

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, February 10, 1998**

7:30 a.m. – 8:30 a.m.	Commissioners' 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.	<u>Planning &amp; Permit Center – Roxanne Michael &amp; Tom Karsh, Co-Directors.</u> <ol style="list-style-type: none"><li>1) Discussion and Possible Action – Interim Ordinance Regarding Property Designated for Industrial Development in the Bayview Ridge Urban Growth Area of the 1997 Comprehensive Plan.</li><li>2) Discussion and Possible Action – Reaffirming Resolution No. 16853 Remanding Certain Properties to the Planning Commission for Comprehensive Plan Redesignation.</li><li>3) Discussion and Possible Action – Resolution Appointing Members to Technical Advisory Committees for Water Quality Monitoring Plan and Funding of the Skagit County Clean Water District.</li><li>4) Miscellaneous.</li></ol>
11:00 a.m. – Noon	Public Hearing – Consideration of Development Loan Fund Application of Eddyline Northwest, Inc.
1:30 p.m. – 2:00 p.m.	Bid Award – Development and Operations of the Frailey Mountain Firearms Range.
*T 2:00 p.m. – 2:30 p.m.	Proclamation – FFA Week in Skagit County, February 17-21, 1998.
2:30 p.m. – 3:30 p.m.	Executive Session – Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Tuesday, February 10, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

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

**1. Discussion and Possible Action – Interim Ordinance Regarding Property Designated for Industrial Development in the Bayview Ridge Urban Growth Area of the 1997 Comprehensive Plan.**

Tom Karsh, Co-Director, advised that on January 23, 1998, the Western Washington Growth Management Hearings Board (WWGMHB) issued a final order in regards to the County's Comprehensive Plan. There are over 100 pages of documentation from the WWGMHB, and there have been many questions raised concerning how this Order affects various properties throughout the County. Mr. Karsh advised that the Interim Ordinance proposed today would address one of those issues concerning the Bayview Ridge area. He advised that some issues relating to Commercial Industrial activities outside of the Urban Growth Areas (UGA's) would be addressed at another time. Mr. Karsh stated that Staff has prepared an Interim Ordinance for the Board's consideration that deals specifically with industrial and commercial activity on the Bayview UGA property that was invalidated by the decision and order. Mr. Karsh advised that the Bayview UGA consists of properties that the Port of Skagit County owns and properties just outside of the Port properties that are commercially and industrially zoned, together with some residential areas. The interim ordinance addresses how the Planning and Permit Center will respond to the Order of the WWGMHB, which includes not accepting applications for new commercial development within those portions of the Bayview UGA that have been invalidated.

Gary Christensen, Senior Planner, displayed a map detailing the Bayview Ridge UGA being discussed. Mr. Christensen explained that the WWGMHB invalidity order concerned property not owned by the Port of Skagit County.

Mr. Karsh stated that when the WWGMHB submits a final decision and order invalidating something, there is little direction as to what does that means for the County and property owners within invalidated areas. He explained that here is no fallback position in State or County law to clarify what can be done in the invalidated areas. Mr. Karsh noted that the area in question is zoned residential, and under State law, residential construction and repairs, accessory structures, outbuildings, are allowed. It also allows for expansions and tenant improvements to commercial uses that are existing prior to and after invalidation. Some projects are in the southern area toward Highway 20 in invalidated commercial industrial zones that would be allowed to go forward as long as there is an existing building on site at the time of invalidation.

Chairman Hart clarified that the area owned by the Port is already in the UGA. He further clarified exactly what properties will be affected by this interim ordinance.

Chairman Hart stated that 1) we need to have permanent protection on the flight path of the airport and 2) we further need to show how we are going to provide infrastructure to the commercial area. Mr. Karsh confirmed that this was his understanding also.

Chairman Hart stated that this Board has stated that it is desirable for industrial and commercial entities to go to this area where the infrastructure has been developed. There is some question about what type of flight protection is required. It would seem that the State's main concern has been the huge cost of trying to mitigate areas in the approach areas. He indicated that the County needs to get on with everything we can to get this clarified for the WWGMHB. He further stated that the County needs to obtain a stipulated agreement with the opponents to get this before the Planning Commission as soon as possible.

Mr. Karsh briefly outlined the previous activities undertaken when the WWGMHB declared invalidity.

John Leonard, Engineer representing several property owners, expressed concern that the proposed ordinance would prevent some of his customers from proceeding with their building permit.

Mr. Karsh explained that State law exempts any vested permit application, and that Mr. Leonard's project would not be subject to the interim ordinance.

Mr. Leonard displayed a map which outlined the properties in question and explained the total amount of acreage involved.

A discussion ensued on the effect this interim ordinance would have on companies wishing to locate in Skagit County that could possibly provide many new jobs.

John Moffat, Chief Civil Deputy, reviewed the legal procedural steps necessary to bring this matter before the Planning Commission and the Board. He explained that even if a stipulation with the opponents is obtained, the matter would still have to proceed through the County levels.

Commissioner Hart expressed concern that there are several employers who are looking at moving to the County, and with this up in the air, they may look elsewhere. He stated that it is difficult finding these types of opportunities, and there needs to be a high priority to resolving these issues so that prospective employers will be aware of exactly what the situation is.

Mr. Wick offered the assistance of EDASC in this regard.

Commissioner Wolden reviewed the specific section of the WWGMHB in question.

Mr. Karsh reiterated that staff thinks the WWGMHB has erred in this Order and that the County can show justification for its decisions in this area.

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A discussion ensued on whether the WWGMHB would consider this one item, without considering the entire scope of their Order.

Bob Stiles, Kirkland, made several comments on this proposed moratorium, and suggested that it should be county-wide rather than just in this one specific area.

Commissioner Anderson stated that his main fear is that the interim ordinance will go on and on, rather than the issues being resolved in a timely manner.

Chairman Hart stressed the need to proceed as quickly as possible with this matter by approving the interim ordinance and holding the required public hearing within 60 days.

Commissioner Anderson asked Staff to prepare a timeline to assist in keeping this moving forward.

Mr. Karsh assured the Board that Staff is developing timelines for not only this but other items contained in the WWGMHB, together with the Development Code and other related items. He advised that these timelines will be coming back before the Board as quickly as possible. Mr. Karsh stated that Staff understands that this particular moratorium and the issues promulgating it are the top priority.

Commissioners Wolden and Anderson agreed with Commissioner Hart that if the County does not work through this in 60 days, we will be in trouble.

The Board had a lengthy discussion on the word "moratorium" and suggested changing "moratorium" to "suspension of" in two places in the interim ordinance.

Commissioner Wolden moved to approve the Resolution deleting the second paragraph on Page 2, and substituting the words "suspension of" in place of the word "moratorium." Commissioner Hart seconded the motion. The motion passed unanimously. **(Ordinance No. 16875)**.

**2. Discussion and Possible Action – Reaffirming Resolution No. 16853 Remanding Certain Properties to the Planning Commission for Comprehensive Plan Redesignation.**

After a brief discussion, Commissioner Anderson moved to approve a Resolution Reaffirming Resolution No. 16853 Remanding Certain Properties to the Planning Commission for Comprehensive Plan Redesignation. Commissioner Wolden seconded the motion, which was unanimously approved. **(Resolution No. 16876)**

**3. Discussion and Possible Action – Resolution Appointing Members to Technical Advisory Committees for Water Quality Monitoring Plan and Funding of the Skagit County Clean Water District.**

Ron Palmer, Skagit County Planning & Permit Center, stated that the Technical Advisory Committees are a part of the Skagit County Clean Water District and the proposed members consist of local people and agencies that are involved in water quality issues. The TAC's will assist in eliminating redundancies and maximizing efforts. The individuals and their associations were reviewed with the Board.

Mr. Karsh advised that the Clean Water District excludes the incorporated cities.

Commissioner Anderson moved to approve the TAC list as presented. Commissioner Wolden seconded the motion. The motion passed unanimously. **(Resolution No. 16877)**

**4. Miscellaneous.**

There were no miscellaneous items for discussion.

**PUBLIC HEARING – CONSIDERATION OF DEVELOPMENT LOAN FUND APPLICATION OF EDDYLINE NORTHWEST, INC.**

Mike Woodmansee, County Administrator, advised that this public hearing is for the Board's consideration of a development loan fund application on behalf of Eddyline Northwest, Inc. He explained that the fund is managed by the State Department of Community, Trade & Economic Development, and that the County will be the conduit for the monies.

Mr. Woodmansee stated that the County will be modifying the 1998 budget to accommodate this loan fund application.

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

Commissioner Anderson moved to approve the Resolution and Loan Fund Application for Eddyline Northwest, Inc. Commissioner Wolden seconded the motion, which was unanimously approved. **(Resolution No. 16877, Contract No. 03836)**

**BID AWARD – DEVELOPMENT AND OPERATIONS OF THE FRAILEY MOUNTAIN FIREARMS RANGE.**

Jon Aarstad, Director, stated that only one proposal was received from the Skagit Sportsmen's Association. The information has been reviewed, and all issues other than the insurance portion have been addressed appropriately. There is a request from the Sportsmen's Association to reduce the required insurance from \$3,000,000 to \$1,000,000 and they have requested that the County pick up the balance of that requirement, including the \$5,000,000 for pollution contamination coverage. Mr. Aarstad stated that a response is necessary to make the determination on how to proceed with this request. Mr. Aarstad advised the Board that the bid cannot be awarded without addressing this request.

Commissioner Wolden stated that those criteria that were stipulated in the RFP need to be addressed by the bidder. He stated that the Sportsmen's Association needs to meet the RFP criteria, or the County will have to issue a new RFP.

Chairman Hart clarified that the Board has the right to refuse all RFP responses. He stated that the Board had made in clear that the County's involvement would not include picking up any portion of the insurance. If the bidder is going to be successful, they need to provide the required insurance on their own.

The Board directed Mr. Aarstad to go back to the bidder to determine the answers to the insurance questions and if they cannot come into compliance of the RFP, then it will have to be re-issued.

**PROCLAMATION – FFA WEEK IN SKAGIT COUNTY, FEBRUARY 17-21, 1998.**

Commissioner Hart read the proclamation into the record, proclaiming February 17-21, 1998 as FFA Week in Skagit County.

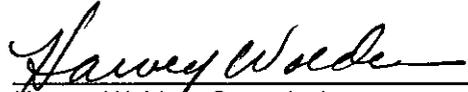
ADJOURNMENT.

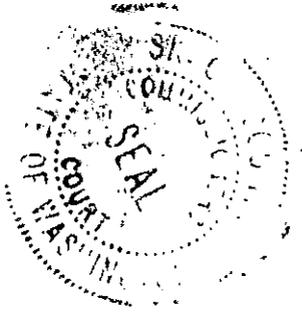
Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

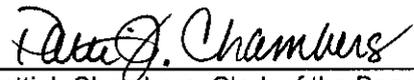
  
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Robert Hart, Chairman

  
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Ted W. Anderson, Commissioner

  
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Harvey Wolden, Commissioner



ATTEST:

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