

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, June 11, 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/District Maintenance Supervisors.
Flag Salute.
- 9:00 a.m. - 9:30 a.m. Planning & Permit Center - Raising Michael, Director.
1) Discussion - State Disaster Relief Funds.
2) Update - Critical Areas Ordinance Checklist.
3) Miscellaneous.
- 9:30 a.m. - 10:30 a.m. Deliberation and Possible Action - Interim Ordinances No. 16075 and No. 16093, Land Use Controls.
- 10:30 a.m. - 11:00 a.m. Discussion with Housing Authority and Consideration of Resolution for Contingent Loan Agreement.
- 11:00 a.m. - Noon. Deliberation and Possible Action - Conservation Futures Tax.
- 1:30 p.m. - 2:30 p.m. Deliberation and Possible Action - Interim Ordinance No. 16102 (Regulatory Reform).
- 2:30 p.m. - 3:00 p.m. Signature - Centennial Trail Real Estate Purchase & Sale Agreements.
- 3:00 p.m. - 3:30 p.m. Presentation - Skateboard Park Proposal.

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

PLANNING & PERMIT CENTER - Raising Michael, Director.

1. **Discussion - State Disaster Relief Funds.**

Corey Schmidt, Assistant Building Official, reviewed documentation submitted to the Board earlier including a Letter of Intent regarding the Hazard Mitigation Grant Program with an estimated project cost of \$4,500,000. Mr. Schmidt briefly explained the bases for these costs, and explained the rationale for requesting these funds. On specific inquiries from the Board, Mr. Schmidt detailed the areas in the County that have been most affected by recent flood events. The subject of repetitive losses was discussed. A lengthy discussion ensued on specific problems within floodways.

Commissioner Hart moved to send the letter of intent regarding the Hazard Mitigation Grant Program. Commissioner Wolden seconded the motion and it passed unanimously. The Board signed the Letter of Intent form as presented by Mr. Schmidt.

2. **Update - Critical Areas Ordinance Checklist.**

Jim Cahill, Senior Planner, reviewed with the board the draft Critical Areas Checklist. Part I of the form is for the Applicant to complete; Part II is for Planning Staff to complete. Mr. Cahill advised that this form had been distributed to a small group of interested individuals to review and comment. Mr. Cahill briefly summarized the comments received from the private sector and specific suggested changes were discussed with the Board.

Mr. Cahill detailed the Critical Areas Review Process showing the flow of the above-referenced checklist and application.

The Board indicated that Staff should come back in two weeks with a polished version of the Checklist, gathering public input after the Critical Areas Ordinance goes into effect on June 13, 1996.

3. **Miscellaneous.**

Jeff Morgan, Senior Planner, presented a memorandum on the Nookachamp Hills development detailing actions of the Planning Commission. Mr. Morgan advised that work is being completed on a recorded motion to come forward to the Board for action on June 17.

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DELIBERATION AND POSSIBLE ACTION - INTERIM ORDINANCES NO. 16075 AND NO. 16093, LAND USE CONTROLS.

Tom Karsh, Assistant Planning Director, gave a brief background of the history of these ordinances. Interim ordinances were enacted in response to an order from the Western Washington Growth Management Hearings Board (WWGMHB) in February. In compliance with the WWGMHB directing increased public involvement, a public hearing was held on May 20, with written testimony taken until May 28. Mr. Karsh stated that the question before the Board today is whether these ordinances should stand as previously adopted, be modified, or totally discarded. Mr. Karsh stated that it is hoped that today's session will give staff direction to proceed.

Commissioner Hart stated that time and money should not be diverted from the completion of the Comprehensive Plan. Commissioner Hart also noted that the interim ordinances will most likely not pass the scrutiny of the WWGMHB. Commissioner Hart stated that the options are to continue to live under the order of invalidity and possible sanctions or to change the proposed interim ordinances to the specifications of the WWGMHB.

Jay Derr, Buck & Gordon, advised that portions of the Board's order have been accomplished, but that the WWGMHB will probably not approve a smaller than 5 acre lot size proposal. The WWGMHB has invalidated all of Skagit County's zoning code. If the County prevails on its appeal, applications that were filed since the hearings board order could proceed.

Chairman Anderson stated that he is not prepared to capitulate to the threats of the WWGMHB and that he will not vote to approve a five acre minimum lot size.

Commissioner Wolden stated that the ordinances will need to stipulate the possibility of 1 acre, 2-1/2 acre and 5 acre lots, and that Skagit County's appeal must stay alive.

Mr. Derr advised the Board that the interim ordinances could be repealed if a favorable ruling is made in the appeal to the WWGMHB.

A discussion ensued on the inclusion of smaller lot sizes other than the 5 acre minimum required by the WWGMHB.

Chairman Anderson indicated that it is time for the WWGMHB to step to the plate and tell the Counties what they want, rather than just invalidating and turning down proposals. Chairman Anderson indicated that there is no way he will ever vote for or agree to 5 acre minimum lot size within Skagit County.

Commissioner Wolden noted the need to show our work and justify the smaller lot sizes. Commissioner Wolden stated that the WWGMHB needs to consider what is best for Skagit County, and not base their decisions on determinations in other Counties.

Commissioner Hart reiterated that in his mind there are two options: living under invalidity, or adjusting ordinances to deal with the situation and leave the County's appeal in place because of the issue of unconstitutionality .

Mr. Derr clarified that there is nothing in the statute or the WAC that states the County must have a five acre minimum.

After further discussion on various aspects of the two interim ordinances, Mr. Karsh advised that he will prepare revised documentation incorporating the Board's comments and will present it to the Board during next week's Planning Department agenda.

DISCUSSION WITH HOUSING AUTHORITY AND CONSIDERATION OF RESOLUTION FOR CONTINGENT LOAN AGREEMENT

Shirley Osborn, Vice Chair of Skagit County Housing Authority, introduced another Board Member, Midge Taylor, and stated that the Housing Authority is here to finalize their Letter of Credit request from the County.

Mike Woodmansee, Budget/Finance Director, verified that the previous questions and concerns of the Board in this matter have been answered.

Chairman Anderson indicated that Mr. Woodmansee and the Housing Authority had, in fact, addressed all of the items of concern to the Board.

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Commissioner Hart moved to approve the Resolution approving the form and authorizing the Contingent Loan Agreement with the Housing Authority of Skagit County. Commissioner Wolden seconded the motion. The motion passed unanimously. (Resolution No. 16198) (Contract No. 02994)

DELIBERATION AND POSSIBLE ACTION - CONSERVATION FUTURES TAX.

Chairman Anderson opened this agenda item. Commissioner Hart noted that he had given a list of questions to the other members of the Board and to Skagitonians to Preserve Farmland regarding this issue. He further stated that it is the consensus of the Board that no action should be taken until further information is forthcoming. Commissioner Hart stated that in fairness to the people of Skagit County, more information needs to be ascertained on the effects of this proposal.

John Moffat, Chief Civil Deputy, commented on his review of the statutes in this regard.

Commissioner Wolden expressed his concern for clarification that the monies gathered from this tax be specified whether they would be used for obtaining grants or purchasing development rights. Further clarity is also needed, according to Commissioner Wolden, as to which entity will be administering these funds.

Commissioner Hart listed many of the comments he has received from members of the public concerning this proposal.

Chairman Anderson noted that he had heard four things: "We don't want to pay any more taxes;" "We want to preserve the farmland but we don't want to contribute any tax dollars;" "We simply can't make a decision because we don't have enough information;" and, "We want to preserve farmland and we are willing to pay additional taxes."

Andy VanderMeulen, Mount Vernon, questioned the issue of development rights, in particular, to his property as detailed in a drawing he prepared for the Board. A discussion ensued on several options for Mr. VanderMeulen.

Bob Rose, Skagitonians to Preserve Farmland, stated that it is important to establish criteria as to what land where would qualify for this type of program. It is up to a governing board (Board of County Commissioners) to weigh the various criteria as to how to evaluate properties and develop a sense of long-term County policy.

Commissioner Hart noted that lands closest to urban areas are the most vulnerable. If there are other benefactors, perhaps the person receiving the value and/or benefit should be willing to contribute and put their money on the line.

Randy Good, Sedro Woolley, expressed his concern that if you lower the value of farmland you will basically put the farmer out of business.

A discussion ensued on open space taxation.

Chairman Anderson stated that this program should be set up for Skagit County and for the long-term benefit of its citizens.

Peggy Rundgren, Mount Vernon, asked if there any alternative to the terms "in perpetuity." Mrs. Rundgren further noted that cities and towns are going to have to expand, and perhaps areas under this program would inhibit this growth.

Carol Ehlers, Anacortes, indicated her support for the program and the need to protect agricultural land.

Terry Christiansen, Anacortes, stated that this needs to be a lengthy process and that much more information needs to be gathered for the public..

Blair Painter, LaConner, expressed his concern that there is mass confusion with this program and that government will take total control of development. He further expressed a concern that even though the proposal is for voluntary participation, that could change in the years ahead.

Mr. Rose stated his opinion that the conservation futures tax should be considered just another tool that the County can use for the purchase of development rights and the protection of agricultural land.

Ralph Clemons, Lyman, noted his concern about "perpetuity." He further noted that other counties who have initiated this process have not been able to run a successful program.

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The Board concurred that more study on this matter is necessary.

DELIBERATION AND POSSIBLE ACTION - INTERIM ORDINANCE NO. 16102 (REGULATORY REFORM).

Tom Karsh, Assistant Planning Director, advised that a public hearing on this matter was held on May 28, with written comments accepted through May 31, 1996. Mr. Karsh noted that public interest has not been high on this ordinance, but several issues were brought forward that need direction from the Board at this time. It is planned to bring forth a re-write of this ordinance pursuant to the Board's direction on Monday, June 17.

Mr. Karsh reviewed the intent and history of this interim ordinance. He explained some specific instances contained in the ordinance regarding notification of adjoining property owners. Mr. Karsh queried the Board on their feeling for this notification process. The Board indicated their approval of Staff's proposal to comply with HB 1724 in this regard.

A discussion ensued on the definition of "lot size." It was decided to continue with the present policy at the point of 5 acres or larger to allow the public or private street right-of-way to be included in the lot size.

Mr. Karsh advised that most comments concerned the conversion of subdivision that had 5-9 lots from a long subdivision to a short subdivision. This is a double-edged sword since although this proposal would reduce paperwork for those applying, it would provide less public input and notification. Staff is proposing that these will be considered as short plats, but provide expanded notification and copies of decisions to those interested parties coming forward. There will also be an appeal process available.

Mr. Karsh advised that the SEPA appeal provision has been modified and briefly explained the change.

A discussion ensued concerning the appeal process.

Mr. Karsh next discussed response timelines for reconsiderations. As written, the ordinance allows five calendar days. It has been suggested that 10 days would be more reasonable. The Board agreed that 10 days seems more reasonable.

SIGNATURE - CENTENNIAL TRAIL REAL ESTATE PURCHASE & SALE AGREEMENTS.

Jon Aarstad, Parks Department Director, presented four of these agreements for purchase of rights-of-away along the Centennial Trail.

Commissioner Hart moved to enter Real Estate Purchase & Sale Agreements as follows:

- Daf B. Farrias, III, as his separate property, for a purchase price of \$3,192 (Deed No. 00417)
- John P. Snyder and Laurene M. Snyder, husband and wife, for a purchase price of \$7,616 (Deed No. 00418)
- Robert & Jean Timmins Family Trust, Robert C. Timmins and Jean Ann Timmins, Trustees, for a purchase price of \$1,120 (Deed No. 00419)
- Walter A. O'Neill & Helen I. O'Neill, husband and wife, for a purchase price of \$2,744 (Deed No. 00420)

Commissioner Wolden seconded the motion. The motion passed unanimously.

RANDY GOOD ENTERED THE LUNDVALL VS SKAGIT INTO THE RECORD. LA TWA HW

PRESENTATION - SKATEBOARD PARK PROPOSAL.

Larry Otos, Mount Vernon Parks & Recreation Department, shared with the Board some diagrams and pictures of a proposed skateboard area within Bakerview Park. Mr. Otos reviewed the specifics of this proposal. Mr. Otos discussed the cost of this project. Mr. Otos advised that \$10,000 is available from the Parks Foundation. He asked Skagit County to contribute \$20,000 towards completion of the project. Mr. Otos advised that he would be asking the City of Mount Vernon for \$30,000 to match these two contributions.

The Board indicated their interest in asking the Real Estate Excise Tax Committee to allocate \$20,000 toward this project. Commissioner Wolden so moved. Commissioner Hart seconded the motion. The motion passed unanimously.

MISCELLANEOUS.

1. Staff presented a contract with RDI to purchase Hewlett-Packard equipment at rates that have been contract by one of the State educational agencies. (Contract #02999).

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ADJOURNMENT.

Chairman Ted W. Anderson made a motion to adjourn the proceedings. Commissioner Hart seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ted W Anderson

Ted W. Anderson, Chairman

Harvey Wolden

Harvey Wolden, Commissioner

Robert Hart, Commissioner

ATTEST.

Debby Sims

Debby Sims, Clerk
Board of Commissioners