

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, January 12, 1998**

- *T 9:00 a.m. – 10:00 a.m. Public Hearing – Possible Amendment of the Skagit County Public Participation Program for Citizen Input into the Adoption of the Comprehensive Plan, Sub-Area Plans, Functional Plans, Development Regulations and Amendments thereto adopted under the Growth Management Act.
- 10:00 a.m. – 10:15 a.m. Public Comment Period.
- CONSENT AGENDA.
MISCELLANEOUS.**
- 10:30 a.m. – 11:00 a.m. Public Hearing – Supplemental Budget.
- 11:00 a.m. – Noon Presentation by Assessor's Office and Information Services Staff regarding Incentive Program for Imaging Implementation.
- 1:30 p.m. – 2:30 p.m. Public Hearing – Lake Management District No. 1 for Big Lake Assessment Role.
- 2:30 p.m. – 3:30 p.m. Executive Session – Personnel, Litigation and Land Acquisition.
- 5:00 p.m. Public Hearing – Consideration of Planning Commission Recorded Motion Recommending Approval of Amendments to the Critical Areas Ordinance (Skagit County Code Section 14.06) in Response to the Western Washington Growth Hearings Board Decision and Order No. 96-2-0025. (Hearing Rooms "B" and "C")

The Skagit County Board of Commissioners met in regular session on Monday, January 12, 1997, with Commissioners Robert Hart, Ted W. Anderson and Harvey Wolden present.

PUBLIC HEARING – POSSIBLE AMENDMENT OF THE SKAGIT COUNTY PUBLIC PARTICIPATION PROGRAM FOR CITIZEN INPUT INTO THE ADOPTION OF THE COMPREHENSIVE PLAN, SUB-AREA PLANS, FUNCTIONAL PLANS, DEVELOPMENT REGULATIONS AND AMENDMENTS THERETO ADOPTED UNDER THE GROWTH MANAGEMENT ACT.

Gary Christensen, Senior Staff, distributed to the Board handouts detailing the amendments to the Skagit County Public Participation Program for Citizen Input. He advised that the Public Participation Program had been adopted on April 22, 1997. The Western Washington Growth Management Hearings Board (WWGMHB) challenged certain provisions of the adopted program. The County has proposed amendments to the Public Participation Program to comply with the order of the WWGMHB. He reviewed specifics of the proposed amendments.

Chairman Hart questioned the change made on page 2, number 2A, deleting the ability to for the Board of Commissioners to consider minor clarifying amendments directly. He asked why this change was made, and whether it was a matter of semantics or clarification.

John Moffat, Chief Civil Deputy, advised that these changes were made primarily to clean-up portions that were not consistent with county-wide planning policies and state statutes. He advised that these are not major issues and reduce redundancies in the Public Participation Program.

JoAnne Lennox, Concrete, Box 425, stated that a representative from the Association of Landowners tried to get a copy of these changes and that the document was not made available at the front counter of the Planning & Permit Center. She stated that the availability of the document was not satisfactory.

Stan Walters stated that he tried to find out about what this hearing was about and asked if this meeting was to address his pending request for a land use redesignation. Chairman Hart clarified for Mr. Walter that this hearing is to consider changes to the Public Participation program, and that his redesignation request has been referred to the Planning Commission for further review.

Ken Howard, 280 Sharpe Road, Anacortes, representing the Association of Skagit County Landowners, stated that part of the public participation problem is the lack of notification. He stated that he learned of this hearing through the Commissioners' Agenda mailed to him, and suggested that there needs to be better identification of these issues. He suggested that the Board extend the written comment period to collect input from those citizens not present at the hearing.

Bill Schmidt, 689 Gallagher Road, Concrete, commented on the unavailability of the document from the Planning Department.

Mr. Christensen stated that the Board met on December 16 and established today to hold a public hearing, that the proposed amendments were available to the public on Thursday of that week and consequently, the document has been available for a number of weeks. He advised that the legal notice appeared on the Skagit Valley Herald on December 18 and January 8, which indicated that the document was available for public review.

Chairman Hart expressed the need to have a central location for public review documents in the Permit Center so that the documents are readily accessible for the Permit Techs when inquiries are received.

Tom Karsh, Planning Co-Director, outlined the procedures within the Department for distributing such documents, and stated that the Department is doing as well as it can to provide the information in a legal way.

Commissioner Anderson noted the need to set up a counter self-help area for the general public so that citizens could become accustomed to finding information on their own without interrupting staff.

A discussion ensued on a public access area where current documents could be accessed by the public.

Mr. Schmidt stated the need for flexibility in contacting groups with interest.

Carol Ehlers, West Fidalgo Island, stated that the more she can do to not have to contact and interrupt staff is a great way to get the word out to the public. She commented that in general the document follows what is required, but that there was difficulty in obtaining a copy of what exactly the WWGMHB has ordered. She explained the necessity of reviewing the legal court document relative to the proposed changes. Ms. Ehlers handed out an excerpt from the county-wide planning policies. Goal 12.16 says citizens shall have the opportunity to participate in and comment on proposed capital facilities financing. She stated that when writing the Comprehensive Plan policies, it was decided that capital facilities financing and participation in it, was not intended for it to be forgotten, and it has been forgotten. She stressed that public participation needs to be involved beyond the scope of Growth Management. She stated that she looks forward to other public participation principles established implemented in the months to come.

Laura Howard, 280 Sharpe Road, stated that the idea of posting information would be helpful. She stated that if known in advance, could the information be posted on the Commissioners' Agenda.

A discussion ensued on putting known items on the Commissioners' Agenda each week, so citizens would have advance notice

Mr. Christensen clarified that the call for this public hearing was on the Board's agenda and was discussed. He further advised that typically, if not always, the legal notices will appear in the Thursday edition of the Skagit Valley Herald. He stated that occasionally the County is able to get local radio stations to make public service announcements regarding items of interest to the general public.

Commissioner Anderson stated that does not mean we cannot do a better job.

Ms. Ehlers suggested that press releases should always be faxed to the news media.

In regards to Ms. Ehlers' previous comments, Mr. Moffat explained the procedure with the Growth Management Hearings Board and subsequent mediation with the Friends of Skagit County. He advised that there was no order produced that would have been available for public review.

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

Chairman Hart stated that in looking through the proposed amendments, it appears that the changes that have been made are fairly minor and clarify intent, and that he has no problem accepting written comments through the end of the week.

Commissioner Wolden asked if there is a timeline that needs to be adhered to.

Mr. Karsh advised that the Department was hoping to have this document available to the Citizens Advisory Committees that are being formed and are meeting tomorrow evening. He stated that the updated requirements for public participation are an integral part of the packet that is being prepared for these committees. Mr. Karsh, however, did agree with Chairman Hart that the changes are mostly clerical in nature.

Chairman Hart reiterated that these amendments do not apply to site-specific controls, and that he does not see any problem whether the amendments are enacted before or after the citizens advisory committees begin their meetings.

Commissioner Wolden clarified that no changes were made to the CAC procedures.

Commissioner Anderson commented that when RCW's are referenced in the document, it would be helpful to have a copy of the pertinent RCW attached to the document for review.

Mr. Karsh indicated that it would be an easy task for the Department to attach copies of all statutes and regulations to any document being considered, and it was agreed among the Board that this procedure should be followed in the future.

Commissioner Wolden moved to extend the written comment period on the amendments to the public participation program through Friday, January 16, 1998 at 4:30 p.m. Commissioner Anderson seconded the motion, which passed unanimously.

It was agreed that the Board would discuss and possibly take action on this item during the regular Planning Department agenda on Tuesday, January 27, 1998 at 10:00 a.m.

PUBLIC COMMENT PERIOD.

Don Bockelman, Day Creek, asked if the Board has made inquiries on the process of having secret meetings on legal issues. He stated that taking action to hire outside legal services should be part of the public process. He also commented on the aerial application of materials to the air to cause rainfall and asked if the Board has researched this. Commissioner Anderson stated that he would look into the matter, and would call Puget Sound Energy and Seattle City Light to determine if cloud seeding is occurring.

JoAnne Lennox, P.O. Box 435, Concrete, explained the difficulties in receiving information concerning public hearings, and stated that it is a good idea to put future public hearings on the agenda.

CONSENT AGENDA.

Commissioner Wolden moved to approve the Consent Agenda for Monday, January 12, 1998, deleting Item #9 pending further explanation. Commissioner Anderson seconded the motion, and it passed unanimously.

• COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, January 5, 1998.
2. Record of the Proceedings of Tuesday, January 6, 1998.
3. Dance Hall License for Skagit Valley Grange No. 620 for the period February 1, 1998 through January 31, 1999. The license is issued at no charge pursuant to Resolution dated May 8, 1935. **(Approved)**

• PUBLIC WORKS DEPARTMENT:

4. Resolution and Interlocal Agreement with Skagit County Volunteer Fire Fighters Association District No. 13 (Summit Park) for the installation of address signs as part of the County's readdressing program. Compensation will be at the rate of \$1 per sign with an estimated number of 450 signs. **(Resolution No. 16827, Contract No. 003785)**
5. Ordinance Amending Skagit County Code 10.04.030 to revise the Speed Limit on Farm-to-Market Road #31010, from Mile Post 7.70 to Mile Post 7.83 from 50 miles per hour to 35 miles per hour. **(Resolution No. 16828)**
6. Ordinance Amending Skagit County Code 10.04.030 to revise the Speed Limit on West Bow Hill Road #21180, from Mile Post 0.54 to Mile Post 0.77 from 50 miles per hour to 35 miles per hour. **(Resolution 16828A)**
7. Ordinance amending Skagit County Code 10.04.030 to revise parking restrictions on Cook Road #63000, beginning at Mile Post 5.34 and ending at Mile Post 5.5, "No Parking Anytime", both sides of the road. **(Resolution No. 16829)**

• RECORDS MANAGEMENT:

8. Resolution establishing fee service for microfilm products at the rates of \$17 per 35mm diazo duplicate and \$14 per 16mm diazo duplicate. **(Resolution No. 16830)**

• ARIS/BEST SELF:

9. Personal Services Agreement with Reachout Expeditions to provide consultation and group facilitation for work related conflict and resolution. Contractor will be paid \$70 per hour for such services, and the contract will begin January 1, 1998 and continue until terminated. **(This item was not approved pending further information).**

• TREASURER:

10. Resolution designating banks and depositories for all public funds held and certifying that said banks are qualified public depositories as set forth by the Public Deposit Protection Commission. **(Resolution No. 16831)**

• HEALTH DEPARTMENT:

11. Guest Speaker Contract with Gary Carpenter for a presentation entitled "Personal Perspectives on HIV/AIDS" for the fee of \$25. **(Contract No. 03786)**

MISCELLANEOUS.

1. 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, January 12, 1998, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant numbers 11997 through 12281 from Clearing Fund 696 in the total dollar amount of \$1,205,894.28 (Transmittal No. C-02-98).

Payroll warrants numbered 8899 through 9537 in the total amount of \$544,821.16 (Transmittal No. P-01-98).

2. Stephanie Wood, Personnel Director, presented for the Board's consideration the following documents related to current collective bargaining agreements:
 - A. Memorandum of Understanding to Current Collective Bargaining Agreement between Skagit County and the Skagit County Sheriff's Office support staff, SEIU, Local No. 120 covering the period January 1, 1996 through December 31, 1998, and providing for additional agreements between the parties concerning the allocation of the shoe allowance contained within the Agreement. Commissioner Anderson moved to approve the Memorandum of Understanding as presented by Ms. Wood. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 03495)**
 - B. Memorandum of Understanding to Current collective Bargaining Agreement between Skagit County and the Skagit County Sheriff's Office Support Staff, SEIU Local #120, covering the period from January 1, 1996 through December 31, 1998, providing for additional agreements between the parties concerning fingerprinting of current employees. Commissioner Anderson moved to approve the Memorandum of Understanding as presented by Ms. Wood. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 03495)**
 - C. Memorandum of Understanding to Current Collective Bargaining Agreement between Skagit County and the District Court Clerk Employees, Teamsters, Local #788, providing for additional agreements between the parties concerning the Cost of Living Allowance for 1998. Commissioner Anderson moved to approve the Memorandum of Understanding as presented by Ms. Wood. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 03462)**
 - D. Memorandum of Understanding to Current Collective Bargaining Agreement between Skagit County and the Courthouse Employees, Teamsters, Local #788, providing for additional agreements between the parties concerning the cost of Living Allowance for 1998. Commissioner Anderson moved to approve the Memorandum of Understanding as presented by Ms. Wood. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 03461)**
 - E. Memorandum of Understanding to Current collective Bargaining Agreement between Skagit County and the Juvenile Corrections Employees, Teamsters Local #231, providing for additional agreements between the parties concerning the Cost of Living Allowance for 1998. Commissioner Anderson moved to approve the Memorandum of Understanding as presented by Ms. Wood. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 03625)**
 - F. Memorandum of Understanding to Current Collective Bargaining Agreement between Skagit County and the Public health Employees, International Federation of Professional and Technical Engineers, Local #17, providing for additional agreements between the parties concerning the Cost of Living Allowance for 1998. Commissioner Anderson moved to approve the Memorandum of Understanding as presented by Ms. Wood. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 03122)**

PUBLIC HEARING – SUPPLEMENTAL BUDGET.

Alicia Huschka, Budget Director, advised that this request for supplemental budget is related to the 1997 budget. She gave a brief overview of the changes to the budget before the Board.

There being no public comment forthcoming, Commissioner Wolden moved to close the public hearing. Commissioner Anderson seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Anderson moved to approve the Supplemental Budget request as detailed by Ms. Huschka. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 16832)**

PRESENTATION BY ASSESSOR'S OFFICE AND INFORMATION SERVICES STAFF REGARDING INCENTIVE PROGRAM FOR IMAGING IMPLEMENTATION.

Mark Leander, Assessor, reviewed the reviewed the current procedures for photographing properties being assessed including the cumbersome equipment for field work which does not lend to our current technological environment. He explained the benefits of developing an imaging system that would capture the information in our computer system and aid law enforcement and code enforcement. He reviewed the equipment necessary and the groundwork that has been done by John Holmes in developing a program to produce images on the existing computer system.

Mike Almvig, Information Services Director, detailed a cost analysis showing a significant cost savings if this program is developed by Skagit County Employees rather than The Software Group. He indicated that there would be an \$8,800 per year cost savings to the County if this program is developed in-house.

A discussion ensued on the proposed program.

Mike Woodmansee, County Administrator, stated that the County is on the threshold of a bringing this type of technology to the forefront, and asked the Board for their consideration of allowing certain employees to go forward beyond their normal scope of work to implement an imaging system.

Commissioner Hart stated that incentives for public employees always raise questions, and that there must be evidence of a concrete savings to the taxpayers. He stressed the need to compare savings to an actual firm bid from an outside vendor.

Mike Almvig clarified that the proposed resolution does state that actual savings must be shown, and that he has incorporated suggested changes by the Auditor and State Auditor.

Commissioner Anderson queried Staff on whether all of the work required would be outside of normal working hours. He stated that County employees are not underpaid, and that if a person is employed by the County, there are expectations of doing the work they are being paid for, rather than working on special incentive projects.

Mr. Woodmansee explained that this issue runs on a fine line, and that the biggest cost in this program is the estimate of staff time dedicated to this project.

Commissioner Wolden commented on the use of County equipment in this regard.

Chairman Hart explained the need to see where the taxpayer comes out with a benefit. He indicated that if he could see concrete taxpayer savings, he could support the incentive program.

Mr. Almvig stated that the final product will be a taxpayer-owned program which the County could sell or license.

A discussion ensued on the utilization of County equipment without having to access infrastructure, and the need to develop evidence of a definite savings to taxpayers.

The Board did not take action on this matter, pending further information and discussion.

PUBLIC HEARING – LAKE MANAGEMENT DISTRICT NO. 1 FOR BIG LAKE ASSESSMENT ROLE.

Mike Woodmansee, County Administrator, reviewed the process taken to form Lake Management District No. 1 for Big Lake. He explained that this public hearing is the final step in the public process, and that the purpose of this hearing is to consider objections to the proposed assessments for individual property owners. He explained that the Board functions as a Board of Equalization as to whether a parcel should be included or excluded on the assessment role. He explained that in order to having standing to object to an assessment, the request had to be put in writing and submitted prior to this hearing advised that this is a unique public hearing. He advised that there are approximately twenty such petitions.

Commissioner Wolden clarified that when the Lake Management District was approved, the rates had been established. Mr. Woodmansee confirmed that the rate information has been available for some time. He further stated that there is no new information or rates proposed today

Mr. Woodmansee stated that a Resolution needs to be adopted that approves the assessment role. Time is important as notice of the resolution must be published, which starts a 10-day window of appeal running.

Mr. Woodmansee distributed a list of those people who have submitted appeals of their assessments.

1. Adrienne Brown – P74663- assessment \$200 – agree with Staff recommendation of \$140.
2. Bryan W. Burtch – Approve Staff Recommendation.
3. Bruce & Helen Cook – Big Lake resort is scheduled to pay \$100 per condo (from individual owners). The resort as it relates to the boat launch, was overlooked and is not included in the assessment role.

Bud Ebeling, 1808B North West Lake Road, stated that the Big Lake Resort is in bankruptcy and has been taken over by Skagit State Bank.
4. Bruce Cook – proposed fee of \$140. Staff recommendation is –0- as the lot width is 10 feet.
5. 67113 – Penny Darr – lot width is actually 18 feet. Staff recommendation is –0-.
6. P74763 – David Felt – proposal of \$50 – recommendation from staff is –0- due to lot width of 20 feet.
7. P74687 – Jim & Shirley Haley – feel this is unfair taxation. Original proposal is \$140. Staff recommends that the assessment remain at \$140.
8. P74685 – Doralee Hammond – original proposal is \$140. Senior citizen exemption may be possible, but staff recommends holding at the \$140 rate.
9. P74675 – Virginia & Milo Hicks – Staff recommends assessment remain at \$50.
10. P67105 – John R. Holt – proposal was \$140, and the staff recommendation is –0- as the pie-shaped lot does not meet requirements for legal lot.
11. Parcels 29930, 29931, 29929 – David Hough – Reduce by \$100 from total of \$240. Mr. Hough wants all three parcels aggregated.
12. P64413 – James Kline – original proposal \$140, staff recommendation is \$50 as it is an original parcel with no buildings.
13. P62016 – Frederick Moore – Staff recommendation is –0- as contiguous parcel and house located on both parcels.
14. P64436 – Keith Pyatte – parcel is 25 feet with 15 foot sewer easement. Staff recommendation is –0-

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15. Parcel 67107, 67108, 67110, 67111, 67112 – Keith Pyatte - Staff recommends to reduce to \$140 total.
16. Parcels 62139, 62140, 99332 – Carl Rogers –

Mr. Rogers stated that he lives in Everett, owns six lots on Big Lake and described the particular circumstances of each of his lots. Mr. Woodmansee advised that he is down for three \$50 assessments. Mr. Rogers is asking for only one assessment of \$50. P62140 stays on the role per Assessor Mark Leander, with an assessment of \$50. It was decided that the \$50 charge for one parcel, P62140, will remain, and the other two \$50 assessments will be removed.
17. P69862 – Silfa Sanders (Olsen) – one family residing in two connected buildings. Staff recommendation is to reduce the \$200 assessment to \$140.
18. P69884 – Sohee Smith – Staff recommendation is to remain at \$140 rate.
19. P74698 – Janet White – Staff recommendation is to reduce the original \$200 fee to \$140.
20. P64477 – Robert Young – Rich Weyrich explained the three parcels asked for a reduction to a straight \$140 for each lot as listed.
21. Tim Albrecht - \$140.
22. Rich Weyrich - \$140.
23. Nancy and Harold Bates – P69879 – proposed charge \$140 – property is not livable – storage shed only – no water, sewer. The building is not habitable. Reduce to \$50.
24. RD Vinston - P29881 – proposed charge \$140 – senior citizen exemption is recommended. To remain at \$140.
25. Tom Osborne- P 62020 – five foot parcel – Board recommends –0-.
26. Tom Osborne – proposed \$200 – reduce to \$140. P62019
27. Bill Vervaart P64443 = proposed \$700 total – pay higher taxes to live on water’s edge and should be maintained by public funds. Remain at \$140.

Bud Ebeling ,1808b N West View Road, requested relief on his half lot. He did not submit an objection in writing as he has been out of town. Mr. Woodmansee stated that this is also an example of contiguous parcels. The parcel number was confirmed as P74764.

Bob Jonkheer 1806 B N West View Road, stated that he is not opposed to his assessment, but would like to know what will happen if the County cannot collect from Fish & Game, and the RV lots at the Big Lake Resort .

Mike Woodmansee stated that with regard to the State, they fall under the same appeal provisions as any other property owner. Further, the 40 day appeal period started on December 11, someone within the district would have to file an action in Skagit County Superior Court disputing the formation of the district. The second appeal period will begin running the day that the notice of the resolution resulting from this hearing is published and will run for ten days. Mr. Woodmansee advised that the State will have to pay if no appeal is filed.

Commissioner Hart commented that Fish & Wildlife has indicated that they will not appeal this formation.

Mr. Woodmansee explained that the RV park at the Big Lake Resort was never identified by the citizens group beyond the 14 condos which were identified and assessed. He explained that it is not possible to go back to identify these without reworking the entire process and formation of the district.

A discussion ensued on the ability to add additional parties to the District.

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Mr. Woodmansee indicated he would follow up on the procedures for adding additional properties to the assessment roles.

There being no further public comment forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Wolden seconded the motion, which passed unanimously. The public hearing was closed.

Mr. Woodmansee advised that a Resolution would be forthcoming to the Board for action in the near future.

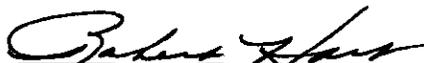
PUBLIC HEARING – CONSIDERATION OF PLANNING COMMISSION RECORDED MOTION RECOMMENDING APPROVAL OF AMENDMENTS TO THE CRITICAL AREAS ORDINANCE (SKAGIT COUNTY CODE SECTION 14.06) IN RESPONSE TO THE WESTERN WASHINGTON GROWTH HEARINGS BOARD DECISION AND ORDER NO. 96-2-0025.

Transcript from Court Reporter to be attached hereto and incorporated into this Record of the Proceedings when completed.

ADJOURNMENT.

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

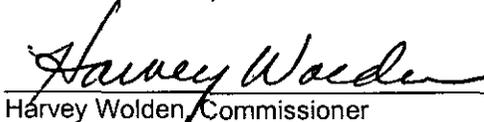
**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Robert Hart, Chairman



Ted W. Anderson, Commissioner



Harvey Wolden, Commissioner



ATTEST:



Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners

PUBLIC HEARING BEFORE THE BOARD OF COMMISSIONERS
FOR SKAGIT COUNTY

IN RE: Public Hearing)
for Proposed Critical)
Area Ordinances)

VERBATIM RECORD
OF
PROCEEDINGS

January 12th, 1998

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A P P E A R A N C E S

Board of Commissioners

Ted Anderson
Harvey Wolden
Robert Hart (Chairman)

Counsel of Record

Mr. John Moffat
(For Skagit County)

Skagit County Planning Department

Mr. Tom Karsh (Planning Director)

Mr. James Cahill

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ORIGINAL

VOL. 88 718

CA#0.328

1 CHAIRMAN HART: It is 5:00 p.m. on
2 January 12th and we are here for a public hearing on
3 the critical areas ordinance. I wish to read into the
4 record this item. The purpose of this public hearing
5 is to receive testimony and written correspondence on
6 the Skagit County Planning Commission's Recorded Motion
7 amending portions of Chapter 14.06 and 14.01 of the
8 Skagit County Code Administration respectively. These
9 revisions are in response to the Western Washington
10 Growth Management Hearings Board decision and order
11 No. 96.2-0025.

12 The County Commissioners will not be deliberating
13 nor will there be any final action at this public
14 hearing. Comments and information obtained tonight
15 and written correspondence received at the Skagit
16 County Planning and Permit Center by 4:30 PM Thursday,
17 January 15th, 1998, unless amended following the close
18 of the hearing, will be considered by the Board of
19 County Commissioners before any final action is taken on
20 this ordinance.

21 Those of you who wish to provide public comment
22 are asked to sign up on the speakers list located at
23 the table in the back of the hearing room near the
24 entrance so that you may have an opportunity to comment.

25 Your comment should be made within a 3-minute period

1 so that everyone will have a chance to speak. Special
2 interest groups, associations or those representing
3 others are encouraged to designate a spokesperson for
4 public comment to allow greater participation and
5 cross-representation. Written comments are encouraged.

6 Thank you. We will begin with those who wish to
7 speak. There are some who have not indicated they wish
8 to speak and they will be given an opportunity if we
9 have time. The first person wishing to speak is
10 Chuck Bennett.

11 MR. BENNETT: Charles Bennett, 1571
12 Bennett Road, Mt. Vernon representing Dike Districk
13 12. We have worked kind of long and hard trying to
14 get this to a document that is finally workable as
15 far as dike and drainage and this latest version is
16 probably about as close as we are going to get. I
17 would like to say we appreciate all the planning
18 commissions and staff's time and effort in going over
19 this and finally getting us a document that is
20 workable and we will support the county in any way that
21 we can to help them with it.

22 Thank you.

23 CHAIRMAN HART: Thank you. Stoney
24 Bird.

25 MR. BIRD: Good evening. Stoney Bird

1 of 1619 and a half South 16th Street, Mt. Vernon. I
2 hope you don't pass this proposed ordinance because
3 if you did you would have an illegal ordinance on
4 your hands. It will violate the order in response to
5 which it has been drafted and it will violate the
6 Growth Management Act. I will go into the details of
7 those violations and others as well in my written
8 comments. For now, what I would like to say is that
9 if I were a developer or a builder or someone in the
10 real estate industry in this county I would begin to
11 ask myself why we can't have a set of legal and stable
12 development regulations in this county. What the
13 county has done so far is drag it's heels, go in
14 opposition to the Growth Management Act and violate
15 the law and the result is that no one can depend on
16 the ordinances that you have been passing. I urge you
17 not to pass this ordinance because it too will be
18 found to violate the law and everybody will be left
19 in the lurch again.

20 CHAIRMAN HART: Thank you. Tom Solberg.

21 MR. SOLBERG: My name is Tom Solberg
22 and I live at 1725 Minnie Road in Alger. I'm one of
23 the few people who probably attended everyone of the
24 meetings, I think they said 19 and I've probably been
25 at 16 of them. It was a long, drawn-out process and

1 I, too, am a little disappointed in that they first
2 started out with the reparation management act or area,
3 which basically they said that the buffer could be
4 half the size of the standard uphill buffers. They
5 hummed and hawed around about that and they had a lot
6 of professional testimony but what it boiled down to
7 is a ten year voluntary basis their going to start
8 with. Well, I think that is in a way--I am for the
9 farmer but I think that is a little bending over
10 backwards. I noticed through all the hearings here
11 that the farmer has really been given a lot of
12 preferential treatment and if I thought it was going
13 to make a difference between them succeeding or not
14 I would be for it but this preferential treatment is
15 not going to make a difference because the plight of
16 the farmer is beyond the county control. We all know
17 we're in the word trade, NAFTA, GAT, the world markets
18 and agriculture is getting to be a big business. I'm
19 glad to hear when we first started that people were
20 saying that the Skagit Valley was the bread basket to
21 the world. Well, these people are a little ignorant.
22 They should get on a bus or get in a car and start to
23 drive around this country and see how agriculture
24 really is. I hate to see it go but if they can't
25 compete in the word market their out. I would like to

1 see the buffers have a uniform width. Right now it is
2 a voluntary basis for the farmers. It started out
3 only being half width and all of a sudden us upland
4 people have these massive, excessive buffers and as
5 you know the conservation futures fund was supposed to
6 compensate these upland people for these big buffers
7 but it boiled down to the farmers again are going to
8 get the money. They talked about easements, how are
9 you going to delineate these buffers, easements
10 separate tracts. I see that this hearing isn't on
11 that but indeed, in fact if it is an easement and
12 basically the county doesn't want any human activity,
13 in essence you really should be buying it. It goes
14 way beyond an easement and I think you should buy it
15 at the fair market value.

16 Thank you very much.

17 CHAIRMAN HART: Thank you. Doyle
18 McClure.

19 MR. McCLURE: Doyle McClure, 777 Parker
20 Road, Sedro Woolley and I'm representing Skagit
21 Audubon Society and Friends of Skagit County. In July
22 at the first public hearing on the modifications I felt
23 pretty encouraged that two of the three commissioners
24 had in an open to the public session with the staff
25 indicated they recognized the need to protect

1 anadromous fish and staff had come forward with what
2 appeared to be a proposal, first round, to try to do
3 that. We in Audubon and Friends didn't take a position
4 on the details of that but rather recognized that
5 because it was resource land and that the GMA, the
6 principle function was protecting resource land, as
7 well as critical areas, as well as anadromous fish,
8 that we took the position that, in that case, for
9 ongoing ag. as contrasted to new development, that
10 the balance should play out between farms and fish
11 and even though we recognized that that did not
12 nearly meet best available science for a broader set
13 of wildlife, we considered that a compromise, trying
14 to be constructive and unfortunately in the past five
15 months since early August when the planning commission
16 took over the county has gone south. It is clear
17 there is going to be problems. You are going to be
18 challenged. If you carry through with this the
19 planning commission has set you up for, I believe,
20 invalidity or sanctions. It simply doesn't wash I
21 believe.

22 So much for Ag. The question of dikes. I think
23 any of us with half a brain see dikes on the river
24 that you can't grown trees on, you can't probably do
25 much about. But if you look around you see other

1 places on the river, I think the Skagit where there
2 is maybe a quarter of a mile of land between the dikes
3 and the river and then there is all the other streams
4 that have different issues, even though there are
5 places where you probably can't do anything for fish
6 along the Skagit for example. We also see the county
7 public works dredging six tenths of a mile of Hansen
8 Creek with apparently no attention paid to fish
9 habitat. It is not that they don't have to do
10 something there it's that there is no reason not to
11 have some fish protection along those streams. So.
12 recognizing it is somewhat complicated, it is clearly
13 far beyond the capabilities of the planning
14 commission to devise anything that makes sense.

15 Suggest the possibility that they should have had
16 a technical committee with maybe three fish types
17 and three farm and diking types and tell them to go
18 get a solution and if they don't, maybe we can wrap
19 some duct tape around Ted's head and write fish farm,
20 fish farm and throw a dart and say you know somebody
21 is going to sue you but that is the way it will be.

22 So, we will submit written comment, there are a
23 number of other problems but I think you have an
24 opportunity to make a constructive solution there but
25 just rubber stamping this isn't it. Thank you.

1 CHAIRMAN HART: Thank you. Charlene
2 Robinson.

3 MS. ROBINSON: Charlene Robinson,
4 10789 Potts Road, Sedro Woolley. I am against the
5 part of the ordinance that deals with the buffer
6 zone, especially up river. I feel that 200 feet is
7 really excessive and I don't understand how you think
8 the water is any wetter up there than it would be
9 down river. To me the water is wet. I fee that
10 really is a great consideration that you need to
11 attend to. This whole situation reminds me of the
12 story or the fable I should say and six blind men of
13 Indostan, if you recall that from your childhood days
14 who were seeking what the elephant looked like and
15 they went to the raja and they were able to see the
16 elephant but they were not able to see the elephant.
17 The first one. The first one fell against the side
18 and said oh, the elephant is very much like a wall
19 and the next one went and felt the tusks and said oh,
20 the elephant is very much like a spear. Another one
21 came and within his grasp and scope was the tail and
22 he felt it and he said oh, the elephant is very much
23 like a rope. Another one felt the trunk and said oh,
24 the elephant is very much like a snake. The last one
25 felt the ear and said oh, the elephant is very much

1 like a fan and though all of these men were in their
2 right in part, together they were wrong and I'm hopping
3 that each of you will be looking at all of it together
4 and not just your own little part and see if you can't
5 get it right.

6 CHAIRMAN HART: Thank you. George
7 Theodoratus.

8 MR. THEODORATUS: Yes, I'm George
9 Theodoratus, 3593 Highway 20, Concrete, Washington.
10 On the most part I think they have done reasonably
11 well on it but I still have a problem with vested
12 rights and subdivisions where you have gone through
13 all the process and when you start getting into a
14 two hundred foot setback when you have lots that are
15 two hundred feet long and you create that two hundred
16 foot in a critical area it kind of creates a problem.
17 So I think that eventually you should try to get those
18 things worked out to where if you have to go through
19 those processes that at least you have something you
20 know you can do something with. So I think that
21 section needs some work on. Thank you.

22 CHAIRMAN HART: Thank you. Gary Jones.

23 MR. JONES: Good afternoon, my name is
24 Gary Jones, I'm an attorney in Mt. Vernon and I put
25 my name on as a speaker because of the desire to at

1 least alert you to some upcoming comments that are
2 coming in, in writing, about the concerns of diking
3 and drainage districts, particularly dike district
4 number three, which has the left bank of the Skagit
5 River from the river bend south here or through
6 downtown Mt. Vernon all the way to the county line
7 and then we also have Drainage District 17, which
8 overlaps some of that land between the hill ditch and
9 the main stem of the Skagit and the south fork of the
10 Skagit River. I'm also representing District #22,
11 the Fir Island Diking District and those three
12 districts went together because of their concerns that
13 there were a number of technical issues involving
14 fisheries in this ordinance and they have hired
15 Douglas Martin, who is a Phd., University of Washington
16 Fisheries Consultant that has done a lot of work and
17 some of you may have seen some of his work. He is very
18 familiar with the writings and the fisheries work of
19 the Skagit Systems Cooperative people that has been a
20 very big part of the record to date and I think he
21 has some very pertinent comments about the difficulty
22 of trying to write an ordinance that deals with the
23 many different habitats that we have or fish in this
24 area and I'm very hopeful he will be able to provide
25 in the appropriate cases some support for the ordinance

1 and its voluntary provisions and also some further
2 distinctions about how an ordinance of this kind
3 needs to distinguish between estuary and habitats that
4 you might find on Fir Island with the tidal influence
5 in some of those sloughs that are also drain ways and
6 the distinction between that and something like
7 drainage district 17, Big Ditch and then a further
8 distinction with something like Carpenter Creek where
9 you have mixed manmade structures with natural upstream
10 spawning areas. I think it is a much more complicated
11 project to try to write a regulation and have a proper
12 specification of what it is you are going to do
13 without having some detailed knowledge of the impacts.
14 I think that what the farm community and what the
15 particularly these three districts that I have been
16 working with want to see is that if money is going to
17 be spent, if regulatory requirements are going to
18 arise because of the adoption of the critical areas
19 ordinance, they would like to feel that requirements
20 are things that grant funding agencies would recognize
21 as worthwhile that would result in public expenditures
22 of their tax payers money on projects that would
23 actually produce a good result and not simply be a
24 further entanglement and expense without a public
25 benefit. They also would like to see some recognition

1 that regulation of fisheries requires more than
2 habitat.

3 CHAIRMAN HART: Thank you. Leonard
4 Halverson.

5 MR. HALVERSON: Good evening. I'm
6 Leonard Halverson, 1157 Sterling Road, Sedro Woolley,
7 Washington. I'm speaking here tonight to get a study
8 in by Cindy Hulvert. (phonetic) This was done for
9 the tribes or in cooperation with the tribes and took
10 years to accumulate and I don't think it has been
11 put into the record here. I did some checking and I
12 don't think it was done, so I brought it to put it in.
13 It basically was a study of logging and rmc's and what
14 not on the Skagit river. She found out that there was
15 little or no problems with your rmc's on the river
16 and logging was not the problem. Her basic thought on
17 the thing was that there were too many people and I
18 don't know what in the world we're going to do to get
19 rid of that. Also I have had a talk with Mike
20 Scadari (phonetic) who is doing the environmental
21 impact statement on the core of engineers project
22 that the county is currently involved with and he has
23 assured me that there is no problem with the warming
24 of the Skagit River from rmc's or the lack of them.
25 On the water flows we have a lot of melt from glacier

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1 and deep sea temperature of the water, low enough
2 that there is no problem at all.

3 CHAIRMAN HART: Thank you. Do we have
4 additional sign-ups? Okay we have several people who
5 signed up who did not indicate they wished to speak.
6 Are any of those people interested in speaking at this
7 time. Is there anyone who did not sign up who wishes
8 to speak. Gary?

9 MR. JONES: I spoke as a representative
10 of some clients I also have some personal views on
11 the thing.

12 CHAIRMAN HART: If you would like I can
13 give you an additional three minutes.

14 MR. JONES: This is Gary Jones again
15 and I reside at 1180 Landing Road in Mt. Vernon,
16 Washington and I have been involved as a member of the
17 rural element of the comprehensive planning and also
18 have an interest in the subject of the critical areas
19 ordinance as a land owner who lives along the north
20 fork of the Skagit River. One of the things that has
21 impressed me I guess as a citizen is the degree to
22 which the single purpose environmental laws have
23 proliferated and have caused what I would call a
24 diminished public respect for environmental regulation
25 and one of the things I see that either is happening

1 or is about to happen in connection with the Growth
2 Management Act is that there is a very strong
3 tendency to try to create another single purpose set
4 of rules for any number of subjects under the rubric
5 of the Growth Management Act and it's my opinion that
6 the legislature has actually given some guidance which
7 is relevant in connection with the critical areas
8 ordinances that can be found in enactments like the
9 environmental assistance program, chapter 90.60, RCW,
10 in which there is a specific legislative finding that
11 continued progress to achieve environmental standards
12 in the face of continued population growth will
13 require greater coordination between the single
14 purpose environmental programs and the more efficient
15 operation of these programs overall. Pollution must
16 be prevented and controlled and not simply
17 transferred to another media or another place. This
18 goal can only be achieved by maintaining the current
19 environmental standards and by greater integration
20 of the existing programs. I really believe that the
21 greatest thing Skagit County could do would be to have
22 a staff and a ordinance that would actually identify
23 and enforce the existing environmental laws that
24 already protect fish. I mean there are literally
25 a dozen agencies that are standing by with experts,

1 rules, regulations, ability to intervene in these
2 things now and for Skagit County, which has no staff
3 expertise and things like best management practices
4 for agriculture or any number of other things, to be
5 out trying to reinvent the wheel here and not
6 recognize a very tremendous lack of enforcement, lack
7 of understanding of existing environmental laws is
8 really sad.

9 CHAIRMAN HART: Thank you. Harry Ota.

10 MR. OTA: Thank you Mr. Commissioner.
11 I can't help but say something. My name is Harry Ota
12 and I live at 1471 Eagle Drive in Burlington. I
13 would like to make a few remarks, please. I speak as
14 an individual although I belong to a number of groups
15 in Skagit County. One, I wonder if someone should not
16 really take a look at these buffer requirements because
17 I go up river and I look at some of the fences that
18 are built by government money, supervised by biologists
19 in state government and the fences are built about ten
20 feet from the manmade ditch and yet its teeming with
21 Cohoe fry and it seems to be working so well that
22 any distance we create seems quite arbitrary when I
23 compare it to what is, in practice, built and funded
24 by government and yet we talk about 50, 100, 200 feet
25 and it doesn't seem to make sense when I actually see

1 it on the ground. It's working. So I wonder if some
2 of those requirements should not be reviewed to see if
3 it makes sense with what is built in already on the
4 ground. So I have that concern and I have expressed
5 it at the working session but I would like to do it
6 again.

7 Second, one reason why I come up is Gary Jones
8 sort of triggered what I had been wanting to say but
9 I would like to say it again. It does seem like we
10 have a lot of laws already. For instance I work with
11 watershed management committees and time after time
12 we seem to get monetary records that says a thousand
13 times plus the allowable limit of coliform floating
14 down the river and yet we don't seem to have the
15 strength and the will to enforce what is already the
16 current laws already. And what it seems like, Mr.
17 Commissioner, is that we are bent on doing more laws
18 and I wonder if the goal is to really try to keep our
19 environments clean, then we probably should be trying
20 to enforce more of what is already on the books then
21 creating more setback requirements like 200 that
22 doesn't seem to make sense and yet all we are doing is
23 hurting those who might voluntarily comply and yet
24 those who chose to go without adhering, like when I
25 see a thousand times allowable limit, something

1 doesn't seem to make sense Mr. Commissioner and I
2 appeal to you to see if we should not be doing more
3 about enforcement rather than more laws on top of
4 more laws, which I feel is going to put some of our
5 law abiding property owners out of business. Thank
6 you very much.

7 CHAIRMAN HART: Thank you. Tom I think
8 was first and then Doyle.

9 MR. SOLBERG: I would like to speak on
10 behalf of the Association of Skagit County Land Owners.
11 My name is Tom Solberg representing the Association of
12 Skagit County Land Owners. Again I did tell you
13 that I attended a lot of these meetings. Now
14 throughout much, much talk was done on these buffers
15 but throughout the ordeal, three or four times the
16 planning commission members did mention to Mr. Cahill
17 what about the excessive upland buffers and lets see
18 if we can do something. At that time and I don't
19 want to put Mr. Cahill on the spot but he says well,
20 he says we will wait and we can address that again
21 at the time we do regulations. Now I don't know if
22 we can do it but I hope we can because, again, you
23 will never be able to convince me that a five-foot
24 wide creek needs a hundred foot buffer and at a 100
25 foot away there is some blackberry vines and some

1 thistles and their doing anything to add to any
2 stream protection. That is a hard sell, very, very
3 hard sell. All it is basically is taking---you take a
4 forty and you have a creek running across it, 100 foot
5 on each side, so a 200 foot swath, that is six acres
6 of ground that's gone. That is a lot of money, a lot
7 of ground, a lot of everything that just went away.

8 Thank you very much.

9 CHAIRMAN HART: Thank you. Doyle.

10 DOYLE McCLURE: Doyle McClure, 777
11 Parker Road, continuing. The comments that have just
12 been made, I think there is an enormous amount in the
13 record from the original critical areas ordinance
14 appeals showing hundreds of studies that have
15 established that the 50 foot for critical areas in
16 general is very inadequate, that 100 foot is getting
17 about 50 percent of the values that one could expect
18 to be important in lower elevation in Skagit County
19 and the two hundred feet are getting up to a large
20 fraction and that was the reason why big rivers got
21 big buffers and they were graded down to 50 feet for
22 small streams. The comments that Mr. Ota made and Mr.
23 Solberg are not really consistent at all with all the
24 best available science that has been brought to bare.
25 I would mention that one of the great concerns about

1 this exemption for ag. other than the fact that it is
2 again a straight exemption is that the definition of
3 ag. has been broadened to the point that anybody with
4 a few chickens or a horse or so could qualify. I mean
5 it's very explicit in the recorded motion that the
6 planning commission is not limiting the restriction
7 for ag. to any commercial significant lands or
8 designated ag. land but essentially anybody can opt
9 out of the critical areas ordinance if they want to
10 claim a garden or a few chickens.

11 There are some other issues that I just
12 mentioned that we will address in the written part at
13 more length. One of the biggest problems of the
14 county has been illicit forest practice, undeclared
15 conversions, some of those of a class one which don't
16 have to be actually applied for to the DNR. The six
17 year moratorium issue which was not adopted by the
18 state to protect critical areas at all but just as a
19 general effort to avoid these undeclared conversions
20 is not by any means an adequate response nor is it a
21 limitation on the county to limit to a six year
22 moratorium to deter people from cutting into critical
23 areas and typically a mature forest requires,
24 according to DNR people, about 30 years to re-grow to
25 some reasonable value and function. There is no way

1 under the current enforcement code that the proposals
2 by the planning commission will protect against
3 undeclared conversions and encroachment into critical
4 areas.

5 The final point I would make and I would really
6 agree with the previous folks who have talked about
7 enforcement. Enforcement is a big problem I believe.
8 It has been a problem all along with SEPA and the
9 environmental issues. We will be submitting a good deal
10 to the record to show that there are serious problems in
11 enforcement and we will propose opening up the public
12 participation a bit but that really isn't the
13 ultimate solution and we really have to do more in
14 the long run. Thank you.

15 CHAIRMAN HART: Thank you. Is there
16 anyone else who wishes to speak?

17 COMMISSIONER ANDERSON: Hearing none I
18 move that we close the public hearing.

19 COMMISSIONER WOLDEN: I'll second that
20 and we will leave the comment period open until 4:30
21 p.m. on Thursday, January 15th.

22 CHAIRMAN HART: Okay, we have a motion
23 and a second to close the public hearing and leave
24 the written comment period open to 4:30 on the 15th,
25 all in favor say I.

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COMMISSIONER ANDERSON: I

COMMISSIONER WOLDEN: I

CHAIRMAN HART: Oppose? The public hearing is closed. Thank you very much.

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C-E-R-T-I-F-I-C-A-T-E

I, **ALLEN R. EMERSON**, a Notary Public in and for the State of Washington, do hereby certify that the foregoing verbatim record of proceedings of the public hearing before Skagit County Board of Commissioners was taken stenographically before me and reduced to typewritten form under my direction

I further certify that the public hearing before the Skagit County Board of Commissioners is a full, true and correct transcript of the proceedings that was reported by me.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal this 30th day of January, 1998.


NOTARY PUBLIC in and for the State of Washington, residing at Sedro Woolley. My Commission expires 6/27/2000.

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