

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, January 13, 1998

- 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/Road District Supervisors.
- *T 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Roxanne Michael & Tom Karsh, Co-Directors.
- 1) Signature – Personal Services Agreement Between Skagit County and Sehome Consulting regarding the Centennial Clean Water District.
 - 2) Discussion and Possible Action – Resolution Proposing Rules, Procedures and Timeframe for the 1998 Development Code Citizen's Advisory Committees.
 - 3) Discussion- Noble Manor Corp. v. Pierce County State Supreme Court Case Decision.
 - 4) Signature – Amendment to Personal Services Agreement with Certified Industrial Hygiene Services, Inc.
 - 5) Signature – Demolition/Clearance/Disposal Plan for Hazard Mitigation Grant Program (HMGP).
 - 6) Miscellaneous.
- 11:00 a.m. – 11:30 a.m. Consideration of Recommendation for Approval of an Agricultural Variance for Tony Smith for Property located at 960 Harrison Road, Sedro Woolley (PL 97-0162.REC).
- 1:00 p.m. – 3:00 p.m. Continuation of Review of Petitions Requesting Comprehensive Plan Map Redesignations.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 13, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

PLANNING & PERMIT CENTER – Roxanne Michael & Tom Karsh, Co-Directors.

1. Signature – Personal Services Agreement Between Skagit County and Sehome Consulting regarding the Centennial Clean Water District.

Tom Karsh, Co-Director, introduced Allison Mohns, Water Quality Planner, who requested that the Board approve a Personal Services Agreement with Sehome Consulting for work to be performed in conjunction with the Centennial Clean Water District. Ms. Mohns confirmed that this Agreement covers the Nookachamps, Padilla Bay and Samish Watersheds. At Chairman Hart's query, she indicated that DOE has agreed to extend the completion date of the items to be accomplished under this contract.

Bill Dewey, Taylor Shellfish Farms, spoke in support of the efforts taken by the County in the establishment of the Clean Water District.

Terry Galvin, Sehome Consulting, gave a brief overview of the scope of work to be performed under this agreement.

A discussion ensued on the range of options available to the County in this regard. Commissioner Anderson noted that he does not want the County to impose additional taxes county-wide that benefit only those people living in the watershed areas.

Commissioner Anderson moved to approve the Personal Services Agreement with Sehome Planning & Engineering not to exceed \$115,500 for the Centennial Clean Water District implementation. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 03787)**

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2. Discussion and Possible Action – Resolution Proposing Rules, Procedures and Timeframe for the 1998 Development Code Citizen’s Advisory Committees.

Mr. Karsh advised that this evening is the kick-off meeting for the Citizens Advisory Committees (CACs). The Staff is recommending that the Board approve a resolution establishing the rules and procedures for the CACs which will help them expedite their final product. The final product will be a recommendation to the Planning Commission. Mr. Karsh reviewed the packet of materials handed out to the Board, including a proposed resolution and attachments.

Mr. Karsh reviewed the 1998 Draft Work Program Timeline. Mr. Karsh advised that the goal of finalizing the development code by June 1, 1998 is unlikely to occur. He explained the variables to the timeline presented.

Chairman Hart commented on the frustration of former CAC’s feeling that their recommendations were not passed on to the Planning Commission. Mr. Karsh advised that the CAC recommendations for the Comprehensive Plan approval went to the Planning Commission unchanged by Staff. Recommendations were changed during the Planning Commission review process. Mr. Karsh stated that the citizens advisory recommendations will come to the Board first before going on to the Planning Commission pursuant to the Resolution proposed today. The Board agreed that this procedure is a better way of handling this situation.

The Development Code Proposed Code Change Form was briefly reviewed.

Commissioner Anderson moved to approve Resolution Establishing Rules and Procedures for the Citizens Advisory Committees, subject to legal review by John Moffat. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution to be presented to the Board at a Later Date.)

The list of the members appointed to the Citizens Advisory Committees was reviewed by the Board. A list of those not appointed and the openings on various committees were discussed.

3. Discussion – Noble Manor Corp. v. Pierce County State Supreme Court Case Decision.

Mr. Karsh discussed this case which involves vesting issues for short plats (and by comparison subdivisions as well). This court case was involving the Noble Manor Co’s intent to short plat and build duplexes in Pierce County. Pierce County changed a number of their development regulations after the short plat was completed, and Noble Manor was not allowed to build the duplexes as it wanted. A suit was filed and the Supreme Court ruled that as relates to short plats, if there is a clear indication at the time the short plat application is submitted and the intended use is clear, that use is vested basically forever. Counties cannot change laws that would disallow the request.

How does this effect short plats in Skagit County? Mr. Karsh advised that in reviewing this with Mr. Moffat, it would seem that most of the concern revolves around the Critical Areas Ordinance (CAO), as most people fear the CAO would not let them site a house where they might want to site a house. This Supreme Court case allows them to do this. The vesting criteria in our CAO was reviewed. Mr. Karsh advised that no changes are recommended to the vesting standards to our CAO pursuant to the Noble Manner case. Mr. Karsh reviewed exceptions to this understanding

Vesting rights in regards to long plats were briefly discussed. The County cannot change the rules of the road, the standards for development, for five years after final approval of the long plat, according to Mr. Karsh

Commissioner Anderson confirmed that regarding the Noble Manor decision, there is a five-year period after completion of the long plat for an administrative decision to be made. Mr. Karsh confirmed this, subject to exceptions involving life safety issues that would apply

Chairman Hart stated that all lots created prior to subdivision laws are subject to every change in code, whatever the effective date of that code, and, consequently, there is no grandfathering. He stated that the legislature has not addressed this issue.

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Jim Cahill, Senior Planner, stated that since this would be a variance to current language, in order for staff to apply this to the CAO, he is requesting written administrative policy.

Commissioner Wolden stated he would also like this in writing so the Board will understand what the administrative policy will be.

Mr. Karsh advised that a policy would be forthcoming.

4. Signature – Amendment to Personal Services Agreement with Certified Industrial Hygiene Services, Inc.

Corey Schmidt, Assistant Building Official, indicated that this amendment includes an increase of compensation of \$15,000 to an existing agreement to provide environmental surveys in conjunction with the Hazard Mitigation Grant. Commissioner Anderson moved to approve the Amendment to Personal Services Agreement with Certified Industrial Hygiene Services, Inc. in an amount not to exceed \$15,000. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 01881)**

5. Signature – Demolition/Clearance/Disposal Plan for Hazard Mitigation Grant Program (HMGP).

Mr. Schmidt presented a Demolition/Clearance/Disposal Plan pursuant to the Hazard Mitigation Grant Program pursuant to property owned by Vincent F. Cochran. After a brief explanation by Mr. Schmidt, Commissioner Anderson moved to approve the Agreement as presented by Mr. Schmidt. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No.03788)**

6. Miscellaneous.

There were no miscellaneous items for discussion.

CONSIDERATION OF RECOMMENDATION FOR APPROVAL OF AN AGRICULTURAL VARIANCE FOR TONY SMITH FOR PROPERTY LOCATED AT 960 HARRISON ROAD, SEDRO WOOLLEY (PL 97-0162.REC).

Brandon Black, Planning Staff, reviewed the exact location of the subject property. He reviewed the circumstances of the variance, as the applicant receive this property through probate. Mr. Black advised that Staff had recommended denial of the variance, but the Hearing Examiner recommended approval to the Board.

Commissioner Anderson indicated that no active land use changes will occur at the property location.

A discussion ensued on the need to short plat to establish half interests in the existing land, and that each brother will own 7.5 acres.

Commissioner Wolden moved to approve the recommendation of the Hearing Examiner to grant the agricultural variance. Commissioner Anderson seconded the motion, which passed unanimously.

David Hough, representing Tony and Fred Smith, stated that a letter was submitted by the applicants asking that the condition imposed by the Hearing Examiner requiring a short plat be removed. Mr. Hough clarified that a boundary line adjustment would separate the property when needed.

Commissioner Wolden moved to waive the condition of the Hearing Examiner requiring a short plat. Commissioner Anderson seconded the motion, which passed unanimously.

(Resolution to be provided by Staff at a later date).

MISCELLANEOUS:

1. Young-Soo Kim, Public Works Department Staff. Presented a Resolution Declaring an Emergency and Awarding Contract to Sole Source Provider for County Bridge No. 40169, Sinclair Island dock. Commissioner Anderson moved to approve the Resolution as presented by Mr. Kim, awarding the

source contract with Culbertson Marine Construction, Inc. to repair the Sinclair Island Dock for the total amount of \$26,088. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 16833)**

2. Staff presented a Personal Services Agreement with Reachout Expeditions for a total compensation amount of \$500. The contract will run from January 1, 1998 until terminated. Commissioner Anderson moved to approve the Personal Services Agreement as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 03789)**

CONTINUATION OF REVIEW OF PETITIONS REQUESTING COMPREHENSIVE PLAN MAP REDESIGNATIONS.

Gary Christensen, Senior Planner, stated that this is a continuation of County review of landowner requests for redesignation. He reviewed the process to date, and the need for this study session to deliberate on these requests. Technical mapping areas and department recommendation for further discussion will be referred to the Planning Commission. Mr. Christensen stated that the review today is for those requests where denial was recommended.

A discussion ensued on the need to alter criteria.

Commissioner Wolden pointed out several areas that need to be specifically reviewed by the Planning Commission and that do not fit the one-size-fits-all program. He specifically mentioned several areas including Fidalgo Island, East Big Lake, Alger, and Birdsviw. He stated that he thinks there is enough substantiation to correct these oversights.

Chairman Hart stated that the entire list does not need to be sent back to the Planning Commission, and that the ones that have already been sent back should have priority. He concurred with Commissioner Wolden on the areas that need to be reviewed.

Commissioner Anderson said that it is absolutely pointless to send the individual requests back to the Planning Commission without review the areas mentioned, as the findings will be the same unless the criteria is revisited.

Commissioner Wolden explained that he did not intend not to send these all back to the Planning Commission, but would like to recommend changes in the criteria. He mentioned to need to have the specific areas mentioned reviewed by the Planning Commission to check for mapping errors.

Commissioner Anderson stated that if we did tweak the criteria, the ones would settle out that need to be addressed.

Mr. Christensen stated that it seems to be that we all agree that the priority task should be to fix the technical mapping errors. We have also agreed that several areas need to be given another look as mentioned. He stated that the Department could certainly go back and look at those areas with the existing criteria in the designations, we can certainly come back with recommendations to those areas. If we want to change the existing designation criteria, that is a much more lengthy process and would probably hinder us from being able to go back to make corrections of technical mapping errors. Mr. Christensen stated that If we are going to change the criteria, we need to do that first. He stated that perhaps we may want to embark on reanalyzing the smaller areas identified by the Board earlier.

A discussion ensued on the process involved in changing the existing criteria.

It was agreed among the Board and Staff that addressing the technical mapping errors and analyzing the areas mentioned earlier would amount to a "quick fix" to many landowners.

Commissioner Wolden noted that the Sauk Valley area needs to be added to the list of areas to be revisited.

Mr. Christensen stated that he could prepare a Resolution remanding to the Planning Commission all of those land use designation requests which have been identified as technical mapping errors and those **002**

discussion. Further, at Thursday's session we can delineate the specific areas where the Board has concerns, so that some boundaries can be established. It was also decided that at Thursday's session, those individuals who are listed as being "denied" would be considered on a case-by-case basis.

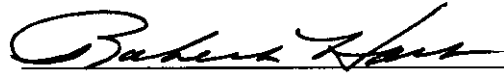
A discussion ensued on the methodology used in making the land use designations and the way to interpret the criteria for each parcel.

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