

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, April 6, 1999**

9:00 – 10:00 a.m.

Public Works Department -- Chal Martin, Director

- 1) Presentation – Certificates of Commendation to Gary Casperson, Doug Elliott, John Acker for Water Rescue Operation on February 21, 1999.
- 2) Signature – Right-of-Way Acquisition Summary of Offer Farm-to-Market Road, No. 31010 Improvement Project, No. ES31010-2.
- 3) Signature – Resolution Requesting Statement of Qualifications for Engineering Services 1999-2000 Open Consultant Roster.
- 4) Signature – Supplement No. 1 to Personal Services Agreement No. 03787, Sehome Planning and Engineering, Inc.
- 5) Signature – Resolution Amending Resolution No. 14437 to include a Fare for Permanently Disabled Passengers of the Guemes Ferry.
- 6) Miscellaneous.

Planning and Permit Center – Tom Karsh, Director

- 1) Discussion – Shelter Bay Permit Application Review.
- 2) Signature – Out-of-State Travel Request for Bill Dowe to attend “Sierra Permit Automation Conference” from April 19-23 in Reno, Nevada.
- 3) Discussion and Possible Adoption – Resolution Establishing a Citizen Advisory Committee to Address Secondary Forest-NRL Land Use Designation Criteria Pursuant to Ordinance No. 16550 Section 5, 5.1(d).
- 4)

The Skagit County Board of Commissioners met in regular session on Tuesday, April 6, 1999 with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

PUBLIC WORKS DEPARTMENT

1) **Presentation – Certificates of Commendation**

Chal Martin, Public Works Director, opened the Public Works agenda portion of the meeting and read a log entry made by Gary Casperson during a Guemes Ferry run about the rescue of a kayaker during heavy winds. Charlie Tewalt, Ferry Manager was also present.

Mr. Martin presented plaques to Doug Elliott, Gary Casperson and Jack Acker for their outstanding effort. He noted that Jack Acker was not present.

- 2) Steve Flude reviewed a spread sheet regarding a Summary of Offer for four right-of-way parcels for the Farm-to-Market Road No. 31010 Improvement Project. Commissioner Wolden motioned to approve for signature the Summary of Offer for the Farm to Market Road No. 31010 Improvement Project. Commissioner Hart seconded the motion, which passed unanimously.
- 3) Steve Flude presented a resolution to the Board requesting Statement of Qualifications for Engineering Services for the 1999 – 2000 Open Consultant Roster. Commissioner Hart motioned to approve the resolution for a Request for Statement of Qualifications for Engineering Services for the 1999-2000 Open Consultant Roster. Commissioner Wolden seconded, which passed unanimously. **(Resolution #17393)**
- 4) Jennifer Aylor of Surface Water Management presented a supplemental agreement between Skagit County and Sehome Engineering. She explained to the Board that there was an addition of \$4,000 needed from the grant. Commissioner Wolden motioned to approve Supplemental Agreement No. 1 to Personal Services Agreement No. 003787 with Sehome Planning and Engineering Inc. Commissioner Hart seconded the motion, which passed unanimously. **(Contract #004353)**

- 5) Mr. Martin presented a resolution to the Board to include a fare for permanently disabled passengers of the Guemes Ferry. He explained that the change in the proposal would establish a permanently disabled fare of \$25.00 per year. People who receive this fare would have to meet certain criteria. There is an assumption that these people would not be able to drive themselves, although the driver of the car would be required to pay the full fare.

Commissioner Wolden emphasized that there has to be criteria and that someone who can drive just the same as anyone else is not hampered in any way and that distinction needs to be made.

Mr. Martin explained that the rules are very explicit.

After further discussion, Commissioner Hart motioned to approve an Amendment to Resolution No. 14437 to Include a Fare for Permanently Disabled Passengers of the Guemes Ferry. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution #17393A)

Miscellaneous

- 1) Mr. Martin reported on the road improvement projects relative to the Endangered Species Act. A package has been prepared for Avon Allen according to the federal guidelines asking for a no effect approval. The authority to approve no effect for a project has been delegated to the State Department of Transportation Transit for the County's transportation projects. They are aware of the request and have considerable data to back it up.

Relative to Farm to Market Road, there was a nesting eagle site within a mile of the work on the lower section of Farm to Market. It may take it to the next phase, which Transit does not have the authority to approve. A no effect request has also been submitted for Farm to Market, but it is not known at this time if it will be approved. If not, there will be a lengthier process to go through, probably with Fish and Wildlife. If approval is received, that project will probably go out this year. The critical element is getting approval under the Endangered Species Act for the project. There is still some design work, but there is time to complete it.

Relative to Cook Road, a no effect letter is being generated. There is a little more time because it is not scheduled for construction until the year 2000. That is a big project, which is under a lot of scrutiny.

Considerable environmental documentation has been kept for these projects. The difficult part is getting approval from the feds. The best information comes from the state, but the feds control the process.

Mr. Flude added, on Farm to Market they are waiting on Burlington Northern for some approvals. The crossing needs to be widened.

PLANNING AND PERMIT CENTER – Tom Karsh, Director

Chairman Anderson requested that the order be reversed in the discussion, moving number 4 to number 1, and following the agenda thereafter.

- 1) Discussion – Shelter Bay Permit Application Review.

Tom Karsh, Director, Planning and Permit Center, brought the Commissioners up to date on the work of the Planning and Permit Center as it relates to Shelter Bay. He reviewed the situation with the Board, indicating that Planning has been communicating with the tribal planners to try and coordinate what this means. Questions are coming in from Shelter Bay residents wondering where they should go for permits. It has been found that in 1976, the County Prosecuting Attorney, Pat McMullen, presented a legal opinion that the County had authority to issue building permits, if not other land use reviews within Shelter Bay. Since then, the County Planning and Permit Center has been accepting and reviewing building projects in Shelter Bay. It is not clear at this time what generated this change in the tribal position. There is now in

place a Memorandum of Understanding that is supposed to assist the County in land use issues that come up between the tribe and the County. A meeting has been scheduled to review this with the tribe.

Meetings have been held with Planning staff and the County's legal counsel, and the tribe's staff and legal counsel. Currently, what people are being told who come to the counter is the County will accept and process building applications from Shelter Bay, but there is a letter that expresses the tribe's intent to exercise their authority. The County is not amending its position at the present time in terms of disallowing or rejecting any applicants that come forward from Shelter Bay.

Chairman Anderson reported that he received a telephone call from Brian Cladoobsy, the tribal chairman, who said they intend to exercise their rights on tribal trust lands. He clarified that Mr. Karsh is simply alerting the Board to this situation.

Mr. Karsh noted that there is a rule that applicants must comply with Skagit County building codes. It is unclear how that can be done without the review process the Planning Department has. The standards are fairly compatible, but there are some minor inconsistencies which need to be better understood.

Chairman Anderson indicated that his position is that they fall under the review of Skagit County. On Tribal trust lands the County needs to look at the requirements for Shelter Bay.

Commissioner Hart said he feels the first thing that needs to be done is to find out what everyone's position is, and then consult legal counsel in areas of disagreement to decide what to do about it.

Commissioner Wolden said he felt that the Shelter Bay agreement should be adhered to. He wondered if it is a County plat.

Mr. Karsh said he did not think the County was involved in the Shelter Bay agreement.

Commissioner Hart emphasized that there needs to be some good evidence of what has gone on.

Jim Lynch of Shelter Bay indicated it is a plat of survey recorded in the County.

Another resident of Shelter Bay indicated that Mr. Hart had received a copy of the document, which is about 65 or 70 pages.

An unidentified gentleman from Shelter Bay said he has lived there for twenty years and he was very happy getting permits from the County. They felt that one of the good things they were receiving from the County was that a permit from the County assured them that their homes met the building codes. If there is not a really tight code approval there could be some insurance problems. He said he feels very strongly that the County should support Shelter Bay residents since they are taxpayers in the county.

Chairman Anderson thanked Planning and the other people present for their concerns and for bringing them to the attention of the Board.

2) Signature – Out-of-State Travel Request for Bill Dowe to attend “Sierra Permit Automation Conference” from April 19-23 in Reno, Nevada.

Cori Schmidt, Building Official, presented a request to the Board for Bill Dowe to attend the above conference on April 19-23 in Reno, Nevada. He said they feel that this is the future of further permitting and planning programs.

Commissioner Hart motioned to approve the travel request for Bill Dowe to attend the above conference. Commissioner Wolden seconded the motion, which passed unanimously.

3) Discussion and Possible Adoption – Resolution Establishing a Citizen Advisory Committee to Address Secondary Forest-NRL Land Use Designation Criteria Pursuant to Ordinance No. 16550, Section 5.5.1(d).

Gary Christensen, Planner, presented a resolution to the Board for discussion and possible approval of a Citizen Advisory Committee to address Secondary Forest-NRL Land Use Designation Criteria pursuant to Ordinance No. 16550, Section 5.5.1(d). He indicated that he has contacted Bill Wallace and George McFadden of DNR who have agreed to serve on the citizen advisory committee. Mr. Wallace will be able to serve on the committee as well as continue his work on the Planning Commission.

Also, the Board had an interest in having a school board member serve on the committee, therefore, Superintendent Mike Casey of Sedro Woolley was contacted. Mr. Casey recommended Mike Janicki who has recommended that his brother be asked to serve.

Commissioner Hart motioned to approve the establishment of a Citizen Advisory Committee to address Secondary Forest-NRL Land Use Designation Criteria Pursuant to Ordinance No. 16550, Section 5.1(d). Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution #17394)**

4) Discussion and Possible Adoption – Resolution Calling for a Report and Recommendation from the Planning Agency on Annual Amendments to the Comprehensive Plan.

Mr. Christensen reviewed this matter with the Board, explaining that the resolution has been prepared as a result of five petitions that were received and subsequent discussion with the Board. It relates to those properties and/or study areas that the Board deferred as part of their approval of the 1997 comp plan amendments. In addition, some of it is the result of the retreat. There are a number of Hearing Board appeals that operate on their own deadlines and timelines and will be amendments to the Comp Plan.

There was some discussion with the Board in which they expressed some concerns about specific issues relative to this matter.

Commissioner Hart motioned to approve the adoption of a Resolution Requesting a Report and Recommendation from the Planning Agency on 1998 Petitions/Proposals Regarding Amendments to the Skagit County Comprehensive Plan. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution #17395)**

5) Discussion – 1999 Development Code Work Program.

Mr. Karsh indicated that this is a continuation of a proposal brought to the Board previously. He said they feel it is important to fast track those chapters that are fairly complete and are the least likely to be controversial. These would probably be approved fairly easily by the Planning Commission and ultimately become permanent regulations. The chapters that are being held back are either relating to fish or those that relate to zoning and land development.

Chairman Hart wondered about whether if at some point there may be some value in getting all through the process to the end and not adopting them until they are adopted all at once.

Commissioner Wolden agreed with Commissioner Hart about adopting them all at one time.

Mike Woodmansee, County Administrator, explained to the Board that they are feeling some need to get this at least partially launched. There are some sections that can be approved and the review periods can begin with them. Ultimately, the documents as a whole could be brought together with a series of meetings with the Planning Commission. They feel it is important to get some of the documents out so the public review periods can get started.

Chairman Anderson said he can hear what Commissioner Wolden is saying, but they can still challenge parts of the document. This way at least things could be moving along.

Commissioner Wolden stated, the County is nine years into the process because of appeals. That is the big problem. Staff has had to direct their energy to appeals and has not been able to get the work done. The process has tended to lengthen because of lack of proper documentation. He questioned the timeline.

Commissioner Hart said he thought what they were saying is that they can go through the process and then come back and review the entire document as a whole.

Chairman Anderson suggested that it be addressed all at once, finish the document and then each section can be addressed individually.

Mr. Woodmansee said they intend to stick very carefully to the timeline.

Commissioner Wolden agreed, it would be fine to go through the hearing process, but not adopt it until it is adopted in its entirety. He said he was concerned about incremental appeals.

Chairman Anderson advised the Planning staff that they were recently told by an advisory committee member that he was concerned about the fact that no minutes or record is kept of the meetings.

Mr. Christensen explained that the citizen advisory committee Commissioner Anderson is referring to serves in a different role, and will not be asked to vote. They have been asked to submit comments which will be put into a report and transmitted to the Board. The Board will have an opportunity to agree or disagree with the way those issues were addressed, modify the proposal, and then send it on to the Planning Commission for public hearings.

Chairman Anderson asked, how would they know how many people on the committee are in support of an issue and how many are not.

Mr. Christensen said that when there is an issue of votes it tends to cause polarization. The intention in this case was to have an opportunity for people outside County government review department proposals. Anything the committee members wish to submit in writing can be submitted to the Board.

Chairman Anderson said he did not like this kind of process. He stressed the importance of keeping a record of the meetings showing the position of the committee.

Commissioner Hart felt that it was unfair to ask committee members to take notes and keep a record of the meetings. There should be some way of documenting the discussion and the ideas brought forth.

Mr. Christensen said they could take minutes or record the meetings and maintain that as part of the record, but in the past those minutes or records have not been helpful.

Chairman Anderson emphasized that if a citizen is taking his or her time to attend a meeting and nothing is recorded, this does not make sense.

Mr. Karsh stated, the issue is what is the work of the citizen advisory committee.

Commissioner Hart said there needs to be some kind of process relative to the issues that are brought up and the comments made. Minutes are much more helpful than tapes, so that at the end, they can pull them out and put together the issues they want to put forth.

Commissioner Wolden interjected that he felt that is important as well.

Mr. Woodmansee agreed that if something has to be put forward in writing it can be more focused.

Chairman Anderson was very concerned about there being no notes taken.

Mr. Christensen said there are going to be three CAC's that are operational. These often require that two planners be in attendance to run these meetings. If there was an administrative assistant present to take minutes, this would require three staff, which is a heavy demand on the resources of the department.

Commissioner Hart emphasized that there needs to be a staff member present to take minutes. He said he did not undersand how staff can put together a report without any notes.

Commissioner Wolden suggested that, possibly, a recording of the meeting could be done and taken to Skagit Secretarial for transcription.

Mr. Karsh talked about an enforcement chapter that John Schmidt has worked on and which will be brought forward

Miscellaneous

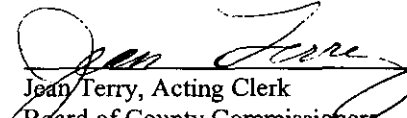
- 1) Mr. Christensen talked about a matter that has been discussed at several meetings for which he has prepared a resolution for Board signature. This has to do with permanent forest industrial operations on Crown Pacific property adjacent to Hamilton. A public hearing will be on May 4, 1999 at 11:00 a.m. regarding this matter. Commissioner Hart motioned to approve for signature a resolution Calling for a Public Hearing on a Proposal to Amend Section 7(1) of Ord. No. 17209 to Permit Permanent Forest Industry Operations on Crown Pacific Property Adjacent to Hamilton. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution No. 17396.
- 2) Chairman Hart motioned to approve for signature a letter to Mayor Skye Richendrfer relative to purchase of the ballfield property. Commissioner Wolden seconded the motion, which passed unanimously.

ADJOURNMENT


Commissioner Wolden motioned to adjourn the proceedings. Commissioner Hart seconded the motion, which passed unanimously.



ATTEST:


Jean Ferry, Acting Clerk
Board of County Commissioners

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**


Ted W. Anderson, Chairman


Harvey Wolden, Commissioner


Robert Hart, Commissioner