

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Wednesday, July 22, 1998**

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| 8:00 a.m. – 8:15 a.m. | Signatures:
1) Call for Public Hearing on Budget Amendment concerning the Special Paths Fund.
2) Call for Public Hearing on Ordinance regarding Trail Usage. |
| CONSENT AGENDA
MISCELLANEOUS | |
| 8:30 a.m. – 9:30 a.m. | <u>Planning & Permit Center – Tom Karsh, Director.</u>
1) Discussion and Possible Action on the Short Conservation and Resource Development (CaRD) Ordinance.
2) Miscellaneous. |
| 9:30 a.m. – 10:00 a.m. | Discussion – Annual Insurance Renewals. |
| 10:00 a.m. – 11:00 a.m. | Department Heads/Elected Officials Meeting. |
| *T 11:00 a.m. – 11:30 a.m. | Visitation – High School Students from Northern Ireland. |
| 11:30 a.m. – 11:45 a.m. | Public Comment Period. |
| 1:30 p.m. – 2:30 p.m. | <u>Planning & Permit Center – Tom Karsh, Director.</u>
1) Discussion – Western Washington Growth Management Hearings Board Case No. 97-2-0060c, Final Decision and Order: Invalidity and Non-Compliance Issues.
2) Discussion and Possible Action on the Mineral Resource Overlay Interim Ordinance.
3) Miscellaneous. |
| 2:30 p.m. – 3:30 p.m. | Work Session – 1999 Public Works Department Work Plan. |

The Skagit County Board of Commissioners met in regular session on Wednesday, July 22, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

SIGNATURES:

1. Call for Public Hearing on Budget Amendment Concerning the Special Paths Funds.

Staff advised that the public hearing on this matter will be scheduled for August 4, 1998, at 3:00 p.m. Commissioner Wolden moved to approve the Call for Public Hearing on Budget Amendment concerning the Special Paths Fund. Commissioner Anderson seconded the motion, which passed unanimously. (**Resolution No. 17065**)

2. Call for Public Hearing on Ordinance regarding Trail Usage.

Staff explained that the public hearing would consider the repealing of Skagit County Code 9.04.105 regarding nonmotorized use on trails and adding a new chapter regarding the impoundment of motor vehicles operated on the Cascade Trail. Commissioner Anderson moved to approve the Call for Public Hearing as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. (**Resolution No. 17066**)

CONSENT AGENDA.

Commissioner Wolden made a motion to approve the Consent Agenda for Wednesday, July 22, 1998. Commissioner Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, July 13, 1998.
2. Record of the Proceedings of Tuesday, July 14, 1998.

PUBLIC WORKS DEPARTMENT:

3. Plans and Resolution Calling for Bids for 1998 Edison Slough Drainage Improvement Project (Bid Opening: August 11, 1998, at 1:30 p.m.). **(Resolution NO. 17067)**
4. Resolution to Exchange Skagit County Road Funds for City of Sedro Woolley Surface Transportation Funds. This will allow the transfer of \$77,362.18 currently in County Road Funds to the City of Sedro Woolley in exchange for \$78,941 in Urban Surface Transportation Funds. **(Resolution No. 17068)**
5. Out-of-State Travel Request of Vicki Griffiths to attend the Northwest Pavement Management Association Fall Conference in Portland, Oregon, October 26-29, 1998 for a total of \$434.49. **(Approved)**
6. Standard Consultant Agreement with Graham, Bunting & Associates to provide Environmental Reconnaissance Studies regarding the Farm-to-Market Road Reconstruction and the West Bow Hill Road Reconstruction Projects. The contract will be effective until March 4, 1999, and includes a not-to-exceed amount of \$6,500. **(Contract No. 04015)**

PARKS & RECREATION:

7. Vendor Services Agreement with A to Z Construction to remove sod, and provide concrete work, gating and construct a ticket booth for the total contract amount of \$10,603.21. The contract will commence on July 13, 1998 and will terminate on July 31, 1998. **(Contract No. 04016)**
8. Professional Services Contract with the Nitty Gritty Dirt Band to provide two shows at the Skagit County Fair on August 15, 1998, for the total contract amount of \$15,000. **(Contract No. 04017)**
9. Amendment No. 1 to Professional Services and Exclusive Sale & Listing Agreement with S.A. Newman, Forest Engineers, Inc., lowering the minimum gross sale price of the Property (unless Seller—the County) accepts a lesser amount, to \$400,000 due to the reduction in the scope of the proposed property to be sold. This is in reference to the County's property located at Tract E, Lake Cavanaugh Subdivision, Division No. 1. The County reserves the right to reject any lesser amount. The County further requires 100% cash, but reserves the right to accept an offer with alternative terms. **(Contract No. 03741)**

FACILITIES MANAGEMENT:

10. Amendment "A" to Agreement with Burns International Security Services to extend the original contract for two years beginning July 1, 1998 and terminating on June 30, 2000. Maximum consideration for the contact shall not exceed \$205,000. **(Contract No. 03035)**
11. Resolution Calling for Bids for the Skagit County Fueling Facility and Road Oil Tank System Upgrades. (Bids to be opened August 18, 1998, at 1:30 p.m.) **(Resolution No. 17069)**

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, July 22, 1998, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 24194 through 24401 from Clearing Fund 696 in the total dollar amount of \$541,076.04 (Transmittal No. C-47-98); and

Payroll warrants numbered 18503 through 18522 in the total dollar amount of \$11,302.15 (Transmittal No. P-33-98).

3. Staff presented an Oath of Deputy Clerk for the Board's signature, appointing Michelle Zwald as Deputy Clerk. Commissioner Anderson moved to approve the document as presented. Commissioner Wolden seconded the motion, which passed unanimously.
4. On behalf of the Planning Department, Staff presented a Resolution Indicating Skagit County's Intention to address ESB 6094 Statutory Amendments and Comprehensive Plan Land Use Element Designation Criteria as Part of Proposed Comprehensive Plan 1998 Annual Amendments. Chairman Hart moved to approve the Resolution as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 17070)**

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Discussion and Possible Action on the Short Conservation and Resource Development (CaRD) Ordinance.

Kendra Smith, Assistant Planning Director, reviewed an Interim Ordinance Amending Portions of the Short Subdivision Ordinance (SCC 14.08) relating to Interim Short CaRD (Conservation and Reserve Development) subdivisions. She stated that this ordinance has incorporated the suggested changes received during the public hearing on July 2, 1998. Ms. Smith reviewed specific items of the Interim Ordinance. She suggested that this document should be held open for review for another two weeks.

Ms. Smith explained the addition of a Natural Resource Lands Easement. The Board agreed that this definition should remain in the document.

Ms. Smith next discussed the clarification of Open Space size and the requirement of one parcel within each Short CaRD Subdivision for the sole purpose of maintaining open space.

Commissioner Anderson commented on the need to consider reasonable use of the property.

The need to allow flexibility was stressed by the Board. Specific language changes were reviewed and discussed at length. Building Setback Requirements were reviewed.

Commissioner Anderson noted the need to clarify that open space recreational purposes do not include public access. Chairman Hart commented on the need to maintain open areas without permanent structures or impervious surfaces.

Ms. Smith detailed the additions to the restrictions to be placed on areas designated open space. She reviewed additional notes to be placed on Short CaRD plat maps.

Chairman Hart instructed Ms. Smith to send the modified document out for review, stating that he doubted there would be many more changes. He asked that this matter be set for final adoption in approximately two weeks time.

2. Miscellaneous.

- A. Ms. Smith advised that a work program for the land division section will be reviewed with the Board shortly.
- B. Ms. Smith presented an Ordinance correcting a portion of Ordinance No. 16990 that amends Skagit County Code Section 14.01.025. She indicated that there was a drafting error in the original document and this ordinance will correct which items will be referred to the Hearing Examiner for review. Commissioner Hart moved to approve an Ordinance correcting a portion of Ordinance No. 16990. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No.17071.)**
- C. Staff presented to the Board a Resolution authorizing County Department Heads or Elected Officials to sign agreements with County employees and cellular telephone service providers as discussed in the County's Personnel Policies and Procedures Manual, Section 19.11. Commissioner Anderson moved to approve the Resolution as presented by Staff. Commissioner Hart seconded the motion. Upon call for the question, Commissioners Anderson and Hart voted in favor of the motion, and Commissioner Wolden voted "nay." The motion passed. **(Resolution No. 17072)**

DISCUSSION – ANNUAL INSURANCE RENEWALS.

Dave Fleming, Risk Manager, reviewed quotes from respective Broker(s) of Record for the purchase of commercial insurance for the policy year August 1, 1998 through July 31, 1999. He reviewed recommendations for Liability, Property, Boiler & Machinery, Marine, and Crime Coverages. The savings to the County for 1999 over the 1998 cost is \$34,776.

Commissioner Wolden moved to approve a Resolution regarding Purchase of Annual Commercial Insurance. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 17073)**

The Board thanked Mr. Fleming for his diligence in obtaining these savings for the County.

VISITATION – HIGH SCHOOL STUDENTS FROM NORTHERN IRELAND.

Bob Cockburn, Cascade Job Corps., explained the program of visiting students from Northern Ireland. Each student introduced themselves to the Board and explained where they came from in Ireland and their purpose for being involved in the program. The Board presented each student with a Skagit County pin.

PUBLIC COMMENT PERIOD.

There were no citizens present for the public comment period.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Discussion – Western Washington Growth Management Hearings Board Case No. 97-2-0060c, Final Decision and Order: Invalidity and Non-Compliance Issues.

Gary Christensen, Assistant Director, advised that this session is a continuation of discussions regarding an approach to address the invalidity and noncompliance issues in this case. Mr. Christensen proceeded to review a memorandum that he had prepared in this regard. He advised that currently, the Department is consulting with other jurisdictions, departments, and private parties on several of the invalidity and non-compliance issues; however, the work on these matters is not yet completed. The invalidity and non-compliance issues can be categorized under one of two groups: (1) urban growth areas, or (2) commercial/industrial development outside of urban growth areas. Addressing these issues involves conducting additional research, preparing new studies and reports, assuring jurisdictional coordination, and providing for public participation and comment.

Mr. Christensen advised that the Department is recommending a two-track approach to be implemented to address the invalidity and non-compliance issues. This two-track approach is similar to that which was agreed to

between Friends of Skagit County and Skagit County in a report to the Western Washington Growth Management Hearings Board (WWGMHB) addressing a number of postponed issues in the Abenroth case.

Mr. Christensen stated that the County has demonstrated a good faith effort and has continued to address these issues in a timely manner.

He reviewed the particulars of the various Invalidity issues. He discussed the short-term and long-term approach that can be taken to many of the Compliance issues.

Chairman Hart expressed the need to apply strategic thinking to develop several alternatives to some of these matters.

A discussion ensued on the boundaries for the Big Lake, Bayview and Hamilton urban growth areas.

Mr. Christensen stressed that some of these issues will require additional work and effort and some of the jurisdictions have requested additional time to complete the work necessary. The County cannot provide all of the answers to these issues, and needs to coordinate and consult with such entities.

Chairman Hart commented on the need for UGAs to have transitional plans, which may include organizing as a municipal corporation.

Commissioner Anderson asked if there is any merit in addressing different levels of service or phased services in urban growth areas. Mr. Christensen stated that the WWGMHB has been rather "black and white" as far as urban and rural areas.

Mr. Christensen asked the Board to concur with plan as drafted in his memo, and in doing so we would then be able to work with Counsel to draft a letter to WWGMHB to give them a status report regarding these issues.

Chairman Hart stated that what he would like to see more than short and long term items identified. He advised that in some instances there are items that can be decided immediately.

Commissioner Wolden expressed the need to wrap up the short-term items as soon as possible.

Commissioner Hart made a motion to support the memo prepared by Mr. Christensen concerning the final decision of the WWGMHB. The motion was seconded by Commissioner Anderson, and passed with a unanimous vote.

2. Discussion and Possible Action on the Mineral Resource Overlay Interim Ordinance.

Mr. Christensen advised that this is a study session regarding public comments received as a result of the public hearing in this regard. He advised that the primary issue seems to be the designation and classification of MRA-1, 2, and 3. He listed several questions raised by the public.

Guy McNally-Worrell, Planning Staff, advised that there were a number of public comments and there were some emerging themes such as confusion about MRA 1, 2 and 3 and the policies outlined in the Comprehensive Plan. He advised that the Mineral Resource Overlay is a planning function that points to the potential for mineral resource operations. Mr. McNally detailed the criteria for an MRA 2, 3 and 3.

Mr. Christensen reviewed specific criteria for these areas. He noted that a Mineral Resource Overlay would retain a lower residential area in these areas. He advised that, conceivably over time, potential conflicts could arise if this is not addressed at this time. The conditions of permits and land use issues were discussed. Commissioner Anderson commented on the need to consider surrounding land use patterns. Commissioner Anderson stated that we do not want to make this so general and broad that everyone is impacted by the Mineral Resource Overlay.

Chairman Hart commented on the "balancing act" that must take place between having these materials available and preserving the integrity of the surrounding areas. He commented on the necessity for establishing mitigation

procedures and hours of access and operation. Mr. Christensen advised that the conditioning should take place through the Hearing Examiner process.

Mr. Christensen advised that those with existing permits can continue operation as they have in the past, and that they will not have to submit any new applications or apply for any permits.

Commissioner Anderson expressed the need to make sure this overlay is applied fairly to folks who have developed residential areas in acceptance of the resource lands that are in their immediate area.

After a brief discussion, it was decided to take additional comments through August 7, and Mr. Christensen advised that this matter will be back before the Board on August 11th.

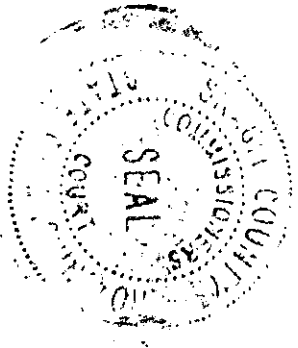
3. Miscellaneous.

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 Wolden, Commissioner

ATTEST:

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