

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, May 14, 1984

9:00 a.m. Board of Health:

1. Introduction of new Environmental Health Specialist, Lorna Haycox.
2. Discussion of ongoing dialogue with municipalities regarding septage handling.

10:00 a.m. Contract Amendment - Skagit Multi Purpose Facility - Increasing the College's contribution to the project.

10:30 a.m. Discussion - State Building Code Update - Roxanne Michael, Skagit County Building Official.

MISCELLANEOUS ITEMS

1:30 p.m. Public Hearing - Charles Dodd Appeal of Conditions of Special Use Permit SP-82-010 Revised.

2:30 p.m. Discussion - Tax Title Trust Property - Ruth Wylie, Skagit County Treasurer.

MISCELLANEOUS ITEMS

3:00 p.m. Executive Session - Personnel.

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

BOARD OF HEALTH

1. Introduction of new Environmental Health Specialist, Lorna Haycox.

John Thayer, of the Health Department, introduced Lorna Haycox as the new Environmental Health Specialist, and outlined her responsibilities.

2. Discussion of ongoing dialogue with municipalities regarding septage handling.

John Thayer stated that Ken Willis, Environmental Health Specialist II, and Gene Sampley, Director of the Public Works Department, have been meeting with cities in Skagit County to determine how willing they would be to accept septage from the County. The cities being contacted are Anacortes, Sedro Woolley, Concrete, Mount Vernon, Burlington and La Conner.

Mr. Thayer stated that contact was made with the Department of Ecology (DOE) regarding availability of grant money for studies and capital improvements. The DOE was favorable to the idea and felt that certain portions of the project discussed would be grant eligible.

Although discussions with the municipalities are for the most part favorable, an extended period of time may transpire before a final procedure can be implemented. Therefore, the Board should consider some improvements to the Butler Site to minimize problems of overflow during the wet season.

The Board concurred that the Butler site should be improved to prevent it from becoming more of a nuisance. Chairman Norris instructed the Health Department to write letters to the mayors of Mount Vernon, Sedro Woolley, and Burlington, informing them of the County's interest.

Gene Sampley stated that the one problem with La Conner can be resolved. La Conner welcomes the septage into their system.

Dr. J. K. Neils, of the Health Department, pointed out that a centrally located site would be most cost efficient if capital outlay will be necessary. Gene Sampley stated that little or no capital outlay may be necessary, but if capital outlay is needed, he concurred with Dr. Neils.

Chairman Norris stated that the needs of the future need to be considered, rather than just the needs of today.

Mr. Willis informed the Board that he is working toward scheduling a meeting to inform the pumpers of the situation.

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

MISCELLANEOUS ITEMS

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

1. The Board approved for signature a Contract for Professional Services between the Skagit County Parks and Recreation Department and Kim Hatcher, 1447 Donnelly Road, Mount Vernon, Washington 98273, who will act as Program and Facility Supervisor for recreational activities, at a rate of \$5.00 per hour through December 31, 1984.
2. The Board approved for signature the resolution awarding bid for one 3-wheeled utility turf truck, for the Parks, Recreation and Senior Services Department, to Turf & Toro Distributors, Inc., the lowest bidder, with the total of \$5,587.69.
3. The Board approved for signature a Contract Amendment with the Department of Social and Health Services to allow the contractor to receive an Alcoholism Program advance of \$6,148.00. This Contract

Amendment was recommended for approval by JoAnn Angevine, Director of Community Services.

4. Commissioner Rohrer motioned to approve the Record of the Proceedings for Tuesday, May 8, 1984. Chairman Norris seconded the motion. The motion was carried and so ordered.
5. Commissioner Rohrer motioned to approve Warrants #56441 through #56478 in the amount of \$7,215.00. Chairman Norris seconded the motion. The motion was carried and so ordered. (P/R9)
6. The Board reviewed the following Petitions for Property Tax Refund:
 - a. Land Title Company, Mount Vernon, Washington 98273, in the amount of \$33.70 for tax year 1984, because of incorrect tax number.
 - b. Hope Island Cafe & Bar, P.O. Box 453, La Conner, Washington 98257, in the amount of \$402.70 for tax year 1983, because of amended affidavit. (#400113)
 - c. J. Arlo Livingston, 153 Biz Point Road, Anacortes, Washington 98221, in the amount of \$122.27 for tax year 1984, because property was not assessed to the right person and Mr. Livingston was billed in error. (#844678)

Commissioner Rohrer motioned to approve the above listed Petitions for Property Tax Refund, as recommended by the Assessor and Treasurer. Chairman Norris seconded the motion. The motion was carried and so ordered.

7. The Board reviewed the following Taxpayer's Claims for Reduction of Assessments on Destroyed Real or Personal Property:
 - a. Charles E. Hyatt, 2220 W. Birch, Bellingham, Washington 98226, in the amount of \$5,200 for tax year 1985, because of flooding. (#582)
 - b. Gwilym G. Jones, 16810 Shore Drive N.E., Seattle, Washington 98155, in the amount of \$13,000, for tax year 1985, because of flooding. (#581)
 - c. Larry E. Brown, 13430 91st Place N.E., Kirkland, Washington 98033, in the amount of \$300 for tax year 1985, because of wind damage. (#580)
 - d. Thomas H. Solberg, 208 Wendell Street, Suite #446, Fairbanks, Alaska 99701, in the amount of \$17,310 for tax year 1985, because a house and barn were torn down.

Commissioner Rohrer motioned to approve the above listed Taxpayer's Claims. Chairman Norris seconded the motion. The motion was carried and so ordered.

8. The Board reviewed the following Taxpayer's Claims for Reduction of Assessments on Destroyed Real or Personal Property:
- a. G. W. Mattingly, 801 Shoshone Drive, La Conner, Washington 98257, because he tore down one house and moved two others. This Taxpayer's Claim was recommended for denial by the Assessor and Treasurer because the destruction was not reported within 75 days. The value will be removed for 1985 taxes. (#577)
 - b. Homer Self, 3045 Buress Road, Sedro Woolley, Washington 98284. This Taxpayer's Claim was recommended for denial by the Assessor and Treasurer because there was no destruction involved. He was appealing his assessment. He was advised to appeal to the Board of Equalization. (#583)

Commissioner Rohrer motioned to deny the above listed Taxpayer's Claims, as recommended by the Assessor and Treasurer. Chairman Norris seconded the motion. The motion was carried and so ordered.

CONTRACT AMENDMENT - SKAGIT MULTI PURPOSE FACILITY - INCREASING THE COLLEGE'S CONTRIBUTION TO THE PROJECT

Jon Aarstad, Director of the Parks, Recreation and Senior Services Department, reported that the Skagit Valley College Board of Trustees has agreed to add \$128,720 to their contract for the multi purpose facility, making their total contribution \$228,720.

Commissioner Rohrer motioned to approve the Contract Amendment to Interlocal Cooperation Agreement between Skagit County and Community College District No. 4, Skagit Valley College, which amends the contract as described above. Chairman Norris seconded the motion. The motion was carried and so ordered.

MISCELLANEOUS ITEMS

Jon Aarstad, Director of the Parks, Recreation and Senior Services Department, reported that the Department of Transportation has agreed to contribute an additional \$50,000 toward the access road for the Swinomish Channel facility, making their total contribution \$65,000.

Mr. Aarstad asked the Board if the bids exceed the estimated cost for the project, if he could then come back to the Board for assistance. The Board stated that he could request, but there would be no guarantee of receiving assistance.

DISCUSSION - STATE BUILDING CODE UPDATE - Roxanne Michael, Skagit County Building Official.

Roxanne Michael reported that the State is requiring all cities and counties to adopt the 1982 Code by June 6, 1984. Skagit County has been in conformance with this for some time now, but many communities are using Codes as far back as 1976. This request by the State will bring all communities under the same Code.

PUBLIC HEARING - CHARLES DODD APPEAL OF CONDITIONS OF SPECIAL USE PERMIT SP-82-010 REVISED.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board of Skagit County Commissioners, read the Notice of Public Hearing, as published in the Skagit Valley Herald on April 27, and May 4, 1984.

Otto Walberg, Assistant Planning Director, gave a historical review of Special Use Permit #SP-82-010 of Charles Dodd, 2074 Gripp Road, Sedro Woolley, Washington 98284, the findings of which are attached and made a part of this record.

Mr. Walberg read a letter from Mr. Paul Meaney, 2072 Gripp Road, Sedro Woolley, relating his objections to the sawmill operation.

Mr. Walberg stated that two additional letters received prior to this date from Mr. Olander and Mr. Pressley, adjacent neighbors of the Dodds, stated no objection to the sawmill operation.

Chairman Norris opened the public hearing to receive input from those present.

Bill Nielsen, attorney for Mr. and Mrs. Dodd, defined the current objections to the sawmill as being drainage and noise. He stated that the County doesn't have the authority to add a drainage condition to an existing permit. He noted that Mr. Meaney seems to be the only neighbor complaining about drainage.

Secondly, Mr. Nielsen pointed out that there is no realistic way that the 55 decibel level can be met. Again, he pointed out that Mr. Meaney is the only neighbor objecting to the noise.

Mr. Nielsen stated that they feel it is inappropriate for the Hearing Examiner to make additional conditions, and thus, they asked the Board to reverse the Hearing Examiner's decision.

In response to a question from Chairman Norris, Mr. Nielsen stated that the conditions as stated in the original Special Use Permit have been met.

In response to additional questions, Mrs. Connie Dodd stated that the mill is "semi-portable," rather than "portable."

Martin Lind, attorney for Mr. and Mrs. Meaney, asked for clarification on the purpose of this hearing. Chairman Norris explained that the Board was considering an appeal of the conditions of approval of Revised Special Use Permit #SP-82-010 of Charles Dodd.

Mr. Lind stated that he feels the County did not know exactly what type of operation was being constructed by the Dodds. He stated the following: the noise ordinance is very specific regarding noise; the Board can at any time review an issued permit; and the water problem on the Meaney's property is devastating.

Chairman Norris reviewed the process by which an applicant may appeal a decision.

Mr. Nielsen stated that the Dodds are in compliance with the original conditions of the permit. With regard to noise, he again stated that it would be impossible for the sawmill to operate in compliance with the noise ordinance. Mr. Nielsen stated that drainage was not made a condition of the original permit.

Mr. Paul Meaney stated that the gravel fill brought in by the Dodds slopes toward his property, bringing all the drainage into his yard. He stated that the Dodds are not completely in compliance with the condition requiring the planting of trees.

Mrs. Dodd stated that all trees are planted except for a small area, which will be no problem to plant.

Mr. Lind stated that the trees have evidentially been planted on the inside of a tall fence also built by the Dodds.

Mr. Nielsen stated that the Dodds built the fence to try to screen Mr. Meaney's view of the sawmill. A permit was issued for the fence.

Mr. Walberg stated that the Dodds are not in violation of any screening regulation, as far as he knows.

Mr. Lind read a finding of fact relating to compliance of ordinances.

Mr. Meaney stated that before the sawmill was in operation, they objected to the trees and drainage. The mill was built before the Dodds were required to obtain a permit.

Mr. Nielsen stated that there doesn't appear to be any way to compromise with Mr. Meaney.

Chairman Norris asked if it would be possible to put in a curtain drain. Mr. Nielsen stated that it would not be economically feasible.

Mr. Meaney stated that he has lived at that location for 16 years, and has never had drainage problems like he has now.

Janet Meaney stated that the water is ankle deep and she is unable to plant a garden.

Mr. Meaney stated that Mr. Dodd had previously promised to continue a ditch out to the highway away from his property, but later denied that he said that.

Chairman Norris asked if the fence helped with the noise problem. Mr. Meaney stated that it did not help.

Chairman Norris asked if Mr. Meaney would be satisfied with a drainage ditch installed out to the road. Mr. Meaney stated that he would.

Mr. Lind stated that the Meaneys don't want the sawmill in operation anyway.

Chairman Norris explained that the sawmill operation has a Special Use Permit and is allowed in this zone. Chairman Norris suggested that more time be allowed for the remaining trees to be planted and the drainage ditch to be constructed.

John Moffat, Assistant Prosecuting Attorney, stated that he had no problem procedurally with that suggestion, but he thought Mr. Nielsen had said the noise standard would be impossible to meet.

Mr. Nielsen stated that they could plant the remaining trees and construct the drainage ditch if given additional time, but they won't because the noise factor is still a question.

Mr. Lind stated that the fence and the noise are still issues. The fence is aesthetically unpleasing, and the trees are on the inside of the fence, so the Meaneys can't see them anyway.

In response to Chairman Norris' question, John Moffat responded that when someone obtains a permit, they are bound by other standards and ordinances. There is no need to recite each ordinance and standard on every permit. He stated that there is no reason to consider less than the normal noise restriction in this case.

Chairman Norris suggested that the permit be suspended until drainage, trees and noise conditions are in compliance.

Mr. Nielsen stated that no amount of time will cause the Dodds to comply with the noise standard.

Chairman Norris suggested allowing 30 additional days for the Dodds to comply with the conditions of Revised Special Use Permit #SP-82-010.

Commissioner Rohrer stated that he will visit the site and review the water problem on Mr. Meaney's property.

Commissioner Rohrer motioned to close the public hearing. Chairman Norris seconded the motion. The motion was carried and so ordered.

Commissioner Rohrer motioned to uphold the Hearing Examiner's suspension of Revised Special Use Permit #SP-82-010 for an additional 30 days, at which time the site will be evaluated by County staff. If the Dodds are in compliance at that time, the permit will be reinstated. If the Dodds are not in compliance at that time, the permit will be revoked. Chairman Norris seconded the motion. The motion was carried and so ordered.

DISCUSSION - TAX TITLE TRUST PROPERTY - Ruth Wylie, Skagit County Treasurer.

Ruth Wylie stated that this discussion is in regard to the foreclosed property of the citizen who refused to pay his taxes. She stated that Concrete State Bank purchased one of the parcels with a house. Three additional separate parcels on which are located three mobile homes have been deeded to Skagit County.

John Moffat, Assistant Prosecuting Attorney, stated that the County should begin proceedings to remove these mobile homes.

Mrs. Wylie stated that the County has many tax title properties that need to be sold and put back on the tax role.

Chairman Norris asked Bob Taylor, Commissioners' Assistant, to have the Public Works Department look into this as part of their facilities comprehensive study.

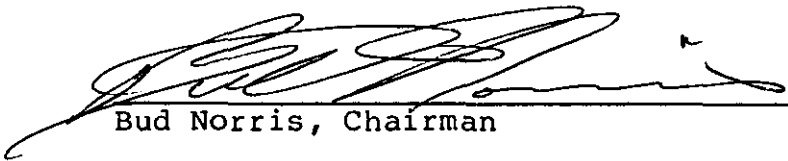
Chairman Norris requested that John Moffat proceed with removal of the mobile homes from the parcels.

ADJOURNMENT

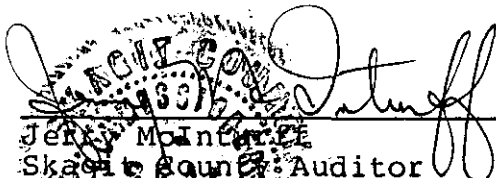
Commissioner Rohrer motioned to adjourn the proceedings. Chairman Norris seconded the motion. The motion was carried and so ordered.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

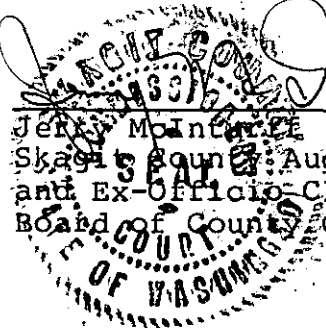
ATTEST:



Bud Norris, Chairman



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



Jerry Mansfield, Commissioner



Dave Rohrer, Commissioner

SKAGIT COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING DATE: May 14, 1984

PURPOSE OF HEARING: Appeal of the Conditions of Approval of Special Use Permit #SP-82-010 (Revised), by the applicant, Charles Dodd.

PROJECT DESCRIPTION AND LOCATION: The construction and operation of a semi-portable sawmill at 2074 Gripp Road, Sedro Woolley in a portion of Government Lot 2, less the West 416 feet and East 582 feet of Section 2, Township 35 North, Range 4 East, W.M.

FINDINGS:

1. The purpose of this hearing before the Board of Commissioners is to consider an appeal of the conditions of approval of Revised Special Use Permit #SP-82-010 of Charles Dodd, 2074 Gripp Road, Sedro Woolley, for the construction and operation of a sawmill.
2. Mr. Dodd received a Special Use Permit #SP-82-010 on March 3, 1982 subject to numerous conditions. Subsequent to the issuance, the Hearing Examiner held a public hearing on January 18, 1984 to review compliance with the conditions of that permit.
3. Evidence and testimony provided at that hearing on January 18, 1984 indicated that Mr. Dodd was in violation of three of the conditions of approval, specifically #2, 3 and 5. Further testimony indicated Mr. Dodd was in violation of noise and erosion standards as provided in Skagit County Code, Chapter 14.04.180.
4. After consideration of the evidence and testimony the Hearing Examiner modified conditions 2 and 3 of the original permit because they were ambiguous and needed additional clarification. The Examiner further specified compliance with the performance standards regarding noise and drainage as outlined in #SP-82-010 Revised dated February 1, 1984.
5. Revised Special Use Permit #SP-82-010 gave Mr. Dodd an additional 30 days (from February 7, 1984) in which to comply with the conditions of the permit or be subject to indefinite suspension of the permit.
6. Mr. Dodd filed an appeal with the Board of Commissioners contesting the Hearing Examiner's decision. The Board met on April 9, 1984 to consider that appeal and it was determined the Board would hold their own hearing and established the date for May 14, 1984. That date was chosen to allow Mr. Dodd additional time for modification or improvements to his sawmill, and, further testing, to bring the mill operation into compliance with the zoning regulations.

7. Mr. Wood of the Permit Center informed Mr. Dodd by letter dated April 11, 1984 of the date of the hearing and further expressed concerns on noise reduction and drainage. Since that date, Mr. Dodd has not contacted the Permit Center requesting any further testing or analysis of the project.
8. In accordance with Skagit County Code Chapter 14.04.240 the Board of Commissioners may listen to the tape recording of the hearing conducted by the Hearing Examiner on January 18, 1984, review the exhibits submitted and may accept any new information, evidence or argument offered for consideration. After hearing the evidence and testimony presented, the Board may adopt, modify or reverse the decision of the Hearing Examiner.

OMW/mih

EXHIBIT LIST

1. Skagit County Hearing Examiner Written Order #SP-82-010
2. Permit Center Staff Report of January 18, 1984 with attachments
 - a. Walberg Memorandum
 - b. Driflot Noise Memo and Readings
 - c. Notice and Order dated December 27, 1983
3. Photos (2) - dated January 18, 1984
4. Dodd Written Statement
5. Delbert Olander Letter - January 18, 1984
6. Willard Pressly Letter - January 17, 1984
7. Skagit County Hearing Examiner Written Order #SP-82-010 Revised
8. Skagit County Hearing Examiner Written Order #SP-82-010 Revised
Denial of Request for Reconsideration
9. Tape Recording of Hearing Examiner Public Hearing -January 18,
1984
10. Don Nelson Memorandum - March 28, 1984
11. Steve Wood Letter - April 11, 1984