

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

**Tuesday, September 13, 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.
- 9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director.
- 1) Discussion - Permit Processes for Special Purpose Districts.
  - 2) Discussion and Approval - Out-of-State Travel Request.
  - 3) Code Enforcement Report.
  - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Appeal by William Wooding, et al., of Hearing Examiner's Decision Regarding Mitigated Determination of Non-Significance for Rosario Road Improvement Project.
- 1:30 p.m. - 2:30 p.m. Continuation of Public Hearing - State Required Minor Modifications to Shoreline Master Program (Skagit County Code Chapter 7.02 - Aquaculture).
- 3:00 p.m. - 3:30 p.m. Preliminary Budget Presentation.

The Skagit County Board of Commissioners met in regular session on Tuesday, September 13, 1994, with Commissioners Harvey Wolden and Robert Hart present. Commissioner Robby Robinson's absence was excused.

**PLANNING DEPARTMENT - Dave Hough, Director.**

1. **Discussion - Permit Processes for Special Purpose Districts.**

Oscar Graham, Senior Planner, noted that this session is to give more detail to the Board regarding special purpose districts, specifically diking and drainage projects. Mr. Graham stressed the importance these projects are to the community that real strides have been made to make the permit/review process work smoothly. Mr. Graham explained how the permit process relates to special purpose districts.

Mr. Graham gave an overview of the permit requirements in this regard including local and state requirements. Mr. Graham advised that typically an environmental review consists of a threshold determination and project information presented to the public to receive public input and comment.

Mr. Graham explained that the regulatory drill is required to make sure that the following items are addressed:

1. Project needs to be well-engineered.
2. Do not want to jeopardize flood insurance rate program.
3. Address environmental impacts and protect shoreline environment.
4. Protect and maintain navigable waters.
5. Protect water quality.

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6. Want to protect fish and wildlife resources.
7. Want to assure consistency with Coastal Zone Management.

These codes, ordinances, and statutes represent law and should be complied with. Consequently, they represent more than a paper drill but a need for the County to live up to its side of the bargain in resource management policies.

Mr. Graham reviewed these processes concerning the Brown Slough mitigation as an example.

Commissioner Hart noted the need to coordinate these requirements with other departments, cities and districts, and the possible need for a designated facilitator and appropriate timeline.

Mr. Graham concurred that a designated facilitator who is familiar with regulatory requirements would be a real benefit to the public and the permit process.

A brief discussion ensued on flood insurance policies.

Zoe Pfahl, Shorelines Administrator, spoke specifically about the Shorelines Management Act and how it relates to the permitting of the diking and drainage situations. Exemptions from shoreline permits were discussed. Two criteria for exemptions applicable to dike and drainage projects were discussed as follows:

1. Emergency construction necessary to protect property from damage by the elements. This is not a planned project and must be done in order to protect the public health, safety or the environment.
2. The operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 amendatory act which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

Ms. Pfahl explained that an exemption from the Shoreline Substantial Development Permit does not constitute an exemption from any other policies and regulations of the Shoreline Management Act or the Skagit County Shoreline Management Master Program.

Timing of permitting was explained and specific delays of 4-6 months were discussed.

Dave Hough, Planning Department Director, noted that identification and prioritization of projects within drainage districts with limited revenue needs to be accomplished at least a year in advance.

Commissioner Hart stated that the County has never had a policy on building dikes, and that such decisions have been diking district decisions. This is where the County has the possibility of incurring liability.

2. Discussion and Approval - Out-of-State Travel Request.

Dave Hough, Planning Department Director, presented five out-of-state travel requests for Planning Staff to Attend the American Planning Association's Oregon/Washington Conference in Portland, Oregon, October 5-8, 1994. The requests were for Edwyna Fong, Pat Bunting, Gary Christensen, Jim Cahill and Kraig Olason. The Board indicated their approval of these requests and signed the necessary documentation.

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3. Code Enforcement Report.

The Code Enforcement Report was reviewed.

4. Miscellaneous.

There were no miscellaneous items for review.

**APPEAL BY WILLIAM WOODING, ET AL., OF HEARING EXAMINER'S DECISION REGARDING MITIGATED DETERMINATION OF NON-SIGNIFICANCE FOR ROSARIO ROAD IMPROVEMENT PROJECT.**

Chairman Wolden indicated that Commissioner Robinson is ill with the flu and that if the decision of the Board today is split, the Hearing Examiner's decision will be upheld.

A brief discussion ensued on the procedure of appeals before the Board and that fact that no new evidence or testimony may be presented that was not presented to the Hearing Examiner.

Al Rode, attorney for Mr. Wooding, requested that this matter be continued to a time when all of the Board is present. Staff determined that the matter would be continued until Tuesday, September 27, 1994, at 10:30 a.m.

**CONTINUATION OF PUBLIC HEARING - STATE REQUIRED MINOR MODIFICATIONS TO SHORELINE MASTER PROGRAM (SKAGIT COUNTY CODE CHAPTER 7.02 - AQUACULTURE).**

Oscar Graham reviewed the results of the previous public hearing and emphasized that the permit process will still be in place when these modifications are made to the County Code. Mr. Graham further stated that notification was also a matter of concern at the previous hearing.

A letter from Mr. Ed Cahail of Save the San Juans, Inc. was reviewed with the Board.

Commissioner Hart stated that insertion of the words "during the initial permitting process, prior to public hearings," may clarify this situation. Mr. Graham advised that he has no problem with this wording.

Dale Fisher, SneeOosh Road, Marine Environment Consortium, asked to delete the word "administratively" as it gives the feeling that a unilateral decision could be made. It was Mr. Fisher's position that administrative actions have not protected Washington State waters. Mr. Fisher also presented a copy of a letter from the Sierra Club Legal Defense.

Blair Painter, Shorewood, expressed his concurrence that the word "administratively" needs to be removed from the subject modifications. He further indicated his agreement with Mr. Fisher's statements and Mr. Cahail's letter dated September 12, 1994.

A discussion ensued on the effects of removing the words "administratively" from Chapter 7.02, page 9, Chapter (14) Line 5.

Chairman Wolden indicated his preference to change the modifications to go through the permit process and omit the word "administratively."

Commissioner Hart suggested replacing the words "administratively" with "through a variance."

It was determined that a variance requires a public hearing.

Mr. Graham indicated that he could make that change and explain the rationale to Department of Natural Resources.

Mr. Cahill indicated his concurrence with the suggestion of Commissioner Hart.

A discussion ensued on the specifics of the variance procedure.

There being no further public comment forthcoming, Commissioner Hart moved to close the public hearing. The motion was seconded by Chairman Wolden and passed unanimously.

Commissioner Hart moved to approve the modifications to the Shoreline Master Program with a correction to Chapter 7.02, page 9, Chapter (14) line 5 deleting the word "administratively" and replacing "administratively" with "by variance." The motion was seconded by Chairman Wolden and passed unanimously. (Staff to provide Resolution at a Later Date).

**PRELIMINARY BUDGET PRESENTATION.**

Jerry McInturff, County Auditor, presented two booklets preliminary budget information - General Fund and Special Fund - for review. Mr. McInturff stated that the 1995 projected revenues for the County are \$58.5 million. Specifics of revenue decreases were briefly discussed. Expenditures are projected at \$67.5 million. Mr. McInturff noted that additional personnel has been requested by some departments.

Mr. McInturff noted that revenue and expenditures are presented exactly as submitted by the individual departments and stated these documents are the results of much work by a lot of people.

Mr. McInturff indicated that there are sets of these budgets that can be checked out from the Auditor's office.

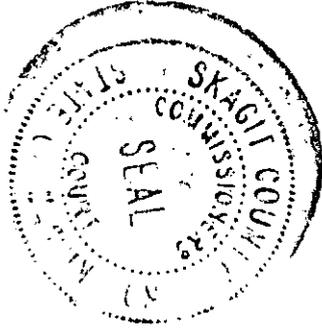
Mike Woodmansee, Budget/Finance Director, indicated that it is very important to read the narrative with the numbers because the reasoning can get lost in the nuances of the numbers.

Mr. Woodmansee advised the Board that David Cunningham and Jim Coballes have done an incredible amount of work on the preliminary budget and thanked them for their hard work.

ADJOURNMENT.

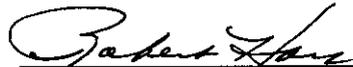
Commissioner Robinson motioned to adjourn the proceedings. Commissioner Hart seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



  
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Harvey Wolden, Chairman

  
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Robby Robinson, Commissioner

  
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Robert Hart, Commissioner

ATTEST:

  
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Patti J. Owen, Clerk  
Skagit County Board of Commissioners