

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 15, 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 Testimony Regarding the Correction of the Legal Description of Ridge Place, No. 63320
2. Public Hearing – To Consider Testimony Regarding the Renaming of a County Road Known as Jackson Road #19900 to Munnings Road #19910
3. Discussion and Possible Approval – Letter to the Skagit Watershed Council Regarding Restoration Commitment for the Knudson Property
4. Approval – Letter to the Skagit Watershed Council’s Project Subcommittee Requesting Endorsement to Reallocate Grant Funds from the Acquisition of Key Salmon Habitat, Ordinance Adequacy Review, and Jackman Creek Restoration Grants for the Design of the Hansen Creek Management Plan
5. Project Update – Skagit River Flood Protection/Salmon Restoration Project
6. Miscellaneous

*T 10:00 a.m. – 11:00 a.m.

Planning & Permit Center – Tom Karsh, Director

1. Deliberations and Possible Action – Planning Commission’s Recorded Motion Regarding Repealing SCC 14.24.130, the Strategic Plan for Protecting Wild Salmonids, and Amending Section 14.24.120(3) of the Critical Areas Ordinance
2. Discussion – Capital Facilities
3. Natural Resource Lands Proposals
4. Discussion and Possible Approval – Agricultural Advisory Board Resolution
5. Discussion and Possible Approval – Contract Amendment with Earth Tech Regarding the Growth Management Indicators Program
6. Miscellaneous

11:00 a.m. – 11:15 a.m.

Consideration of the Hearing Examiner’s Recommendation for approval for the following Timber Open Space Applications:

1. Karen J. Hasselberg for Property Located in the Blanchard Area (C/U TTR 4-2002)
2. Monte and Cindy Hughes for Property Located in the Blanchard Area (C/U TTR 5-2002)
3. Bert and Karin J. King Hasselberg for Property Located in the Blanchard Area (C/U TTR 6-2002)

1:00 p.m. – 2:00 p.m.

Budget Work Sessions

1. District Court
2. Human Services

2:00 p.m. – 3:00 p.m.

Work Session – 2003 Planning Department Work Program Tasks

3:00 p.m. – 4:00 p.m.

Appeal of the Hearing Examiner’s Decision by Charles Mott (PL02-0393)

The Skagit County Board of Commissioners met in regular session on Tuesday, October 15, 2002, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

1. Public Hearing – To Consider Testimony Regarding the Correction of the Legal Description of Ridge Place, No. 63320.

Steve Flude, Assistant County Engineer, explained that the extension of a County road known as Ridge Place #63320 is 158 feet in length and 60 feet in width, and is located north of State Route 20 and west of Collins Road. A public hearing was held on August 20, 2002, with the Board approving to accept the extension of Ridge Place into the system. Later, Staff discovered the legal description was incorrect.

Chairman Munks opened the public hearing.

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.

Commissioner Anderson made a motion to approve the correction of the legal description of Ridge Place #63320. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20020362)**

2. Public Hearing – To Consider Testimony Regarding the Renaming of a County Road Known as Jackson Road #19900 to Munnings Road #19910.

Mr. Flude next reviewed the exact location of a County road known as Jackson Road #19900. There is a new development on the north/south portion of Jackson Road, located on Sinclair Island that requires a name change due to public safety issues. The road was established in the late 1800's. Mr. Munnings was one of the original pioneers of the island, and the island residents support the name change to Munnings Road #19910. If the name change is approved, the east/west portion of the road will remain known as Jackson Road and the north/south portion will be known as Munnings Road.

Chairman Munks opened the public hearing.

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

Commissioner Anderson motioned to approve the renaming of Jackson Road to Munnings Road, as outlined by Mr. Flude. Commissioner Dahlstedt seconded the motion, which passed with a unanimous vote. **(Resolution No. R2002 363)**

3. Discussion and Possible Approval – Letter to the Skagit Watershed Council Regarding Restoration Commitment for the Knudson Property.

Don Dixon, Public Works, reviewed a draft letter addressed to the Skagit Watershed Council that would commit the County to restoration of the Knudson Trust property should the County receive a Salmon Recovery Funding Board grant for the acquisition of said property.

Skagit County is in the process of evaluating potential alternatives to reduce the impacts of major Skagit River flood events. One alternative being considered involves a flood bypass channel that could ultimately carry excess river flows up to 80,000 cubic feet per second from the Skagit River into the Swinomish Channel transversing the Knudson property. If the bypass channel is ultimately constructed, Skagit County will conduct a feasibility study as part of the project to determine the maximum feasibility restoration potential of the project that will include that portion of the project located within the Knudson property.

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Commissioner Dahlstedt asked if the Knudson property abuts the Swinomish Boat Launch. Derek Koellman, Salmon Recovery Coordinator, replied that there are three acres separating the two properties, therefore, they are not contiguous.

Commissioner Anderson asked if the County has a buy-in from the Tribes if the restoration project is approved. Mr. Dixon said there is no agreement at this time.

If the bypass is not constructed, Skagit County will seek grant funds to conduct a restoration feasibility study for the Knudson property and any other parcels within the Telegraph Slough Complex that are acquired by the County. As the restoration potential of the property will be uncertain until the County knows the amount of actual land available for restoration, the County would not conduct one of the above mentioned feasibility studies until a final decision is made regarding the flood bypass. Should the Board choose not to sign the letter, Skagit County could not apply for a Salmon Recovery Funding Board grant to purchase the Knudson Trust Property in the upcoming grant cycle.

Chal Martin, Director, remarked that even if the County received the requested grants from the Salmon Recovery Funding Board and ALEA, there is no guarantee that the Knudson property could be purchased, as the asking price is 3 million dollars. All that can be done at this point is to line up the possibility of purchasing the property.

Skagit County submitted a Level I Acquisition/Project Form to the Skagit Watershed Council as the first step towards applying for the grant. The project was reviewed by Skagit Watershed Council's Restoration and Protection Committee who determined that the project was viable only if accompanied by a written commitment from the Skagit County Board of Commissioners to restore the property.

Mr. Dixon indicated that there would be no immediate cost associated with the proposal. However, should the County ultimately receive a grant to purchase the Knudson property, there would be a 15% match requirement. It is anticipated that the match requirement could be met through other grant funds.

Commissioner Dahlstedt made a motion to approve the letter to the Skagit Watershed Council as outlined by Mr. Dixon. Commissioner Munks seconded the vote, which was carried. Commissioner Anderson voted against the motion. **(Approved)**

4. Approval – Letter to the Skagit Watershed Council's Project Subcommittee Requesting Endorsement to Reallocate Grant Funds from the Acquisition of Key Salmon Habitat, Ordinance Adequacy Review, and Jackman Creek Restoration Grants for the Design of the Hansen Creek Management Plan.

Mr. Dixon next discussed a letter to Roger Nichols, Skagit Watershed Council Project Subcommittee Chair, requesting the endorsement of Skagit County's plan to reallocate existing grant funds from the Acquisition of Key Salmon Habitat, Ordinance Adequacy Review, and Jackman Creek Restoration grants for the design of the Hansen Creek Management Plan. This letter is the first in a series of procedural steps required for the reallocation to occur.

Commissioner Anderson mentioned that Dave Brookings implied that it would be difficult to obtain any funding for the Jackson Creek Project.

Commissioner Dahlstedt asked if the Tribe would be willing to give credit where credit was due.

Commissioner Munks added that it is important to get credit for what the County does in the way of fish restoration. The Tribe continually accuses the County of doing nothing towards the effort.

Mr. Dixon indicated that should this action ultimately be approved by the Skagit Watershed Council and, in turn, the Salmon Recovery Funding Board, a total of \$188,770.37 would be available for the design of the Hansen Creek Management Plan.

Commissioner Anderson asked what would happen to the grants if they are not utilized. Mr. Koellman said the grant money would have to be returned.

Commissioner Dahlstedt said he felt it is important to make sure the neighbors and impacted property owners are kept in the loop and involved in the process.

Commissioner Anderson motioned to approve the letter to the Skagit Watershed Council's Project Sub-committee as outlined by Mr. Dixon. Commissioner Munks seconded the motion, which carried. Commissioner Dahlstedt voted against the motion. **(Approved)**

5. Project Update – Skagit River Flood Protection/Salmon Restoration Project.

Mr. Dixon provided a brief update on the Skagit River Flood Protection/Salmon Restoration Project. A committee meeting was held last week to discuss several items. One issue that needs to be addressed is several concerns the City of Sedro-Woolley has. They would like to be shown some of the benefits of flood control before they decide to make a financial contribution towards the project.

A hydraulic study is currently being conducted by Ted Perkins from the U.S. Corps of Engineers in Seattle. The study will then be reviewed by a private consultant.

Commissioner Anderson said he would like the dry channel option to be studied. Mr. Dixon assured him that it would be.

6. Miscellaneous.

Several miscellaneous items were brought forth for discussion. They are as follows:

- a) The City of Mount Vernon and the Contractor in charge of building the new Riverside Bridge would like to continue working on the project for several more weeks. The temporary bridge is due to be removed very soon, however, they are hopeful that if they are given a two week extension, necessary work can be completed and the temporary structure would then be removed for good. The Board has no objection to this request.
- b) The Morris Street project in La Conner was started yesterday. As much work as possible will be done before the rains set in.
- c) Mr. Martin said the Department is working with the Washington State Department of Fish and Wildlife to remove debris from the Railroad Bridge along Highway 9.
- d) Mr. Flude noted that the County has been awarded a \$500,000 grant for the Helmick Road project.
- e) Mr. Dixon reported on the Colony Mountain Road gravel project.
- f) Ric Boge, Natural Resources Project Manager, said they are in the process of recruiting new members for the Marine Resource Committee. Members are needed that have experience in a marine environment. An advertisement will be published and recommendations will be forthcoming.

- g) Mr. Martin reported that the Draft Guemes Island Ferry Study is complete and he is quite pleased with it. He will be meeting with the consultants to review the study from their perspective.

PLANNING & PERMIT CENTER – Tom Karsh, Director

1. Deliberations and Possible Action – Planning Commission’s Recorded Motion Regarding Repealing SCC 14.24.130, the Strategic Plan for Protecting Wild Salmonids, and Amending Section 14.24.120(3) of the Critical Areas Ordinance.

Kendra Smith, Assistant Director, stated that on July 23, 2002, the Skagit County Board of Commissioners adopted Interim Ordinance No. R20020263 amending the Critical Areas Ordinance, Section 14.24.120, to delete references to the Strategic Plan, and to repeal SCC Section 14.24.130, the Strategic Plan. The Interim Ordinance directed the Planning Commission to hold a public hearing, which took place on August 15, 2002. A motion was made but did not pass on the Interim Ordinance due to the following reasons:

1. The County needs a Strategic Plan to coordinate all of the various interest groups and funding sources to ensure a well coordinated effort towards giving special consideration to the protection of anadromous fish; and
2. The County needs to discontinue the costly lawsuits and appeals. The development of a Strategic Plan may assist in this regard.

On October 1, 2002, a Recorded Motion recommending Interim Ordinance No. R20020263 be adopted as a permanent ordinance was presented to the Board of County Commissioners pursuant to SCC 14.08. The vote was in favor of the recommendation with the Planning Commission making the following findings:

1. The County has regulations in effect that provide special consideration for the anadromous fish by requiring buffering on all stream types and requiring most of the agricultural lands to be buffered.
2. The Growth Management Act does not require a Strategic Plan and the County had included a Strategic Plan only when it did not have regulations in place to provide a regulatory fallback to voluntary BMPs on agricultural lands.
3. The County has one of the most comprehensive ordinances adopted by any County in the State of Washington for the protection of fish-bearing streams on agricultural lands.
4. It would be good to develop a Strategic Plan, however, it would be costly and take staff time that is not currently available due to other State mandates and compliance issues the County must attend to.
5. The County is committed both financially and with staffing for the completion and development of numerous projects that protect and enhance the anadromous fisheries and will continue to do so as long as funding sources are available.

Ms. Smith indicated that the Tribes have requested a Finding of Non-Compliance and Invalidation based on the County’s lack of adopting a Strategic Plan to Protect Wild Salmonids. The County has received their briefing for the scheduled Growth Management Hearings Board hearing set for November 20, 2002.

Commissioner Anderson motioned to approve adopting the findings of the Planning Commission as outlined by Ms. Smith. Commissioner Dahlstedt seconded the motion, which passed with a unanimous vote.

2. Discussion – Capital Facilities.

Guy McNally, Associate Planner, presented the Board with a revised Draft Capital Facilities Plan (CFP). The CFP is scheduled for public comment and SEPA review beginning in late October. In the mean time, the Department will continue to revise and improve the document based on any additional information relating to special-purpose district infrastructure that is currently being collected. This will be included in the CFP prior to its adoption.

Commissioner Anderson said he didn't see the East Skagit County Community Resource Center in the draft document. He also indicated that the Bullerville Sewer needs to be added to the list.

3. Natural Resource Lands Proposals.

Tom Karsh, Director, stated that Skagit County has requested proposals for qualified professional services to review Skagit County's Forest Natural Resource lands (NRL) designation criteria, mapped areas, and development regulations, and to propose revisions as necessary to address certain previously identified issues relating to designating Forest-NRL lands. The review will also include an analysis of the relevance of the Forest-NRL land use/zoning designations in carrying out the goals and objectives of the Comprehensive Plan, and in protecting natural resource lands of long-term commercial significance.

Three proposals have been submitted to Skagit County. One of the consultant's proposals indicates that Skagit County GIS/Mapping Services will provide contracted "client services" work on the Forest-NRL project.

Last week, the Board met with Geoff Almvig, GIS Director, to prioritize critical work program projects. It was clear at that time that GIS services are in heavy demand. It is conceivable that their Department would not be able to provide "client services" to the one consultant that is relying on them.

Mr. Almvig asked the Board to look at four possible options. They are: 1) Re-issue the Request for Proposals (RFP) and clearly indicate that Skagit County GIS/Mapping Services will not be able to provide assistance under a "client services" contract. This would address any ambiguities that may exist with the current RFP; 2) The Board could authorize Skagit County GIS/Mapping Services as an able provider for "client services" on this project. This also assumes that the Department is able to provide the service and has the necessary resources available; 3) Contact the consultant and request that they resubmit their proposal without Skagit County GIS/Mapping Services identified as a contracted "client services" provider; 4) Contact the consultant and request that they resubmit their proposal with an optional GIS provider. This insures that the project can still be completed on time if Skagit County GIS/Mapping Services is unable to provide the services due to their County work load.

Commissioner Anderson motioned to approve option number two. It died for a lack of a second.

Commissioner Dahlstedt motioned to approve option number four, including the option of extending the timeline for the project. The motion died for a lack of a second vote.

Chairman Munks indicated that he would like to see our local GIS Department do the project. He agreed that option 4 should be modified to extend the contract time.

John Moffat, Civil Prosecuting Attorney, said one of his concerns is that should there be a proposed amendment to the motion, it would be changing the conditions for the RFP. The people

bidding on the project are basing their proposals on a specific date. By approving an amendment, it would be allowing someone to go back and change their submittal. Therefore, it wouldn't be a level playing field for everyone.

Mr. Moffat indicated that the Board has the option of doing another RFP or to continue with the current RFP.

Commissioner Dahlstedt said he felt this was an issue that the Board should not even be dealing with.

4. Discussion and Possible Approval – Agricultural Advisory Board Resolution.

Mr. Karsh presented a draft resolution, which would modify Resolution No. R20020134 to increase the number of members of the Agricultural Advisory Board from nine to twelve.

The Board approved the draft as outlined by Mr. Karsh. A final Resolution will be brought forth in the near future.

5. Discussion and Possible Approval – Contract Amendment with Earth Tech Regarding the Growth Management Indicators Program.

Connie Randall, Associate Planner, outlined Amendment No. 2 to Contract No. C20020054 with Earth Tech to help prepare a Growth Management Indicators Program. The Amendment would grant Earth Tech permission to sub-contract work to Mr. Mark Personius and identify him as the Project Manager. This will not change the project scope of work, timeline or budget. Mr. Personius has been diligently working on the Growth Management Indicators Program and is on schedule to have the project completed by the end of this year.

Commissioner Anderson motioned to approve Amendment No. 2 with Earth Tech, as outlined by Ms. Randall. Commissioner Dahlstedt seconded the motion, which passed unanimously.

The Amendment will appear on the Consent Agenda for Monday, October 21, 2002.

6. Miscellaneous.

Mr. Karsh said they are in the process of updating regulations addressing development within City urban growth areas. There has been some controversy over development and impact fees with the City of Mount Vernon and the City of Sedro-Woolley. Mr. Karsh suggested that work should continue to try and resolve those issues with each City.

Because there are no disagreements with the Town of Concrete or the City of Burlington, the Department would like to bring forward final adoptions approving their regulations.

Commissioner Anderson motioned to approve moving forward with the final adoptions for development within the Town of Concrete and the City of Burlington's urban growth areas. Commissioner Dahlstedt seconded the motion, which passed.

The final adoptions for the Town and the City will be brought forth as a future Consent Agenda item.

CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL FOR THE FOLLOWING TIMBER OPEN SPACE APPLICATIONS:

1. Karen J. Hasselberg for Property Located in the Blanchard Area (C/U TTR 4-2002).

Commissioner Anderson motioned to approve the Timber Open Space Application for Karen J. Hasselberg, C/U TTR 4-2002. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20020364)**

2. Monte and Cindy Hughes for Property Located in the Blanchard Area (C/U TTR 5-2002).

Commissioner Anderson motioned to approve the Timber Open Space Application for Monte and Cindy Hughes, C/U TTR 5-2002. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20020365)**

3. Bert and Karin J. King Hasselberg for Property Located in the Blanchard Area (C/U TTR 6-2002).

Commissioner Anderson motioned to approve the Timber Open Space Application for Bert and Karin J. King Hasselberg, C/U TTR 6-2002. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20020366)**

APPEAL OF THE HEARING EXAMINER'S DECISION BY CHARLES MOTT (PL02-0393).

Linda Kuller, Planning & Permit Center, gave a brief background of the appeal of Charles and Mary Jo Mott. She stated that the Motts filed an appeal to the Hearing Examiner, File No. PL02-0393, regarding the County's closure of a complaint investigation (File CE02-0082). This investigation involved questions regarding permits issued on Mr. Rick Hanson's property. The Planning & Permit Center's investigation of this complaint resulted in a finding that the applicable County development regulations were implemented at the time of development and that Mr. Hanson was in compliance with his permits (a grading permit and an access road permit approved in 1993). The County closed the investigation of drainage complaints due to the lack of a code violation.

The Planning and Permit Center staff's interpretation of Skagit County Code 14.06, Permit Procedures, and Skagit County Code 14.44, Enforcement/Penalties, indicates there is no administrative appeal process regarding the County's decision to close the enforcement case. Given this staff interpretation, staff suggested that the Hearing Examiner call for briefs on the question of jurisdiction in this appeal matter.

The Hearing Examiner subsequently reviewed the Notice of Appeal and issued an Order dismissing the appeal on September 5, 2002. The Motts filed for reconsideration and an appeal to the Board of County Commissioners. Based on scheduling issues, the Motts have foregone the request for reconsideration and are pursuing this appeal before the Board of Commissioners.

John Moffat, Civil Prosecuting Attorney, said this appeal is very limited. The Hearing Examiner's decision is very limited in scope and doesn't delve into the facts. The Order dismissing the appeal states that the determination relates solely to jurisdiction and not to the merits of the appellant's allegations.

Mr. Moffat also indicated that the Clerk of the Board notified him that Mr. and Mrs. Mott had given her a document titled "The Appellant's Presentation". After she had looked through the appeal file, she determined that this was new evidence that could not be presented at this appeal.

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Commissioner Anderson said the testimony taken here today should be based on a jurisdictional issue, not the merits of the case.

Mr. Moffat agreed and added that the Board is not here to discuss specific facts of what the alleged allegations were.

David Mott, Attorney for the appellant, said he understands the County taking this very narrow perspective procedurally, however, neither he nor the Motts agree with it. He stated that this whole issue began when Mr. and Mrs. Mott submitted a series of questions to the Planning & Permit Center and asked them to investigate a complaint. When the County responded to the investigation and didn't answer any factual issues of any substance regarding the questions that were asked, the Motts commenced a very detailed comprehensive review of Skagit County Code (SCC) and submitted that to the Department. The next thing they heard was "We've closed our file."

Attorney Mott stated that the SCC has an abatement section in it. The Motts asked in every one of their letters to the County to abate the drainage problem that was caused due to the fact that a drainage plan for Mr. Rick Hanson's property was never approved. He feels that to confine the appeal to a procedural issue and have it tossed out on that basis is unfair and improper under SCC. He also indicated that when the appeal was submitted to the Hearing Examiner, it was submitted under the basis that the code says that any administrative decision for interpretation can be appealed. Attorney Mott realizes that this is different from any ordinary type of permitting situations, however, the code is broad enough to take into consideration that public officials have a duty to administer their own code.

He then asked the Board to review SCC Section 14.44, dealing with abatement. It is not time-barred and it seems to imply that regardless of any remedy, whether it is judicial, legal or equitable, the County always has the right to abate. His clients are here today to ask the County to abate the drainage, suspend it or to stop it as there has never been a drainage plan submitted or approved by the County.

Mr. Moffat stated that the Planning and Permit Center would have considered abatement and then made a decision whether it was necessary to move forward with enforcement action when they reviewed the complaints. Evidently, they decided not to. The fact that the Department forwarded the appeal to the Hearing Examiner does not indicate that the appeal was appropriate for the Hearing Examiner. The Planning Department doesn't have the right to stand in judgment of a request for review by the Hearing Examiner. It is up to the Hearing Examiner to decide whether he has jurisdiction over a particular matter. The Department merely accepts the fee, forwards the appeal to the Hearing Examiner and then he proceeds to hear the matter. In this particular case, he ruled that this was not an appealable issue.

Commissioner Anderson stated that there are some things in our code that let the Director of Planning have the latitude to make an administrative decision and in that case, it would be appealable. On a code enforcement action, once you take a look at what the complaint is and the party has the proper permits and there is not violation of the permits, then that would come under different criteria.

Mr. Moffat agreed and indicated that the Hearing Examiner made the same determination. The type of administrative interpretation that the Planning Director makes is under the umbrella of a permit decision, Chapter 14.06. Enforcement is under a completely separate Chapter, 14.44. The Hearing Examiner ruled that those types of decisions regarding whether to go forward with enforcement action are not appealable to the Hearing Examiner.

Chairman Munks asked if there was another remedy Mr. and Mrs. Mott would be able to use to address the issue other than the appeal process they are currently going through.

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Mr. Moffat said he was not aware of any. They had the authority to go to Superior Court to request some kind of relief, but they probably wouldn't have been entitled to any. Not every decision that is made is administratively appealable.

Attorney Mott stated that when reading the Hearing Examiner's decision to dismiss the appeal, he starts off recognizing that it is an abatement action but then winds up focusing completely on the term "enforcement". When reviewing the enforcement sections of the SCC, it shows there are a lot of different enforcement remedies. In reading the SCC, he said the Board vested the authority to the Administrative Official to have its rules, regulations and code enforced. Section 14.44.150 (1)(c) deals with that specifically. It relates to the fact that if it is later discovered that a permit was issued in error or that the permit was based on information that was incorrect, then the Administrative Official has the power to take abatement action and to then take corrective action. This is what Mr. and Mrs. Mott are asking for. They didn't ask the Administrative Official to file a prosecutorial action or cite Mr. Hanson for a misdemeanor infraction. They just asked him to correct the abatement. Attorney Mott recognizes that procedurally, in this particular case, there is not a real defined method for procedure because most of the code deals with the permitting procedure. However, there are threads that run throughout the code that states the County wants compliance with the permits, rules and regulations. When you take that kind of analysis, where the Administrative Official has the duty to make sure the rules and regulations are complied with, then the applicant is depended upon to submit the information truthfully. He is merely asking the County to enforce their own code and regulations.

Commissioner Anderson said he had read everything over thoroughly. Mr. and Mrs. Mott issued a complaint, the Code Enforcement Officer checked the complaint out and found no violation. Typically, when no violation is found, the file is closed. The Hearing Examiner heard the case and made his determination solely to jurisdiction and not to the merits of the appellant's allegations. That is the only decision the Hearing Examiner could make and that is the only decision the Skagit County Board of Commissioners can make.

Commissioner Dahlstedt was in agreement and said the Hearing Examiner's report stated that the administrative decisions that are appealable under Level 1 of SCC 14.06.050 are decisions rendered during the course of the approval process and not decisions made solely to jurisdiction and not to the merits of the appellant's allegations.

Chairman Munks said he felt the same. He appreciates the situation the Motts are in, however, there is a process that needs to be followed and in this case, the options are very limited.

Commissioner Anderson then motioned to uphold the Hearing Examiner's decision to dismiss the appeal. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Commissioner Anderson suggested that Mr. and Mrs. Mott contact the Surface Water Management Department located within Public Works. They manage the County-wide Drainage Utility District, which was created to take care of drainage problems that arise for whatever reason.

Commissioner Dahlstedt said he would be happy to work with the Motts to see if the Drainage Utility District could perhaps be used as a funding mechanism to remedy their problem.

ADJOURNMENT.

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

BOARD OF 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