

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, November 17, 1998**

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| 7:30 a.m. – 8:30 a.m. | Commissioners' Staff Meeting. |
| 8:30 a.m. – 9:00 a.m. | Work Session – Operations Division Manager/District Maintenance Supervisors. |
| *T 9:00 a.m. – 10:00 a.m. | <u>Public Works Department – Chal Martin, Director.</u> <ol style="list-style-type: none">1) Award Presentation - "Pavement Manager of the Year Award" – Vicki Griffiths, Engineering Technician II.2) Signature – Professional Services Agreement with Leonard, Boudinot & Skodje, Inc. for Culvert Design of Fish Passage Projects.3) Signature – Resolution Regarding Penalty Payment to Environmental Protection Agency.4) Miscellaneous. |
| 10:00 a.m. – 11:00 a.m. | <u>Planning & Permit Center – Tom Karsh, Director.</u> <ol style="list-style-type: none">1) Possible Adoption and/or Set Public Hearing Date on Renewing the Provisions of Interim Ordinance No. 16559, Implementing the Comprehensive Plan.2) Possible Adoption and/or Set the Public Hearing Date on Mineral Resource Overlay District Interim Ordinance.3) Miscellaneous. |
| 11:00 a.m. – 11:30 a.m. | Parks Projects Update. |
| 1:30 p.m. – 2:30 p.m. | Executive Session – Personnel, Litigation and Land Acquisition. |

The Skagit County Board of Commissioners met in regular session on Tuesday, November 17, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. Award Presentation – "Pavement Manager of the Year Award" – Vicki Griffiths, Engineering Technician II.

Steve Flude, Assistant Director, advised that as part of the County's requirement to maintain paved roads, there is on-going participation in the Northwest Pavement Management Association, involving jurisdictions in both Oregon and Washington. Mr. Flude stated that this Association once per year awards a "Pavement Manager of the Year". This year's recipient of the award is Skagit County Public Works employee, Vicki Griffiths, Engineering Technician II. Ms. Griffiths accepted her award from Mr. Flude.

2. Signature – Professional Services Agreement with Leonard, Boudinot & Skodje, Inc. for Culvert Design of Fish Passage Projects.

Dave Brookings, Administrator, presented a Personal Services Agreement with Leonard, Boudinot & Skodje, Inc. for culvert design of fish passage projects on behalf of the Surface Water Management Division. The maximum amount of the contract will not exceed \$80,000. Commissioner Wolden moved for approval of the Agreement as presented by Mr. Brookings. Commissioner Anderson seconded the motion, which passed unanimously. **Contract No. 04128)**

3. Signature – Resolution Regarding Penalty Payment to Environmental Protection Agency.

Mr. Brookings reviewed the history of the subject penalty and the damages to the Cockreham Island levee. He stated that one of the necessary permits for repair to the levee was not received, and due to the impending flood season, the Commissioners and Department made the decision to proceed with the project without the permit. Commissioner Wolden moved for approval of a Resolution directing the payment of the \$7,500 penalty to the Environmental Protection Agency. Commissioner Anderson seconded the motion, and commented on the need at the time to proceed. Chairman Hart stated that the whole Board was aware of the process and the adherent need to get the job done. The motion passed with a unanimous vote. (Resolution No. 17208)

4. Miscellaneous.

There were no miscellaneous Public Works Department items for discussion.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Possible Adoption and/or Set Public Hearing Date on Renewing the Provisions of Interim Ordinance No. 16559, Implementing the Comprehensive Plan.

Gary Christensen, Senior Planner, advised that action is necessary as the expiration date of Resolution No. 17000 is November 30. Action is required to extend for six additional months the original Ordinance No. 16559, while the Planning Department complies with other Growth Hearings Board matters.

Commissioner Anderson questioned Mr. Christensen about the progress being made on an Interlocal Agreement with Sedro Woolley and their urban growth area (UGA) boundary. He asked if a public hearing were to be called, if citizens could give testimony on the Sedro Woolley UGA.

Mr. Christensen replied that yes, they would be able to give such testimony. He advised that the Department has been working with Sedro Woolley about addressing minimum densities and development within the urban growth areas.

Commissioner Anderson commented on the difficulties of citizens being held in abeyance in these areas. He indicated that he did not want to put another interim ordinance in place that would further preclude these citizens from proceeding.

Mr. Christensen reaffirmed that the Department is working with Sedro Woolley on the development of an interlocal agreement and municipal codes that will be the mechanisms to address these issues.

A discussion ensued on the implications of approving this interim ordinance, and that such an ordinance is not in compliance with the Comprehensive Plan. The interlocal agreements with the various cities in the County were discussed.

Chairman Hart pointed out that this is the fourth extension of the ordinance, and is not the way he would choose to do business.

Commissioner Wolden moved to adopt an ordinance renewing the provisions of Ordinance No. 16559, implementing the Comprehensive Plan, and setting a public hearing date of December 15, 1998, at 10:00 a.m. The motion was seconded by Chairman Hart.

Commissioner Anderson stated that this is drawn down so narrow that public testimony will not mean anything. He indicated that it is ridiculous to keep adopting this ordinance when it is not in compliance with the Comprehensive Plan.

The question was called for, and the motion passed with Commissioners Wolden and Hart voting for the motion, and Commissioner Anderson dissenting. (Resolution No. 17209).

2. Possible Adoption and/or Set the Public Hearing Date on Mineral Resource Overlay District Interim Ordinance.

Mr. Christensen advised that the Department has prepared an interim ordinance that would in essence add a new section to the Skagit County Code Section 14.04 regarding a Mineral Resources Overlay District. Mr. Christensen indicated that the Board had been provided with a draft copy of the ordinance, and that such previously distributed document has been modified pursuant to discussions with legal counsel.

Mr. Christensen reviewed the proposed ordinance in detail. He discussed the need to pursue a development regulation that would be simpler and easier to understand. He stated that the new document acknowledges that we may need to come back and revisit the MRA-1, 2 and 3 designations, as part of a Comprehensive Plan amendment in the future.

A discussion ensued on areas of pre-existing non-conforming uses.

Mr. Christensen advised that this interim ordinance would be in place for a period of six months, and would allow the Board discretionary abilities to add additional mineral resource areas as needed. Further, this interim ordinance would allow preparation of a memorandum of understanding with the Department of Natural Resources to establish a coordinated review process.

Chairman Hart commented on the need for the Board to have much more information before sending items on to the Planning Commission so that the direction of the Board to the Planning Commission is clear.

Commissioner Wolden noted the need for the Board to hold a public hearing if there is much testimony before the public hearing of the Planning Commission.

Mr. Christensen next reviewed the details of the proposed Mineral Resource Overlay.

Commissioner Anderson moved to adopt an Interim Ordinance adding a new Section 14.04.126, Mineral Resource Overlay to the Skagit County Code, Amending Portions of SCC 14.04.150(2), Replacing the Natural Resource Lands Map in Ordinance No. 16291 with Map #1 of the Comprehensive Plan Map Portfolio, and Amending the Skagit County Official Zoning Map. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17210)**

Commissioner Anderson moved to adopt a Resolution Requesting a Report and Recommendation from the Planning Agency on Interim Ordinance No. 17210. The motion was seconded by Commissioner Wolden and passed unanimously. **(Resolution No. 17211)**

3. Miscellaneous.

A. Mr. Christensen briefly discussed threshold reports recently issued for areas in Mount Vernon and Sedro Woolley, thereby initiating the CTED 60-day comment period.

B. A brief discussion ensued on the Bayview Ridge area legal actions.

PARKS PROJECTS UPDATE.

Jon Aarstad, Director, spoke regarding the status of the following projects:

1. The Dreamfield backstop walls and dugouts have been completed. The dugout floors and roofs must be completed. The Dreamfield committee met last night regarding fundraising activities for the needed requirements for the field outside of the monies received from the real estate excise tax fund.
2. He discussed the Timber Management Plan and the adherent preparations for the sale of the Cascade River timber. He advised that bids will be opened around the 12th or 13th of January.

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3. He discussed the recent hearings before the Shorelines Hearings Board regarding the Frailey Mountain Shooting Range.
4. Mr. Aarstad next discussed the RFP preparation for the Swinomish Boat Launch and the necessity of obtaining 10 different permits. The need for an easement with an adjoining property owner for placement of the septic system was also explained.
5. Mr. Aarstad briefly outlined a meeting to be held regarding the Northern State Recreation Area to pursue a plan for development of an athletic area and a multi-purpose facility.
6. A discussion ensued on the Board's meeting with the Fair Board, and the Board indicated they would like to see copies of the Fair Board Minutes in the future.

MISCELLANEOUS.

Staff presented several Real Estate Purchase and Sale Agreements for the Board's consideration regarding the purchase of properties in conjunction with the Hazard Mitigation Grant the County has received from FEMA. Commissioner Anderson moved to approve the Real Estate Purchase and Sale Agreements as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. The sellers and properties to be purchased by the County are as follows:

1. Ray Underwood (**Contract No. 04129**)
3871A Cape Horn Drive
Purchase Price: \$86,000
2. Donald Macrae (**Contract No. 04130**)
790 Fir Street
Purchase Price: \$76,000
3. Richard & Mary Lou Hackett (**Contract No. 04131**)
970-B Thunderbird Lane
Purchase Price: \$48,000
4. Christine Dai Mitchell (**Contract No. 04132**)
1065 Elm Lane
Purchase Price: \$110,000
5. Jerry & Patricia Banks (**Contract No. 04133**)
3921 Cape Horn Drive
Purchase Price: \$50,000
6. David & Patricia Burford (**Contract No. 04134**)
782 Fir Street
Purchase Price: \$20,000
7. Dale & Ruth Hoag (**Contract No. 04135**)
786 Fir Street
Purchase Price: \$19,000
8. W.H. Downing & Roxie Downing (**Contract No. 04136**)
783 Rainbow Court
Purchase Price: \$55,000
9. Ronald Cavar, Gene Cavar & Donna Cavar (**Contract No. 04137**)
3961 North Shore Drive
Purchase Price: \$65,000

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- 10. Raymond Hyde (Contract No. 04138)
3862 North Shore Lane
Purchase Price: \$52,000

- 11. Clarence Posthumous (Contract No. 04139)
3918 Cape Horn Drive
Purchase Price: \$19,000

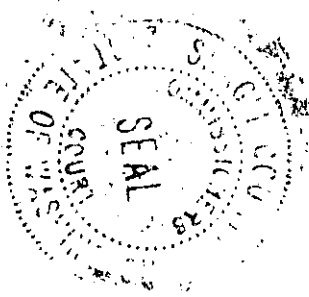
- 12. Buford & Vivian Theel (Contract No. 04140)
970-A Thunderbird Lane
Purchase Price: \$55,000

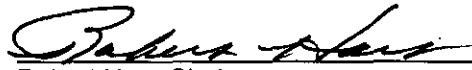
- 13. Stephen & Julie Young (Contract No. 04141)
864 Cockreham Road
Purchase Price: \$110,000

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