

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, October 19, 1998**

8:30 a.m. – 8:45 a.m. Public Comment Period.

**CONSENT AGENDA
MISCELLANEOUS**

*T 9:00 a.m. – 9:15 a.m. Proclamation – “United Way Month” in Skagit County.
 9:30 a.m. – 10:00 a.m. Approval of Development Rights Acquisition for Triple J Property.
 10:00 a.m. – Noon Budget Work Session.
 1:30 p.m. – 4:30 p.m. Review of 1998 Comprehensive Plan Amendments.

The Skagit County Board of Commissioners met in regular session on Monday, October 19, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

PUBLIC COMMENT PERIOD.

There were no citizens present for the Public Comment Period.

CONSENT AGENDA.

Commissioner Anderson moved to approve the Consent Agenda for Monday, October 19, 1998. Commissioner Wolden seconded the motion, which passed unanimously.

Commissioners' Office:

1. Record of the Proceedings of Monday, October 12, 1998.
2. Record of the Proceedings of Tuesday, October 13, 1998.
3. Interlocal Cooperative Agreement for Library Services among Skagit County and Mount Vernon, Anacortes, Burlington, Sedro Woolley, and Concrete. The total sum of \$100,000 will be paid by the County to assist in providing library services to the citizens of unincorporated Skagit County. The monies will be distributed as follows: Anacortes, \$29,433; Burlington, \$12,468; Concrete, \$4,000; Mount Vernon, \$40,815; and Sedro Woolley, \$13,284. The term of the Agreement is January 1, 1998 to December 31, 1998. **(Contract No. 04096)**
4. Resolution reappointing Shirley Osborn to the Housing Authority of Skagit County Board of Housing Commissioners for the term October 23, 1998 through October 22, 2003. **(Resolution No. 17184)**

Parks, Recreation & Fair:

5. Contract with Cascade Natural Gas Corporation to install a main gas line from Taylor Street to Buildings D and F, with smaller lines installed to the buildings. The total cost of the installation is \$5,464. **(Contract No. 04097)**

Superior Court:

6. Resolution establishing a Change Fund for the Skagit County Superior Court Drug Court Program in the amount of \$200. **(Resolution No. 17185)**

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7. Personal Services Agreement with Karen Lerner to serve as a Mental Health Commissioner for Skagit County Superior Court for the period October 1, 1998 through December 31, 1998. Contractor will be reimbursed \$40 per hour at a maximum of 43 hours per month and shall not exceed \$5,160. **(Contract No. 04098)**

Public Defender:

8. Vendor Services Agreement with Nancy Scott, Court Reporter, to provide written transcripts of court proceedings. Compensation will be paid at a rate of \$3.75 per page, and the contract will run from January 1, 1998 until terminated by either party. **(Contract No. 04099)**

Noxious Weed Control:

9. Personal Services Agreement with Industrial Mowing and Spraying to provide professional services as directed for the treatment, eradication and/or control of noxious weeds consisting of mowing, clipping, shearing and/or trimming lots, fields, parcels, right-of-ways, etc. Contractor will receive the sum of \$45 per hour for services. The term of the Agreement begins on June 1, 1998 and will continue until terminated. **(Contract No. 04100)**

Best SELF:

10. Personal Services Agreement with Skagit Valley Family YMCA to furnish a portion of its swimming and facility and personnel for the swimming instruction of Mount Vernon and Sedro Woolley Best SELF Program participants. The contractor will be compensated \$84 per hour of swim instruction, not to exceed 35 hours of service, and \$60 per hour for recreational swim, not to exceed 5 hours of service. The contract begins July 1, 1998 and terminated August 31, 1998. **(Contract No. 04101)**

Assigned Counsel:

11. Personal Services Agreement with Jim Nelson to provide professional legal services in performing all Superior Court, District Court, and Juvenile Court cases that are considered to be conflict of interest cases for the Skagit County Public Defender's office. The contract begins October 1, 1998 and will continue until terminated. Detailed compensation for felony and misdemeanor cases are listed on Exhibit "B" to the contract and range from \$550 per case to \$140 per case. **(Contract No. 04102)**

Human Services:

12. Resolution reappointing Marilyn Lupinacci to the Mental Health Advisory Board for the period September 19, 1998 until September 18, 2001. **(Resolution No. 17186)**
13. Resolution appointing Betsy Rogers to the Mental Health Advisory Board for the period October 19, 1998 through October 18, 2001. **(Resolution No. 17187)**
14. Resolution appointing Howard Shapiro to the Developmental Disabilities Administrative Board for the period September 24, 1998 through September 23, 2001. **(Resolution No. 17188)**

Public Works Department:

15. Resolution Calling for a Public Hearing to rename a portion of South Lyman Ferry Road, #07060 to Lyman Ferry Road, #07050. **(Resolution No. 17189)**
16. Professional Services Agreement with Hinton's to complete a small dredging project in Hansen Creek. An excavator will sit on the stream bank and reach to the creek to remove sediments and debris. The contract will not exceed \$25,000 and will run from September 15, 1998 through December 31, 1998. **(Contract No. 04103)**

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17. Supplemental Agreement with David Evans and Associates, Inc. for structural engineering services on the Edison Slough Drainage Improvement Project. A detailed shoring plan is needed to provide a safe and stable work area. The contract will be increased \$5,000, for total compensation of \$104,000. **(Contract No. 04009)**

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, October 21, 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 29993 through 30543 from Clearing Fund 696 in the total dollar amount of \$580,643.94 (Transmittal No. C-71-98); and

Warrants numbered 30544 through 30548 from Clearing Fund 696 in the total dollar amount of \$146,504.04 (Transmittal No. C-72-98).

2. Staff presented a Vendor Services Agreement with Land Title Company to provide preliminary title reports and title insurance on certain real properties encumbered by conservation easements for amounts equal to the cost paid by the County to acquire the easements. Commissioner Wolden moved to approve the Vendor Services Agreement as presented by Staff. Commissioner Anderson seconded the motion, which passed unanimously. **(Contract No. 04104)**

PROCLAMATION – “UNITED WAY MONTH” IN SKAGIT COUNTY.

Jere LaFollette, Skagit County United Way, detailed the important community services that United Way provides to the citizens of Skagit County. He stated that he is pleased and appreciative of the support that the County gives to the United Way campaign.

Commissioner Anderson read the official Proclamation into the record. Commissioner Wolden moved to proclaim October as United Way Month in Skagit County. Commissioner Anderson seconded the motion, and it passed unanimously.

APPROVAL OF DEVELOPMENT RIGHTS ACQUISITION FOR TRIPLE J PROPERTY.

Rich Doenges, Conservation Futures/Farmland Legacy Program, reviewed the proposed resolution approving the development rights acquisition and conservation easement acceptance on the Triple J Property as recommended by the Conservation Futures Program Advisory Board. He advised that this Resolution would convey 564.5 acres to the program, and would cost \$450,062.50. He explained the funding of this acquisition utilizing a grant that had been previously received.

A discussion ensued on the necessity for a short plat or long plat for the area that is to be left with the owners. Mr. Doenges explained the necessity for a Development Agreement. He stated that no monies would be transacted until all of the concerns are addressed to the satisfaction of the property owner and the Farmland Legacy Program. Commissioner Anderson cautioned Mr. Doenges regarding changing land use laws, and stressed the need to proceed slowly in this regard.

A discussion ensued regarding the implications of the Farmland Legacy Program to the future of farming in the Skagit Valley.

Commissioner Wolden moved to approve the Resolution as presented by Mr. Doenges, approving the acquisition of development rights for the Triple J property. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 17190)**

REVIEW OF 1998 COMPREHENSIVE PLAN AMENDMENTS.

Gary Christensen, Assistant Director, advised that this matter was previously transmitted to the Board on October 2, and consisted of the Planning Department's report and recommendations regarding 1998 amendments to the County's Comprehensive Plan. Mr. Christensen revealed that there have been five requests for Comprehensive Plan amendments. He reviewed the details of the requests that had been received.

Mr. Christensen advised the Board that they have the following options for action:

- 1) To proceed with the review of the petition by requesting a report and recommendation by the Planning Commission; or
- 2) Deny the petition without prejudice.

Mr. Christensen stated that some of these matters may be rolled in with the 1997 amendments, and may be addressed as part of the 1999 work program in conjunction with Western Washington Growth Management Hearings Board (WWGMHB) cases and County-identified comprehensive plan amendments.

Mr. Christensen advised that the September 30 memo reviewed the process in this regard from the Comprehensive Plan, pursuant to the provisions of the Growth Management Act. He stated that the County allows Comprehensive Plan amendment proposals to be submitted on an annual basis, through the last business day of July of every year. He stated that the County is not allowed to consider such amendments more than one time per year so that the cumulative effects can be ascertained at one time.

Mr. Christensen indicated that the merits of proposed Comprehensive Plan amendments are to be measured against petition submittal requirements, and require a Department report and recommendation to the Board of County Commissioners. The Board may or may not choose to act on the petition. If the Board decides to process the proposal to amend the Comprehensive Plan, it must refer the matter to the Planning Commission for a public hearing and a recommendation. He advised that a decision by the Board to proceed with a Comprehensive Plan amendment is procedural only and does not constitute a decision by the Board on whether the amendment will ultimately be approved.

Commissioner Hart stated that all of these requested amendments should go through the public hearing process. He stressed the need to develop a realistic timeline based on the Planning Commission's schedule of priorities.

Commissioner Wolden asked about the effects of HB6094. He indicated the need to look at 6094 relative to the Comprehensive Plan, and it how may affect the amendment requests of the Association of Skagit Land Owners and the Alger Sub-Area Plan.

Commissioner Anderson stated that it is his opinion, the very best mechanism for the review of these requests is the Planning Commission. He stated that whether the Department recommends approval or denial, the requests should go through the public hearing process via the Planning Commission. Commissioner Anderson noted the need to have the Planning Commission apply 6094 and then come back to the Board with their recommendations.

Commissioner Hart commented on the deadlines for the Development Code, and asked when the Planning Commission will be considering same. He emphasized the need to develop an honest and believable timeline.

Commissioner Wolden commented on the need to involve citizens advisory committees (CACs), with someone from outside of the Planning Department facilitating such CAC meetings. He spoke briefly regarding a recent case in Whatcom County that was favorable to the County. He suggested that a timeline be developed as soon as possible.

Commissioner Anderson reiterated the need to send these requests through the Planning Commission process.

Chairman Hart indicated that it appears to be the consensus of the Board to see all five of these requests go forward through the Planning Commission process, and he asked for a workplan to be developed that would show a realistic timeline of what could be expected from the Planning Commission.

Mr. Christensen confirmed that pursuant to the Comprehensive Plan, a public hearing must be held before the Planning Commission to gather testimony regarding these proposed Comprehensive Plan amendments. He further acknowledged the need to develop a timeline and work program that addresses the requests, and the other items on the Planning Commission's agenda. Mr. Christensen stated that there are more things that need to be done that there is time to do. He commented on the need to direct County resources to be spent most efficiently. He advised that it is obvious that some items may have to be deferred to a later date. He commented on the need to possibly involve CACs and consultants. Mr. Christensen noted the importance of establishing critical paths that should be regularly monitored for progress.

Commissioner Anderson stated that one of the huge concerns is the Development Code. He commented on the citizens who have waited a long time to obtain a reconsideration of their land use petitions. He noted that if the Planning Commission could make recommendations on the Comprehensive Plan amendments, perhaps these land use items could be addressed.

A brief discussion ensued on the intent of the legislature and subsequent judicial review.


Mr. Christensen confirmed with the Board their direction to formulate a work program for the Board's review, looking at timelines and possible "cause and effect" on those submitting Comprehensive Plan amendment proposals, together with other land use petitions.

The Board concurred that this was their direction to Staff.

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**



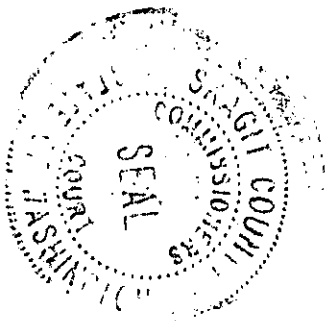
Robert Hart, Chairman




Ted W. Anderson, Commissioner



Harvey Wolder, Commissioner



ATTEST:



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