

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

**Tuesday, January 26, 1993**

8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager and Road Supervisors.

9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Dave Hough, Acting Director:

- 1) Discussion - Capital Facilities Plan.
- 2) Discussion - Coastal Zone Management Grant Application - Master Program Amendment Proposal.
- 3) Discussion - Whatcom Water District #12 and City of Burlington Interlocal Sewer Service Agreement with Skagit County.
- 4) Code Enforcement Report.
- 5) Miscellaneous.

10:00 a.m. - 11:00 a.m. Discussion with Mayor Tim Bates, Town of Hamilton:

- 1) Sphere of Influence Agreement.
- 2) Urban Growth Boundaries.

11:00 a.m. - 11:30 a.m. Discussion - Update on New Skagit County Facility.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 26, 1993, with Commissioners Robert Hart, Harvey Wolden and Robby Robinson present.

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - DAVE HOUGH, ACTING DIRECTOR:**

- 1) Discussion - Capital Facilities Plan.

Mr. Hough requested that this item be removed from the agenda, to be discussed at a later date, and the Board concurred.

- 2) Discussion - Coastal Zone Management (CZM) Grant Application - Master Program Amendment Proposal.

Oscar Graham, Shorelines Manager, and Kraig Olason, Assistant Director, gave information.

Mr. Olason provided a map showing the location of each of the hydroelectric projects proposed in Skagit County since 1983. These applications will be impacted by the County's Shoreline Master Management Program.

Mr. Graham explained that based on the number of applications that have been filed for shoreline permit approval in conjunction with these small hydroelectric facilities applications, the Board had earlier directed staff to attempt to obtain grant funding for completing the task of reviewing the applications. Many of these hydroelectric projects fall within Federal Lands within the National Forest. All shorelines within federally owned lands that are subject to the Shoreline Program are designated as natural shoreline areas. Chapter 7.18 of the Master Program prohibits utility development within areas designated as natural shoreline areas. Current Master Program provisions preclude local approval of projects prior to review by the 10-year review process of the Federal Energy Regulatory Commission. For some of these projects, the review period will expire in six months, and some are asserting that their projects are consistent with shorelines programs.

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Mr. Graham provided a draft of a grant application for CZM funds to pay for research and development of Shorelines Program policies which deal with the siting of hydroelectric projects on Federal Lands. Mr. Graham stated that project application within shorelines requires that the County convene some type of citizen process. The stance of the Federal and State governments is that the County is responsible for facilitating this citizen process, and it is the County's position that the State should participate in the expense of this involved process through a grant.

Mr. Graham stated that he will be producing a position paper, with the assistance of the Prosecuting Attorney, regarding the County's position that it is unfair that the County be required to shoulder the burden of reviewing these hydroelectric proposals. This paper will be valuable in amending the Shorelines Program.

Mr. Graham stated that site review will be required for each application to determine if the projects conform to site specific conditions. He explained that it would be incorrect to assume that all Natural Forest areas are actually natural shoreline areas. Some may be clear cut, or contain roads or drainage culverts. Conditions on the site must be documented and the conditions applied to a determination of an appropriate designation within the Shoreline Program.

To summarize, Mr. Graham stated that the Master Program amendment would involve coordination with all agencies, convening a citizen advisory committee, and a good deal of field work by staff. In addition, it will involve the preparation of the position paper earlier described. These are the items that will be funded in the event that the CZM grant is successful.

Mr. Graham explained that if the grant is prepared and is successful, the County is under no obligation to accept the funds, which are available on a 50/50 match with County funds. He provided a draft of a cover letter to accompany the grant.

Commissioner Wolden motioned to approve the submittal of a grant application to the Coastal Zone Management branch of the State Department of Ecology. Commissioner Robinson seconded the motion, which passed unanimously. The Board signed the letter that will accompany the grant application.

3) Discussion - Whatcom Water District #12 and City of Burlington Local Sewer Service Agreement with Skagit County.

Mr. Olason explained to the Board that following the last discussion of the issue of cooperation between the Water District, the City and the County, staff was directed to draw up a draft of a document which would serve the County's purpose. An earlier draft drawn up by representatives of the Water District was rejected by the County last February.

He explained that the issue of the County's involvement in the Water District's affairs stemmed only from the ability to issue land use approval to projects which depend upon the Water District for service. Previously, the Board had directed that the County's objective and purpose under a new agreement would be that the County is assured of:

- Joint pre-approval from Water District #12 and the City of Burlington with assurance of a 24-month duration.
- A five-year period is allowed for completion of the project.
- The project must indicate the estimated gallonage required and that capacity exists to serve that demand.

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To achieve these three objectives, staff must contact both other entities with a draft of an alternate agreement which reflects those three items.

Mr. Olason provided a preliminary draft of an agreement he had produced. He explained that the document's purpose is to assure that the County will be able to approve sewer service connections. The document requires joint pre-approval by Burlington and the Water District which includes the proposed project's needs, that pre-approval is valid for 24 months, verification that capacity is available, and assurance that the applicant is aware of any conditions.

Mr. Olason explained that the document accedes that previous sewer service and owner extensions associated with the previous contract are accepted by Skagit County. Assurances are included that the County is notified prior to sewer service connection. Connection is required within five years of land use approval. Time extension requests are allowed.

The draft will be provided to John Moffat, Chief Civil Deputy, for review prior to submittal to Water District #12 and the City of Burlington.

Margaret Fleek, Planning Director, and Phil Messina, City Supervisor from the City of Burlington were present and indicated that they were satisfied that the County is making progress toward resolving this issue.

#### 4) Miscellaneous.

- A. Mr. Hough stated that Dean Hayes has not attended the last two meetings of the Rural Element Citizen Advisory Committee, and has indicated that he will be spending time in Olympia from time to time in future. Mr. Hough reminded the Board that they had received a request that a representative from Fidalgo Island be included on this committee.

Chairman Hart stated that the Board had reviewed the make up of the Rural CAC this morning in staff meeting and had found the make up of the Board to be appropriate. Chairman Hart felt that Dean Hayes had a great deal of knowledge regarding water availability to contribute to the Committee, and that unless Mr. Hayes wishes to resign, the Board would not consider replacing him, nor would additional members be added to the committee.

- B. Mr. Hough announced that Norm Schaaf, Chairman of the Planning Commission, has submitted his resignation effected February 1, 1993. Dave Hughes is currently vice-chairman, and a decision has not been made yet by the Planning Commission regarding who will replace Mr. Schaaf as Chairman.

The Board wished to honor Mr. Schaaf with some type of recognition for his service on the Planning Commission.

#### DISCUSSION - MAYOR TIM BATES, TOWN OF HAMILTON.

- 1) Sphere of Influence Agreement.
- 2) Urban Growth Boundaries.

Mr. Bates provided a map showing the boundaries of the Town of Hamilton. He demonstrated recent annexations; Sutton Addition and Centennial Addition. Mr. Bates generally indicated urban services boundaries, but these were not marked on the map. Mayor Bates showed properties on an additional map which indicated homes which he stated the Federal Government plans to buy out in a "Hazardous Mitigation Grant" under the "Section 404" program. He demonstrated generally how with the buy out of existing

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housing, the Town of Hamilton intends to move further north. Many homes currently located within the Town limits that will not be moved have had their foundations raised. There is currently no incentive for property owners to relocate further to the north, but Mayor Bates hoped that the Federal Government would at some point offer monetary incentives.

Mr. Olason wished to make clear that any Urban Growth Boundaries adopted at this time are of an interim nature. Additional analysis will be required before adoption of a 20-year Urban Growth Boundary can be accomplished, as required by the Growth Management Act.

Chairman Hart was concerned about the process that the Town has undertaken to determine whether the additional tax base generated by future annexations is adequate to provide services commensurate with urbanization.

Mr. Olason maintained that it is premature to make annexations before final Urban Growth Boundaries are set in July unless there is some critical need. The interim boundaries proposed by the Towns and Cities indicate areas where the County will share information on applications for pending projects with the municipality claiming influence.

Commissioner Robinson brought up the fact that the Town of Hamilton currently has an annexation pending for which the comment period expires on February 10. This is the Carey Lake Addition.

Mr. Olason agreed that it is his position that unless there is a specific project planned, it is inappropriate to annex property simply for the sake of getting land into the Town.

Commissioner Robinson asked if Planning staff has any objection to the interim boundaries proposed by the Town. Mr. Olason and Mr. Hough indicated that the Planning Department staff has no objection to the proposed Sphere of Influence or interim Urban Growth Boundaries proposed.

Commissioner Hart indicated that he has no opposition to the Sphere of Influence or Urban Growth Boundaries proposed, but does not feel that the Carey Lake annexation is appropriate at this point. Commissioner Hart was reluctant to invoke Boundary Review Board jurisdiction if the Town would withdraw and await the later completion of the 20-year Urban Growth Boundary.

Mr. Olason explained that invocation of the BRB provides an additional 120 days in which briefs can be submitted by each effected entity, and a public hearing held by an impartial party (the BRB) and a decision made on whether the annexation will be allowed, modified, or denied.

Mayor Bates stated that he felt that if someone wants to have their property included in the jurisdiction of the Town, they should not be denied. He maintained that all of the items (interim Urban Growth Boundaries, sewer service agreements, Sphere of Influence Agreement) have been provided, as requested by the County following the Sutton annexation, which should allow the Carey Lake Addition to be completed. He did admit a difficulty of the Town to provide services to the area.

Commissioner Robinson pointed out that if the Town cannot show how the Town can provide urban services to new territory within six years, an annexation should not be contemplated.

Mayor Bates' statement was, "if things go the way they say they will be going, there will be no problem providing services..."

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Commissioner Robinson pointed out that the Town has annexed two recent parcels. If it is impossible at this time for the Town to predict when services can be provided to those new annexations, it would be improper to annex additional properties where services will be required.

Mayor Bates countered that this will be the last annexation the Town will be making as long as he is mayor, or at least for three years.

Commissioner Robinson continued to maintain his apprehension regarding the annexation of Carey Lake.

Commissioner Hart indicated that the Board is willing to approve the Urban Growth Boundary and Sphere of Influence area proposed by the Town. Mr. Hough was directed to prepare a resolution indicating the Board's approval. Mayor Bates requested that the Board sign the Town's resolution as well. The Town's resolution will be signed along with the Board's resolution next week.

Tom Karsh, Permit Center Coordinator, asked the Board's permission to bring up an additional topic concerning the Town of Hamilton. He explained that the Baptist Church building project, when first proposed, was located on property within the County. It was later annexed in the Sutton Annexation. The application was reviewed by the County and a permit was issued on September 1, 1992. For many years previously, the County has agreed through an interlocal agreement to provide building inspection within the Town of Hamilton; however, by letter dated September 1, 1992, the Town terminated this agreement in favor of providing an alternate method of building inspection effective August 31, 1992. Requests continue to come in from the builders for inspections for the new church.

Mayor Bates conceded that the Town had terminated the agreement, and is now responsible for the project, but remarked that the building permit had been issued free of charge by the County under a previous mandate of the County for properties suffering flood damage in the 1990 flood.

In light of the fact that the Town recognizes its responsibilities, the Board had no further comment on this matter.

### DISCUSSION - UPDATE ON NEW SKAGIT COUNTY FACILITY.

Roger Howard, Facilities Manager, introduced Lowell Larson and Kirk Albright, consultants working on the County's plans to construct a new public building adjacent to the current courthouse complex.

Mr. Larson provided a map showing a portion of the Administration Building, the street on the south, Myrtle Street, and the County property where previously Blade Chevrolet had been located. A 69,000 square foot building is being planned. The second floor would connect via a pedestrian walkway to the Administration Building. The Permit Center and Planning Department would comprise the first floor. A sally port for delivery of ballots for the elections vault would also be located on this floor. The second floor will contain the Auditor's Office. The Assessor and Treasurer Offices will occupy the third floor. The fourth floor will house the Prosecuting Attorney's Office. The balance of the fourth floor contains mechanical equipment. Stairways and elevators provide access to the entire building.

Mr. Larson showed a graphic representation of the pilings necessary to construct the building. The entire building would be served with air conditioning. A curved roof has been chosen for the building to reduce maintenance requirements. Artistic renditions of the exterior of the building and of preliminary landscaping plans were shown. Cost for the building is estimated at \$6.9 million. Mr. Larson stated that it is anticipated that bid documents will be released by the end of March.

ADJOURNMENT:

Commissioner Wolden motioned to adjourn the proceedings. Commissioner Robinson seconded the motion. The motion was carried unanimously.


BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
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Robert Hart, Chairman

  
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Harvey Wolden, Commissioner

  
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Robby Robinson, Commissioner

ATTEST:

  
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Stephanie Wood, Clerk  
Skagit County Board of Commissioners

