

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, April 14, 1998**

- 7:30 a.m. – 8:30 a.m. Commissioners' Staff Meeting.
- 8:30 a.m. – 9:00 a.m. Discussion and Possible Approval of the Memorandum of Understanding Between the Swinomish Indian Tribal Community and Skagit County Regarding Cooperative Land Use Planning.
- *T 9:00 a.m. – 10:00 a.m. Board of Health – Peter Browning, Director.
1) Discussion – Skagit County Well Database.
2) Presentation and Discussion – State and Local Planning Process and the Public Health Improvement Plan – Joan Brewster, Washington State Department of Health, Director of Planning/Local Health Liaison.
3) Introduction of Jeanette Stehr-Green, Acting State Health Officer, and Presentation and Discussion about the State of our State's Health.
4) Discussion and Possible Action – Resolution to Send Unpaid Solid Waste Fines and Fees to a Collection Agency.
5) Miscellaneous.
- 10:00 a.m. – 11:00 a.m. Parks Projects Update – Jon Aarstad, Director.
- *T 11:00 a.m. – 11:30 a.m. Presentation – Comprehensive Annual Financial Report National Award to the Skagit County Auditor's Office.
- 1:30 p.m. – 3:00 p.m. Planning & Permit Center – Roxanne Michael & Tom Karsh, Co-Directors.
1) Consideration of the Planning Commission's Recommendations and Possible Adoption of an Amendment to the Comprehensive Plan that Revises the Boundaries of the Bayview Ridge Urban Growth Area.
2) Consideration and Possible Adoption of the Planning Commission's Recommendation of the Rezone Application #PL97-0314 – A Request to Rezone a 1.36 Acre Parcel in the Rural Village of Conway from Agriculture to Neighborhood Business District.
3) Consideration and Possible Adoption of the Planning Commission's Recommendation of the Amendment to the Critical Areas Ordinance Interim Controls.
4) Miscellaneous.

The Skagit County Board of Commissioners met in regular session on Tuesday, April 14, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

DISCUSSION AND POSSIBLE APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SWINOMISH INDIAN TRIBAL COMMUNITY AND SKAGIT COUNTY REGARDING COOPERATIVE LAND USE PLANNING.

Chairman Hart stated that the group gathered for the possible approval of this memorandum was present for a momentous occasion.

Gary Christensen, Senior Planner, explained that this is a unique if not historical event involving a memorandum of understanding which establishes procedures for a cooperative land use planning program between the

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Swinomish Indian Tribal Community and Skagit County. He reviewed that this MOU is another process in commitments included in a partnership that goes back over ten years.

Mr. Christensen noted that Shirley Solomon of the NW Renewable Resource Center has contributed much work and effort in this regard.

Commissioner Anderson asked for clarification of the requirement in the Agreement for an Advisory Review Board.

Mr. Christensen explained that the MOU includes a provision for an advisory review board, which will act as moderator or facilitator in hearing issues that might arise by either party or government. The advisory board would serve as a body to hear grievances and make recommendations. Mr. Christensen stated that the recommendations will not be final decisions. This will be a process to deal with matters in a non-litigation framework. It is an important part of the process that allows issues and grievances to be aired by both parties. Commissioner Anderson indicated that it is his understand that this process includes timelines to allow for timely responses utilizing this cooperative effort.

Chairman Hart stated that all of the legal rights for each entity are preserved in this Agreement.

Brian Cladoosby, Swinomish Indian Tribe, thanked the Board and Gary, stating that he is very happy for this historical day. He indicated that many wonderful people in the late 80's built a wonderful foundation for this Agreement. He stated that leadership changes, people change, but these types of agreement remain in effect for those coming behind us. Mr. Cladoosby stated that cooperation goes a lot further than confrontation, and that it is very important that the County and the Tribe stay on the same page as far as regulations regarding land use. He stated there were always be fee simple land and trust land on the reservation. Mr. Cladoosby stated the need for County governments and Tribal governments to cooperate and work together and strive for the same goals of protecting the environment.

Commissioner Wolden moved to enter into the Memorandum of Understanding as presented by Staff. Commissioner Anderson seconded the motion, which passed unanimously. **(Contract No. 03913)**

Chairman Hart thanked the Tribe for the extra effort that has been put into this Agreement.

BOARD OF HEALTH – Peter Browning, Director.

1. **Discussion – Skagit County Well Database.**

Peter Browning, Director, introduced Wade Bessett, who discussed with the Board the Skagit County Well Database. He advised that wells will be identified using the GPS system.

Polly Dubbel, Health Department Staff, reviewed the primary goals of the project, and the benefits to be derived therefrom. She explained that the project is originating with the County Health Department working in conjunction with the Washington State Department of Health, County Mapping and Information Services Department, Department of Ecology, and various Skagit County Well Drillers. She explained the involvement of the State Department of Health in overseeing large public water systems, and providing resources to achieve desired goals. Ms. Dubbel further explained the various areas of cooperation by the agencies involved. She briefly outlined the methods of data collection, and the timeline for the project.

Commissioner Anderson clarified that the major goal is to improvement public health.

A brief discussion ensued.

Commissioner Wolden briefly commented on the interaction of septic systems with well systems and the performance of various septic systems.

Howard Leibrand, County Health Officer, briefly discussed the overlapping of the septic and water databases.

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Commissioner Wolden queried Staff on the budget for this project. Mr. Bessett indicated that they will utilize the County Mapping Department, and are hopeful of obtaining additional equipment from the State Health Department.

2. Presentation and Discussion – State and Local Planning Process and the Public Health Improvement Plan – Joan Brewster, Washington State Department of Health, Director of Planning/Local Health Liaison.

Joan Brewster, Washington State Department of Health, Director of Planning/Local Health Liaison, advised that recently County Commissioners from across the State gathered for the first time ever and talked about joint responsibility for public health. She reviewed some Harris Poll results showing that 75% of those polled did not understand "Public Health," but rate Public Health functions as "very important". People believe that public health needs to stop infectious disease, provide immunization services, stop risk in water, determine air toxins, find causes and prevent disease, and promote healthy lifestyles.

She next reviewed the powerful roles for local boards of health. Ms. Brewster explained that 58% of public health funds are local. These boards provide strong authority, are key health policymakers and have an impact on State Policy.

Ms. Brewster next discussed the roles that local Boards of Health play in building stronger local systems. She explained three approaches involving local capacity funds, community assessments, and partnership grants.

She advised that Washington is the first state in the nation to take the step to perform local community assessments. Every community is unique, and issues are different depending on the community. Ms. Brewster indicated that local partnerships working with the state can save taxpayer monies.

Ms. Brewster stated that the State Department of Health is looking ahead to making child care safe and healthy, promoting healthy aging, assuring safe drinking water, improving food safety, and stopping emerging pathogens.

Ms. Brewster reiterated the need for continued state and local partnerships.

3. Introduction of Jeanette Stehr-Green, Acting State Health Officer, and Presentation and Discussion about the State of our State's Health.

Jeanette Stehr-Green, Acting State Health Officer, briefly outlined her duties with the State Department of Health. She stated that she wanted to focus on notifiable conditions. She explained that notifiable conditions are those diseases and conditions that are required by law to be reported to local and state health departments. This is a select group of conditions, but they are critical to public health. These include waterborne conditions, and occupational diseases (asthma, lead exposure, toxic hepatitis). Information about these conditions gives us information for action. Everyone needs to be aware of this process and work with the medical community. She briefly discussed the importance for local Boards of Health to be aware of information regarding notifiable conditions, and stressed the need to work cooperatively with the local medical community.

A discussed ensued about the related duties of the Epidemiologist, and the reporting requirements to the Department of Labor & Industries when occupational conditions arise.

The group assembled discussed methods of collecting data, identifying trends, and obtaining responsible reporting from health care providers.

Mr. Browning indicated that Dr. Leibrand has developed a system with the medical community to collect data and track certain diseases.

4. Discussion and Possible Action – Resolution to Send Unpaid Solid Waste Fines and Fees to a Collection Agency.

Vin Sherman, Environmental Health Specialist, discussed enforcement on illegal dumping problems. He stated that fines and civil penalties are issued when the perpetrators are discovered. Many of these individuals do not own property and the County is oftentimes unsuccessful in collecting fines. It was suggested by the Prosecuting

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Attorney that these uncollected fines be sent to a Collection Agency. Commissioner Wolden moved to approve a Resolution to send unpaid solid waste fines and fees to a Collection Agency. Commissioner Anderson seconded and thanked Vin for his efforts in this regard. The motion passed unanimously. (Resolution No. 16957)

5. Miscellaneous.

There were no miscellaneous items for discussion.

PARKS PROJECTS UPDATE – Jon Aarstad, Director.

Fair Division:

Lori Anderson, Fair, reviewed recent activities at the fairgrounds. She stated that the next big event is the Spring Kid's Festival on May 2, 1998, a 6-hour family event.

Ms. Anderson reviewed the theme for this year's fair, "Celebrate a Century of Fun." The fair colors are red, white and blue. Ms. Anderson reviewed the proposed entertainment for this year's Fair.

Parks Division:

Pete Mayer reviewed the need for some signage along the Cascade Trail. He expressed the need to look for a more permanent method of signage to notify folks where the private property lines are.

He next reviewed the Jail Inmate Program for the Summer 1998, detailing the out-of-custody and litter grant program.

Mr. Mayer discussed the Swinomish Channel Boat Launch and the progress being made in constructing permanent flush restroom facilities at the site.

Mr. Mayer gave a status report on Campbell Lake and several ongoing issues. He stated that he had met with Sheriff Ed Goodman and that they are working together to come up with a land use agreement identifying law enforcement issues to be discussed with State Fish & Wildlife.

Recreation Division:

Jon Aarstad, Director, introduced intern Brian Bruya.

Mr. Aarstad reviewed the tulip tournaments of basketball (37 teams), and adult volleyball tournament (12 teams). He next reviewed the upcoming spring programs including softball teams, regular schedule and tournaments, girls softball league, spring indoor leagues, and youth girls basketball teams (18 teams). New program development includes kayak tours, kayak lessons, youth outdoor summer camp, golf camps, computer camps, and the Clear Lake Beach Swimming Area.

Administrative Division:

Mr. Aarstad advised that the Comprehensive Park Plan is due by June 26, 1998. He explained that the County will not be eligible for any kind of funding, including Pressentin Park, if this plan is not completed. He advised that this matter will be discussed with the Board next week during the Planning Department session. The IAC has written a letter indicating that this is the case. Commissioner Wolden stated that the plan is ready to go forward through the Planning Commission process. Mr. Aarstad indicated that the plan would be available to the public by the end of this week, and Commissioner Anderson asked to receive a copy as soon as it is available.

Commissioner Anderson queried Mr. Aarstad regarding the necessity for including the Northern State property in the Comprehensive Park Plan, and the need to include part of the property in Sedro Woolley's Urban Growth Area. A brief discussion ensued and Mr. Aarstad reviewed the plan for this area.

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Mr. Aarstad next discussed Pressentin Park. He reviewed the mitigation efforts being made with the Upper Skagit and Sauk Suiattle Tribes. Mr. Aarstad reviewed a map of the park and the area of concern as expressed by the Tribes. A discussion ensued on the various alternatives for mitigation. Mr. Aarstad stated that at this he will get with Jason Joseph and his group within the next two weeks. Commissioner Anderson indicated the need to have another community meeting in the area to advise them of the progress being made. He stated that the major issues at Pressentin Park are the mitigation issues. A brief discussion ensued.

A brief discussion ensued on the Forest Management Plans for the Ann Wolford and Cascade sites. After a brief discussion of the ramifications of appealing, the Board indicated that they would like to proceed with an appeal of the DNR decision concerning the Ann Wolford and Cascade tracts.

PRESENTATION – COMPREHENSIVE ANNUAL FINANCIAL REPORT NATIONAL AWARD TO THE SKAGIT COUNTY AUDITOR'S OFFICE.

Kathy Hill, County Auditor, advised that Auditor's Office individuals have received a highest form of recognition for their County, from the Comprehensive Annual Financial Report, and that only 7 other counties received this award in Washington State. Ms. Hill explained that this award is the result of three years culmination of work.

The Board presented awards to: Linda Thomas, Sue Carol Brown, David Cunningham, and Diana Barnett.

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

1. Consideration of the Planning Commission's Recommendations and Possible Adoption of an Amendment to the Comprehensive Plan that Revises the Boundaries of the Bayview Ridge Urban Growth Area.

Dave Hough, Consultant, reviewed with the Board the Planning Commission's Recommendation of an Amendment to the Comprehensive Plan that Revises the Boundaries of the Bayview Ridge Urban Growth Area. He explained that the proposal before the Board is to modify the boundaries of the Bayview Ridge Urban Growth Area to those areas designated Commercial and Industrial in the 1997 Comprehensive Plan. The Planning Commission recommended approval in a 9-0 vote. He reviewed the findings that the Planning Commission made.

A discussion ensued on the appropriateness of this recommended motion.

Commissioner Wolden moved to approve the Ordinance upholding the Planning Commission's recorded motion. Commissioner Anderson seconded the motion.

Commissioner Anderson expressed his concern about the lands adjacent to this area, particularly those designated as airport environs. Commissioner Wolden commented on the Department of Transportation overlay of the airport environs.

Chairman Hart expressed the need to focus on the issue being recommended by the Planning Commission, and not cloud the matter with unrelated facts.

The question was called for. The motion passed unanimously. **(Ordinance No. 16958)**

2. Consideration and Possible Adoption of the Planning Commission's Recommendation of the Rezone Application #PL97-0314 – A Request to Rezone a 1.36 Acre Parcel in the Rural Village of Conway from Agriculture to Neighborhood Business District.

Guy McNally, Planning Staff, briefly reviewed the proposed Rezone of the Conway Country Store from agricultural zoning to neighborhood business district. He advised that this building is within a rural village, is currently operating under a special use permit for limited agricultural sales. The purpose of the rezone request is to bring this building into compliance. At a public hearing on March 31st, the Planning Commission reviewed the proposal and voted 9-0 to forward a recommendation to the Board for approval.

Chairman Hart confirmed the exact site of this parcel with Mr. McNally.

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Commission Anderson stated that he had some concerns regarding a potential fueling site, but that he had reviewed the materials and had his questions addressed. Mr. McNally explained that any development application would come under full review by all applicable agencies.

Commissioner Anderson moved to uphold the Planning Commission's recommendation for approval. The motion was seconded by Commissioner Hart.

Commissioner Hart asked for clarification of the neighborhood business requirement limiting the square footage to 4,500 square feet. Mr. McNally stated that that limitation was established by the Skagit County Code and further defined by Ordinance No. 16559. The Planning Commission found that due to the unique character and value of the structure as a landmark that there was no point in restricting the interior use or requiring a part of the structure be torn down. Given that, the Planning Commission held that this rezone should be allowed.

Chairman Hart further queried Mr. McNally about the need for a full drainage study, which would spell out whether a re-building project in the future would be feasible; and would certainly put constraints on any new development at the same site. Mr. McNally confirmed that a drainage study would be required at the time a new project was proposed.

Commissioner Wolden expressed several concerns regarding the septic system and small lot location. He expressed concern also over the possible siting of a gasoline island and related environmental concerns. He questioned if additional space is being used in the upstairs of the building that was not considered by the Planning Commission.

Mr. McNally stated that there are expanded uses under the existing special use permit.

Commissioner Anderson stated that by authorizing a rezone, the Board is not issuing a blank check for the applicant to do as he pleases at the property. He emphasized that there are some very stringent criteria that must be addressed for an additional project to proceed. He stated that for the existing use, certainly a commercial designation would fit the applicant's situation.

Mr. McNally confirmed that the Planning Commission was clear that this would not set a precedent for other areas of the County, but the approval was based on historical merits only.

The question was called for. Commissioners Anderson and Hart voted for the motion; Commissioner Wolden voted "nay." The motion passed. **(Ordinance No. 16959)**

3. Consideration and Possible Adoption of the Planning Commission's Recommendation of the Amendment to the Critical Areas Ordinance Interim Controls.

Tom Karsh, Co-Director, stated that the Board is being asked to consider a recorded motion and recommendation which would convert an interim ordinance to a permanent amendment to the County's Critical Areas Ordinance. This would also change the name "native growth protection area" to "protected critical area." Mr. Karsh gave a brief history of this document. He confirmed that this proposed amendment contains language that modifies terminology and signage requirements.

He explained the contents of the Board's packets. He noted that the document includes the findings of the Planning Commission, the changes that were made, the working draft, and a clean copy of the proposed ordinance.

Dan Cox, Planning Staff, explained the particulars of a protected critical area. A discussion ensued on specific examples of pre-existing lots and the use of applying variances to certain situations.

Chairman Hart stated that this proposed ordinance gives the County more flexibility. He stated that there has been a good job done getting this done. He noted that the proof of the viability of the ordinance will be in applying it to requested building permits.

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Chairman Hart moved to approve the Ordinance Amending Portions of Skagit County Code regarding the Critical Areas Ordinance as approved by the Planning Commission on March 31, 1998. Commissioner Wolden seconded the motion.

Commissioner Anderson stated that the critical areas ordinance has been nothing short of disastrous when put into practical application. He expressed his distress that Staff does not interpret any different than the exact letter of the ordinance. Commissioner Anderson stated that there is no information that helps the public identify exactly all of the planning rules and RCW's. He stated that It is unfair to overlap this ordinance on pre-existing developments and long plats. Until we do something with geographical unstable slopes without going through a geotechnical report, Commissioner Anderson indicated that he will never support any portion of the Critical Areas Ordinance.

Commissioner Wolden stated that this ordinance is a long way from being perfect, but it is necessary to proceed.

The question was called for. Commissioners Hart and Wolden voted for the motion; Commissioner Anderson voted "nay." The motion passed. **(Ordinance No. 16960)**

4. Miscellaneous.

There were no miscellaneous items for discussion.

ADJOURNMENT.

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

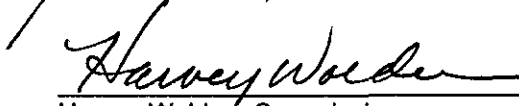
**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



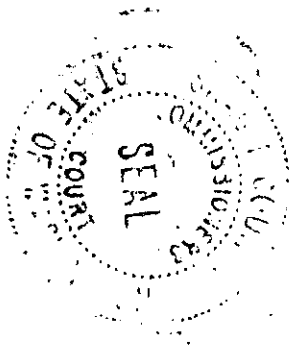
Robert Hart, Chairman



Ted W. Anderson, Commissioner



Harvey Wolder, Commissioner



ATTEST:



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