

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Monday, November 1, 1999**

9:45 a.m. – 10:00 a.m.	<b>CONSENT AGENDA. MISCELLANEOUS.</b>
10:00 a.m. – 10:30 a.m.	Presentation of the Unified Development Code.
10:30 a.m. – 11:00 a.m.	Presentation by Economic Development Association of Skagit County (EDASC) regarding: Washington Community Economic Revitalization Team (WA-CERT) Grant Funding.
*T 11:00 a.m. – Noon	Public Hearing to Consider Testimony re: Proposed Assessment to Implement the Clean Water District Program.
1:30 p.m. – 5:00 p.m.	Budget Work Session.

The Skagit County Board of Commissioners met in regular session on Monday, November 1, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

**CONSENT AGENDA.**

Commissioner Wolden moved to approve the Consent Agenda for Monday, November 1, 1999. Commissioner Hart seconded the motion, which passed with a unanimous vote.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, October 18, 1999.
2. Record of the Proceedings for Tuesday, October 19, 1999.
3. Record of the Proceedings for Friday, October 22, 1999.
4. Record of the Proceedings for Monday, October 25, 1999.
5. Record of the Proceedings for Wednesday, October 27, 1999.
6. Resolution appointing Joanne Lubbe to the North Sound Regional Support Network Advisory Board for the term January 1, 2000 through December 31, 2003. **(Resolution No. 17623)**
7. Resolution appointing James King to the North Sound Regional Support Network Advisory Board for the term November 1, 1999 through October 31, 2002. **(Resolution No. 17624)**
8. Resolution appointing Betsy Rogers as an Alternate Member to the North Sound Regional Support Network Advisory Board for the term November 1, 1999 through October 31, 2002. **(Resolution No. 17625)**
9. Resolution re-appointing Mary Good to the North Sound Regional Support Network Advisory Board for the term January 1, 2000 through December 31, 2003. **(Resolution No. 17626)**

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10. Interlocal Agreement with the Skagit Conservation Agreement wherein the District will manage and successfully complete the scope of work for Washington State Conservation Commission Grant #99-05-IM, and the County will provide grant matching funds totaling \$8,000. The term of the agreement is July 1, 1999 through June 30, 2001. **(Contract No. 04641)**
11. Amendment No. 1 to Interlocal Agreement with the Skagit Conservation District extending the term of the agreement to December 31, 2000 with maximum consideration payable remaining the same at \$13,500 per year. **(Contract No. 02970)**
12. Amendment No. 1 to Interlocal Agreement with the Skagit Conservation District extending the term of the agreement to December 31, 2000 with maximum consideration payable remaining the same at \$62,500. **(Contract No. 3239)**

### PERSONNEL:

13. Addendum to Contract with Northwest Washington Medical Bureau enhancing the prescription drug benefits for the Sheriff's Office employees, due to the elimination of the Guild's stand-alone prescription drug plan. **(Contract No. 03356)**

### PUBLIC WORKS DEPARTMENT:

14. Summary of Offer for the Cook Road Improvement Project, ES63000-6. **(Approved)**
15. Resolution Establishing County Road Project No. 61410-2, Green Road. **(Resolution No. 17627)**
16. Vendor Services Agreement with Snelson Companies, Inc. to provide the service of boring a 4" casing under the F&S Grade Road and various other projects for a not-to-exceed amount of \$5,000. The contract begins on the date of signing and will continue until terminated by either party. **(Contract No. 04642)**
17. Resolution Authorizing Condemnation of Property (Parcel Nos. 36964 and 36965) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17628)**
18. Resolution Authorizing Condemnation of Property (Parcel No. 37309) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17629)**
19. Resolution Authorizing Condemnation of Property (Parcel 37130 and 37131) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17630)**
20. Resolution Authorizing Condemnation of Property (Parcel No. 36958) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17631)**
21. Resolution Authorizing Condemnation of Property (Parcel 37322) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17632)**
22. Resolution Authorizing Condemnation of Property (Parcel No. 37324) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17633)**
23. Resolution Authorizing Condemnation of Property (Parcel No. 37320) Cook Road Improvement Project, ES63000-6. **(Resolution No. 17634)**

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### YOUTH & FAMILY SERVICES:

24. Personal Services Agreement with Leanne Haywood, M.A., to provide individual therapy, family therapy, group therapy, and case consultation at compensation ranging from \$60/hour to \$20/hour. The contract begins on September 1, 1999, and will continue until terminated. **(Contract No. 04643)**

### SENIOR SERVICES:

25. Vendor Services Agreement with Lyndale Glass, Inc. to replace three windows at the Mount Vernon Senior Center for a not-to-exceed amount of \$1,361.52. **(Contract No. 04644)**
26. Vendor Services Agreement with Dave Rindal Painting to prepare and paint the Mount Vernon Senior Center kitchen for a not-to-exceed amount of \$539. **(Contract No. 04645)**

### TREASURER'S OFFICE:

27. Interlocal Agreement with the Housing Authority of Skagit County for the County Treasurer to set up investment funds and place investments for the Housing Authority for the period October 15, 1999 through October 15, 2001. **(Contract No. 04646)**

### 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, November 1, 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 55843 through 56225 from Clearing Fund 696 in the total dollar amount of \$1,166,308.64 (Transmittal No. C-79-99).

Warrant number 56226 from Clearing Fund 696 in the total dollar amount of \$4,000 (Transmittal No. C-80-99).

### PRESENTATION OF THE UNIFIED DEVELOPMENT CODE.

Tom Karsh, Planning & Permit Center Director, reviewed with the Board the work that had been done on the Unified Development Code (UDC) and the involvement of consultants, Public Works Department Staff, County Counsel, Administrative Services Staff and others. He indicated that the documents are now ready for production and include the revised Countywide Planning Policies, County Comprehensive Plan, and the Unified Development Code. He further indicated that these documents would be made available on the County's website in the near future. He stated that the Department and counsel believe that these documents, once adopted, will bring Skagit County in to compliance with various Western Washington Growth Management Hearings Board (WWGMHB) orders.

Jay Derr, Buck & Gordon, reviewed an Executive Summary that briefly summarized what is contained in the package being presented to the Board. He stated that the Department proposal consists of the following recommended actions.

1. Adopt the proposed CPP 1.1, 1.7 and 12.7 amendments addressing rural and urban population and commercial/industrial land allocations and associated conditions regarding urban levels of service and disbanding the Boundary Review Board.

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2. Adopt the proposed package of Comprehensive Plan Amendments, including the proposed land use designations.
3. Adopt the proposed Title 14, Unified Development Code to replace in its entirety the current Title 14 of Skagit County Code.
4. Adopt the proposed land use map as both the comprehensive plan map and zoning map for Skagit County.
5. Amend SCC 15.05.030(f) to change exemptions (8) and (9) from UBC Appendix 33, section 3306.2 to establish zero threshold for filling or excavating if the activity is located within a critical area or its require buffer, as governed by proposed SCC 14.24 Critical Areas Ordinance, thereby establishing a permit process for such activities when located within a critical area or its required buffer and ensuring the opportunity for the County to review and assess critical areas issues.
6. Repealing interim ordinances and previous GMA adoptions that have now been replaced in their entirety by the proposed package of Comprehensive Plan amendments and regulations.
7. Readopt as permanent regulations, certain provisions of the Interim Bayview UGA Ordinance, that, by their terms, are intended to remain in effect until completion of the Bayview Ridge UGA subarea planning process and adoption of replacement provisions based on the results of that subarea planning.
8. Establish a procedure for public notice and comment and a 5-year amortization of existing, historic conditional use permits, special use permits, and contract rezones that have no expiration date and for which the use has never been established on the subject property.
9. Initiate the County's efforts to complete a community plan or subarea planning process for the Bayview Ridge UGA, consistent with the requirements of the Interim Bayview Ridge UGA ordinance, to be completed on or before June 1, 2001.
10. Initiate the County's efforts to complete a community plan for the Big Lake Rural Village that specifically addresses the unique characteristic of public sewer in this Rural Village and addresses in a comprehensive, master-planned approach the larger land-holdings currently located within the sewer district on the east side of the Rural Village.

Mr. Derr stated that those 10 items are contained in the documents presented to the Board. He indicated that he and the Department are now in production of a personal set of information to the Board and the Planning Commission for next week. He discussed the concept of a joint session with the Planning Commission for an overview and discussion about the process and tentative schedule to review these documents and obtain public comment by this Spring.

Mike Woodmansee, County Administrator, spoke regarding the update of the Capital Facilities Plan update. He indicated that he is asking Planning Staff to review his work before it is completed, but noted that the Capital Facilities Plan will be a part of the documents to be reviewed by the Board next Monday. He stated that the financial side of the Capital Facilities Plan is very clean and balanced, and that there are no prospective projects listed that have not been discussed previously and are now launched for construction.

Mr. Woodmansee went on to comment that the UDC is the result of an incredible effort by the Planning Department, Jay Derr, John Moffat, and their staffs. He reviewed that the documents are the result of focusing on documents that will comply with the Growth Management Act, but take into consideration the special perspectives of Skagit County, and are defensible in Court if the WWGMHB does not agree.

A discussion ensued on the particulars of the Capital Facilities Plan, and specific projects.

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### **PRESENTATION BY ECONOMIC DEVELOPMENT ASSOCIATION OF SKAGIT COUNTY (EDASC) REGARDING WASHINGTON COMMUNITY ECONOMIC REVITALIZATION TEAM (WA-CERT) GRANT FUNDING.**

Commissioner Wolden was absent for this agenda item.

Don Wick, Executive Director of the Economic Development Association of Skagit County (EDASC), stated there are two additional projects to submit to WA-CERT. He first reviewed the specifics of the project for the Marblemount Water System as applied for by Public Utility District No. 1 of Skagit County. Mr. Wick suggested placing this project as No. 4 on the established list of projects.

Commissioner Hart stated that this is a good project, and there is a need to find funding.

Mr. Wick next reviewed the specifics of the second project, regarding infrastructure for South Mount Vernon to provide for increased urban services in the urban growth area. He stated that the City is committed to creating an urban level of service, and the State finds such applications attractive as they provide for revitalization of such areas. He indicated that the State is especially interested in funding this project in the next round of funding, but needs to have the project prioritized.

Mr. Wick suggested that the Board place the Marblemount Water System as priority project No. 4, and South Mount Vernon Infrastructure project as priority project No. 5, moving the remaining projects as required.

Commissioner Hart moved to approve the WA-CERT preapplications as presented by Mr. Wick, placing the Marblemount Water Systems as priority project No. 4, and the City of Mount Vernon's Infrastructure as priority project No. 5. The motion was seconded by Chairman Anderson, and passed unanimously. **(Resolution No. 17635)**

A discussion ensued regarding the City of Hamilton's water system project.

### **PUBLIC HEARING TO CONSIDER TESTIMONY RE: PROPOSED ASSESSMENT TO IMPLEMENT THE CLEAN WATER DISTRICT PROGRAM.**

Commissioner Anderson opened the public hearing.

Sky Miller, Public Works Department Surface Water Management Division Manager, gave a brief overview of the proposed Clean Water District Program. Mr. Miller stated that there are problems with streams in the County in that 37 water bodies do not meet the state minimum standards for pollution. He reviewed specific assessment potential. He indicated the District would include all of unincorporated Skagit County. He reviewed exemptions including incorporated areas.

Alicia Huschka, Budget/Finance Director, spoke regarding the development of the fee that was equitable and had a direct relationship to impervious surfaces. It was decided that assessed valuation would be the most equitable method of assessment. She stated that the Clean Water District boundaries are the Skagit County boundaries. She reviewed that the district was formed in 1995, and that there had been no funding mechanism in place since that time. She stated that the proposal before the Board would collect approximately \$700,000 annually, or 21-1/2 cents per dollar of assessed value. Ms. Huschka advised that the focus of the program would be specifically on water quality programs and shellfish restoration programs. She stated that there is concern for the exemption for incorporated cities.

Ms. Huschka reviewed the options before the Board today. These are: 1) The Board can authorize a Clean Water District Fee today to be collected in Year 2000; 2) The Board could wait and put together a more complete package for the voters in Year 2000, which could be addressed in Year 2000; 3) The Board could not take any action at all and could wait until an undetermined date in the future; and 4) The Board could decide not to impose a fee for the Clean Water District Program.

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Chairman Anderson now opened the floor for public testimony.

Harry Adamitz, 10747 Seaview Lane, Mount Vernon, stated that this proposal seems to be the beginning of a new government utility, noting that such are never properly funded and always grow. He indicated that he has a concern for clean water, but that the County is responding to an unfunded mandate. He stated that Skagit County should decide where there are water problems. He also indicated that those who cause the problem should pay for correcting the problem. He stated that the funding scheme is not legitimate, and that the Board should put this matter to a vote of the people.

Tom Solberg, 19019 Minnie Road, Burlington, spoke to the arrogance of having this hearing on the eve of the election and trying to push this tax through. He stated that such action shows that taxation and property tax increases should be taken away from politicians and given back to the people. Mr. Solberg commented that the cities need to be included as they are the major producers of waste, and contain commercial and industrial areas which produce major problems.

Ray Herrell, 50130 Sauk Store Road, Concrete, voiced his objection to only including homeowners in unincorporated areas, and asked that businesses be included. He stated that animal waste is one of the biggest problems, but by state law such entities cannot be taxed. He spoke to the inequities of such laws.

Joanne Terwilliger, no address given, concurred with people speaking before her.

John Harlow, no address given, stated that those previously speaking had expressed his views.

Lloyd Loop, 15694 Field Road, questioned why farmland was being included when it produces no problems, while the cities and towns are exempted. He spoke regarding pollution now compared to years past.

Joe Morgan, 10756 District Line Road, stated that he favors clean water, but does not favor increased taxes.

Edmond Walker, 17816 McLean Road, expressed his concern for clean water, but noted that his property tax assessment rose \$27,000 this past year. He stated that if we have to have clean water, it is an unfair precedent to pick on only unincorporated portions of the County. He urged the Board to tax the entire County.

Randy Good, 25512 Minkler Road, Sedro Woolley, spoke regarding increased taxes and the Cascade Trail.

Joy Buchanan, 17679 Tiffany Way, Mount Vernon, stated that she is frustrated at having more taxes, but also is a water quality student and knows that there is a problem with pollution. She pointed out the benefits of the proposed Clean Water District. She stated that it is unfair to attach taxes to the price or size of homes. She reviewed alternatives for the management of drainage ditches.

Bill Dewey, 704 Hiawatha Boulevard, Shelton, spoke on behalf of Taylor Shellfish Co., the owner of 700 acres of tidelands in Skagit County. He stated that he was excited to see the County develop a comprehensive water program. He acknowledged the need to have locally funded dedicated programs to educate residents on the impacts to water sources. He spoke to issues of monitoring programs, and on-site sewage maintenance programs. He suggested that there should be a citizens review panel on how the local money is being spent and whether the programs are effective.

Doris Robbins, 5814 Ewings Court, Edison, spoke regarding the problems in the Edison area, and the water quality issues that were addressed by the local citizens to improve water quality. She stated that monitoring is very valuable. She recommended that a citizen committee be set up for oversight and accountability, should the Clean Water District Program be approved. She urged everyone to get more educated on matters of water quality.

Carl Romefelt, Fruitdale Road, Sedro Woolley, suggested that the monies collected by the drainage utility formed several years ago should be directed towards efforts of preserving clean water.

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Mike Anderson, 2079 Highway 20, Sedro Woolley, urged the Board to slow down the process and get more input from more people. He stated that it would be arrogant to do something that the voters do not support.

Don Bockelman, South Skagit Highway, stated that he sees a pattern of ever-increasing taxes to raise money. He said that government cannot control the behaviors of what people can do with their property, and that limiting the ability to generate money from the land by raising taxes is not acceptable. He stated that he is in favor of clean water, but that this matter should be postponed and put to a vote of the people.

John Daly, address unknown, passed.

Ken Howard, 4812 Sharpe Road, and representing the Association of Skagit County Landowners, stated that there is an inequity in imposing a levy on real property owners in unincorporated areas without imposing it on everyone in the County. He stated that growth management has been brutal to rural landowners. He urged the Board to take more time and review the situation before making any decision.

Curtis Johnson, LaConner, spoke to the issue of basing such a tax on assessed valuation. He asked the Board to consider levying such a tax on houses, keeping it off of farmland. He also commented that the people in the cities should also assist in paying for clean water.

Kirby Johnson, LaConner, echoed his brother's words, adding that this is another straw on the back of farmers. He urged the Board to take special assessments off of farmland.

David Payter, State Department of Ecology, Bellevue, stated that over the years many different grants have been awarded to Skagit County for different projects, but that such grants were never intended to be a permanent funding source at the local level, and were only intended to get programs started. He stated that DOE thinks it is important for the County to develop some sort of local funding mechanism to address local problems.

Stewart Glasoe, Puget Sound Water Quality Action Team, voiced support for the Clean Water District Assessment and Program. He commented on the good work by the County staff and others in the community over many years in this regard. He stated that there is value in having local control over local projects. He encouraged the Board to adopt this program, and expressed appreciation for their commitment to addressing water quality issues.

Dennis Swanson, 14923 Baker Heights, Mount Vernon, stated that he is not opposed to clean water, however he is opposed to the method of assessment in not including the cities. He urged the Board to proceed cautiously in adopting this Program.

Carol Ehlers, 3998 Wind Crest Lane, Anacortes, spoke regarding the drainage utility projects that have been accomplished. She stated that such projects represent significant impact in a positive way. She indicated that it is possible to clean up non-point pollution. She commented on several specific editing errors in the proposed ordinance. Ms. Ehlers indicated that the Port of Anacortes needs to be included in the assessment consideration. She stated that it is inappropriate that certain citizens were not included, and that assessments need to be done in an equal fashion. She asked for clarification of exemptions, the definition of unimproved land, and enforcement procedures.

James Simmons, 865 Peterson Road, added his voice and asked to utilize Option 2 and disseminate more information to the general public.

George Theodoratus, address known, passed on commenting.

Richard Lundquist, 10134 Halloran Road, Bow, spoke to the issues of increased taxes, and that clean water is not a top priority at this point in time.

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Kenneth Slater, 1740 Milltown Road, stated that officials and employees cause taxpayers additional monies with their pet projects including the Dreamfield, address numbering system, Cascade Trail, and the continued purchasing of buildings in downtown Mount Vernon.

Troy Tacker, 30142 Walberg Road, Day Creek, opposed the Clean Water District Program because the cities were not included in the assessment, and because of lack of public notice.

Betty Norton, Chairman of Skagit Conservation District, stated that the District would get some of the monies proposed by the assessment, and that such monies would be used as leverage to obtain State and Federal money. She stated that the County has many, many programs, but money is needed in order to receive State and Federal funding.

Barbara Merrifield, 4023 Sharpe Lane, Anacortes, stated that she is opposed to more taxes, and asked the Board to have developers pay the taxes since they are making all of the money doing huge developments.

Harry Ota, 12514 Eagle Drive, Burlington, stated that he served on the Citizens Advisory Committee, and that there was overwhelming support to pay for clean water according to a survey taken. He expressed concern that this has been transformed itself into a permanent spending plan with no assurance of clean water. He suggested hiring staff on a temporary basis, with review by a Citizens Advisory Committee to make sure that there is oversight.

Chairman Anderson stated that he is inclined, as always, to let the people vote on this issue. He indicated that if the cities are going to be excluded, then they should not have a right to vote and vice versa. He stated that he has received much input, and there is nothing written in granite in how the Board will address the issues raised today. To summarize, he stated that the Clean Water District Program should only happen if it is something all of the people in Skagit County want, and only those affected should be given the opportunity to vote on the potential assessment.

Commissioner Hart indicated that putting this matter to a vote is a good idea. He summarized that he felt that the exclusion of the cities needs to be reviewed, together with the provision for a citizens review committee. He reviewed the discussions that have been on-going for six years in this regard, the public input, and the many meetings held to discuss water quality.

Paul Heib, 8643 Westerman Road, spoke regarding the continuing burden of taxes and his feeling that this program is not needed at all. He advocated involving the cities, whom contribute to the drainage into the river.

Commissioner Wolden spoke to the issues of water runoff and the exclusion of the cities. He expressed appreciation for the turn out at the hearing and the quality of testimony. He stated that there is no question on his part that this proposal will not pass today without answers to some of the questions raised. He noted the need to continue to educate ourselves as to where the pollution is and what is causing it.

There being no further public comment forthcoming, Commissioner Wolden moved to close the public hearing, leaving the written comment period open until Friday, November 5, at 4:30 p.m. Commissioner Hart seconded the motion, and it passed with a unanimous vote. The public hearing was closed.



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**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Ted W. Anderson, Chairman

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Harvey Wolden, Commissioner

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Robert Hart, Commissioner

ATTEST:

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