

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, March 13, 1984

- 8:30 a.m. Work Session - Public Works Department Road Supervisors.
- 9:00 a.m. Public Works Department - Gene Sampley, Director:
1. Bid opening - one new backhoe/loader.
 2. Discussion - Pinelli Road.
 3. Rock rip-rap requests: Nookachamps Creek and Samish River.
 4. Resolution - establishing Coal Bunker Road.
 5. Resolution - road name change - Conway Hill Lane.
 6. Miscellaneous items.
- 10:30 a.m. Discussion - Blue Pages Emergency Information of the telephone directory - Tom Sheahan, Emergency Services Director.
- 11:00 a.m. Planning Department - Bob Schofield, Director:
1. Continuation of discussion of Permit Granting Procedures for Accessory Buildings.
 2. Miscellaneous items.
- MISCELLANEOUS ITEMS
- 3:00 p.m. Discussion - Meeting with Port of Skagit County regarding land use jurisdiction.

The Board of County Commissioners met in regular session on the above noted date. Commissioners Norris and Rohrer were present. Commissioner Mansfield was absent.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Bid opening - one new backhoe/loader.

Megan Cheney, in behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board of County Commissioners, read the Notice of Call for Bids, as published in the Skagit Valley Herald on February 24 and March 2, 1984.

The following bids were received:

Cascade Tractor & Equipment Co.
1021 N. Broadway
Everett, WA 98201

Manufacturer: Ford
Model: 755
Bid Bond included.

Subtotal of new unit:	\$54,588.84
Less trade-in allowance:	6,189.84
Total cost to Skagit County:	\$48,399.00

Straub's Inc.
1575 Memorial Hwy.
Mount Vernon, WA 98273

Manufacturer: J. I. Case Co.
Model: 680 H
Bid Bond included.

Subtotal of new unit:	\$61,920.90
Less trade-in allowance:	5,000.00
Total cost to Skagit County:	\$56,920.90

Millbrook Equipment Co.
1712 Hickox Road
Mount Vernon, WA 98273

Manufacturer: John Deere
Model: 510-B
Bid Bond included.

Subtotal of new unit:	\$53,962.00
Less trade-in allowance:	5,250.00
Total cost to Skagit County:	\$48,712.00

Jay Ensley, Assistant Director of the Public Works Department, will review the bids and report back to the Board at a later time.

2. Discussion - Pinelli Road.

John Rumsey, of the Public Works Department, pointed out the location of the Pinelli Road. He reported that in 1979, Mr. Billie Ruyle requested that the established portion of the road be vacated. It was determined that the County would initiate vacation proceedings if Mr. Ruyle would deed right-of-way on the improved portion of the roadway, in order to allow access to Mr. Donald Dando's property to the northwest of Mr. Ruyle's property. Mr. Ruyle did not respond to this until January, 1984, and still no mention was made of his deeding the improved portion of right-of-way to the County.

Mr. Al Rode, attorney for Mr. and Mrs. Dando, was present, as was Mrs. Dando. Mr. Rode stated that the Dandos and another property owner to the east have no objection to the vacation, provided they have access to their properties.

Chairman Norris directed John Rumsey to continue to give Mr. Ruyle the opportunity to offer the improved portion of the right-of-way to the County.

3. Rock rip-rap requests: Nookachamps Creek and Samish River.

Jay Ensley, Assistant Director of the Public Works Department, presented the following rock rip-rap requests to the Board:

- a. Simon Wester requested 50 cubic yards of rip-rap at a total cost of \$125.00 for repair of a dike in the Nookachamps Creek area. Commissioner Rohrer motioned to approve the request. Chairman Norris seconded the motion. The motion was carried and so ordered.
- b. Adri Reijm requested 700 cubic yards of rip-rap at a total cost of \$1,750.00 for a 150-foot repair of a streambank in the Samish River. Commissioner Rohrer motioned to approve the request. Chairman Norris seconded the motion. The motion was carried and so ordered.

4. Resolution - establishing Coal Bunker Road.

Commissioner Rohrer motioned to approve for signature the resolution establishing Coal Bunker Road #5349 as a County Road. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #9991)

5. Resolution - road name change - Conway Hill Lane.

Commissioner Rohrer motioned to approve for signature the resolution renaming a portion of Franklin Road #8220 to Conway Hill Lane #8505. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #9992)

6. Miscellaneous items.

- a. Jay Ensley, Assistant Director of the Public Works Department, presented the Board with a memo from Gene Sampley, Director, regarding the use of the Guemes ferry for filming a commercial by Exxon Corporation. They would want the use of the ferry from approximately 3:30 until 7:30 p.m. for two consecutive days. Mr. Ensley reported that John Moffat, Assistant Prosecuting Attorney, had so far found no authority to lease the ferry, but he was still checking into the matter.

Chairman Norris suggested waiting to make a final decision until Commissioner Mansfield was present. He told Mr. Ensley to inform Mr. Dain Rodwell, a producer representing General TV Arts of the Northwest, that the County is still checking with the Prosecuting Attorney, but that we would like to cooperate if at all possible. Chairman Norris noted that the County would have to be compensated for lost runs and expenses incurred. He added that if the location was identified in the advertisement, the County would benefit from added tourism.

- b. Jay Ensley, Assistant Director of the Public Works Department, presented for the Board's approval and signature a Contract for Personal Services between Skagit County and Property Appraisals from Anacortes, for providing right-of-way appraisals of 31 parcels on Hobson Road (near Bow Hill Road). The amount of the contract was \$3,720 for the appraisals.

Chairman Norris made the suggestion that rather than contract out for services, the Assessor's office should be contacted to provide the appraisals, since the Hobson Road project was not scheduled to begin until next year. He suggested that Mr. Ensley give the Board a memo indicating the need to talk to the Assessor regarding scheduling the appraisals.

DISCUSSION - BLUE PAGES EMERGENCY INFORMATION OF THE TELEPHONE DIRECTORY
- Tom Sheahan, Emergency Services Director.

Tom Sheahan, Director of Emergency Services, introduced Pat Fogarty-Cramer of GT&E, G. L. Jorgensen, Island County Service Manager of GT&E, and Mike Williams, Superintendent of Service Office of ConTel. Ms Fogarty reported that the Blue Pages concept will be offered in the 1984 Skagit County Directory. She said the Blue Pages will include a guide to human services (they have been working with volunteers in Mount

Vernon for this information), list of government offices (City, County, State, and U.S. Government), emergency services, Tel Med from Skagit Valley Hospital, and zip codes. The Blue Pages will not cause any additional expense to the public, as ConTel and General Telephone will share the expense equally.

Tom Sheahan stated that the deadline for the draft Blue Pages is May 15, 1984. Chairman Norris thanked the representatives of the phone companies for coming.

MISCELLANEOUS

Robert Taylor, Commissioners' Assistant, presented the following items:

1. Commissioner Rohrer motioned to approve Warrants #34300 through #34372 in the amount of \$49,501.04. Chairman Norris seconded the motion. The motion was carried and so ordered. (R-9)
2. Commissioner Rohrer motioned to approve Warrants #1093 through #1240 in the amount of \$177,274.00. Chairman Norris seconded the motion. The motion was carried and so ordered. (C-14)
3. The Board reviewed a letter from Washington State University regarding their appointment of Marvin Jarmin as the new Chairman of the Skagit County Extension Office.
4. The Board reviewed a letter from the Air Pollution Authority regarding their interest in being listed under the "Skagit County" heading in the telephone directory. The Board directed Mr. Taylor to try to accomplish this.
5. The Board approved for signature only the Addendum to the Personal Services Contract dated November 14, 1983, between Skagit County and Medical Innovations, Inc., extended the Scope of Work to allow Skagit County to contract with other firms or consultants to work under the direction of Medical Innovations, Inc.

PLANNING DEPARTMENT - Bob Schofield, Director:

1. Continuation of discussion of Permit Granting Procedures for Accessory Buildings.

Bob Schofield, Director of the Planning Department, reported that his staff had performed an inspection on the Hawkings building, at 1102 Markwood Road, Burlington, checked for height restrictions in other counties, and come up with a suggested form of wording for amending the Zoning Ordinance regarding height restrictions.

Roxanne Michael, Building Official, presented the Board with her inspection report of Mr. Hawkings' accessory building. She stated that

on Monday, March 5, 1984, she inspected the building. She found that an addition which would constitute a second story did exist on the north loft area, so she instructed Mr. Hawkings to remove two of the walls, thus leaving only a loft or mezzanine. Regarding the enclosed room on the lower level, Mr. Hawkings informed Ms Michael that the room would be used for "books." Ms Michael told Mr. Hawkings that it could not be used as an office for his logging business.

Since the building was larger than Mr. Hawkings' plans had shown, Ms Michael charged him an additional \$20 permit fee for the additional square footage.

With regard to how other counties have imposed height restrictions, Steve Wood, of the Permit Center, reported his findings:

- a. Snohomish County imposes a 30-foot height restriction for all buildings in a residential area.
- b. Whatcom County restricts accessory and primary buildings in a residential area to 2 1/2 stories or 35 feet high.
- c. Kitsap County restricts all buildings in a residential area to 30 feet high.

With regard to the suggested wording for the revision to the Zoning Ordinance, Mr. Wood presented the Board with a copy of the proposed revision. The proposed revision to Sections 14.04.090 "Residential" and 14.04.095 "Residential Reserve" of the Skagit County Code calls for a height limit of 2 1/2 stories or 35 feet, whichever is less, for residential structures. Accessory structures in a residential area would be limited to one story or 16 feet. The revision defined how the height of a building should be measured.

Mr. Schofield stated that the County definitely does need a height restriction in residential areas. Chairman Norris asked if there should be a public hearing on the restriction. Mr. Schofield stated that he would like to present the height restriction to the Planning Commission as a proposed amendment to the Zoning Ordinance.

Mrs. Glenyce Waldschmidt, 1105 Waldschmidt Acres, Burlington, suggested having an official do an EIS on each project before issuing a building permit. Chairman Norris stated that this would take a tremendous amount of staff time. Mr. Schofield stated that with the present staff, this task would be impossible. Presently, buildings are inspected only after they are built.

Chairman Norris suggested adopting an administrative policy to investigate sites where a building might be questionable. Mr. Wood reported to the Board on when an EIS is required for a project according to square footage.

Chairman Norris asked the audience if they were in favor of a public hearing regarding a height restriction amendment to the Skagit County Code. The general consensus from the audience was that they were in favor of this.

Chairman Norris stated that the Permit Center staff does a fine job in trying to administer the County Code.

Earl Olson stated that he has a similar problem to the Waldschmidts. His neighbor is building a large "garage" near his property line.

Chairman Norris stated that the Permit Center staff believe what the property owners say they will use their buildings for. He also stated that people pay taxes to do what they want with their property.

Mrs. Waldschmidt stated that it is unlawful avoidance for people to lie about the use of their buildings. She wants a guarantee that Mr. Hawkings' building would not be used for commercial use.

Jim Rindal asked for a definition of "commercial" use of equipment. Mr. Wood stated that when someone is dispatching equipment and people out of an area, that is commercial.

Chairman Norris told the audience that if they think that rule has been broken, they should inform the Permit Center. The County cannot restrict everyone from having a piece of equipment in their yard in order to enforce one person who might abuse the privilege.

Ms Michael stated that the permit issued to Mr. Hawkings stated that the building would be a 46-foot by 64-foot shop and storage building (not for commercial use).

Jack Spalding stated that he is about to construct a building on his property and wants a definition of "commercial" before he begins. Mr. Schofield stated that if a person does work for pay, it's commercial. Mr. Spalding said he is also in the logging business and wondered if he could bring his logging truck home to fix it. Mr. Schofield said he could.

Chairman Norris stated that in his interpretation, if the logging truck was business equipment, the owner could not bring it home to work on it.

Mr. Spalding said he wants a definition to prevent future problems.

Chairman Norris requested time for the County to prepare guidelines for this issue.

Commissioner Rohrer stated that he was in disagreement with Chairman Norris to a certain degree, but he understands the neighbor's problem also.

Chairman Norris stated that the problem of potential noise at all hours must also be addressed.

Mike Hawkings said he understood that there are presently noise ordinances.

Mr. Wood verified that a very minimal amount of noise would be allowed at night under the present noise ordinance.

Phyllis Brown, 1123 Markwood Road, Burlington, stated that she and her husband own Ken's Auto Painting, which has been operating out of their home since 1959. She was concerned about what effect the definition of "commercial" might have on their business. Chairman Norris stated that their business was grandfathered in when zoning was applied to their area, so there would be no conflict with their business in their residential area.

Mr. Rindal questioned the additional repair the road would need with added truck traffic.

Mr. Spalding asked if the County could have the Hawkings' building torn down, now that it has been built. Chairman Norris stated that there have been instances where individuals have constantly abused the Code, and the County has caused the building to be torn down. However, as it stands now, the Hawkings building complies with Skagit County Code.

Mrs. Waldschmidt stated that the County could determine if Mr. Hawkings' equipment was used for commercial or personal use, according to how it is licensed with the Department of Licensing.

Wayne Knopf stated that Mr. Hawkings won't have his equipment at his residence much.

Mr. Hawkings said his building was no surprise to the neighborhood. There had been a hearing previously to set the building back further. The building will be insulated as well as the average home, so there shouldn't be any sound problems.

Chairman Norris stated he would ask Bob Schofield for a clarification on the definition of commercial use of equipment.

2. Miscellaneous items.

Bob Schofield, Director of the Planning Department, presented the following items:

- a. Fire Protection District #5 (Edison) requested a waiver of the \$250 fee for their rezone request. Mr. Schofield stated that generally, the fee is waived for fire protection districts. Chairman Norris stated that this issue should be addressed when Commissioner Mansfield was present.

- b. The Board approved for signature the letter prepared by Otto Walberg, of the Planning Department, to the City of Sedro Woolley with regard to the Mount Baker Professional Center. The letter requests that the applicant make necessary improvements to Collins Road. It also refers to the drainage calculations which the County never received, and cautions the City of Sedro Woolley about approving a plat before all conditions are met.

DISCUSSION - MEETING WITH PORT OF SKAGIT COUNTY REGARDING LAND USE JURISDICTION.

John Ferlin, Port Commissioner, opened the discussion stating the Port's desire to have jurisdiction over their own lands. He stated that the Port wants to begin industrial development in order to create jobs. In the past the Board of County Commissioners has felt that the County should have jurisdiction over the Port's activities. He asked what is the position of the County as it relates to airport property?

Chairman Norris said he applauds the Port's efforts to try to provide more jobs, but the Board of County Commissioners is charged by State law with the responsibility of managing an overall comprehensive plan and zoning map county-wide. If the County was to allow one junior taxing district to avoid requirements, then the County would have to allow other junior taxing districts to do the same. He stated that the County also has to go through the permit process when necessary.

Tom Moser, Prosecuting Attorney, stated that he hasn't seen any effort in the County to stop anything the Port wanted to do. He wasn't aware of any problem. He noted that Skagit County paid thousands of dollars for the building permit for the new jail.

Mr. Ferlin questioned the need for a Port Commission if the County had jurisdiction over the property. He suggested giving the land to the County, thus allowing the County to do what they want with it. He gave Mr. Moser copies of correspondence regarding this issue.

Chairman Norris stated that the Port of Skagit County has been given very liberal classification -- mostly industrial. However, the County Board of Commissioners still has a responsibility to the State to be concerned with land use.

Brian Clark, Port Attorney, stated that the Port does not intend to vary from the plan. He said they have legal counsel to back them up. The Port is seriously considering the development of an industrial park, and they are trying to determine the hurdles to be crossed with the County.

Commissioner John Higgins stated that the Port has jurisdiction over airport property, not the County. The Port of Seattle and King County have an agreement. The Port of Seattle has jurisdiction over Sea-Tac Airport. If there is going to be an agreement between the Port of

Skagit County and Skagit County, he stated he is anxious to get on with it.

Mr. Clark stated that the Port of Seattle has its own building permits, officials, etc., and King County abides by this. He gave Benton County as an example of a case that went to court and the Port won.

Chairman Norris stated that things at the Port have been rather unbalanced for several years. Only recently has there been good communications.

Fred Miller, Port Commissioner, stated that the Port has to diversify. The Port Commissioners need to know the guidelines, before they proceed further.

Chairman Norris stated that the County hasn't had a disagreement yet with the Port of Skagit County. He said they were making a problem before a problem exists.

Port Commissioner Miller said he wanted to avoid a problem, as other counties have done.

Chairman Norris asked what is wrong with the way it has been handled? He stated that PACCAR was located without much trouble. The County doesn't want to set a precedent that later on we can't live with.

Larry Hendrickson, Manager of the Port of Skagit County, stated that he wants to take care of the problem before it arises and before they have industrial prospects. They want to cut through the red tape of hearings and appeals.

Chairman Norris suggested looking into the statute more with Tom Moser. Commissioner Rohrer stated that he wants to look into it further also.

Chairman Norris stated that if the County is going to change the policy, they have to find out if there is room within the law to change it.

Port Commissioner Ferlin said he wants to meet with Skagit County to work out ideas, rather than relying on legal opinion only.

Chairman Norris stated that it is important to approach this issue in just that manner, and requested time to consider their comments.

MISCELLANEOUS ITEMS

Robert Taylor, Commissioners' Assistant, presented the following items:

1. Commissioner Rohrer motioned to approve the resolution declaring a piece of tax title property near Concrete as surplus and ordering the sale of said property to Cemetery District #5 for the amount of \$5,730, with the conditions that the property is to be used for

cemetery purposes only, and if the property is resold, ownership will revert back to Skagit County. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #9993)

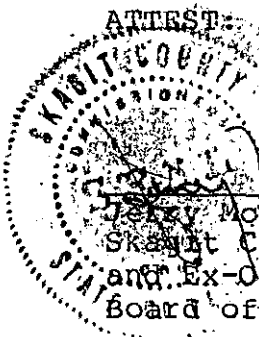
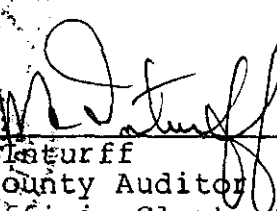
2. Commissioner Rohrer motioned to approve the resolution calling for a public hearing for the purpose of determining whether a resolution authorizing a supplemental budget in the amount of \$50,000 for the Alcohol Services Fund to provide for detoxification services shall be adopted. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #9994)

ADJOURNMENT

Commissioner Rohrer motioned to adjourn the proceedings. Chairman Norris seconded the motion. The motion was carried and so ordered.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Bud Norris, Chairman

ATTEST:


Jerry Molaturff
Skagit County Auditor
and Ex-Officio Clerk of the
Board of County Commissioners

Jerry Mansfield, Commissioner



Dave Rohrer, Commissioner