

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, January 9, 1996**

- 7:30 a.m. - 8:30 a.m. Commissioner's Staff Meeting.
- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/District Maintenance Supervisors.
- Flag Salute.
- 9:00 a.m. - 10:00 a.m. Planning & Permit Center - Roxanne Michael, Director.
- 1) Discussion - Draft Comprehensive Plan Revisions.
 - 2) Discussion - Recap of Planning Commission's 1/8/96 Meeting.
 - 3) Code Enforcement Report.
 - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Continuance - Appeal by Washington Department of Wildlife of Hearing Examiner's Decision supporting the Appeal of the Town of Concrete and Remanding the Mitigated Determination of Non-Significance (MDNS) to the Director of Skagit County Planning for a Project located at Lornezan Creek at the Intersection of Dalles and Grassmere near Concrete (AAP 95013.ORD).
- 1:30 p.m. - 2:00 p.m. Discussion - Performance and Financial Issues of Commonground: The Dispute Resolution Center of Skagit County.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 9, 1996, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

PLANNING & PERMIT CENTER - Roxanne Michael, Director.

1. Discussion - Draft Comprehensive Plan Revisions and Recap of the Planning Commission Meeting of 1/8/96.

Gary Christenson, Permit & Planning Staff, reported on the Planning Commission meeting held on January 8, 1996, and reported that they are proceeding and that it does appear the dates will be met.

Mr. Christenson briefly discussed the draft comprehensive plan document that was previously provided to the Board for review and mentioned that the Planning Commission did come up with some additional text changes at the meeting and that these changes will be reviewed with the Board. Mr. Christenson reiterated the Board's suggestion that the documents be presented to the Board for review before production and suggested that a time be set aside to do so. Commissioner Hart expressed a desire to assess the documents in order to gain a more clear understanding of certain aspects of the information contained in the document. Commissioner Wolden agreed that the Board should once again be walked through the documents to fully understand the contents, enabling the Board to be able to more easily explain to constituents the contents of the documents. Commissioner Wolden expressed the importance of this document. Chairman Anderson mentioned the fact that public meetings have been held in this regard and expressed his desire to make sure this plan represents what the citizens want, regardless of whether he agrees with the contents, and eliminating partiality of certain special interest groups.

Mr. Christenson stated that the document that is before the Board today with the exception of minor text changes, will be the document for production, unless there is an unanticipated change by the Planning Commission.

Mr. Christenson confirmed that the Planning Commission has reviewed the entire document. In regard to the maps, Mr. Christenson stated that mapping has provided some quality Global Information Service maps that clearly indicate areas that are in or out of an urban growth area. Mr. Christenson stated that the mapping should be completed by the end of this week and that the maps will be presented to the Board next Tuesday. The Board concurred that in order to keep within the time line, the maps should be presented to the Board on Tuesday, January 9, 1996.

The Board stated they are very committed to the time involved in reviewing this document and the maps.

Commissioner Hart discussed the fact that the concept has been approved, but the details have not been presented to the public and expressed the need to do so. It was determined that when the maps are ready next week, they should be posted in various different areas for public review. Mr. Christenson suggested displaying the maps in the rotunda of the Administration Building, at the front desk of the Permit & Planning Center, a set available at the Upriver Office and at the local libraries. Commissioner Wolden suggested producing a news release as to when and where the maps will be available.

A work session was scheduled for Wednesday, January 17, 1996, at 1:30 p.m. to 3:30 p.m.

3. Code Enforcement Report.

The Code Enforcement report was reviewed.

4. Miscellaneous.

1. Mr. Karsh presented an update on the number of applications since the 12/26/95 lifting of the Interim Zoning Ordinance and stated that the number of plats that have been submitted is 2 long plats, totaling 34 lots, and zero short plats. Mr. Karsh reported that there have been 5 requests for lot certifications, totaling 7 lots in those applications. The number of lots made eligible for submittal with this change in code, totals 34 and of that 34, the number that would be eligible if they would have waited for the growth management maps and text to be approved, there would be 18 that could have been approved.

A discussion ensued in this regard.

CONTINUANCE - APPEAL BY WASHINGTON DEPARTMENT OF WILDLIFE OF HEARING EXAMINER'S DECISION SUPPORTING THE APPEAL OF THE TOWN OF CONCRETE AND REMANDING THE MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS) TO THE DIRECTOR OF SKAGIT COUNTY PLANNING FOR A PROJECT LOCATED AT LORNEZAN CREEK AT THE INTERSECTION OF DALLES AND GRASSMERE NEAR CONCRETE (AAP 95013.ORD).

Neil Wise, representing the Department of Fish & Wildlife, reviewed the items that were discussed at the previous meeting and reviewed the letter that was submitted to the Town of Concrete from his office in this regard. Mr. Wise stated that the only potential problem is if the Town of Concrete should take more water than they are presently taking. Mr. Wise stated that if they exercise what they felt was their full water right without contacting the Department of Ecology, that would be ultimately be between the Department of Ecology and the Town of Concrete. Mr. Wise stated that under RCW 75.20.050, the Department of Fish and Wildlife could provide comments on the waters rights to the Department of Ecology.

Mr. Wise stated that basically the Department of Fish and Wildlife response was that augmentation will not be required and that there is nothing that the Department of Fish and Wildlife can do in regard to existing water rights. Mr. Wise stated that in the event that the Board upholds the Hearing Examiner's decision, that the only condition be the water right condition as this is the only condition with validity.

Mr. Wise also asked that the Board also make a decision on the shorelines permit if, in fact, they uphold the Hearing Examiner's decision.

Commissioner Hart inquired as to the matter of whether legislative bodies can legally bind other legislative bodies to a decision.

Commissioner Wolden inquired as to how many days a year there was water in the creek. Mary Cherberg, Town of Concrete, stated that the creek had water nine months of the year.

Chairman Anderson asked whether the Town of Concrete and the State had met as the Board had previously requested in order to arrive at a solution. Ms. Cherberg stated that the State was asked to attend a council meeting on December 27, 1995, and that they did not attend.

Ms. Cherberg confirmed that the Town of Concrete's position has not changed.

Commissioner Hart stated that he understands the Town of Concrete's concern over the water rights issue and continued to review the preceding events.

Commissioner Hart stated that the facts and the law substantiate the decision of the Hearing Examiner and discussed the County's legal position.

Commissioner Wolden expressed his hope that the Department of Ecology would not deny the Town of Concrete the need to supply water.

A discussion ensued.

Chairman Anderson remarked that he believes that the fear with the Town of Concrete is in supplying water to the town in the future.

A discussion ensued in this regard.

Patti Chambers, Administrative Coordinator, reviewed the options available to the Board at this time.

John Moffat, Chief Civil Deputy, stated that if there are unanswered questions, they should be answered now, rather than later.

Mr. Moffat stated that the water rights issue under the statute is a decision for court to decide and that this Board did have the option of adopting their own decision, which did not have to necessarily be based on all the grounds that the Hearing Examiner based his decision.

A discussion ensued in regard to the placement of the culvert and its effect on the fish.

Commissioner Hart made a motion to overturn the Hearing Examiner's decision and to grant the permit of the Department of Fish and Wildlife based on the findings that the Department of Fish and Wildlife cannot be required and/or restricted to determine what is going to be enforced by the Northwest Pollution and that the Department of Fish and Wildlife cannot be adhered to a buffer zone in regard to water rights, and that the Department of Fish and Wildlife cannot be held accountable for what the Department of Ecology's actions and in addition, to allow the underlying permit to be reinstated, leaving in tact the condition the the Department of Fish and Wildlife will recognize the full water rights of the

Town of Concrete.

Commissioner Wolden seconded the motion. Commissioner Robert Hart and Commissioner Wolden voted in favor of the motion. Chairman Anderson voted against the motion. The motion passed.

DISCUSSION - PERFORMANCE AND FINANCIAL ISSUES OF COMMONGROUND: THE DISPUTE RESOLUTION CENTER OF SKAGIT COUNTY.

Leslie Gilkey, Chairman of the Board, introduced B.J. Kendall and Steve Schutt, members of the Board. Ms. Gilkey presented a list of current board members and provided the Board with the most recent newsletter.

Ms. Kendall reviewed the Facilitation, Mediation and Information and Referral issues.

Ms. Kendall stated that the volunteer assistance has greatly helped the center and mentioned that the center averages 45 calls per day. Ms. Kendall stated that \$21,700 was appropriated last year from the County general fund and requested that this year that amount be increased by \$7,000.

Ms. Kendall presented a letter from Judge Meyer stating that the high settlement rate eliminates quite a burden from the Court system.

A discussion ensued.

Mike Woodmansee, Budget/Finance Director, reported to the Board that last year there was an attempt to put together a victim/offender program which is designed to bring victims of property crimes together with juvenile offenders and that the requested additional \$7,000 might be used this year for implementation of this program.

Craig Stoner, Juvenile Probation, commended CommonGround on their effort and reviewed the assistance CommonGround has provided to Juvenile Probation.

A discussion ensued in regard to funding, referrals from juvenile probation and the possibility of including referrals from the permit center.

It was suggested that the County could appropriate the \$7,000 in addition to the \$21,700, based on increased referrals from Juvenile Probation, which could be looked at in another year.

Mr. Woodmansee stated that a Resolution will be provided in this regard at a later date.

ADJOURNMENT:

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

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ted W. Anderson

Ted W. Anderson, Chairman

Harvey Wolden

Harvey Wolden, Commissioner

Robert Hart

Robert Hart, Commissioner

ATTEST.

Debby Sims

Debby Sims, Clerk
Skagit County Commissioners
