

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, November 27, 2000**

MONDAY, NOVEMBER 27, 2000

- 9:00 a.m. – 10:00 a.m. Deliberations and Possible Action following Public Hearing to Consider Testimony regarding amendments to Skagit County Code (SCC) Section 14.24, the Critical Area Ordinance, SCC Section 14.24.120, “Ongoing Agriculture on Agricultural Lands (formerly SCC 14.06.095); SCC Section 14.04.020 amendments to the definitions of “Agriculture” and “Ongoing Agriculture”; and SCC Section 14.16.400(3)(e) relating to Administrative Special Uses in Agriculture – NRL.
- 10:00 a.m. – 10:15 a.m. **CONSENT AGENDA.
MISCELLANEOUS.**
- 10:30 a.m. – 11:30 a.m. Public Hearing:
- (1) To Consider Testimony regarding an Application for Leasing Real Property located at 44511 Concrete Sauk Valley Road, Concrete; and,
 - (2) To Consider Testimony regarding the disposal of County Surplus Real Property in accordance with RCW 36.34, consisting of a strip of land 350 feet in width located in the northeast quarter of the northeast quarter of Section 18, Township 35 North, Range 4 East, W.M.
- 11:30 a.m. – Noon Consideration of a Resolution Invoking the Housing Cooperation Law to Facilitate Development of the Skagit County Housing Authority’s Raspberry Ridge Multi-Family Farmworker Housing.
- 1:30 p.m. – 2:00 p.m. Discussion and Possible Action – Personnel Policies & Procedures Manual Revisions.

The Skagit County Board of Commissioners met in regular session on Monday, November 27, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

Deliberations and Possible Action following Public Hearing to Consider Testimony regarding amendments to Skagit County Code (SCC) Section 14.24, the Critical Area Ordinance, SCC Section 14.04.020 amendments to the definitions of “Agriculture” and “Ongoing Agriculture”, and SCC Section 14.16.400(3)(e) relating to Administrative Special Uses in Agriculture - NRL

Chairman Wolden opened the meeting. He explained that the purpose of the meeting is for the Commissioners to deliberate and, possibly, take action following the public hearing of the previous week. The Commissioners have studied the material provided by staff and public comments received prior to this meeting.

Kendra Smith, Assistant Director, Planning and Permit Center, reviewed some of the suggestions and public comments that had been received. She advised the Commissioners that she and consultant Jay Derr, were present to answer any questions the Commissioners might have about the proposed ordinance.

Commissioner Hart said he feels they are starting out where the Planning Commission left off. He said he believes the decisions made by the Planning Commission are justified. This is the first agriculture buffer program in the state that will provide compensation for landowners. It is essential that compensation be provided when there is a change of use for the land. The bottom line now is what the Science Advisory Panel has a right to do. Right now the law says that the agencies are right unless they are proven wrong. The Science Advisory Panel is set up to go out and look at the ground and to try to improve on what will really work for salmon. This ordinance can be amended no matter what changes occur. There are some technical issues Annie Lohman brought up that should be reviewed.

Commissioner Wolden said the language in the ordinances causes a lot of misunderstanding. Staff is an important part of this as they can go out and evaluate what is happening today. "We are not dealing with reality, but with a vision of what might be in 25 years." Commissioner Wolden said he would like to see this passed, with the Governor to release a proviso on the money provided.

Commissioner Hart said he would like to see the purchase of easements included and funded. This is an option that should be left in the ordinance. Everyone has an option of deciding whether they want to comply or not. At least this will provide funding for those who want to comply.

Commissioner Anderson said that he would like to see language in the ordinance that would help those people who ended up with 200' buffers and did not receive anything. There should be more clarification. He said he would like to preserve on the record that, in his opinion, there is absolutely no requirement on a federal level to do anything about fish habitat. The state is immersed in the Growth Management Act and this is forced decision making. Forced decisions are rarely good decisions. The County is put in the position of being threatened that if the County does not comply, there will be loss of the funding that Commissioner Wolden worked to get for farmers.

In reading all of the comments and letters received from organizations like the Audubon Society, it appears that no one was satisfied with this. This is just another step in the drive to increase buffers. If this ordinance is adopted, the requirements will continue to change until the buffer reaches the 125' that everyone wants.

Someone may do a CaRD, but if someone else doesn't want to, they will have 200' buffers and will be forced to break the property up if they want any economic return. There would not be much left out of 10 acres to do viable farming. He said he is convinced that whatever the Commissioners do today will be appealed and the buffers will continue to be expanded until they "get us where they want us to be". There is a lack of concern about how the farmers will survive.

Commissioner Hart reviewed sections of the proposed ordinance, questioning some of the wording.

After discussion, it was agreed that several modifications would be made to the proposed ordinance to clarify the intent of the October 30, 2000 draft that came out of the Planning Commission.

Commissioner Hart motioned to approve An Ordinance Repealing Ordinance No. 17896, Adopting a New Section to the Critical Area Chapter of Title 14, SCC 14.24.120, Relating to Buffers on Agricultural Lands, and Amending Portions of SCC 14.04.020 and 14.16.400. Commissioner Wolden seconded the motion. The motion was carried, 2-1, with Commissioner Anderson opposed. **(Ordinance #18069)**

Commissioner Wolden explained that the money that was received was because Skagit County was the only county moving forward with a buffer plan. If the county continues to move forward, there will be funding for the purpose of easements, etc.

It was noted that the Science Advisory Panel resolution would also require some modifications. Ms. Smith will make those modifications and bring it back to the board for signature on November 28.

CONSENT AGENDA

Commissioner Hart motioned to approve the Consent Agenda for November 27, 2000, items 1 -20. Commissioner Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, November 20, 2000.
2. Record of the Proceedings for Tuesday, November 21, 2000.
3. Dance Hall License for Skagit Valley Grange for the period February 1, 2000 through January 31, 2001. The Sheriff has indicated that he has no problem with the issuance of this license.
4. Re-Appointment of Colleen Fisher to the Parks & Recreation Advisory Board for a three-year term beginning July 1, 2000 and expiring June 30, 2003. **(Resolution #18070)**
5. Re-Appointment of Jack Harlow to the Skagit County Fair Advisory Board for a four-year term beginning January 1, 2000 and expiring December 31, 2004. **(Resolution #18071)**
6. Re-Appointment of Kacy Johnson to the Skagit County Fair Advisory Board for a four-year term beginning January 1, 2000 and expiring on December 31, 2004. **(Resolution #18072)**
7. Re-Appointment of Jim Perkins to the Horticultural Pest and Disease Board of Skagit County for the term May 27, 2000 through may 26, 2002. **(Resolution #18077)**
8. Appointment of Brian Sakuma to the Horticultural Pest and Disease Board of Skagit County for the term May 27, 2000 through May 26, 2002. **(Resolution #18073)**
9. Appointment of Todd Gordon to the Horticultural Pest and Disease Board of Skagit County for the term May 27, 2000 through May 26, 2002. **(Resolution #18074)**
10. Re-Appointment of Alan Merritt to the Horticultural Pest and Disease Board of Skagit County for the term May 27, 2000 through May 26, 2002. **(Resolution #18075)**
11. Re-Appointment of Dyvonne Havens to the Horticultural Pest and Disease Board of Skagit County for the term May 27, 2000 through may 26, 2002. **(Resolution #18076)**
12. Interlocal Agreement with the Town of Concrete for public facility project funding pursuant to RCW 82.14.370 granting \$400,000 towards the total project cost estimated at \$2,600,000. The project is the Town of Concrete Comprehensive Sewer and Wastewater Facility Plan. **(Contract #001522)**
13. Interlocal Agreement with the Town of Concrete regarding the building of a family resource center in the Town. The Town agrees to pay to Skagit County the sum of \$15,200 to be used for the purpose of construction of the family resource center. **(Contract #001523)**

FACILITIES:

14. Resolution Postponing the Bid Opening of the Skagit County Park's Maintenance Shop to December 19, 2000, at 10:00 a.m. **(Resolution #18078)**

HEALTH DEPARTMENT:

15. Request for Waiver of PUD Late Comer Fee for Bulson Road Water Line for Karl and Marlene Stadler. The County has granted all requests for waivers of these fees to date. The waiver is conditioned on no well begin drilled on the property in order to protect against any access to water that could be impacted by the Sinnes Landfill.

PERSONNEL:

16. Professional Services Agreement with The Reppond Company, Inc. to act as the County's benefit broker and consultant for employee medical benefits. The term of the contract is October 23, 2000 through October 22, 2001 for a total consideration of \$77,500. **(Contract #005124)**

YOUTH & FAMILY SERVICES:

17. Personal Services Agreement with The Center, Inc. to provide specialized child, adolescent, adult and family assessment, evaluation and treatment at rates ranging from \$70 per hour for group therapy to \$20 per hour for travel. The contract begins September 1, 2000 and will continue until December 31, 2001. **(Contract #005125)**

BEST PLACE:

18. Lease Agreement with the City of Burlington for a portion of a building located at 833 E. Vernon Avenue for the Best PLACE Program Monday through Thursday, from 2:00 p.m. to 9:00 p.m., Friday 2:00 p.m. – Midnight and Saturdays, 7:00 p.m. to Midnight. The County shall pay an annual fee of \$2,000 plus utilities as rental for said premises. The term of the lease is November 1, 2000 through May 31, 2001. **(Contract #005126)**

PUBLIC WORKS DEPARTMENT:

19. Contract with Skagit Valley Publishing providing advertising space for the Public Works Department from November 15, 2000 through November 15, 2001 for advertising recycling education projects, among other items. Annual volume inches must exceed 150 and will be at the rate of \$9.80/per column inch for advertising in the American and Fidalgo, \$8.64 per column inch for the Argus, and \$6.93 per column inch for advertising in the Courier Times. **(Contract #005127)**

MISCELLANEOUS

- 1) Commissioner Hart motioned to approve a resolution Authorizing a Call for Public Hearing for Property Taxes for the 2001 Budget Year. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution #18079)**
- 2) Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, November 27, 2000, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant 83652 through 84220 in the total dollar amount of \$404,752.73. **(C-78-00)**

Warrant 84221 through 84253 in the amount of \$279,591.54. **(C-79-00)**

Payroll warrants numbered 64037 through 64926 in the amount of \$842,801.56. **(P-45-00)**

Payroll transmittal, Junior District Payroll, warrants 954113 through 954199 in the amount of \$77,961.92. **(P-44-00)**

Public Hearing

- (1) **To Consider Testimony regarding an Application for Leasing Real Property located at 44511 Concrete Sauk Valley Road, Concrete.**

Roger Howard, Director, Facilities Management, explained that Mr. George Theodoratus is presently leasing property owned by the county at the above address. Mr. Theodoratus has asked that his lease with the County be continued.

Roger Babcock of Rockport said that Mr. Theodoratus has done a really good job keeping the property clean and nicely mowed. It is the first show of concrete coming in from the west and having that all nice and clean makes an excellent first impression.

Commissioner Hart motioned to close the public hearing. Commissioner Anderson seconded the motion, which passed unanimously.

Commissioner Hart motioned to authorize negotiation of a new lease with George Theodoratus for property located at 44511 Concrete Sauk Valley Road. Commissioner Anderson seconded the motion, which passed unanimously.

- (2) **To Consider Testimony regarding the disposal of County Surplus Real Property in accordance with RCW 36.34, consisting of a strip of land 350 feet in width located in the northeast quarter of the northeast quarter of Section 18, Township 35 North, Range 4 East, W.M.**

Mr. Howard explained that this public hearing is regarding the disposal of surplus property. The proposal is to declare property recently purchased from the state by the county, which is leased to the Humane Society, surplus. The intent is for the Humane Society to purchase the property.

Commissioner Anderson motioned to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously.

Commissioner Anderson motioned to approve a resolution for the Disposal of County Surplus Property. Commissioner Hart seconded the motion, which passed unanimously. **(Resolution #18080)**

Mr. Howard will work with the Treasurer's office to schedule a date and time for the auction.

CONSIDERATION OF A RESOLUTION INVOKING THE HOUSING COOPERATION LAW TO FACILITATE DEVELOPMENT OF THE SKAGIT COUNTY HOUSING AUTHORITY'S RASPBERRY RIDGE MULTI-FAMILY FARMWORKER HOUSING

Tom Karsh, Director, Planning and Permit Center, explained that this is the first board who has been asked to invoke the Housing Cooperation Law, which allows local commissioners to exempt or waive local standards if it is perceived that those standards would either prohibit or cause a project like this to be unduly delayed, thwarting farm worker housing. He advised that Linda Kuller, Community Development, who was also present, has been handling this application.

Commissioner Anderson said it was his understanding that at the time of the application, Mr. Youngquist could have had farm worker housing on his property.

Mr. Karsh said, at the time this came up, it was possible. The Housing Authority and the Youngquist's are asking the Commissioners to waive two aspects of the code, the zoning requirements and the procedural appeals section. If they were exempted from a special use permit, the public would have the opportunity to comment, either through the development permit or with the building permits themselves. That triggers SEPA, which has a comment period. If, on the other hand, the comments came in and it was determined that they were not sufficient to cause the project or conditions to be modified, that decision could be appealed

Today's action would cut a few steps off the application procedure. Any appeal that would go to the Hearing Examiner would go directly to Superior Court. There will still be public comment and the Planning Department has to issue a SEPA definition. This would take away the right of the public to appeal at the local level. SEPA requirements cannot be waived, the Shorelines Act cannot be waived, the Uniform Building Codes cannot be waived, and the applicant is not requesting waiver of these standards.

Commissioner Anderson said he thinks people had the wrong impression that, by approving this, the applicant would be exempted from the building codes. Since this is to be affordable housing, the intent of this resolution would be shorten the process, so as to decrease costs. They would still have to meet the same requirements.

Commissioner Hart said the intent of the legislature was to streamline costs. The legislation is restricted to housing authorities only. He emphasized that this is a project that cannot be exempted from the code, SEPA or shoreline requirements. There is a lot of feeling that other projects should be streamlined, but this is the type of project where the County has the option to allow streamlining.

Commissioner Wolden noted that the impact on schools has been questioned.

Mr. Karsh said the Burlington-Edison School District has a set of impact fees and this project is subject to those fees. There is some concern about how this relates to the extension of sewer outside the Burlington city limits. The applicant is anxious to have sewer service. The applicant was told that they would have to install an on-site sewage system. Sewer outside of the city limits and service area is not allowed.

The Housing Authority had a public meeting last night and from that meeting, several issues were raised. John Smith, Executive Director, Housing Authority, summarized what those issues were and what the mitigating answers were.

Mr. Karsh pointed out that on page 2 of the resolution, paragraph 7, should read, Skagit County Code, 14.04.190(6) rather than 14.04.190(3). The board initialed this.

After further discussion, Commissioner Anderson motioned to approve A Resolution to Invoke the Housing Cooperation Law to Facilitate Development of the Skagit County Housing Authority's Raspberry Ridge Multi-Family Farmworker Housing Project. Commissioner Hart seconded the motion, which passed unanimously. **(Resolution #18081)**

DISCUSSION AND POSSIBLE ACTION – PERSONNEL POLICIES AND PROCEDURES **MANUAL REVISIONS**

The Commissioners met with Stephanie Wood, Personnel Director, to consider recommendations by the Personnel Policies and Procedures Committee regarding the following policies:

- 1) Section 18, Substance Abuse. Changes to subject only employees in positions that implicate public safety to the pre-employment drug screening policy.

- 2) Section 19.8, Meeting Refreshments and Meals. A proposal to provide greater discretion for provision of meals and refreshments at meetings sponsored by County Departments was recommended for approval.
- 3) Section 6.6 Vacation Leave. The Personnel Policies Committee recommended that the Board of Commissioners increase the number of days of vacation an employee may accrue in years 16 through 20 by one day each year. Also being recommended is the ability for exempt employees to access the vacation buy-back policy in paragraph (h) at any time during the year, not just prior to July 31, as it has been before.
- 4) Section 19.5 Travel Expenses. Per diem rates for meals are being recommended for increase in accordance with new State and Federal rates.
- 5) Section 6.4 Holidays. The long-standing practice of requiring that in order to receive pay for a holiday an employee must have worked or been on paid leave the workday prior to and the workday after the holiday is recommended to be recognized with a formal policy.
- 6) Section 12.3 Sexual Harassment. In accordance with recent court cases, it was recommended that the list of people to whom a complaint may be made should be expanded, and false reporting and retaliation for making a complaint is being recognized as an offense worthy of discipline.
- 7) The Board of Commissioners has decided that it wishes to broaden the County's sick leave donation policy. Language was considered which will allow the Board to authorize sick leave donations at its discretion.

The Board directed the Personnel Director to prepare an additional policy which allows the donation of vacation leave under circumstances determined by the Board in conjunction with the sick leave donation policy, and to return the completed resolution for signature the following week.

ADJOURNMENT.

Commissioner Anderson motioned to adjourn the proceedings. Commissioner Hart seconded the motion, which passed unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Harvey Wolden, Chairman

Robert Hart, Commissioner

ATTEST:

Ted W. Anderson, Commissioner

Jean Terry, Acting Clerk of the Board
Skagit County Board of Commissioners