

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, APRIL 27, 2004**

- 8:30 a.m. – 9:00 a.m.                      Work Session – Operations Division Manager/Road District Maintenance Supervisors
- \*T** 9:00 a.m. – 10:00 a.m.                Public Works Department – Chal Martin, Director
1.        Public Hearing – Consideration of Revision No. 1 to the 2004-2009 Six-Year Transportation Improvement Program (TIP)
  2.        Video Presentation – Roundabout at the La Conner Whitney/Chilberg Intersection
  3.        Miscellaneous
- \*T** 10:00 a.m. – 11:00 a.m.                Planning & Permit Center – Lou Haff, Interim Director
1.        Project Update and Discussion – Public Outreach Plan for 2005 GMA Update (Growth Management Act Required Review of the Comprehensive Plan and Development Regulations)
  2.        Discussion – Building Permit Review Potential Backlog
  3.        Miscellaneous
- \*T** 11:00 a.m. – 12:00 p.m.                Public Hearing – Proposed Amendments to the Skagit County Sign Code, SCC 14.16.820, to Address an Invalidity Ruling by the Western Washington Growth Management Hearings Board in Case No. 00-2-0046c

The Skagit County Board of Commissioners met in regular session on Tuesday, April 27, 2004 with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

**PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR**

**1.        Public Hearing – Consideration of Revision No. 1 to the 2004-2009 Six-Year Transportation Improvement Program (TIP).**

Steve Flude, Assistant Engineer, stated that the public hearing is being held to consider Revision No. 1 to the 2004-2009 Six-Year Transportation Improvement Program. The revisions to the TIP are being made primarily to include important new projects, but also for administrative purposes to ensure that current funding information is passed on to the Regional and State TIP. Mr. Flude reviewed the following updates:

- Engineering Work to Protect Transportation Infrastructure – Skagit River Flood Control
- FEMA 2003 Flood Damaged Roads
- FHWA 2003 Flood Damaged Roads
- Finney Creek Bridge #40089
- 4-Bridge Corridor Project
- 3-Bridge Corridor Project
- Morris Street Improvement Project, La Conner
- North Texas Road #717800
- Satterlee Road Drainage Project #14500
- Skagit River Flooding Study

Chairman Anderson opened the public hearing. There being no public testimony forthcoming, Commissioner Munks motioned to close the public hearing, which was seconded by Commissioner Dahlstedt. The public hearing was closed.

Commissioner Munks made a motion to adopt Revision No. 1 for the 2004-2009 Six-Year TIP. The motion was seconded by Commissioner Dahlstedt and passed with a unanimous vote. **(Resolution No. R20040151)**

**2. Video Presentation – Roundabout at the La Conner Whitney/Chilberg Intersection.**

Public Works Director, Chal Martin, provided a video presentation on the roundabout at the La Conner Whitney/Chilberg Intersection. It was reported that over 12,000 vehicles passed through the roundabout during Easter weekend with no major backups.

Commissioner Munks said a lot of controversy existed in the beginning from those folks who were resistant to change. However, thanks to staff from the Public Works Department who met with all the interested parties, modifications were made that enhanced the roundabout and made it more efficient.

Chairman Anderson said the roundabout has certainly made the entrance to the Town of La Conner more attractive.

**3. Miscellaneous.**

There were no miscellaneous items to discuss.

**PLANNING & PERMIT CENTER – LOU HAFF, INTERIM DIRECTOR.**

**1. Project Update and Discussion – Public Outreach Plan for 2005 GMA Update (Growth Management Act Required Review of the Comprehensive Plan and Development Regulations).**

Guy McNally, Associate Planner, explained that the Growth Management Act (GMA) requires that all counties and cities review their Comprehensive Plans and development regulations every seven years, and revise them as necessary to ensure that they comply with the Act. According to the deadlines set by statute, Skagit County is to complete its first seven-year review and update by December 1, 2005.

There are three basic actions that are required:

- 1) The County must first establish a program for public participation to ensure that the general public is made aware of the Department's procedures for reviewing, evaluating and revising the Comprehensive Plan and development regulations and that the public is encouraged and afforded the opportunity to participate early and continuously throughout the process.
- 2) The Department is to review the Comprehensive Plan and regulations and analyze whether there is a need to revise them to comply with GMA.
- 3) The Board is to take legislative action, by ordinance or resolution, including findings confirming that the review and analysis was completed, what steps, if needed, were taken to bring policies and regulations into compliance, and which policies and regulations did not need to be revised.

Mr. McNally said in January the Board approved the first phase of a 5-phase contract with the firm of Berryman & Henigar, who leads a team of firms and individuals who will each focus on a particular area of the Comprehensive Plan, development regulations, and the land-use/zoning map. The Department is currently in Phase 1 and those results will determine the major issues that will drive the schedule of review, and budget for work to be done between June of this year and the end of 2005. A key outcome of Phase 1 will also be the development of a Public Outreach Program.

As previously mentioned, the statute requires that as part of the GMA Update, the County will establish a program that affords the public early and continuous opportunities to participate in the update process. Not only is public participation a requirement, but it's desirable and beneficial for the County's Comprehensive Plan to be more than just a local stamp on State Legislation.

Mr. McNally said that the proposed thrust of the public outreach effort for the 2005 GMA Update be to define and tap into existing networks of involved citizens, organizations, special-interest groups, local civic clubs, and committees. The centerpiece of this network would be a GMA Update Steering Committee. The Steering Committee would be the focal point of an information-gathering network that would not only hear from, but reach out to a range of groups and individuals, through civic community connections that already exist. Ideally it would be made up of 9 to 15 persons, either representing or willing to engage a wide range of citizen interests such as agriculture, forestry, rural, urban, environmental, business, tribal and key civic organizations, and citizens at large.

Mr. McNally said the goal is to have the Steering Committee up and running in June, and to begin identifying and building a network of volunteers in May.

## **2. Discussion – Building Permit Review Potential Backlog.**

Lou Haff, Interim Director, explained that there is an indication of an increasingly healthy building market. Linked to that are the secondary types of permit activities that are associated with building permits, such as the natural resources review.

Bill Dowe, Chief Building Official, stated that we are in an accelerating economy. He would like to receive expectations from the Board regarding the Department's level of service. Staff continues to work their way out of flood season with inspections and reconstruction projects. A new set of codes will go into effect on July 1, 2004 so training has commenced for that.

Mr. Dowe said that in 2002, the Department permitted \$65 million worth of building projects. In 2003, that number jumped to \$78 million. So far this year there have been over \$30 million, with the expectation to exceed \$100 million in valuation.

Chairman Anderson asked what the Skagit County's review time frame is. Mr. Dowe said the median time for getting a project approved is 46 days. The Permit Center was created to help citizens get through the process. Therefore, the Department is responsible for completing tasks that were never done before. He said staff has stepped up to the plate and is keeping up with all of the demands as well as can be expected.

Mr. Haff said the Department has observed a deliberate acknowledgment that business is growing and they want to Board to be assured that they are taking steps to develop strategies to keep the level of service as much the same as it is today if not better. The demand for additional temporary help will have to be addressed over time.

Mr. Dowe next reviewed the life cycle of a permit application. Commissioner Dahlstedt asked if this information could be posted on the County's website.

Mr. Haff said that as a part of the Department's ability to serve the public better, one item that has been identified is the opportunity to build a roadmap, which is basically an informational document that would be given to people the first time they walk into the door. This would let people know from the beginning what steps must be taken during the permitting process.

Mr. Haff added that there is an increase in workload and complexity of almost twice of what it was in 1995; however, he is proud of the fact that the change in activity level during this time has actually been accomplished with fewer staff.

## **3. Miscellaneous.**

Mr. Haff stated that work continues on the organization review. The Board was given a highly conceptual organizational charts and that information is now being disseminated and reviewed by staff. Mr. Haff suggested that future activities be brought before the Board for their review, including co-location activities with Public Works.

Chairman Anderson said he is pleased with the direction the Planning and Permit Center is going.

**PUBLIC HEARING – PROPOSED AMENDMENTS TO THE SKAGIT COUNTY SIGN CODE, SCC 14.16.820, TO ADDRESS AN INVALIDITY RULING BY THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD IN CASE NO. 00-2-0046C.**

Mr. Christensen said the proposed Skagit County Sign Ordinance would become Section 14.16.820 of the Zoning Code. The proposed sign ordinance regulates the construction, erection, maintenance, electrification, illumination, type, size, number and locations of signs in order to protect the health, safety, property and welfare of the public as well as to insure that Skagit County retains a neat, orderly, and attractive appearance. The intent of the ordinance is to preserve and enhance the rural character, the unique scenic beauty, and the business, recreational, educational and tourism potential of the County.

Development and adoption of the ordinance was ordered by the Western Washington Growth Management Hearings Board (WWGMHB) in Case No. 00-2-0046c. They subsequently issued an invalidity order addressing the ordinance adopted under the unified development code.

Mr. Christensen said he is hopeful that the draft addresses many of the issues and strikes a balance between preserving and protecting rural character and yet still allows businesses the opportunity to advertise.

Oscar Graham of Graham Bunting and Associates reviewed the scope of work that was involved with this project, which was a result from the WWGMHB invalidity order. The Hearings Board said the County must set much more strict standards for overall signage. The Hearings Board also said the County needed to protect the rural character in order to promote open space and the natural landscape and vegetation in way that would predominate over the built environment. The Hearings Board went on to say that the ordinance should provide visual landscape, which is traditionally found in rural areas.

Mr. Graham said several familiar concerns were raised including the treatment of nonconforming signs, allowance of billboards along major highways, special consideration of tourism related signs along major highways, and the ability of the traveling public to read and safely respond to signage. He said this draft code does provide additional flexibility and that ultimately it is up to the Commissioners to see if the County went far enough with the proposal, and the Hearings Board to see if the County went too far.

Chairman Anderson opened the public hearing.

John Sitkin of Chmelik, Sitkin & Davis, said he is here today representing Viacom Outdoor Advertising. Mr. Sitkin stated that when the draft ordinance was before the Commissioners a year or two ago, concerns were voiced over the requirement to remove legal non-conforming outdoor advertising. Those concerns remain with the revised proposal.

The proposed ordinance directs that non-conforming off-premise signs must be removed at the owner's expense within three years from the date of adoption. This requirement to remove said signs fails to provide for the payment of compensation as required by law. Mr. Sitkin said it is recognized that the County is attempting to meet the goals of the Growth Management Act when considering its Rural Sign Ordinance. However, the Growth Management Act does not mandate the removal of legal existing structures, nor does he believe that the Growth Management Hearings Board would require such action in any subsequent review of the County's Rural Sign Ordinance.

Mr. Sitkin emphasized that the proposed ordinance violates the compensation requirements of the Scenic Vistas Act and is inconsistent with applicable Department of Transportation regulations. Mr. Sitkin respectfully submits to the Skagit County Board of Commissioners that the proposed sign ordinance should be revised to comply with the procedural and substantive compensation requirements of the Scenic Vistas Act to provide adequate monetary compensation for the taking of non-conforming off-premise signs pursuant to the proposed local County ordinance.

Martin Boer, owner of Meyer Sign & Advertising Co., Inc., thanked all the staff, including Mr. Graham, who have worked on the proposed sign ordinance for their input and for it giving such a balance. He said he is not totally happy with it but in light of effort that has been put into the proposal over the years, he is able to live with the ordinance. He then provided a handout on the mandatory elements of Comprehensive Plans.

Rollin H. Harper, Sehome Planning & Development Services, spoke on behalf of the Upper Skagit Indian Tribe. He provided a short comment letter to be placed into the record.

Mr. Harper said subsection (5)(a) of the proposed ordinance prohibits billboards except in the Rural Freeway Service (RFS) zone. The Tribe's Bow Hill properties have been identified in the County Comprehensive Plan as one potential area for the development of a Master Planned Resort (MPR). Some of the Bow Hill properties are currently zoned RFS; therefore, the billboard exception provided by the subsection would apply. Given the work that is currently under way to develop regulations for the MPR zoning designation, it would seem to be appropriate to include the MPR designation in this exception. Otherwise, the removal of the exception would create a disincentive to the development of a MPR at Bow Hill.

Mr. Harper cited subsection (11)(c) which provides additional specificity regarding off-premise billboards so the same changes are reflected there. Subsection (7)(b) regulates on-premises, tourism-related signs within the RFS zone. He recommends either including the MPR zoning designation under (7)(b) or adding a new subsection to address tourism-related signs in the MPR zoning designation. Mr. Harper continued to discuss subsection (7)(c) and subsection (3)(h).

Don Clark, 58468 Clark Cabin Road, Rockport, discussed a letter that he submitted earlier. Mr. Clark said he is concerned about the lack of consideration for Master Planned Resort signage in the current code. By default, it throws MPRs into a very restrictive category. He urged the Board to make sure a sign code is developed that would allow for MPRs, not just on four-lane freeways, but on Highway 20 as well. The same principals apply in the need to inform the public.

Mr. Clark said he is also concerned that the sign code involves more than just signage. It destroys rural character by disallowing things that one would expect to see and often do see in the rural environment. It disallows flags, banners and pennants, which in turn takes away the ability to celebrate from the rural area. The sign code should deal with signs, not attention-getting devices. The County should not be regulating the way people celebrate their business openings. Mr. Clark asked the Board to allow normally prohibited signs for short, well defined periods so that both businesses and communities can have the ability to celebrate on a special occasion. He thinks the County is over-regulating the rural environment.

Chairman Anderson asked if Mr. Clark would be open to the idea of obtaining a permit for temporary usage of these signs. Mr. Clark said that would be a viable solution to this problem.

There being no further public testimony forthcoming, Commissioner Munks motioned to close the public hearing. The motion was seconded by Commissioner Dahlstedt and the public hearing was closed.

Commissioner Munks stated that the Growth Hearings Board is not a court of law. They make recommendations only. The Board was established to mediate differences between urban cities and counties or towns and counties or people and government entities. Commissioner Munks said it is not the responsibility of the Hearings Board or special interest groups to tell us who we are. We have to establish rural character ourselves and then hold to that standard.

Commissioner Dahlstedt said rural character is a constant challenge to him as everyone has their own ideas of what rural character actually is. He said the Planning Department has had an almost impossible task working through the proposed ordinance. Commissioner Dahlstedt said there will never be a perfect sign ordinance; however, he doesn't want to see those that have existing signs have to remove them. Chairman Anderson congratulated Mr. Graham and the Planning Department for their efforts.

Commissioner Munks made a motion to render the Board's decision on this matter on Monday, May 17, 2004 at 1:30 p.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

**MISCELLANEOUS.**

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

As of this date, April 27, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant number 169072 from Clearing Fund 696 in the total dollar amount of \$1,100,909.51 (Transmittal No. C-56-04).

**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Ted W. Anderson, Chairman

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Don Munks, Commissioner

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Kenneth A. Dahlstedt, Commissioner

ATTEST:

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