

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, August 17, 1999**

7:30 a.m. – 8:30 a.m.	Staff Meeting.
8:30 a.m. – 9:30 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
T 10:00 a.m. – 10:15 a.m.	Proclamation – Community Action Day – Bill Shuler.
10:30 a.m. – 12:00 p.m.	Planning and Permit Center – Tom Karsh, Director. 1) Update GMA Work Program/Settlement Agreement #4468. 2) Revision to Buck and Gordon Scope of Work Professional Services Agreement No. 02851. 3) GMA Related Grants. 4) Deliberation and Possible Action on Interim Ordinance Addressing Commercial/Industrial Uses Outside of Urban Growth Areas. 5) Deliberation and Possible Action on Mineral Resource Interim Ordinance, Skagit County Code 14.04.126. 6) Miscellaneous.
2:00 p.m. – 2:30 p.m.	Western Washington Farm Crops – Paul LaCroix.

The Skagit County Board of Commissioners met in regular session on Tuesday, August 17, 1999, with Commissioners Ted W. Anderson, Harvey Wolden, and Robert Hart present.

PROCLAMATION – COMMUNITY ACTION DAY.

Bill Shuler, Executive Director, spoke regarding the 20 years of hard work of the Community Action Agency, noting that August 20 will be Community Action Day in Skagit County. Mr. Shuler expressed his appreciation for the partnership with the County and the support of the County Commissioners over the years.

Commissioner Hart read the Proclamation into the record, and moved to approve the Proclamation as read. Commissioner Wolden seconded the motion, which passed unanimously.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Update on the Growth Management Program/Settlement Agreement #4468.

Tom Karsh, Director, reviewed the Work Program, which is a part of Settlement Agreement No. 04468. He stated that the Board had preliminarily approved the work program, but Friends of Skagit County (“FOSC”) noted that several specific items had not been included in the Work Program. Mr. Karsh explained that since the County is partnering with FOOSC, the requested changes had been made to the Work Program. Such changes were briefly outlined by Mr. Karsh. He noted that the changes do not change any deadline date and contain tasks already identified and required in State and County regulations.

Commissioner Wolden asked about the addition of the Telecommunications Ordinance, and Mr. Karsh stated that no changes have been proposed to this interim ordinance, and that it is merely being added to make the list more complete.

Commissioner Wolden moved for approval of the 8/17/99 Amended Attachment A to Addendum No. 1 of the Work Program, Skagit County and Friends of Skagit County Settlement Agreement. Upon call for the question, Commissioners Hart and Wolden voted for the motion, and Commissioner Anderson voted "nay." The motion passed. **(Contract No. 04468)**

2. Revision to Buck & Gordon Scope of Work Professional Services Agreement No. 02851.

Mr. Karsh next reviewed a "Fast Track" Work Program. He stated that there is nothing in the Settlement Agreement that prevents the County from fast-tracking tasks contained therein. Mr. Karsh specifically mentioned Item No. 17, Adoption of the Unified Development Code. He explained that the original Work Program had a June 30, 2000 deadline, but the Department proposes that, if given the go-ahead on the additional scope of work in the Professional Services Agreement with Buck & Gordon, that the Unified Development Code could be adopted prior to March 31, 2000. He stated that the Fast Track Work Program does not require any action by the Board, but was provided as informational.

Commissioner Wolden commented on the need to approve the additional scope of work with the consultant to allow for the work to be completed in the fastest manner.

Chairman Anderson indicated that he wanted to make sure that the quality of the finished product is there for all the citizens of Skagit County. He stated that Buck & Gordon were brought on board to bring these matters to fruition, but reiterated the importance of developing what the people of Skagit County want.

Mr. Karsh explained the particulars of the change in the Buck & Gordon contract, noting that compensation would be increased from \$50,000 to \$225,000. He stated that amending the contract in this manner will allow the started work to be completed in a timely manner.

Commissioner Hart moved to approve the rate schedule and Addendum No. 4 to the contract with Buck & Gordon, increasing compensation to \$225,000 for calendar year 1999. Commissioner Wolden seconded the motion. Commissioners Hart and Wolden voted for the motion, and Commissioner Anderson voted "nay", stating that he did not think the work is going in the direction he desires. The motion passed. **(Contract No. 002851)**

3. Growth Management Act Related Grants.

Mr. Karsh reviewed potential growth management act grants that are available for application by Skagit County. He asked for the Board's approval to submit applications for such grants in the future as they become available.

Chairman Anderson cautioned about strings being attached to such grants that may require matching funds, in-kind services, or complicated tasks that might burden staff. Mr. Karsh replied that the specifics of the grants had not yet been released by the State.

Commissioner Wolden stated that the promise of funding for GMA related items is new, and the County should take advantage of such funding if at all possible.

4. Deliberation and Possible Action on Interim Ordinance Addressing Commercial/Industrial Uses Outside of Urban Growth Areas.

Gary Christensen, Assistant Director, reviewed a transmittal memorandum and 3-ring binder containing the proposed ordinance and a number of attachments thereto, including revised maps, and supplemental findings.

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Mr. Christensen stated that the Department has considered the comments from the public, and has developed a two-step process regarding Commercial/Industrial Development. The immediate action is intended to recognize those Commercial/Industrial ("CI") uses that are clearly existing and to allow some amounts of expansion, depending on the type of CI use. This is to free up those existing uses that have been clouded by the Hearings Board order of invalidity. This interim step is NOT intended as the final determinant of CI uses or potential opportunities for new uses or expansion that will be prepared for the Unified Development Code ("UDC") and the fall package of GMA compliance amendments. For that reason, several of the comments that raised important issues relating to additional uses or future uses have been noted as items for study and recommendation consistent with the Work Program for the UDC.

Mr. Christensen explained that for some property owners, this proposed ordinance provides either a Rural Business designation that recognizes their existing use, but limits the expansion or change of use potential in the short term, or designates certain properties for additional study and leaves them subject to the interim moratorium on new CI issues until that assessment is completed. However, these properties may be entitled to a broader rural commercial designation or to broader expansion or change of use rights in future amendments, after Staff have completed work on the small-scale cottage industry policies and regulations that are currently reserved and after additional public assessment of some possible changes to the other rural commercial categories.

Mr. Christensen stated that this two-step approach avoids risking appeal of the entire rural commercial program, thereby jeopardizing even the CI uses that are identified in the proposed interim ordinance. He stated that at such time as the record can be further assessed and public comment can be compiled, the County can choose those additional commercial and industrial options it believes are supported by the record and consistent with GMA. The County can then defend against any appeals that may arise at that time.

Mr. Christensen stated that the Department is recommending that the Board adopt the revised CI ordinance, including comprehensive plan policies, maps and development regulations to replace the interim moratorium ordinance for CI uses outside of UGAs. He indicated that the Department would forward for consideration additional comprehensive plan policies and development regulations at a later date.

Commissioner Wolden stated that during the public hearing more pertinent information had surfaced with a tremendous amount of merit, and such information will get scrutinized between now and when the UDC is completed. He commented that the County has been remiss in not taking a better inventory of what has been developed over the years in the rural areas. He commented on the need not to spot-zone. Commissioner Wolden noted that he is looking forward to the formation of the UDC so that many of these items can be reviewed.

Commissioner Hart stated that he had submitted comments to the Department earlier, and made several additional comments regarding square footage requirements, particularly for resource-related industries. He noted the need to re-evaluate such requirements. He also commented on the need to recognize recreational businesses, such as Thousand Trails, KOA, Girl Scout Camps, etc.

Jay Derr, attorney with Buck & Gordon, explained several revisions, distributing to the Board corrections to Item (f) on Page 4, and advising the Board in adopting this ordinance, that they should adopt revised Page 4. He further noted that the revised Work Program also needs to be included to replace the previous version. Mr. Derr then explained that there was one piece of property near Clear Lake that had been proposed in public comment as commercial within a rural village. Staff thought there was no commercial activity on the site, but it has since come to Staff's attention that there is commercial activity, so Rural Business would be the proper designation. Consequently, one of the supplemental maps Figure 9 in the attached ordinance, needs to be changed to an RB designation.

Commissioner Hart commented on the need to have some sort of mixed use designation in residential areas, as noted by CTED.

A discussion ensued regarding rural village boundaries and existing development, together with proposals for future commercial development within these areas, which will be addressed in the permanent development code.

Commissioner Wolden discussed the fact that the County has gone away from developing a "land use" plan and gone to developing a "regulatory" plan.

Mr. Christensen summarized Mr. Derr's previously noted changes to the proposed interim ordinance.

Commissioner Hart moved to adopt the Ordinance Repealing Emergency Ordinance No. 17525 and Ordinance No. 17463; Adopting Amendments to Chapters 4 and 6 of the 1997 Skagit County Comprehensive Plan; Adopting Amendments to SCC 14.04.030 Definitions, SCC 14.04.107 RRC-NRL, SCC 14.04.112 AG-NRL, SCC 14.04.122 IF-NRL, SCC 14.04.125 SF-NRL and SCC 14.04.150 Special Uses; and Adopting New Development Regulations for Rural Village Commercial, Rural Center Commercial, Rural Freeway Service Commercial, Small Scale Recreation and Tourism, Natural Resource Industrial and Rural Business. Commissioner Wolden seconded the motion.

Upon call for the question, Commissioners Hart and Wolden voted for the motion, and Commissioner Anderson voted "nay." The motion passed. **(Ordinance No. 17535)**

5. **Deliberation and Possible Action on Mineral Resource Interim Ordinance, Skagit County Code 14.04.126.**

Gary Christensen, Assistant Director, reviewed the public hearings held regarding the proposed Mineral Resource Interim Ordinance. He stated that most of the public comments were based on two issues as follows: First there was overwhelming support that the Hearing Examiner be the option that mineral resource matters are reviewed with recommendations forwarded to the Board for final consideration, and 2) subsection (3) MRA 2 classification criteria. Mr. Christensen stated that some progress has been made in discussing these criteria with interested parties, but it appears that all parties would like to work further on the classification criteria. Staff is recommending extending Ordinance No. 17524 until adoption of the UDC, with continued work on these issues in the UDC. He stated that if necessary, any remaining disagreements could be worked out in a Hearings Board appeal after adoption of the UDC.

Mr. Derr stated that under GMA, mineral lands must be protected for long-term utilization. He noted that the industry continues to have reservations. He indicated that extending the provisions of Ordinance No. 17524 until the UDC is developed is better than adopting a flawed ordinance. Upon query from Hart, Mr. Derr confirmed that there is one application in process, which can continue as it is vested.

After a brief discussion, Commissioner Hart moved to adopt an interim ordinance extending the provisions of Ordinance No. 17524. Commissioner Wolden seconded the motion, which passed unanimously. **(Ordinance No. 17536)**

6. **Miscellaneous.**

There were no miscellaneous items for discussion.

DISCUSSION - WESTERN WASHINGTON FARM CROPS.

Larry Lowe, 10423 Fruitdale Road, Sedro Woolley, advised that he represents an organization called Agriculture for Skagit County (ASC), a group of people who support farming in Skagit County.

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Lee Bode, 12746 Thilberg Road, Mount Vernon, spoke regarding the Critical Areas Ordinance (CAO) and the proposed buffers required for streams. He reviewed the history of the meetings of farmers with the County Planning Department, in trying to come up with a plan that will work for farmers. Many landowners were affected that did not know anything about the CAO, and what started happening was that fractions of groups were trying to come up with various plans. He emphasized the need to work together and to have an organization that represents as many people as possible who are landowners in the Valley. He further commented on the need to develop a plan that utilizes the best science available. He stated that the ASC has hired a firm that can work with the County and increase fish habitat but make sure that agriculture remains viable in the County.

Jerry Nelson, 15890 Josh Wilson Road, read the mission statement of the Agriculture for Skagit County (ASC).

Steve Sakuma, 17400 Cook Road, Burlington, discussed the group's plan of attack. He stated that ASC did not formally get together until well after the second of June, after formal conversations began with the County. The first Board meeting was held on August 6. He stated that the timeline is very tight, and that everyone needs to get together to help the County come into compliance, while protecting the rights of the area farmers.

Sarah Hemphill, 522 14th Avenue East, Seattle, described her firm, Natural Resources Consultants, and reviewed their work in applying applicable laws in urban areas. She stated that NRC's position is instead of working for a one-size-fits-all fix, the science has to support looking at issues by area and region.

John Roozen, 18091 Morris Garden Road, indicated that the agricultural community is ready to base their proposals on the best science available. A huge primary component of drainage seems to come to the top of the issue as a result of the CAO and ESA. He stated that ASC is requesting the Board's support regarding drainage issues. He explained the need to establish a computer model for the lower valley, stating that such a model would be a valuable resource for this issue and others in the future. He asked for \$20,000 from the County to support ASC's effort in developing this model.

Mr. Lowe summarized the recommendations of the group. He stated that ASC would like to see status quo in dealing with the CAO. In other words, leave it as it is now. The main reason is the time constraint in that there is not enough time to do anything different that will actually work or be better than the status quo. He stressed the desire of ASC to apply the best science available, and in that regard, have hired NRC to assemble the best resources available and gather such information in one place. He stated that such information will be shared so that everyone in the County could benefit from this gained knowledge. He next stressed the need for mutual cooperation as a standard, indicating that ASC wants to work with the County, and advocacy groups. Mr. Lowe indicated that ASC does not want to add another dimension to the process, and is willing to coordinate, negotiate, mitigate, whatever it takes to get more people involved. He stated that additional time is required to formulate such a plan, and that the WWGMHB final order imposes timelines that are almost impossible. He stated that the Planning Department definitely needs more time.

Mr. Lowe indicated that ASC is willing to initiate legal action to help the County and ASC in buying more time to complete this project.

Ms. Hemphill briefly discussed undertaking a project like this is Alaska, noting the importance of getting a team together and getting group buy-in. She stressed the need to allow time for good science, and also for getting a team together.

Commissioner Hart stated that there is no question that if there is a plan that has substance and will work, the County can go to the WWGMHB and ask for an extension, and most likely get it. He indicated that past experience has shown that when the County is not supported by other partners or does not show

their work, the WWGMHB has been reluctant to grant extensions. He briefly discussed the need to gather the best science available..

Chairman Anderson commented on the need to carefully consider the possibility of funding, as the County may not legally be able to assist in this regard. He agreed to discuss the legal ramifications with John Moffat to determine if the County is able to contribute to such a project. He further commented on the positive commitment of those assembled to come together as a unified group.

Commissioner Wolden thanked the group for meeting with the Board and bringing forth a proposal. He reviewed the need to work both internally and with their organization to move forward to develop a best management practices plan. He noted the need to have some discussion on how to make this fit time-wise and address the issue of non-compliance with the WWGMHB.

Commissioner Hart suggested that has to be other agricultural organizations and communities that have struggled with this type of regulation that we could learn from.

Chairman Anderson indicated that the battle needs to be fought right up front so there is the ability to defend our position in Court. He stated that whatever is contained in the ordinance will become the "law of the land," so it needs to be scrutinized closely.

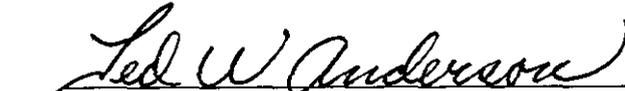
A discussion ensued on managed buffer and default buffer concepts.

Bill Reinert, 2051 Bayhill Drive, Burlington, indicated that there should be contingencies contained in the ordinance for the time when salmon are considered recovered.

ADJOURNMENT.

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

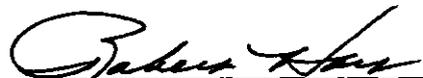
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SKAGIT COUNTY, WASHINGTON**



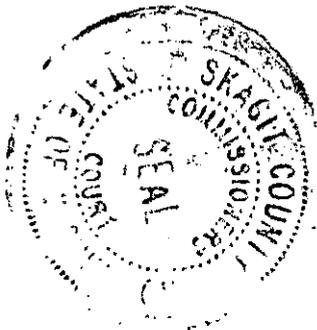
Ted W. Anderson, Chairman



Harvey Wolden, Commissioner



Robert Hart, Commissioner



ATTEST:



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