

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Wednesday, January 18, 1989

- 9:00 a.m. Work Session - Department of Natural Resources - Timber Harvest.
Flag Salute
- 10:00 a.m. Public Hearing - Fire Hydrant Maintenance Ordinance.
MISCELLANEOUS ITEMS
- 11:00 a.m. Executive Session - Litigation.
- 1:30 p.m. Public Hearing - Shoreline Variance Request #10-33 of Kenneth Renner.
MISCELLANEOUS ITEMS
- 2:00 p.m. Work Session - Guemes Ferry Rates.

The Skagit County Board of Commissioners met in regular session on Wednesday, January 18, 1989, with Commissioners Dave Rohrer and Ruth Wylie present. Commissioner W. W. Vaux's absence was excused.

PUBLIC HEARING - FIRE HYDRANT MAINTENANCE ORDINANCE.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on December 27, 1988, and January 3, 1989.

Pete Walker, representing the Skagit County Fire Commissioners Association, presented the following items for the Board's review:

1. Copy of Agreement between Skagit County Fire Protection District #2 and Skagit Public Utility District #1 (PUD #1), dated July 27, 1950. (Exhibit #1)
2. Copy of Agreement between Skagit County Fire Protection District #2 and PUD #1, dated May 20, 1966. (Exhibit #2)
3. Copy of unsigned Agreement between Skagit County Fire Protection District #___ and PUD #1 from the 1980s. (Exhibit #3)
4. Copy of form used by PUD #1 for Authorization to Install Fire Hydrant or Fire Standpipe. (Exhibit #4)

5. Joint recommendation regarding fire hydrants by the Washington State Association of Water Districts and the Washington Fire Commissioners Association. (Exhibit #5)

Mr. Walker stated he felt the proposed agreement between the PUD and the fire districts is archaic because it places the burden of responsibility for the maintenance of fire hydrants on the fire districts. He explained the Washington State Legislature has provided Senate Bill #4446, which added a section to RCW Chapter 80.28 allowing the placement of responsibility for the maintenance of fire hydrants on the water company, rather than the fire districts. Mr. Walker requested the Board adopt an ordinance implementing this change in the unincorporated areas of Skagit County, as 37 of the 39 counties in Washington State have already done.

Chairman Rohrer stated Commissioner Vaux had requested that this public hearing be continued.

Art Lang, of the Dewey Beach area, noted that the City of Anacortes charges the fire district a fee for maintaining five fire hydrants installed along a water line extension to the Del Mar Development.

Martin Corin, President of the Del Mar Homeowners Association, explained the design of the water line is dictated by law. Currently, the fire district maintains the 14 hydrants within their development, and the maintenance is quite satisfactory.

Emmet Owens, Fire District #11 Commissioner, explained the fire district would be willing to maintain the fire hydrants, but the City of Anacortes insisted the fire district pay the City for maintenance or the hydrants would be removed.

Jim Pemberton, of the City of Anacortes Public Works Department, explained the City charges \$4.50 per hydrant per month outside of incorporated areas of Anacortes. The City wants to continue to maintain the right to maintain the hydrants from a liability standpoint. Mr. Pemberton explained the City paid over \$11,000 for the installation of five hydrants on the water line extension to the Del Mar Development. The City also paid the additional cost for oversizing the line.

Jim Kirkpatrick, General Manager of Skagit PUD #1, noted he was relatively new to PUD #1, and he found it peculiar that PUD #1 does not own the hydrants. He noted that the City of Mount Vernon wants to continue to maintain their own hydrants. He felt the people within the cities should not have to subsidize maintenance of hydrants within the unincorporated areas of Skagit County. Mr. Kirkpatrick noted that through his research of this matter, he had determined that RCW 80.28.250 cannot be enforced with Public Utility Districts. However, he noted, PUD #1 is receptive to an equitable plan.

Chairman Rohrer suggested a meeting be scheduled between the PUD #1 Commissioners, representatives from the fire districts, and the Skagit County Board of Commissioners.

Mr. Kirkpatrick stated he felt the PUD #1 Commissioners would be receptive, however, such a meeting would have to be conducted in an evening.

Mr. Walker defined a water company per RCW Chapter 80.04 and RCW Chapter 54.04.

Rusty Houchen, from Fire District #15, stated the law was specifically aimed at municipal corporations, such as Skagit PUD #1.

Commissioner Wylie noted that the Skagit County Prosecuting Attorney has formed a written opinion on this matter.

Ken Lange, Fire District #4 Commissioner, requested this matter be resolved as soon as possible.

Ken Slater, Fire District #3 Commissioner, felt it would be more economical for one agency within the entire county to maintain the hydrants.

Commissioner Wylie motioned to continue this public hearing until 7:00 p.m. on Wednesday, February 8, 1989, in the Commissioners' Hearing Room. Chairman Rohrer seconded the motion. The motion was carried and so ordered.

MISCELLANEOUS ITEMS

1. Jon Aarstad, Director of the Parks and Recreation Department, introduced Jim Rabinstein, who was recently hired as Recreation Assistant in the Parks and Recreation Department.
2. Regarding the signs located at each of the County parks, the Board approved of the elimination of names of the Board of County Commissioners.

Commissioners Rohrer, Wylie and Vaux were present for the following items:

PUBLIC HEARING - SHORELINE VARIANCE REQUEST #10-33 OF KENNETH RENNER.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on January 3, 1989.

Oscar Graham, Assistant Planner, presented a summary of the applicant's request for a Shoreline Substantial Development/Variance Permit for the construction of a boathouse and rail launch ramp to be constructed on an easement approximately 8 feet from the ordinary high water mark of Lake

Cavanaugh. The boathouse would also lie within the sideyard setback area on the north easement line and approximately 3 feet from the south easement line. The boathouse is proposed to be approximately 30 feet long by 17 feet wide by 15 feet high, and would include a rail launch ramp which would extend approximately 40 feet waterward of the ordinary high water mark. The rail ramp would be elevated and supported by 4-inch by 4-inch pilings and 3-foot by 1-foot by 6-inch cement ties.

Kenneth Renner, applicant, introduced his son, James Renner, who would be making the presentation. Mr. Renner provided for the Board's information an outline of his son's presentation. (Exhibit #1)

Mr. J. Renner used a prepared sketch of the vicinity to explain the matter before the Board. He explained the Dominant Estate is the island, which consists of 5 acres owned by Kenneth Renner and 1.6 acres owned by Dorothy Westin (Mr. K. Renner's former wife). The Servient Estate is the approximate 3-acre parcel recently purchased by Glen and Heather Moses. The easement is located on this property.

Mr. J. Renner explained the 20-foot easement was purchased by the Renners in 1971 at a cost of \$2,000. According to the easement contract, the Renners would be responsible for 15 percent of the annual taxes on the easement and improvements, while Mr. and Mrs. Moses would be responsible for 85 percent of the annual taxes on the easement and improvements.

Mr. J. Renner explained the various court actions which occurred over the years regarding this matter. He referred to WAC 173-14-040 regarding Exceptions to Substantial Development Permits, and interpreted this statute to qualify this request as exempt from a Substantial Development Permit, should the Board deny this Shoreline Variance Request.

Mr. J. Renner concluded by stating the intent of Shoreline Variance Request #10-33 as previously outlined by Mr. Graham. Mr. J. Renner presented photos from the County Department of Planning and Community Development's file on this matter.

Commissioner Vaux requested the opposition to this request make their presentation of background information at this time.

Paul Taylor, attorney for Glen and Heather Moses, explained Mr. and Mrs. Moses purchased their property in September, 1988. They were opposed to this request because the construction of a boathouse as requested would obstruct their view. Mr. Taylor questioned the additional property tax which would be incurred by his clients from the construction of a boathouse. He noted that the original contract for the easement was drafted amongst neighbors and was not very skillfully worded. Mr. Taylor expressed his dissatisfaction regarding the previous lawsuit proceedings.

Mr. Taylor submitted the agreement dated December 9, 1981, between Mr. Jensen (former owner of the Moses property) and Mr. K. Renner, outlining specifications for the road to be built on the easement. (Exhibit #2)

Mr. Taylor felt Mr. K. Renner's problems were all of his own doing. He also submitted a diagram of the Moses cabin and plans for improving the property. (Exhibit #3)

Mr. Taylor read portions of a deposition given by Mr. K. Renner on February 8, 1980, in which he states his lack of plans for a boathouse.

In conclusion, Mr. Taylor requested that should the Board approve construction of a boathouse, it be limited in size to 10 feet by 16 feet by 9 feet. He also requested an agreement with Mr. K. Renner to hold Mr. and Mrs. Moses harmless from liability on the easement. Mr. Taylor requested that campers not be allowed on the easement, and Mr. K. Renner assume the responsibility for payment of all additional taxes due to improvements constructed on the easement.

Alternatively, Mr. Taylor suggested Mr. K. Renner and Mr. Moses could negotiate a new agreement.

Mr. Taylor requested the Board deny Shoreline Variance Request #10-33, and consider the non-exclusiveness of the easement.

Mr. Taylor submitted the following letters in opposition of Shoreline Variance Request #10-33:

1. John V. Rhodes, 1516 148th Place S.W., Lynnwood, WA, dated January 14, 1989. (Exhibit #4)
2. Leonard Cancler, dated January 18, 1989. (Exhibit #5)
3. Harold Jorgensen, 1717 Lincoln, Renton, WA. (Exhibit #6)
4. Thomas Byrnes, 4241 28th Avenue West, Seattle, WA 98199, dated January 17, 1989. (Exhibit #7)
5. Harry and Deborah Wood, 304 135th Avenue S.E., Snohomish, WA 98280, dated January 15, 1989. (Exhibit #8)
6. Nick Robertsen, dated January 7, 1988 (actual date appears to be January 7, 1989). (Exhibit #9)

The Board was also in receipt of a letter dated January 14, 1989, from Raymond E. Fletcher, 6337 38th S.W., Seattle, WA 98126, who expressed opposition to the requested variance. (Exhibit #10)

Leonard Cancler, owner of the property immediately to the south of the easement, stated he has been there since 1967. Mr. Cancler presented a letter, dated October 19, 1988, to clarify several issues. (Exhibit #11)

Mr. J. Renner stated the Renners own the right to build a boathouse on the easement.

Glen Moses presented several photos (from the County Department of Planning and Community Development's file on this matter) to show the drainage problems which are caused by the road built by the Renners on the easement.

Leonard Schaller, stated he has lived at Lake Cavanaugh since 1956, and this issue is a neighborhood feud. He requested the Board make a decision based on facts.

Commissioner Wylie motioned to continue this public hearing to the site (Lot #59, Lake Cavanaugh Subdivision #3) at 2:30 p.m., on Thursday, January 19, 1989.

Commissioner Vaux pointed out that these types of matters are always touchy. He stated it will take a compromise on the part of both parties to resolve this matter. Commissioner Vaux seconded the motion to continue the public hearing. The motion was carried unanimously.

Dorothy Westin, 2720 N.E. 103, Seattle, WA 98125, presented a copy of her letter, dated October 20, 1988, which was previously presented to the Skagit County Hearing Examiner. (Exhibit #12)

MISCELLANEOUS ITEMS

Commissioner Vaux motioned to adopt the resolution establishing the salaries of the Skagit County elected officials for 1989. Commissioner Wylie seconded the motion. The motion was carried unanimously. (Resolution #11908)

ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



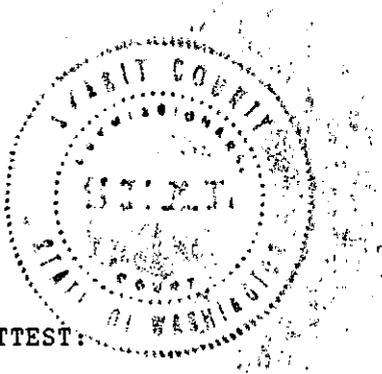
Dave Rohrer, Chairman



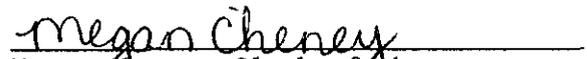
Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Megan Cheney, Clerk of the
Skagit County Board of Commissioners