

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

**Tuesday, December 14, 1993:**

7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.

8:30 a.m. - 9:00 a.m. Work Session - Operations Superintendent/Road Supervisors.

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

- 1) Discussion - Contract Extension with Geomatics International for Mapping.
- 2) Discussion - Conservation Easement and Transfer of Development Rights.
- 3) Code Enforcement Report.
- 4) Miscellaneous.

1:30 p.m. - 3:00 p.m. Work Session - Skagit County Fair Free Admissions Proposal.

3:00 p.m. - 4:00 p.m. Work Session - 1993 Weed Harvesting Program and Planning for 1994.

The Skagit County Board of Commissioners met in regular session on Tuesday, December 14, 1993, with Commissioners Robert Hart, Robby Robinson, and Harvey Wolden present.

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

- 1) Discussion - Contract Extension with Geomatics International for Mapping.

Kraig Olason, Assistant Director, stated that originally staff had anticipated completing the contract with Geomatics International on December 15, but it now appears that additional time will be needed for mapping services with respect to urban growth boundaries mapping. The extension should run through the period of the land use element development, which will incorporate the maps produced, and so an extension until March 31 is proposed.

Chairman Hart stated that the Board is requiring that each department work with the County's Mapping Services Department to assure that mapping data is consistent with the County's GIS mapping system. This avoids duplication of services as the mapping data gathered by one department does not have to be reformatted by the Mapping Department to be acceptable to the GIS system.

Mr. Olason indicated that the contract is not yet ready for signature, but if the Board concurs, it can be placed on the Consent Agenda for Monday, December 20. The Board agreed.

- 2) Discussion - Conservation Easement and Transfer of Development Rights.

Mr. Olason gave an update on the development of a Conservation Easement Program for Skagit County.

Mr. Olason reviewed the following steps necessary to implement the program:

- 1) Develop outline for conservation easement process
- 2) Develop a generic Memorandum of Understanding (MOU) to be used with participating conservation easement organizations.

Chairman Hart discussed the need to prevent out-of-county conservation carriers from using Skagit County as a means to promote development in other counties. Mr. Olason felt that a carefully crafted MOU would prevent this possibility. Mr. Olason felt that an inventory of what organizations and programs are capable of providing conservation easement stewardship should be undertaken to assist in the development of the program.

Chairman Hart mentioned that a market is critical in order to make transfer of development rights programs successful. Mr. Olason agreed that transfer of development rights depends on incentives. Mr. Olason noted that cooperation of multiple jurisdictions, i.e., the county and incorporated cities, is also necessary for the success of transfer of development rights programs.

Mr. Olason continued with his outline for program implementation:

- 3) Recording and tracking of conservation easements must be developed. Use of existing computer programs, such as the permit processing program being used by the Permit Center, should be utilized for tracking of easements.
- 4) Informational and educational efforts must be made. Examples are:
  - meeting with all groups involved with conservation easements
  - meeting with lending organizations
  - general informational meeting, targeting agricultural land owners
  - meeting with development community

Mr. Olason provided a draft of procedures necessary for the approval of conservation easements.

- 1) Landowner contacts Planning Department to discuss application.
  - Staff verifies that project qualifies
  - Staff verifies legal lot of record, buildable lot
  - Copy of property title provided by applicant, lien holders researched
  - Legal description and assessor's map provided by applicant
  - Site analysis performed, site suitability determined
- 2) Letter prepared to approved conservation organization which contains:
  - Statement that applicant meets requirements
  - Description of applicant's proposal
  - Includes background information
- 3) Applicant meets with conservation organization to deliver packet containing letter and materials.
  - Applicant decides whether or not to proceed.
- 4) Conservation organization notifies County by letter of agreement to proceed.
  - Conservation organization drafts conservation easement, notifies appropriate parties
- 5) County representative, conservation organization, applicant meet to review agreement.
  - County adopts conservation easement.
- 6) Conservation organization adopts conservation easement by resolution.
- 7) Conservation organization notifies County of adoption of conservation easement, provides written verification.
- 8) Hold placed on land use building approvals for receiving properties until official proof of recording with County Auditor's Office has been received by County.
- 9) Files maintained by County on each easement which contains yearly report by conservation organization.

Chairman Hart asked if jurisdictions where significant conservation easements exist track easements using a system similar to that proposed by Planning staff. Mr. Olason stated that a more complicated process for tracking of easements had been originally proposed by staff, but was later rejected as unworkable. The present proposal represents the minimum necessary for easement tracking. As the possibility of the dissolution of an easement organization always exists and the perpetuity of the County is established, Mr.

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Olason stated that it is appropriate for the County to maintain files on the County's conservation easement program. Based upon discussions with a local conservation organization, Skagitonians to Preserve Farmland, the proposed program adequately addresses a process to develop conservation easements.

Commissioner Wolden mentioned the need to require surveys; however, Chairman Hart felt that the cost of a survey is prohibitive to the process of conservation easement development.

Dale Hayes, 202 Edith Point Road, Anacortes, asked to address the Board. He stated that he is a Board member of the San Juan Preservation Trust which hold land trusts and conservation easements in 11 of the San Juan Islands, including Guemes Island and the western side of Fidalgo Island on Burrows Bay. He stated that he feels it is important to recognize that being able to build and to make money is important to some, but there are some who are more interested in the prospect of preservation of land. Mr. Hayes remarked on the hazardous nature of the Burrows Bay area for building. The preservation of the Burrows Bay property occurred because 22 of the property owners purchased property in bankruptcy court and later turned it over to the San Juan Conservation Trust to prevent any building on the property. The San Juan Conservation trust was used because of its reputability. Mr. Hayes stated that the group of property owners only discussed their efforts two or three times by phone with County staff, and staff was very helpful at that time. He encouraged that the process be kept simple, eliminating the need to involve legal counsel. Remarking on the possibility of the failure of a trust, Mr. Hayes suggested that the County find an alternate trust which is established and viable, that would agree to manage any failing trusts.

Mr. Hayes asked if Mr. Olason felt that any additional employees will be required to manage the conservation easement program. Mr. Olason replied that the procedures proposed are those necessary to administer a portion of the Skagit County Code. This is different than developing an independent program such as that developed by a conservation organization. Mr. Olason indicated that the Planning Department is undergoing a shift in focus from shortplats and longplats to cluster development and conservation easements, which may or may not add to the current staff's workload and require additional staff.

A final suggestion, Mr. Hayes stated, was to contact the San Juan County government in Friday Harbor, as they have been dealing with conservation easements for quite some time.

3) Code Enforcement Report.

This item was provided for review.

4) Miscellaneous.

- A) Mr. Olason provided a letter from Linda Maxson of the National Oceanic and Atmospheric Administration and Shorelands Program (NOAA) inviting the Board to attend a meeting on Thursday, December 16, at the Padilla Bay National Estuarine Research Reserve from 10:30 a.m. to 12:30 p.m., to discuss a partnership between the State of Florida and NOAA with the notion of applying some of the information from this program to the proposed Northwest Straits National Marine Sanctuary Program.

The Board briefly discussed this program with Mr. Olason, who indicated that he would be attending this meeting. The Board had previously joined with San Juan and Island County to send a joint letter to NOAA regarding the proposed program.

- B) Tom Karsh discussed with the Board a recent letter from residents of the Clear Lake area, who are the focus of an enforcement action because of septic systems draining directly into nearby Mud

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Lake. The letter was critical of staff's handling of the enforcement action, but Mr. Karsh stated that the group lacks any plans for a solution.

Commissioner Robinson suggested that the Board reply that the County is willing to work with their organization, but that a plan to correct their problems will be required by the next construction season. Mr. Karsh also felt that the neighbors should be notified that the County must conform to the requirements in the Skagit County Code. Mr. Karsh wished to respond to the letter, and the Board agreed that a response from the Permit Center would be adequate without the Board's personal response.

- C) Chairman Hart motioned to approve for signature a modification to Contract/Grant Agreement #93-3170-21 with the Northwest Regional Council on behalf of the Senior Services Department, to provide an additional \$12,519 for congregate and hot home delivered meals by the Senior Services Nutrition Project during 1993. Commissioner Robinson seconded the motion, which passed unanimously. (Contract #1522)
- D) Chairman Hart motioned to approve for signature a modification to Contract/Grant Number 93-3150-19 with the Northwest Regional Council on behalf of the Senior Services Department, to provide for a variety of budget line item changes to complete 1993. Commissioner Wolden seconded the motion, which passed unanimously. (Contract #1520)

Commissioner Wolden was absent for the following items:

- E) Chairman Hart motioned to adopt the resolution authorizing a budget line item change in the amount of \$19,000 in the Current Expense Fund, \$400 in the Emergency Management Fund, and \$2,500 in the Human Services Fund. Commissioner Robinson seconded the motion, which carried and was so ordered. (Resolution #15164)
- F) In accordance with action previously taken, Chairman Hart motioned to adopt a resolution authorizing the submission of an application for a Community Development Block Grant on behalf of the Skagit Community Action Agency. Commissioner Robinson seconded the motion, which carried and was so ordered. (Resolution #15165)
- G) In conjunction with the previous item, and to satisfy the criteria for grant application, Chairman Hart motioned to approve a resolution adopting a policy protecting individuals engaged in nonviolent civil rights demonstrations, which had previously received the approval of the Sheriff's and Prosecuting Attorney's Offices. Commissioner Robinson seconded the motion, which carried and was so ordered. (Resolution #15166)
- H) Again, in order to satisfy the criteria for grant application for a previous item, Chairman Hart motioned to adopt a resolution adopting a policy to ensure fair housing, as provided under the Federal Fair Housing Act, in Skagit County. Commissioner Robinson seconded the motion, which carried and was so ordered. (Resolution #15167)
- I) 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.

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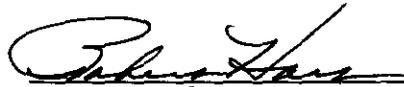
As of this date, December 14, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Voucher #98051 in the total amount of \$3,880.00. Transmittal #R29-93.

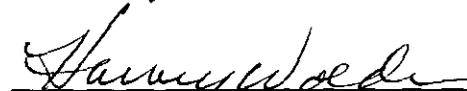
**ADJOURNMENT:**

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

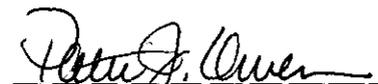
**BOARD OF COUNTY COMMISSIONERS**  
**SKAGIT COUNTY, WASHINGTON**

  
\_\_\_\_\_  
Robert Hart, Chairman

  
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Robby Robinson, Commissioner

  
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Harvey Wolden, Commissioner

**ATTEST:**

  
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Patti Owen, Clerk  
Skagit County Board of Commissioners