

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Monday, November 6, 2000**

9:30 a.m. – 10:00 a.m.	Public Hearing - To Consider Testimony regarding an Amendment to the 2000 Budget for the County Fair, Fund No. 106, in the amount of \$54,000.
10:00 a.m. – 10:15 a.m.	<b>CONSENT AGENDA. MISCELLANEOUS.</b>
10:30 a.m. – 11:00 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
11:00 a.m. – Noon	Discussion and Possible Action – Amendments to Skagit County Code (SCC) Section 14.24.120, Ongoing Agriculture on Agricultural Lands; SCC Section 14.04.020, Definitions of Agriculture or Agricultural Activity and Ongoing Agriculture; and SCC Section 14.16.400(3)(e), Agricultural-Natural Resource Lands Administrative Special Uses to include Storm Water Management Projects.
1:30 p.m. – 3:00 p.m.	Discussion and Possible Action – Planning Commission Recorded Motion regarding Remanded 1997 Comprehensive Plan Amendments.
3:00 p.m. – 4:30 p.m.	Budget Work Session.

The Skagit County Board of Commissioners met in regular session on Monday, November 6, 2000, with Commissioners Harvey Wolden, Ted W. Anderson, and Robert Hart present.

**PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING AN AMENDMENT TO THE 2000 BUDGET FOR THE COUNTY FAIR, FUND NO. 106, IN THE AMOUNT OF \$54,000.**

Alicia Huschka, Budget/Finance Director, explained the need to reflect actual revenues and additional expenditures for this year's County Fair. She stated that the Fair did bring in revenues of \$63,000, and, consequently, an amendment in the amount of \$54,000 would be necessary.

There being no 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 moved to authorize an amendment to the 2000 Budget for the County Fair, Fund No. 106, in the amount of \$54,000. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Resolution No. 18039)**

**CONSENT AGENDA.**

Commissioner Hart moved to approve the Consent Agenda for Monday, November 6, 2000, items 1 - 21. Commissioner Anderson seconded the motion, which passed with a unanimous vote.

1. Record of the Proceedings for Monday, October 30, 2000.
2. Record of the Proceedings for Tuesday, October 31, 2000.
3. Record of the Proceedings for Wednesday, November 1, 2000.

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4. Appointment of Mary Coker to the Skagit County Planning Commissioner for a four-year term, October 5, 2000 through October 4, 2004. **(Resolution No. 18040)**
5. Consortium Agreement for the Island County, San Juan County, Skagit County and Whatcom County Workforce Investment Area. The Agreement reflects the changes in Federal Law brought about by the advent of the Workforce Development Act. **(Contract No. 05097)**
6. Intergovernmental Agreement with the Washington State Military Department wherein the County will be reimbursed \$68,899 for expenses necessary to implement Enhanced 911 county-wide. **(Contract No. 05098)**

### BUDGET/FINANCE:

7. Interlocal Agreement with the Port of Anacortes for public facility project funding pursuant to RCW 82.14.370. The County agrees to grant \$408,000 towards the total project cost estimated at \$1,360,000. **(Contract No. 05095)**
8. Interlocal Agreement with the Town of Hamilton for public facility project funding pursuant to RCW 82.14.370. The County agrees to grant \$436,650 towards the total project cost estimated at \$2,078,000. **(Contract No. 05096)**

### SENIOR SERVICES

9. Resolution and Interlocal Cooperative Agreement with the Town of Concrete for the provision of staff, facilities, equipment and materials for the delivery of community-based services to the senior citizens of the Town for calendar year 2001. The Town will compensate the County the sum of \$5,916. **(Resolution No. 18041, Contract No. 05099)**
10. Resolution and Interlocal Cooperative Agreement with the City of Anacortes for the provision of staff, facilities, equipment and materials for the delivery of community-based services to the senior citizens of the City for calendar year 2001. The City will compensate the County the sum of \$23,176. **(Resolution No. 18042, Contract No. 05100)**

### CONSERVATION FUTURES:

11. Grant Deed of Conservation Easement with Joseph T and Annette T. LeClair for approximately 39.51 acres of farmland along Beaver Lake Road at a cost of \$35,490.96. Half of this amount will be reimbursed to the County from the MRCS Farmland Protection Program grant. **(Contract No. 05101)**

### FACILITIES MANAGEMENT:

12. Resolution and Interlocal Agreement with Skagit 9-1-1 for placement of antennas on the roof of the Public Safety Building as part of a countywide microwave communication system. The term of the Agreement commences on the date of signing and runs through December 31, 2010. There is no monetary consideration. **(Resolution No. 18043, Contract No. 05102)**

### PARKS & RECREATION:

13. Youth Athletic Facility Project Grant Agreement with the Interagency Committee for Outdoor Recreation (IAC) for the performance of renovation work on one of the softball fields at Skagit Playfields. The budget for the project is \$130,000, broken down as follows: IAC Grant, \$50,000; Custer Field 1999 REET Allocation, \$50,000; Walberg Field 2000 REET Request, \$20,000; and Force Labor, \$10,000. The completion date for this agreement is November 30, 2001. **(Contract No. 05103)**

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### BEST PLACE:

14. Personal Services Agreement with Volunteers of America Western Washington, Inc. to act as a consultant to the Best PLACE Program by providing training in STARS for Child Care Employees of the Program as required for Child Care Licensing. The contract term is August 7, 2000 through August 21, 2000 for total compensation of \$3,000. **(Contract No. 05104)**

### YOUTH & FAMILY SERVICES:

15. Interlocal Agreement – Juvenile Accountability Incentive Block Grant with DSHS for the period May 15, 2000 through August 31, 2001, with maximum compensation of \$30,412 to be provided to the County. **(Contract No. 05105)**

### PUBLIC WORKS DEPARTMENT:

16. FEMA Map Revision Request based on the physical changes that occurred to property during the course of construction at the Parson Creek Fish Passage Project. This application is in accordance with Skagit County's agreement with Richard J. Arendse and Jacqueline G. Arendse to inform FEMA of changes that have taken place at their property at Parson Creek. **(Approved)**
17. Resolution Calling for Public Hearing to Consider Vacation of County Right-of-Way known as Rockport Park Road, No. 97530. The public hearing will be held on November 28, 2000, at 9:00 a.m. **(Resolution No. 18044)**
18. Resolution Calling for Public Hearing to Consider Renaming Swinomish Street, No. 40610, to Beach Road, No. 40610. The public hearing will be held on November 28, 2000, at 9:00 a.m. **(Resolution No. 18045)**
19. Resolution Adopting the 2001 Annual Construction Program with the expenditure of County Funds in the amount of \$3,554,000. **(Resolution No. 18046)**
20. Supplement No. 1 to standard Consultant Agreement with KJM Construction Inspection Services. KLM will provide construction inspection services on Surface Water Management's Marine Drive Project. There are no other changes to the contract. **(Contract No. 04559)**
21. Contract with Skagit Valley Publishing Company to provide advertising space for the Public Works Department, allowing Frances Ambrose to advertise recycling education projects, as well as other divisional needs of the Department. Annual Dollar Volume of the contract is set at \$3,470. **(Contract No. 05106)**

### 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 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 81978 through 82370 from Clearing Fund 696 in the total dollar amount of \$885,408.29 (Transmittal No. C-75-00).

2. Staff presented a Resolution that would remove a portion of Fire District 24 from the Skagit County Emergency Medical Services District. It was explained that due to the geographical location of that portion

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of Fire District 24, emergency medical services for the district are provided by Fire District 24 Emergency Medical Services District rather than Skagit County Emergency Medical Services District. Commissioner Anderson moved to approve the Resolution removing a portion of Fire District 24 from the Skagit County Emergency Medical Services District. Commissioner Hart seconded the motion, which passed unanimously. **(Resolution No. 18047)**

3. Tim Holloran, Director of Senior Services, presented a copy of the agreement with Northwest Regional Council (NWRC), for a brief review with the Board of the commitments for County-level support contained in such agreement. He explained that there is a basic Interlocal agreement among four counties and NWRC, which has evolved into a two-year agreement. Mr. Holloran reviewed that the County provides telephone support for those NWRC staff members housed within County offices. NWRC has purchased their own copier. He reported that NWRC has case managers located in the MacGregor Building, and administrative staff located in the Moen building. NWRC is not paying for any utilities or rental use of such office space at either the Moen or MacGregor buildings. He stated that it would be ideal if the NWRC had enough space to be under one roof, and briefly described the difficulties of being in two locations. He stated that the NWRC program is growing, and if they had more space they could hire additional staff. Mr. Holloran stated that he has recommended that NWRC explore other possibilities for office space in the community. He indicated that NWRC can write off their rent as a part of the grants that they operate with. Conversely, the vacated space could certainly be utilized for County Staff.

Alicia Huschka, Budget/Finance Director, advised that there may be open office space available depending on what happens with the relocation plans of Community Mental Health.

Chairman Wolden commented on the need to formulate a plan and look at all of the options available.

Mr. Holloran suggested that the County sit down with the NWRC to discuss their future needs. He expressed concern with how long the current situation would remain viable. He stated that he was bringing this to the Board's attention at this time because it is time to renew the NWRC contract.

Commissioner Anderson stated that in other jurisdictions office space is not provided, and that the County is, most likely, not obligated to provide office space at no cost.

Ms. Huschka suggested adding language to the contract so that the office space situation could be reviewed during the course of the contract.

Chairman Wolden asked Mr. Holloran to gather information as to what the other counties are providing to NWRC. Skagit County gives the NWRC \$12,000, and may be paying a lesser amount than the other counties due to the office space provision.

After a brief discussion, it was decided to arrange for a meeting with the NWRC and the County to review the office space situation and what would be best for NWRC. Mr. Holloran underscored that it is important to not only consider the long-term needs of the NWRC, but the County's needs as well.

**DISCUSSION AND POSSIBLE ACTION – AMENDMENTS TO SKAGIT COUNTY CODE (SCC) SECTION 14.24.120, ONGOING AGRICULTURE ON AGRICULTURAL LANDS; SCC SECTION 14.04.020, DEFINITIONS OF AGRICULTURAL ACTIVITY AND ONGOING AGRICULTURE; AND SCC SECTION 14.16.400(3)(e), AGRICULTURAL-NATURAL RESOURCE LANDS ADMINISTRATIVE SPECIAL USES TO INCLUDE STORM WATER MANAGEMENT PROJECTS.**

Chairman Wolden prefaced the discussion saying that the Board's action would take a significantly different spin because of the lack of a recorded motion or recommendation from the Planning Commission.

Kendra Smith, Planning Assistant Director, reported that the Planning Commission did deliberate and passed on a proposed recorded motion, but was unable to come to a definitive agreement with a vote of 3-3 and 1

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abstention. Staff recommended, however, that the Board may want to take into consideration the agreed-upon amendments and changes to the original Code Section that came under the Planning Commission's scrutiny. However, should the Board decide to adopt the amendments to the document as an interim ordinance, it would be necessary to hold a public hearing. Ms. Smith spoke to the necessity of formulating a new ordinance pursuant to the Western Washington Growth Management Hearings Board (WWGMHB) compliance order by November 9. Consequently, the interim ordinance could be adopted, followed by a public hearing within 60 days time.

Jay Derr, Buck & Gordon, confirmed that November 9 is the deadline for filing notice of action taken in order to comply with the WWGMHB's compliance order.

Commissioner Anderson asked what the consequences would be if no action was taken today.

Mr. Derr responded that the WWGMHB would say that the County is out of compliance with their order of August 9.

Commissioner Anderson asked if the Board took no action today, but scheduled a public hearing for November 22 to allow for further testimony, would that action itself satisfy the WWGMHB?

Mr. Derr advised that the Board could still take action on November 22nd, and the submitted Statement of Action would list the reasons for the hearing scheduled for that date. Briefs would say that the County has taken no action to modify the ordinance, but that action is anticipated between November 22 and November 29, and perhaps the WWGMHB would or would not find Skagit County in compliance with their order of August 9.

Commissioner Anderson indicated that there is a small window of time between the 9th and 22nd of November, and that waiting until the 22nd may not have any adverse consequences. He explained that adopting an interim ordinance often sets the groundwork for the permanent ordinance, and in this case, may cause a great deal of resentment among County farmers. However, if the WWGMHB is made aware that the County plans to hold an additional public hearing on the 22nd to further refine the ordinance, and due to the lack of a recommendation from the Planning Commission, the likelihood of invalidity seems remote. He reiterated that he is against adopting an interim ordinance.

Mr. Derr reported that on November 29th the WWGMB would take into consideration whatever action has been taken by the County prior to that date.

Ms. Smith expressed concern that the County is supposed to respond back to the WWGMB by November 9th with a report of actions taken. She stated that taking no action may not be favorably accepted by the WWGMHB.

Commissioner Anderson suggested telling the WWGMHB that the Board did not get direction from the Planning Commission, so has consequently decided to hold their own public hearing to get direct testimony from the public.

Chairman Wolden asked about the possibility of moving the November 29th date back because of the lack of a recommendation from the Planning Commission. He noted that the public has not had an opportunity to review the revisions to the Ordinance since the public hearing before the Planning Commission.

Ms. Smith reported that the November 29th was the deadline set so as to make the December 31st deadline for obtaining the \$1.5 million in state funds.

Chairman Wolden stated that there would most likely be those in the Legislature who would support making those monies available to Skagit County, event if at a later date. He stated that the Legislature has an opportunity to go to the Governor and release the funds or let it ride for 60 days.

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Mr. Derr stated that the funding is what largely drove the WWGMHB schedule, and that it may be possible to push the date past the 29th. He asked about the possibility of jeopardizing the funding that has been made available to the County if the date is changed.

Chairman Wolden indicated that it was his feeling that the money would still be there if effort is continued to obtain it. He added that the interim ordinance is less intrusive than the one that went before the Planning Commission a few weeks ago, so the changes definitely need to be reviewed by the public. However, saying that the County is not going to implement anything puts a lot of pressure on everyone.

Commissioner Anderson reiterated that most interim ordinances become a point of reference. The Board could hear from the farmers on November 22nd and then make its decision. It was Commissioner Anderson's opinion that as long as the County is diligently working on adopting an ordinance, the WWGMHB would allow the delay from the 9th to the 22nd. He stated that every time the Board adopts an interim ordinance, the people feel that they did not get to provide their input.

Mr. Derr stated that separate from the funding issues, it is not a "given" that the WWGMHB would change the November 29th date, and invalidity could be the result.

Commissioner Anderson again stated that the County would be demonstrating progress on the ordinance.

Mr. Derr indicated that Staff would be put in the position of defending and arguing why there is not yet even an interim ordinance after months have gone by.

Commissioner Anderson replied that the Board has received a 3-3-1 vote from the Planning Commission, which is an unusual circumstance. In this regard, the Board has opted to hold their own public hearing to learn the will of the public to allow for a solid decision. These facts should justify the County's position.

A discussion ensued on the presentation to the WWGMHB regarding the lack of adoption of an interim or permanent ordinance.

Commissioner Hart spoke regarding the attempts at exemptions from the Critical Area Ordinance for farmers. He stated that there have been public hearings, ongoing discussions with agricultural interests and appellants, and numerous meetings. The result of all of this is that no member of the agricultural community has been willing to change their position. He stated that he does not see how holding an additional public hearing will help. He indicated that the testimony at the Planning Commission public hearing was pretty unanimous and that another public hearing would not change that testimony. Commissioner Hart stated that a decision can be delayed forever, if that is what is desired.

Commissioner Anderson stated that he had not heard from one farmer or any related testimony. He said that the bottom line is that the Board would not be delaying anything. He stated that whether the document is adopted on the 9th or the 22nd, it is not going to make any difference. He reiterated that if the document is adopted as an interim ordinance, it will become a public record document.

Chairman Wolden concurred that the Board has not held a public hearing on this matter since the adoption of the 25 foot buffers. He reported that there are changes that have been made since the Planning Commission public hearing and that testimony should be taken on those changes.

Commissioner Anderson stated that it was his position that he did not see any harm in modifying the timetable.

Mr. Derr indicated that the redlined version of the document could be released for public comment on the Planning Commission's edits. He asked for guidance on how to respond to the November 9th deadline, regarding the progress being made by the County.

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Chairman Wolden indicated that the Board could adopt nothing today, but allow the redlined version to go out for public comment, so the changes could be reviewed by the public. He stated that he would prefer this course of action rather than adopting an interim ordinance. The public hearing could then be held on November 22nd as discussed, and the WWGMHB could be notified of the revised action plan.

Mr. Derr stated that the County could leave the November 29th date intact, and could submit a statement to the WWGMHB on the 9th to show where we are procedurally.

Commissioner Hart moved to approve the interim ordinance as presented by Staff. Lacking a second to the motion, the motion died.

Commissioner Wolden moved to hold a public hearing on this matter on November 22nd, 2000, at 10:00 a.m., in Hearing Room "C". The motion was seconded by Commissioner Anderson, and passed with a unanimous vote.

### **DISCUSSION AND POSSIBLE ACTION – PLANNING COMMISSION RECORDED MOTION REGARDING REMANDED 1997 COMPREHENSIVE PLAN AMENDMENTS.**

Guy McNally, Assistant Planner, reported that this discussion is to possibly take action on the Planning Commission's Recorded Motion regarding remanded 1997 Comprehensive Plan Amendments. He indicated that the Board is familiar with the history and process of these properties and the proposed amendments, and suggested that he review the particular findings of the Planning Commission for each. He noted that the eight properties under consideration were reviewed for technical mapping errors or designation criteria errors.

1. Don Clark. Mr. McNally reviewed a map of the subject property. He reported that the Planning Commission found that no technical mapping error was made. Based on the record in this matter and on the Planning Commission's findings, the Planning Commission withdrew its previous recommendation and recommended no change in designation of the properties as depicted on the map displayed by Mr. McNally.

A brief discussion ensued on the implications of HB 6094 to this property, with it determined that Mr. Clark could file for a change under the criteria of HB 6094.

Mr. McNally stated that the Planning Commission specifically found that this review was being made without prejudice to future reviews.

2. Toscano. Mr. McNally advised that this property is adjacent to the Clark property and was included in the review by the Planning Commission of this area. The Planning Commission's recommendation is no change in the designation to the property.
3. Forest Foss. Mr. McNally reviewed the exact location of the property, advising that there was an inadvertent mapping error made in originally applying a Rural Reserve designation to the subject properties. The Planning Commission recommends redesignation to Rural Intermediate.
4. C.B. Jones, North Subject Properties. – Mr. McNally reported that neither of the parcels meets the initial screening criteria for Rural Resource in the 1997 Comprehensive Plan. Therefore, an inadvertent mapping error was made in originally applying a Rural Resource designation. The Planning Commission upheld its previous recommendation to redesignate to Rural Reserve the north subject properties.

Upper South Subject Property. Mr. McNally stated that had the north subject parcels been excluded from a Rural Resource designation, based on the failure to meet the criteria for Rural Resource, this parcel would not have been included in Rural Resource based on inclusionary criteria. Therefore, an inadvertent mapping error was made in originally applying a Rural Resource designation on the upper

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south subject property. The Planning Commission recommended that the western portion of the upper south subject parcel be redesignated to Rural Reserve.

Lower South Subject Property. Mr. McNally explained that a split designation is contrary to common sense planning practices, and therefore the Planning Commission recommended no change in the designation for the subject parcel.

5. Dave Nelson. Mr. McNally stated that this property was included as part of the Birdsvie Study Area, but that the Planning Commission found that the subject property deserves immediate consideration based on the fact that it was singled out for remand by Ordinance No. 17294. The subject property meets the criteria for Rural Intermediate based on a median surrounding parcel density of 1.23 acres. Therefore, an inadvertent mapping error was made. The Planning Commission upheld its previous recommendation to redesignate to Rural Intermediate the subject properties.
6. Cook Road Study Area. All but three parcels within the identified area do not meet the initial screening criteria for Ag-NRL. The remaining three lots over 5 acres should not remain Ag-NRL based on the "exclusionary " provision in order to avoid islands or peninsulas of non-resource uses in the midst of resource lands. Based on the record and findings, Mr. McNally reported that the Planning Commission recommended that the parcels be redesignated to Rural Reserve.
7. Dennis Peek – Peek Parcel. The subject parcel does not meet the criteria for Rural Intermediate in the 1997 Comprehensive Plan and therefore, no technical mapping error was made on the 1997 Comprehensive Plan Map. The Planning Commission recommended no change in designation for the subject parcel.

South of Peek Parcel in Section 12. The 1997 Comprehensive Plan Map erroneously depicts the western portion of the subject parcel as being part of the Peek parcel to the north. Based on this error, and lacking any reason to believe that the western portion of the subject parcel would not have been considered part of the "existing development pattern" and "historical community" of Marblemount, the Planning Commission recommended redesignation to Rural Village for the portion of the subject parcel as described.

Parcels in Section 13. This area is designated as Rural Intermediate, rendering moot any consideration of a change to that designation. The Planning Commission recommended no change in designation.

8. Heilman Property. Mr. McNally reported that the designation of the subject property as Rural Reserve on the 1997 Comprehensive Plan Map was an inadvertent mapping error due to the failure to consider the 1993 P.U.D. application, and the resulting density the adjacent property would vest to. Based on the record in this matter and the findings, the Planning Commission recommended to redesignate to Rural Intermediate the subject property.

Commissioner Anderson moved to accept the Planning Commission's recommendations as described by Mr. McNally. The motion was seconded by Chairman Wolden and passed with a unanimous vote. **(Resolution to be provided by Staff at a later date)**



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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