

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, March 22, 1999**

9:30 a.m. – 9:45 a.m. Public Comment Period.

**CONSENT AGENDA
MISCELLANEOUS**

10:00 a.m. – 11:00 a.m. Public Hearing – Consideration of Adding a New Chapter Under Title 9 of the Skagit County Code entitled “Contraband in the Skagit County Jail” and adding sections regarding Contraband Defined, Possession of Contraband, and Penalty.

11:00 a.m. – 11:30 a.m. Presentation by Economic Development Association of Skagit County (EDASC) regarding Washington Community Economic Revitalization Team (WA-CERT) Grant Funding.

1:30 p.m. – 2:00 p.m. Consideration of the Hearing Examiner’s Recommendation for Approval of an Agricultural Variance for Laurence and Shirley Lorenzen for Property located at 13382 Pulver Road, Mount Vernon (PL 98-0388).

2:00 p.m. – 3:30 p.m. Planning & Permit Center – Tom Karsh, Director.

- 1) Review and Possible Adoption of an Interlocal Agreement Between Skagit County and the City of Sedro-Woolley for Purposes of Growth Management and the City’s Urban Growth Area.
- 2) Review and Possible Adoption of an Interim Ordinance relating to the Implementation of the City of Sedro Woolley’s Development Standards within the Unincorporated Portion of Sedro Woolley’s Urban Growth Area.
- 3) Review and Possible Adoption of an Interim Ordinance relating to the Implementation of the City of Burlington’s Development Standards within the Unincorporated Portion of Burlington’s Urban Growth Area.
- 4) Review and Possible Adoption of an Interim Ordinance Amending Ordinance No. 17345, Mount Vernon Development Standards within the Urban Growth Area, Exhibit B Map Legend, to Establish Minimum Densities and Maximum Residential Lot Sizes in the Urban Growth Area.
- 5) Review and Possible Adoption of a Resolution Referring the Provisions of Ordinance No. 17367, Establishing Minimum Residential Densities and Maximum Residential Lot Sizes in Urban Growth Areas, to the Planning Commission for a Report and Recommendation.
- 6) Consideration and Possible Adoption of an Amendment to the Critical Area Ordinance, Specifically the Exemption Section for Diking and Drainage.
- 7) Miscellaneous.

The Skagit County Board of Commissioners met in regular session on Monday, March 22, 1999, with Commissioners Ted W. Anderson, Harvey Wolden, and Robert Hart present.

PUBLIC COMMENT PERIOD.

Larry Collinge, 15274 Snee-Oosh Road, LaConner, questioned the Board about the existing Memorandum of Understanding (MOU) with the Swinomish Tribe, and receipt of a petition requesting that the MOU be revoked. He stated that such petition contained 200 signatures voicing displeasure at the Board's execution and participation in the MOU. He commented that the problems with the Tribe have been compounded recently by the latest jurisdictional grab over building and code enforcement. A lengthy discussion ensued with the Board on the ramifications of the MOU, and some of the protections that were afforded landowners with the procedures outlined in the MOU.

Commissioner Anderson directed Mr. Collinge to bring to the Board the particular parts of the MOU that he objected to for their review.

CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda, removing item 12, for Monday, March 22, 1999. Commissioner Wolden seconded the motion, which passed with a unanimous vote. Item 12 was removed.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, March 15, 1999.
2. Record of the Proceedings of Tuesday, March 16, 1999.

FACILITIES:

3. Amendment to Agreement with Kennedy/Jenks Consultants to provide for additional work performed by Kennedy/Jenks in the preparation of the Construction Bid Documents as well as Construction Administration for the fueling facilities upgrade project in the amount of \$26,500. The original contract amount was \$25,000. **(Contract No. 03842)**

SENIOR SERVICES:

4. Resolution providing for the Transfer of Funds to the Senior Services Fund in the amount of \$7,000. **(Resolution No. 17368)**
5. Resolution awarding funds to the Anacortes Senior Center Advisory Board in the amount of \$5,000. **(Resolution No. 17369)**
6. Rental Agreement with the Saturday Community Market Association for property located at 153 Railroad Avenue, Concrete, at a rate of \$255 for the period May 15, 1999 through September 4, 1999. **(Contract No. 04321)**

INFORMATION SERVICES:

7. Out-of-State Travel Request for Kathy Brown to attend the SFG Technologies, Inc. International User Conference in Vancouver, Canada, April 20 through 23, 1999, for a total cost of approximately \$717 (Canadian). **(Approved)**

PUBLIC WORKS:

8. Professional Services Agreement replacing Supplement No. 1 to Agreement with David Evans and Associates regarding the Edison Slough Drainage Improvement Project. The Edison Slough Drainage Improvement Project included the construction of cofferdams and retaining walls. Review of the plans submitted by the contractor required the expertise of a licensed structural engineer. This agreement with DEA provides for this review. In an effort to save time, DEA performed this service under Cook Road Supplement Agreement No. 1. However, the funding agency for the Cook Road project is requiring the elimination of Supplement Agreement No. 1 so the Cook Road agreement is clean of any outside tasks. Drainage Utility funds were used to fund the structural review described in the agreement. Supplement No. 1 specified that compensation was not to exceed \$5,000, actual expenses for this project were approximately \$2,660. **(Contract No. 04322)**
9. Supplement No. 3 to Professional Services Agreement with David Evans and Associates, Inc. regarding the Cook Road Project to make changes to the contract language to satisfy the Federal Highway Administration. The scope of work and maximum amount payable remain the same. **(Contract No. 04009)**
10. Resolution establishing Eligibility List for the Procurement of Maintenance Materials. **(Resolution No. 17370)**
11. Professional Services Agreement with Pacific Style Lawn Maintenance to provide grounds maintenance services at the Skagit County Public Works Building at 1111 Cleveland, Mount Vernon. Compensation is \$250 per month plus sales tax for the term March 1, 1999 through February 28, 2000. **(Contract No. 04323)**
12. Professional Services Agreement with Ranger Marketing Communications (Ranger Kidwell-Ross) to provide design and typesetting services for printed materials such as the Construction Recycling Brochure. The agreement is for the period March 1, 1999 through December 31, 2001 at a rate of \$250 per year. **(NOT APPROVED)**
13. Professional Services Agreement with Chinook Enterprises to provide grounds maintenance services at the Skagit County Recycling and Transfer Station and at the Burlington Shop. The term of the Agreement is March 1, 1999 until October 31, 1999, with compensation set at \$750 per month plus sales tax for the Transfer Station and \$180 per month plus sales tax for the Burlington Shop. **(Contract No. 04324)**
14. Vendor Services Agreement with Hayes Drilling, Inc. for reconstruction and well testing of the domestic well located at the residence of Rich and Jackie Arendse, 1913 Prairie Road, Sedro Woolley for a not-to-exceed amount of \$2,000. **(Contract No. 04325)**
15. Supplement No. 1 to Professional Services Agreement with Semrau & Lisser extending the time of performance from December 31, 1998 to December 31, 1999. Compensation remains the same. **(Contract No. 03914)**
16. Professional Services Agreement with First Northwest Group LLC to conduct a telephone opinion survey regarding water quality and people's willingness to pay for cleaner water. This task is contractually required under the Clean Water District Grant. The contract total shall not exceed \$8,000, and the contract term is March 22, 1999 through December 31, 1999. **(Contract No. 04326)**

HUMAN SERVICES:

17. Personal Services Agreement with Whatcom Counseling & Psychiatric Clinic for the period February 1, 1999 through December 31, 1999, for support of the Mental Health Whatcom-Skagit Gatekeeper Program. Skagit County will contribute \$7,000 for one year to help pay the salary for the Coordinator of the project, and such funds have been set aside from mental health funds. **(Contract No. 04327)**
18. Amendment No. 2 to the Personal Service Agreement with Skagit Adult Day Care, extending the period of performance from December 31, 1998 through December 31, 1999. **(Contract No. 03402)**

PARKS & RECREATION:

19. Personal Services Agreement with Skagit Surveyors & Engineers, LLC, to assist the Skagit County Parks and Recreation Department with negotiations with Washington State Department of Natural Resources regarding the Frailey Mountain Firearms Range. The Contract amount is fixed at \$1,200 and the contract begins February 15, 1999 and will continue until terminated. **(Contract No. 04328)**

ARIS:

20. Resolution Establishing a Creative Treatment Policy for the Mentorship program wherein mentors are allowed to spend approximately \$25 per month per child, not to exceed \$300 per year per child, which includes money spent on cost of activities for both mentor and child combined. **(Resolution No. 17371)**

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, March 22, 1999, 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 41100 through 41303 from Clearing Fund 696 in the total dollar amount of \$2,697,174.25 (Transmittal No. C-19-99).

2. Staff presented a Personal Services Agreement with Stratum Group to provide hazardous materials surveys on residential properties scheduled for demolition per the Hazard Mitigation Grant, for a total maximum amount of \$7,200. The contract begins on March 20, 1999, and will be terminated by either party by giving 30 days notice. Commissioner Wolden moved to approve the Agreement as presented by Staff, and Commissioner Hart seconded the motion. The motion passed with a unanimous vote. **(Contract No. 04329)**

PUBLIC HEARING – CONSIDERATION OF ADDING A NEW CHAPTER UNDER TITLE 9 OF THE SKAGIT COUNTY CODE ENTITLED “CONTRABAND IN THE SKAGIT COUNTY JAIL” AND ADDING SECTIONS REGARDING CONTRABAND DEFINED, POSSESSION OF CONTRABAND, AND PENALTY.

The Board reviewed the proposed addition to the Skagit County Code regarding “Contraband in the Skagit County Jail.” There being no public comment forthcoming, Commissioner Wolden moved to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Wolden moved to approve the Ordinance adding a new chapter under Title 9 of the Skagit County Code entitled "Contraband in the Skagit County Jail." Commissioner Hart seconded the motion, which passed with a unanimous vote. (**Ordinance No. 17372**)

PRESENTATION BY ECONOMIC DEVELOPMENT ASSOCIATION OF SKAGIT COUNTY (EDASC) REGARDING WASHINGTON COMMUNITY ECONOMIC REVITALIZATION TEAM (WA-CERT) GRANT FUNDING.

Don Wick, EDASC, advised that there were no new projects submitted this quarter for the Board's consideration.

He advised that the application that the County has been involved with requesting funding from the US Forest Service for the water system improvements for Hamilton had been approved. He advised that another \$25,000 is required and, hopefully, will be appropriated by the State. Mr. Wick thanked Paul Schissler, County Grant Writer, for the preparation of the application in this regard.

CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL OF AN AGRICULTURAL VARIANCE FOR LAURENCE AND SHIRLEY LORENZEN FOR PROPERTY LOCATED AT 13382 PULVER ROAD, MOUNT VERNON (PL 98-0388)

Marge Swint, Assistant Planner, reviewed the exact location of the subject property and the proposed short plat. Ms. Swint explained the decision of the Hearing Examiner and his imposed conditions on the property. She advised that the property amounts to approximately 8.6 acres and is "L" shaped in size. She stated that the property is divided by a Comprehensive Plan designation, and that any subsequent shortplat would have a note that further subdivisions are not allowed without a Comprehensive Plan map change.

Commissioner Wolden moved to approve the Agricultural Variance for Laurence and Shirley Lorenzen for property located at 13382 Pulver Road, Mount Vernon, pursuant to the conditions placed by the Hearing Examiner and the relevant criteria of the Planning Commission. Commissioner Hart seconded the motion, which passed with a unanimous vote. (**Resolution No. 17373**)

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. **Review and Possible Adoption of an Interlocal Agreement Between Skagit County and the City of Sedro Woolley for Purposes of Growth Management and the City's Urban Growth Area.**

Gary Christensen, Assistant Director, reviewed the subject interlocal agreement and advised that there had been two minor issues that have now been resolved regarding revenue and indemnification. He advised that there had been no written comments received during the public comment period regarding this matter.

Commissioner Hart moved to approve an Interlocal Agreement between Skagit County and the City of Sedro Woolley for purposes of Growth Management and the City's Urban Growth Area. Commissioner Wolden seconded the agreement, which passed with a unanimous vote. (**Contract No. 04330**)

2. **Review and Possible Adoption of an Interim Ordinance relating to the Implementation of the City of Sedro Woolley's Development Standards within the Unincorporated Portion of Sedro Woolley's Urban Growth Area.**

Mr. Christensen stated that the approved interlocal agreement from the previous item provides the framework for the implementation of the City of Sedro Woolley's Development Standards within the unincorporated portion of Sedro Woolley's Urban Growth Area. He explained the need to approve an Interim Ordinance that will implement

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the City's development standards within the unincorporated portion of Sedro Woolley's Urban Growth Area. This matter will be forwarded to the Planning Commission for their review and a public hearing.

Commissioner Hart moved to approve an Interim Ordinance relating to the Implementation of the City of Sedro Woolley's Development Standards within the Unincorporated Portion of the Sedro Woolley Urban Growth Area. The motion was seconded by Commissioner Wolden and passed with a unanimous vote. **(Ordinance No. 17374)**

3. Review and Possible Adoption of an Interim Ordinance relating to the Implementation of the City of Burlington's Development Standards within the Unincorporated Portion of Burlington's Urban Growth Area.

Mr. Christensen reviewed the specifics of the proposed Interim Ordinance and the attachment of the City's codes, which are pertinent to the urban growth area, together with a zoning map.

Commissioner Wolden moved to approve an Interim Ordinance Relating to the Implementation of the City of Burlington's Development Standards within the Unincorporated Portion of the Burlington Urban Growth Area. The motion was seconded by Commissioner Hart, and passed with a unanimous vote. **(Ordinance No. 17375)**

4. Review and Possible Adoption of an Interim Ordinance Amending Ordinance No. 17345, Mount Vernon Development Standards within the Urban Growth Area, Exhibit B Map Legend, to Establish Minimum Densities and Maximum Residential Lot Sizes in the Urban Growth Area.

Mr. Christensen explained that earlier this month the Board adopted permanent regulations for the City of Mount Vernon's Urban Growth Area. Now the County has also adopted an ordinance establishing minimum and maximum residential lot sizes. It is necessary to amend the previous Ordinance No. 17345 so that it is consistent with recent actions taken. After a brief discussion, Commissioner Wolden moved to approve the Interim Ordinance as presented by Mr. Christensen. Commissioner Hart seconded the motion, and it passed with a unanimous vote. **(Ordinance No. 17376)**

Mr. Christensen advised that with the adoption of the above items, it would be recommended that the Board approve a Resolution Requesting a Report and Recommendation from the Planning Agency on Urban Development Standards for the City of Burlington and the City of Sedro Woolley Urban Growth Areas, and Amendment to the Zoning Map for Mount Vernon Urban Growth Area to Address a Final Decision and Order for Stipulated Issues in Western Washington Growth Management Hearing Board Case No. 97-2-0060c. After a brief discussion, Commissioner Hart moved to approve such a Resolution as presented by Mr. Christensen. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 17377)**

5. Review and Possible Adoption of a Resolution Referring the Provisions of Ordinance No. 17367, Establishing Minimum Residential Densities and Maximum Residential Lot Sizes in Minimum Residential Densities and Maximum Residential Lot Sizes in Urban Growth Areas, to the Planning Commission for a Report and Recommendation.

Mr. Christensen presented a Resolution referring the Provisions of Ordinance No. 17367, Establishing Minimum Residential densities and maximum Residential Lot Sizes in Minimum Residential Densities and Maximum Residential Lot Sizes in Urban Growth Areas to the Planning Commission for a Report and a Recommendation. Commissioner Hart moved to approve the Resolution as presented by Mr. Christensen. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17378)**

6. Consideration and Possible Adoption of an Amendment to the Critical Area Ordinance, specifically the Exemption Section for Diking and Drainage.

Kendra Smith, Assistant Director, reviewed a recorded motion from the Planning Commission amending the Critical Area Ordinance (CAO). She explained that under the section on exemptions on diking and agriculture, the CAO was out of compliance with the Comprehensive Plan. She stated that some of the Planning Commission's recommendations do not meet all of the issues required by the order of the Western Washington Growth Management Hearings Board (WWGMHB). Ms. Smith indicated that she has met with legal representatives of the diking districts and sub-flood control zones in this regard, and has developed additional language that is acceptable to these entities. She stated that the Board has the option to approve or deny the Planning Commission recommendation, remand the matter back to the Planning Commission for further study, or could set the Board's own public hearing for consideration of the issues surrounding this amendment. Ms. Smith stated that it is the Department's recommendation that the Board review the new proposed language and hold their own public hearing to consider public testimony in this regard. She discussed the need for interaction with members of the Surface Water Division of the Public Works Department.

A lengthy discussion ensued regarding natural water courses and artificial water courses.

Commissioner Hart moved to call for a public hearing to consider testimony regarding amending sections of the Critical Area Ordinance, SCC 14.06, specifically 14.06.090(9), the exemption for diking and drainage systems and specific definitions relating to drainage, diking and sub-flood control zones. Such public hearing will be held on April 13, 1999, at 11:00 a.m. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 17379)**

Ms. Smith stated she would insure that all of interested parties are made aware of this public hearing.

7. Miscellaneous.

There were no miscellaneous Planning & Permit Center items for discussion.

ADJOURNMENT.

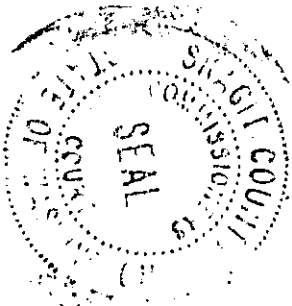
Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Ted W. Anderson, Chairman


Harvey Wolden, Commissioner


Robert Hart, Commissioner



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ATTEST:



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