

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, June 16, 1987

Flag Salute

- 9:30 a.m. Discussion - Puget Sound Water Quality Authority Plan Amendments.
- 10:00 a.m. Public Meeting - Consideration of Appeal of Hearing Examiner Decision on Variance Request #V-87-009 - City of Anacortes/Puget Power.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, June 16, 1987, with Commissioners Walberg, Vaux and Rohrer present.

DISCUSSION - PUGET SOUND WATER QUALITY AUTHORITY PLAN AMENDMENTS.

Betsy Dwire Stevenson, Senior Planner, explained that the Legislature didn't properly fund the Department of Ecology so they could address the Puget Sound Water Quality Authority (P.S.W.Q.A.) Management Plan. As a result, questionnaires regarding prioritization of projects were mailed to various agencies and individuals. Discussion followed regarding the questionnaire.

The Board authorized Ms. Stevenson to return to P.S.W.Q.A. one questionnaire from Skagit County with a cover letter.

The Board also authorized Ms. Stevenson to attend a dredge disposal site meeting Thursday, if she felt she had time.

PUBLIC MEETING - CONSIDERATION OF APPEAL OF HEARING EXAMINER DECISION ON VARIANCE REQUEST #V-87-009 - CITY OF ANACORTES/PUGET POWER.

Grace Roeder, Associate Planner, submitted maps provided by the applicant, the City of Anacortes, through its tenant, Puget Sound Power and Light Company (Puget Power). Ms. Roeder also entered into the record the entire file and a topography map.

Ms. Roeder explained that on May 11, 1987, the Hearing Examiner approved a variance request from building and structure setbacks on Mt. Erie for the City of Anacortes, by and through its tenant, Puget Power. On May 22, 1987, an appeal by Richard Kirkwood was received in the Department of Planning and Community Development. On June 11, 1987, Markham A. Quehrn, attorney for Puget Power, submitted an Appeal Memorandum to the Department of Planning and Community Development.

Gary Jones, attorney for Mr. Kirkwood, urged the Board to take an independent look at this matter. He explained that in 1962, Puget Power entered into a 25-year lease with the City of Anacortes for the use of a certain property on Mt. Erie for communications purposes. Currently, there are three communications towers and two buildings at the site. Mr. Jones felt that inadequate notification was made to surrounding property owners, because the parcel leased by Puget Power is within the City of Anacortes' ownership of 600 acres. Additionally, Mr. Jones felt this use of the land was contrary to the intended purpose of the park.

The City of Anacortes has recently begun action to annex this parcel into the City. The Boundary Review Board has waived their jurisdiction over this matter. Mr. Jones felt the annexation of this property would leave properties on either side under County jurisdiction. Mr. Jones asked the Board to hold their own evening public hearing to allow the public to attend and present their opinions.

Markham Quehrn, attorney for P.S.P.&L., addressed three issues of concern to Mr. Jones. To begin with, Mr. Quehrn explained that if Mr. Jones is correct in assuming that notification was required for all ownerships within 300 feet of the entire 600-acre parcel, then no setback variance is required at all. The law does not require Puget Power to obtain a variance on the basis of one set of property lines and to provide notice of the variance proceeding on the basis of another set of property lines.

Secondly, regarding compatibility of use, Mr. Quehrn felt this matter was not even an issue; however Puget Power is careful to paint, landscape, etc., their facilities, he noted.

Thirdly, regarding annexation into the City of Anacortes, Mr. Quehrn stated that he only recently became informed of this situation.

In closing, Mr. Quehrn asked the Board to affirm the Hearing Examiner's decision.

Chairman Walberg read the following items of correspondence received on this matter:

1. Letter from James Biesecker stating opposition to the variance.
2. Letter from Tony Lippe, Anacortes Chief of Police, expressing support for the variance.

Mr. Jones stated that Mr. Kirkwood had intended to be at this meeting, but for some unknown reason, he was not present. He stated that the fact that said property is designated Public Use does not excuse the ignorance of setback requirements.

Mr. Biesecker stated that he owns property east of and adjacent to said property. He was not notified of the variance hearing, and felt the towers will be visually objectionable. He asked the Board to hold a public hearing on the matter.

Ms. Roeder noted that the Hearing Examiner did have a copy of the site plan at the time the variance was under consideration. She added that if notification were to take place now, considering the site plan, no one would be notified. She explained why a variance for setbacks was required.

Mr. Quehrn stated that Mr. Biesecker was present at the Hearing Examiner's hearing. Additionally, the Hearing Examiner held this matter open for several weeks to allow the residents opposing the variance to object in writing.

Commissioner Rohrer motioned to uphold the Hearing Examiner's decision of approval of Variance Request #V-87-009.

Commissioner Vaux felt the Board should hold their own public hearing to give everyone a chance to speak on the matter.

Margaret Maxwell felt the Prosecuting Attorney had not properly informed the Board of ex parte contact.

Chairman Walberg stated that the Board has been informed about the matter on several occasions.

Chairman Walberg seconded Commissioner Rohrer's motion to uphold the Hearing Examiner's approval of Variance Request #V-87-009. The motion was carried with votes from Chairman Walberg and Commissioner Rohrer. Commissioner Vaux voted against the motion.

ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Otto M. Walberg, Jr.
Otto M. Walberg, Jr., Chairman

W. W. Vaux
W. W. Vaux, Commissioner

Dave Rohrer, Commissioner

ATTEST:

Megan Cheney
Megan Cheney, Clerk of the
Skagit County Board of Commissioners

