

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, May 8, 2000**

10:00 a.m. – 10:15 a.m.	Public Comment Period.
	CONSENT AGENDA MISCELLANEOUS
11:00 a.m. - Noon	Public Hearing – To Consider Testimony on a proposal to renew the provisions of Ordinance No. 17646, Interim Ordinance to Implement the Comprehensive Plan.
2:00 p.m. – 3:00 p.m.	Public Hearing – To Consider Testimony re: amending the 2000 Budget for the following Funds in the approximate amounts noted: Best PLACE Program #126, \$2,750,000; and Distressed County Public Facilities #342, \$5,000,000.
3:00 p.m. – 4:00 p.m.	Executive Session – Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, May 8, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

PUBLIC COMMENT PERIOD.

Tom Solberg, 19019 Minnie Road, Alger, presented the Board with hats entitled “Thinking Cap.” Mr. Solberg suggested filling up the Cook Road sinkhole with SKAT buses.

Carol Ehlers, West Fidalgo Island, spoke regarding special use issues in the proposed Unified Development Code. She spoke to the specifics of the code regarding special uses, and noted that the criteria used is not compatible with State and Federal laws. She asked that staff be directed to look at the legal aspects of such special uses. She urged the Board to follow the law and the course of public testimony before making their decisions in June. Ms. Ehlers stated that she does not believe in government policy by lawsuit.

Brent Lindberg reviewed his ongoing addressing problems and his involvement with both the Public Works and Mapping Departments. He asked for clarification of his address. The Board indicated the need to get this matter settled once and for all, and that the access to Mr. Lindberg's property needs to be clearly established.

CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda for Monday, May 8, 2000, items 1-18. Commissioner Anderson seconded the motion, which passed with a unanimous vote.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, May 1, 2000.
2. Record of the Proceedings for Tuesday, May 2, 2000.
3. Resolution Re-Appointing Trudy LaDouceur to the Darrington Partial County Library District Board of Trustees effective February 20, 2000 through February 19, 2005. **(Resolution No. 17857)**

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4. Resolution Re-Appointing Chris Yosting to the Developmental Disabilities Administrative Board effective April 28, 2000 through April 27, 2003. **(Resolution No. 17858)**

YOUTH & FAMILY SERVICES:

5. Personal Services Agreement with Stephen J. Ruhl, M.S., for specialized child, adolescent, adult and family assessment, evaluation and treatment for the period January 1, 2000 through December 31, 2001, at hourly compensation ranging from \$70 per hour for group therapy to \$20 per hour for travel. **(Contract No. 04884)**

RISK MANAGEMENT:

6. Agreement and Release with Richard and H. Irene Johnson to effectuate well mitigation due to the closure of the Inman Landfill. The County will pay a single lump sum payment of \$8,617.40 as compensation to offset future cost of water usage under the Public Utility District No. 1 program and other related expenses. **(Contract No. 04885)**
7. Agreement and Release with Robert and Hilary Tuggle to effectuate well mitigation due to the closure of the Inman Landfill. The County will pay a single lump sum payment of \$3,180 as compensation to offset future cost of water usage under the Public Utility District No. 1 program and other related expenses. **(Contract No. 04886)**

FACILITIES MANAGEMENT:

8. Vendor Services Agreement with Evergreen Security Systems to monitor, service, repair and inspect the Fire Alarm System located at the Skagit County Planning & Permit Center for a not-to-exceed amount of \$2,500. The contract begins March 1, 2000 and will continue until terminated by either party. **(Contract No. 04887)**

PARKS, RECREATION & FAIR:

9. Vendor Services Agreement with Cascade Roofing, Inc. to provide the service of torch down of office roof for a not-to-exceed amount of \$1,495. The contract begins April 24, 2000 and will continue until terminated. **(Contract No. 04888)**

CLERK'S OFFICE:

10. Appointment and Oath of Office of Catherine R. Heathers as a Deputy County Clerk. **(Approved)**

PUBLIC WORKS DEPARTMENT:

11. Call for Public Hearing for Vacation of a Portion of Unused County Right-of-Way known as 6th Street, Walla Walla Street, 7th Street, Potter Street, and Alley within Block 99. The public hearing is scheduled for Tuesday, May 30, 2000, at 9:00 a.m. **(Resolution No. 17859)**
12. Call for Public Hearing to Rename Cascade Avenue #60500 to Cascade Vista #60500, with the public hearing scheduled for Tuesday, May 30, 2000, at 9:00 a.m. **(Resolution No. 17860)**
13. Resolution effectuating a Residual Equity Transfer between Equipment Rental Fund #501 and County Road Fund #117 in the amount of \$600,000. This will authorize the transfer of funds that were dedicated to the purchase and development of a County-operated rock quarry by moving the funds previously set aside via Resolution No. 15153 in Equipment Rental Fund #501 back to County Road Fund #117. **Resolution No. 17861**

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14. Letter of Support to the Skagit Sub-RTPO Technical Committee for the Town of LaConner's Morris Street Project. **(Approved)**
15. Final Order of Vacation for Unused Portion of County Right-of-Way along Lincoln Avenue, #96630. **(Resolution No. 17862)**
16. Supplement No. 1 to On-Call Consultant Agreement with David Evans and Associates, Inc., which will allow increased soils engineering and exploration as required for fish passage projects at Baker Lake Road and Concrete-Sauk Valley Road. Total compensation remains the same at \$81,706. **(Contract No. 04609)**
17. Supplement No. 1 to On-Call Consultant Agreement with Leonard, Boudinot & Skodje, Inc. expands the scope of work to allow Graham Bunting Associates to conduct biological assessments and environmental assessments as required for three fish passage projects. The contract compensation remains the same at \$62,700. **(Contract No. 04598)**
18. Professional Services Agreement with Landau Associates for on-call geotechnical services on a task assignment basis. The agreement will be in effect until December 31, 2001 with a maximum amount payable of \$104,500. **(Contract No. 04889)**

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, May 8, 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 69797 through 70014 from Clearing Fund 696 in the total dollar amount of \$212,290.99 (Transmittal No. C-32-00).

2. Chal Martin, Director of Public Works, presented to the Board for their approval a letter directed to Secretary of Transportation Sid Morrison thanking the State for their detour work on the County's Cook Road project. The Board signed the letter as presented.
3. Staff presented a Final Plat of W.R.C. Estates for the Chairman's signature. Chairman Wolden signed the mylars as required approving the Final Plat of W.R.C. Estates.
4. Staff presented four Out-of-State Travel Requests for employees to attend the National Association of Drug Court Professionals seminar in San Francisco, California, May 31 – June 4, 2000. The total cost per employee to attend this seminar is \$1,471, and the employees requesting such Out-of-State Travel approval are Judge Susan K. Cook, Public Defender Gary Gaer, Prosecutor Tom Verge, and Bailiff Kelli Frazier Luvera. Commissioner Hart moved to approve the Out-of-State Travel Requests as presented, and Commissioner Anderson seconded the motion. The motion passed with a unanimous vote, and the Out-Of-State Travel Requests were approved.

PUBLIC HEARING – TO CONSIDER TESTIMONY ON A PROPOSAL TO RENEW THE PROVISIONS OF ORDINANCE NO. 17646, INTERIM ORDINANCE TO IMPLEMENT THE COMPREHENSIVE PLAN.

Gary Christensen, Assistant Director, reviewed the Department's proposal to renew the provisions of Ordinance No. 17646, the Interim Ordinance to Implement the Comprehensive Plan. He indicated that the Ordinance was originally Ordinance No. 16559. Mr. Christensen stated that the interim ordinance has primarily been kept in place to provide

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interim development regulations pending the completion of the County's Unified Development Code, which will come before the Board in June. He stated that it is the Department's recommendation to continue such regulations until the development regulations are finalized and adopted.

Mr. Christensen stated that one fax comment letter was received from the Friends of Skagit County, who stated that they oppose any changes to the ordinance and wish to keep it in effect as previously adopted.

Louie Requa, Skagit Surveyors & Engineers, 806 Metcalf, Sedro Woolley, distributed excerpts from the Comprehensive Plan and the interim ordinance to the Board for their review. He commented on Section 9 of Ordinance 17646 that deals with development of urban growth areas prior to the extension of urban services. He suggested that the last two sentences in Section 9(1)(b) need to be deleted to be consistent with the Comprehensive Plan. These are significant, Mr. Requa explained, because they list at 4-7 of the land use element and 7-8 of the urban growth area element, the alternative process that the City of Sedro Woolley based their development regulations on. He stated that the alternative process had been approved by Skagit County Staff and the Planning Commission, together with the County Commissioners and the Western Washington Growth Management Hearings Board (WWGMHB). There has been no opposition through any of these processes, and no testimony was taken that was negative to the alternative process. He stated that the Sedro Woolley Planning Commission and City Council also sanctioned the alternative processes. He explained that, in turn, the County adopted Sedro Woolley's development regulations, which contained the alternative process. He asked the Board to consider deleting the two aforementioned sentences in the ordinance proposed for adoption today.

Marianne Manville-Ailes, Skagit Surveyors & Engineers, 806 Metcalf, Sedro Woolley, spoke to the ordinance which was adopted by the City of Sedro Woolley, Ordinance No. 1333-99, an ordinance that was adopted to address the issue of how to deal with development in urban growth areas not served by sewer. She stated that she had worked with Gloria Rivera, Sedro Woolley City Planner, and that they had researched how other jurisdictions dealt with this situation. She reviewed that in other jurisdictions, prior to sewer being in the area, landowners are allowed to do land divisions, but must show on a future development plan how the property can ultimately be divided up to the urban densities required. That plan gets turned in and reviewed and approved by the agency doing the approving, and limits where houses can be placed on the lots that are created. She stressed that houses are not placed so as to preclude future development. She emphasized that the Ordinance was approved by the Sedro Woolley Planning Commission and City Council. She provided the Board with development regulations from Thurston County, which allow for development without sewer roughly the same way Sedro Woolley deals with it. An excerpt from the Pierce County Code was also included to show how they deal with the issue of no sewer systems in place. She stated that they are requiring dry sewer lines. She stated that there are also other jurisdictions that are allowing development without sewer in the urban growth areas. Ms. Manville-Ailes stated that these example ordinances are not old and have been considered by the WWGMHB. She also reviewed a letter that had been submitted to the Planning Commission regarding this section of the interim ordinance.

Tom Solberg, 19019 Minnie Road, Alger, spoke regarding an article in the Bellingham Herald about intensive development in the Lake Samish area, which stated that "during the GMA process there was very little downsizing in Whatcom County." He stated that Whatcom County handled the situation different than Skagit County. He explained that Whatcom County did not spend as much time with WWGMHB appeals, but instead went right on to court and won most of their cases. He commented that Skagit County had been held at bay by Seattle attorneys who consider the WWGMHB "gods."

Jim Engberg, 10147 Ridge Place, Sedro Woolley, indicated that he is one of the people trying to do responsible development. He explained the particulars of his property located in Sedro Woolley's urban growth area, and the difficulties he has encountered in developing his property. He strongly suggested that the requested changes of Mr. Requa and Ms. Manville-Ailes be made.

Louie Requa, representing a number of clients, further explained the conflict of Section 9(1)(b) with the Comprehensive Plan concerning alternative processes. He reviewed the particulars of the existing houses and locations of property for his clients. He commented on the difficulties of being able to sell such lots, but not being able to obtain a building permit. Mr. Requa stated that this makes no sense when the prerogatives of the Growth

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Management Act are to infill within the urban growth areas. He added that other counties and municipalities have adopted similar alternative processes such as are being proposed today.

Upon query from Wolden, Mr. Requa discussed the acreage sizes for each of the examples he listed. He reviewed the particulars of such properties and the specific conditions of each one. He stated that all of the properties meet the requirements of the Sedro Woolley development code. He briefly explained no-protest agreements, which are required for other sewer extensions. Mr. Requa indicated that recently the Board has heard from certain factions in Sedro Woolley, not from the Planning Commission or City Council. He indicated that it was important to note that such factions were not present to testify at today's hearing.

Don Bockelman, Day Creek, spoke regarding the problems of septic systems having plumes underneath them and resultant possible groundwater contamination.

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

Commissioner Anderson commented on the hardships experienced by property owners who had no choice in being included in urban growth areas. He pointed out that the cities do not respect these landowners and their property rights and, consequently, such property owners are left at the mercy of the cities. He stated that if such property owners meet the County's on-site sewage specifications, they should be allowed to proceed with development of their property. Commissioner Anderson stated that development does not occur in one spot, and that running sewer lines to the outlying portions of urban growth areas is oftentimes not feasible. He stated that it is not necessary to exceed the provisions of the Comprehensive Plan in this interim ordinance, as the development code may run into several delays before it is adopted. He stated that he wanted to remove the two sentences as requested by Mr. Requa.

Chairman Wolden confirmed that if the two sentences are deleted, it would apply to all of the urban growth areas of all of the cities.

Mr. Christensen confirmed that such a deletion would have county-wide applicability, and would not be specific to any one jurisdiction. He explained that this would apply to any municipal urban growth area that has a residential designation. Consequently, it would not apply to Anacortes, as they have no residential designation in their urban growth area. He explained the phased alternatives that have been approved by the WWGMHB with regard to transference of governance in this regard. He indicated that the Comprehensive Plan does talk about alternatives, first and foremost within urban growth areas. He stated that interim development regulations are consistent with the Comprehensive Plan. He applauded Sedro Woolley for its clustering provisions, but indicated that such provisions must be found to be consistent with the County's Comprehensive Plan and development regulations. He stated that if the City is going to develop to urban densities, they must provide urban services. He stated that if there are questions that the urban growth area boundaries are too large and are unable to provide urban services, then perhaps the urban growth area should be reduced in size.

Commissioner Anderson stated that he respectfully disagrees that the interim ordinance is consistent with the land use element of the Comprehensive Plan.

Commissioner Hart indicated that the Mayor of Sedro Woolley had agreed to go back to hold public hearings to get a response from the City Council in this regard, and that this is an appropriate process. He stated that the Board should continue the interim ordinance until further information is received from Sedro Woolley, and the ultimate adoption of the Unified Development Code.

Chairman Wolden stated that he understands Mr. Requa's request and proposal. He spoke regarding the required 80/20 split among the cities and county. He urged those in attendance to attend the public hearing in Sedro Woolley and express their views.

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A lengthy discussion ensued about the provisions included in the Comprehensive Plan, the interim ordinance, and the impacts on landowners within urban growth areas. The different situations prevalent in Burlington, Mount Vernon and Sedro Woolley were discussed.

Commissioner Hart moved to readopt the provisions of Ordinance 17646, Interim Ordinance to Implement the Comprehensive Plan. The motion was seconded by Chairman Wolden. Upon call for the question, Commissioners Wolden and Hart voted for the motion, and Commissioner Anderson voted against the motion. The motion passed. **(Resolution to be provided by Staff at a later date)**

PUBLIC HEARING – TO CONSIDER TESTIMONY RE: AMENDING THE 2000 BUDGET FOR THE FOLLOWING FUNDS IN THE APPROXIMATE AMOUNTS NOTED: BEST PLACE PROGRAM #126, \$2,750,000; AND DISTRESSED COUNTY PUBLIC FACILITIES #342, \$5,000,000.

Alicia Huschka, Budget/Finance Director, explained that this is the first supplement to the 2000 Budget to fund specific projects. She discussed the details of the Best PLACE Grant, and the Distressed County Public Facilities Fund.

Chairman Wolden opened the public hearing.

Don Bockelman, Day Creek, asked for more information about the particular funds being considered. Chairman Wolden reviewed the purpose of each of the funds. Commissioner Anderson further explained the reason for bonding and the work of the committee regarding the Distressed County Public Facility Fund.

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 authorize supplemental budget for Best PLACE Program Fund #126, \$2,750,000, and Distressed County Public Facilities #342, \$5,000,000. The motion was seconded by Commissioner Anderson, and passed unanimously. **(Resolution No. 17863)**

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**

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