

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, July 11, 1989

- 9:00 a.m. Roger Peterson Appeal of Hearing Examiner's Decision Regarding Variance Request #V-89-018.
- 11:00 a.m. Signature - Human Services Department Contracts.  
MISCELLANEOUS ITEMS.
- 1:30 p.m. Planning Commission Referred Item - Victor Huddle Comprehensive Plan and Rezone Request #R-89-003.  
MISCELLANEOUS ITEMS.
- 2:00 p.m. Marvin Sims Appeal of Hearing Examiner's Decision Regarding Shoreline Substantial Development/Conditional Use Permit Application #27-86.
- 3:00 p.m. A. Reid Allison Appeal of Hearing Examiner's Decision Regarding Variance Request #V-89-020 of Charles Hand.

The Skagit County Board of Commissioners met in regular session on Tuesday, July 11, 1989, with Commissioners Dave Rohrer and Ruth Wylie present. Commissioner Vaux's absence was excused.

ROGER PETERSON APPEAL OF HEARING EXAMINER'S DECISION REGARDING VARIANCE REQUEST #V-89-018.

Chairman Rohrer gave the Petersons the option of continuing the Board's consideration of their appeal until such time as the full Board is present. He explained the consequences should the two Commissioners present be in disagreement. Martin Lind, attorney for the Petersons, indicated their willingness to proceed with two Board members present.

Grace Roeder, Associate Planner, submitted staff photos and an Assessor's map of the Peterson property, located off of Chuckanut Drive. She explained that in May of 1989, the Petersons applied for an agricultural lot variance request to subdivide 2 acres with an existing residence from a 9 acre lot, and to build a new residence on the remaining 7 acre parcel. Ms. Roeder explained that Mr. Peterson's mother conveyed the 9 acre parcel to him a number of years ago, although she still lives in an existing residence located on the parcel. Mr. and Mrs. Peterson would now like to locate a permanent residence on the parcel so as to be near Mr. Peterson's mother, and presumably would deed the mother's 2 acre lot back to her. Ms. Roeder cited Skagit County Code 14.10.15A which states that the minimum lot size for an agriculturally zoned property is 40 acres. She stated, however, that the ordinances provide for smaller parcels when they are subdivided for family members. Ms. Roeder stated that the staff recommendations of the Planning Department state that the Peterson's request falls within the guidelines of the ordinances for family member subdivision, and therefore recommended approval of the request.

The Hearing Examiner held a public hearing on May 24, 1989, and decided to approve the subdivision of the property, provided that a short plat is obtained, but denied construction of a new residence on the remaining 7 acre parcel.

An appeal of the Hearing Examiner's decision was submitted by Mr. Peterson in the latter part of June, stating that if the right to build a home on the remaining 7 acres is not granted, the entire request should be denied. Further, the Hearing Examiner gave no reasons for his decision. The appeal seeks modification of condition #2 of the Hearing Examiner's decision to include construction of a new residence on the remaining 7 acre parcel.

Ms. Roeder stated that the Board may exercise any of the following options:

- 1) To uphold the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

In answer to questions from the Board, Ms. Roeder stated that the parcel may have been short platted from a larger parcel at some time, but for many years has been just 9 acres. At Chairman Rohrer's request, she read the decision of the Hearing Examiner, which appeared to list no reasons for the decision.

Mr. Lind then gave a statement. He related that Mr. Roger Peterson is presently in Alaska, but his wife, Janne Peterson, represents him today. He stated that Mr. Peterson's mother, Eileen Peterson, presently resides on the 9 acre parcel in question. She and her husband, Oscar Peterson originally purchased the property some 30 or more years ago. Mr. Lind stated that although the property was sold to Roger Peterson by his mother a number of years ago, it was never transferred by deed until recently. Mr. Lind stated that he tends to believe that if Eileen Peterson had not deeded the property to her son, and had made this request herself, the variance would have been summarily approved. He stated that he feels the Planning Department saw that the intent of the request was the same as if Eileen Peterson herself had applied, and found favorably accordingly. Mr. Lind stated that if the entire request is denied, then Roger Peterson can deed the land back to his mother, who in turn can make the identical application and, presumably, be approved. He stated, however, that in the interest of saving needless steps, the request should be approved in its entirety, excluding condition #2. Mr. Lind stated that the Hearing Examiner granted to the Petersons something that was not requested.

Ms. Roeder agreed with Mr. Lind's interpretation of the ordinance providing for the gift or sale of a portion of agriculturally zoned land to a family member for construction of a residence on less than a 40 acre parcel.

Marvin Omdahl, 1411 Field Road, Bow, stated that he has farmed the Peterson property for the past 12 years, combining it with a neighboring 30 acres to the north. He stated that all existing buildings, as well as the planned new home, would be located in the corner of the triangular shaped parcel, and would not inhibit the ability to farm the land as before. Furthermore, Mr.

Omdahl has spoken with a number of area farmers and landowners, and virtually all are in favor of the Peterson's plans for construction.

Mrs. Janne Peterson then related that prior to the public hearing, she was under the impression that no opposition to the application existed and that, since the Planning Department had found in favor of their request, there would be no need to attend the hearing; therefore, they were not present at the public hearing. It was only later that they discovered that the Skagit Soil Conservation District had submitted a letter in opposition to their request. Had they known opposition existed, they would have attended to present their side. Mr. Omdahl has since spoken with the Soil Conservation District, which is reviewing their position on this matter.

The letter from the Soil Conservation District was reviewed by the Board.

Chairman Rohrer then motioned to remand the matter back to the Hearing Examiner to review his decision to impose condition #2 denying construction of a new residence on the remaining 7 acre parcel. Commissioner Wylie amended Chairman Rohrer's motion to state that the Hearing Examiner should apply the existing ordinance relating to families and agriculturally zoned land to his decision to impose condition #2. Commissioner Wylie then seconded Chairman Rohrer's motion, and Chairman Rohrer seconded Commissioner Wylie's amendment. The motion carried and was so ordered.

SIGNATURE - HUMAN SERVICES DEPARTMENT CONTRACTS.

JoAnn Angevine, Human Services Director, presented subcontracts for DSHS funds for the first year of the biennial DSHS contracts. They were administered as follows:

- a) The Board approved for signature a subcontract with Skagit Preschool and Resource Center (SPARC) for \$60,000 in DSHS Developmental Disabilities funds for the period from July 1, 1989, to June 30, 1990.
- b) The Board approved for signature a subcontract with Chinook Enterprises for \$160,000 in DSHS Developmental Disabilities funds for the period from July 1, 1989, to June 30, 1989.
- c) The Board approved for signature a subcontract with Sunrise Group Homes, Inc. dba Community Trades and Careers (CTC) for \$125,000 in DSHS Developmental Disabilities funds for the period from July 1, 1989, to June 30, 1990.
- d) The Board approved for signature a subcontract (#2200-73630) with Skagit Community Mental Health Center for \$750,000 in DSHS Community Mental Health funds for the period from July 1, 1989, to June 30, 1990. In accordance with a recommendation by the Mental Health Advisory Board, Attachment A to the contract constitutes written approval by Skagit County for Skagit Community Mental Health Center to enter into a subcontract agreement with Sea Mar Community Health Center.
- e) The Board approved for signature a subcontract (#1440-74190) with Skagit Community Mental Health Center for \$65,000 in DSHS Substance Abuse Treatment funds for the period from July 1, 1989, to June 30, 1990.

- f) The Board approved for signature a subcontract (#1440-74190) with Skagit County Council on Alcoholism for \$300,000 in DSHS Substance Abuse Treatment funds for the period from July 1, 1989, to June 30, 1989.
- g) The Board approved for signature a Professional Services Contract with Vera Sullivan, 1732 Soundview Drive, Mount Vernon, WA 98273, for activities related to the duties of the Community Substance Abuse Prevention Specialist, for compensation of \$13.00 per hour, for a maximum of 1,000 hours between the period of July 1, 1989, and June 30, 1990.

MISCELLANEOUS ITEMS.

- A. Don Bockelman, 2863 South Skagit Highway, Day Creek, requested that the Board schedule a meeting with representatives from the Environmental Protection Agency (EPA), Department of Ecology (DOE) and scientists, to discuss emission of chlorofluorocarbons (CFCs) by industrial sources. He stated that no regulations presently exist for emission of CFCs, and therefore no monitors exist. He wished to have this meeting to create "analytical procedures" for CFCs. Mr. Bockelman gave information on the possible depletion of the ozone layer by CFC gases, and requested time on the Commissioners regular agenda.

Commissioner Wylie questioned whether this should fall under the jurisdiction of the Northwest Air Pollution Authority. Mr. Bockelman stated that the NWAPA will not investigate unless an immediate health hazard exists. Commissioner Wylie then questioned whether the Board of Commissioners meeting is the proper forum for a discussion on "analytical procedures" for CFC's. Mr. Bockelman maintained that it was.

The Board offered to consider Mr. Bockelman's request and contact him in two weeks with a decision on whether or not to call this meeting.

Mr. Bockelman also wished to urge immediate funding of analysis and study from the flood control budget.

- B. The Board approved for signature the following Parks and Recreation Department contracts:
  - a) A rental application and agreement for the Mount Vernon High School Fieldhouse to be used for girls' basketball on July 13, 18, 20, 25, 27, 23, and 30, and August 1, 3 and 6, 1989.
  - b) A rental application and agreement for LaVenture Gym to be used for girls' volleyball camp on July 17 through 20, 1989.
  - c) A Professional Services Contract with Mitchell Irwin for Youth Basketball coaching, for the sum of \$5.00 per hour from July 10, 1989, to December 31, 1989.
  - d) A Professional Services Contract with John Thurmond for Baseball Camp youth coaching, for the sum of \$5.00 per hour from July 10, 1989, to December 31, 1989.
  - e) A Professional Services Contract with Tim Caviezel for Youth Basketball scoring and officiating, for the sum of \$6.00 to \$13.00 per game for the period from July 1, 1989, to December 31, 1989.

- f) A Professional Services Contract with Bob Wickstrom for Baseball Camp youth coaching, for \$5.00 per hour for the period from July 10, 1989, to December 31, 1989.
  - g) A Professional Services Contract with Roger Valentine for Camp assisting, for the sum of \$7.00 per hour for the period from July 10, 1989, to December 31, 1989.
  - h) A Professional Services Contract with Vince Zizzo for officiating at Adult Soccer, for the sum of \$20.00 per game for the period from July 6, 1989, to December 31, 1989.
  - i) A Professional Services Contract with Jamie Day for youth coaching, for the sum of \$5.00 per hour for the period from July 10, 1989, to December 31, 1989.
  - j) A Professional Services Contract with Alan Williams for assistance at girls' softball camp, for the sum of \$7.00 per hour for the period from July 10, 1989, to December 31, 1989.
- C. The Board approved for signature the following 1989 Skagit County Fair contracts, to begin August 9, 1989, and continue until August 13, 1989.
- a) A Contract for Commercial Displays and Vendors with Puget Sound Water Quality Authority, P.O. Box 129, Burton, WA 98013, for the sum of \$200.00 for space in the commercial tent.
  - b) A Contract for Commercial Displays and Vendors with KAPS Radio, Box 70, Mount Vernon, WA 98273, for the sum of \$192.50, to be traded for advertisement in the amount of \$200.00, for space in the ball park.
  - c) A Contract for Commercial Displays and Vendors with Westorama, P.O. Box 176, Custer, WA 98240, for the sum of \$159.50 for space outside the ball park.
  - d) A Professional Services Contract with Security Specialists Plus, P.O. Box 5683, Bellingham, WA 98227, for the sum of \$2,500 for security services during fair operation hours and evening grounds security, \$2,300 for monitoring of ticket sellers, and \$1,069.25 for monitoring of ticket takers.

**PLANNING COMMISSION REFERRED ITEM - VICTOR HUDDLE COMPREHENSIVE PLAN AND REZONE REQUEST #R-89-003.**

Gary Christensen, Associate Planner, submitted photographs of the site located near Swan Road, adjacent to and south of the Sunrise Ridge development. A zoning map and aerial photographs were also submitted. Mr. Christensen stated that a request was received from Mr. Victor Huddle to reclassify a 3 acre parcel owned by Mr. Huddle from Rural to Residential, to allow creation of two additional lots, for a total of four lots on the 3 acre parcel. Mr. Christensen read from the recorded motion of the Planning Commission, which recommended approval of the request. Mr. Christensen stated that the Board's options were to approve the request, or to remand the matter back to the Planning Commission for further review.

Commissioner Wylie questioned Mr. Christensen on the Planning Commission's finding #12 regarding the Commission's opposition "to any direct access to Swan Road for any proposed lots" and the recommendation "that ingress and egress be provided via that of Sherman Lane." Mr. Christensen stated that concerns regarding traffic flow go to the Public Works Department as a

recommendation of the Planning Commission, and are considered during their review of the short plat application.

Commissioner Wylie then motioned to accept the recommendation of the Planning Commission and approve Comprehensive Plan and Rezone Request #R-89-003 of Mr. Victor Huddle. Chairman Rohrer seconded the motion. The motion carried and was so ordered.

**MISCELLANEOUS ITEMS.**

- A. Mark Spahr, Public Works Department Director, submitted a recommendation to the Board to award the bid for Rosario Road #1031, et al, Asphalt Overlay to Lakeside Industries, the lowest bidder.

Commissioner Wylie motioned to award the bid for Rosario Road #1031, et al, Asphalt Overlay to Lakeside Industries of Anacortes, Washington, for the bid price of \$341,266.71. Chairman Rohrer seconded the motion. The motion carried and was so ordered. (Resolution #12126)

- B. Mr. Spahr submitted a recommendation to the Board to award the bid for Chilberg Road reconstruction to Lakeside Industries, the lowest bidder.

Commissioner Wylie motioned to award the bid for Chilberg Road #4220 Reconstruction to Lakeside Industries of Anacortes, Washington, for the bid price of \$346,761.25. Chairman Rohrer seconded the motion. The motion carried and was so ordered. (Resolution #12127)

**MARVIN SIMS APPEAL OF HEARING EXAMINER'S DECISION REGARDING SHORELINE SUBSTANTIAL DEVELOPMENT/CONDITIONAL USE PERMIT APPLICATION #27-86.**

Chairman Rohrer explained to those present for the appeal that Mr. Sims has the option of requesting a postponement of the Board's hearing of his appeal due to the fact that the full Board is not present. He explained the consequences should there be a disagreement between the two members present.

William Nielson, attorney for Mr. Sims, stated that Mr. Sims would like to request that the appeal be postponed until the full Board is present.

Commissioner Wylie then motioned to continue the appeal to Tuesday, July 25, 1989, at 2:00 p.m. Chairman Rohrer seconded the motion. The motion carried and was so ordered.

**A. REID ALLISON APPEAL OF HEARING EXAMINER'S DECISION REGARDING VARIANCE REQUEST #V-89-020 OF CHARLES HAND.**

Grace Roeder, Associate Planner, stated that Mr. A. Reid Allison resides in California, and that she has been unable to contact him to advise him of the scheduling of his appeal, so that he is not present today to represent himself. She stated that it is unknown whether Mr. Allison intends for his written correspondence to be sufficient representation, or if he wishes to fly here to represent himself.

Chairman Rohrer stated that, since only two members of the Board are present, Mr. Allison may wish to postpone the appeal until the full Board is present.

Allen Brown of Brown and McMillen Realtors stated that Mr. Allison's wife's parents reside locally, and he may wish to have them represent him.

Mr. Charles Hand stated that the delay of Mr. Allison's appeal would cause undue hardship upon himself, as well as inconvenience to his witnesses, and further delay of his construction. He requested that Ms. Roeder make one more attempt at phone contact at this time to see if the appeal could proceed without Mr. Allison's presence.

Mr. Roeder then left the hearing room to attempt phone contact with Mr. Allison. On her return, she stated that Mr. Allison indicates that, even had he been contacted last week, he would not have been able to be present today for the appeal. He states that, because of other commitments, he will be unavailable for a trip to Skagit County until mid-August, and that he does not wish to be represented by family members living in the area.

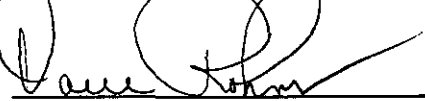
The Board then discussed their obligations for timely resolution of this matter. Commissioner Wylie motioned to continue the appeal to Monday, July 24, 1989, at 2:00 p.m., and that Mr. Allison will forfeit his privilege to be present at the appeal if he is not present at that time. Chairman Rohrer seconded the motion. The motion carried and was so ordered.

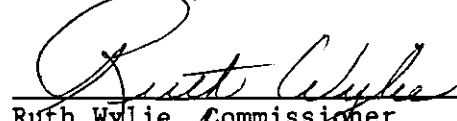
On relaying this information to Mr. Allison via telephone, Mr. Allison indicated he would be willing to represent himself using a speaker phone at the July 24, 1989, meeting. Ms. Roeder was instructed to contact Chief Civil Deputy John Moffat to see if this would be permissible and to recontact Mr. Allison with that information.

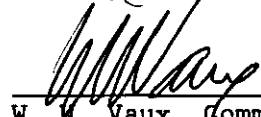
ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

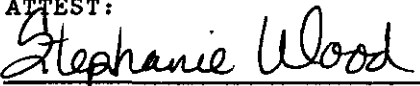
  
\_\_\_\_\_  
Dave Rohrer, Chairman

  
\_\_\_\_\_  
Ruth Wylie, Commissioner

  
\_\_\_\_\_  
W. W. Vaux, Commissioner



ATTEST:

  
\_\_\_\_\_  
Stephanie Wood, Clerk  
Skagit County Board of Commissioners