

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, October 17, 1995:**

- 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) Discussion - Intergovernmental Coordination.
2) Miscellaneous.
- 10:00 a.m. - 10:30 a.m. Parks Projects Update.
- 10:30 a.m. - 11:30 a.m. Appeal of Island Meadows Joint Venture II and Mona Lisa Estates Partners of the Hearing Examiner's Rejection of Appeal Re: Completeness of Application for a Binding Site Plan Application and a Planned Unit Development Application, Property located South of the Padilla Heights Road and East of Reservation Road, near Anacortes.
- 1:00 p.m. - 1:45 p.m. Discussion - Imposition of Impact Fees for New Residential Construction in Burlington, Conway, Mount Vernon and Sedro Woolley School Districts.
- 1:45 p.m. - 2:00 p.m. Signature - Resolution Disbanding Original E-911 Communications Committee.
- 2:00 p.m. - 4:00 p.m. Emergency Management Council Meeting.
- 4:00 p.m. - 5:00 p.m. Budget Work Session.

The Skagit County Board of Commissioners met in regular session on Tuesday, October 3, 1995, with Commissioners Robert Hart, Harvey Wolden and Ted W. Anderson present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. **Discussion - Intergovernmental Coordination.**

Dave Hough, Planning Director, updated the Board in regard to the Cities discussions relating to the decision by the Growth Management Hearings Board in the Friends' decision and the recent Clark County decision. Mr. Hough stated that continued meetings would be held with the Cities in this regard.

Mr. Hough discussed the Commercial/Industrial Land allocation and stressed the need to address this issue.

A lengthy discussion ensued.

The Board concurred that the Cities should address their own issues, rather than the County intervening and taking the time on these matters.

Mr. Hough stated that Planning would keep the Board informed in this regard.

PARKS PROJECTS UPDATE.

Jon Aarstad, Parks Director, presented three Notices of Intent to Obtain Telephone/Written Quotations for Professional services of a Professional Forester to develop a Management Plan for Timber Resources and Wetland Reconnaissance of Coyote Ridge for Firearms Range.

Mr. Aarstad presented an Out-of-State Travel Request for Dennis Lind to attend the Amateur Softball Association National Council Conference and Council Meeting in San Diego, California, which will be paid by the Amateur Softball Association. Commissioner Wolden made a motion to approve the request. Commissioner Anderson seconded the motion and it passed unanimously.

Mr. Aarstad also mentioned that the Parks Department is in need of a piece of turf equipment and would like to purchase the equipment with the City of Mount Vernon. The equipment is called a Shattermaster. The equipment total cost is \$9,000, half of which would be our cost. The Board asked Mr. Aarstad to look into renting/leasing this equipment, or to purchase and then rent to school districts and other organizations in need of this equipment. Mr. Aarstad stated he would look into these suggestions.

Mr. Aarstad brought the Cascade Trail Issue back to the Board in regard to the matter of completing the project by installing gates for liability. Mr. Aarstad stated that the total cost of this installation would be approximately \$2,700.

A discussion ensued in regard to the liability issue.

The Board suggested that signs be installed in lieu of gates.

Mr. Aarstad requested approval from the Board in this regard, since this is a capital expense.

Chairman Hart and Commissioner Wolden stated their approval with the expense of installation of signs, but did not approve the other expenses, including gates. A discussion ensued and Chairman Hart and Commissioner Wolden requested that John Moffat, Chief Deputy Prosecutor, and Dave Fleming, Risk Manager, be contacted in this regard before proceeding further.

Mr. Aarstad stated that he will return to the Board after further research.

APPEAL OF ISLAND MEADOWS JOIN VENTURE II AND MONA LISA ESTATES PARTNERS OF THE HEARING EXAMINER'S REJECTION OF APPEAL RE: COMPLETENESS OF APPLICATION FOR A BINDING SITE PLAN APPLICATION AND A PLANNED UNIT DEVELOPMENT APPLICATION, PROPERTY LOCATED SOUTH OF THE PADILLA HEIGHTS ROAD AND EAST OF RESERVATION ROAD, NEAR ANACORTES.

Jeff Morgan, Planning Department, reviewed the sequence of events preceding the appeal.

Mark Lee, Attorney representing Island Meadows and Mona Lisa Estates, reviewed the reasons for this appeal. Mr. Lee stated that this property is zoned Industrial, in conformity with this County's designation. Mr. Lee also stated that the County has refused to accept the PUD application for incompleteness. Mr. Lee stated that they have attempted to retain water from the Tribe. Mr. Lee asked that the County either accept the application or let them know why it is incomplete. Mr. Lee requested that they are requesting to go through the process only, but that there appears to be a conflict with the vested rights doctrine.

Mr. Lee reminded the Board that this has been zoned industrial since 1970 and that all they are asking is for the County to accept the application for review.

Alan Olson, Tribal Attorney for the Swinomish Indian Tribe, stated that the Tribe supports the issue of providing water to Fidalgo Island. Mr. Olson reviewed the past cooperation in providing water in this area.

Mr. Olson stated the clarity of Skagit County Code 12.48 in regard to water valuation and application and also reviewed the process involved in submitting application.

Mr. Olson stated that there has been no interference with the applicants project. Mr. Olson stated that this project is so huge that it impacts the Tribe in many ways.

Mr. Olson stated that the County code should be followed, requiring water availability.

Gerald Steel, Marblemount, Civil Engineer, urged the County to follow the ordinances and that would require the County to deny the appeal.

Mr. Lee reiterated that Island Meadows is trying to follow the process and that Tribal zoning jurisdiction does not have anything to do with County conditions.

Terry Martin, Appellant, stated that the Tribe agreed and the water districts agreed, both by signature, that the application must conform to County or City zoning.

Nick Zaphoratus, Planning Director for the Swinomish Tribe, reviewed the fact that the Tribe and County should work out administratively common land zoning and land use issues. Mr. Zaphoratus stated that the Tribe has continued to work with the appellant in this regard.

Mr. Martin stated that water availability was not approved due to the difference in zoning between the County and the Tribe. Mr. Martin asked that the process be started while the water issue is being resolved.

Tom Karsh, Permit Center Coordinator, stated that complying with Code Section 12.48, Sub Section 240, requires a complete application and reviewed the various aspects involved in complete applications.

A discussion ensued in this regard.

Chairman Hart stated that the ordinance seemed quite clear and that the application should not be accepted.

Commissioner Anderson discussed the issue of the zoning differences between the County and the Tribe. The Board concurred that the zoning issue does need to be clarified at the appropriate time and place.

Commissioner Wolden made a motion to up hold the Hearing Examiner. Chairman Hart seconded the motion. Commissioner Anderson voted against the motion. The motion passed.

DISCUSSION - IMPOSITION OF IMPACT FEES FOR NEW RESIDENTIAL CONSTRUCTION IN BURLINGTON, CONWAY, MOUNT VERNON AND SEDRO WOOLLEY SCHOOL DISTRICTS.

Chairman Hart mentioned that earlier discussions involved the approval of the Capital Facilities Plan for Mount Vernon, Burlington and Sedro Woolley school districts.

Mr. Hough reiterated that this discussion today is to approve the collection of impact fees for the four districts and stated that Anacortes and LaConner did not request collection of impact fees for those districts.

Chairman Hart asked for a clarification from Mr. Hough in regard to the capital budget/operating budgets of each district. Mr. Hough stated that each district in order to adopt a capital facilities plan that identifies the impacts of new development of each district and on that basis recommends an impact fee structure, also stating that impacts fees cannot be used for present deficits or general maintenance and supplies, having to be spent on capital costs. Mr. Hough mentioned that all districts have met minimum requirements, but the extent of their outreach for public comment is not known, in regard to holding specific public hearings. Mr. Hough stated that each district must be adopted as part of the comprehensive plan and then the County would collect fees for those districts, mentioning that the method of collection varies and that impact fees would be collected at the time the building permit was issued.

Chairman Hart requested that the four school districts respond by stating what procedures were taken in regard to whether the appropriate hearings were held.

Bill Evans, Conway School District Superintendent, stated that advertisement and public notices were done for five years and at least nine meetings were held that were published on agenda. Mr. Evans stated that Conway has participated in the process.

Edward Peters, Director of Facilities of Mount Vernon School District, presented public record covering the last three years of verification on extensive public process, providing opportunity for the public to respond to impact fees.

Paul Chaplik, Superintendent of Burlington-Edison District, provided records supporting the unanimous adoption of the impact fees of the five Board Members. Dr. Chaplik reviewed the chain of events leading to the unanimous decision of the five school board members to support the impact fees. Dr. Chaplik reported that legal advice had been retained in this regard. Dr. Chaplik also stated that proper advertising was done in this regard. public were followed and Dr. Chaplik

Grace Yuan, Preston, Gates & Ellis, on behalf of the Sedro Woolley School District, stated that there were extensive discussions in regard to capital facilities and mitigation fees and that there was a public hearing at the City of Sedro Woolley on May 15, 1995. Ms. Yuan stated that the SEPA notice was published and that notification of the board agenda item was also published.

Ms. Yuan stated that she had been involved with a task force in Olympia, and continued discussing the impact fee issue, stating that the school districts have asked to be given the authority in this regard. Ms. Yuan stated that the Washington Association of Counties opposed the request.

Howard Liebrand, Conway School parent, expressed his concern of impact fees.

Paul Nolan, stated that the new homeowner pays the tax on impact fees. Mr. Nolan stated that it is rarely the person who impacts the schools is charged for these fees.

Robbie Robertson, Conway, stated that impact fees have been discussed for four years. Mr. Robertson stated that this is purely a decision of how to spread the cost of the growth.

Morris Nilson, Mount Vernon, stated his disapproval of impact fees, as they are really taxes. Mr. Nilson expressed his concern in trying to supply affordable housing due to the impact fees increasing the cost of homes. Mr. Nilson stated that the new home buyer does not create the impact and that the fees should be paid for by the ones that impact the system eliminating the hardship this creates on the affordable housing industry.

Jerome Chandler, LaConner School District, stated that people moving into our area are pulling their weight and supporting schools.

Bob Gent, Skagit Association of Realtors, stated that the timing of the impact fees is crucial.

Mark Leander, Assessor, stated that impact fees are a means of paying the capital costs of school buildings and that it relieves the taxpayer.

Lloyd Loop, Bow, stated that school funding should be put on housing, not on farm land. Mr. Loop stated that impact fees on new construction, even if there are not kids there now there will be eventually and the kids will then impact the schools.

Dave Hanson, Burlington, President of Burlington-Edison School Board, stated that the impact fees are one way of spreading the taxes out and still preventing the rise of taxes to the general public.

Al Brown, Realtor, stated that many homes do not impact schools. Mr. Brown stated that this is inflationary and not a fair tax.

Debbie Lisser, Conway, Board member, urged the Board to move forward with impact fees, but more importantly with the Growth Management Act. Ms. Lisser urged voting in favor of the fees and then pursue the Growth Management Act completion.

Brian McGinness, Executive Officer of Skagit-Island Builders Association, stated that all of the builders association across the state are against the impact fees. Mr. McGinness suggested urging the legislators to revisit the impact fees issue.

Maryl Skjel, Mount Vernon School Board, stated that she has witnessed the growth of the area and expressed her concern of the Conway School District to impose the impact fees in regard to be able to provide good education.

Catherine Ranke, Conway School District, asked the Board to please consider children when casting their vote in this regard.

Louis Requa, Sedro Woolley, stated his disapproval of impact fees, and mentioned that impact fees do not provide for even distribution of the tax and mentioned the need for a better way to collect this funding. Mr. Requa stated that the formulas need to be looked at.

George Nibrea, Conway resident, stated that the impact fees will restrict the growth.

John Sandell, Bow, stated that user fees should be put on the implemented on the families who impact the school districts. Mr. Sandell suggested cutting budgets in the school districts.

Brad Furlong, Conway resident, stated that this issue is about the children and providing sufficient schools.

Donald Brightly stated that the impact fees is not the way to go and that we cannot depend on the impact fee working.

John Roozen, Mount Vernon, stated that rapid growth causes an upset in the budget. Someone has to pay for the growth and we should not ask the people who were already here.

Alice Sutton, Hamilton, stated her concern of the need for a better public process and concern

Gerald Steel, Friends of Skagit County, supports fair impact fees before the Board today. Mr. Steel urged approval of the impact fees.

Grace Yuan urged the Board to adopt impact fees. Ms. Yuan clarified that this is the just the adoption of the collection of the fees.

A discussion ensued.

A date was set for a determination on this issue on Monday, October 23, 1995, at 11:30 a.m.

SIGNATURE - RESOLUTION DISBANDING ORIGINAL E-911 COMMUNICATIONS COMMITTEE.

Tom Sheahan, Emergency Management, presented a Resolution regarding the disbanding of the original E-911 Communications Committee.

Commissioner Wolden made a motion to disband the E-911 Communications Committee, as presented by Resolution. Commissioner Anderson seconded the motion and it passed unanimously. (Resolution #15916).

EMERGENCY MANAGEMENT COUNCIL

Tom Sheahan, County Emergency Management Director, briefly reviewed the Agenda for this meeting. Mr. Sheahan introduced Dennis Hofstad to review an update on the E-911 Communications Board. Mr. Hofstad indicated that he would review documents distributed on August 8, 1995 and items that were assumed. There were three decision elements: Draft an Interlocal Agreement, draft Communication Center By-Laws and Draft Cost-Sharing Schedule.

Interlocal Agreements were reviewed from other jurisdictions. Specifics of the proposed Interlocal Agreement were reviewed, together with a comprehensive organizational chart of board members and their specific duties. Technical Operation Committees would be composed of users of the system and their composition was briefly outlined.

Proposed By-Laws were also briefly outlined by Mr. Hofstad, who stated that the by-laws mirror the interlocal agreement. The By-Laws also state the duties of the Communication Center Director.

Mr. Hofstad reviewed the funding formula options such as call volume, population or valuation. Examples were briefly reviewed.

Since August, Mr. Hofstad stated that the committee has had meetings with the Skagit county Emergency Management Council, Skagit County Fire Commissioners Association, County Law Enforcement Association, Skagit County Fire Chief Association and others. The suggestions from each of these groups were briefly reviewed. Mr. Hofstad stated that the committee is now at the point when these documents need to be presented to each jurisdiction for review. He expressed the need to determine which jurisdictions still wish to participate in Enhanced 911.

Mr. Hofstad stated that there are still many items that need to be completed for the implementation of 911. Re-addressing program, facilities, and scope and depth of service to be provided.

Mr. Hofstad presented a proposed motion requesting the Communication Board proceed with the implementation of an Interlocal Agreement for communication services in Skagit County by presenting the proposed Interlocal Agreement, By-laws, and cost sharing formula with proposed draft budget to the appropriate emergency agencies in Skagit County for adoption.

On question from Commissioner Hart, Mr. Hofstad reassured the Council that the cost-sharing and budget will have to be approved by the Emergency Management Council. Mr. Sheahan indicated that the Interlocal Agreement and By-Laws must be changed by the entire council, not by the Communications Board. Discussion ensued. Mr. Sheahan indicated that the Interlocal Agreement and By-Laws will be scrutinized by each jurisdiction and legal counsel.

Mayor Maxwell indicated the need to get on with the program and have the documents reviewed by each jurisdiction. Commissioner Hart concurred with Mr. Maxwell's comments.

Mr. Sheahan indicated that changes and comments will be solicited from distribution to each jurisdiction.

Mayor Maxwell made a motion to approve the Interlocal Agreement. Commissioner Harvey Wolden seconded the motion and it passed unanimously.

Mr. Hofstad indicated the need to activate the Technical Operations Committee to assist with this process. The Council indicated their approval of this.

John Church briefly mentioned the problems of siting, building and budgeting. It is assumed at this point that all jurisdictions are still interested in participating. Nonparticipation by any jurisdiction may severely impact the budget. Mr. Hofstad noted the need to refine the budget numbers. Mayor Maxwell indicated the possibility of imposing a general facility charge.

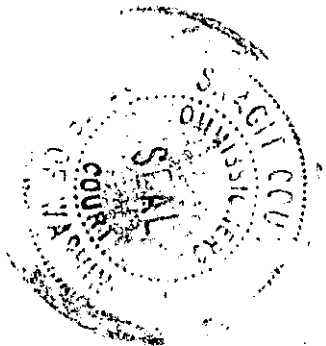
Tom Theisen, Architect, presented an update on the initial programming and concept development design for a new E-911 facility. Mr. Theisen stated that he has almost completed this phase of the development. Mr. Theisen reviewed the draft design manual that he prepared. Mr. Theisen stated that the preliminary total project cost is \$2,608,800 and that this does not include land acquisition costs.

Don Bottles inquire as to housing the Emergency Management Services, EOC/Training, DEM, and Fire Marshall all in one facility. Mr. Sheahan stated that the Emergency Management Council would own the building. A discussion ensued in this regard.

John Church stated that he had gone to Clark County E911 center, which includes the emergency operation center and the E911 center.

ADJOURNMENT:

Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it was carried unanimously.



BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Robert Hart, Chairman

Harvey Wolden, Commissioners

Ted W. Anderson, Commissioner

ATTEST:

Debby Sims, Clerk
Skagit County Commissioners