

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, September 20, 1999**

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| 9:30 a.m. – 10:00 a.m. | Executive Session – Personnel, Litigation and Land Acquisition. |
| *T 10:00 a.m. – 10:15 a.m. | Proclamation – Skagit Harvest Celebration. |
| 10:15 a.m. – 10:45 a.m. | Discussion and Possible Action – Interim Ordinance No. 17523 that removes the Urban Growth Area Designation from the Area shown as the Big Lake Urban Growth Area on Comprehensive Plan Map 3(h) in the 1997 Comprehensive Plan Map Portfolio on an Interim Basis and Replaces it with a Rural Village Designation. |
| CONSENT AGENDA. MISCELLANEOUS. | |
| <u>Budget Work Sessions:</u> | |
| 11:00 a.m. – Noon | Planning & Permit Center. |
| *T 1:30 p.m. – 2:00 p.m. | Conservation Futures – Farmland Legacy Program. |
| 2:00 p.m. – 2:15 p.m. | Discussion and Possible Adoption – Interim Ordinance Amending Skagit County Code Sections 14.06.095 and 14.06.096 of the Critical Area Ordinance. (Hearing Room C) |
| 2:15 p.m. | Public Hearing – To Consider Testimony re: an Interim Ordinance Amending Skagit County Code Chapter 14.06, Critical Area Ordinance, excluding Sections 14.06.095 and 14.06.096. (Hearing Room C). |

The Skagit County Board of Commissioners met in regular session on Monday, September 20, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

PROCLAMATION – SKAGIT HARVEST CELEBRATION.

Commissioner Hart read the Proclamation of Skagit Harvest Day in Skagit County, October 2, 1999, and moved to adopt same. Commissioner Wolden seconded the motion, which passed unanimously.

Dyvon Havens, WSU Cooperative Extension, displayed to the Board an insert to the Skagit Valley Herald, entitled "Celebrating Skagit Harvest, a Festival of Family Farms." She reviewed the need for educating the public on the importance of agriculture in Skagit County.

Rose Merritt, Merritt's Apples, reviewed the proposed activities at her farm on October 2.

Ken Osborn spoke regarding the activities at Grandy Lake Forest, which include a self-guided tour of the tree farm.

DISCUSSION AND POSSIBLE ACTION – INTERIM ORDINANCE NO. 17523 THAT REMOVES THE URBAN GROWTH AREA DESIGNATION FROM THE AREA SHOWN AS THE BIG LAKE URBAN GROWTH AREA ON COMPREHENSIVE PLAN MAP 3(h) IN THE 1997 COMPREHENSIVE PLAN MAP PORTFOLIO ON AN INTERIM BASIS AND REPLACES IT WITH A RURAL VILLAGE DESIGNATION.

Gary Christensen, Assistant Director, reviewed a Memorandum dated September 17, 1999, containing a verbatim transcript of the recent public hearing regarding this matter and the resultant collected written comments. The memorandum also included a draft Ordinance for the Board's consideration. He summarized the particulars of the proposed ordinance, reviewing it section by section.

Mr. Christensen reviewed the written comments received, stating that the comments generally supported retaining the urban growth area for Big Lake, modifying the boundary to be consistent with the Sewer District boundary, and applying uniform zoning densities within the proposed boundary. He stated that the Department believes that the record is void of information and/or analysis that Big Lake should be retained as an urban growth area, and recommended that the Board reaffirm the provisions of Interim Ordinance No. 17523. He stated that the aforementioned boundary and zoning density issues could be reviewed as part of a Comprehensive Plan Amendment in conjunction with the Unified Development Code. At that time, the record could be augmented and proper findings made to address these issues.

Mr. Christensen next reviewed the findings contained in the draft Ordinance.

Mr. Christensen advised that the timeline for this is to address particular requests within the next 40 days as a Comprehensive Plan Amendment and a portion of the Unified Development Code.

Chairman Anderson asked whether it is possible to address Comprehensive Plan Amendments pursuant to the provisions of the Settlement Agreement with the Friends of Skagit County. Mr. Christensen replied that the County maintains the ability to amend the Comprehensive Plan as necessary rather than waiting until a later date.

Jay Derr, attorney for the County, stated that the Settlement Agreement allows the County to judge what amendments are necessary to come in to compliance with the orders of the Western Washington Growth Management Hearings Board (WWGMHB).

A lengthy discussion ensued on particular parcels of property and the need for Comprehensive Plan amendments in this regard.

Commissioner Wolden to approve an Ordinance Reaffirming Interim Ordinance No. 17523 that Removes the Urban Growth Area Designation from the Area Shown as the Big Lake Urban Growth Area on Comprehensive Plan Map 3(h) in the 1997 Comprehensive Plan Map Portfolio on an Interim Basis and Replaces it with a Rural Village Designation. Commissioner Hart 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. 17570**)

CONSENT AGENDA.

Commissioner Wolden moved to approve the Consent Agenda for Monday, September 20, 1999, and Commissioner Hart seconded the motion. The motion passed with a unanimous vote, and the Consent Agenda was approved.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, September 13, 1999.
2. Record of the Proceedings for Tuesday, September 14, 1999.

RECORD OF THE PROCEEDINGS

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3. Appointment of Susan Duffy to the Housing Authority of Skagit County Board of Commissioners to fill the term of Pat Parker through October 22, 2001. (This is to correct a previous Resolution that contained the wrong term dates). **(Resolution No. 17571)**

PUBLIC WORKS DEPARTMENT:

4. Cook Road Improvement Project – Summary of Offer. **(Approved)**
5. Out-of-State Travel Request for Robin LaRue to attend the Solid Waste Association of North America 37th Annual Solid Waste Exposition in Reno, Nevada, October 18-21, 1999, for a total cost of \$1,190. **(Approved)**
6. Contract with BBG Group for the Parson Creek Fish Passage Project on Prairie Road for a total bid of \$161,895. **(Contract No. 04589)**
7. Amendment No. 2 to Vendor Services Agreement with Kelly Services to provide a temporary employee to the Public Works Accounting section to perform a variety of clerical functions. The amendment increases the scope of work and compensation from \$16,000 to \$48,000. The contract termination date is changed from October 4, 1999 to December 31, 2000. **(Contract No. 04217)**

ADMINISTRATIVE SERVICES:

8. Memorandum of Understanding with AFSCME Union settling a grievance over overtime earned during one emergency and one non-emergency shift change over the past few months. **(Contract No. 04590)**

BEST SELF:

9. Interlocal Cooperative Agreement with the Conway School District #317 for the Best SELF After School Program for the period August 20, 1999 through September 30, 1999. **(Contract No. 04591)**
10. Personal Services Agreement with RMC Research for a Best SELF study of student's academic performance, social adjustment, and other impacts for a total cost of \$19,962.70 during the period June 1, 1999 through September 30, 1999. **(Contract No. 04592)**

HUMAN SERVICES:

11. Amendment to Personal Services Agreement with Chinook Enterprises to include a person with a developmental disability to clean the Human Services office for the period September 1, 1999 through June 30, 2000 for a total cost of \$2,750. **(Contract No. 04534)**
12. Amendment to Personal Services Agreement with Northwest Care Advocates, Inc. adding an employee as an on-call mental health professional for the Skagit County Jail for an indefinite period of time at the compensation rate of \$40 per hour. **(Contract No. 04445)**

YOUTH & FAMILY SERVICES:

13. Personal Services Agreement with Mariam Pino to provide individual and family counseling at rates from \$20 to \$60 per hour beginning August 1, 1999 and continuing until terminated. **(Contract No. 04593)**
14. Personal Services Agreement with Dr. Donna D. Schram to provide outside evaluations as required by GJJAC and Grant Coordinator to prepare reimbursement forms for grant director's signature period reports as required, outline and submit statistical data as requested by GJJAC, and to act as liaison between Policy Board and department supervisor. Compensation is \$5,000 for one year of service. The contract begins July 1, 1999 and will continue until June 30, 2000. **(Contract No. 04594)**

15. Interagency Agreement with the State of Washington Department of Social and Health Services for the period July 1, 1999 through June 30, 2000 for Juvenile Rehabilitation Administration At-Risk projects with a total contract budget of \$113,087. **(Contract No. 04595)**

HEARING EXAMINER:

16. Personal Services Agreement with Wick Dufford to act as the Skagit County Hearing Examiner beginning September 1, 1999, for annual compensation of \$45,000. **(Contract No. 04596)**

PROSECUTING ATTORNEY:

17. Personal Services Agreement with Candace J. Ashbrook dba Child Interviews Northwest to provide services as a sexual assault interview specialist for the term August 15, 1999 through December 31, 1999 for compensation at the rate of \$1,100 per month. **(Contract No. 04597)**

SHERIFF'S OFFICE:

18. Supplement No. 1 to Personal Services Agreement with Swanson Inmate Commissary Services, Inc. extending the term of agreement for five years beginning September 1, 1999. **(Contract No. 02707)**

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, September 20, 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 53075 through 53291 from Clearing Fund 696 in the total dollar amount of \$3,158,450.63 (Transmittal No. C-69-99).

2. Staff presented, on behalf of the Public Works Department, a Resolution Noticing a Road Closure for Prairie Road, #50000. The road closure is scheduled for Wednesday, September 22, 1999 at 5:00 a.m. through Thursday, September 23, 1999 at 8:00 p.m. The closure is necessary for the installation of a culvert that will improve fish passage. After a brief discussion, Commissioner Wolden moved to approve the Notice of Road Closure as presented by Staff, and Commissioner Hart seconded the motion. The motion passed with a unanimous vote. **(Resolution No. 17572)**

DISCUSSION AND POSSIBLE ADOPTION – INTERIM ORDINANCE AMENDING SKAGIT COUNTY CODE SECTIONS 14.06.095 AND 14.06.096 OF THE CRITICAL AREA ORDINANCE.

(See attached Court Reporter's Transcript)

PUBLIC HEARING – TO CONSIDER TESTIMONY RE: AN INTERIM ORDINANCE AMENDING SKAGIT COUNTY CODE CHAPTER 14.06, CRITICAL AREA ORDINANCE, EXCLUDING SECTIONS 14.06.095 AND 14.06.096.

(See attached Court Reporter's Transcript)

ADJOURNMENT.

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

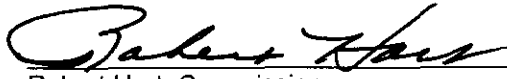
BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



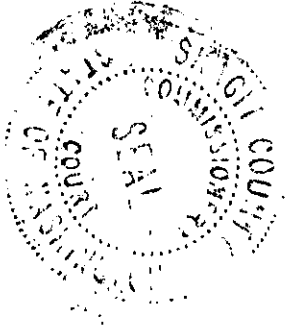
Ted W. Anderson, Chairman




Harvey Wolder, Commissioner



Robert Hart, Commissioner



ATTEST:



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

BEFORE THE SKAGIT COUNTY BOARD OF COMMISSIONERS

IN RE: Public Hearing relating to)
possible adoption of an interim)
ordinance amending Skagit County)
Code sections 14.06.095 and)
14.06.096 of the Critical Areas)
Ordinance)
_____)

September 20, 1999

VERBATIM RECORD OF PROCEEDINGS

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A-P-P-E-A-R-A-N-C-E-S:

Board of Commissioners:

Mr. Ted Anderson
Mr. Robert Hart
Mr. Harvey Wolden

Planning Department Staff:

Ms. Kendra Smith

Counsel for the Planning Department:

Mr. Jay Derr

Allen R. Emerson & Associates
Court Reporters
1226 McGarigle Street
Sedro Woolley, WA 98284
(360) 856-2618 Skagit County
(360) 734-2262 Whatcom County

1 PUBLIC HEARING before the Skagit County
2 Board of Commissioners in Hearing Room "C" of the
3 County Administration Building in reference to the
4 above entitled matter and reported by ALLEN R. EMERSON
5 & ASSOCIATES, commencing at the hour of 2:00 o'clock
6 p.m. on Monday, September 20, 1999;

7 WHEREUPON, the following proceedings were had
8 to wit:

9 MR. ANDERSON: It's Monday, September 20,
10 1999. We're here this afternoon at 2:00 for a
11 discussion and possible adoption of interim ordinance
12 amending Skagit County Code sections 14.06.095 and
13 14.06.096 of the Critical Areas Ordinance.

14 Jay, are you on first?

15 MR. DERR: I think Kendra is going to
16 introduce it.

17 MR. ANDERSON: Kendra.

18 MS. SMITH: Good afternoon commissioners. As
19 you know, back in 1996 when we adopted our Critical
20 Area Ordinance, we had an appeal against this, and two
21 of the sections that were appealed were .095 and .096.
22 And we were found to be out of compliance. And last
23 year in September we were ordered to come into
24 compliance within 360 days, which is this time this
25 year.

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1 And as you also know, staff presented to you
2 a June 8th proposal for your review and comments on
3 these two sections. And at that time we received a
4 great deal of many concerned comments and feedback in
5 opposition to that proposal.

6 And also since that time, the ag community
7 has formed an organization, the ASC to respond to that
8 proposal. And in doing so, they hired a group, a
9 consulting group, NRC, which is made up of researchers,
10 biologists and attorneys. And then staff was directed
11 to work with this group to look at some new
12 organization of that draft proposal and formulate a new
13 draft proposal. And then what you have before you
14 today, labeled draft at the top, is a secondary draft.

15 What, we've gone through, obviously, is a lot
16 of unsettled times right now of not knowing exactly
17 what will be our requirements in the near future in the
18 protection of salmon, but what we have right now is an
19 order before us from the Hearings Board growth
20 management mandates.

21 And in this ordinance, I'm going to go very,
22 very quickly so that you have an understanding of how
23 it is set up. It's basically talking about requiring a
24 mandated buffer. That's a 50 foot buffer, 25 feet of
25 the buffer is a no-touch zone, which will be a

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1 management zone and worked in with a full revegetation
2 plan so that it is better than just a buffer being left
3 alone and working on its own. Second 25 feet, is a
4 type of a biofiltration system, and in that buffer the
5 management would be dealing with cover crops during
6 those wet months of the year, and also cattle being
7 kept out of that area also during the wet months, being
8 the first of November through the 31st of March.

9 The ordinance also has put together a very
10 aggressive time line in which to have these buffers in
11 place. And it is done in a total of 540 days, and in
12 that time line, the County will also be putting
13 together a revegetation plan, well, will be identifying
14 all the property owners of the ag community that this
15 will affect. Will be developing a drainage margining
16 and tracking plan informing all these stakeholders,
17 developing lease language, and getting leases signed.

18 And what we have in here is presented, what
19 we presented is a plan where a certain percentage have
20 to be on board by a certain period of time. And then
21 we also, then we talk about compliance verification,
22 and what will happen, and then what areas are excluded
23 from this.

24 And this ordinance is proposing to exclude
25 those people that have already put together farm

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1 management plans, and that, those that have maybe
2 participating in the KREPS (phonetic) program and also
3 where some bank armanent has already occurred so that
4 the stream bank isn't lost and that more line is taken
5 away.

6 Then what we have said in this plan is we
7 would have compensation assistance, and this would be
8 coming from the County, and that we would be providing
9 this on a five year lease basis. And a five year
10 period has been chosen so this would enable a period of
11 time to do some true research and tracking of what a
12 buffer would do and could do. And then come back and
13 monitor and determine what the next steps might need to
14 be.

15 We've talked about the buffer revegetation
16 and maintenance program, and then we've also talked
17 about a voluntary compliance for those people who want
18 to increase the buffer greater than 25 feet. And
19 that's probably, that's said in there for those who are
20 maybe looking ahead for more of the ESA issues, and
21 buffers that may be required out of that requirement.
22 And we will compensate up to 125 foot buffers in that
23 case.

24 There's an option number 7, page 4 that talks
25 about a resource management option plan allowing

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1 property owners to participate in preparing habitat
2 plans that may be different than just the revegetation
3 plan that we're proposing. And the revegetation plan
4 is going to be somewhat site specific knowing that
5 there's different lands and different areas within
6 Skagit County, and we didn't feel it was fair to impose
7 the same on everybody.

8 This is all going to be subject to an
9 agricultural compliance map. And we have a preliminary
10 map that we're putting together right now, and this
11 master plan, what we're calling a master compliance
12 map, is one we will continually update and it will be
13 done on an annual basis. And it will also have some
14 areas on it called evaluation areas, and those
15 evaluation areas are waiting for future study as
16 potential habitat restoration areas and enhancement
17 areas, estuaries and then some streams that need some
18 gravel removal and are also along the lines of some of
19 our flood control.

20 The other issues, the last two sections of
21 this would be for channel migration, which is a big
22 issue that we need to look at, as the stream moves year
23 to year, and how to evaluate that, and the last one
24 being enforcement. And we needed to have, obviously
25 the whip, that's going to direct us into putting those

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1 into place, and we're talking about putting some heavy
2 fines into place, and looking for, in order to get this
3 compliance in this time period.

4 So that in a nut shell, I have, NRC
5 consultants are here to answer a couple of questions
6 you may have. I'd like to introduce to you Sara
7 Hemphill who is the president of NRC, who has her
8 researchers and stuff here.

9 And Sara, just if you'd come up and --

10 MS. HEMPHILL: My name is Sara Hemphill, and
11 I'm one of the owners of NRC, which stands for Natural
12 Resources Consultants. And I'm not the scientist, and
13 so I'm not going to spend much time here, except to
14 tell you that given the other work that I've been doing
15 on endangered species issues in the tri-county area,
16 I've not seen a situation where there's been more
17 cooperation than there is here in Skagit.

18 And the stepping forward from all counts, the
19 farmers as well as the tribes, environmental groups,
20 and the County in particular, to work on something that
21 is cooperative is really, really unique.

22 There are a number of unanswered questions,
23 I'm trying to think of the best way to summarize this
24 for you. We have farmers and people who grow things
25 and understand vegetation, we have people who

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1 understand fish and fish needs in the stream. We
2 haven't had a melding of that and a coordination of
3 that with respect to agriculture lands. There's a lot
4 written on forest lands, there's not a lot written in
5 this area. So this proposal that we've made, I think
6 allows us to take the time to study it while we stop as
7 quickly as possible any degradation, any further
8 degradation, if there is that much, to the streams. So
9 that's the summary of it.

10 Steve White who is with me, is a fisheries
11 biologist who worked with Plum Creek on their HCP up in
12 the forested land. He could answer questions maybe
13 with respect to large woody debris and buffer widths
14 that might be helpful to you. Mike Maki is a natural
15 resources consultant who's particularly familiar with
16 riparian areas and he could address vegetation, and the
17 fact that we've proposed a managed zone as opposed to
18 an unmanaged zone, and what that would mean from the
19 standpoint of width.

20 MR. ANDERSON: I'm not sure we're going to
21 have time for two lengthy discussions. We don't have a
22 lot of time on the agenda item for this. But this is
23 all, it's is good stuff, but it's very new too.

24 MR. HART: Well, I think we were originally
25 looking at putting this in place today. I take it that

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1 we're close, but we're not, the actual proposal here is
2 not, are we looking at a short turn around from here on
3 out?

4 MS. SMITH: I think that, staff, in looking
5 at this, we have a couple of things that we would like
6 to spend a little more time just working on too in
7 preparing this.

8 MR. DERR: And one of the things -- for the
9 record, I'm Jay Derr, D E R R, I didn't give you a
10 card. One of the things that we've talked about, this
11 has been moving quickly and it is new, it's new stuff.
12 The NRC folk have been pulling together some
13 information as to why the farmers proposed this as a
14 good option. And you remember the context we're in
15 right now with the Hearings Board is they said, okay,
16 you might be able to exempt existing agriculture, but
17 only in limited circumstances, and if you come up with
18 some fallback regulations if we discover that the
19 exemption's not working. That was our task by
20 September 16th.

21 This is actually different and goes further
22 than that in many respects. It actually is a proposal,
23 as I understand it, to come up with some buffer right
24 now, not wait to see what happens, but come up with
25 some buffer right now. And to commit to some study,

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1 the County commits to some funding to deal with these
2 things.

3 Our thought was because it's so new and it's
4 a little different twist, that we encourage you to set
5 maybe a week of additional time for people to submit
6 written comment to the County on this issue, to be able
7 to get copies of this thing from staff to comment on,
8 and then come back in October.

9 MR. ANDERSON: I think that's a good idea,
10 and I want to pour over it.

11 MR. DERR: Okay.

12 MR. WOLDEN: One of the things in here and in
13 talking to Kendra a little bit earlier and some of the
14 discussions we've had with continuous buffers along
15 these streams, I think you need to also look at Hansen
16 Creek and the, is it Wiseman Creek, what is the one
17 that runs right along the side of Baker Lake where it
18 crosses under there where we have a collection site.
19 If we're going to go through the agricultural land,
20 we're going to have buffers along these streams so
21 there will be no longer an opportunity to do anything
22 within these streams, it isn't going to be long and the
23 gravel beds are going to raise above the land, and
24 we're going to have blow-outs out into the agricultural
25 area, and the gravel is going to destroy those.

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1 So I would like to see some opportunities for
2 collection points where holes could be established like
3 up on Hansen Creek, up on the old Northern State
4 property and also up there at the other creek, to
5 collect some of these gravel deposits in a manageable
6 way so that we don't destroy more than what we enhance.

7 MR. HART: Do they have some additional
8 proposal besides this draft that they were going to
9 provide us or is that going to be coming later?

10 MR. DERR: Do you have 5, 10 minutes worth of
11 kind of explanation of what's in the proposal, why
12 25/25. Is that something you guys are prepared to do
13 today or is that something --

14 Can you hear five minutes worth?

15 MR. ANDERSON: Well, I give it five minutes,
16 I just don't want people that came here for the public
17 hearing to be held in abeyance. We probably should
18 have had a little more time scheduled, but I'll give
19 you five more minutes, and then I want to start the
20 public hearing on the Critical Areas Ordinance.

21 MS. HEMPHILL: I think what must be the most
22 helpful is to hear why we think that a 25 foot/25 foot,
23 total 50, a complex, we're calling it a buffer complex.
24 Why a 25/25 works when there is a lot of written
25 documentation that a 200 foot buffer is what you need

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1 or a 300 foot buffer is what you need. And Mike Maki,
2 I think, may be the best person to address that because
3 he's the guy who's going to help design what's going to
4 be on that land that's going to do the job that we need
5 to have done.

6 MR. ANDERSON: Okay.

7 MR. MAKI: Just real quickly gentlemen, my
8 name is Mike Maki. I live down in Grays Harbor,
9 Washington, and for the last six years I've been
10 working with the U.S. Fish and Wildlife Service doing
11 riparian management, trying to make a fish friendly
12 dairy farm work. And that's a difficult process when
13 you're down in the riparian zone, of establishing the
14 desired tree vegetation. The principle, the basic
15 reason for these wide buffer strips, the 125 foot or
16 greater buffer strips, is to recruit, is the term,
17 large, woody debris. It's essentially to grow tall
18 trees which fall down to the streams and have a lot of
19 beneficial effects there, the streams, the ditches,
20 etc.

21 You can do this same thing, and that's based
22 on kind of a random falling of trees, does a tree fall
23 in a forest after so many of years, and how many of
24 them man the stream, the equation for that is developed
25 for forest lands. We can do the same effect, we can

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1 grow, for instance, Hybrid Cottonwoods, get them up to
2 size in about 15 years, what it would take nature a
3 much wider buffer strip to do. So, essentially through
4 kind of using agricultural sensibility, and the right
5 species, we can speed up the processes and do it in a
6 smaller area, in a shorter time. So it's just sort of
7 using agricultural ideas and common sense to get the
8 same effect.

9 MR. ANDERSON: Okay, thank you.

10 MR. DERR: Does that whet your appetite?

11 MR. WOLDEN: Nothing wrong with common sense.

12 MS. SMITH: And then what I need to do is add
13 to this, that we have .096 that we had to look at also.
14 And I'm not going to go into any detail on that,
15 basically it's preparing the strategic plan and going
16 through that, the strategic planning has basically two
17 phases, those that can be completed in a short period
18 and those that are on-going and part of our strategic
19 plan. Identified the projects, put them into an
20 appendix, and put some numbers also showing that, you
21 know, we work with our circuit lawyer division out of
22 Public Works and other entities that have projects that
23 all can lead into a full plan.

24 I also would like the commissioners to note
25 that the draft that you received this afternoon is

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1 different from an earlier draft that you received.
2 What you'll be working from is the one labeled draft
3 copy.

4 MR. ANDERSON: Okay, anything else?

5 MR. DERR: Just to clear up for public, we
6 ought to tell them when we're going to close comment
7 period and when you'll be taking action, so they'll
8 know if they're interested, when they have a deadline.

9 MR. WOLDEN: So this will coincide with the
10 Critical Areas Ordinance itself, so that would be the
11 30th possibly.

12 MR. DERR: We can do them both at the same
13 time.

14 MR. ANDERSON: Do you want to do them both at
15 the same time -- is that okay with you, Bob?

16 MR. HART: That's fine.

17 MR. ANDERSON: Do we need a motion for that?

18 MR. DERR: We're going to close written
19 comment period on the 30th of September?

20 MR. ANDERSON: Yeah, September 30th, leave it
21 open until then for written comment.

22 MR. HART: And action on the following
23 Tuesday, the 5th.

24 MR. WOLDEN: That allows the community that's
25 been working together to, on the --

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1 MR. ANDERSON: What's the date the following
2 Tuesday, Jay?

3 MR. DERR: October 5.

4 MR. ANDERSON: October 5.

5 MR. WOLDEN: That's fine.

6 MR. ANDERSON: Okay.

7 MS. SMITH: I'll check with Patti and get a
8 hearing time set with Patti for October 5th.

9 MR. ANDERSON: I think we're going to
10 dispense of this matter and move on to our public
11 hearing.

12 We're running a little late, I hope it didn't
13 inconvenience any of you folks, but it's 2:30 on
14 Monday, September 20, 1999. We're here for a public
15 hearing to consider testimony in regards to an interim
16 ordinance amending Skagit County Code chapter 14.06,
17 Critical Area Ordinance, excluding sections 14.06.095
18 and 14.06.096 that we were just discussing.

19 I'd ask you, for those of you that wish to
20 testify and I have a sign up list here, and I'll go in
21 order that people signed in. I'd ask you to make sure
22 and state your name and your address clearly for the
23 record please so I don't have to remind you so we can
24 get it on the record, and to limit your comments to
25 three minutes or less, if you would, so we can get all

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1 the way through the list of everybody that signed in.

2 So having said that, first on my list is Tom
3 Solberg.

4 MR. SOLBERG: I'm submitting a comment
5 letter.

6 My name is Tom Solberg, S O L B E R G, 19019
7 Minnie Road, Burlington.

8 In going through this Critical Areas
9 Ordinance, I thought the format was very, very hard to
10 follow. I did understand it finally, but it was, I
11 think it could be improved. I will go, I have a long
12 letter I'll go through what I feel the most important
13 parts are.

14 The first thing I come up with are the
15 definitions. The first definition is agricultural
16 land. This should not be limited just to agricultural
17 zone land. There are numerous, definition 4,
18 agriculture or agricultural activities, and definition
19 17, ongoing agriculture scattered throughout the County
20 that were not zoned agriculture because it would
21 require a spot zoning. These farmers, I'm one of them,
22 are experiencing all the same hardships as the people
23 down in the flats, and we should be treated the same.
24 In fact, you pretty much did so today here by the
25 Skagit County proclamation celebrating the Skagit

16

1 Harvest Day. You praised all the farmers for what
2 they're doing, but my farm and numerous other ones are
3 not included, we're second, third class farmers in this
4 thing, and we're providing the same stuff they are down
5 in the flats.

6 The term stakeholders seems to be only
7 representing the ag community, although the Friends of
8 Skagit County have got to that status. All the rural
9 upland owners seem to never have reached that status of
10 stakeholder, we never were asked anything about doing
11 anything or about proposing anything.

12 I'm very, very critical about the use of
13 critical area indicators. There is a list that I got
14 from the Planning Department. I know they have a
15 smaller list, a check list, but there are over 250
16 wetlands, indicator plants from the wetlands of the
17 Pacific Northwest, a Guide to Vascular Plants. If
18 these plants are used, virtually every piece of
19 property in Skagit County is going to be considered
20 wetlands. I mean it's unreal, it goes to culver,
21 timothy, fescues, everything else. If you're going to
22 use indicators, you should spell them out, the number
23 you're going to use and put it right in the document.
24 And all others are not, because this could be, if you
25 don't want somebody to do something, you could reach

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1 down in the lower drawer and grab this list, and pretty
2 soon, you know, you could stop everybody.

3 MR. ANDERSON: Tom, your three minutes is
4 winding down.

5 MR. SOLBERG: Is it already? Man, oh man.

6 MR. ANDERSON: Sorry, would you sum it up
7 please, then if we get --

8 MR. SOLBERG: Okay. As far as the incentives
9 go, there is no incentives. The only, open space
10 taxation isn't anything, density credit isn't anything.
11 The conservation futures fund that was promoted to
12 compensate for buffers, this fund has been taken over
13 to the agricultural land and is no compensation at all
14 for buffers. Thank you very much.

15 MR. ANDERSON: Thanks, Tom.

16 It says James O'Leary and it's no or maybe,
17 do you wish to speak?

18 MR. O'LEARY: Not yet.

19 MR. ANDERSON: Okay.

20 Next up is Ken Howard.

21 MR. HOWARD: Ken Howard, H O W A R D, 4812
22 Sharpe Road. I'm here today representing the
23 Association of Skagit County Landowners. We represent
24 approximately 300 land-owning families throughout
25 Skagit County.

18

1 Reviewing this document, I'm not a
2 hydrologist, I'm not a geotech, I'm not a planner and
3 I'm not an attorney. I understand human nature and I
4 understand that the planning in Skagit County has been
5 very painful for a lot of people. So I'm going to make
6 my comments very general in nature, with one exception.

7 First and foremost, ASCL opposes any
8 ordinance derived from the settlement agreement between
9 Skagit County and FOSC. ASCL contends a settlement
10 agreement is in violation of the public participation
11 portions of the GMA, ROW 36.70a.140 as well as
12 36.70a.020(11) the Skagit County comprehensive plan,
13 and also county wide planning policies.

14 Also I would like to recommend that the
15 County does not make this ordinance overly restrictive,
16 just don't get into a regulatory, major regulatory
17 action. I take offense to the Friends of Skagit County
18 settlement agreement 2.1.2 dictating that the County
19 should add two regulatory staff members. Also I take
20 offense to the settlement agreement 2.1.3 which allows
21 a no growth watch dog group to participate, and they
22 suggest quarterly, in reviews of private property.

23 Please keep in mind that ASCL does not in any
24 way oppose protection of Skagit County critical areas.
25 ASCL only feels such mandates be proposed by Skagit

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1 County residents through proper public participation
2 and require regulatory statutes.

3 ASCL would also suggest that the County take
4 the lead in offering incentives to landowners. It
5 would seem to be me it would be a much better idea to
6 get landowners in agreement that they need to protect
7 these critical areas versus a regulatory enforcement
8 issue.

9 Also Skagit County rural landowners have
10 shouldered the brunt of much of the GMA mandates to yet
11 add another layer of bureaucracy without any
12 compensation would be yet another great injustice and
13 hardship for landowners.

14 MR. ANDERSON: Ken, I'm going to have to ask
15 you to sum it up and then I'll give you an opportunity
16 to speak again later tonight.

17 MR. HOWARD: In closing, we recommend that
18 all regulations and restricting be based on best
19 science approach and be administered equally throughout
20 the County for the protection of the species, the
21 habitat, our critical areas, and County residents
22 alike.

23 MR. ANDERSON: Thanks Ken.

24 Next up is Marianne Marville.

25 MS. MANVILLE-AILLES: Marianne

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1 Marville-Ailles, M A N V I L L E-A I L L E S, and I'm
2 representing Skagit Surveyors and Engineers at 806
3 Metcalf Street in Sedro Woolley.

4 We have a couple of concerns from the
5 industry that we would like to bring forward that are
6 posing problems for us in dealing with this ordinance
7 which we work on, literally, every day.

8 The first one has to do with the requirement
9 that critical areas be identified and delineated for
10 entire pieces of property when you're doing
11 subdivisions. This has become particularly problematic
12 as we have started to do more and more of the CARD
13 subdivisions, and I have two examples that I want to
14 give to you to show you what the difficulties that
15 we're facing are. There's a piece of property that
16 we're doing a four lot CARD on. It's 80 acres in size,
17 so four acres of the 80 acres will be subdivided. It's
18 a long, narrow piece and the subdivision is clustered
19 in this area, and the remainder of the property is very
20 mountainous and it's secondary forest, it's designated
21 secondary forest, and the owner intends to continue
22 logging on the property.

23 It's very, very difficult to go out, and as
24 you probably know, and tramp through the bush and
25 identify every little speck of a wetland or every

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1 critical area that may be on that 80 acre parcel, when
2 only four acres over on this little piece are in fact
3 going to be developed. It's quite onerous for the
4 property owners to be asked to delineate the entire
5 piece of property, and we would ask that you take that
6 into consideration and perhaps provide some provisions
7 in the ordinance that would make it easier for these
8 CARD developments which are supposed to be more
9 efficient and easier to do anyhow.

10 And the second example I want to give is out
11 on Gunderson Road where it's a square piece of property
12 with two County roads that go through it. And Walker
13 Creek runs through the middle of the pasture where they
14 have cattle. And the development is proposed to be on
15 the other side of Gunderson Road up on the ridge. And
16 again this property owner is being asked to delineate
17 all of the critical areas on this entire piece of
18 property, even though the area where the development is
19 going to occur is on the other side of the County road
20 and there's going to be no change from what currently
21 exists, it's going to be in open space anyway, and it
22 seems really pointless and unnecessary to provide, to
23 go through the exercise of the delineation and we'd ask
24 that you take a look at that.

25 The second issue has to do with the

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1 requirement for public notice in the newspaper for
2 every time any deviation occurs from the standard
3 buffers. For example, if we are going to propose some
4 kind of buffer averaging, which is very common due to
5 the unique nature of these critical areas and the
6 projects that are going on. We are being told that
7 every one of those has to go through some kind of
8 notice in the paper, and we think that it would be much
9 more efficient from the perspective of staff time which
10 is very valuable right now, and they're busy, and to
11 make them have to go through this exercise of putting
12 this in the paper is constraining on staff time, it
13 slows down the project and it costs everybody money,
14 and we would ask that there be more clear guidance on
15 when it is really necessary for these kind of public
16 notices and not just to have a blanket on, everybody
17 has to do it every time you're going to deviate from
18 the standard buffers. Thank you.

19 MR. ANDERSON: Thank you, Marianne. You hit
20 that right on three minutes.

21 Next up is Gary Jones.

22 MR. JONES: Good afternoon gentlemen. My
23 name is Gary Jones, my address is Post Office Box 1245,
24 Mount Vernon.

25 I'm an attorney and I'm here this afternoon

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1 on behalf of dike districts that appealed previous
2 critical area ordinance exemption and were to some
3 degree at least, affirmed in the grant of the exemption
4 approved by the hearings board. Part of that process,
5 though, causes me to come forward and comment today. I
6 think that the ordinance has been put forward and the
7 discussions about how wide the buffer is may cause some
8 confusion on a very important point that was presented
9 to the hearings board and discussed thoroughly with the
10 tribes. That is the strip of land or of quite wide
11 variation that sometimes exists between the area
12 exempted for dike purposes and the ordinary high water
13 mark or line of vegetation. Some cases in the lower
14 valley here, there's a thousand feet of land that's on
15 the water side of the dike. It's not uncommon for
16 there to be a couple hundred feet. And in that
17 floodway land that's inside or what I should say, is
18 waterward of the dike and the exempt area, it seems to
19 me there should always be some regulation for fish
20 habitat even though that may impose a burden on the
21 landowner there. And there are significant uses that
22 may be appropriate in that area, still seems to me
23 those floodway areas are of really critical area
24 significance both for habitat and for other reasons,
25 flood damage risk that should be very sharply

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1 distinguished from land that's paying a diking district
2 to provide a service of keeping water off of their
3 property, receiving a benefit from a municipal
4 corporation that they support with their tax money.

5 So there are all kinds of variations and odd
6 things that can happen when you chop down a line,
7 whether it's 25 feet or whether it's 125 feet or 500
8 feet, and I think a much more meaningful standard for
9 dealing with what is a critical area in the portion of
10 the valley that's below Sedro Woolley where there are
11 very commonly are dikes on the Skagit River or the
12 Samish River, would be to look at whether or not the
13 land is in the floodway, whether it's waterward of the
14 dike, and to allow some relief for people who are,
15 whether on a private or a public basis, have a stable,
16 existing, permitted dike system.

17 MR. ANDERSON: Okay. Thank you Gary.

18 Steve Aslanian. I for sure want you to spell
19 your name for us.

20 MR. ASLANIAN: Good afternoon, it's Steve
21 Aslanian, A S L A N I A N. I'm the president of Skagit
22 Audubon Society, and I'll make my comments short and
23 sweet. I come to encourage you gentlemen to pass an
24 ordinance which is legal within the framework of the
25 growth management legislation, an ordinance which is

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1 enforceable, which without this enforcement activity
2 essentially can be a voluntary ordinance, which will
3 then put us back here together in this room once again.
4 And an ordinance which will work in favor of making the
5 environmental community and the environmental interest
6 more the calming interest to which we all subscribe to,
7 yet devil in the details, work all day trying to
8 attain. Thank you.

9 MR. ANDERSON: Thank you.

10 Next up is Stoney Bird.

11 MR. BIRD: Good afternoon. My name is Stoney
12 Bird, B I R D, I live at 608 South First Street in
13 Mount Vernon.

14 I'm speaking today mostly on behalf of Skagit
15 Audubon of which I'm the conservation chair, and partly
16 also my comments will relate to the Friends of Skagit
17 County. You have the detailed comments from both
18 organizations under a letter dated August 27th.

19 I'll just reply to one speaker who spoke
20 before who said Friends of Skagit County is a no growth
21 organization, that's certainly not true. What we want
22 to have, and I hope everybody here wants to have, is
23 orderly growth, growth that complies with the law. We
24 have an opportunity to provide for growth that complies
25 with the law here and I hope we succeed in getting it

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1 so that people who want to do something with their land
2 in this County can do it without confusion about
3 whether what they're doing is going to comply with the
4 law or not, and have the risk of having what they're
5 wanting to do undone later on.

6 The other thing I would hope we can get, and
7 I sense we're getting very much closer to that, is some
8 rules about critical areas ordinances that are based on
9 science. And we have the work of NRC here and the new
10 agricultural group which is very much bringing science
11 to bear, I mean we may have some debates about the
12 details, but that's a very positive development in my
13 opinion. The, this new draft I've heard about for the
14 first time today so I'll look to see that with interest
15 as I'm sure many other people will, and thank you for
16 the opportunity to make these comments.

17 MR. ANDERSON: Next up is Don Clark.

18 MR. CLARK: Hello, gentlemen. My name is Don
19 Clark, C L A R K. My address 58468 Clark Cabin Road,
20 Rockport, Washington 98283.

21 I'd like to make a few comments today
22 relative to the CAO, the draft. First, I'd like to
23 suggest that one thing that I think it's missing is
24 protection for County Parks as well as protection for
25 our resorts. Both those facilities are located in

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1 critical areas by nature of they're being near water,
2 and in some cases those parks have not yet been
3 developed, as an example, Preston Park. In other
4 cases, they're fully developed, Steelhead Park comes to
5 mind. And to set back 25 feet and then another 25 feet
6 is going to be contrary to the parks that are in
7 existence right now, and I don't believe we've assessed
8 the cost to the County of making those changes to the
9 County Park System. I'm not sure we want to make the
10 changes, but the way this is written we would have to
11 make the changes.

12 So I would suggest you look more closely at
13 County Parks, private resorts and county roads and
14 state highways, and see if you don't need to make some
15 exemptions for those activities along pre-existing and
16 future sites.

17 The next thing I'd like to speak to is that I
18 don't believe this CAO adequately addresses vested
19 rights. I think it attempts to do so very lightly, but
20 it doesn't go far enough in the protection of those
21 rights.

22 The next thing I'd like to mention is that
23 there are many creeks and streams in this area that are
24 intermittent, meaning they run periodically.
25 Corkendale (phonetic) and Olson are two that come to

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1 mind. And those require gravel removal in order to
2 keep them from flooding the farms and the private homes
3 that are adjacent to them. So I believe there needs to
4 be an exception for creeks that are not necessarily
5 year around flows and that require gravel removal
6 before they can be controlled.

7 The next item is, I believe this has far too
8 much impact in terms of regulatory requirement, I think
9 it's going to make a lawbreaker out of more people than
10 we can imagine right now.

11 And last but not least, I'd like to see fair
12 and equal treatment. In that respect, I'd like to know
13 if this is going to apply to the growth management,
14 excuse me, to the urban growth areas. And if they're
15 going to suffer along with everyone else. I do believe
16 in equal treatment and I think the pain should be
17 spread out so that everyone has to share that. Thank
18 you very much.

19 MR. ANDERSON: Thanks, Don.

20 Next up is Mike Maki.

21 MR. MAKI: I've already gone.

22 MR. ANDERSON: Any additional comments?

23 Okay, that brings us to Lee Bode.

24 Maybe Lee got stage fright.

25 Next up is Randy Good.

29

1 MR. GOOD: My name is a Randy Good, 25512
2 Minkler Road, Sedro Woolley.

3 Chapter 14.06.720 states an administrative
4 official shall administer and enforce this chapter and
5 shall be consistent with GMA and County comp plan
6 provisions. Right now Skagit County is out of
7 compliance with this present project on the Sedro
8 Woolley to Concrete abandoned railroad.

9 The County Planning Commission just August
10 17, '99 reaffirmed a recorded motion that the County is
11 in noncompliance with the County comp plans. So how do
12 you expect to enforce with dignity the private citizens
13 on their own private land with this ordinance? Let's
14 not forget how the County administrator tried to shove
15 down the throats of our county landowners a 125 foot
16 buffer even with illegal meetings for the privileged to
17 apply for our tax dollars through grants and bonds.
18 Nothing to save the environment, just a land grab for
19 money and control creating a new bureaucracy.

20 Buffers are just another government taking
21 just like Skagit County's taking of our railroad
22 easement lands. Best available science has turned into
23 an environmental propaganda theory, not fact, with no
24 common sense.

25 Because of wetlands, other states are already

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1 experiencing the results of massive outbreaks of
2 disease-ridden mosquitoes. That was one of the reasons
3 many of these wetlands were originally drained.

4 Administrative official, with the disaster on
5 the rail corridor, with environmental infractions,
6 stealing of our railroad easements, the County
7 Commissioners are allowing to continue without permits,
8 with no plans, in noncompliance, and in violation of
9 state and local laws. My question is, how as County
10 Commissioners, are you going to regulate this ordinance
11 when you can't even restrain your administrator? Why,
12 we even had to get his permission to bring forward our
13 ag buffer proposal. And he, the same one that has
14 misled DOE, failed to get permits that were required,
15 that the Attorney General's Office, even the paper,
16 Sedro Woolley Courier covered.

17 And then you want us to obey the law but you
18 don't have to obey the law. You will spend thousands
19 of our tax dollars trying to whirly out of fines with
20 DOE which you're presently doing. Where is the
21 integrity and morals of Skagit County government?
22 Right now it is a public catastrophe. Commissioners,
23 you are the elected leaders. Thanks.

24 MR. ANDERSON: Next up is Carol Ehlers.

25 MS. EHLERS: Carol Ehlers, 3998 Wind Crest

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1 Lane on Fidalgo Island.

2 I'm speaking toward the issues of drinking
3 water protection, geologic hazards and floods, the
4 issues that are of risk to public health and safety. I
5 appreciate the effort and the ability to talk.

6 I am so grateful for the new language in
7 section .060 and .080, you have no idea. Because I do
8 believe that you will by these new requirements that
9 all land disturbance in critical areas or their
10 buffers. And this, I'm thinking of geologic hazards
11 particularly, have to have some kind of review, have to
12 be looked at as to whether they are practical and
13 whether they will adversely bother someone, and there
14 has to be some kind of public notice.

15 I agree with Marianne that it shouldn't
16 necessarily be in the newspaper, that's really not the
17 best way to go for much of it. With public notice
18 within 300 feet the way you do almost everything else
19 would work very nicely for most people. And I think as
20 a result of .060 I have to get a permit for the
21 drainage I'm putting in. I find that I can do all of
22 it on the basis of public information that is publicly
23 available, and it really isn't that big of deal. Now
24 I'm not talking the sorts of things that occur in
25 mountains, but many of us, many hundreds of us, don't

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1 live in mountains.

2 I've been able to do this because I have a
3 large amount of resources and I have talked to the
4 Commissioners again and again, and I will say it once
5 more. It is an economic benefit to the citizens of the
6 County if as many resources as possible are available
7 in libraries so that we can take our own responsibility
8 for what is on our land, and do as much of the work as
9 possible essentially cost free. But there is no place
10 where this information is centrally located, neither in
11 the County nor better in the Skagit Valley College
12 library, although they have much information that is
13 useful.

14 Since you must take the legal responsibility
15 for what happens, you have to be able to check the
16 professionals, many of which are neither professional,
17 nor careful, nor knowledgeable. Somebody setting
18 themselves up as an expert on Guemes water, and I
19 understand he doesn't even know there was a water study
20 made there. That's not real expertise.

21 That leads me to the subject of planting.
22 Many of your employees are telling us that we have to
23 plant. But if you look at this diagram I gave you,
24 Seminar Landslides in the Puget Sound Region, in the
25 middle of that diagram is something called esperon

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1 (phonetic) sand, which is a highly compressed sand
2 pile. In the area where the drawing was made down in
3 Seattle it's a thousand feet of ice, up here there was
4 4 thousand feet of ice. It is nonetheless, permeable.
5 And that means in the water year, when there's a lot of
6 water in it, there's water perhaps all the way up to
7 the top of this layer which may be 50 feet or in my
8 case 80 feet. When it gets dry, there is no water in
9 it and you can't plant it. With the best will in the
10 world you can't get something to grow without washing
11 the water down on it and that will erode it. So
12 finally I found that Allison Moanes (phonetic)
13 understands plants, and she tells me that if the mother
14 plant at the bottom or the mother plant at the top gets
15 water, it can grow down and therefore give the kind of
16 vegetative progression that you want.

17 MR. ANDERSON: You're going to have to sum up
18 here, Carol.

19 MS. EHLERS: I'm almost finished.

20 The last thing I have given to you has to do
21 with floods. It comes from FEMA, it's called
22 Protecting Flood Plain Resources. It is a wonderfully,
23 organized, sensible, practical way of getting us, the
24 public, to understand why we have to pay a fortune for
25 floods. And it would be useful if your staff knew

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1 about it and followed it. Thank you.

2 MR. ANDERSON: Thanks, Carol.

3 Richard Nicolls.

4 MR. NICOLLS: I'd like my wife to speak.

5 MR. ANDERSON: Okay.

6 MS. NICOLLS: My name is Gail Nicolls, we
7 live at 7802 West Shore Drive on Guemes Island.

8 My comments are going to be very, very brief
9 and mainly I'll just be seconding Mrs. Ehlers'
10 comments. My husband and I request that section
11 14.06.060 remain in the ordinance as in its June '99
12 form without being weakened, and we are interested that
13 appendix B, the source materials be retained and
14 attached to the ordinance. And that's all I have to
15 say, thank you.

16 MR. ANDERSON: All right. Thank you.

17 Patti, do we have any other folks signed in?
18 Is there anyone here who hasn't had a chance to speak
19 that would like to?

20 MR. VANDERVEEN: My name is Jerry VanderVeen,
21 V A N D E R V E E N. I'm a landowner and serve on the
22 board of supervisors from Skagit Conservation District.

23 Just some brief comments, some commendations
24 and some recommendations. I think this is a real
25 workable document. I just saw it for the first time I

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1 think Friday or Saturday. I like the idea of averaging
2 a buffer to follow creeks for the sake of building
3 fences and for farming. I like the idea of a mini
4 touch/no touch zone, there's two different parts of the
5 buffer which then will, shows that someone is seeing
6 the value of the cover crops that most of agriculture
7 doesn't understand. And I like the idea that it's
8 emphasizing some voluntary compliance as opposed to all
9 regulations.

10 Recommendations, I think that may be a bit of
11 an aggressive time line. I see no provisions for
12 extensions at all, in case of inclement weather, just a
13 provision should be made for that. And I see very
14 little about drainage and cleaning. I see the
15 artificial waterways are exempted but most of the
16 Skagit Valley is reclaimed wetland, and if we can't
17 clean out some of the sloughs, which are natural
18 waterways, I think we're going to have some problems
19 with drainage in certain areas. That's it.

20 MR. ANDERSON: Anyone else that wishes to
21 speak that hasn't had an opportunity?

22 Yes, ma'am.

23 MS. SNEERINGER: My name is Pat Sneeringer,
24 S N E E R I N G E R of 507 North Wall. I'm a landowner
25 in Skagit County and I just have a couple of, or little

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1 observations. First of all, you use long-term, several
2 times in the ordinance including in a circular
3 definition where you define long-term in reference to
4 long-term. I think it might help everyone's thinking
5 if we knew what we're talking about when we say
6 long-term, are we talking 10 years or 50 years or a
7 hundred years?

8 The second observation I have is in regards
9 to requirements that you have for summaries for
10 assessment reports, conditions of approval and several
11 other items to be recorded on the face of a plat or a
12 short plat. When you say on the face of a plat, you're
13 talking about the large mylar. It may be more
14 economical and more useful to have that recorded as a
15 separate document, perhaps a covenant in restriction
16 together with the plat.

17 And I would like to second Carol Ehlers'
18 recommendation that there be some provision for getting
19 the GIS information and the mapping information that
20 you do have and making that available to the public, so
21 a landowner can come in and find out whether or not
22 their property is affected. I don't know whether you
23 could do a read-only monitor in the planning department
24 or something along those lines, but I think it's
25 critical that people know whether or not their land is

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1 affected. Maybe even look at a booklet for wetland
2 indicators that people could come in and pick up.

3 That's basically all I have.

4 MR. ANDERSON: Anyone else?

5 MR. WOLDEN: I'll move that this public
6 hearing at this point be closed.

7 MR. HART: I'll second that.

8 MR. ANDERSON: It's been moved and seconded
9 that we close the public hearing. All those in favor
10 say aye.

11 MR. HART, WOLDEN, ANDERSON: Aye.

12 MR. ANDERSON: Opposed?

13 MR. WOLDEN: I will move we hold the record
14 open for comment until, what is it Thursday, the 30th
15 of September at 4:30. That a Thursday.

16 MR. HART: Well, then hold the record open
17 for that and then -- I'll second that and then we'll
18 come back and do the second one.

19 MR. ANDERSON: It's been moved and seconded
20 that we hold the public comment open until September
21 30th at 4:30. All those in favor say aye.

22 MR. HART, WOLDEN, ANDERSON: Aye.

23 MR. ANDERSON: Opposed?

24 MR. HART: We can schedule discussion
25 deliberation on the 5th?

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1 MR. WOLDEN: Is that possible?

2 MS. SMITH: Okay, yes.

3 MR. HART: October 5th, the same day as the--

4 MR. WOLDEN: Because if it isn't we'd be
5 looking at about the 20th, so --

6 MS. SMITH: Okay, we're going for October
7 5th.

8 MR. ANDERSON: October 5th, okay.

9 MR. HART: The 6th to the 18th we don't have
10 a coram, so.

11 UNIDENTIFIED SPEAKER: What's going to happen
12 on October 5th?

13 MR. HART: They'll consider all of the
14 comments, discussion and additional information that
15 comes in, and we'll be deciding whether to change or to
16 amend this or to reaffirm it.

17 UNIDENTIFIED SPEAKER: And when will it be
18 taken for final approval?

19 MR. HART: This will become part of the
20 Uniform Development Code, which will be out the end the
21 October, the draft of that will be adopted sometime
22 before next April.

23 MR. ANDERSON: Tom, you had a question?

24 MR. SOLBERG: I'm a little confused as,
25 according to this .095, .096, in the conversation that,

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1 I got the idea that I wasn't completely done yet; is
2 that right or wrong? Is this not a draft I have, is
3 this it or are you still negotiating things that could
4 change this?

5 MR. WOLDEN: Once the draft is adopted
6 though, that portion of it will not be included with
7 this public hearing. There will be a public hearing
8 within 60 days on those two.

9 MS. SMITH: That's correct. It will be a
10 separate public hearing.

11 MR. SOLBERG: So it's the 30th for this draft
12 that I have here, it has to be some comment on.

13 MR. WOLDEN: Comments only in at that time,
14 at 4:30 on the 30th. Both of them, .065, .066 and also
15 the Critical Areas Ordinance will be held open until
16 that particular time.

17 MR. HART: But we will have, there will have
18 to be a public hearing after any action on .095 and
19 .096 because we have not had a public hearing on that.

20 MR. ANDERSON: See that was a public meeting,
21 it wasn't a public hearing.

22 MR. WOLDEN: Once again, there'll be two that
23 we adopt, The Critical Areas Ordinance as possibly
24 amended or changed because of the testimony, and then
25 we'll also hold --

40

1 MS. SMITH: -- a public hearing for .095 and
2 .096.

3 MR. ANDERSON: There will be a public hearing
4 held on .095 and .096, that was just a public meeting.

5 MR. WOLDEN: That's when you'll have an
6 opportunity to comment on what's coming forward.

7 MR. SOLBERG: Well, what's this one on the
8 30th then? This is where I'm confused. I kind of
9 thought that the 30th --

10 MR. WOLDEN: We're allowing the agricultural
11 group, along with the consultants to finish up.

12 MR. SOLBERG: Oh, to get their stuff in.

13 MR. WOLDEN: To get their stuff finished at
14 that particular time, and then also the Critical Areas
15 Ordinance at that time.

16 MR. SOLBERG: Okay, I understand.

17 MR. HART: I know it's confusing.

18 MR. ANDERSON: Well, with that, it's a good
19 note to end on, I think we're going to adjourn folks.

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VOI 93 747