

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, December 14, 1998**

9:00 a.m. – 9:15 a.m.	Public Comment Period.
	CONSENT AGENDA. MISCELLANEOUS.
9:30 a.m. – 10:00 a.m.	Work Session – Solid Waste Update.
10:00 a.m. – 11:00 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
1:30 p.m. – 3:30 p.m.	Continued Review of 1997 Comprehensive Plan Amendment Recommendations from the Planning Commission.

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

PUBLIC COMMENT PERIOD.

Louie Requa, 806 Metcalf, Sedro Woolley, a member of the Planning Commission, spoke to items being rejected in the review of the proposed 1997 Comprehensive Plan Amendments. He reviewed a map of the Birdsvie area, and a transcript of proceedings from an April 1, 1998 joint meeting of the Planning Commission and Board of Commissioners. He stated that the Planning Commission was given direction that they could go outside of the direction of the Board. He presented the Board with a copy of the Notice of Joint Study Session held on April 1, 1998. He indicated that, in his opinion, the Planning Commission was directed to also assist others who were outside of the resolution directed study area. He reviewed in detail the transcript from the April 1, 1998, meeting. He spoke to incorrect maps from the "green book." Mr. Requa stated that many of the areas in question were incorrectly mapped, which was the County's fault. He noted that the resolution from the Commissioners directing the Planning Commission did not include the appropriate "whereas" clause regarding the joint meeting of the Planning Commission and Board of Commissioners.

Larry Collinge, 15274 Snee-Oosh Road, LaConner, representing members of Fidalgo Alliance for an Informed Republic (FAIR), spoke regarding a memorandum of understanding (MOU) between the County and the Swinomish Indian Tribal Community passed by the Board on April 14, 1998. He stated that this MOU causes much concern for the fee simple landowners and personal property owners on the Swinomish Reservation. Mr. Collinge indicated that subsequent to this public comment period, he had sent a letter to the Board explaining his concern that this agreement was put in place without any public input or process. He stated that he had had no response to his letter dated July 21. He presented the Board with petitions containing over 200 signatures of Skagit County residents that feel the Board is not adhering to their oath of office to represent all of the citizens of Skagit County. He commented on the agreement with the Tribe regarding the Skagit River water rights, asking that that agreement also be overturned.

Steven Aghjayan, Pull & Be Damned Road and a member of FAIR, spoke to the jurisdiction of the County for lands within the boundaries of the Reservation. He urged the Board to rescind the Memorandum of Understanding with the Swinomish Indian Tribal Community.

Mark Stover, 1540 Snee-Oosh Road, spoke regarding his worry about how onerous fee simple landowners have been treated by the Tribes, and that the County continues to make agreements with the Tribe. He spoke against the cross-deputization of law enforcement officers, and the threat that service trucks would not be allowed to deliver to these homes. He spoke to the water rights issues, and that the people in this area pay taxes but are treated like step-children.

Commissioner Anderson stated that he battled for seven weeks regarding the MOU with the tribes, and did not have any input from people in the area. He indicated that the Board has not given away anyone's rights.

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Bill Schmidt, 6939 Gallagher Road, Concrete, spoke regarding his property in the Fire Mountain area and the review of the 1997 Comprehensive Plan amendments to be reviewed later in the day. He distributed maps of the Fire Mountain area and discussed the particular attributes of his property.

Ken Howard, 4812 Sharpe Road, stated that he supported Mr. Requa's comments. He stated the Association of Skagit County Landowners had completed land studies and maps and should the Board request a review of these, he would be happy to produce them. He stated that this information was all part of the record submitted to the Planning Commission.

Morris Robinson, Potts Road, Day Creek, posed questions about last week's 1997 Comprehensive Plan review and the procedural issues mentioned earlier. He commented in particular on the Day Creek study area.

Mr. Requa noted that the Board may want to consider amending Resolution 16853, which gave direction to the Planning Commission regarding the study areas and 1997 Comprehensive Plan amendments.

CONSENT AGENDA.

Commissioner Wolden moved to approve the Consent Agenda for Monday, December 14, 1998, with the removal of Item No. 5, as it had not completed legal review. Commissioner Anderson seconded the motion, which passed with a unanimous vote.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, December 7, 1998.
2. Record of the Proceedings of Tuesday, December 8, 1998.
3. Memorandum of Agreement with the Sedro Woolley Loggerodeo for tourism promotion during calendar year 1998. The County agrees to pay \$5,000 in this regard. **(Contract No. 04163)**
4. Interlocal Agreement with the LaConner School District for upgrading and existing crushed brick track by improving drainage and running surfaces to create an all-weather track. The County agrees to pay the School District the sum of \$94,724, with the first half of \$47,362 being paid in 1998 and the second half of \$47,362 being paid in 1999. The agreement will remain in effect through December 31, 2008. **(Contract No. 04164)**

FACILITIES:

5. Building Lease with Herbert J. and Theresa L. Goldston for property commonly known as 609, 611 and 613 South Second Street Mount Vernon. The term of this lease shall be for five years and shall commence on the day of occupancy. The rental amount will be \$5,400 per month over the five year term of the lease. **(DELETED, HAS NOT COMPLETED LEGAL REVIEW)**
6. Amendment "A" to Personal Services Agreement with K. Johnson Painting and Contracting, adding all labor and materials necessary to paint Skagit County Administration Building Room 203 and 204 for additional compensation of \$4,700. **(Contract No. 03611)**

MAPPING:

7. Resolution Declaring Sole Source Purchase for Geographic Products distributed by the Department of Natural Resources. **(Resolution No. 17242)**

PLANNING & PERMIT CENTER:

8. Resolution approving a Variance Request for Chuck and Wendy Munson, No. PL97-0545. **(Resolution No. 17243)**

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ASSIGNED COUNSEL:

9. Interlocal Agreement with the City of Mount Vernon for the purchase of services from the Department of Assigned Counsel. The City will pay the sum of \$15 for each person referred for a determination of indigence. The agreement will run from the date of signing through December 31, 1999. **(Contract No. 04165)**

PUBLIC WORKS DEPARTMENT:

10. Memorandum of Understanding with the City of Sedro Woolley outlining the Congressional Priority Project funding distribution between Skagit County and the City of Sedro Woolley for the Cook Road improvement project. Skagit County will receive \$2,270,000 and the City of Sedro Woolley will receive \$930,000. **(Contract No. 04166)**
11. Supplement No. 1 to an Agreement with Graham-Bunting & Associates for an environmental reconnaissance study on Farm-to-Market Road, Avon Allen Road and Bow Hill Road. The not-to-exceed amount is being raised from \$6,500 to \$15,000. **(Contract no. 04015)**
12. WSDOT Local Agency Agreement relating to Farm-to-Market Road from SR20 to Josh Wilson Road. This is the first request for Federal Funding expenditures. **(Contract No. 04167)**

PARKS & RECREATION:

13. Re-Appointment of Lloyd Brown to the Skagit County Parks & Recreation Advisory Board for the term July 1, 1998 through June 30, 2001. **(Resolution No. 17244)**
14. Re-Appointment of Carroll Dillon to the Skagit County Parks & Recreation Advisory Board for the term July 1, 1998 through June 30, 2001. **(Resolution No. 17245)**

HUMAN SERVICES:

15. Amendment to the CSHS/DASA Substance Abuse Interagency Work Order, increasing the contract by \$31,550. This will allow Skagit Recovery Center, a Skagit County subcontractor, to hire a chemical dependency counselor in order to provide additional services to TANF (Temporary Assistance for Needy Families) clients. The maximum consideration of the contract increases from \$1,209,964 to \$1,241,514. **(Contract No. 03579)**

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, December 14, 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 34556 through 34556 from Clearing Fund 696 in the total dollar amount of \$58,199.70 (Transmittal No. C-86-98); and

Warrants numbered 34557 through 35150 from Clearing Fund 696 in the total dollar amount of \$1,203,909.49 (Transmittal No. C-87-98); and

Payroll warrants numbered 950576 through 950610 in the total amount of \$38,884.81 (Transmittal No. P-60-98); and

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Payroll warrants numbered 25914 through 16599 in the total amount of \$644,331.82 (Transmittal No. P-61-98).

2. Staff presented a resolution containing a Call for Public Hearing to adopt revisions to on-site sewage codes. The public hearing will be held January 5, 1999 at 9:00 a.m. Commissioner Wolden moved to approve the resolution as presented by Staff. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Contract No. 17246)**
3. Staff presented a resolution containing a Call for Public Hearing to adopt revisions to solid waste handling and facilities codes. The public hearing will be held January 5, 1999 at 9:00 a.m. Commissioner Wolden moved to approve the resolution as presented by Staff. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Contract No. 17247)**
4. Staff presented a resolution regarding the Funding of a Revolving Fund for the Skagit County Fair Premium Fund. Commissioner Wolden moved to approve the resolution as presented by Staff. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Resolution No. 17248)**
5. Staff presented a Grant Agreement with the Department of Ecology, which will provide up to \$80,000 in 100% reimbursement for costs of performing initial investigations and site hazard assessments of suspected hazardous waste sites, and for administering a clandestine drug lab program. Commissioner Anderson moved to approve the Grant Agreement as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 04168)**
6. Staff presented Supplement No. 1 to a Personal Services Agreement with Chinook Enterprises. This supplement lists additional landscaping work to be performed at the Skagit County Road Maintenance Shop for a lump sum price of \$1,200. Commissioner Anderson moved to approve the Supplement as provided by Staff. Commissioner Wolden seconded the motion, which passed unanimously. **(Contract No. 03473)**

CONTINUED REVIEW OF 1997 COMPREHENSIVE PLAN AMENDMENT RECOMMENDATIONS FROM THE PLANNING COMMISSION.

Chairman Hart noted that there are some items that may not be supportable in Court as they were approved last week, but perhaps such items should be remanded to the Planning Commission for further study and public hearings. Chairman Hart specifically noted the three items of concern which included Don Clark's (No. 8A), Foss (No. 14), and Clarence Jones, (Nos. 22 A&B). He expressed the need to make sure those findings are substantiated.

Commissioner Wolden suggested that it may be in the County's best interest to remand these to the Planning Commission to make sure the findings are structured so they are supportable.

Commissioner Hart moved to rather than summarily approve, remand to the Planning Commission for additional findings Don Clark (No. 8A), Foss (No. 14), and Clarence Jones (Nos. 22A&B). The motion was seconded by Commissioner Anderson, and passed with a unanimous vote.

The Board began the review of Appendix C of the Planning Commission's recorded motion. It was noted that items 16, 35 and 48 had been tabled previously so as to be discussed during the review of these study areas.

Gary Christensen, Planning Department Assistant Director, gave a brief overview of the 1997 study areas for consideration today.

The first study area to be review was the Trafton Lake Study Area, No. 1. Mr. Christensen advised that the Planning Commission concurred with Department in recommending redesignation from Rural Reserve to Rural Intermediate. Additional parcels are also recommended in 1(B) to go to be recommended for redesignation to Rural Intermediate. The specific location of these properties was reviewed and Mr. Christensen displayed a map showing the areas recommended by the Department and the additional areas proposed by the Planning

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Commission. He reviewed the property to be included in both items 1(A) and 1(B). Commissioner Anderson asked about the report and mapping from the Association of Skagit County Landowners (ASCL) and what analysis was completed. Chairman Hart commented on the lack of notice to those outside of the study area.

Mr. Christensen stated that a parcel density test for each parcel was not completed within the study areas. The areas beyond the Study Area considered by the Planning Commission were based on in-fill and land use patterns.

A discussion ensued regarding proper public notices to the those beyond the original study area. It was noted that the legal notice did not include these properties. Consequently, this recommendation is procedurally incorrect.

Commissioner Anderson queried staff on the legal steps necessary to send this back to the Planning Commission so that the proper people are notified. Mr. Christensen explained the need to remand such an item back to the Planning Commission for proper legal notice and public hearing.

Commissioner Hart commented on not linking these additional properties with the rest of the Study Area until proper notice is given.

John Moffat, Chief Civil Deputy, explained that as long as the parcels were considered in the description of the study area as referenced in Resolution No. 16853, the Board can proceed. He stated that the legal notice did not give people notice of the fact that the Planning Commission would be considering designation changes on the areas outside of the study areas.

A discussion ensued on the particulars of this study area.

Mr. Moffat cautioned that if it is the Board's intention to include a larger area than described in Resolution No. 16853, then the Board should adopt an amendment to Resolution No. 16853 and send the study area back to the Planning Commission to include the additional area in their review.

The Board indicated they could support an amendment to Resolution No. 16853.

Commissioner Wolden noted that criteria changes need to be reviewed, together with the application of HB 6094.

Commissioner Anderson suggested that the Board could amend the resolution and have the Planning Commission hold a public hearing so that these additional areas could be included. He stated that the Board would still have the ability to make the final decision.

Commissioner Wolden commented on the possibility of an appeal if this procedure is not followed.

Mr. Christensen summarized that Item 1(A) is dealing with appropriate findings, and the Board needs to consider if that should be approved. He stated that Item 1(B) dealt with the issue of proper notice.

After a brief discussion, Commissioner Anderson moved that Appendix C, items 1 and 1(A) be approved through the words "...designation criteria." The last two sentences of Paragraph (A) through item 1(B) will be remanded back to the Planning Commission for review under HB 6094 and completion of the public process. The motion was seconded by Commissioner Wolden and was unanimously approved.

The Board next considered Item No. 48, Charles Trafton, from Appendix B. This property is located within the Trafton Lake Study area, and the Planning Commission recommended redesignation from rural reserve to rural intermediate. Commissioner Anderson moved that the parcels contained in Item 48 Charles Trafton that are in the computer generated mapping area are to be approved. The additional properties are to be remanded and reconsidered under the application of HB 6094 by the Planning Commission. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

The Board next considered the Alger/Parsons Creek Study Area. Mr. Christensen displayed a map of the subject area, and advised that the Planning Commission has recommended that there be some rural intermediate

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designation, which concurs with the Department's recommendation. He further stated that Item 2(B) was also recommended for approval, but was not an area included in Resolution No. 16853. Commissioner Anderson moved for approval of Item 2(A) as recommended by the Planning Commission, and rejecting Item 2(B), which included areas not included in Resolution No. 16853. Commissioner Wolden seconded the motion, which passed unanimously.

The Board next reviewed the Fire Mountain Study Area, Item 3. Mr. Christensen stated that the Planning Commission supported the analysis of the Department and recommended the entire study area, with the exception of the most easterly 80-acre tract, be redesignated from Industrial Forest to Secondary Forest. Mr. Christensen reviewed a map and discussed the only parcel that was not included in the recommendation from the Planning Commission. Commissioner Anderson observed specifics about this parcel, including that it is within a fire district, and that the landowner is not an industrial forester. He further noted that the parcel is surrounded by State land on three sides and is a perfect buffer for commercial forest lands.

Commissioner Wolden stated that he believed the Planning Commission erred in their recommendation.

Commissioner Anderson moved to adopt the Planning Commission's recommendation for the Fire Mountain Study Area, remanding the excepted 80-acre tract back to the Planning Commission for further consideration. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

The Board next considered the Sauk Valley Study Area, No. 4. Commissioner Wolden moved to support the recommendation of the Planning Commission for redesignation from Industrial Forest to Secondary Forest. Commissioner Anderson seconded the motion, which passed with a unanimous vote.

The Board next considered the Birdsvew Study Area, No. 5. Mr. Christensen advised that the Planning Commission has concurred with the Department's recommendation for 5(A). He further indicated that the Planning Commission has also recommended some additional rural intermediate designated parcels, which were to be based on infill, maintaining the rural character, and creating logical boundaries. Mr. Christensen reviewed a map of the subject area.

Commissioner Anderson disputed the map that was presented to the Planning Commission and accompanied Resolution 16853.

Mr. Christensen suggested that this item could also be included in an amendment to Resolution No. 16853 for remand to the Planning Commission for further consideration. He further suggested that the Board could concur with the Planning Commission's recommendation for partial approval of the redesignation from Rural Reserve to Rural Intermediate and from Rural Resource to Rural Reserve.

After a lengthy discussion concerning the particulars of the area in question, Commissioner Anderson moved to uphold the Planning Commission's recommendation as contained in Item 5(A) through the words "incorporated herein." Further that the last sentences of Item 1(A), beginning with "Furthermore..." through the end of Item 2(B) be included in an amendment to Resolution No. 16853 to clarify the boundaries of the study area and be remanded to the Planning Commission after HB 6094 is applied. Commissioner Wolden seconded the motion, which passed unanimously.

The Board next considered the area West of the City of Sedro Woolley on Cook Road Study Area, No. 6. Mr. Christensen advised that the Planning Commission recommended redesignation from Agriculture to Rural Reserve. Commissioner Hart questioned whether any of the parcels included in the recorded motion were in the open space taxation program. Mr. Christensen advised that there appears to be a findings issue here. He suggested that the Board may want to remand this to the Planning Commission to adopt additional findings to support their decision. Commissioner Anderson moved that No. 6 be remanded back to the Planning Commission to address the issue of open space taxation as using that for criteria for establishing whether these properties should be designated as rural reserve. Chairman Hart seconded the motion, which passed with a unanimous vote.

The Board next reviewed the Memorial Highway West of Mount Vernon Study Area, and Mr. Christensen advised that two items from Appendix B also need to be considered in this regard. Mr. Christensen explained the location

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of the subject area. He stated that much of the area is commercial and has services and utilities for urban development. Mr. Christensen stated that there is a considerable amount in the record that supports the north side of Memorial Highway, but not the south side. Chairman Hart moved to remand this item to the Planning Commission to provide further findings, pursuant to an amendment to Resolution No. 16853. The amendment to Resolution No. 16853 will include the recommended boundaries as proposed by the Planning Commission, and will include proper public notice. Commissioner Anderson seconded the motion, which passed unanimously.

In this same study area, Commissioner Anderson moved to concur with the Planning Commission's recommendation for William Handy, Appendix B, Item 16. Commissioner Wolden seconded the motion and it passed with a unanimous vote.

Again in the same study area, Commissioner Anderson moved to concur with Planning Commission's recommendation for Stan O'Neill, Appendix B, No. 35. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

The Board next considered the items contained in Appendix D of the Planning Commission's Recorded Motion.

Item No. 1, Jim Berquist – Commissioner Hart moved to approve the recommendation of the Planning Commission for Item 1(A), and reject Item 1(B). The motion was seconded by Commissioner Wolden and passed with a unanimous vote.

Commissioner Anderson moved to uphold the Planning Commission's recommendation for Item No. 2, Charlie Boon, and Item No. 3, Alfred Carlson. The motion was seconded by Chairman Hart and passed unanimously.

Commissioner Anderson moved to uphold the Planning Commission's recommendation for Christensen, et al., Item No. 4, which recommended redesignation from Rural Reserve to inclusion into Mount Vernon's urban growth area. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

Commissioner Anderson moved to concur with the Planning Commission's recommendation for redesignation from Rural Reserve to Rural Intermediate for Don Clark, No. 5. After a brief discussion, Commissioner Anderson withdrew his original motion, and moved to remand this matter to the Planning Commission. The motion was seconded by Chairman Hart, and passed with a unanimous vote.

The Board next considered No. 6, Mark Danielsen. Commissioner Anderson moved to concur with the Planning Commission's recommendation. The motion was seconded by Commissioner Wolden, and passed with a unanimous vote.

The Board next reviewed No. 7, Douglas Engleson. This item is similar to Appendix B, No. 41, Monte Ruble. Chairman Hart moved to reject the Planning Commission's recommendation on Engleson. Commissioner Wolden seconded the motion. A lengthy discussion ensued regarding the specific area of this property, and the pertinent maps were reviewed. Commissioner Hart withdrew his motion.

Commissioner Hart moved to remand Item No. 7, Douglas Engleson, to the Planning Commission, together with overturning the earlier motion on Monte Ruble, No 41, from Appendix B, remanding Ruble also, so that an amended notice and map can be prepared after an amendment to Resolution No. 16853 on both of these properties. Commissioner Anderson seconded the motion, which passed unanimously.

Chairman Hart moved to uphold the Planning Commission's recommendation for No. 8, Cindy Kindler. Commissioner Anderson seconded the motion, which passed unanimously.

Commissioner Anderson moved to uphold the Planning Commission's recommendation for No. 9, Gary Koops. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

Commissioner Anderson moved to concur with the Planning Commission on Item No. 10(A), Ted Palmer, and remand the properties included in Item 10(B) back to the Planning Commission for further consideration. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

Commissioner Wolden moved to approve the recommendation of the Planning Commission for Item No. 11, John Parent. Chairman Hart seconded the motion, which passed unanimously.

On Item No. 12, Dennis Peek, Commissioner Anderson moved to approve the Planning Commission's recommendation for denial without prejudice on the first paragraph, and remand the second paragraph back to the Planning Commission for improved findings. The motion was seconded by Commissioner Wolden, and passed with a unanimous vote.

Chairman Hart moved to approve the recommendation of the Planning Commission for No. 13, Trinity Presbyterian Church. Commissioner Wolden seconded the motion, which passed unanimously.

On Item No. 14. Commissioner Anderson moved to uphold the recommendation of the Planning Commission for denial without prejudice. Commissioner Wolden seconded the motion, which passed unanimously.

Commissioner Wolden moved to approve the recommendation of the Planning Commission for denial without prejudice for No. 15, Ken Wolcoski. Chairman Hart seconded the motion, which passed with a unanimous vote.

On Item No. 16. Perry & Detz, Commissioner Anderson moved to concur with the Planning Commission's recommendation for denial without prejudice. Commissioner Hart seconded the motion, which passed with a unanimous vote.

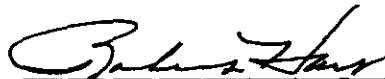
Commissioner Wolden moved to remand Item No. 17, Iva Ewing, to the Planning Commission for application of revised Secondary Forest Designation criteria. Commissioner Anderson seconded the motion, and it passed with a unanimous vote.

On Item Nos. 18 and 19, Viewcrest Lane Division and Sunrise Ridge Land Division, Chairman Hart moved to remand these items to the Planning Commission after an amendment has been prepared to Resolution No. 16853. The motion was seconded by Commissioner Anderson and passed with a unanimous vote.

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