

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, April 18, 2000**

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|---------------------------|--|
| 7:30 a.m. – 8:30 a.m.     | Commissioners' Staff Meeting.  |
| 8:30 a.m. – 9:00 a.m.     | Work Session – Operations Division Manager/District Maintenance Supervisors.   |
| *T 9:00 a.m. – 10:00 a.m. | <u>Public Works Department – Chal Martin, Director.</u> <ol style="list-style-type: none"><li>1) Public Hearing – Consideration of the Establishments of Peregrine Lane and Grouse Lane as County Roads (Plat of Cascade Ridge Planned Unit Development off Stackpole Road).</li><li>2) Public Hearing – Proposed Revisions to the 2000 – 2005 Six-Year Transportation Improvement Program.</li><li>3) Presentations:<ol style="list-style-type: none"><li>A. Certificate of Retirement – Tony Alvarado.</li><li>B. Certificate of Service Commendation – Tom Moody.</li></ol></li><li>4) Signature - WSDOT Communication Site Lease Agreement – Rockport Solid Waste Site.</li><li>5) Miscellaneous.</li></ol> <p><b>NOTE:</b> A public hearing previous scheduled for Consideration of the Vacation of Unused County Right-of-Way Known as Private Reserve has been <b><u>cancelled</u></b> and will be rescheduled at a later date.</p> |
| 10:00 a.m. – 11:00 a.m.   | <u>Planning &amp; Permit Center – Tom Karsh, Director.</u> <ol style="list-style-type: none"><li>1) Discussion and Possible Action – Addendum No. 6 of the Buck &amp; Gordon Personal Services Agreement No. 02851.</li><li>2) Review of Draft Public Service Announcements regarding a proposed Technical Advisory Committee to address Substitute Senate Bill 5714, which requires Department of Natural Resources to Transfer a Portion of their Forest Practices Jurisdiction to Local Government.</li><li>3) Miscellaneous.</li></ol>   |
| 11:00 a.m. – 11:30 a.m.   | Executive Session – Personnel, Litigation and Land Acquisition.  |
| 2:00 p.m. – 2:30 p.m.     | Executive Session – Personnel, Litigation and Land Acquisition.  |
| 2:30 p.m. – 5:00 p.m.     | Review and Discussion of Planning Commission's Revisions to Growth Management Act Fall Package Proposals.  |

The Skagit County Board of Commissioners met in regular session on Tuesday, April 18, 2000, with Commissioners Harvey Wolden and Robert Hart present. Commissioner Ted W. Anderson's absence was excused.

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**PUBLIC WORKS DEPARTMENT - Chal Martin, Director.**

**1. Public Hearing – Consideration of the Establishments of Peregrine Lane and Grouse Lane as County Roads (Plat of Cascade Ridge Planned Unit Development off Stackpole Road).**

Steve Flude, Assistant Director, reviewed a map showing the exact location of the subject roads, Peregrine Lane and Grouse Lane. Mr. Flude explained that in the opinion of the County Engineer, these roads are a necessity and should be established and opened. He stated that a petition was initiated by adjacent homeowners asking for the County to adopt Peregrine and Grouse Lanes as County roads.

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

Commissioner Hart moved to approve a Resolution establishing Peregrine Lane and Grouse Lane as County Roads. Chairman Wolden seconded the motion, which passed unanimously. **(Resolution No. 17841)**

**2. Public Hearing – Proposed Revisions to the 2000 – 2005 Six-Year Transportation Improvement Program.**

Mr. Flude discussed the addition of Item No. 10, Peterson Road project, and explained that in order to seek the particular funding, this item must be included as a part of the six-year Transportation Improvement Program.

There being no public testimony forthcoming, Commissioner Hart moved to close the public hearing. Chairman Wolden seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Hart moved to approve the revisions to the 2000 – 2005 Six-Year Transportation Improvement Program as explained by Mr. Flude. Chairman Wolden seconded the motion, which passed unanimously. **(Resolution No. 17842)**

**3. Presentations: A) Certificate of Retirement – Tony Alvarado; B) Certificate of Service Commendation – Tom Moody.**

Cliff Butler, Manager of Road Maintenance Operations, presented certificates to long-time employees who were retiring at the end of April. These employees were Tony Alvarado and Tom Moody.

**4. Signature – WSDOT Communication Site Lease Agreement – Rockport Solid Waste Site.**

Robin LaRue, Solid Waste Division Manager, discussed with the Board a lease agreement between Skagit County and the Washington State Department of Transportation for leasing of a parcel of Skagit County property southeast of Rockport. The parcel of property is located off of the Rockport Cascade Road, and was formally an old gravel pit/garbage dump. He explained that this property had previously been leased to WSDOT for many years.

Commissioner Hart moved to approve the lease with WSDOT Communication Site and Rockport Solid Waste Site as explained by Mr. LaRue. The motion was seconded by Chairman Wolden and passed unanimously. **(Contract No. 04862)**

**5. Miscellaneous.**

A. Mr. Flude next discussed the proposal to place a light at the intersection of SR9 and SR20, indicating that progress is being made. Commissioner Hart expressed concern regarding the fact that citizens had complained to the Senate Transportation Committee that the County should not use its dedicated funds on a state highway and within the City Limits of Sedro Woolley. Commissioner Hart indicated that as long as the funding is under investigation, should the County proceed with plans and engineering? Chairman

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Wolden stated that he could not believe the County is precluded from installing a temporary light during the Cook Road construction to ease traffic congestion. Commissioner Hart suggested waiting until a decision is made as to the appropriateness of using County funding. Mr. Flude indicated that the funding is being kept separate from the Cook Road project to avoid any conflicts. Chairman Wolden suggested that perhaps the Mayor of Sedro Woolley and the owner of the shopping center should contact the State to apply pressure for allowing this to go forward.

- B. Mr. Flude gave a brief update on the status of the Cook Road Improvement Project, indicating that the detour routes are working well and that local businesses and motorists have adopted to the project. He noted that the Contractor is ahead of schedule even with the bad weather of last week.
- C. Mr. Flude presented for the Board's consideration an Interlocal Agreement between Skagit County and the Sedro Woolley School District regarding the possibility of the Cook Road project impeding the route of school busses, and the need for the County to reimburse the School District for alternative vehicles during this time. Commissioner Hart moved to approve the Interlocal Agreement as presented by Mr. Flude. Chairman Wolden seconded the motion. The motion passed with a unanimous vote. **(Contract No. 04861)**

### **PLANNING & PERMIT CENTER – Tom Karsh, Director.**

#### **1. Discussion and Possible Action – Addendum No. 6 of the Buck & Gordon Personal Services Agreement No. 02851.**

Tom Karsh, Director, reviewed proposed Addendum No. 6 to the Buck & Gordon Personal Services Agreement for the provision of legal services regarding Growth Management Act compliance. He stated that it is necessary for Buck & Gordon to continue to represent the County through the adoption of our Development Code and Comprehensive Plan. Two changes to the contract were proposed. These included the addition of staff not previously designated, and changing the maximum not-to-exceed amount from \$105,000 to \$220,000. The contract would be extended through December 31, 2000. The Board indicated their approval of these changes to the contract. Mr. Karsh advised that the contract was being routed through the signature process, and would be presented to the Board for formal approval during a regular session or under Consent Agenda next week.

#### **2. Review of Draft Public Service Announcements regarding a proposed Technical Advisory Committee to address Substitute Senate Bill 5714, which requires Department of Natural Resources to Transfer a Portion of their Forest Practices Jurisdiction to Local Government.**

Mr. Karsh spoke to the Board about the Department's proposal to begin the process of adopting a Forest Practice Ordinance for Skagit County pursuant to State Law. He indicated that the date by which the County needs to enact this Ordinance is December 31, 2001. Consequently, he has advised Staff to postpone taking any action on this matter until the Growth Management Act compliance package is completed. The Board concurred with this course of action.

#### **3. Miscellaneous.**

- A. Mr. Karsh advised that the resolution on the Hovey Appeal was being prepared and would be presented to the Board via the Consent Agenda as soon as it is completed.
- B. A discussion ensued regarding several GMA Compliance issues.
- C. A brief discussion ensued on the non-motorized transportation plan.

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### REVIEW AND DISCUSSION OF PLANNING COMMISSION'S REVISIONS TO GROWTH MANAGEMENT ACT FALL PACKAGE PROPOSALS.

Tom Karsh, Director, reviewed the Planning Commission's path to get to this point and the revisions proposed to the Comprehensive Plan, Unified Development Code and Countywide Planning Policies.

Jay Derr, Buck & Gordon, outlined the review that would take place, indicating that it would make sense to start with the Countywide Planning Policies, followed by the Comprehensive Plan and Development Regulations. He stated that Planning Commission had worked on these fall proposal documents for three or four months, and have a version they are ready to float for another round of public comment. He stated that now is the time for the Board to make any suggested changes or comments to elicit public comment at the same time. Mr. Derr explained that the Planning Commission could consider the changes the Board suggests, and can ultimately bring a final recommendation back to the Board after public review.

Mr. Derr first reviewed the proposed amendments to the Countywide Planning Policies. He explained that the footnote to Policy 1.1 was altered to remove the statement "Hospitals are not permitted within the Bayview Ridge UGA." He indicated that the feeling of the Planning Commission was that the hospital siting process would make this final decision, and that it was not necessary to have this statement contained in the Countywide Planning Policies. He stated that no other proposed changes came from the Planning Commission on this policy.

Mr. Derr next explained that CPP 1.7 had a statement added merely for clarification.

Mr. Derr stated that the other big change in the CWPP is Section 12.17, which would establish December 31, 2000 as the date the Boundary Review Board would be "sunsetted." The Planning Commission suggested that a date certain does not need to be established for sunseting the Boundary Review Board. He explained that when various GMA planning tasks are completed by the cities, then via planning tools there may not be a need for the Boundary Review Board. Consequently, it would be unnecessary to set a specific date in this regard.

Chairman Wolden asked who would be the ultimate decision maker if the Boundary Review Board is sunsetted. Mr. Derr responded that the Superior Court would make that final decision, in the absence of a Boundary Review Board. Mr. Derr explained that the criteria for evaluating these situations would be based on the Comprehensive Plan and other rules that would govern annexations. Chairman Wolden discussed "logical boundaries," stating that establishing logical boundaries is the main reason for having the Boundary Review Board.

Commissioner Hart commented that the Boundary Review Board is a way for minor taxing districts to assess their boundaries without having to spend money to go to court.

The Board concurred with the proposed changes to the Countywide Planning Policies regarding the Boundary Review Board as explained by Mr. Derr.

Mr. Derr next reviewed proposed amendments to the Level of Services (LOS) Standards to the Skagit County Transportation Systems Plan. He indicated that these standards have been made concurrent with the County Road Standards. The Board indicated their approval of the proposed amendments as explained by Mr. Derr.

Mr. Derr next reviewed the Proposed Amendments to Definitions contained in the Coordinated Water Supply Plan. The Board confirmed with Mr. Karsh that the Coordinated Water System Plan had not yet been completed and approved.

Mr. Derr next reviewed a mapping correction to the Town of Concrete Comprehensive Plan Designations and Zoning Districts. There was discussion with the Town and the Planning Commission had agreed that these corrections should be made to adhere to the map that the Town had adopted.

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The Comprehensive Plan was the next document reviewed by Mr. Derr. He stated that there were some miscellaneous corrections and editorial changes made to the document, and he gave several brief examples of these types of changes.

Mr. Derr discussed the Planning Commission's proposed changes to the Forest Natural Resource Lands section. He specifically reviewed the Secondary Forest criteria. He indicated that this had been an issue that had been lingering since the adoption of the Comprehensive Plan. He reviewed the activities of the Citizens Advisory Committee (CAC) in their efforts to re-write the industrial forest and secondary forest criteria. The CAC decided after reviewing the compromise map that was adopted in 1997, that such map was the best they could come up with within the timeframe allowed. The CAC recommended no change to the 1997 map, and passed it back to the Planning Commission for their deliberations. The Planning Commission decided to tweak the secondary forest criteria rather than make wholesale changes to the entire section. Staff drafted a proposal and at the Planning Commission meeting, a different proposal was also discussed. Vigorous debate followed, and three alternatives were proposed. Mr. Derr detailed examples of these different proposals.

Commissioner Hart said that he thought we were going to look at criteria and map some of these areas differently, noting that it was not his intention to change acreage sizes. He stated that it was not his intention to change the criteria of the secondary forest designation. The question of determining lot size by ownership was discussed, and the Board indicated that ownership was not the proper criteria to use in such cases.

Commissioner Hart indicated that Alternative No. 1 (the fall package) was the closest to meeting his intentions. He stated that there needs to be some way to look at industrial forest lots that were stuck in secondary forest areas to be converted to secondary forest due to such mapping errors or other miscalculations.

Mr. Derr stated that during the mapping process in 1997, there were many such logical boundary adjustments. He suggested that one scenario is to admit that the system is not perfect, but to leave the changes to individual requests rather than make wholesale changes in the criteria.

Commissioner Hart indicated the need to revisit this matter tomorrow morning, being hopeful that Commissioner Anderson would be in attendance to share his views on secondary forest criteria.

Mr. Derr explained that even Alternative No. 1 is a complete re-write of the Comprehensive Plan.

Chairman Wolden concurred with Commissioner Hart of the need to have Commissioner Anderson involved in this matter.

Mr. Derr stated that another issue on forestry relates to the permitting of residential uses in industrial forest zones. He indicated that the Planning Commission voted to recommend a change to the provisions of residential uses to no longer require them to be within 200 feet of an existing County road. He reviewed the requirements of fire protection in such zones. The burden put on the fire districts in this regard was discussed.

Commissioner Hart indicated that he was not convinced to change from the existing criteria. He stated that the Hearing Examiner can review requested changes on an individual basis and grant variances.

Upon query from Mr. Derr, the Board indicated that they would float all three alternatives for public comment and then make a final decision in June.

Mr. Derr next discussed the Mineral Resource Overlay section of the Comprehensive Plan. He stated that the Planning Commission is not proposing any substantive changes to this section. Commissioner Hart expressed that the mandates of growth management include the protection of natural resource lands, and that this section meets those goals.

Mr. Derr reviewed various language changes in the Rural Area section of the Land Use Element of the Comprehensive Plan.

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A lengthy discussion followed regarding the Big Lake area. Mr. Derr reviewed the history of the Big Lake Urban Growth Area, which became a rural village. He explained the process for the Big Lake Rural Village going through the study area process which would determine that the sewer district boundary is intended to be the rural village boundary, in addition to larger parcels split by the sewer district boundary. He explained the particulars of this process. Examples of residential development were reviewed by Mr. Derr for the Big Lake area. Commissioner Hart noted the need to eliminate all split parcels. Mr. Derr stated that the Planning Commission proposal is different than what was proposed in the fall package, and would be floated for public comment.

Rural Study Areas were next discussed. The Fidalgo Island proposed study area was reviewed, and Mr. Derr explained that the Planning Commission had added language that clarified that choosing to study Fidalgo Island does not mean choosing to make the area all 1 acre lots, but would recognize the Anacortes Urban Growth Area, aquifer issues, saltwater intrusion issues, and the particular topographical concerns of Fidalgo Island.

Commissioner Hart commented that Anacortes does not want to increase their Urban Growth Area.

Chairman Wolden concurred that Anacortes does not want any additional urban growth area for residential usage. He suggested deleting the reference to the possible expansion of the Anacortes UGA from the discussion of the Fidalgo Island study area. Commissioner Hart agreed that such language should be removed. A discussion ensued regarding the ramifications of such action, and the various geologic and water issues of Fidalgo Island.

Chairman Wolden asked about the 80/20 split and who is monitoring growth in the rural areas and the city areas to maintain accurate figures.

Mr. Karsh explained that the April figures from the Office of Financial Management show that the percentage in unincorporated vs. incorporated areas has only changed by 1% over the past ten years. He stated that the County is responsible for monitoring just that issue and that the 2002 update would address these figures.

Upon query from Commissioner Hart about the funding for such study areas, Mr. Derr stated that this action would merely flag such areas for study, but would give no direction as to how soon and how such studies will be funded. He suggested that this could be over the life of the Comprehensive Plan. However, selecting the areas sets the stage to get impetus so groups like Big Lake can begin their community plan.

A discussion ensued about the particulars of the study area process.

Mr. Derr explained that an exact boundary has not been mapped for these study areas, and that the boundaries would most likely be determined during the community planning process.

Mr. Derr next discussed open space issues, and the desire to have a map designating open spaces and greenbelt areas throughout the County. He stated that there is not an exhaustive collection, but merely maps that reflect national, state and local parks. He reviewed a work in progress that will build upon what was done in the Comprehensive Plan in 1997.

Commissioner Hart commented that rivers are major connectors of all greenbelt areas. Mr. Derr stated that the river corridors could be added to this mapping effort, together with other estuarine areas. Mr. Derr explained that the map would be produced during the public comment period. The Board indicated their desire to add a proposal that would specifically acknowledge the importance of the river riparian corridors as greenbelts and open space in Skagit County.

Mr. Derr next moved on to the Commercial/Industrial Areas outside of Urban Growth Areas. One of the issues the Planning Commission discussed is the reliance on logical boundaries, and so they addressed this issue and made some language changes as explained by Mr. Derr. He related that Rural Commercial is not supposed to hook into urban services, but in some areas of the County urban services are already in the rural area. He stated

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that the Planning Commission added language in several places that says if the urban services were there historically, they can be utilized. The Board indicated their approval of this language clarification.

Rural Center was next discussed. Mr. Derr explained that there were some edits made which attempted to clarify under what circumstances rural centers can be added to. He indicated that some members of the public were concerned about establishing new rural centers, but it was felt there were circumstances that may justify a rural center.

Commissioner Hart stated that there are some intersections that may qualify as a Rural Center at some point, even if there is no increase in size. He mentioned Blanchard, and the intersection of McLean and Beavermarsh Roads. Chairman Wolden concurred, saying that there should be the ability to enhance these types of areas. The Board confirmed that they agreed with the Planning Commission's revisions.

Mr. Derr explained that there were minor editorial changes and clarifications made to the Rural Freeway Service section, and the Board indicated their approval of such changes.

Mr. Derr reviewed an added policy for clarification to the Small Scale Recreation & Tourism section.

Master Planned Resorts were next discussed, and Mr. Derr reviewed a summary of what would be required and the steps required for a master planned resort. The thought was to take public comment and then have a Comprehensive Plan option for property owners. Mr. Derr advised that the Planning Commission thought this was a big enough issue that they needed additional time to take a broader range of public comment. Consequently, they decided to put this matter on hold until a convenient time in the future.

Commissioner Hart stated that he did not have any objection to waiting for another time to look at this section in more detail. Mr. Derr advised that the Board could choose in June to include the language that was part of the fall package.

Mr. Derr next discussed the Cottage Scale Industry section, noting that the changes clarified the number of full-time equivalent employees that were allowed. After a brief discussion of the particulars, the Board indicated that they did not have a problem with this language. Mr. Derr advised that there were no changes to the Home-Based Businesses section.

The Rural Business section was next discussed. Mr. Derr advised that much comment was received on this section. He reviewed the particular Growth Management Act requirements in this regard. He stated that the Planning Commission proposed policies to allow expansion as long as the business was in existence on or before July 1, 1990. He further explained that the language would also allow for some changes in use without requiring going through the procedures of the Hearing Examiner. Mr. Derr stated that pre-existing non-conforming uses and development approvals would be covered in the Development Code.

Mr. Derr commented that the Land Division section would be discussed in detail during the review of the Development Code, particularly the Planning Commission's recommendations regarding the CaRD Ordinance.

Mr. Derr advised that the Natural Resource Conservation Element had some editing done in order to make it clear that right-to-farm provisions are extended correctly.

He indicated that there were no changes to the Rural Element.

Mr. Derr stated that the Urban Growth Area Element had some miscellaneous edits, particularly some references to the coordinated water system plan. He indicated there was also some discussion about logical boundaries, services areas, and some added Boundary Review Board criteria that was not included in earlier editing.

In the Transportation Element – Non-Motorized Transportation, Mr. Derr advised that some language was removed in the rail corridor section to clarify the intent of the paragraph.

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Mr. Derr explained that in the Utilities Element, minor editing changes were made and references to the Capital Facilities Plan and Coordinated Water System Plan were added.

Mr. Derr next reviewed that the Capital Facilities Element had some minor changes done for clarification.

There was a brief discussion of the rural level of fire service discussion.

Mr. Derr advised that no changes were made to Chapter 15, Essential Public Facilities Element.

Mr. Derr next suggested proceeding to the review of the Skagit County Code Development Regulations.

Commissioner Hart commented, in regards to the Development Regulations, that many of the things he read were done well. He stated that there definitely needs to be an in-depth review of the CaRD provisions, but suggested that that review should transpire with Commissioner Anderson present.

Mr. Derr suggested that the Board review Road Standards rather than the Development Code at this point. He stated that language was added that clarifies the reasons for not paving roadways. A discussion ensued regarding the standards for paved and unpaved roadways.

Mr. Derr commented that there were also some edits done in the Land Division section regarding notices on plats about County Road Standards and the requirements that apply.

Commissioner Hart stated that in rural areas, an economy of scale should be encouraged. He expressed the need to avoid putting in paved roads and major utility corridors. He commented on the need to look at reducing the amount of public investment in rural areas.

Dave Sheridan, Public Works Department Staff, indicated that standards allow for private roads to have narrow roadway and right-of-way widths.

Chairman Wolden commented on the need to make sure that the standards are well spelled out, so that there is no doubt as to what the county regulations are.

Commissioner Hart asked that plat notes be made mandatory saying what must be done to bring roads up to County standards before the County will accept the road as a County Road.

Mr. Sheridan spoke about the proliferation of homeowners associations and their growth throughout the County.

Mr. Derr explained that road standards are adopted as a Resolution and are not codified. Mr. Sheridan suggested that work sessions would be set up with the Board to discuss in detail the County Road Standards before the requested adoption of such a resolution.

Mr. Derr added that the proposed road standards include an "engineering alternatives process" which allows the County Engineer to offer an alternative engineering solution.

The session was adjourned until Wednesday, April 19, noting that items such as the Forestry issues and CaRD would be discussed in further detail with Commissioner Anderson hopefully in attendance.



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**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Harvey Wolden, Chairman

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Robert Hart, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

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