

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, September 24, 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.
T	9:00 a.m. - 10:00 a.m.	Planning & Permit Center - Roxanne Michael, Director. 1) Discussion and Possible Adoption of Resolution Relating to Acceptance and Processing of Development Permit under Invalidity. 2) Discussion and Possible Adoption of Resolution Approving Starbird Road Planned Unit Development. 3) Discussion - Shellfish/On-Site Sewage Grant Program Applications for Blanchard and Edison. 4) Miscellaneous.
	10:00 a.m. - 10:30 a.m.	Public Defender's Office Quarterly Update.
	10:30 a.m. - Noon.	Work Session - Delegation of Well Inspection Duties.
	Noon - 1:00 p.m.	Commissioner's Brown Bag Lunch with Employees (Hearing Room C).
	Budget Work Sessions:	
	1:30 p.m. - 2:30 p.m.	Information Services.
T	2:30 p.m. - 3:30 p.m.	Parks & Recreation.
T	3:30 p.m. - 4:00 p.m.	Fair.
	4:00 p.m. - 4:30 p.m.	Emergency Management.

The Skagit County Board of Commissioners met in regular session on Tuesday, September 24, 1996, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

PLANNING & PERMIT CENTER - Roxanne Michael, Director.

1. Discussion and Possible Adoption of Resolution Relating to Acceptance and Processing of Development Permit under Invalidity.

Tom Karsh, Assistant Director, reviewed the history of the ruling of invalidity and the attempt to clarify exactly what was invalidated. Mr. Karsh stated that staff has prepared a proposal in the form of a Resolution for discussion today in regard to the processing of land use applications by the Planning & Permit Center in light of invalidity orders of the Western Washington Growth Hearings Board. Mr. Karsh reviewed portions of the proposed Resolution addressing the processing of applications for lots smaller than five acres. Commissioner Hart asked Mr. Karsh to review the seemingly vast changes that have transpired since the last Executive Session held in this regard. Commissioner Wolden inquired as to why we would go back to adopt this when it has been made clear by the Growth Hearings Board that this is invalid and expressed his concern of participating in this while this is in litigation. John Moffat, Chief Civil Deputy, explained that this Resolution is merely a staff request, not by the direction of the Growth Hearings Board. Commissioner Wolden stated he did not want to satisfy this request by Resolution and Commissioner Hart concurred. Mr. Karsh stated that it is difficult for staff to answer the public's questions when there is not a Resolution or action by the Board documenting application procedure in regard to the invalidity order. Commissioner Wolden and Commissioner Hart continued with concern as to why this is necessary to adopt the Resolution as presented. Commissioner Hart stated that if the staff would like guidance in the form of a motion from the Board for direction on how to proceed in regard to the invalidity order and clarification, he would welcome that request, however, he did not want to do this through a Resolution. Commissioner Wolden stated that this would provide the opportunity for further delay of the completion of the comp plan and the cost to the property owners is already too much. Commissioner Wolden stated he would be glad to proceed in the form of a motion from the Board. Mr. Karsh stated that without a Resolution, there is the possibility of the creation of a lot of confusion for staff as to how to proceed. Commissioner Wolden asked for documentation from the Growth Hearings Board stating that this must do this by Resolution. Mr. Karsh stated that this was not a documented request from the Growth Hearings Board but only a recommendation from staff after lengthy review of the invalidity.

Commissioner Anderson mentioned that the first policy put in place after invalidity was to take applications but not to process these applications for less than five acres and due to the decrease in these applications, it would be difficult for the Growth Hearings Board to substantiate that we were proceeding against this invalidity. Commissioner Anderson suggested that we proceed as we have been until the comp plan is completed, recognizing that this might be a little difficult for staff, but that we should be consistent with our policies and accept applications, but not process. Mr. Karsh reviewed what the Board requesting in regard to the lots under five acres.

Mr. Karsh continued by discussing the building permit applications for commercial/industrial projects. A discussion ensued in regard to this issue and Mr. Karsh mentioned that this activity has significantly decreased since invalidity has taken place.

Mr. Karsh then discussed the determination of legal lots of record and minimum lot size of five acres within invalidated zoning districts. Commissioner Anderson stated that this has been determined when we received the order of invalidity asked why we should address aggregation when it is not directed to do so by the Growth Hearings Board. Mr. Karsh explained the determination of identifying legal lots of record. Commissioner Anderson commented on the lack of fairness of this aggregation issue. Mr. Karsh stated that is nothing is addressed in this regard and Commissioner Anderson stated he would support the one acre standard, but not the five acre. Commissioner Hart commented on the legal lot of record and continued by discussing the effect on residential development.

Mr. Karsh also addressed the effect of invalidity on Special Use Permits and the Board concurred that there was no problem with this issue as stated in number five of this Resolution.

Commissioner Hart again stated that he does not want to divert the staff from completion of the comp plan by approving the resolution. Commissioner Anderson stated that the Board concurred that this would not be adopted as presented.

2. Discussion and Possible Adoption of Resolution Approving Starbird Road Planned Unit Development.

Mr. Karsh explained that due to some last minute changes to the Resolution in regard to the Starbird Road issue. Mr. Karsh mentioned that at the direction of the Board the staff developed this Resolution. If approved, this would go back to the Snohomish County judge for ruling. Mr. Moffat stated that the judge request some findings as to whether this was a rural development or not and that the Board of Commissioners the staff developed this language for the Resolution. Mr. Moffat stated that he has been made aware by the Board that two letters were submitted from June Kite, September 23rd and 24th, and reminded that Board that this matter is not before them to accept comments or evidence from the public and mentioned that even though the Board can do what they want, unless the Board feels otherwise and would like to continue, these should be returned and not part of the record to base the decision on. Commissioner Wolden stated that this is just a confirmation of what the Board previously decided and asked if this is correct and also inquired as to if there will be an opportunity at a public hearing for public input. Mr. Moffat said there would be a "court" hearing in this regard and concurred that this Resolution is merely a confirmation of the Boards earlier decision.

Commissioner Wolden made a motion to approve the Resolution as presented. Commissioner Hart seconded the motion and it passed unanimously. **(Resolution No. 16302).**

3. Discussion - Shellfish/On-Site Sewage Grant Program Applications for Blanchard and Edison.

Mr. Karsh stated that this would allow the request for further funding for grant monies to fund the sewage projects in the Blanchard and Edison areas. Mr. Karsh mentioned that Paul Schissler, grant facilitator, will be assisting on this request and if the request is granted, a specific contract would be brought back to the Board.

Commissioner Hart made a motion to approve the Resolution as presented. Commissioner Wolden seconded the motion and it passed unanimously. **(Resolution No. 16303).**

4. Miscellaneous.

1. **Personal Services Agreement with Dave Hough to continue providing planning assistance to the Planning & Permit Center in order regard to the Growth Management Act. Commissioner Anderson inquired as to the termination date of the contract and Mr. Karsh mentioned that compensation will be at an hourly rate, on an hourly basis as necessary to complete the projects Mr. Hough is currently involved, including the proposed shooting range. Commissioner Anderson asked if there were benefits available and Mr. Karsh stated that there were not.**

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Commissioner Hart made a motion to approve the Personal Services Agreement as presented for land use services. Commissioner Wolden seconded the motion and it passed unanimously. (Contract No. 03198).

2. Mr. Karsh introduced Kindra Smith as a new member of the Planning & Permit Center staff . Kindra has replaced Jeff Morgan, as Senior Planner, working in short range planning.
3. Corey Schmidt , Planning, updated the Board on the Flood Damage Prevention Ordinance, stating that this would be brought back to the Board soon.

PUBLIC DEFENDER'S OFFICE QUARTERLY UPDATE.

Rob Jones, Public Defender, stated at the end of this summer there had been a slight decrease in the number of cases, however, it is again increasing this month. Commissioner Hart inquired as to the District Court load and Mr. Jones stated that it is a fairly constant one-third of the Public Defenders workload. Commissioner Anderson mentioned the high personal recognizance jail population and the inconsistency with other Counties. Mr. Jones stated that the general jail population has increased substantially this year and deemed legislature as requiring increased jail time. Mr. Jones offered various solutions to decreasing jail population and also discussed aspects of the Law and Justice Council and the impact the energizing of this council could have on the jail population. Mr. Jones reminded the Board that many people are in jail due to lack of funds to pay their probation fees, therefore are in violation and are put in jail. Mr. Jones stated that the cases in jail that have not been sentenced are usually cases that are complicated.

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.

As of this date, September 24, 1996, by a majority vote, did approve for payment those vouchers included in the above mentioned list and further described as follows:

Vouchers #6007-319, #6007-336 through #6007-359, #6007-361, #6010-579, #6010-581 through #6010-582, #6010-584 through #6010-595, #6010-597 through #6010-617, #6010-619 through #6010-620, #6014-446, #6014-449 in the total amount of \$1,187,158.27 and Warrants #160129 through #161029. (Transmittal #C43-96).

ADJOURNMENT.

Chairman 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, Chairman


Harvey Wolden, Commissioner


Robert Hart, Commissioner



ATTEST.


Debby Sims, Clerk
Skagit County Board of Commissioners