 6) Resolution - Call for Public Hearing - Determination of Status of Sewer District #3 Pursuant to RCW 36.96.010.
 - 7) Miscellaneous.

2:00 p.m. - 3:00 p.m. Department of Planning and Community Development - Scott Kirkpatrick, Director.

Planning Commission Referred Items:

- 1) (Approval, 7-0) Forest Practice Policies.
- 2) (Approval, 8-0) Agricultural Land Division Policies.
- 3) (Approval, 8-0) Reorganization and Formatting Changes to Skagit County Code Chapter 14.04.

The Skagit County Board of Commissioners met in regular session on Tuesday, September 18, 1990, with Commissioners Ruth Wylie, Dave Rohrer, and W. W. Vaux present.

PUBLIC HEARING - AMENDMENTS TO SKAGIT COUNTY CODE: GENERAL PENALTIES (CHAPTER 1.24)

Chairman Wylie waived the reading of the notice of public hearing, as published in The Skagit Argus on September 4, 1990.

Each commissioner received a copy of the proposed amendment.

John Moffat, Chief Civil Deputy Prosecuting Attorney, indicated that the penalties section of the Skagit County Code is grossly outdated, and needs to be brought up-to-date with current State legislation and a section added to address civil penalties. Mr. Moffat explained that through RCW 7.80, the legislature decided to decriminalize a number of illegal acts, downgrading them from criminal infractions to civil infractions. The County now needs to adopt a procedure to address civil penalties.

Mr. Moffat gave examples of acts that are considered criminal infractions, and those that are civil infractions.

Commissioner Vaux then motioned to close the public hearing, there being no public comment. Commissioner Rohrer seconded the motion, which passed unanimously.

Commissioner Vaux motioned to adopt the resolution amending Chapter 1.24 of the Skagit County Code

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relating to general penalties, as presented by Mr. Moffat. Commissioner Rohrer seconded the motion, which passed unanimously. (Ordinance #12646)

PUBLIC HEARING - SUPPLEMENTAL BUDGET - CURRENT EXPENSE FUND #001.

Chairman Wylie waived the reading of the notice of public hearing, as published in The Skagit Argus on September 4 and 11, 1990.

Mike Woodmansee, Budget/Finance Director, explained that this supplemental budget authorization is necessary to account for \$174,642.00 in extra funding received from the legislature to be utilized for criminal justice purposes. He stated that the proposed resolution places funds in the correct budgets to implement the four month spending plan decided upon by the Board in conjunction with work sessions.

Mr. Woodmansee explained the methods he will utilize for tracking the expenditure of the fund.

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

Commissioner Vaux motioned approval of the resolution authorizing a supplemental budget in the amount of \$174,642 for the Current Expense Fund #001. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12647)

RESOLUTION - AUTHORIZING DEVELOPMENT LOAN FUND APPLICATION.

Notice of the meeting to consider this matter had been published in The Skagit Valley Herald on September 15 and 17, 1990.

Mr. Woodmansee explained that on August 28, 1990, the County was approached by representatives from the Department of Community Development (DCD), Don Wick, EDASC Executive Director, and representatives of Technal, Ltd., for authorization of the Board to submit an application on behalf of Technal, Ltd., to the DCD for a Development Loan Fund Project in the amount of \$300,000. Technal, Ltd., has taken over the old Northwest Petrochemical plant for their business operations plant.

Mr. Woodmansee stated that, regarding environmental review of the project, the Northwest Air Pollution Authority has been designated the lead agency. They have filed a Declaration of Non-Significance for the project, and the project meets with their approval.

Although the County will receive no reimbursement from the fund and is not liable for any default on the loan, it will act as a conduit for the funds.

Loren Hoboy, representing Technal, Ltd., gave information on the type of enterprise conducted by Technal, Ltd., providing photographs of the refurbished Northwest Petrochemical plant. Technal, Ltd., is in the business of using oils, such as those found in pulp mill byproducts and citrus fruit peelings, to create an element that is sold to other businesses that manufacture glues and resins.

Commissioner Vaux motioned to adopt the resolution authorizing the submission of an application to the State of Washington for a Development Loan Fund Project on behalf of Technal, Ltd. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12648)

BID AWARD - BURLINGTON SHOP ROOF REPAIR.

Roger Howard, Facilities Manager, recommended that a bid for the roof repair project at the Burlington Shop be awarded to the low bidder, Scholten Roofing, Inc., for the bid price of \$38,689.25. He indicated that at least two of the bidders had bid the job as though they would be handling friable asbestos, even though the bid specifications indicated that non-friable asbestos only would be handled.

Commissioner Rohrer motioned to adopt the resolution awarding the bid for the repair of the roof at the Burlington Shop to Scholten Roofing, Inc., for the bid price of \$38,689.25. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12649)

RESOLUTION - APPOINTMENT TO DIKING DISTRICT #12, MR. CHARLES BENNETT.

Commissioner Rohrer motioned to adopt the resolution appointing Charles Bennett of Mount Vernon to a vacancy on the governing board of Skagit County Diking District #12. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12650)

RESOLUTION - APPROVAL OF ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS OF PORT OF SKAGIT COUNTY INDUSTRIAL DEVELOPMENT CORPORATION.

Commissioner Vaux motioned to adopt the resolution approving the issuance of non-recourse industrial development revenue bonds of the Port of Skagit County Industrial Development Corporation for the benefit of Smith & Ardussi, Inc., pursuant to RCW 39.84.060. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12651)

RESOLUTION - CALL FOR PUBLIC HEARING - DETERMINATION OF STATUS OF SEWER DISTRICT #3 PURSUANT TO RCW 36.96.010.

Commissioner Vaux motioned to adopt the resolution calling for a public hearing on October 8, 1990, at 1:30 p.m., to determine whether Sewer District #3 satisfies the criteria for being inactive as provided for in RCW 36.96.010, and should be dissolved, or allowed to continue to exist. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12652)

MISCELLANEOUS.

- A. Commissioner Vaux motioned to adopt the resolution authorizing a budget line item change in the amount of \$11,255 for the Current Expense Fund #001 to fund the operations of the new Upriver Services Office. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12653)

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

Planning Commission Referred Items:

Gary Christensen, Associate Planner, explained to the Board their options for action on each of the recommendations. Mr. Christensen stated that the Board may exercise any of the following options:

- 1) To adopt the recommendation of the Planning Commission.
- 2) To remand the matter back to the Planning Commission for further consideration.
- 3) To adopt the Board's own findings of fact and revise as desired.

Mr. Christensen explained that each of the items brought before the Board today have previously been requested of the Planning Commission by the Board, and are the product of study sessions and public hearings held on each issue.

A. Approval 7-0 - Forest Practices Policies.

Jim Cahill, Assistant Planner, read the recorded motion of the Planning Commission, which adopts recommendations 1 through 5 of the Staff Report with modifications summarized as follows:

1. The County should adopt definitions for "conversion" and "lands likely to be converted".
2. The six year moratorium should be mandatory on all undeclared conversions attempted on timber lands where forestry activities have occurred within three years of the forest practices application (FPA) date.
3. County approval should be given for the DNR to reclassify any Class II or III FPA's to Class IV.
4. Recognition should be given to the differences between forest land which is relatively free from re-development pressures and forest land that is or may be experiencing pressure to convert to incompatible forestry uses.
5. A process should be developed for the coordinated, timely review of FPA's.

Attachments to the motion included Attachment A, a definition which has been approved by the DNR for "conversion" and "lands likely to convert", and Attachment B, an algorithm charting the review process for FPA's in Skagit County.

Additionally, the Planning Commission adopted Attachment C, a list of items which shall be studied and discussed at subsequent Planning Commission meetings which pertain to forest practices and policies.

Mr. Christensen explained that there have been issues in which the Board has been involved where FPA's indicate that the land which is being logged will not be converted for three years following logging projects, but has been developed regardless of the conversion notation, because the County presently has no policy to follow. Mr. Christensen stated that the Planning Commission's motion does no more than adopt what is already allowed under the DNR's forest practices act.

Commissioner Vaux noted that one of the larger issues being discussed at a State level is that there is a "certain element" that wishes someone other than county government would be chosen to establish the zone where commercial forest and transition areas divide.

Mr. Kirkpatrick, answering a question posed by Commissioner Vaux, indicated that he does not believe that following the edicts of ESHB 2929 to develop policies for issues such as forest land management is unwise at this time. He indicated that those policies that are developed now will not be supplanted should Initiative 547 replace ESHB 2929.

Mr. Cahill explained to the Board the differences in the classes of FPA's. He indicated that environmental impact increases with each class step. He stated that the County currently receives copies of all FPA applications, and can ask for a reclassification of the permit, should it be deemed necessary.

At this point, Commissioner Vaux motioned to adopt the policy recommendation of the Planning Commission as presented by Mr. Cahill and members of the Planning Department, along with Attachments A, B, and C. Commissioner Rohrer seconded the motion, which passed unanimously.

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B. (Approval 8-0) Agricultural Land Division Policies.

Craig Olason, Assistant Planner, presented the recorded motion of the Planning Commission, which recommends the abolishment of the current Skagit County Guidelines and Policies Pertaining to the Division of Agricultural Lands in favor of the use of current and future guidelines set forth in the Skagit County Code's Chapter 14.04.223. The Code's criteria requires that variances be based on hardships on the land and not on the personal hardships of the landowner.

Commissioner Vaux pointed out that the Planning Commission, in effect, is promoting the "sunsetting" of the County's old agricultural land variance policies.

Mr. Kirkpatrick explained that policies presently exist within the Code which adequately address agricultural variances, making the old agricultural land variance policies, which are independent of the Code, contradictory. He stated that both the Staff and the Planning Commission agree that the Code should be followed when considering agricultural variances. He stated, however, that this does not preclude the need to address farm working housing and agriculture related enterprise, but does preclude variances based on personal hardships of the landowner.

Mr. Kirkpatrick, Mr. Christensen and Mr. Olason each pointed out steady increases in the number of variance requests that have been made over the past five years.

Mr. Olason reviewed with the Board Staff recommendations which have been made to the Planning Commission for Code additions and amendments which will better address agricultural variances.

Mr. Christensen and Mr. Kirkpatrick answered questions of the Board which pertained to specific examples of the application of the Code to agricultural variance requests. Mr. Kirkpatrick indicated that the abolishment of the old guidelines will not apply to previously granted development rights.

Discussion ensued, in which Chairman Wylie pointed out that if the current guidelines are abolished at this time, there will be a time period during which no criteria will exist. She was concerned that for this time period, there will be an inability for farmers to subdivide and sell existing houses from farmable land purchases in order to finance the purchase of a large agricultural parcel.

After much discussion, Commissioner Vaux motioned to adopt the recommendation of the Planning Commission, as presented by Mr. Olason. Commissioner Rohrer seconded the motion, which passed unanimously.

C. (Approval 8-0) Reorganization and Formatting Changes to Skagit County Code 14.04.

Mr. Christensen presented an ordinance which would authorize and approve formatting changes to Chapter 14.04 of the Skagit County Code. The Planning Commission recommends these changes in their recorded motion in order to create a more useful and easily amendable format to the Chapter. Mr. Christensen explained that the amendments do not impose, remove or modify any regulation, therefore no public hearing requirement or SEPA rule applies.

Commissioner Vaux motioned to adopt the ordinance amending the Skagit County Code Chapter 14.04 as described by Mr. Christensen. Commissioner Rohrer seconded the motion, which passed unanimously. (Ordinance #12654)

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Staffing Update.

Mr. Kirkpatrick introduced Jim Freeman, Nookachamps Watershed Grant Administrator.

Update - Growth Management Act/Sphere of Influence Agreements.

Mr. Kirkpatrick reported that last week he met with the Department of Ecology to discuss the roles of the County and the DOE in the authority over wetlands. The DOE representatives encouraged the County to apply for a grant to obtain authority over local wetlands through the adoption of the DOE's recommended *model wetland ordinance*. Instead, Mr. Kirkpatrick suggested to them that the County use current SEPA and WAC rules, adopting no interim ordinances. Staff will then work with the County's attorney and an expert legal advisor to develop a county-wide wetlands policy as an alternative to an ordinance. Concurrently, a wetlands inventory will be made.

Mr. Kirkpatrick asked the Board for permission to follow this approach to the issue, and the Board agreed.

Finally, Mr. Kirkpatrick reported that he has received information that Governor Gardner will strongly support ESHB 2929 over Initiative 547.

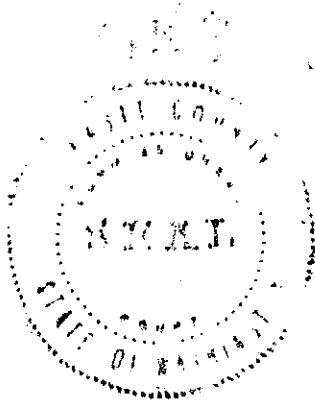
Enforcement Update.

Mr. Kirkpatrick provided a current report on the status of complaints received.

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

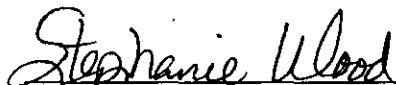


W. W. Vaux, Commissioner



Dave Rohrer, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners