

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, April 27, 1999**

7:30 a.m. – 8:30 a.m.	Commissioners' Staff Meeting.
8:30 a.m. – 9:00 a.m.	Work Session – Planning & Permit Center Work Program.
*T 9:00 a.m. – 10:00 a.m.	Discussion and Possible Action – Policies and Goals for Rural County Economic Development Public Facility Projects.
10:00 a.m. – 11:00 a.m.	Appeal by Mildred I. Rosenbach and Keith D. Monteith of the Hearing Examiner's Decision Denying a Variance to Create Two Substandard Lots in a Rural Resource Area, located at 56747 Sturgeon Road, Darrington (No. PL98-0357).
11:00 a.m. – 11:30 a.m.	Presentation – Advisory Committee For Court-Appointed Special Advocates (CASA).
Noon – 1:30 p.m.	Recognition Luncheon in Honor of Retired & Senior Volunteers, CottonTree Inn, 2300 Market Street, Mount Vernon.
1:30 p.m. – 3:00 p.m.	Dedication Ceremonies for LaFollette Place, 1329 North LaVenture, Mount Vernon.

The Skagit County Board of Commissioners met in regular session on Tuesday, April 27, 1999, with Commissioners Ted W. Anderson, Harvey Wolden, and Robert Hart present.

**DISCUSSION AND POSSIBLE ACTION – POLICIES AND GOALS FOR RURAL COUNTY ECONOMIC DEVELOPMENT PUBLIC FACILITY PROJECTS.**

Mike Woodmansee, County Administrator, reviewed that the 1997 Legislature directed that rural distressed counties, including Skagit County, receive 4/100ths of a percent of the state sales tax for their use to fund and construct public facilities. Mr. Woodmansee reviewed the specifics of the legislation, and advised that Skagit County passed an ordinance last May effective August 1, 1998 which started the collection process of these funds. The County has been collecting the tax since August 1, 1998, and approximately \$400,000 has been collected. Mr. Woodmansee stated that the tax should generate about \$600,000 annually to Skagit County. He reported that there is now a need to develop the means to construct and finance projects.

Mr. Woodmansee circulated the pertinent Resolution, which had been drafted by Alicia Huschka, Budget Manager.

Commissioner Hart clarified that these monies do not represent a new tax, but rather a credit against the existing State sales tax. In other words, this is deducted from what the State is already collecting and is given back to the counties.

Mr. Woodmansee noted the need to discuss what can be funded with these monies. He explained that the law passed in 1997 was very general, but has been modified to be more concise. In addition, the public facility to be funded must be listed in the County's Overall Economic Development Plan (OEDP) or Comprehensive Plan. The projects, which must be public facilities in nature, shall be defined as publicly owned facilities that generate economic benefit to the citizens of Skagit County. No investment shall be made in support of residential development. Mr. Woodmansee advised that transportation projects would have to be dovetailed into the OEDP. He stated that there will be a lot more focus on the OEDP for Skagit County as a means of completing projects.

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Mr. Woodmansee commented on the composition of the Advisory Committee to be chosen to prioritize projects. A discussion ensued on the composition of the Advisory Committee and the need to rotate members annually to ensure fairness throughout the County. Mr. Woodmansee commented that the proposed Resolution had been discussed with both Don Wick of the Economic Development Association of Skagit County (EDASC) and Kelley Moldstad of the Skagit Council of Governments (SCOG). Timing for the submission of projects was also discussed, and it was decided that such information would need to be provided to the Board of Commissioners by September 1 of each year to allow for inclusion in the budget preparation process.

Commissioner Wolden stated that this is one of the most beneficial things to happen to Skagit County in recent years, and represents one of the best "windfalls" to ever hit the County.

A lengthy discussion ensued regarding the types of projects that might be funded.

Mayor Dean Maxwell, City of Anacortes, expressed his pleasure at the receipt of these funds for such projects, and volunteered to serve on the Advisory Committee

Mayor Skye Richendrfer, City of Mount Vernon, applauded the Board for taking a leadership role in this regard, and noted the need to fund existing businesses in order to a viable economic base in Skagit County. He also volunteered to serve on the Advisory Committee.

Mr. Woodmansee advised that the County's OEDP would be updated as soon as possible so that some of these projects can proceed

The group assembled discussed the possibility of reducing impact fees with the utilization of these funds. Mr. Woodmansee clarified that there is no reference to impact fees in the legislation's criteria, and that such fees are imposed by local jurisdictions. He stated that this new pot of money may change the way a City may look at the imposition of impact fees.

Commissioner Hart suggested enlisting Heather Ballash from CTED to assist with the State's view on the implementation of the criteria of the law.

Mayor Richendrfer suggested that this topic should be discussed at the next meeting of SCOG.

**APPEAL BY MILDREN I. ROSENBACH AND KEITH D. MONTEITH OF THE HEARING EXAMINER'S DECISION DENYING A VARIANCE TO CREATE TWO SUBSTANDARDS LOTS IN A RURAL RESOURCE AREA, LOCATED AT 56747 STURGEON ROAD, DARRILINGTON (NO. PL98-0357)**

Marge Swint, Assistant Planner, reviewed with the Board the exact location of the property and the proposed shortplat. She explained the particular characteristics of the property, noting that the property is approximately 20 acres in size, and an existing family residence is located on a portion of the property with outbuildings. She reviewed the history of the short-platting process for the property, and the relevant County regulations. Ms. Swint reviewed the various options that the Applicants could utilize to effectuate the short-platting process.

Chairman Anderson indicated that he had accompanied Mrs. Rosenbach to view the site, but had not discussed the merits of the appeal.

Mildred Rosenbach, Appellant, reviewed the overwhelming support of this request for variance by the neighboring property owners, noting that there had been no opposition to this request. She explained the purchase of the property by her parents 43 years ago and the intent of the parents to give property to their children. She reviewed the specifics of the illegal subdivisions previously completed, and stated that the Short CaRD option is not viable

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to her parents at this time, citing financial reasons. She discussed the lack of notification by Skagit County over this drastic zoning change, and that this was a denial of due process.

Mrs. Rosenbach detailed the special conditions and circumstances of the property that need to be considered, in addition to the small parcels of land that surround this property. She again reiterated that there are had been no opposition voiced by the neighboring landowners.

Keith Monteith, Appellant, stated that the family has been wronged by the system, and he reviewed the topographical particularities of the land, and noted the lack of notification in the change of zoning designations.

The Board discussed the location of the land in question, and the issues surrounding the variance criteria.

Chairman Anderson noted that this property was miscast in the Comprehensive Plan and should have been rural reserve with a 10-acre lot size. The result has been that these people have been impacted on what they can do with their land. He commented on the lack of legal advertisements available in the Darrington area, as this is not within the delivery area of the Skagit Valley Herald. He stated that it is the Board's duty to set right those things that have been done wrong. He further commented in the particularities of the land, and that the land was totally mismapped.

Commissioner Wolden spoke regarding the Last Will & Testament of the Monteiths, and the eventuality that the land will be divided as requested upon the death of Mr. Monteith. He further noted that the same division could be accomplished with a Short CaRD, but that is not something the parties are willing to do at this point.

Commissioner Hart concurred that there is no question that if the parties went through a CaRD, this division could be accomplished, but that there eventually will be a testamentary division occurring, but that would not provide any more building rights than already exist.

Chairman Anderson reiterated that the Appellants have asked for a variance based on special circumstances. He noted that the Board can overturn the Hearing Examiner and make their own findings, can uphold the Hearing Examiner's decision, or can remand the matter back to the Hearing Examiner for reconsideration based on possible new evidence.

Commissioner Hart stated that if the variance were to be granted, the County would still have to withstand legal review, and if it were appealed to Superior Court, there would be nothing to stand on, no basis to grant the variance. He noted the need to develop findings if it is decided not to concur with the Hearing Examiner.

Chairman Anderson stated that the overriding item that is not a part of the record is that the appellants did not have the property public notice, and that they did not know that their land regulations had been changed.

Commissioner Anderson discussed the criteria for rural resource, and reiterated that it is within the Board's power to grant such a variance.

*Ms. Swint confirmed that under interim controls the appellants could have created a 5 and 15 acre lot.*

Ms. Rosenbach stated that part of the problem with the Will & Testament, is that the parents have to be deceased in order to effectuate the land division.

Commissioner Hart commented that there is no use granting a variance if it cannot be upheld legally. He suggested that the Board obtain legal advice before making a decision on this matter.

Chairman Anderson stated that public notification is a huge issue all the way through Growth Management, and that these people are in an island with some unusual circumstances that need to be considered.

Commissioner Hart moved to seek individual legal advice and come back to make a decision on this matter on Monday, May 3, at 9:30 a.m. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

**PRESENTATION – ADVISORY COMMITTEE FOR COURT-APPOINTED SPECIAL ADVOCATES (CASA).**

Robert Grout, Mount Vernon, stated that he is on an Advisory Committee for formation of a Court-Appointed Special Advocates (CASA) group, which advocate for abused and neglected children in Skagit County. Recently the Governor designated April 22 as the State CASA Day, which shows a growing awareness of CASA and the importance that the Governor places on the dedication of such hard-working citizens. The State Legislature recently retired and they passed \$1,000,000 for CASA programs for the State of Washington. CASA was started in King County and is now a national organization with chapters in every state in the country. Mr. Grout indicated that CASA works with over 40,000 citizen volunteers. It recruits, screens, trains and supervises guardians ad litem who work in dependency hearings. He stated that CASA can also be employed rarely for citizens such as developmentally delayed adults and senile senior citizens.

Mr. Grout explained that essentially any citizen can be a CASA if they can pass a background check and the model of CASA is that volunteer guardians ad litem are not professionals, just average citizens that come into the system with a fresh prospective. He stated that such advocates conduct investigations and act as the eyes and ears of the judge to monitor the compliance of the biological parent or guardian with court-ordered treatment.

Mr. Grout stated that CASA has been in existence for about 22 years. Children who have had volunteer guardians ad litem, spend less time in foster care, and less time in the court system. These kids have a better chance of getting a safe permanent home that they can grow up in, and there is a lower risk of future juvenile delinquency.

Mr. Grout noted that In Skagit County, they have been working on this project for 10 months, and that approximately 80 children per month are in out-of-home placement. He commented on the need to have an agency with a professional staff to act as a "home base" for the volunteers of CASA. He stated that CASA is currently working with an existing agency in Skagit County as an umbrella agency. He stated that that relationship will end and that CASA is searching for somewhere to settle and get this agency off the ground. CASA agencies are traditionally started by creating an independent agency, then finding an agency that will act as a sponsor or umbrella agency,

Commissioner Hart spoke regarding Skagit County's use of guardians ad litem.

Dave Needy, Superior Court Commissioner, advised that the County currently uses the services of Marianne Yamashita for guardian ad litem services, and that CASA would offer a strong supplement to her services. He stated that the need is very strong in dissolution cases and that volunteers offer an attractive option to attorneys billing at a high rate

Commissioner Hart suggested the possible utilization of two location organizations, CommonGround or the Skagit County Community Action Agency.

Chairman Anderson noted the desire to dovetail this program with existing programs

Mr. Grout spoke to the specific requirements to become a volunteer for CASA.

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The Board indicated that they will raise this issue and the services of CASA at the next Skagit County Community Action Agency meeting.


**ADJOURNMENT.**

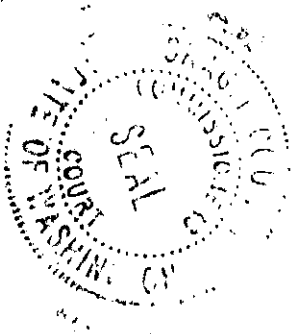
Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

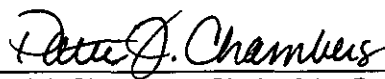
  
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Ted W. Anderson, Chairman

  
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Harvey Wolden, Commissioner

  
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Robert Hart, Commissioner



ATTEST:

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