

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Wednesday, August 25, 1999**

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| 8:00 a.m. – 8:30 a.m. | Work Session – Public Works Projects (Sauk Conference Room, 1111 Cleveland, Mount Vernon). |
| 11:00 a.m. – Noon | <u>Planning & Permit Center – Tom Karsh, Director.</u> 1) Discussion and Possible Action – Interim Drainage (Skagit County Code Section 14.36) and Land Disturbance (Skagit County Code 14.54) Ordinances. |

The Skagit County Board of Commissioners met in regular session on Wednesday, August 25, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Discussion and Possible Action – Interim Drainage (Skagit County Code Section 14.36) and Land Disturbance (Skagit County Code 14.54) Ordinances.

Tom Karsh, Director, commented that these proposed ordinances are brought before the Board for discussion and possible adoption. He stated that Staff would like to recommend emphasis on the discussion portion of the session and recommend that the adoption of the interim ordinances be postponed for a number of reasons. He stated that the Board has, in the past, expressed a sensitivity to last-minute documents. Further, discussions with special interest groups and other parties are continuing. Mr. Karsh thought it best to discuss concerns regarding these ordinances with the Board, and then schedule a public hearing at some time in the future to formalize the adoption of an interim ordinance. He stated that this process is somewhat contrary to the formally-adopted Work Program, but conversations with the Friends of Skagit County ("Friends") indicate that they are not in opposition to extending this process to make sure the end product meets all required needs. Mr. Karsh indicated that the public hearing had been tentatively set for September 28th at 9:00 a.m., pending the Board's approval.

Commissioner Wolden stated adamantly that he is not interested in adopting this ordinance at this time, and would rather have the input from the general public prior to adoption. He urged the public to look at the individual line items contained in the document and comment specifically, rather than just saying "no" to the entire document. He expressed the need to understand why portions will not work and resolve such issues prior to adoption.

Commissioner Hart commented that the proposed drainage ordinance simply contained citations to incorporate State or Federal regulations, and Mr. Karsh confirmed that the document has minimal changes.

Chairman Anderson spoke regarding the need to seriously consider public input, rather than just going through the motions of taking such input. He expressed his dislike of the Stipulated Agreement with Friends.

Mr. Karsh stated that regardless of the Settlement Agreement, it is important to consider public comment regarding the proposed ordinances, but it is also necessary to be sensitive to the terms of the Settlement Agreement in considering the final document.

Commissioner Hart suggested not spending much time reviewing the drainage ordinance, but progressing through the particulars of the proposed land disturbance ordinance.

Dave Brookings, Public Works Department, indicated that Public Works had reviewed the drainage ordinance and only took issue with the small parcel requirements and the new permitting requirements. He expressed concern for the cost of the ordinance as far as staffing and enforcement. He further comment on the appearance that a

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small amount of activity would require permitting. He concurred that discussions need to take place between departments. Mr. Brookings noted that the technical merits of the drainage ordinance are solid, in his opinion.

Kendra Smith, Assistant Director, spoke to citizen involvement in creating these ordinances. She stated that the drainage ordinance did go through the Citizen Advisory Committee (CAC) process. She commented on the large and small parcel sizes and the questions that Mr. Brookings raised, noting that it was not clear whether such requirements should be contained in the drainage or land disturbance ordinance. She stated that the land disturbance ordinance is a brand new ordinance and had not gone through the CAC process. Ms. Smith further explained the desire to eliminate enforcement actions by trying to implement these regulations as part of the permit process. She stated that these regulations should have been a part of the Critical Area Ordinance (CAO), but that Staff did not want to re-write the entire CAO. She agreed that the land disturbance ordinance has gone beyond where it was originally supposed to go. She posed the question of whether these regulations belong with the Drainage Ordinance or the CAO.

Chairman Anderson stated that the bottom line is that the common citizenry does not have a clue, and that government cannot regulate every single activity on an individual's property.

Commissioner Wolden discussed several examples of difficulties that individuals have had in knowing whether a permit was needed or not.

Mr. Karsh clarified that the Western Washington Growth Management Hearings Board ("WWGMHB") orders said in essence that our exemptions are too broad and that the County needs to clarify and restrict such exemptions.

Chairman Anderson commented again on the Stipulated Agreement, WWGMHB orders, and loopholes in the Critical Area Ordinance. He stated that, in his opinion, the County is letting someone else drive this process down to the most minute detail. He stated that the land disturbance ordinance at best is overkill.

Commissioner Wolden noted the different standards within city limits and those areas outside of urban growth areas.

Mr. Karsh stated that the difference is that no one appealed the standards within the cities.

Mr. Karsh clarified that the land disturbance ordinance and drainage ordinance are documents being prepared in response to WWGMHB orders, and were not generated by Friends. The ordinances were given to Friends for review. He stated that there is a need to fine-tune several points in these ordinances, but there should be no question that the County is responding to WWGMHB orders, not Friends.

Commissioner Wolden asked why a land disturbance ordinance was created rather than a re-write of the CAO.

Mr. Karsh responded that it is necessary to use Building Code to regulate the bulk of land disturbance activities that do not have something to do with a structure. These would include common activities such as driveways, plowing, and land-clearing. Mr. Karsh indicated that the Building Code has never adequately addressed these activities.

A lengthy discussion ensued on the merits of the proposed ordinance, the organization of the ordinance, and the need for clarity so that the ordinance can be easily understood by the general public.

Corey Schmidt, Building Official, expressed his pleasure that the Board is not acting on the proposed ordinances today. He explained that there are thresholds for the items that the Board has concern for. He agreed with the comments from the Public Works Department that the technical content of the drainage ordinance is very well done. He stated that the land disturbance ordinance needs much work, and needs to have the building code applied to it. He commented on the need for the public to be able to use these documents, and consequently, the public needs to be involved in the development of the final ordinance.

The Board commented on the need to have work sessions with the Board at the initialization of such documents, so that clear direction, from the Board's point of view, can be incorporated in the draft document. They further commented on the need to get other non-technical perspectives from those most impacted by the passage of such an ordinance.

Ms. Smith stated that the proposed ordinance has not had a lot of staff review, and needs additional work. She commented that the timing process has Staff "under the gun" to develop this document. She also commented that she felt the document is too length.

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, August 25, 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 51684 through 51922 from Clearing Fund 696 in the total dollar amount of \$512,553.94 (Transmittal NO. C-62-99); and

Payroll warrants numbered 951799 through 951877 in the total dollar amount of \$68,758.41 (Transmittal No. P-31-99); and

Payroll warrants numbered 38766 through 39794 in the total dollar amount of \$840,967.64 (Transmittal No. P-32-99).

2. Staff presented on behalf of the Public Works Department a Professional Services Agreement with Anvil Corporation to provide materials testing at various projects, pit sites and plants where the material is manufactured. The contract will run from August 25, 1999 through December 31, 2000, at the various rates listed on Exhibit "B". 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. 04561)**
3. Staff presented on behalf of the Personnel Department a Settlement Agreement with Debra Myre-Deitz regarding an Equal Employment Opportunity Commission Charge resolving all claims against the County. Commissioner Wolden moved to approve the Settlement Agreement as presented. Commissioner Hart, seconded the motion, which passed unanimously. **(Contract No. 04562)**

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



ATTEST:



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