

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, October 15, 1984

- 9:00 a.m. 1. Public Hearing - Supplemental Budget - Environmental Impact Statement Review.
2. Public Hearing - Supplemental Budget - DWI Adjudication.
3. Resolution - Authorizing Budget - Election Reserve Fund.
4. Resolution - Budget Line Item Change - Soil Conservation District.
5. Resolution - Budget Line Item Change - Superior Court Personal Services.
6. Miscellaneous Items.
- 9:30 a.m. Review and Consideration for Adoption - Revenue Sharing Handicapped Regulations Compliance Plan - JoAnn Angevine, Community Services Coordinator.
- 10:00 a.m. Proclamation - Business Women's Week, October 21-27, 1984.
- 10:30 a.m. Planning Department - Bob Schofield, Director:
1. Planning Commission Referred Items:
    - a. Proposed Amendment to the Skagit County Code, Chapter 14.04.090 and Chapter 14.04.095 which would regulate the height of primary and accessory building/structures in the Residential and Residential Reserve Zones.
    - b. Amendment to Skagit County Code, Chapter 14.04.030, "Definitions."
    - c. Amendment to Skagit County Code, Chapter 15.20, Flood Damage Prevention Ordinance.
    - d. Skagit Valley College Rezone Request #R-84-015.
    - e. Skagit Valley College Shoreline Substantial Development Permit #22-84.
    - f. Roger Sahlin Rezone Request #R-84-016.
    - g. Michael Youngquist Modification Request of Rezone #R-78-001.
    - h. Greenwood Chalet Preliminary Plat Extension Request.
  2. Miscellaneous Items.
- 1:30 p.m. Planning Commission Referred Item - Kenart and Associates Planned Unit Development Preliminary Plat.
- 2:30 p.m. Executive Session - Personnel.

The Skagit County Board of Commissioners met in regular session on Monday, October 15, 1984, with Commissioners Norris, Mansfield and Rohrer present.

1. PUBLIC HEARING - SUPPLEMENTAL BUDGET - ENVIRONMENTAL IMPACT STATEMENT REVIEW.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor, read the Notice of Public Hearing, as published in the Skagit Valley Herald on October 5, and October 12, 1984.

Bob Schofield, Director of the Planning Department, explained that this supplemental budget in the amount of \$25,000 would provide reimbursable funds for review of the proposed Cypress Island development. He explained that major projects such as this are required to make a deposit to cover such expenditures. The deposit in the amount of \$25,000 for this project has already been received.

Commissioner Mansfield motioned to close the public hearing. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Commissioner Mansfield motioned to adopt the resolution authorizing a supplemental budget in the amount of \$25,000 to pay for costs in connection with the review of a proposed Cypress Island development for Hanson Properties. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10217)

2. PUBLIC HEARING - SUPPLEMENTAL BUDGET - DWI ADJUDICATION.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor, read the Notice of Public Hearing, as published in the Skagit Valley Herald on October 5, and October 12, 1984.

Mike Woodmansee, Budget and Finance Director, explained that the County has received the DWI Impact Grant in the amount of \$125,343. The proposed supplemental budget would provide for the distribution of that money.

Commissioner Mansfield motioned to close the public hearing. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Commissioner Mansfield motioned to adopt the resolution authorizing a supplemental budget in the amount of \$125,343 for the distribution of the DWI Impact Grant. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10218)

3. RESOLUTION - AUTHORIZING BUDGET - ELECTION RESERVE FUND.

Jerry McInturff, Skagit County Auditor, explained that this supplemental budget in the amount of \$16,900, would primarily pay for extra salaries of part-time election workers for processing a tremendous number of absentee ballots. He pointed out that the Elections Fund is now self supporting, so the revenue for this transfer is already in place.

Commissioner Mansfield motioned to adopt the resolution authorizing a supplemental budget in the amount of \$16,900 for the Election Reserve Fund. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10219)

4. RESOLUTION - BUDGET LINE ITEM CHANGE - SOIL CONSERVATION DISTRICT.

Mike Woodmansee, Budget and Finance Director, explained that this transfer of budget appropriations in the amount of \$9,500 from the Special Projects Fund would pay the Soil Conservation District services for the second half of 1984.

Commissioner Mansfield motioned to adopt the resolution authorizing the transfer of budget appropriations in the amount of \$9,500 to provide for Soil Conservation District services as previously contracted. (Resolution #10220)

5. RESOLUTION - BUDGET LINE ITEM CHANGE - SUPERIOR COURT PERSONAL SERVICES.

Mike Woodmansee, Budget and Finance Director, explained that this budget transfer in the amount of \$2,200 would provide for the extra salaries and benefits for the recorder operator for the court commissioner.

Commissioner Mansfield motioned to adopt the resolution authorizing a transfer of budget appropriations in the amount of \$2,200 from the General Contingencies Fund to pay for salaries and benefits for a recorder operator. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10221)

The Board requested verification in memo form from Superior Court that one person in addition to the court commissioner would be in the courtroom when in session.

6. MISCELLANEOUS ITEMS.

Robert Taylor, Administrative Officer, presented the following items:

- a. Commissioner Mansfield motioned to approve Warrants #57286 through #57325 in the amount of \$7,665.00. Commissioner Rohrer

seconded the motion. The motion was carried unanimously. (PR-19)

b. The Board considered the following Petitions for Property Tax Refund:

- (1) Fred W. Sears, 2009 Riverside Drive, SP 80, Mount Vernon, Washington 98273, in the amount of \$60.82 for senior citizen exemption. (#845414)
- (2) Dorais Armand, 1109 North Viewmont Drive, Mount Vernon, Washington 98273, in the amount of \$107.11 for disabled person exemption. (#S/C 5507)
- (3) Mary A. Huls, 718 North 1st Street, Mount Vernon, Washington 98273, in the amount of \$643.70 for senior citizen exemption. (#5482)
- (4) Lillian Rohweder, 1197 Woollen Road, Burlington, Washington 98233, in the amount of \$323.12 for senior citizen exemption. (#845463)

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

c. Commissioner Rohrer motioned to approve the Record of the Proceedings for Tuesday, October 9, 1984. Commissioner Mansfield seconded the motion. The motion was carried unanimously.

d. Commissioner Rohrer motioned to approve the Record of the Proceedings for Wednesday, October 10, 1984. Commissioner Mansfield seconded the motion. The motion was carried unanimously.

REVIEW AND CONSIDERATION FOR ADOPTION - REVENUE SHARING HANDICAPPED REGULATIONS COMPLIANCE PLAN - JoAnn Angevine, Community Services Coordinator.

JoAnn Angevine explained that all owned and leased Skagit County facilities have been inspected, and all necessary changes have been reported to Roger Howard, of the Public Works Department. She stated that the County will be subject to an audit if revenue sharing funds in excess of \$25,000 are received.

Discussion followed regarding the possible necessity of polling places to also comply with the handicapped access regulations.

Commissioner Rohrer motioned to adopt the Revenue Sharing Handicapped Discrimination Regulations Compliance Plan, as prepared by JoAnn

Angevine. Commissioner Mansfield seconded the motion. The motion was carried unanimously.

PROCLAMATION - BUSINESS WOMEN'S WEEK, OCTOBER 21-27, 1984.

Myrna Hall, Publicity Chairperson for the Mount Vernon Women in Business group, was present for the proclamation.

Commissioner Rohrer motioned to proclaim the week of October 21 through 27, 1984, as Business Women's Week in Skagit County. Commissioner Mansfield seconded the motion. The motion was carried unanimously. (Resolution #10222)

PLANNING DEPARTMENT - Bob Schofield, Director:

1. Planning Commission Referred Items

- a. Proposed Amendment to the Skagit County Code, Chapter 14.04.090 and Chapter 14.04.095 which would regulate the height of primary and accessory building/structures in the Residential and Residential Reserve Zones.

Steve Wood, Zoning Administrator, explained the proposed amendment to the Skagit County Code, which was recommended for approval by the Planning Commission. He stated that the Builders Association was involved with the drafting of this amendment.

Following considerable discussion, the Board asked that the next item be presented before making a decision on this item regarding height restrictions.

- b. Amendment to Skagit County Code, Chapter 14.04.030, "Definitions."

Steve Wood, Zoning Administrator, explained the proposed amendment to the Skagit County Code which would define "Accessory Use." The Planning Commission recommended approval of the amendment as follows: (a) The use must be incidental and subordinate to the primary use and located on the same lot as the primary use; (b) There can be no appearance of a business on site (i.e. signs, exterior storage, more than one commercial vehicle, one ton or more in size); and (c) The use cannot create a level of noise, odor, dust, or parking demand beyond that normal to a residential use.

Discussion followed regarding possibly avoiding future conflicts as were previously encountered on Markwood Road. Commissioner Mansfield suggested that a provision be added allowing for a judgment to be made on an individual basis if necessary. The Board instructed the

Planning Department to communicate Commissioner Mansfield's suggestion to the Planning Commission.

Commissioner Mansfield motioned to adopt the resolution approving the amendment of Skagit County Code Sections 14.04.090(6)(b) and 14.04.095(6)(c), pertaining to accessory buildings, as recommended by the Planning Commission. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10223)

Commissioner Mansfield motioned to adopt the resolution approving the amendment to Skagit County Code Section 14.04.030(2), defining "Accessory Use," as recommended by the Planning Commission. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10224)

c. Amendment to Skagit County Code, Chapter 15.20, Flood Damage Prevention Ordinance.

Steve Wood, Zoning Administrator, explained that this proposed modification contained provisions for construction standards for residential and non-residential structures in areas of shallow flooding (AO zones). He stated that the Builders Association is in agreement with this modification, which is recommended for approval by the Planning Commission.

Commissioner Mansfield motioned to adopt the resolution modifying Chapter 15.20 of the Flood Damage Prevention Ordinance by the addition of Section 15.20.195, as recommended by the Planning Commission. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10225)

d. Skagit Valley College Rezone Request #R-84-015.

e. Skagit Valley College Shoreline Substantial Development Permit #22-84.

Bob Schofield, Planning Director, explained that Skagit Valley College owns property on the northeast shore of Big Lake at the intersection of SR 9 and West View Road, which they use for their sailing classes. The college is requesting a reclassification of 1.3 acres from Residential to Public Use. The college is also requesting a Shoreline Substantial Development/Variance Permit to allow the placement of a modular building within 50 feet of the shoreline. There will be a caretaker on the property. Mr. Schofield stated that the Planning Commission recommended approval of both of these requests.

Commissioner Mansfield motioned to adopt the resolution approving Skagit Valley College Rezone Request #R-84-015 reclassifying 1.3 acres from Residential to Public Use, as recommended by the Planning

Commission. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10226)

Commissioner Mansfield motioned to adopt the resolution approving Skagit Valley College Shoreline Substantial Development/Variance Permit #22-84, as recommended by the Planning Commission. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10227)

f. Roger Sahlin Rezone Request #R-84-016.

Bob Schofield, Planning Director, stated that Roger Sahlin requested a rezone of 42 1/2 acres on both sides of Snee-Oosh Road near La Conner. The Planning Commission recommended that the property on the west side of Snee-Oosh Road be reclassified from Rural to Rural Intermediate (2 1/2 acre minimum), while the property on the east side of Snee-Oosh Road remain classified Forestry (20 acre minimum).

Commissioner Mansfield motioned to adopt the resolution approving Roger Sahlin Rezone Request #R-84-016, as recommended by the Planning Department. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10228)

g. Michael Youngquist Modification Request of Rezone #R-78-001.

This item will be addressed at a later date.

h. Greenwood Chalet Preliminary Plat Extension Request.

Bob Schofield, Planning Director, explained that the developers of this plat requested a one-year extension of Phase II of their 14-lot development due to a divorce and long settlement hearings. The Planning Commission recommended approval of this request.

Commissioner Rohrer motioned to adopt the resolution approving the one-year extension of Greenwood Chalet Preliminary Plat. Commissioner Mansfield seconded the motion. The motion was carried unanimously. (Resolution #10229)

2. Miscellaneous Items.

The Board requested that discussion of possible early adoption of the modification standards for the Bonneville Power Administration be scheduled on a future agenda.

MISCELLANEOUS ITEMS

Paul Wagner was present to request the County's assistance with the lack of water problem at Snee-Oosh Beach, La Conner. The Board explained that the County had no jurisdiction over this issue. The matter lies between Anacortes, La Conner, the Indian Tribe, and the P.U.D. The Board requested that Bob Schofield check into the possibilities of resolving this situation once again.

PLANNING COMMISSION REFERRED ITEM - KENART AND ASSOCIATES PLANNED UNIT DEVELOPMENT PRELIMINARY PLAT.

Bob Schofield, Planning Director, reviewed the Planning Commission's October 2, 1984, recorded motion, which re-affirmed the findings which were previously submitted to the Board.

Tom Moser, Prosecuting Attorney, stated that the Board's options included holding their own public hearing or adopting the recommendation of the Planning Commission, although the latter option was not viable. Discussion followed between the Board and Mr. Moser regarding the direction to be taken.

Ken Evans, attorney representing Kenart and Associates, stated that Judge Walter Deierlein issued an oral decision stating that no new evidence could be considered. Mr. Evans felt the Board could make a decision based on a review of the transcripts of the earlier hearing. He stated that the Planning Commission findings are not substantiated by the record, so a review of the record would support approval of this development. A new public hearing would include new evidence and testimony, which is contrary to Judge Deierlein's oral decision.

John Moffat, Assistant Prosecuting Attorney, stated that he is not certain that Judge Deierlein's oral decision specifically addresses this issue.

Tom Moser read the R.C.W. statute instructing the Board of Commissioners to hold their own public hearing before either upholding or reversing the Planning Commission's recommendation.

Bob Schofield clarified several findings which the Planning Department suggested be eliminated or modified this last time, however the Planning Commission refused to support those suggestions.

Paul James, attorney for the opponents of the proposed development, felt the Court of Appeals did not approve or request the plat be approved. He felt a public hearing should be held for the Board of Commissioners to decide.

Commissioner Mansfield asked if the Board could possibly approve the plat at this time based on the Court of Appeals decision. Tom Moser stated that this was not an option open to the Board.



Commissioner Rohrer motioned to schedule a public hearing to review the Kenart and Associates Planned Unit Development Preliminary Plat at 1:30 p.m., Tuesday, November 13, 1984. Commissioner Mansfield seconded the motion. The motion was carried unanimously.

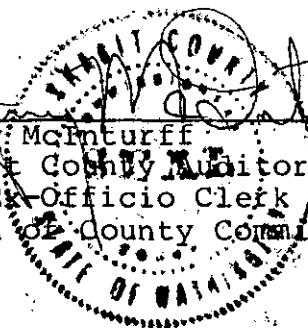
ADJOURNMENT

Commissioner Mansfield motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

ATTEST:

  
Bud Norris, Chairman

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

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Jerry Mansfield, Commissioner

  
Dave Rohrer, Commissioner