

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

Tuesday, March 1, 1994

Flag Salute.

9:00 a.m. - 10:00 a.m.

Planning Department - Dave Hough, Director.

- 1) Discussion - Technical Advisory Board and Citizen Advisory Committee Composition for the Environment Element.
- 2) Code Enforcement Report.
- 3) Miscellaneous.

10:00 a.m. - 10:30 a.m.

Cooperative Extension - Review and Update of Current Projects (Kay Haaland).

10:30 a.m. - 11:00 a.m.

Appeal by City of Anacortes - Hearing Examiner's Decision re: Mitigated Declaration of Non-Significance for Allen Carmichael Preliminary Plat, Haddon Road, Anacortes.

1:30 p.m. - 2:00 p.m.

Public Hearing - Permit Center - Repeal of Chapter 15.12 of the Skagit County Code Relating to Abatement of Dangerous Buildings.

2:30 p.m. - 3:00 p.m.

- 1) Introduction of Data Processing Manager.
- 2) Miscellaneous Financial Matters.

3:00 p.m. - 3:30 p.m.

Review of Greater Concrete Area Community Revitalization Strategies and Action Plan.

The Skagit County Board of Commissioners met in regular session on Tuesday, March 1, 1994, with Commissioners Robert Hart, Harvey Wolden and Robby Robinson present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. Discussion - Technical Advisory Board and Citizen Advisory Committee Composition for the Environment Element.

Gary Christianson, Planning Department Staff, advised the Board that the Planning Department is quite anxious to finalize the membership of the Citizen Advisory Committee (CAC) for the Environment Element of Skagit County Comprehensive Plan. Staff advised the Board that the Skagit Valley Herald recently published a public service announcement informing readers that the Planning Department is accepting letters through March 1 from citizens interested in serving on the CAC. The Department hopes to meet with both the Technical Advisory Board and Citizen Advisory Committee before the end of the month to get things underway. Appointments to both groups will need to be made in early March.

Mr. Hough advised the Board that the CAC will consist of approximately 20-22 members and should be an active and lively group. Mr. Hough further discussed the scheduling of meetings with the Planning Commission and the processes outlined in SEPA regarding the draft EIS.

Mr. Christianson reviewed the Skagit County Comprehensive Plan Element Adoption Schedule and the results of several of the items on this schedule. Mr. Christianson further presented a chart showing the

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attendance for the Planning Commission and noted that there have been enough members present for maintaining a quorum. Having a court reporter present makes it possible to have a written transcript available for those absent so they able to stay up to speed.

Mr. Christianson then reviewed specifics of his meeting with the Planning Commission.

Mr. Christianson further advised that there are a lot of good questions out there and several alternatives and suggestions that are quite constructive. Further discussions will help determine which alternatives are the most efficient and beneficial to the County citizenry.

Commissioner Hart confirmed with Staff that the July deadline is still in effect.

2. Code Enforcement Report.

The Code Enforcement Report was reviewed by the Board.

3. Miscellaneous.

Oscar Graham advised that citizens are needed to serve on a citizen's advisory committee to amend the master plan regarding small hydropower projects on the Skagit River. He asked the Board to submit any suggested members' names to him as soon as possible. The composition of this committee will be composed of both technical and citizen elements so as to mix the technical expertise with citizens at large to streamline this process. The Board indicated they would provide input to Mr. Graham.

COOPERATIVE EXTENSION - REVIEW AND UPDATE OF CURRENT PROJECTS (Kay Haaland)

Kay Haaland reviewed with the Board her various staff and their current activities. These include Joanne Austin and the Family Living Program and Smart and Healthy Volunteer Training Program, Dyvon Haven and her various agricultural programs, Pat Cunningham and the 4-H Development Program, and Ms. Haaland's programs which include Master Facilitator Volunteers, Watershed Management and Water Quality, and Wetlands Management.

APPEAL BY CITY OF ANACORTES - HEARING EXAMINER'S DECISION RE: MITIGATED DECLARATION OF NON-SIGNIFICANCE FOR ALLEN CARMICHAEL PRELIMINARY PLAT, HADDON ROAD, ANACORTES.

Jeff Morgan, Planning Department Staff, provided to the Board a packet of information containing copies of the pertinent documents relative to the appeal before the Hearing Examiner. The project involves a mitigation of non-significance issued jointly by Skagit County and the City of Anacortes. The project is a preliminary plat request for development of residential 6.3 acres, located south of the city limits of Anacortes. The proposal includes construction of approximately 630 feet of public roads, and a variance application for a substandard lot which is proposed to be .82 acres in size. The City of Anacortes and Skagit County issued a joint mitigated declaration of non-significance (MDNS) which was appealed to the Hearing Examiner. A public hearing ensued and the Hearing Examiner made his original decision. A subsequent request for reconsideration was filed by the City of Anacortes and the Hearing Examiner reaffirmed his original position at that time. Mr. Morgan advised the Board they have the following options:

- 1) To approve and adopt the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.

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- 3) To call for the Board's own public hearing to consider testimony on the matter, after which a revised decision may be adopted.

Ian Munce, Assistant City Attorney and Planning Director, stated that he is here today because the Hearing Examiner refused to recognize the mechanism developed by Skagit County and the City of Anacortes invoking the documentation consistent with SEPA regulations which explicitly provides for two agencies to act jointly in matter such as this. The Hearing Examiner basically said he did not care for the joint arrangement and would not recognize it.

The road is proposed to be to city standards, with a 5 foot right-of-way and curbs, gutters and sidewalks off Haddon Road. Mr. Munce advised the Board that the rural neighbors to the project are unhappy with the proposal to have city streets in a rural country setting, and would prefer the road being built to County standards with a 60' right of way.

Allen Carmichael, the property owner and proposed subdivider of this parcel, advised the Board that he tried to annex this parcel to the City of Anacortes and was turned down. He then decided to go with 1 acre zoning. Wells were drilled in 1981 and 1986 on on 6 lots. Mr. Carmichael advised that the Health Department has approved the wells, and all wells have been tested. The requirement for 100' well protection has been waived because of a grandfather clause. The one small lot being considered for a variance will be served by the City of Anacortes for its water. Mr. Carmichael stated that the City agreed and signed a letter that they would serve that lot with City water. Mr. Carmichael further stated that the septic tank drainage in this area is very good.

The Board queried Mr. Carmichael, Mr. Munce and Staff on several items including whether this parcel is within the urban growth area, the reasons the applicant wants city street standards rather than County standards, the reasons for the variance in the minimum lot size, and the significance of the lack of a 100' radius around existing wells. Mr. Munce stated that the substandard lot size is not as an important consideration as the lack of the 100' well radius. Mr. Munce indicated that the City regrets that this affects Mr. Carmichael's property rights, but feels well within their authority.

In a memo dated September 13, 1993 from Jeff Morgan to Robert Schofield, Mr. Morgan outlined the conditions that were attached to the MDNS as follows:

1. The proposed road (Carmichael Drive) shall be constructed to the Skagit County Road Standards prior to acceptance of dedication by Skagit County;
2. Prior to final approve, the applicant shall obtain written approval from the Anacortes City Council for extension of water service to proposed Lot 1;
3. The final plat map shall contain the following notes as determined by the Skagit County Health Department:
 - a. Lot 1 served by City of Anacortes;
 - b. All remaining lots shall require a 100' well protection zone to be maintained.
4. Lot 1 access shall be abandoned and re-located to access directly from the proposed plat road.
5. No substandard lots shall be approved.

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Mr. Morgan further explained to the Board that the MDNS was issued by the City of Anacortes and Skagit County, that the applicant appealed because the MDNS will directly affect the design of his plat, and that the Hearing Examiner determined the Skagit County and the City of Anacortes do not have authority to apply city standards to the SEPA process. The Hearing Examiner's decision basically overturned the joint MDNS issued by the City of Anacortes and Skagit County.

Commissioner Robinson noted that the wells were dug before the law came into effect concerning the wellhead radius of 100'. The County Health Department has no objection as proposed. Certain notes should be placed on the plat that 100' well protection is not in existence. It is the City's contention that the wells should not be grandfathered, but the County Health Department has approved them due to grandfathering.

Mr. Munce stated that the grandfathering clause for subdivision approval is a brand new action that should take into consideration the general health of the public and regulations for higher standards, fewer lots, and feels Anacortes is acting responsibly in this regard.

Commissioner Hart asked Mr. Munce that if the Count grants the plat and in 20 years the wells were to become polluted by the septic fields, who would be responsible for correcting this situation? Mr. Munce indicated that the City would be asked to provide water and the homeowner would bear the cost of installing Anacortes city water.

It was pointed out by Staff that the fundamental issue here is that the Hearing Examiner's authority is bestowed upon him via the Skagit County Code and the Code has not been amended to add adjacent municipal decisions, therefore the Hearing Examiner is bound to Skagit County Code.

A discussion ensued concerning the proper instigation of a the grahdfathering program, concerns about the lack of 100' well radius, and adherence to the SEPA process.

Commissioner Hart moved to uphold the Hearing Examiner's decision. Commissioner Robinson seconded the motion, which unanimously passed.

PUBLIC HEARING - PERMIT CENTER - REPEAL OF CHAPTER 15.12 OF THE SKAGIT COUNTY CODE RELATING TO ABATEMENT OF DANGEROUS BUILDINGS.

Chairman Wolden opened the Public Hearing. There being no public comment or testimony, Commissioner Hart moved to close the public hearing. Commissioner Robinson second the motion, which passed unanimously. Commisser Hart moved to approve the Ordinance Repealing Chapter 15.12 of the Skagit County Code Relating to Abatement of Dangerous Buildings. Commissioner Robinson seconded the motion, which unanimously carried. (Resolution #15260)

MISCELLANEOUS:

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, March 1, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Voucher numbers 199 through 333 and warrants numbered 199 through 333 in the total of \$410,139.46 (Transmittal #R-07-94)

INTRODUCTION OF DATA PROCESSING MANAGER/MISCELLANEOUS FINANCIAL MATTERS

1. Mike Woodmansee, Budget/Finance Director, introduced Mike Almvig to the Board. Mr. Almvig started with the County on February 28 as the Data Processing Manager. The Board stressed the service-minded attitude of the Data Processing Department, focusing on making life better and more productive for anyone who touches a keyboard.
2. Mr. Woodmansee reminded the Board about a previous discussion regarding the need for a night data processing person. Mr. Woodmansee has not moved forward on this matter waiting for further direction from the Board. The Board discussed the specific duties of this position, and the necessity for filling this position. The Board indicated their concern for the burden on current employees and their approval for Mr. Woodmansee to look for a swing shift person to fill the requirements as discussed.

REVIEW OF GREATER CONCRETE AREA COMMUNITY REVITALIZATION STRATEGIES AND ACTION PLAN.

Cheri Cook presented the Board with a copy of the Greater Concrete Area Community Revitalization Strategies and Action Plan, which was put together by concerned residents of the greater Concrete area, and will move the people of the upper Skagit Valley towards revitalizing their local community. It reflects over two years of citizen participation efforts and hundreds of hours of work by local citizens of the greater Concrete area. This is a strategy developed by local residents for local residents, according to Ms. Cook, and has been prepared for the application process for various grants.

This plan serves three purposes. First, it identifies what the people of the greater Concrete area envision as success. Second, it is a blueprint to guide the successful completion of priority community projects. Third, it is a tool to communicate to others what that vision for success is, and how it will be achieved.

The Board indicated that it was their feeling that a lot of work went into the formation of this document. Ms. Cook stated that a great deal of help was obtained from the Washington Department of Community Development.

Signatures of support for this Plan were obtained from the Board.

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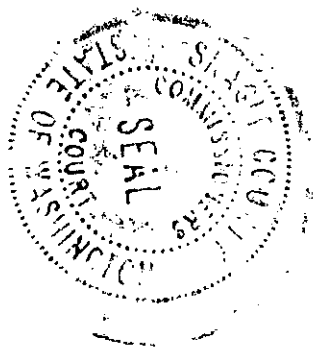
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ADJOURNMENT:

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

Harvey Wolden, Chairman

Robby Robinson

Robby Robinson, Commissioner

Robert Hart, Commissioner

ATTEST:

Patti J. Owen

Patti J. Owen, Clerk
Skagit County Board of Commissioners