

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

January 25, 1994

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

8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/District Maintenance Supervisors.

9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director

- 1) Discussion - Centennial Water Quality Grant Program Opportunity.
- 2) Discussion - Interim Impact Fees.
- 3) Code Enforcement Report.
- 4) Miscellaneous.

10:00 a.m. - 10:30 a.m. Discussion - Extensions of Utility Boundaries - Review by Boundary Review Board (Carole Korelin).

10:30 a.m. - 11:00 a.m. Bid Award Recommendation - Sheriff's Office Alterations.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 25, 1994, with Commissioners Robert Hart and Robby Robinson present. Commissioner Wolden's absence was excused.

PLANNING DEPARTMENT - Dave Hough, Director.

1. **Discussion - Centennial Water Quality Grant Program Opportunity.**

Kraig Olason, Assistant Planning Director, informed the Board that it is time again to apply for a Centennial Watershed Grant, if the County so desires. Basically, Mr. Olason stated, there are three watershed grants currently in place and an additional grant is active but has not yet been signed. Also, the State statute provides that watershed ranking be reviewed on a five-year basis, and the County is about one year overdue in reviewing the watershed ranking.

Commissioner Hart expressed his concern that the development of watershed plans takes an extremely long time and a commitment from many people, and asked Staff for suggestions on how this process can be streamlined or combined.

Mr. Olason stated that Planning Department Staff have looked at evaluating the process and implementation of grant preparation for watershed grant applications. One factor to consider is that the County becomes the lead agency, and consequently the County's responsibility level is high. Planning efforts should be directed to coordinate and integrate with other plans and to utilize other agencies. Mr. Olason stated that he feels this is a good opportunity to emphasize the unique characteristics of each watershed grant while standardizing the overall general provisions common to each one. The concern of the Planning Department is that time and effort is wasted if the grants are not obtained.

Mr. Olason suggested that the County should attempt to develop an overview of all of the watershed grants and also attempt to obtain the Centennial Water Quality Grant by evaluating the current program approach, looking at the time and dollar commitments, identifying specific costs and the likelihood for total plan implementation, extrapolating the cost, both time and moneywise, for each watershed. It should be determined, Mr. Olason stated, how many of the watersheds are deserving of a specific plan effort.

Mr. Olason reiterated that today he is only asking the Board for approval to follow through and put together

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a proposal for the Centennial grant. The Board agreed that this is a timely and appropriate task for the Planning Department.

2. Discussion - Interim Impact Fees.

Paul Carr, Planning Department Staff, advised the Board that the Skagit County Impact Fee Committee will hold its first meeting this week. He further advised that Staff will be asking the committee to look at the Impact Fees already established by the Incorporated Cities and School Districts, asking them to look at the relevance of adopting those fees for the County. In the interim and until the committee finishes its work, the County has been asked by the Conway School District to review their proposed Impact Fee Program and adopt it for implementation. The Conway School District has expressed their feeling that having the School Impact Fees in place will help their upcoming School Bond Election. Planning Department Staff have had some preliminary discussion with other school districts and they, too, would like the County to adopt their Impact Fee Programs. However, Mr. Carr advised, until the Citizens Impact Fee Committee finishes their work, the County could only recommend adoption of any ordinance on a 120-day interim basis. A draft ordinance has been prepared.

Brian McGinnis, a member of the Impact Fee Committee, suggested that the Conway School District should participate in a public hearing and collect input from the general population. He stated this is a lengthy process, but a necessary process.

The Board advised Mr. Carr to keep the Conway School District advised of the progress being made by the Impact Fee Committee, and urged an expeditious adoption of the impact fees for the County.

3. Code Enforcement Report.

The Code Enforcement Report was provided for review.

4. Miscellaneous.

A. Tom Karsh, Planning Department Staff, reported that he and Commissioner Hart attended a meeting last evening of the Edison/Blanchard sewage committee with the State Department of Ecology present. The two entities shared funding information and advised that the Board will eventually receive a request to sponsor a wastewater facilities plan for Blanchard and Edison, with the concept that individual on-site repairs will be the solution to their sewage problems. The sewer committee will request the County to sponsor an application to the DOE for a wastewater facilities plan. It needs to be determined if the County will pay for this plan, or if Blanchard and Edison should form a utility district to pay these costs. The estimated costs are in the range of \$50,000 to \$60,000.

Commissioner Hart expressed his opinion that this group of people is very interested in solving their problem and is taking an active part in solving their problem.

B. Oscar Graham reviewed with the Board his attendance at the President's Council on Sustainable Development last week.

C. Kraig Olason advised the Board that a contract will be presented to the Board for signature for the conservation districts annual contract. The contract will be identical to the contracts of previous years and

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will be placed on the Consent Agenda for next week.

D. Dave Hough reminded the Board that the Planning Department will be closed this Thursday afternoon for an off-site Staff Meeting.

DISCUSSION - EXTENSIONS OF UTILITY BOUNDARIES - REVIEW BY BOUNDARY REVIEW BOARD.

Carole Korelin, Boundary Review Board, reviewed with the Board a memorandum prepared concerning the extensions of utility boundaries. The Boundary Review Board (BRB) is concerned at this point that the County may not be in compliance with state law, and has instructed Ms. Korelin to request time to present the history of this issue to the current Board of County Commissioners for their information.

Ms. Korelin advised the Board that RCW 36.93.090 (5) states that notices shall be filed with the BRB for "the extension of permanent water or sewer service outside of its existing corporate boundaries by any city, town or special purpose district." In its attempt to comply with this portion of its legal mandate, fierce opposition has been experienced and the opposition's position was that legislation creating a coordinated water system plan (RCW 70.116) was enacted after RCW 36.93, and eliminated BRB authority to review extensions of water service outside of corporate boundaries after the coordinated water system plan was in place.

John Moffat, Prosecuting Attorney, requested an opinion from the State Attorney General's office. In 1991 an AGO was received stating that when a coordinated water system plan is in place in a county, the statute giving the BRB authority is overridden. In 1993 the issue became the focus of a Spokane County Superior Court case. Although other issues were involved in this case, the court did find that the BRB statute remains valid, and that extensions of service outside of corporate limits are subject to BRB review as per RCW 36.93.090(5). This finding, according to the court, was substantiated by the legislature itself when, in 1992, it amended the portion of RCW 36.93 addressing the issue of BRB jurisdiction in service line extensions, but deliberately did not amend the authority of the BRB to review such extensions.

Ms. Korelin expressed to the Board the BRB's concern that Skagit County may not be in compliance with state law, and wanted to inform the board of the history of this issue. She assured the Board that the BRB is not necessarily requesting that any action be taken at this time.

Commissioner Hart asked Mr. Moffatt if the County is leaving the BRB in an unwarranted position. Mr. Moffatt stated that the legislature gave the commissioners the right to adopt a resolution that the BRB does not have a role in particular extensions and that the Board can invoke its jurisdiction in the process, if so desired.

David Hough, Planning Department Director, stated that to his knowledge the extension of major sewer or water lines are not reviewed by anyone outside of the utilities unless a land use permit is required.

Commissioner Hart confirmed that there is a need for further discussion and recommended that Mr. Hough review this matter at the next meeting of planners and report back to the Board.

MISCELLANEOUS ITEMS.

Staff advised the Board that the Parks Department has asked the Board to sign a memorandum to the Auditor's Office approving payment for community projects rendered by Skagit County to the Concrete

Community for development of recreational amenities. Commissioner Robinson moved to sign the memo to the Auditor. Commissioner Hart seconded the motion, which was unanimously approved.

BID AWARD RECOMMENDATION - SHERIFF'S OFFICE ALTERATIONS.

Roger Howard, Facilities Director, advised the Board that the low bidder for the Sheriff's Office Alterations project is CDK Construction from Duvall, Washington for \$151,500. A Resolution was presented to the Board for signature, awarding the bid to CDK Construction for \$151,500. Commissioner Robinson moved to approve the Resolution for the bid award on the sheriff's office alterations. The motion was seconded by Commissioner Hart. The motion was unanimously approved.

ADJOURNMENT:

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON




Harvey Wolden, Chairman


Robby Robinson, Commissioner


Robert Hart, Commissioner

ATTEST:


Patti J. Owen, Clerk
Skagit County Board of Commissioners