

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

Tuesday, August 9, 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 Road Maintenance Supervisors.
- Flag Salute.
- 9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director.
- 1) Discussion - Comprehensive Plan Work Program.
 - 2) Discussion - Environment Element's Progress and Process Update.
 - 3) Code Enforcement Report.
 - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Work Session - Temporary Space Planning.
- 1:30 p.m. - 2:00 p.m. Discussion and Signature - Interlocal Agreement with Housing Authority of Skagit County to Allow Skagit County Treasurer to Invest Housing Authority Funds.
- 2:00 p.m. - 3:00 p.m. Appeal of Hearing Examiner's Decision re: Administrative Determination on Land Use Matter of John Schmidt, Sterling Hill, Sedro Woolley, HEA-94-002.
- 3:00 p.m. - 3:30 p.m. Proclamation - Heart Week.

The Skagit County Board of Commissioners met in regular session on Tuesday, August 9, 1995, with Commissioners Harvey Wolden, Robby Robinson and Robert Hart present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. Discussion - Comprehensive Plan Work Program.

Kraig Olason, Assistant Director of Planning, advised the Board that the challenge for the Department is taking the 360+ policies of the Comprehensive Plan and making them into work product and thereby implementing programs. A draft approach to identifying the different products being required by the individual elements and the probable agencies involved, together with time/cost commitments, were reviewed. Mr. Olason advised that an important component of this effort is the process of prioritization of work product. Mr. Olason explained that Staff that worked on the individual elements will be assigned to review existing codes and ordinances for major conflicts between policies produced and codes as exist today. The objective will be to look at whether the code itself is weak and needs to more accurately reflect new policies. Mr. Olason expressed the difficulty in making sense out of a work program that has several years of work ahead. The key policies included in the Comprehensive Plan need to be identified to determine what is different in doing business under the Comprehensive Plan compared to business as usual. Mr. Olason further pointed that State mandates must also be considered, and conflicting ideas of priority may be a problem.

Paul Carr, Planning Department Staff, reviewed specifics of the Agriculture Element Work Program in this regard. Mr. Carr stressed the need to proceed in a collective manner, i.e., completing similar tasks at the

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same time. The Board was advised by Staff that an assessment of costs involved in this procedure has not been determined and is unclear at this time.

Mr. Olason stated that the products that come out of this are not the Planning Department's products, there will be a number of other agencies and participants and the public involved. It will be necessary for Staff to determine how to put many divergent schemes into a prioritization of work product, and ascertain staffing and budget requirements. This is making the budgetary process for 1995 most difficult.

Chairman Wolden stressed the need to get the basics in place to get a clear picture of what is going on, rather than strict regulation, thereby not spending unnecessary time on policies that do not apply. Chairman Wolden stressed the importance of educating the public so they know what they can do with their property, not what they cannot do.

A brief discussion ensued on the possibility of an Agricultural Advisory Board.

2. Discussion - Environment Element's Progress and process Update:

Edwyna Fong, Planning Department Staff, advised that the Environment Element steering committee met recently with Claire Reiner, a mediator/facilitator. The Citizens Advisory Committee (CAC) decided to use Ms. Reiner as a facilitator. Specifics of the comment review and accomplished work were discussed with the Board. Ms. Fong indicated that one 3-hour meeting accomplished much work. The CAC determined how their decisions will be made. Subcommittee groups are doing much of the work before bringing reports back to the CAC for final decisions. The CAC is now meeting every other week and the citizens on this committee are putting in much time. The Port of Skagit County is allowing the groups to meet at their facilities.

Commissioner Hart acknowledged the difficulty of these tasks and the hard work being done by the CAC and Ms. Reiner.

3. Code Enforcement Report.

The Code Enforcement Report was reviewed.

4. Miscellaneous.

A. Dave Hough, Director of Planning, presented to the Board for signature a contract for professional services with CH2M Hill. Mr. Hough advised that this has been previously discussed with the Board and approved. Reimbursement of the \$6,300 expended will be reimbursed by Tewalt, Inc. The Board signed the document as presented by Staff. (Contract #02105)

B. Mr. Hough advised that the Planning Commission met last night and reviewed and approved a project in the Big Lake area, and the project will be coming to the Board for approval within the next several days.

DISCUSSION AND SIGNATURE - INTERLOCAL AGREEMENT WITH HOUSING AUTHORITY OF SKAGIT COUNTY TO ALLOW SKAGIT COUNTY TREASURER TO INVEST HOUSING AUTHORITY FUNDS.

Judy Menish, Skagit County Treasurer, briefly reviewed the history of the request to invest funds for the Skagit County Housing Authority. A draft Interlocal Agreement was reviewed with the Board. Ms. Menish advised that governance of the Housing Authority is left to the Board.

Ms. Menish introduced to the Board individuals from the Housing Authority including Shirley Osborne, John M. Smith, and Mary M. Lam.

The Board indicated their approval of this concept. Commissioner Robinson moved to enter into the Interlocal Agreement with the Housing Authority for investment purposes. Commissioner Hart seconded the motion, which was unanimously approved. (Resolution #02106)

APPEAL OF HEARING EXAMINER'S DECISION RE: ADMINISTRATIVE DETERMINATION ON LAND USE MATTER OF JON SCHMIDT, STERLING HILL, SEDRO WOOLLEY, HEA-94-002.

Dave Hough, Planning Department Director, advised the Board that this is an appeal of the Hearing Examiner's determination relating to a proposed project for construction of a driveway up Sterling Hill. The determination was that the excavation of the rock to create the driveway was determined to require a Special Use Permit. The material could amount to up to 100,000 cubic yards of material being removed and may take several years to complete the project. The Planning Department has determined that a Special Use Permit should be required.

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

Ken Evans, 506 Main Street, the attorney for Mr. and Mrs. Schmidt, asked the Board to exercise their third option as stated by Mr. Hough. Mr. Evans expressed his concern that the Board does not have a copy of the transcript of the hearing before the Hearing Examiner to allow the Board to have a complete record before they make their decision. Mr. Evans indicated that there was testimony that may be of utmost importance to the Schmidt's appeal. Mr. Evans advised that the Schmidts already have a fill and grade permit for this project, and should not be required to obtain a special use permit to build this driveway. Mr. Evans indicated that the only way to get to the proposed residence is to construct the driveway.

Mr. Evans stated that there is no profit motive by the Schmidts for selling the rock from the proposed driveway project. Mr. Evans further stated that the cost of the road will greatly exceed any funds the Schmidts will receive for the rock. Mr. Evans advised that the Schmidts would be willing to have the County construct the road and take the rock. It is Mr. Evans' opinion that this is not something that should require a special use permit and reiterated that the Schmidts are not interested in making money from this project. Mr. Evans stressed that the rock will be sold by someone, no matter what.

Mr. Evans indicated that the Board may want to consult their attorney before making a final decision.

Commissioner Hart asked what the detriment would be to obtaining a special use permit. Chairman Wolden

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indicated that he does not understand why the Schmidts do not want to go through the permit process.

Commissioner Robinson clarified that Mr. Sturdy, the engineer for the Schmidts, indicated that 100,000 cubic yards of material may need to be extracted from this site. Consequently, this project may take several years. Mr. Evans explained that the initial request was for a clean cut and removal of rock that could be up to 100,000 cubic yards of rock.

The number of loads required to remove the subject rock was briefly discussed.

Mr. Evans explained that the proposed residence site takes advantage of the best view on the property.

Mr. Hough stated that there is no reference as to whether or not this is a money-making operation. It is the Department's feeling that the intensity of the project requires a special use permit. The original application indicated the project will take 6 weeks. It is obvious that the Department is not against the project, but the Department is concerned about the neighborhood being able to voice their particular concerns one way or another as it relates to the intensity of truck traffic and possible blasting.

The specifics and differences of special use permits and fill-and-grade permits were briefly discussed.

The composition of the finished road was briefly discussed.

The Board stated that this appears to be a full-time operation to remove the rock from the site.

Commissioner Hart indicated that he does not find a reason to disagree with the Hearing Examiner.

Jon Schmidt, 1857 F&S Grade Road and owner of the property, questioned Commissioner Robinson about a meeting Commissioner Robinson had with Jeff Morgan and Mr. Schmidt.

Mr. Hough stated that there is a question of whether or not the previous environmental threshold determination was based upon the information at that time and is still valid. It is Mr. Hough's opinion that the scope of the operation has changed and that this fact is outside of the scope of this hearing.

It was stated that Skagit County could not purchase the rock material without a Special Use Permit.

Henrietta Schmidt, 1857 F&S Grade Road, stated that it is the Schmidt's desire to build their driveway as proposed.

Commissioner Wolden moved to uphold the Hearing Examiner's decision in this matter. Commissioner Hart seconded the motion, which passed unanimously. (Resolution to provided by Staff at a Later Date)

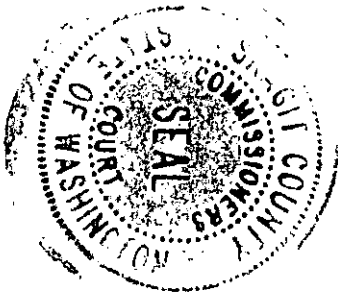
PROCLAMATION - HEART WEEK.

Chairman Wolden read the Proclamation proclaiming "Heart Week 1994" for October 17-24 into the record. The Board signed the Proclamation.

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