

**SKAGIT COUNTY BOARD OF COMMISSIONERS
RECORD OF THE PROCEEDINGS
TUESDAY, JULY 23, 2002:**

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.

Public Works Department – Chal Martin, Director

1. Public Hearing – to Consider a Vacation of Un-Opened Right-of-Way known as Wood Rd.
2. Public Hearing – to Consider a Vacation of Un-opened Right-of-Way known as Hill St.
3. Discussion – Salmon Recovery Funding Board Grant Applications
4. Discussion and Signature - Letter to Colonel Graves of the US Corp of Engineers regarding the Project Management Plan for the Skagit River Feasibility Study. Update for the Skagit River Flood Protection/Salmon Restoration Project.
5. Signature - Personal Services Agreement between Skagit County and Tetra Tech
6. Signature - Aquatic Lands Enhancement Account (ALEA) Grant Agreements for McElroy Slough Property Acquisition Project.
7. Miscellaneous

*T 10:00 a.m. – 11:00 a.m.

Planning & Permit Center, Tom Karsh, Director

1. Discussion and Follow-Up on the Drainage Ordinance Related to Forest Practices.
2. Deliberations following Public Hearing – Regarding the following Codes: 2000 Uniform Plumbing Code; 2001 Washington State Energy Code; The International Building Code, International Fuel Gas Code, International Fire Code and International Mechanical Code, 2000 Editions as Alternate Methods; The International Residential Code Except Chapters 25 through 40 Inclusive as an Alternate Method; An Official Snow Load Map; An Increase in Design Stretcher Size for an Elevator in Certain Occupancies; Amend Certain 1997 Uniform Fire Code References, Amend Date References for the Board of Appeals for the Uniform Building Code, Amend References in the Code Regarding the Installation of Manufactured Homes.
3. Proposed Timeline Revisions to Personal Services Agreement with Berryman & Henigar for 20-Year Population and Employment Allocations.
4. Proposed Timeline Revisions to Personal Services Agreement with Earth Tech for Growth Management Indicators Program
5. Consideration of County-Initiated Comprehensive Plan Amendment on behalf of Geoffrey Gent.
6. Discussion on Capital Facilities Plan Coordinating Committee
7. Bayview Ridge UGA & Subarea Plan Update.
8. Set Date and Time for Consideration of Final Plat of Elk Haven Estates, located east of Helmick Road off of Highway 20 (PL96-0298, PLO2-0053).
9. Miscellaneous.

11:00 a.m. – 11:30 a.m.

Bid Opening – East Skagit County Family Resource Center

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	Bid Opening – Skagit County Miscellaneous Building Alterations
11:30 a.m. – 11:45 a.m.	Public Hearing – Lease for the Humane Society of Skagit County
1:30 p.m. – 2:00 p.m.	Deliberations and Possible Action – Planning Commission Recommendations on Adoption of City and Town Development Regulation Updates within Urban Growth Areas
2:00 p.m. – 3:00 p.m.	Appeal by Dena Blatt of the Hearing Examiner’s Decision regarding the following: Reduce Critical Area Buffer Variance (PL99-0429); Reduce Side Yard Setback Variance (PL99-0430); and Reduce Shoreline Setback Variance (PLO1-0391).
3:00 p.m. – 4:00 p.m.	Work Session – Skagit EMS Levy
4:00 p.m. – 4:30 p.m.	Public Hearing – Revised Fee Schedule for Howard Miller Steelhead Park

The Skagit County Board of Commissioners met in regular session on Tuesday, July 23, 2002 with Commissioner Don Munks, Commissioner Kenneth A. Dahlstedt and Commissioner Ted W. Anderson present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

1. **Public Hearing – To Consider a Vacation of UnOpened Right-of-Way known as Wood Rd.**

Steve Flude, Assistant Director, reviewed the exact location of the proposed vacation of the unopened County right-of-way known as Wood Road #24400, located east of State Route 11 in the Blanchard area. The Department has recommended that the vacation of the unopened right-of-way be approved as presented. He showed a photograph of the area in question.

Mr. Flude said Sara Bishop, a potential buyer of some surrounding property, wanted to know if the property was landlocked.

Discussion ensued about the history of the piece where the two ends of the right-of-way along Wood Road were vacated. It is unclear if the property the Bishops are looking at is landlocked, however, it certainly looks that way.

It is recommended that the said portion of road right-of-way be vacated to the adjacent property owners because this is a right-of-way bounded at each end by private property, the right-of-way is enclosed on both sides by two property owners, its vacation will create more logical property boundaries, and it is of no benefit to the public as a County roadway and should be returned to the adjacent property owners. It is also recommended that the right-of-way petitioned for be vacated at no cost except for the cost of the public hearing, due to the fact that Skagit County expended zero dollars for it and have spent nothing for maintenance of the right-of-way.

Sara Bishop, 3118 Colony Mountain Drive, said the property they have agreed to buy would be landlocked but is of no concern because they have no intention of developing the property. They would have to negotiate with Larry and Lynne Hower to gain an easement.

Commissioner Anderson asked if Ms. Bishop knew if both ends were vacated. Ms. Bishop said she did and that it was previously owned by Blanchard Watershed.

Lynne Hower, 3305 Blanchard Road, Bow, stated that their property is the only property that is adjacent to Wood Road. The portion that the Bishops are purchasing was also vacated at some time.

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Commissioner Dahlstedt asked Ms. Bishop if she was opposed to the vacation. She indicated that they weren't opposed but negotiations with the Hower's for access still need to take place.

There being no further public comment, Commissioner Anderson motioned to close the public hearing. Commissioner Dahlstedt seconded the motion, which was passed unanimously.

Commissioner Anderson made a motion to approve the right-of-vacated as requested. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution to be provided by Staff at a later date)**

2. **Public Hearing – To Consider a Vacation of Unopened Right-of-Way known as Hill St.**

Mr. Flude next reviewed the exact location of the proposed vacation of the unopened County right-of-way known as Hill Street, located west of Big Lake Boulevard and south of Little Mountain Road. The Department has recommended that the vacation of the unopened right-of-way be approved as presented. He showed a photograph of the area in question.

Linda Barker, 18752 West Big Lake Boulevard, stated that they own lots E, F, and G along the unopened right-of-way and believes lots F and G are landlocked due to a ravine that runs through them.

Mr. Flude said even though a ravine runs through the lots, it wouldn't necessarily mean they were landlocked but it would create potential problems of accessing them.

Bill Allen, an attorney representing Richard and Susan Clayton, the requestors of the vacation, stated that the Clayton's house encroaches on a part of the public right-of-way. Due to that, they are unable to obtain refinancing. He indicated that the Barkers do have access as there is an easement serving the three lots that they received when they purchased the property. Even though Ms. Barker believes there are some terrain problems in accessing her lot, Mr. Allen doesn't think the vacation will help her.

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

Mr. Flude advised that even though the Department had recommended that the unopened right-of-way be approved as presented, he now feels that with the additional information that was provided today, the Board should postpone their decision until all of the data is collected and can be reviewed.

Commissioner Anderson motioned to table the issue and revisit it after a site visit is made and Mrs. Barker's issues are resolved. Commissioner Dahlstedt seconded the motion, which passed.

3. **Discussion – Salmon Recovery Funding Board Grant Applications.**

Dave Brookings, Public Works Administrator, spoke about a notice of intent to seek grants to fund four Salmon Recovery projects. The projects are as follows:

- A. Knudson Property matching funds for the County's ALEA grant application. This project would be dependent upon having a successful ALEA grant application.
- B. The Gravel Creek culvert on the Sauk Valley Road fish passage project. The County's matching funds would come from the Road Fund.
- C. Hart Slough habitat restoration project. Matching funds for this project would come from the General Fund.

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- D. Levee Setback project with Dike District No. 3. Staff support for the habitat restoration portion of the levee setback project would come from the General Fund. Matching funds for levee design and construction would come from the Dike District.

Mr. Brookings advised that the actual grant application would be prepared in November, subject to the approval of the Board.

4. **Discussion and Signature - Letter to Colonel Graves of the US Corps of Engineers Regarding the Project Management Plan for the Skagit River Feasibility Study. Update for the Skagit River Flood Protection/Salmon Restoration Project.**

Next, Mr. Brookings presented a letter for the Board's signature. It is addressed to Colonel Graves of the US Corps of Engineers to address an update of the Project Management Plan. This document defines the scope of work and financing associated with the Skagit River Feasibility Study. It has been outdated for several months and is starting to impede progress.

Commissioner Dahlstedt moved to approve the letter to the Army Corps of Engineers as outlined by Mr. Brookings. Commissioner Munks, seconded the motion. Commissioner Anderson voted no on the motion.

Commissioner Anderson discussed the reason for the negative vote. The language in the letter states "Skagit County is poised to ask our community to financially support this project in early 2004." Due to the fact that a "project" has never been formally voted on, Commissioner Anderson said that the formal process was not followed.

Chairman Munks asked if Commissioner Anderson would approve the letter if that statement was stricken.

Commissioner Anderson said he would agree to the letter being sent if that particular language is omitted. He agrees with updating the plan but does not agree with the language.

Chairman Dahlstedt moved to send the letter to Colonel Graves of the Army Corps of Engineers as amended. Commissioner Anderson seconded the vote, which passed. **(Approved)**

5. **Signature - Personal Services Agreement between Skagit County and Tetra Tech.**

A Personal Services Agreement was presented to the Board between Skagit County and KCM, Inc., doing business as Tetra Tech/KCM, Inc. The agreement would provide additional Skagit River hydraulic modeling using the US Corps of Engineers' hydraulic model to analyze various interim measures for emergency planning. Mr. Brookings indicated that compensation would not exceed \$55,000.

Commissioner Anderson made a motion to approve the Personal Services Agreement with Tetra Tech as outlined by Mr. Brookings and Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. C20020257)**

6. **Signature - Aquatic Lands Enhancement Account (ALEA) Grant Agreements for McElroy Slough Property Acquisition Project.**

Mr. Brookings next discussed a grant agreement for the McElroy Slough Property Acquisition Project (Aquatic Lands Enhancement Account Project No. AL-01-11). He said the purpose of the agreement is to allow the Washington Department of Natural Resources to provide an \$88,969 grant award to Skagit County for the acquisition of property and right-of-way related to the project.

He indicated that the acquisitions must be finalized by June 30, 2003 in order to be eligible for reimbursement. In addition, the grant requires that the properties be monitored for five years post purchase. There is also a 50% match requirement for this grant.

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Commissioner Anderson asked if by signing the grant, would the Board be approving the project.

Mr. Brookings advised that this is merely an application for grant funds and if the Board chose not to follow through with the project, then the funds would not be accepted.

Commissioner Dahlstedt moved to approve signing the Aquatic Lands Enhancement Account Grant Agreement for the McElroy Slough Property Acquisition Project as outlined by Mr. Brookings. Commissioner Anderson seconded the motion, based on earlier discussion. The motion passed unanimously. **(Approved)**

7. **Miscellaneous.**

No miscellaneous items were presented for discussion.

PLANNING AND PERMIT CENTER – Tom Karsh Director

1. **Discussion and Follow-Up on the Drainage Ordinance Related to Forest Practices.**

Tom Karsh, Planning & Permit Center Director, submitted a summary sheet outlining information that was presented at a July 9, 2002 work session, regarding forest practices and the drainage ordinance.

He advised that the Commissioners need to decide whether or not they would like to see Staff move forward to work on a new regulation amending the current County Drainage Ordinance, which is currently applying requirements for an engineered drainage plan for most harvesting of lands that involve a conversion.

Kendra Smith, Assistant Director, summarized the proposed amendments to the codes. The Department of Ecology does not require Skagit County to adopt any Stormwater Manual, including the 1992 manual, and neither the 1992 manual or the “New Manual” require forest practice conversions or COHPs to have engineered drainage plans if the lands are going to pasture and not development – only at the time of development does the Manual require an engineered plan.

To do an engineered plan at the time of a conversion or COHP when the layout or amount of development is unknown, requires the landowners to do two engineered drainage plans.

The harvest of timber is heavily regulated by the Department of Natural Resources from buffers to x-ditching culverts, etc. County Critical Areas Ordinance and SEPA provide all necessary regulations if a specific situation exists where engineered plans are needed. If DNR regulations are good for all other logging, then they should be good here and adopted into the County’s codes as regulation until the time of development, then apply the County’s Drainage Ordinance requirements.

The Skagit County Board of Commissioners approved Staff to take action in drafting the interim ordinance as outlined by Ms. Smith.

2. **Deliberations Following Public Hearing – Regarding the following Codes: 2000 Uniform Plumbing Code; 2001 Washington State Energy Code; The International Building Code, International Fuel Gas Code, International Fire Code and International Mechanical Code, 2000 Editions as Alternate Methods; The International Residential Code Except Chapters 25 through 40 Inclusive as an Alternate Method; An Official Snow Load Map; An Increase in Design Stretcher Size for an Elevator in Certain Occupancies; Amend Certain 1997 Uniform Fire Code References, Amend Date References for the Board of Appeals for the Uniform Building Code, Amend References in the Code Regarding the Installation of Manufactured Homes.**

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Bill Dowe, Building Official, stated that a public hearing was held on June 26, 2002 on proposed updates to Skagit County building codes. The new ordinance would adopt new plumbing and energy codes, adopt a snow load map and amend portions of the building and fire codes.

Commissioner Dahlstedt motioned to approve an ordinance amending Chapter 15.04 of the Skagit County Code relating to adding reference to the most current editions of the Uniform Building and related codes and amending the sections noted on Attachment 1. Commissioner Anderson seconded the motion, which passed unanimously. **(Ordinance No. R20020262)**

3. **Proposed Timeline Revisions to Personal Services Agreement with Berryman & Henigar for 20-Year Population and Employment Allocations.**

Kirk Johnson, Senior Planner, stated that on February 12, 2002, the Board of County Commissioners entered into a Personal Services Agreement with Berryman & Henigar to help the County prepare 20-Year Population and Employment Allocations for the 2002 Comprehensive Plan update. Originally this project was scheduled to be completed by September 1, 2002. The first phase of the project was completed per schedule, however, the project has since been delayed for reasons outside of the County's and consultant's control. These include the Legislature's extension of the Comprehensive Plan update deadline until 2005, various cities' reluctance to continue participating in the project prior to resolution of Framework Agreement issues, and related Commercial and Industrial acreage issues being negotiated through the Settlement Agreement discussions with the cities.

Mr. Johnson presented the Board with proposed revisions to certain timelines under the original agreement's Scope of Work, along with the relevant portions of the original agreement with the proposed language to be changed. These proposed timeline revisions reflect a new project deadline of January 1, 2003, as agreed to by the Department of Community, Trade, and Economic Development, the project's primary funding agency.

Commissioner Dahlstedt asked if the time period being offered is realistic.

Mr. Johnson answered that provided cooperation is given by the participating cities, these new timelines will allow completion of the project by January 1, 2003.

Commissioner Dahlstedt made a motion to approve the draft for Amendment No. 1 to the original Services Agreement with Berryman & Henigar, as outlined by Mr. Johnson. Commissioner Anderson seconded the motion and it passed unanimously. **(Approved)**

4. **Proposed Timeline Revisions to Personal Services Agreement with Earth Tech for Growth Management Indicators Program.**

Connie Randall, Associate Planner, reviewed the proposed timeline revision to Personal Services Agreement with Earth Tech for the Growth Management Indicators Program. These timeline revisions reflect a new project deadline of December 30, 2002. The development, and subsequent implementation, of the Growth Management Indicators Program is being undertaken in response to a Western Washington Growth Management Hearings Board ruling.

Ms. Randall indicated that this project was originally scheduled to be completed by September 1, 2002. However, the project has since been delayed for reasons outside of the County's and the consultant's control. These include the Legislature's extension of the Comprehensive Plan update deadline until 2005 and the unanticipated length of time needed to collect data from a variety of Skagit County records, city records, and state departments. The first phase of the three phase project, Project Initiation, was completed on June 7, 2002.

Commissioner Dahlstedt motioned to approve the draft for Amendment No. 1 to Personal Services Agreement with Earth Tech as outlined by Ms. Randall. Commissioner Anderson seconded the motion, which passed unanimously. **(Approved)**

5. **Consideration of County-Initiated Comprehensive Plan Amendment on behalf of Geoffrey Gent.**

Mr. Johnson next discussed a proposal of a County-initiated amendment to restore commercial zoning to property owned by Geoffrey Gent on Guemes Island. This would be done as part of the 2002 Comprehensive Plan Amendment cycle.

Mr. Gent's properties were zoned Commercial-Limited Industrial through 1999. When new Growth Management Act-based rural commercial and industrial (C/I) zoning was established through Interim Ordinance No. 17535, adopted in August of 1999, Mr. Gent's property was not given a rural commercial designation but was instead designated Rural Reserve. This was based on information that the property contained only a gravel pit, which does not require C/I zoning. Department records show that Mr. Gent was mailed notice that the County was considering the zoning change, although Mr. Gent states he never received such notice.

Mr. Gent has since brought to the Department's attention information that the property also contains an earth-moving and excavating business and related equipment, indoor and outdoor storage provided to island residents, and also sale of some second-hand goods. The Assessor's information shows several shop and shed buildings on the property.

Mr. Gent is of the belief that the County erred in removing the property's commercial zoning without proper notification, and has requested that the County initiate a 2002 Comprehensive Plan Amendment to restore an appropriate rural commercial designation to that portion of the property formerly zoned Commercial-Limited Industrial. The most likely designation would be Rural Business.

Commissioner Anderson asked if Mr. Gent is aware that if this proposal is approved, it could be some time before it is actually processed.

Mr. Johnson said Mr. Gent has been made aware of that.

Chairman Munks noted that if the County has made a mistake, it needs to be corrected.

Commissioner Anderson motioned to approve a County-initiated amendment to the Comprehensive Plan on behalf of Jeffrey Gent, as outlined by Mr. Johnson. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Approved)**

6. **Discussion on Capital Facilities Plan Coordinating Committee.**

Guy McNally, Associated Planner, stated that on Tuesday, July 9, 2002, the Planning Department presented for review a draft resolution to appoint a Capital Facilities Coordinating Committee. The Committee membership was to have included various County department heads or their assignees.

At that time, the Board expressed its desire to also have special purpose districts, particularly dike and drainage districts, represented on the committee. In pursuit of this, the Department is discussing, with other members of the proposed committee, various ways in which these districts can be represented.

Mr. McNally indicated that Henderson, Young and Company had been hired to assist the County and the special purpose districts to bring their Capital Facilities Plans up to date. They will be holding workshops and offer guidance to help with continued communication and technical assistance.

Mr. McNally said the final resolution will be drafted and presented on the Consent Agenda for approval.

7. **Bayview Ridge UGA & Subarea Plan Update.**

Gary Christensen, Assistant Director, updated the board on the Bayview Ridge planning process. He stated that in April, the Bayview Ridge Citizen Advisory Committee completed its work on “reviewing, commenting, and making recommendations” on draft land use policies, regulations and environmental documents with regard to Bayview Ridge. Since then, these draft planning documents (Bayview Ridge Subarea Plan, development regulations and pre-draft Environmental Impact Statement) have undergone legal counsel and staff review for Growth Management Act (GMA) compliance.

As a result of this review, there have been some identified legal and GMA-related issues regarding the draft planning documents and the recommended actions. In consultation with the Port of Skagit County, the City of Burlington and various stakeholders, and following staff review, it is now necessary to expand the scope and level of analysis of the draft EIS to address additional and updated information. The proposed action EIS land use alternative will be revised and at least two additional EIS alternatives will be added. This also requires that amendments be made to the draft Subarea plan and development regulations. Reid Middleton is under contract with the County to assist with this effort and to provide professional planning services. The revisions to the draft planning documents are expected to be completed within 60 days. They will then be released for public review and comment. The Planning Commission will hold public hearings this fall and hopefully, without unforeseen obstacles emerging, the Board of County Commissioners will take action on the matter by the end of the year.

Mr. Christensen then provided a draft proposed action Environmental Impact Statement land use alternative map. The revised draft Subarea plan and development regulations are being prepared with this in mind. Generally, the proposed action increases the Subarea plan boundaries by including and reserving some uplands for future urban residential use; removes some initially proposed UGA commercial properties at the intersection of Avon-Allen and SR 20 (their rural commercial designations will be retained); replaces some Heavy Industrial designated properties with a Light Industrial designation (Sedro Woolley area); and maintains a Residential designated area boundary by including a 25% or less market factor.

8. **Set Date and Time for Consideration of Final Plat of Elk Haven Estates, Located East of Helmick Road off of Highway 20 (PL96-0298, PL02-0053).**

This item will be considered on Tuesday, August 6, 2002 at 10:00 a.m. in the Commissioners’ Hearing Room.

9. **Miscellaneous.**

A) Kendra Smith, Assistant Director, explained that in 1996 the Critical Area Ordinance was adopted and at that time all agriculture was exempted from it. Skagit County was challenged by that and was told it wouldn’t work. Several sections of the Strategic Plan to Protect Wild Salmonids have since been revised. Ms. Smith presented an interim ordinance repealing Skagit County Code (SCC) 14.24.130, Strategic Plan to Protect Wild Salmonids and Amending SCC 14.24.120 of the Critical Area Ordinance.

Commissioner Dahlstedt motioned to approve the interim ordinance as outlined by Ms. Smith. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20020263)**

B) Mr. Karsh informed the Board of the need to amend the Flood Damage Prevention Ordinance. During a community assistance visit by FEMA, it was pointed out that the code, as it relates to recreational vehicles, is inconsistent with federal law. By not addressing this issue in a timely manner, it would affect the County’s ability to obtain Hazard Mitigation Grant funds. Bill Dowe, Building Official, has taken the lead for this project. The County has received confirmation from FEMA and the Department of Ecology that the draft amendments being proposed meet with their requirements. This might allow some of the pending applications to be favorably considered.

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BID OPENING – EAST SKAGIT COUNTY FAMILY RESOURCE CENTER.

Roger Howard, Facilities Manager, opened the following bids:

John Daniels Construction, Inc.
2232 Pacific Street
Bellingham, WA 98229
Base Bid: \$542,418.00
Total Bid: \$622,132.00

Smith Construction Services
180 West Dayton, Suite 202D
Edmonds, WA 98020
Base Bid: \$575,500.00
Total Bid: \$647,733.00

Dawson Construction, Inc.
P. O. Box 30920
Bellingham, WA 98228
Base Bid: \$589,000.00
Total Bid: \$667,850.00

Lumpkin, Inc.
1627 Eastlake Avenue East
Seattle, WA 98102
Base Bid: \$589,000.00
Total Bid: \$675,460.00

Ebenal General, Inc.
P. O. Box 31548
Bellingham, WA 98228
Base Bid: \$604,000.00
Total Bid: \$685,100

Briere & Associates, Inc.
1944 Duvall Avenue NE
Renton, WA 98059
Base Bid: \$637,000.00
Total Bid: \$713,213.00

Mr. Howard stated that he would evaluate the bids and would make a recommendation within two weeks.

BID OPENING – SKAGIT COUNTY MISCELLANEOUS BUILDING ALTERATIONS.

Roger Howard, Facilities Manager, opened the following bids:

Mills – General Contractors, Inc.
P. O. Box 260
Burlington, WA 98233
Base Bid: \$94,123.00

Ebenal General, Inc.
P. O. Box 31548
Bellingham, WA 98228
Base Bid: \$109,000.00

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Mr. Howard stated that he would evaluate the bids and bring forth a recommendation to the Board within the next two weeks.

PUBLIC HEARING – LEASE FOR THE HUMANE SOCIETY OF SKAGIT COUNTY.

Roger Howard, Facilities Manager, stated that on June 11, 2002, a work session took place with Humane Society representatives. It was requested at that time that they be able to continue to lease the facility that is occupied on County property at Kelleher Road. Mr. Howard advised that there has been no correspondence or telephone calls in reference to the lease and that the Humane Society is the sole proponent for continuing the lease on this property.

There being no public testimony forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Dahlstedt seconded the motion and the public hearing was closed.

Mr. Howard said he will work with the representative of the Humane Society on preparing a lease agreement for the Board's consideration.

**DELIBERATIONS AND POSSIBLE ACTION – PLANNING COMMISSION
RECOMMENDATIONS ON ADOPTION OF CITY AND TOWN DEVELOPMENT
REGULATION UPDATES WITHIN URBAN GROWTH AREAS.**

Kirk Johnson, Senior Planner, gave a summary of the Planning Commission's June 18, 2002 Recorded Motion recommending adoption of City and Town Development regulation updates within the Urban Growth Areas (UGAs) of Burlington, Concrete, Mount Vernon, and Sedro Woolley. The City of Anacortes did not submit development regulation updates during this adoption cycle.

The Recorded Motion was unanimously approved by the seven Planning Commission members who took part in the deliberations. It contains two sections:

- 1) Recommending adoption of Sedro Woolley Impact Fees for Planned Facilities and School Facilities, provided that revisions to the interlocal agreement between the County and Sedro Woolley are made before collected monies may be spent; and
- 2) Recommending adoption of the full package of regulation updates proposed by Burlington, Mount Vernon, Sedro Woolley and Concrete.

Mr. Johnson indicated that there are several items recommended for adoption that may be of particular interest to the Board, based on concerns they have expressed in the past. They are:

Mount Vernon Ordinance No. 2988. Among other things, this ordinance establishes rates and charges for sewer service to property located outside the City limits, and also establishes that as "a condition of providing sewer service to any property situated outside the corporate boundaries of the City, the City may require the execution and recordation of an agreement in which the owner of the property waives all right to protest annexation of any portion of the property served to the City".

Sedro Woolley Municipal Code (SWMC) Chapter 15.60. Authorizes the City to assess impact fees for planned facilities, including streets, public parks, open space and recreational facilities, and fire protection facilities.

Sedro Woolley Municipal Code (SWMC) Chapter 15.64. Authorizes the City to assess impact fees for school facilities.

Mr. Johnson said the Board of County Commissioners chose not to adopt the above two sections of Sedro Woolley Code as part of Ordinance No. 18375, the "90-Day Compliance Ordinance" in August of 2001 because of certain legal and other concerns regarding the collection of impact fees for cities.

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The later ordinance duplicates what is already being done under SCC 14.30 Public Facilities Impact Fees, so the Department and legal counsel believe it is unnecessary to adopt SWMC Chapter 15.64 dealing with school impact fees. As to the City impact fees, the Planning Commission Recorded Motion recommends those impact fees be collected but not spent until the interlocal agreement between the County and the City of Sedro Woolley is revised to address the use of those monies.

Discussion ensued regarding impact fees under the Growth Management Act.

Commissioner Anderson said he would prefer to think this matter over and schedule another meeting for deliberations on Tuesday, August 6, 2002 at 3:30 p.m.

Mr. Johnson advised that a limited interim ordinance adopting interim development regulations for the Town of Concrete's urban growth area, which expires on July 25, 2002, will be drafted and presented for signature on Wednesday, July 24, 2002 at 10:00 a.m.

APPEAL BY DENA BLATT OF THE HEARING EXAMINER'S DECISION REGARDING THE FOLLOWING: REDUCE CRITICAL AREA BUFFER VARIANCE (PL99-0429); REDUCE SIDE YARD SETBACK VARIANCE (PL99-0430); AND REDUCE SHORELINE SETBACK VARIANCE (PL01-0391).

Marge Swint, Associate Planner, gave a brief summary on the appeal of Dena Blatt. Ms. Blatt is appealing the Hearing Examiner's decision to deny PL99-0429 Critical Areas Buffer Variance, PL99-0430 Side Yard Setback Variance, and PL01-0391 Shoreline Setback Variance. These variance requests are the result of an enforcement action concerning an addition built to a single-family residence without the benefit of permits. The variance request is to allow for an addition to an existing single-family residence to be three feet from the side property lines instead of the required eight feet and fifty feet as stated in Skagit County Code. Also, the request is to allow for the addition to be ten feet from a steep slope instead of the required thirty feet.

Ms. Swint indicated that the procedural history of this matter spans about five years. She also stated that the Board of Commissioners could select one of the following courses of action: (a) Remand the matter for further consideration by the Hearing Examiner, or (b) Deny the appeal and affirm the decision of the Hearing Examiner, or (c) If the Board finds the Hearing Examiner's decision is clearly erroneous, the Board may adopt its own findings, conclusions and decisions based upon the record made before the Hearing Examiner.

Paul Taylor, the attorney presently handling the appeal for Ms. Blatt, sent a letter to the Commissioners stating that Dena Blatt would dismiss her appeals of the Hearing Examiner's decisions, provided they were in agreement with the following conditions:

1. That no later than October 15, 2002, Dena Blatt will be allowed to submit a revised building permit application and apply for any necessary land use approvals with regard to construction of the addition to her residence;
2. That Dena Blatt shall execute an agreement with Skagit County agreeing to indemnify and hold harmless Skagit County from any and all damages related to or arising from the building of her addition without a permit from Skagit County until final disposition of the revised permit application;
3. That Skagit County will review the revised building permit application for the addition in accordance with current County regulations, without prejudice to Ms. Blatt, and Skagit County will not seek to enforce the Hearing Examiner's decision provided items 1 and 2 above are accomplished.

Ms. Swint indicated that the Planning Department has no objection to this method of resolving these matters.

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Mr. Taylor stated that he got involved with this matter in May of this year. It seems to him that the plat has a huge problem. The contractor that was hired did things inappropriately, which would have been discovered had the permit process been applied for appropriately. Ms. Blatt would have to redesign the addition and he asked that the Board hold off on enforcement to give them 90 days to submit a revised plan that will be substantially different. Mr. Taylor will work with the Planning Department to make sure the new plan complies with Skagit County Code.

Commissioner Anderson motioned to accept the proposal of Mr. Taylor, dismiss the appeal and grant the applicant 90 days to file a new application with the intent to conform to our code. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution to be provided by Staff at a later date)**

PUBLIC HEARING – REVISED FEE SCHEDULE FOR HOWARD MILLER STEELHEAD PARK

Bob Vaux, Parks & Recreation Director, stated that Skagit County has not raised user fees for Howard Miller Steelhead Park and other campground facilities since 1995. The Department budget offers limited coverage for their growing operations, maintenance, and facility needs, specifically, facility depreciation, emergency repairs, park development, park/facility expansion, additional personnel, inflation adjusted cost-of-living increases, and increases in health benefits.

Skagit County parks and campground facilities are very popular and well attended by thousands of Skagit County citizens, as well as hundreds of others from outside the County for a variety of uses, all year round. Mr. Vaux added that he believes users support our facilities as the basis of essential service and would rather pay increased fees than watch them deteriorate.

The proposed resolution for a revised fee schedule would help the Department cover rising Operations and Maintenance costs, and serve the growing Skagit County Parks and Recreation populace. The Parks & Recreation Advisory Board supports the concept of raising fees to cover those expenses. The revised fee structure reflects a 10-15% increase over the last seven years, or an average 1-2% increase per year. Except for previously approved campground reservations, the new fee structure would take effect immediately.

Ken Slater, 14106 Avon Allen Road, Mount Vernon, indicated that he uses camping facilities at Fidalgo Bay and in Ferndale. The proposed fee schedule is comparable to those two locations. He also asked about building a clubhouse at Howard Miller Steelhead Park so campers could socialize in one main area.

There being no further public testimony, Commissioner Anderson moved to approve closing the public hearing. Commissioner Dahlstedt seconded the motion and the public hearing was closed.

Commissioner Anderson made a motion to approve the adoption of user fees for the Howard Miller Steelhead Park and other County campground facilities as outlined by Mr. Vaux. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20020264)**

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ADJOURNMENT:

Commissioner Dahlstedt made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion, which passed unanimously.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

Joanne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners