

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, September 1, 1998**

7:30 a.m. – 8:30 a.m.	Commissioners' Staff Meeting.
*T 9:00 a.m. – 10:00 a.m.	<u>Board of Health – Peter Browning, Director.</u> <ol style="list-style-type: none">1) Discussion Childcare Consultation.2) Discussion – Policy on Coliform Monitoring in Licensed Food Establishments.3) Sixth Grade Hepatitis “B” Program Update.4) Miscellaneous.
10:00 a.m. – 10:30 a.m.	Parks Projects Update.
10:30 a.m. – 11:00 a.m.	Facilities Projects Update.
11:00 a.m. – 11:30 a.m.	Consideration of the Hearing Examiner’s Recommendation for Approval of the Preliminary Plat Application of Jodee Estates by John Abenroth and Louis Requa, for property located along the north side of Cape Horn Road approximately ¾ of a mile from the intersection of Lusk Road and Cape Horn Road, Concrete (PT-96-0047).
1:30 p.m. – 2:00 p.m.	Bid Opening – Cement Work for Backstop and Dugouts at the Dreamfield.
2:00 p.m. – 3:00 p.m.	<u>Planning & Permit Center – Tom Karsh, Director.</u> <ol style="list-style-type: none">1) Discussion – Non-Urban Growth Area Commercial/Industrial Work Program.2) Discussion – Coordinated Water System Update/Citizen Advisory Committee.3) Miscellaneous.
3:00 p.m. – 3:30 p.m.	Work Session – Solid Waste Update.
4:00 p.m. – 5:00 p.m.	Public Hearing – Consideration of the Formation of a Lake Management District for Lake McMurray.

The Skagit County Board of Commissioners met in regular session on Tuesday, September 1, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

BOARD OF HEALTH – Peter Browning, Director.

1. Discussion – Childcare Consultation.

Donna Gustin, Public Health Nurse, continued the previous month’s discussion on Childcare Consultation. She explained that when it is possible and appropriate, the best place for a child from birth to three is at home with his or her parents. However, this ideal scenario is not always possible.

She indicated that childcare facilities must create a balance between safe hygienic care and a warm nurturing environment. Ms. Gustin discussed the concept of co-parenting, where the childcare facility is actively participating in the parenting of the child.

The challenges to support children, parents, and providers include the fostering of co-parenting and providing for continual staff training. Consultations include such items as child abuse, communicable diseases, immunization records, nutrition, infant care, basic health and illness prevention.

RECORD OF THE PROCEEDINGS

Tuesday, September 1, 1998

Page #2

She briefly discussed minimum licensing requirements for childcare providers, and the primary areas that she is concentrating on including infant nurse consultation and therapeutic child development.

2. Discussion – Policy on Coliform Monitoring in Licensed Food Establishments.

Wade Bessett, Environmental Health Specialist, reviewed the enforcement of water quality monitoring regulations for Skagit County food establishment licenses that are out of compliance with bacteriological monitoring regulations. He reviewed the monitoring requirements for bacteria as required by law.

Mr. Bessett reviewed a draft of the "Skagit County Health Department Food Establishment Licensee with On-Site Water Bacteriological Monitoring Follow-up Policy." This policy would apply to both food establishments and other licensees throughout the County. Mr. Bessett explained that the State Department of Health also oversees water quality, but is limited in their staff. Consequently, the County Health Department deals more exclusively with local licensees. He reviewed the procedures for enforcement, emphasizing that this is not a heavy-handed approach.

Mr. Bessett indicated that he would continue to work on the policy, and would be coming back to the Board with an implementing Resolution when the policy is finalized.

3. Sixth Grade Hepatitis "B" Program Update.

Amie Tidrington gave an update on the Sixth Grade Hepatitis B Program Update. She advised that approximately 64% of children throughout the County have completed the three-step program.

4. Miscellaneous.

There were no miscellaneous items for discussion.

PARKS PROJECTS UPDATE.

Jon Aarstad, Director, reviewed the Skagit County Tent Policy. He stated that the Department is trying to preserve the integrity of the two tents that the County owns. It has been the policy that the tents will not be used by anyone other than Skagit County Parks & Recreation, EDASC, Skagit Valley Tulip Festival, and Mount Vernon City Parks. Commissioner Anderson expressed concern that the other cities in the County were being excluded. It was suggested that Mr. Aarstad remove the City of Mount Vernon as they have purchased four of their own tents and would most likely not need the use of the County's tents. The Board indicated their support of this Policy, once the City of Mount Vernon is removed from the list of allowed users.

Mr. Aarstad indicated that there are three people on the Parks' Board whose terms are expiring. He reviewed the situations of each of the Parks Board members who have indicated that they would like to be reappointed.

Mr. Aarstad next reviewed the IAC boating grant for the renovation of the Swinomish Channel Boat Launch. The match requirement is \$98,625 or 33% of the total amount of the \$298,863 grant. Mr. Aarstad indicated that these funds need to be identified and dedicated to this project in the 1999 budget. Mr. Aarstad stated that the Department would be requesting the Board to fund this project utilizing Real Estate Excise Tax funds. Mr. Aarstad briefly discussed the specifics of this project. Pete Mayer, Operations, briefly indicated that the status of the permitting process is in limbo. The Board indicated that this is a high priority project, and that outside assistance in completing the permitting process should be hired, if the Parks Department Staff is overburdened with the details of this project.

Mr. Aarstad next reviewed the status of the Pressentin Park project, and advised that the IAC did not approve funds for this project. Mr. Aarstad asked for consideration of \$300,000 from the Real Estate Excise Tax funds to apply to the first phase of developing Pressentin Park as a County park. If this does not happen, the scope of the project will need to be reduced, focusing on either the playfield or the camping facility. Chairman Hart stated that there are big chunks of money that need to be expended for development of the roadway and placement of utilities. Commissioner Wolden stressed the need to collectively get to an end of the project. Commissioner Anderson stated that this process has been stalled, and no updates have been received by the Board. He

indicated that now that we do not have the IAC money, he is wondering what has happened to the other monies. Mr. Aarstad explained that the Planning Department has been tapped to get the SEPA permit completed. He expressed his frustration in not getting responses from the Upper Skagit and Sauk Suiattle Tribes. He advised that the State Historic Preservation office has also been contacted. Upon query from Commissioner Anderson, Mr. Aarstad explained the payments that have been made from existing grant monies in conjunction with the cultural resources survey. Mr. Aarstad explained that without a mitigation proposal from the Tribes, it is difficult to go forward. He explained the efforts that have been made by the Department in this regard. Commissioner Wolden confirmed that the frustration has been all around. A discussion ensued regarding the obstacles that had been encountered, and the desire to maintain this project as a high priority project

Chairman Hart stated that the Department needs a better process to make sure that if the Board decides to go ahead with a project, it needs to be coordinated with all the people involved and resources need to be committed, so that these long time delays do not occur. Mr. Aarstad indicated that we are trying to do a project with other people's money and doing that is quite time-consuming. Commissioner Wolden stated that the Board was clear in their direction to go after the IAC funds, and the resultant delays have not necessarily been the Department's fault.

Chairman Hart indicated that if it would be helpful for the Board to contact the County's congressional delegation to assist, the Department should share that information with the Board.

FACILITIES PROJECTS UPDATE.

Roger Howard, Facilities Director, reviewed the Status of Current Construction Projects, which included the following:

1. The Brakefield Building will be ready for occupancy the first week of October. The particulars of the move were briefly discussed.
2. The Chinook Enterprises remodeling project has been completed.
3. The E911 Center is complete with the exception of a few minor exterior site punchlist items. The cabling for telephones and computers was completed during the week of August 24th. He briefly discussed the need to irrigate the landscaping at the project.
4. The Family Resource Center project and Johnson Building alterations were briefly discussed.
5. The pre-construction conference for the SKAT Project was reviewed.
6. The Underground Storage Tank bid opening has been rescheduled for September 14.
7. Mr. Howard advised that he would be attending an arbitration hearing on the dispute between the steel reinforcing subcontractor and the general contractor for the Courthouse Foundation project.
8. The conversion of the Janitor's Closet in the Sheriff's Office to a restroom room for the Juvenile Detention staff was discussed, and Mr. Howard advised that this project would cost between \$10,000 to \$11,000.

The Board thanked Mr. Howard for his concise and informative report on these projects.

CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL OF THE PRELIMINARY PLAT APPLICATION OF JODEE ESTATES BY JOHN ABENROTH AND LOUIS REQUA, FOR PROPERTY LOCATED ALONG THE NORTH SIDE OF CAPE HORN ROAD APPROXIMATELY ¼ OF A MILE FROM THE INTERSECTION OF LUSK ROAD AND CAPE HORN ROAD. CONCRETE (PT-96-0047).

Marge Swint, Assistant Planner, reviewed the exact location of the proposed preliminary plat. She advised that this plat is for a 29-lot residential development with individual septic systems and wells, and a private road. After

a five-year period of time, the applicant can come back and petition the County to accept the road as a County road.

Commissioner Anderson moved to approve the recommendation of the Hearing Examiner for the preliminary plat application of Jodee Estates by John Abenroth and Louis Requa. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 17122)**

BID OPENING – CEMENT WORK FOR BACKSTOP AND DUGOUTS AT THE DREAMFIELD.

Staff advised that the original plan for the cement work has been changed due to comments regarding the structural integrity of an item included in the original bid documents. Consequently, it is necessary to re-advertise for this project. Staff presented a Resolution postponing the opening of bids for the Skagit Valley Dreamfield cement work. Commissioner Anderson moved to approve the Resolution as presented by staff, with a new bid opening date of September 22, 1998 at 11:00 a.m. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17123)**

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. **Discussion – Non-Urban Growth Area Commercial/Industrial Work Program.**

Gary Christensen, Assistant Director, explained that this session is to address the Western Washington Growth Management Hearings Board's ruling of invalidity affecting Skagit County's commercial and industrial (C/I) zoning outside of Urban Growth Areas (UGAs) and Rural Villages.

The Hearings Board cited several major factors in invalidating the County's C/I zoning. These include:

- 1) The lack of adequate documentation of rural commercial and industrial needs in Skagit County.
- 2) The County's failure to designate commercial and industrial areas on the Comprehensive Plan map; and
- 3) The fact that new C/I development is permitted through a simple rezone, rather than requiring a Comprehensive Plan amendment.

Mr. Christensen explained that the WWGMHB's invalidity ruling has left a cloud over the County's ability to process C/I applications until the issue is resolved. This situation has left many landowners and developers frustrated and uncertain about the status of their properties and proposed projects. The Department is accepting development applications, however it is not approving these projects until the invalidity order is lifted.

Mr. Christensen reviewed a proposed workplan for Addressing Non-UGA Commercial and Industrial Zoning.

Mr. Christensen advised that the Department has met with City planners and explained the County's proposed approach, and for the most part, the cities have indicated support of the County's approach and have agreed that such a workplan would be beneficial to all.

The Department foresees a number of additional steps being necessary. These were discussed, together with a timeline. Given requirements for public participation, SEPA and CTED review, the Department anticipates that the Planning Commission's recommendations will come before the Board by June of 1999.

Chairman Hart asked if the only option is C/I property, why can't industrial be separated from commercial. One of things to get rid of is the mindset of completely eliminating C/LI.

A discussion ensued on the need to develop criteria for resource-based industry, and then proceeding forward.

Mr. Christensen introduced Kirk Johnson, Associate Planner, who has been instrumental in working on these issues.

Mr. Johnson reviewed an issue brief that explained that the Western Washington and Center Puget Sound Growth Management Hearings Boards have established restrictive standards. Rural C/I uses must be dependent

on a rural location, functionally and visually compatible with the character of the rural uses in the immediate vicinity, limited in size and density to preclude future need for urban services. He explained that ESB 6094 provided further clarification and elaboration of acceptable rural development activities. One significant change from previous Hearings Board rulings is that ESB 6094 allows some types of commercial and industrial development not "principally designed to serve the existing and projected rural population." He went on to explain these new criteria.

Mr. Christensen stated that ESB 6094 enables the County to make a case for rural and commercial uses outside of urban growth areas. It also brings forth a good argument to have a county-wide planning policy that would allocate acreages and uses in these non urban growth areas. Things are starting to fall in to place that will make it much easier and put the County in a favorable light regarding these industrial/commercial uses outside of urban growth areas.

Mr. Christensen stated that the Department would continue working on these issues as stated on the proposed workplan.

The Board suggested that the Citizen Advisory Committee in this regard should be appointed as soon as possible to begin this process.

Mr. Christensen advised that the CAC involvement during the holidays is very difficult. The Board suggested choosing the CAC and getting background information to them for their review prior to a meeting schedule. Mr. Christensen advised that the Department will be coming back before the Board within the month detailing all of the issues regarding invalidity.

Commissioner Wolden stated that ESB 6094 must be implemented in our Comprehensive Plan as soon as possible.

Chairman Hart reiterated that beginning work with the CAC is important in getting this process started.

2. Discussion – Coordinated Water System Update/Citizen Advisory Committee.

Mr. Christensen reviewed with the Board the membership of the Water Utility Coordinating Council (WUCCC), who has been working with the PUD in updating the Consolidated Water System Plan (CWSP). Through Resolution, an Agreement to have Economic and Engineering Services assist in updating this plan was passed, and they have met for several months now and have worked through several drafts and versions. Towards the end of this month, this process could move forward with draft revisions to a CAC. It is probably beneficial at this point in time to initiate or advertise for appointments to a Citizens Advisory Committee who would look at Coordinated Water Systems Plan update in an advisory capacity, and would report back to the WUCCC with amendments or changes. He suggested sending out a public service announcement that would solicit individuals to serve on such a CAC. Such a notice would request a letter of interest and an statement of qualifications from those interested, and the Board could review and choose from those who apply

Mr. Christensen suggested that the Department could prepare an announcement to give citizens an opportunity to submit such letters of interest for the Board's review and consideration.

Commissioner Wolden moved to go forward with such a public service announcement. Chairman Hart seconded the motion, which passed unanimously.

3. Miscellaneous.

There were no miscellaneous items for discussion.

PUBLIC HEARING – CONSIDERATION OF THE FORMATION OF A LAKE MANAGEMENT DISTRICT FOR LAKE MCMURRAY.

Chairman Hart opened the public hearing regarding the consideration of a petition received from a group of citizens regarding the formation of a lake management district for Lake McMurray. Chairman Hart read the public notice into the record for the benefit of those in attendance. He then opened the hearing for public testimony.

Lyle Nelson, representing Department of Fish & Wildlife, indicated the Department's concern for the assessment of fees or rates. He referenced the Lake Management District formation of Big Lake. He stated that Fish & Wildlife was assessed \$5,600, and they simply cannot afford to pay such a large amount. Mr. Nelson stated that closing the boat launch or selling the property is possible, if such a fee is assessed at Lake McMurray. He stated that Fish & Wildlife would like to be assessed the same fees as any other lakefront property owners rather than an excessive amount.

Don Gordon, 23191 Highway 9, Lake McMurray, stated that there needs to be funds generated to improve the lake and to provide a base for acquiring state grants. He asked that the Board allow this matter to be put to a vote among the property owners.

Carl Johnson, joint owner of a single lot with no residence, stated that he feels uninformed about this whole situation. He offered to buy the Fish & Wildlife dock as it would keep their boats off the Lake and therefore keep the milfoil out of the Lake..

Betty Kite, 22649 Hull Road, stated that she is not the one that has contributed to this problem, and that there are no guarantees that the increased taxes will solve the Lake's problems. She stated that the Lake is not pure and is not safe. She also questioned the proposed committee, and indicated that there has been no continuity to date. She quoted "best management practices" as being something vague and unenforceable and compared this phrase to its use regarding the proposed gun range. She indicated that there are too many questions and not enough answers.

Al Carlson, 22304 Highway 9, Mount Vernon, stated that if this goes for a vote, he would have to vote for it. He stated that his suggestion to close down the Fisheries public access is a great idea, and he expounded on the difficulties he has had in the past with the Department of Fish & Wildlife.

Harry Snyder, 22623 Hull Road, Lake McMurray, indicated that the citizens have received very little direction from the liaison with the County. He asked for an explanation of how the taxes would be distributed, and what the County would charge for processing the funds.

Chairman Hart asked if the funding format is set.

Dawn Severin, Aquatic Weed Coordinator, stated that the amount stated in the public notice can be reduced, and cannot be increased.

Judy Menish, County Treasurer, stated that any collection of fees would go through the County Treasurer's Office, and would collect a \$4 per parcel fee for this processing.

Ms. Kite asked if this public hearing notice was mailed to every property owner. Ms. Severin responded that a list of property owners was received from the Assessor's Office, and a notice was mailed to each property owner on the list.

Commissioner Wolden asked for a show of hands as to how many individuals would be interested in placing this matter on a ballot for the property owners' consideration. A majority of those present raised their hands..

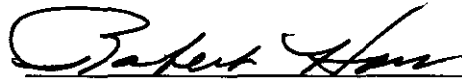
Commissioner Wolden suggested that the Board leave the written public comment period open through Friday, September 4, at 4:30 p.m..

There being no further public testimony forthcoming, Commissioner Anderson moved to close the public hearing, leaving the written comment period open through 4:30 p.m. on Friday, September 4. Chairman Hart seconded the motion, which passed unanimously. The public hearing was closed.

ADJOURNMENT.

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

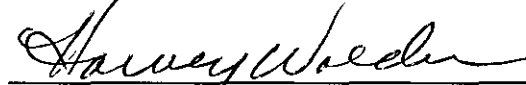
**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Robert Hart, Chairman



Ted W. Anderson, Commissioner



Harvey Wolden, Commissioner



ATTEST:



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