

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, January 31, 2000**

9:00 a.m. – 10:00 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
10:00 a.m. – 10:15 a.m.	CONSENT AGENDA MISCELLANEOUS.
10:15 a.m. – 10:30 a.m.	Update on the Lake McMurray Lake Management District.
10:30 a.m. – 11:30 a.m.	Public Hearing – to Consider Testimony regarding the renewal of the provisions of four Interim Ordinances: <ol style="list-style-type: none">1) Interim Ordinance No. 17523. This ordinance removed the Urban Growth Area (UGA) designation from the area shown as the Big Lake UGA on Comprehensive Plan Map 3(h) in the 1997 Comprehensive Plan Map Portfolio on an interim basis and replaced it with a Rural Village (RV) designation.2) Interim Ordinance No. 17535. This ordinance addresses expansion opportunities and changes of use for <i>existing</i> commercial and industrial businesses outside of UGAs pending adoption of a new and/or expanded ordinance as part of the adoption of the Unified Development Code.3) Interim Ordinance No. 17536. This ordinance extended the provisions of Ordinance No. 17524, which suspended acceptance of new mining permits under Skagit County Code 14.04.126 pending the adoption of a new or revised mining ordinance.4) Interim Ordinance No. 17570. This ordinance reaffirms and adopts findings in support of Ordinance No. 17523, determining that the area shown as the Big Lake Urban Growth Area (UGA) on Comprehensive Plan Map 3(h) in the 1997 Comprehensive Plan Map Portfolio should not be designated as a UGA, but rather should be designated as a Rural Village on the County's Comprehensive Plan Map, and that the residential population allocation in Countywide Planning Policy (CPP) 1.1 for the Big Lake UGA area should be held in reserve and reallocated to other UGA(s) when the Cities and the County update the CPPs under RCW 36.70A.210 and .215.
2:00 p.m. – 4:00 p.m.	Salmon Funding Group Meeting, Port of Tacoma World Trade Center, Conference Room 104, Tacoma.

The Skagit County Board of Commissioners met in regular session on Monday, January 31, 2000, with Commissioners Harvey Wolden, Robert Hart, and Ted W. Anderson present.

Commissioner Hart moved to approve the Consent Agenda for Monday, January 31, 2000. Commissioner Anderson seconded the motion, which passed with a unanimous vote.

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CONSENT AGENDA.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, January 24, 2000.
2. Record of the Proceedings for Tuesday, January 25, 2000.
3. Appointment of Louise T. Deskey to the Northwest Senior Services Board effective immediately through June 30, 2003. **(Resolution No. 17736)**

BUDGET/FINANCE:

4. Transfer of Surplus Computer Equipment to the Mount Vernon School District. **(Resolution No. 17737)**

PUBLIC DEFENDER:

5. Addendum to Contract with Robert S. Jones which changes the BARS expenditure code and extends the term of the contract through December 31, 2000. **(Contract No. 04209)**

FACILITIES MANAGEMENT:

6. Standard Form of Agreement with Tom Theisen, Architect, for architectural design work for two projects. Project A is the Search & Rescue/Red Cross Building, wherein compensation shall be paid on an hourly basis, with the maximum allowable fee for basic services set at \$25,000. Project B is the County Parks & Recreation Maintenance Shop, wherein compensation shall be paid on an hourly basis, with the maximum allowable fee set at \$15,000. Civil Engineering Services for both projects shall also be paid on an hour basis, with a not-to-exceed amount of \$7,500. Compensation not to exceed \$2,500 will also be paid to Architect for assisting the County in meeting with agencies governing the permitting process for the projects and obtaining permit approval and any other regulatory requirements necessary for the successful completion of the projects. **(Contract No. 04738)**

HEALTH DEPARTMENT:

7. Personal Services Agreement with the Skagit Valley YMCA where the contractor will maintain a .3 FTE project coordinator who will be responsible for project implementation as outlined in the 2000 Consolidated Contract with the Washington State Department of Health. Contract will be compensated \$1,250 per month for the period January through December 2000, for the Heart Health Program Services. **(Contract No. 04739)**

PLANNING & PERMIT CENTER:

8. Addendum No. 5 to Personal Services Agreement with Buck & Gordon to provide consultation, legal services, and litigation support on selected legal issues relating to the Growth Management Act and other Land Use and Environmental issues during calendar year 2000. Compensation is not to exceed \$105,000 for calendar year 2000. **(Contract No. 02851)**
9. Addendum to Personal Services Agreement with Stratum Group for the pre-demolition hazardous material surveys of properties acquired in the floodway buy-out program. The contract increases from \$7,200 to \$13,200 for ten additional acquisitions at \$600 each. The addendum also references specific federal requirements that apply to the County's use of Community Development Block Grant funding to pay for Stratum Group's prior work. **(Contract No. 04329)**

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INFORMATION SERVICES:

10. Agreement with Land Title Company for computer access for the period January 1, 2000 through December 31, 2000. The Company will pay the County a monthly fee of \$70, payable in advance on a quarterly basis. **(Contract No. 04740)**
11. Supplement No. 2 to Vendor Services Agreement with MicroAge Information Services (formerly called SSI MicroAge) adding additional maintenance and hardware repair support assistance for the computer systems associated with Skagit County. Rates for these services range from \$115 to \$70 for such services. **(Contract No. 02908)**

HUMAN SERVICES:

12. Personal Services Agreement with Skagit Adult Day Services to provide day activity services for adults with developmental disabilities for the period January 1, 2000 through December 31, 2000, for a maximum amount of \$3,000. **(Contract No. 04741)**
13. Amendment to Personal Services Agreement with Skagit Preschool & Resource Center (SPARC) expanding the scope of work and outreach in the Parent to Parent program and to cover partial costs of the agency's newsletter in Spanish for a total of \$2,500. **(Contract No. 04536)**
14. Amendment to Personal Services Agreement with Chinook Enterprises which changes the number of clients with developmental disabilities in the Individual Supported Employment program as of November 1, 1999. **(Contract No. 04534)**

SENIOR SERVICES:

15. RSVP 2000 Application to the Federal Corporation for National Services for administrative cost increase of \$2,159. This is the first such increase received since 1997 and is in addition to the original request of \$55,063 for the year 2000. This amount will become a part of the continuing base level funding. **(Approved)**

PUBLIC WORKS DEPARTMENT:

16. Resolution Requesting Proposals for Procurement of Maintenance Materials, with the proposal opening date scheduled for February 29, 2000, at 2:00 p.m. **(Resolution No. 17738)**
17. Summary of Settlement Amounts above \$8,000 that exceed 10% of offer amount for right of way acquisitions in conjunction with the Cook Road Improvement Project, ES63000-6. **(Approved)**
18. Resolution Requesting Proposals to Establish an Eligibility List for Rental Equipment, with the proposal opening scheduled for February 29, 2000, at 1:30 p.m. **(Resolution No. 17739)**
19. Resolution Calling for Public Hearing to Consider a No-Parking Zone on a Portion of Cedardale Road, No. 70550, with the public hearing scheduled for February 22, 2000, at 9:00 a.m. **(Resolution No. 17740)**
20. Supplement No. 1 to an Agreement with David Evans & Associates, Inc. for on-call real estate acquisition services to add professional classifications to the rate schedule. There is no change in the Scope of Work or the amount payable on the contract. **(Contract No. 04231)**

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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, January 31, 2000, 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 62596 through 63047 from Clearing Fund 696 in the total dollar amount of \$1,252,667.58 (Transmittal No. C-08-00); and

Warrants numbered 63048 through 63052 from Clearing Fund 696 in the total dollar amount of \$77,633.54 (Transmittal No. C-09-00).

2. Staff presented a Memorandum of Agreement with the Skagit Preschool and Resource Center (SPARC) for the period October 1, 1999 through September 30, 2000. The County will invoice SPARC for services provided for Family Resources Coordination Services not to exceed \$5,000 and for Public Awareness/Child Find activities not to exceed \$10,000. Commissioner Hart moved to approve the Memorandum of Agreement as presented by Staff, and Commissioner Anderson seconded the motion. The motion passed unanimously. **(Contract No. 04742)**
3. Staff presented a Resolution detailing a Declaration of Sole Source Purchase for a Cash Collection and Investment Management System concerning Balanced Action and the development of a cash collection and investment management system. Commissioner Hart moved to approve the Resolution as presented by Staff, and Commissioner Anderson seconded the motion. The motion passed with a unanimous vote. **(Resolution No. 17741)**
4. Staff presented a License Agreement with Balanced Action, Inc. for the CashTax2000/InvestmentMgr 2000 license. The total compensation for the services to be provided by Balanced Action total \$132,000. Commissioner Hart moved to approve the License Agreement as presented. Commissioner Anderson seconded the motion, which passed unanimously. **(Contract No. 04743)**
5. Staff presented a Memorandum of Agreement with the City of Anacortes for the purpose of improving boating safety within the waters of Skagit County. The County will distribute to the City a sum equal to 30 percent of the vessel registration fees distributed to the County. Commissioner Hart moved to approve the Memorandum of Agreement as presented, and Commissioner Anderson seconded the motion. The motion passed with a unanimous vote. **(Contract No. 04744)**
6. On behalf of the Treasurer's Office, Staff presented the Skagit County Treasurer's List of Property Tax Refunds made during the year 1999. Commissioner Hart moved to approve the Resolution as presented. Commissioner Anderson seconded the motion, which carried unanimously. **(Resolution No. 17742)**
7. Staff presented a Resolution authorizing an interfund loan to emergency communications fund in the maximum amount of \$500,000. Commissioner Anderson moved to approve the Resolution. Commissioner Hart seconded the motion, which carried with a unanimous vote. **(Resolution No. 17743)**
8. Staff presented a Resolution authorizing a date extension on repayment of an interfund loan between Insurance Services Fund #503 and the Emergency Communications Fund #125. Said date extension will be until January 31, 2000. Commissioner Hart moved to approve the date extension as requested by Staff, and Commissioner Anderson seconded the motion. The motion carried with a unanimous vote. **(Resolution No. 17744)**

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UPDATE ON THE LAKE MCMURRAY LAKE MANAGEMENT DISTRICT.

Nils Larson, 22128 State Route 9, Norway Park and President of the Norway Park Corporation, stated that since the Lake Management District (LMD) was formed at Lake McMurray, the Advisory Committee had been formed. He stated that four members of that advisory committee were present. Mr. Larson stated that Norway Park is not in agreement with the way the assessments are distributed for the LMD. He introduced the Chairman of the Advisory Committee, John Olson, to offer further explanation.

John Olson, Chairman of the LMD Advisory Committee, reviewed a handout and detailed description of the exact boundaries of Norway Park. He stated that the corporation is responsible for payment of all of the taxes incurred by Norway Park. He explained that in 1990 a special use permit was obtain as Norway Park did not meet present day subdivision ordinances. Therefore, there are only four tax parcels for Norway Park. He stated that the problem has to do with legality and fairness of the Lake Management District. He stated that Norway Park has only 12 lakefront parcels, but is being unfairly assessed for 105. He stated that the board members are before the Board and were given unanimously vote to proceed in every way possible to obtain an equitable adjustment in the manner of the formation of the LMD. He stated that parcels and assessments can be deleted without taking another vote. He explained that timing is of the essence, as the legal questions need to be answered prior to February 9, the last date for an aggrieved property owner to submit a claim.

Mr. Olson commented that Norway Park wishes to obtain an equitable adjustment without protesting the formation ordinance so as not to delay the treatment of the lake and putting the \$75,000 state grant in jeopardy. He emphasized the need to obtain a "win-win" situation for all parties involved. He indicated that the proposed solution for equity would be to delete the three upper parcels that are not "lakefront" parcels, allowing for a total Norway Park assessment of \$810. He explained that this adjustment would not raise anyone else's assessment, and expressed the desire to be treated fairly and equitably.

Mr. Olson indicated that the Advisory Committee members voted unanimously in favor of this proposed adjustment, and he requested that the Board take action as requested by the Advisory Committee.

Commissioner Hart asked if this adjustment over the life of the Lake Management District would continue to allow the cost of the treatment to be paid in full.

Mr. Olson stated that the amount of money to be collected is estimated to be higher than the cost of the treatment application. He stated that in the worst case scenario, assessments would not be higher than what the people voted on. He stated that making the adjustment for Norway Park is a reasonable, fair approach, and would avoid legal costs.

Chairman Wolden reminded Mr. Olson that the Board of Commissioners has merely facilitated the wants and needs of the citizenry of Lake McMurray, and it is up to the Advisory Committee to set the goals and make the call on the proposed adjustment.

After a brief discussion, Commissioner Hart moved to approve the recommendation of the Advisory Committee regarding the adjustment for the Norway Park residents. Commissioner Anderson seconded the motion.

Betty Kite, 22649 Hoehn Road, and a member of the Advisory Committee, clarified that the Committee agreed to have Mr. Olson come before the Board, however, the Committee members felt they were being blackmailed into this action, because if the Committee did not allow the presentation, the treatment of the lake would be stalled and the grant money would be lost. She stated that the rest of the Advisory Committee does not feel the same as the gentleman from Norway Park. She indicated that there needs to be an open meeting so that many of the residents can be present and be heard. She stated that the rest of the residents should not be forced to come up with an additional \$23,000 because Norway Park does not want to participate as it should.

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Chairman Wolden stated that the Advisory Committee needs to come up with a way to deal with this situation. He reiterated that the residents voted to tax themselves; that the Board of Commissioners did not impose this on the residents. He stated that this needs to be resolved at the local level.

Jennifer Aylor, Public Works Staff, stated that there are two more public hearings required. She indicated that the next public hearing would determine the assessment rate and who will be assessed.

A discussion ensued, and Chairman Wolden indicated that Ms. Aylor should contact the County's legal staff and determine the best course of action.

Commissioner Anderson withdrew his second of the pending motion, and the motion died for lack of a second.

Upon query from Commissioner Hart, Ms. Aylor explained her understanding of the appeal process, noting that February 7 is the deadline for an appeal and is prior to the next public hearing.

Chairman Wolden reiterated the need to contact legal staff.

Mr. Olson responded to Ms. Kite's comments, stating that a vote was cast to bring this before the Commissioners, and the vote was a 5-0 vote. He then stated that four citizens voted for the motion and Ms. Kite voted against it. He stated that he is trying to avoid proceeding with a court action, and losing the \$75,000 state grant.

PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING THE RENEWAL OF THE PROVISIONS OF FOUR INTERIM ORDINANCES:

- 1) Interim Ordinance No. 17523. This ordinance removed the Urban Growth Area (UGA) designation from the area shown as the Big Lake UGA on Comprehensive Plan Map 3(h) in the 1997 Comprehensive Plan Map Portfolio on an interim basis and replaced it with a Rural Village (RV) designation.
- 2) Interim Ordinance No. 17535. This ordinance addresses expansion opportunities and changes of use for *existing* commercial and industrial businesses outside of UGAs pending adoption of a new and/or expanded ordinance as part of the adoption of the Unified Development Code.
- 3) Interim Ordinance No. 17536. This ordinance extended the provisions of Ordinance No. 17524, which suspended acceptance of new mining permits under Skagit County Code 14.04.126 pending the adoption of a new or revised mining ordinance
- 4) Interim Ordinance No. 17570. This ordinance reaffirms and adopts findings in support of Ordinance No. 17523, determining that the area shown as the Big Lake Urban Growth Area (UGA) on Comprehensive Plan Map 3(h) in the 1997 Comprehensive Plan Map Portfolio should not be designated as a UGA, but rather should be designated as a Rural Village on the County's Comprehensive Plan Map, and that the residential population allocation in Countywide Planning Policy (CPP) 1.1 for the Big Lake UGA area should be held in reserve and reallocated to other UGA(s) when the Cities and the County update the CPPs under RCW 36.70A.210 and .215.

Gary Christensen, Assistant Director, reviewed the particulars of the four interim ordinances that were the subject of the public hearing.

He stated that two of the matters involve the Big Lake Rural Village and read the official titles into the record. The ordinances were adopted pursuant to RCW 36.70A.390. Mr. Christensen advised that the Department recommends renewal of the findings and provisions of the above ordinances for a period of six months, or until the County adopts the Unified Development Code and pertinent amendments to the Comprehensive Plan. He stated that the Department is meeting weekly with the Planning Commission regarding the Unified Development

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Code and that it is anticipated that recommendations would be brought before the Board in advance of the six month period.

Marianne Manville Ailles, 826 E. Orange Avenue, Burlington, representing herself and the Association of Skagit County Landowners (ASCL), spoke regarding the fact that ASCL has challenged the Big Lake interim ordinances before the Western Washington Growth Management Hearings Board (WWGMHB). She stated that there needs to be a lot more work done in the Big Lake area to consider it an Urban Growth Area. She stated that to make Big Lake a rural area will consume a large amount of rural density that should be available throughout the County for development. She stated that it would result in our children being relegated to living within city limits. She cited the need to look at other innovative options for this area, and to perhaps re-think the 80/20 split between urban and rural areas. She stated that the Big Lake area resembles many of the urban growth areas that have been labeled urban, not rural.

Mr. Christensen spoke briefly regarding the provisions of Interim Ordinance No. 17535, which addresses expansion opportunities and changes of use for existing commercial and industrial businesses outside of UGAs pending adoption of a new and/or expanded ordinance as part of the adoption of the Unified Development Code.

He also discussed the renewal of the provisions of Interim Ordinance No. 17536 which extended the provisions of Ordinance No. 17524, which suspended acceptance of new mining permits under Skagit County Code 14.04.126 pending the adoption of a new or revised mining ordinance.

Mr. Christensen indicated that the Department recommended renewal of both of these ordinances for a period of six months, or until the County adopts the Unified Development Code.

George Theodoratus, 37129 Highway 20, Concrete, expressed his interest in the commercial and industrial areas in rural Skagit County. He stated that he knows that the Planning Commission is working on this, and explained the problems with a particular piece of property that he has owned for 34 years. He discussed the difficulties in expansion under the current ordinance.

Marianne Manville-Ailles, Skagit Surveyors, 806 Metcalf, Sedro Woolley, talked about the renewal of the Commercial/Industrial Ordinance, noting that the direction the County is taking is a good first step. She spoke to the concern over businesses that were missed and the difficulties neighbors face when they have disagreements. She stated that no really good process has been established for the identification of such businesses. She indicated that people are having continuing difficulties with the special use process.

Jeff Rock, 18550 Conway, discussed a particular property being rezoned as a part of the Post Office in Conway. Mr. Christensen indicated that he could discuss this matter with Mr. Rock after the hearing.

Mr. Christensen noted that two pieces of correspondence had been received regarding the Commercial/Industrial Ordinance. He asked that the Board postpone making a decision on the Commercial/Industrial Ordinance until next week during the regular Planning agenda, so that the Board can discuss various options with legal counsel.

Wayne Crider, Skagit Island Counties Builders Association, PO Box 671, Burlington, spoke regarding the Big Lake urban growth area. He stated that SICBA supports the idea of a UGA at Big Lake, noting that the ability to develop property in an area that already has infrastructure is rare. He acknowledged the difficulties of the provisions of the Growth Management Act. He stated that it is time for the County to take a stand and move forward in this regard.

Ed Stanton, PO Box 361, Mount Vernon, stated that the Big Lake UGA should be left for the simple reason that the infrastructure is already there, including city water, and sewer. He urged the Board to let supply and demand take care of the situation.

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There being no further public testimony forthcoming, Commissioner Hart moved to close the public hearing and Commissioner Anderson seconded the motion. The motion passed unanimously, and the public hearing was closed.

Commissioner Hart moved to readopt Interim Ordinance No. 17523, removing the UGA designation from the area shown as the Big Lake UGA on Comprehensive Plan Map 3(h) in the 1997 Comprehensive Plan Map Portfolio on an interim basis and replacing it with a Rural Village (RV) designation. He further moved to reaffirm the provisions of Interim Ordinance No. 17570 in this same regard. Commissioner Anderson seconded the motion.

Commissioner Anderson indicated that one issue that bothers him is what the RV designation will do to the entire rural allocation. He stated that the County does not have the densities to remain with the 80/20 split. He stated that with the infrastructure in the Big Lake area, and storm drainage being a major issue, perhaps the process should be slowed before the County snares itself down the road.

A discussion ensued on the parameters of the 80/20 density split, and the possibility that the rules may change once again depending on the outcome of this year's Legislative Session.

Mr. Christensen reiterated that the Department recommended continuance of this interim ordinance in regards to Big Lake. He indicated that a recommendation would be forthcoming at a later date that will offer more permanency and a solution to many of the questions asked today. He briefly reviewed that the "Fall Proposal" notes that Big Lake is unique and is much different than other rural villages. He spoke about the need for utilizing the sub-area planning process that involves the residents of Big Lake.

Upon call for the question on the renewal of the ordinances relevant to Big Lake, Commissioners Hart and Wolden voted for the motion, and Commissioner Anderson voted "nay." The motion passed. **(Resolution No. 17745)**

Commissioner Hart moved to approve an Interim Ordinance renewing the provisions of Ordinance No. 17536, an Ordinance extending the provisions of Ordinance No. 17524, suspending the acceptance of new mining permits under SCC 14.04.126. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17746)**

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Harvey Wolden, Chairman

Robert Hart, Commissioner

Ted W. Anderson, Commissioner

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ATTEST:

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