

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

**Tuesday, August 10, 1993:**

- 9:00 a.m. - 10:00 a.m.            Department of Planning and Community Development - Dave Hough, Director:
- 1)     Discussion on Transportation Citizen Advisory Committee Members.
  - 2)     Code Enforcement Report.
  - 3)     Miscellaneous.
- 10:00 a.m. - 11:30 a.m.        Planning Commission Recommendations:
- 1)     Approval - Amendments to Skagit County Code 7.02 - Aquaculture; and Skagit County Code 14.28 - Shoreline Management Master Program.
  - 2)     Approval - Amendments to Skagit County Code 14.04.155 - Temporary Signs Advertising Seasonal Agriculture Products.
- 1:30 p.m. - 3:00 p.m.            Appeal - Special Use Permit #SPU-92-108 for Chuckanut Crest Golf Course, Colony Road and Hobson Road, by Habitat Watch.
- 3:00 p.m. - 4:00 p.m.            Work Session - Solid Waste Disposal Rates.

The Skagit County Board of Commissioners met in regular session on Tuesday, August 10, 1993, with Commissioners Robert Hart, Harvey Wolden, and Robby Robinson present.

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

- 1)     Discussion on Transportation Citizen Advisory Committee Members.

Mr. Hough stated that it is planned for the Transportation Citizen Advisory Committee (CAC) to have approximately 10 members. He said that 10 to 14 members have been working the best on the other citizen advisory committees. Mr. Hough said that members can be selected in various ways. There is a list that was compiled about a year ago of interested persons to select from; advertisements can be issued; or the Commissioners and Planning staff may recommend people to the Board that they feel may be interested. Mr. Hough stated that a couple of the cities have made recommendations. He felt that citizens from transportation corridors would be interested.

Commissioner Robinson stated that a Highway 9 committee was formed previously where the citizens opposed the Washington State Department of Transportation's (WSDOT) plan to widen the highway. The citizens wanted it to be designated a scenic highway.

David Baltz, Transportation Planner, said that WSDOT decided to perform an entire corridor study of SR 9 through all three counties. When complaints began, WSDOT decided to postpone any studies until the counties completed their transportation studies. The WSDOT will determine what action to take based on the outcome of the studies performed by the counties.

Chairman Hart said that if there are people who are interested in being on the Transportation CAC, the Board would like to know who they are. He requested that a list be compiled for the Board to review.

Mr. Hough asked whether the Board approved of advertising for interested parties. He said that there has been good response in the past. Mr. Hough said that he would like to place an announcement with the local media and compile a list for the Board to review in a couple weeks. Mr. Hough stated that Jim Cahill, Assistant Planner, will be the staff facilitator on the CAC. Mr. Cahill has compiled a proposed schedule for the Transportation Element.

Jim Cahill, Assistant Planner, stated that the schedule provided for the Board's review was a rough outline. The proposed schedule was divided into two phases. Phase I will include the collection and preparation of background information for the CAC; Board review and selection of recommended CAC members; and CAC orientation and meetings. Mr. Cahill hopes to have a Draft Transportation Element by January 15, 1994.

Phase II will include staff review of the draft and staff report preparation; review of the staff report with the CAC; final CAC version of the Transportation Element reviewed by the Planning Commission; and SEPA review and preprocessing. Mr. Cahill estimates final adoption of the Transportation Element by the Board around July 31, 1994.

Mr. Baltz stated that the Public Works Department will be involved in the preparation of the Draft Transportation Element and feels that the January 15, 1994, deadline may not be possible to meet.

Commissioner Robinson questioned how the Transportation Element will fit with the Regional Transportation Planning Organization (RTPO).

Mr. Baltz stated that with the CAC representing the incorporated areas and focusing on County issues, the Transportation Utility will be creating a model for unincorporated areas and the total County. When an efficiency analysis is completed it will feed into the regional plan. Mr. Baltz said that there will be a close link between the CAC and the Transportation Utility; and the County and city policies will merge into the regional plan. He stated that the unresolved issue is public involvement for the RTPO. There has not been much planning for public involvement for the regional plan.

Commissioner Robinson stated that there needs to be a coordination of the various transportation segments.

Mr. Baltz stated that the Port of Skagit County is doing the air, water, and rail segments. All segments will have to be pulled together, which is a coordination never attempted before.

Commissioner Wolden stated that even though all the entities are in the planning process, it does not mean they will achieve each plan; they will have to be coordinated.

2) Code Enforcement Report.

The Code Enforcement Report was presented to the Board.

3) Miscellaneous.

- A) Chairman Hart requested Kraig Olason to investigate the possibility of receiving grants for conservation easements for the Planning Department, as referenced in the report from the Association of Counties.

**MISCELLANEOUS**

- A) Connie Carter, Clerk of the Board, presented a Parking Lot Lease Agreement to the Board for approval and signature with Tony Pickering for approximately 40,000 square feet of property, Lot "A" of Short Plat Number N.V.-7-81; commencing August 1, 1993, and terminating October 31, 1993, after which there is the option to lease month-to-month. Rent is \$900 per month. (Contract #01734).

**PLANNING COMMISSION RECOMMENDATIONS:**

These items were taken out of order as a matter of time conservation.

- 2) Approval - Amendments to Skagit County Code 14.04.155 - Temporary Signs Advertising Seasonal Agriculture Products.

Jeff Morgan, Associate Planner, stated that the vote was 6 - 0 for approval from the Planning Commission on the amendments to Skagit County Code 14.04.155 for the signage of Seasonal Agriculture Products. Mr. Morgan said that this will allow for the farmers to advertise the sale of their crops on large enough signs for passersby to see without needing to slow down. The language to be added is as follows:

- (e) Temporary signs advertising seasonal agricultural products, 12 square feet or less in size (Note: Signs shall be removed when products are not available for sale).

Chairman Hart motioned to uphold the recommendation for approval from the Planning Commission as presented. Commissioner Wolden seconded the motion, which carried unanimously.

- 1) Approval - Amendments to Skagit County Code 7.02 - Aquaculture; and Skagit County Code 14.28 - Shoreline Management Master Program.

Oscar Graham, Senior Planner, stated that the vote was 6 - 0 from the Planning Commission for approval of the subject Code Amendment. A synopsis was previously provided to the Board for review. Mr. Graham stated that a CAC convened in 1991 for preparing the amendments. He read the names of the committee members into the record as follows:

Dana Rust, Shirley Viscalla, Bill Ryan, Paul Cassidy, Janet Finn, James Carrell, Paul Blau, Earl Cahail, and Jim Sanford.

Mr. Graham stated that he wanted to have the committee members mentioned on the record in recognition of the fine job they performed on the code amendments.

Mr. Graham stated that the amendment addresses more than net pens, it includes all aquaculture. He felt that a flexible document was created that will survive for a long time. He said that he hadn't anything further to add and asked for questions from the Board.

Chairman Hart stated that he was very impressed with the process that was followed. He recognized that this was a sensitive issue, and there were several years that the CAC and Planning staff worked on the project.

Commissioner Wolden concurred.

- Martin Corin, 101 Biz Point Road, Anacortes, addressed the Board. Mr. Corin stated that when he testified in December to the Planning Commission, he voiced that he felt there was an inefficiency in the process of the revision in SCC 7.02. He felt that the Board should recommend that the Planning Department improve the notification to the public. He felt that the requirement to notify citizens within 300 feet of a proposed development, was inadequate when dealing with waterfront properties. Mr. Corin asked that the Board recommend or direct the Planning Department to change the 300 foot rule when waterfront property is involved.

- Dale LaCross, 405-B Guemes Island Road, Anacortes, addressed the Board. Mr. LaCross felt that a workable document was developed. He also felt that additional problems existed with the notice being only in The Skagit Argus. He felt that another notification process should be developed and special interest groups should be included.

- Cameron Shultz 5502 Sunset Avenue, Anacortes, stated that the Yacht Club, and Tug Boat Operators Association would need notification also.

- Carol Ehlers, Anacortes, stated that this code change represents an important recognition of an industry that has been a significant improvement for the marine economy and boating industry.

Mr. Graham stated that when water surface is involved, all newspapers are contacted.

Ms. Ehlers suggested sending one notification to prospective interest groups regarding meetings so they can notify their members.

Chairman Hart motioned to approve the Planning Commission recommendation as presented.

Commissioner Robinson seconded the motion, which carried unanimously.

**APPEAL - SPECIAL USE PERMIT #SPU-92-108 FOR CHUCKANUT CREST GOLF COURSE, COLONY ROAD AND HOBSON ROAD, BY HABITAT WATCH.**

Dave Hough, Planning Director, stated that he submitted a memo to the Board last week summarizing Skagit County Code 14.04.240(16)(c) relating to appeals of Hearing Examiner decisions. He said that there were three options available to the Board regarding the appeal:

1. Deny the request and allow Hearing Examiner's decision to stand.
2. Remand the matter for reconsideration by the Hearing Examiner.
3. If the Board believes the Hearing examiner's decision is not supported by substantial evidence, the Board may adopt its own findings, conclusions and decision based upon the record made before the Hearing Examiner.

Mr. Hough had provided the following to the Board to review:

1. Appeal of the Hearing Examiner's decision.
2. Hearing Examiner's decision on reconsideration request.

3. Hearing Examiner's decision on special use request.
4. Staff report.

Chairman Hart requested that Stephanie Wood, Administrative Coordinator, identify for the record any additional information received.

Ms. Wood stated that in addition to the information in the Board's packets, correspondence was received from Richard Langabeer, on behalf of the proponent; David Yamashita, Bob Huddleston, and Linda Storbakken.

Chairman Hart stated that he understood the appellants to believe that an error of judgement was made regarding the protection of natural resources and fisheries.

John Moffat, Chief Civil Deputy Prosecuting Attorney, stated that any questions or comments received at this meeting should refer to one of the three options that are available to the Board. He emphasized that there will be no taking of new evidence.

Chairman Hart called for comment from the other Board members.

Hearing none, Chairman Hart stated that he had reviewed the information, recognized that the subject property is a sensitive area, and felt that a lot of voluntary mitigation had been made by the proponents. He said that the Washington State Department of Ecology and other agencies will have to be in concurrence before the project can continue.

Mr. Hough concurred.

Chairman Hart questioned whether the County has the ability to enforce the mitigation requirements. He said that in the past mitigation has not been regularly enforced and there have been harmful results.

Mr. Moffat stated that he had not looked into the specifics of enforcement. He said that it is a requirement of the Planning Department to enforce conditions placed on proposals. The Skagit County Code contains provisions for modifying or rescinding permits that are not complied with. If a proposal is granted subject to conditions, the applicant must comply with those conditions unless they appeal the conditions.

Chairman Hart stated that he was looking for reassurance that the County has the ability and authority to enforce any conditions placed on the project.

Commissioner Robinson stated that he understood that if the permitting process is approved, there will be on-site inspections to verify each condition is complied with.

Mr. Hough stated that since the construction of the project will not happen immediately, he felt it important to have an independent, on-site inspector. The inspector will be hired and paid by the County; and the proponent will reimburse the County for the inspector's fees.

Members of the audience asked where the condition was in the recommendations regarding hiring an inspector.

Mr. Hough read Condition Number 7 of the Hearing Examiner's Decision into the record:

The applicant shall agree to provide reimbursement to Skagit County for consultant services for third party review of all final design plans.

An unidentified member of the audience asked what qualifications will be required of the on-site inspector.

Mr. Hough stated that the inspector will be an expert consultant from a firm that is familiar with the types of mitigative requirements imposed on the project.

Belinda Chambers, Habitat Watch, asked if it was spelled out specifically in the recommendations to have a full time, on-site, daily inspector.

Mr. Hough read Condition Number 8 of the Hearing Examiner's Decision into the record:

The applicant shall agree to maintain the major development fee deposit that will, in addition to the normal charges, provide for an on-site inspector during construction.

Chairman Hart stated that after reviewing the information he felt that this is a case where the developer is willing to cooperate, and has been cooperating. He stated that the County will need to be sure that when conditions are set they are also complied with.

An unidentified member of the audience asked if the County had jurisdiction if a transgression occurs.

Mr. Hough stated that yes, as stated by Mr. Moffat, the County has jurisdiction and can suspend or revoke a permit if any of the conditions are violated.

- Ranger Kidwell-Ross, stated that he was concerned that the backers had not been required to sign their personal names to the project. If the backers are not willing to sign personally for mitigation, what prevents them from selling to someone else after the natural resources are ruined. He wondered who would then be responsible.

Mr. Hough read Condition Number 16 of the Hearing Examiner's Decision into the record:

The Skagit County Department of Planning and Community Development shall be notified of any change of ownership or operator and the acceptance of the conditions of the permit by the new owner or operator. Lack of notification of the change of ownership or a change in operator shall be cause for immediate revocation of this permit.

Mr. Kidwell-Ross asked what kind of liability bond was posted by the proponents to cover mitigation costs.

Chairman Hart asked whether there was an inclusion of a liability bond in the recommended conditions.

Mr. Hough stated that the State Departments of Fisheries, Wildlife, Ecology, and Health will require a liability bond or deposit of funds into an account before permitting will be allowed.

Don Hoye, felt that the opponents of the project were foreseeing worst case scenarios regarding the project. He felt that a worst case scenario was not likely to occur. He said that there are 53 golf courses in Palm Springs, California, that all have had no drainage problems. There are three courses north of Burlington - Avon Links, Skagit Golf and Country Club, and Lake Padden Golf Course; they have had no problems. Mr. Hoye stated that he conducted research and found that not all chemicals used by the courses are detrimental to fish or natural habitats. Some of the chemicals are organic. Malathion is a derivative of the pyrethrum plant and is not harmful. He said that most spraying is done in the summer when there is no runoff, no storms, and any hazard has disappeared. Mr. Hoye felt that an inspector of the project did not need to be an expert to tell if the required conditions were being complied with.

- Debbie Aldrich, Bow, addressed the Board. Ms. Aldrich requested the Board to select the option to make their own findings and determinations based on the Hearing Examiners' record. She felt that the Hearing Examiners in Skagit County do not understand growth management. She said that the Hearing Examiner did not look at the report from Fisheries. Ms. Aldrich didn't see a way that the proponents could resolve a water contamination situation when there is no PUD water in the area, only wells. She felt that it would not be scientifically possible for the proponents to live up to the mitigative requirements.

- Ms. Cora Ryan, Hobson Road, property owner and resident adjacent to the proposed golf course, addressed the Board. Ms. Ryan stated that she felt the Hearing Examiner conducted a fair hearing and requested that the Board uphold the Hearing Examiner's decision.

Chairman Hart asked the other Board members if they were prepared to make a decision.

Commissioner Robinson stated that he did not feel the Hearing Examiner made any errors in his findings and decision, and motioned to uphold the Hearing Examiner's decision.

Commissioner Wolden seconded the motion.

Chairman Hart asked what the proper procedure is to be sure that proper mitigation requirements are followed.

Mr. Hough stated that the conditions are designed so that mitigation is required on designs and methods: drainage, wetlands, Department of Ecology review, water rights, and Corp of Engineer's hydraulics permit. All the required mitigation designs and methods have to be approved before ground breaking can occur. All critical areas will be inspected for compliance and there will be an inspector on site to be sure the requirements are being followed.

Chairman Hart stated that there was a motion and second on the floor, and called for a vote. The vote carried unanimously..

Mr. Delbert Ryan, Hobson Road, property owner and resident adjacent to the proposed golf course, addressed the Board. Mr. Ryan stated that he and his wife own 40 acres that border on the west side of the proposed project. He said that drainage problems have magnified since the site was logged two or three years ago. Mr. Ryan felt that the installation of the proposed golf course will improve the drainage situation.

An unidentified member of the audience asked if there will be any more meetings regarding the proposed project.

Chairman Hart stated that the meetings have been held.

Mr. Hough stated that this is the end of the County meetings regarding this project at this point.

Ms. Aldrich asked who would get sued if the water is contaminated, the proponent or the County.

Chairman Hart stated that he did not know. He stated that the Puget Sound Water Quality Authority performed studies that show that home owners in our Puget Sound area use more chemicals than the agricultural farmers in Western Washington.

Mr. Ryan stated that the subsoil in the site area is clay that is 100 feet thick. He felt that there would be no way that chemicals could get to the water table.

Ms. Aldrich felt that there was a problem with the Hearing Examiners, and that they did not understand Growth Management. She suggested that it be made certain that they have copies of the Growth Management Act (GMA).

Mr. Kidwell-Ross stated that he agreed with Ms. Aldrich. He said that non-adherence to the GMA will get the County in trouble in the long run. He said that as a member of Habitat Watch he was disappointed that they did not get a letter notifying them of the meeting.

Mr. Hough stated that notification of all parties involved is a procedure. He and Ms. Wood apologized for the oversight.


BOARD OF COMMISSIONERS  
SKAGIT COUNTY

  
Robert Hart, Chairman

  
Harvey Wolden, Commissioner

  
Robby Robinson, Commissioner

ATTEST:

  
Connie Carter, Clerk of the Board

