

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

Tuesday, August 30, 1994

- 7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.
Flag Salute.
- 9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director.
- 1) Public Hearing - State Required Minor Modifications to Shoreline Master Program Amendment (Aquaculture).
 - 2) Discussion - City of Burlington Proposed Annexations.
 - 3) Code Enforcement Report.
 - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Planning Commission Recommendation for Approval of Preliminary Plat PPT-93-012 by Limo Partners to Allow the Subdivision of Approximately 8.86 Acres to Create 27 Lots NE of Big Lake, Between SR-9 and Lakeview Blvd.
- 11:00 a.m. - 11:30 a.m. Presentation on Audio Text (Commissioners' Conference Room).
- 1:30 p.m. - 2:00 p.m. Public Hearing - Ordinance Exempting Unincorporated Skagit County from State Firearms "Case and Carry" Law.
- 2:00 p.m. - 3:00 p.m. Emergency Medical Services Levy Presentation.

The Skagit County Board of Commissioners met in regular session on Tuesday, August 30, 1994, with Commissioners Harvey Wolden, Robert Hart and Robby Robinson present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. Public Hearing - State Required Minor Modifications to Shoreline Master Program Amendment (Aquaculture).

Oscar Graham, Senior Planner, reviewed with the Board the Department of Ecology's recommended minor modifications to the Shoreline Master Program Amendment (Aquaculture). Mr. Graham expressed his pleasure with the Department of Ecology's final position on these modifications. Mr. Graham advised that the Department of Ecology letter stands on its own and needs no further clarification. Mr. Graham recommends approval by the Board of the State required minor modifications to the Shoreline Master Program Amendment.

Carol Ehlers, Fidalgo Island, expressed her agreement with Mr. Graham that most of these suggestions are an improvement in clarification. Ms. Ehlers stated that she has questions about notification issues in the document. It was Ms. Ehler's opinion that the DOE proposal would eliminate hearings and public notice.

Mr. Graham stated that these modifications do not effect the permit process to place an aquaculture facility. The issue of density would include an administrative option if it was determined a distance less than 1 mile between aquaculture facilities would be permitted. Mr. Graham stated that there is more to it than a straight administrative process. Mr. Graham then read the density provisions of the Shoreline Master Program. The burden of proof will be on the applicant.

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Chairman Wolden confirmed that the moving of fish net pens would be an enforcement issue.

Ms. Ehlers state that the County has an administrative process, but that the notice of application issue is an issue people have fought over for years. It is crucial that there be some sort of notification and approval process. Ms. Ehlers indicated that everyone has the right to use the waterways of the County and the right to be notified if that use is infringed upon.

Ms. Ehlers stressed the point that if part of the document is updated, and other pertinent parts of the document are not, the changes will not be sufficient or effective.

Dave Hough, Director of Planning, stated that obviously there is confusion about the extent of the modifications being considered today. Mr. Hough indicated that the permit process and public hearing criteria will be in place and are not affected by these modifications.

A lengthy discussion ensued on the specifics of the permit process, the expansion and relocation of net pen operations, notification requirements and consistency throughout the subject document

Mr. Graham pointed out that the subject matter today is the document at hand which is the culmination of three years hard work. Mr. Graham indicated that notification will continue to be an issue, and if the County is going to address notification at this juncture, it would be necessary to reconvene a Citizens Advisory Committee and not merely tack on a notification provision at this point.

Chairman Wolden reiterated with Staff that notification needs to be addressed.

Ms. Ehlers noted that reconvening a CAC is not necessary to conform to notification amendments.

Mr. Graham reminded the Board that these modifications are not a Skagit County ordinance per se, but includes the State as a partner. When this amendment to the mater Program is codified, it is required to be adopted by the State and becomes a part of the State statute.

Dale Fisher, SneeOosh Road, stressed his concern with the notification issue, and stressed that notification should be a top priority.

Earl Cahail, Guemes Island, apologized for missing Mr. Graham's opening remarks, and concurred with Ms. Ehler's concerns and remarks. Mr. Cahail indicated that he feels several areas of the document are too subjective in application. Mr. Cahail indicated that as long as the permitting process is follows, and the public hearing process is adhered to, he believes that notifications will be made and hearings carried out. Mr. Cahail stated that he wishes notification requirements were more specific.

On a question about the possibility about more meetings in the future, Mr. Graham indicated that the State Department o Ecology will hold at least one hearing in Olympia and one more in Mount Vernon concerning adoption of the Shoreline Master Program Amendment.

Blair Painter, Hope Island, stated that he is not a member of the Citizens Advisory Committee, but has attended all of these meetings, but did not review the subject document until this morning. Mr. Painter concurred with Ms. Ehlers' comments with regard to administrative changes. Mr. Painter indicated that there is no justification for creating a document which is not in-line with what was originally established. Mr. Painter suggested that if more hearings are required, so be it, and urged the Board not to ramrod something through that is not appropriate for the situation.

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Commissioner Hart asked Staff if there is anything to preclude the Board from continuing this and re-entering it next week.

Mr. Graham clarified that it is necessary to look at the overall intent of these modifications and not strictly as a floating aquaculture document. Mr. Graham stressed to the Board the importance of considering the overall and telling provisions of this document. The amendatory package addresses a lot of different types of aquaculture, not just net pens, and involves traditional bottom culture of shellfish, new innovative techniques of propagating and harvesting shellfish. To look at this document strictly as a floating aquaculture document is a mistake, according to Mr. Graham.

Commissioner Hart again asked if there is any reason not to continue this hearing to allow for further study.

Mr. Graham advised that the hearing could be continued, but only for consideration of the recommended amendments that the Department of Ecology has put forth in the February 23 letter, not opening up the document for wholesale reconsideration.

Ms. Ehlers suggested some basic language changes that may solve the entire notification issue. Mr. Graham noted such suggestion.

Commissioner Robinson moved to continue this hearing to Tuesday, September 13, at 1:30 p.m. to give participants time to review this document, and limiting such public comment to the proposed amendments only. The motion was seconded by Commissioner Hart and was unanimously approved.

2. Discussion - City of Burlington Proposed Annexations.

Dave Hough reviewed specifics of the three notices of intent to annex from the City of Burlington. The Board indicated their approval of the parcels east of I-5, but indicated that a protest should be lodged on the parcels west of I-5.

3. Code Enforcement Report.

The Code Enforcement Report was reviewed.

4. Miscellaneous.

Mr. Hough advised that the Planning Commission continues to meet 2 nights per week.

PLANNING COMMISSION RECOMMENDATION FOR APPROVAL OF PRELIMINARY PLAT PPT-93-012 BY LIMO PARTNERS TO ALLOW THE SUBDIVISION OF APPROXIMATELY 8.86 ACRES TO CREATE 27 LOTS NE OF BIG LAKE, BETWEEN SR-9 AND LAKEVIEW BLVD.

Jeff Morgan, Planning Department Staff, reviewed with the Board the exact location of the proposed preliminary plat.

- 1) To approve and adopt the decision of the Planning Commission.
- 2) To remand the matter back to the Planning Commission 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,

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Mr. Morgan advised that this recommendation comes with a Planning Commission 7-0 vote for approval as voted on August 8, 1994. The property is approximately 8.86 acres in size with a proposal of 27 lots for a residential development.

Chairman Wolden moved to approve the preliminary plat by LIMO partners to allow the subdivision as presented. The motion was seconded by Commissioner Hart, and was unanimously approved. (Resolution to be provided by Staff at a later date).

PUBLIC HEARING - ORDINANCE EXEMPTING UNINCORPORATED SKAGIT COUNTY FROM STATE FIREARMS "CASE AND CARRY" LAW.

Chairman Wolden opened the public hearing. John Hunter, Chief Deputy from the Sheriff's Office, reviewed the specifics of this matter. Chief Deputy Hunter advised that the State did one smart thing in allowing local jurisdictions to exempt themselves from this "case and carry" law. The exemptions were too numerous and consequently, enforcement would be very burdensome. Mr. Hunter encouraged cities and towns within the County to pass similar exemptions to the State laws.

Marv Mohanna, hunter education instructor, urged the County to exempt unincorporated Skagit County from this State law.

Les Wagoner, Alger, is in favor of exempting the County from the law and stated that this exemption will have no effect on crime.

Robert Peterson, stated that he would like to see the exemption for the County. Mr. Peterson stated that counties in Eastern Washington have passed the exemptions and the cities have then followed suit.

Terry O'Donnell, Concrete, asked the Board to make our lives simpler by exempting the County from this burdensome law.

Todd Power, 1025 District Line Road, representing the Edison Sportsmans Club, urged the Board to exempt the County as proposed. Mr. Power advised that the exemptions are poorly worded and are hard to understand. Mr. Power further commented on the difficulties this law will create for law enforcement.

George Madden, Bow, stated that there are too many laws already, and that this law is but another restriction on people's rights.

There being no further public comment forthcoming, Commissioner Wolden moved to close the public hearing. Commissioner Hart seconded the motion, which was unanimously approved.

Commissioner Hart stated that the County should go forward with the exemption from the State "case and carry" law, and so moved. Commissioner Robinson seconded the motion. The motion was unanimously approved.

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, August 30, 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 132559 through 133990 and 68001, and PW9400009165 through PW9400009517 and payroll warrants numbered 51088 through 52197 in the total amount of \$1,419,437.21 (Transmittal #P-17-94).

Voucher numbers P1-164001, P1-163035 through P1-163037, P165001, P1-071001 through P1-071017, P166001 through P1-166032, P1-167001 through P167010, P1-166033 through P166035, Warrant numbers 118235 through 118271 in the total amount of \$1,211,502.85 (Transmittal #P-17-94).

EMERGENCY MEDICAL SERVICES LEVY PRESENTATION.

Erv Lindall, Affiliated with Mount Vernon Fire Department and Emergency Medical Services Council President, briefly reviewed a packet of materials presented to the Board for review. Mr. Lindall introduced members of the Emergency Medical Services Council to the Board.

John Bird, Chairman for EMS Finance Committee and a member of the Anacortes Fire Department, presented a brief synopsis entitled Data reviewed by Skagit EMS Council AD-Hoc EMS Funds Review Committee (Jan-June 1994) which detailed anticipated needs for the next six years. There will be an increase in demand for services over the next 6 years. It was felt by the Committee that the County would be best served by maintaining a conservative approach. Specific proposed budget projections were reviewed.

Lee Kue, Executive Director of the EMS Council, confirmed that a tremendous amount of data has been reviewed. Specifics of the projected income and ambulance replacement and consignment were reviewed by Mr. Kue.

Chairman Wolden indicated that the trend today is to combine services to get more done. Chairman Wolden stated that if the services provided today were done by each particular public entity, the costs would be prohibitive.

Mike Woodmansee, Budget/Finance Director, indicated that the projections shown are conservative revenue estimates with reliable expenditure projections. Mr. Woodmansee indicated that the revenue side has been estimated conservatively. This is a very responsible request for funding.

Commissioner Hart indicated that this is a well thought out proposal, and the committees have done an extremely good job. Commissioner Hart further indicated that this is a very economical way to handle these most necessary services.

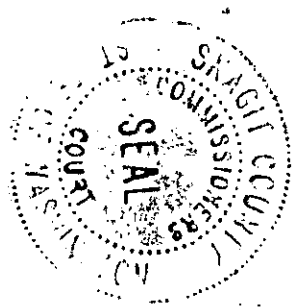
The Board expressed their appreciation to the group assembled.

Commissioner Hart moved to approve the ballot proposition as presented pending review by John Moffat, Chief Civil Deputy. Commissioner Robinson seconded the motion, which unanimously carried. (Resolution to be provided by Staff at a later date).

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