

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, May 20, 1985

Flag Salute

10:00 a.m. Discussion - Mental Health Contract Amendment - JoAnn Angevine, Coordinator, Community Services.

10:30 a.m. Consideration of Resolution Adjusting Salary of the Skagit County Treasurer.

MISCELLANEOUS ITEMS

11:00 a.m. Parks, Recreation and Senior Services - Jon Aarstad, Director:

1. Proclamation - Jesse Owens Arco Games.
2. Miscellaneous items.
3. Executive Session - Land Acquisition.

1:30 p.m. Consideration of Appeal of Hearing Examiner's Decision regarding Special Use Request #SP-85-011 of Ralph Dulin for the Establishment of a Bed and Breakfast Facility at 1075 Chilberg Road, La Conner.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Monday, May 20, 1985, with Commissioners Vaux, Walberg and Rohrer present.

DISCUSSION - MENTAL HEALTH CONTRACT AMENDMENT - JoAnn Angevine, Coordinator, Community Services.

JoAnn Angevine explained that the Department of Social and Health Services had provided the County with a contract for Mental Health and Involuntary Treatment services funding for the three-month period beginning July and continuing through September, 1985. The new contract provides for a slightly lesser amount of money to be received by Skagit County than in previous contracts for these services. Ms. Angevine recommended the Board enter into this agreement for funding in the amount of \$102,581.

Commissioner Rohrer motioned to enter into a contract with the Department of Social and Health Services for funding for the Mental Health and Involuntary Treatment services provided to Skagit County residents, for the period of July through September, 1985. Commissioner Walberg seconded the motion. The motion was carried unanimously.

CONSIDERATION OF RESOLUTION ADJUSTING SALARY OF THE SKAGIT COUNTY
TREASURER.

Commissioner Rohrer motioned to adopt the resolution increasing the Skagit County Treasurer's annual salary to \$36,666.00, effective January 1, 1985. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #10490)

MISCELLANEOUS ITEMS

The following miscellaneous items were addressed:

1. Commissioner Rohrer motioned to approve the Record of the Proceedings for Monday, May 13, 1985. Commissioner Walberg seconded the motion. The motion was carried unanimously.
2. Commissioner Rohrer motioned to approve the Record of the Proceedings for Tuesday, May 14, 1985. Commissioner Walberg seconded the motion. The motion was carried unanimously.
3. Commissioner Rohrer motioned to approve the Record of the Proceedings for Wednesday, May 15, 1985. Commissioner Walberg seconded the motion. The motion was carried unanimously.
4. In accordance with action previously taken, the Board approved for signature the resolution approving an ordinance designating Skagit County as a Nuclear Weapons Free Zone. The approved ordinance did not contain the paragraph with regard to the placement of signs on roadways informing the public of the Nuclear Weapons Free Zone. (Resolution #10491)
5. Commissioner Rohrer motioned to approve a Taxpayer's Claim for Reduction of Assessments on Destroyed Real or Personal Property for Joan B. Musselman, P.O. Box 579, La Conner, Washington 98257, in the amount of \$7,160 for tax year 1985, due to fire at Dale's Grocery and Marine Sales building. Commissioner Walberg seconded the motion, as recommended by the Skagit County Assessor. The motion was carried unanimously. (#632)
6. Commissioner Rohrer motioned to approve a Petition for Property Tax Refund for First American Title Company in the amount of \$193.82, because the first half taxes for 1985 were paid twice. Commissioner Walberg seconded the motion, as recommended by the Skagit County Assessor and Treasurer. The motion was carried unanimously. (#051485)
7. Commissioner Rohrer motioned to approve a Petition for Property Tax Refund for Melvin D. Pleas, 492 Dunthorne Road, Guemes Island, Washington 98221, in the amount of \$3.56, due to overpayment because of property segregation completed on May 1, 1985. Commissioner Walberg seconded the motion, as recommended by the Skagit County

Assessor and Treasurer. The motion was carried unanimously.
(#850509)

8. Commissioner Rohrer motioned to approve a Petition for Property Tax Refund for Cleo D. Sadler, 1808A N. West View, Mount Vernon, Washington 98273, in the amount of \$164.13, due to senior citizen exemption. Commissioner Walberg seconded the motion as recommended by the Skagit County Assessor and Treasurer. The motion was carried unanimously. (#850611)
9. Commissioner Rohrer motioned to adopt the resolution prepared by the Skagit County Prosecutor's Office stating that it is the policy of Skagit County to defend, indemnify, and protect any employee or officer of Skagit County who has an action, litigation or claim filed against them for any action arising out of the scope of their official duties and while they were acting in good faith. This protection shall include the marital community of the employee or official; and the County shall be responsible for any damages, fines or penalties arising out of such actions against a County employee or official. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #10492)
10. In accordance with action previously taken, the Board approved for signature the Contractual Agreement between the Department of Social and Health Services and the Skagit County Health Department to allow the Skagit County Health Department to assume primary responsibility for administering the standards for labor camps.
11. In accordance with action previously taken, the Board approved for signature the resolution waiving a solid waste fine in the amount of \$50 for Dale Case. (Resolution #10493)
12. In accordance with action previously taken, the Board approved for signature the resolution waiving a sludge utilization site hourly charge in the amount of \$75 for John Sandell. (Resolution #10494)
13. Commissioner Rohrer motioned to approve Warrants #2983 through #3228 in the amount of \$219,362.68. Commissioner Walberg seconded the motion. The motion was carried unanimously. (C-22)
14. Bill Stiles III, of Regency Investment Corporation, was present to request the Board hold another public hearing regarding Contract Rezone Modification Request #R-77-002. The Board voted two to one to deny the request on May 14, 1985. Mr. Stiles felt that the Board originally decided to hold their own public hearing due to an apparent conflict with appearance of fairness on the Planning Commission. However, in the Board's public hearing, the record of the Planning Commission's proceedings on the matter were entered into the Board of Commissioners' proceedings. Mr. Stiles protested this action.

Chairman Vaux requested time to discuss the matter with the Skagit County Prosecuting Attorney.

Mr. Stiles stated he will deliver a written request for a new public hearing, and then await further notice from the Board.

15. Bob Schofield, Director of the Planning Department, informed the Board that in a memo dated May 17, 1985, Tom Karsh, Environmental Health Specialist III, concurred with Lou Ankney that the soil on the Lynn Davis Hoy property (Alger Valley Christian Center) was not suitable for an on-site septic system.

The Board scheduled a public meeting at 11:00 a.m., Wednesday, May 29, 1985, to consider the sewer extension request to connect to the Whatcom County Water District #12 sewer line which passes in front of the property.

PARKS, RECREATION AND SENIOR SERVICES - Jon Aarstad, Director:

1. Proclamation - Jesse Owens Arco Games.

Jon Aarstad introduced Rose Ploeg, who primarily developed the Jesse Owens Arco Games in Skagit County. Ms. Ploeg explained that the games are an open track meet for boys and girls ranging in age from 7 to 14 years. This year's games will be held at Mount Vernon High School on June 8.

Chairman Vaux read the proposed proclamation designating June 8, 1985, as Arco Jesse Owens Games Day in Skagit County.

Commissioner Walberg motioned to adopt the resolution proclaiming June 8, 1985, as Arco Jesse Owens Games Day in Skagit County. Commissioner Rohrer seconded the motion. The motion was carried unanimously.
(Resolution #10495)

2. Miscellaneous items.

Commissioner Walberg motioned to enter into an agreement with the Mount Vernon Parks and Recreation Department for use of Edgewater Park for softball games beginning May 6, 1985, and concluding August 16, 1985, at the rate of \$3.50 per game. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Commissioners Vaux and Walberg were present for the following items. Commissioner Rohrer was absent.

CONSIDERATION OF APPEAL OF HEARING EXAMINER'S DECISION REGARDING SPECIAL USE REQUEST #SP-85-011 OF RALPH DULIN FOR THE ESTABLISHMENT OF A BED AND BREAKFAST FACILITY AT 1075 CHILBERG ROAD, LA CONNER.

Grace Roeder, of the Permit Center, presented photos and site plans of the proposal, and explained that the applicants propose to remodel an existing 3-story house to operate a 7-bedroom bed and breakfast inn. The applicants propose to use the second house on the property as their residence.

Ms. Roeder reported that the Permit Center recommended approval of the Special Use Permit subject to nine conditions with regard to parking, requirements of the Health Department for transient accommodations, meals served, leash regulation for pets, prevention of trespassing, signing, land use permits, on-site sewage disposal, and a limit on the number of units allowed.

The Hearing Examiner denied the application based on the following:

1. Excerpts from the Skagit County Growth Management Philosophy and Policies with regard to the location of the proposal.
2. The use proposed is not compatible with the agricultural practices prevalent in the area adjacent and neighboring the project site.
3. Satisfactory mitigation measures have not been proposed.

Ms. Roeder reviewed the appeal submitted by Ralph and Marlene Dulin, applicants. She entered the following items of correspondence into the record:

1. Letter dated April 17, 1985, from the Skagit County Health Department, stating no objections, while outlining several requirements with regard to food service, water supply, sewage disposal, and permit from the Department of Social and Health Services for transient accommodations.
2. Two letters dated April 8, and April 25, 1985, from Jim Hulbert, Hulbert Farms, Inc., 1727 Hulbert Road, Mount Vernon, expressing no objection to the proposal.
3. Letter dated April 16, 1985, from John Meyer, attorney representing Lewis Hill, who owns property east of the proposal. The letter called attention to the agricultural practices which will occur on neighboring properties.
4. Statements of no objection from:
 - a. Jack Wilkins, P.O. Box 251, La Conner, Washington 98257
 - b. Bradley Hoekstra, 4108 Seneca, Mount Vernon, Washington 98273
 - c. Virginia Murphy, 3611 W. 5th Street, Anacortes, Washington 98221

- d. Eugene T. Murphy, 3611 W. 5th Street, Anacortes, Washington 98221
- e. Dwight Andrus, 329 N. First, La Conner, Washington 98257
John Polder, P.O. Box 722, La Conner, Washington 98257
Robert W. Steele, P.O. Box 970, La Conner, Washington 98257
- f. Georgia Armstrong, Chilberg Road, La Conner, Washington 98257
- g. Robin Lindstrom, 1370 S. Green Street, Anacortes, Washington 98221
- h. Dirty Dan's, 115 N. First, La Conner, Washington 98257

Mrs. Dulin stated that Lewis Hill owns approximately 17 acres adjacent to their property. She felt 17 acres was a relatively small farming operation and would not pose any problems for their establishment.

Francis Mesman, 1172 Chilberg Road, Mount Vernon, stated that he was a dairy farmer and wanted some guarantee that they will be able to farm in the future as they always have.

Joe Fohn, 1175 Chilberg Road, Mount Vernon, had the same concern.

Kirby Johnson, stated that he owns land 1/4 mile south of the proposal, and is also the realtor involved. He pointed out that the 3-story house is just too large for a family to live in today.

Mrs. Dulin suggested they place a covenant on the property stating that the owner of the property (either presently or in the future) could never object to the farming practices of the surrounding properties.

The farmers present stated that they would agree to a covenant placed on the property, as long as such covenant would go with the property if it were ever sold.

Chairman Vaux motioned to remand Special Use Request #SP-85-011 for Ralph Dulin back to the Hearing Examiner for reconsideration of a covenant on the property. Commissioner Walberg seconded the motion. The motion was carried and so ordered.

MISCELLANEOUS ITEMS

Commissioner Walberg motioned to approve Warrants #37747 through #37797 in the amount of \$65,114.23. Chairman Vaux seconded the motion. The motion was carried and so ordered. (R-17)


ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux, Chairman




Otto M. Walberg, Jr. Commissioner



Dave Rohrer, Commissioner

ATTEST:



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