

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Tuesday, July 18, 1989

- 9:00 a.m. Update - Crown Pacific/Scott Paper Forest Lands: Norm Schaaf.
- 10:00 a.m. Public Hearing: Amendments to Skagit County's Dangerous Dog Ordinance, Chapter 7.06.

MISCELLANEOUS ITEMS.

- 1:30 p.m. 1) Bid Opening: Clear Lake Park Septic System.
2) Bid Opening: Skagit County Fair Decorations, Tents and Awnings.
- 1:45 p.m. Cedar Heights Centennial Tour Certificate Presentation: Tim Whitford, Principal - Cedar Heights Junior High, Port Orchard, Washington.
- 3:00 p.m. Public Hearing: Barbara Spaeth Appeal of Hearing Examiner's Decision Regarding the Residence of Mr. Eric Ericsson. (At site of Ericsson residence, 438 Seaway Hollow, Guemes Island)

The Skagit County Board of Commissioners met in regular session on Tuesday, July 18, 1989, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

UPDATE - CROWN PACIFIC/SCOTT PAPER FOREST LANDS: NORM SCHAAF.

Norm Schaaf, Timberlands Manager for the Crown Pacific Company, gave an update on the recent purchase of forest lands in Skagit County by the Crown Pacific Company. The lands purchased were previously owned by the Scott Paper Company.

Mr. Schaaf stated that timber lands were purchased in Whatcom, Skagit and Snohomish Counties. He stated that Crown Pacific is an Oregon based company consisting of three partners who are all Oregon residents, and who maintain and office in Portland, Oregon. He stated that the company was begun in 1988 with the purchase of lands in central and western Oregon. Later, sawmills were purchased in central Oregon and the Roseburg area. Mr. Schaaf stated that a similar scenario is planned for the lands purchased in Washington, in that the company is considering purchase of a sawmill, as they are interested in milling the logs produced on their land.

Mr. Schaaf related that all present Washington-based Crown Pacific staff are former Scott Paper Company employees. The old Scott Paper office in Hamilton is being used at present for a base office, and will be maintained in the foreseeable future. Mr. Schaaf stated that, although some deals are being negotiated for sale of some of the lands purchased, the majority of the land will be managed on a long term basis with contract and timber sale logging operations.

Answering Chairman Rohrer's questions, Mr. Schaaf related that initially there will be some increase in road building activity. Crown Pacific lands will in

general be open to the public for use, except during period of fire danger and in areas of active logging.

In answer to Commissioner Vaux's questions, Mr. Schaaf stated that of the 194,000 acres purchased by the Crown Pacific Company in Washington, approximately 100,000 acres were located in Skagit County, approximately 50,000 acres in Snohomish County, and the remainder in Whatcom County. Mr. Schaaf stated that some old growth is included in their purchase. When Commissioner Vaux stated an interest in the location of the proposed sawmill purchase in Skagit County, Mr. Schaaf stated that Crown Pacific is considering many options for the purchase.

Mr. Schaaf answered Commissioner Wylie's question regarding the amount of logging expected by indicating that Crown Pacific will not be as conservative as Scott Paper Company in their initial timber harvesting, but will maintain a policy of perpetual harvesting.

Chairman Rohrer asked if a large crew such as that maintained by Scott Paper could be expected. Mr. Schaaf stated that a large crew is not anticipated, but an equivalent number of persons will probably be employed by the independent contractors with whom Crown Pacific will be dealing.

PUBLIC HEARING: AMENDMENTS TO SKAGIT COUNTY'S DANGEROUS DOG ORDINANCE, CHAPTER 7.06.

Chairman Rohrer waiving the reading of the Notice of Public Hearing, as published in The Skagit Argus on July 4 and 11, 1989.

John Moffat, Chief Civil Deputy, indicated that after one year of enforcing Chapter 7.06 regarding dangerous dogs, it is believed that some improvement could be made to the wording to clarify the intent of the ordinance and ease enforcement by the Prosecutor's Office and Humane Society.

Gene Willett, Deputy Prosecuting Attorney, stated that three changes are proposed to the ordinance as follows:

- 1) A case occurred in which a dog had been chasing dairy cattle, which later died. It was unable to be determined that the running of the cattle was the cause of their death, therefore, it is proposed to include in the description of a dangerous dog one who "chases, harries or harasses". Also complaints have been received regarding the chasing of big game animals, therefore, those animals have been included in the ordinances.
- 2) Secondly, when civil penalties have been assessed for violations of this ordinance, some people have declined to pay fines. Collection of fines is costly, so it is proposed to make failure to respond to a penalty a criminal misdemeanor, which is adjudicated in District Court.
- 3) Last, on one occasion, a local attorney called for a jury trial in district court, which is an unnecessary financial burden to the County. It is proposed to include the statement that no rights to jury trial exist for any action brought under this title.

In answer to questions by Commissioner Wylie, Mr. Willett stated that restraint of dogs is not required within the County, unless the animal leaves the property in a potential mode of attack. He further stated that a complainant must be willing to come forward and produce proof at the time of the trial for a dangerous dog violation, or dismissal will occur.

Harry Lang, Humane Society Officer, discussed enforcement problems encountered by his organization.

Seeing no further public comment, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion, which was unanimously approved. Commissioner Vaux then motioned to adopt the ordinances recommended by the Prosecuting Attorney's Office regarding changes to sections 7.06.010 through 7.06.060 of the Skagit County Code relating to dangerous dogs. Commissioner Wylie seconded the motion. The motion passed unanimously.

MISCELLANEOUS ITEMS.

- A. The Board approved for signature the Out-of-State Travel Request of Steve Kleinbart to travel to Atlanta, Georgia, from July 30, 1989, to August 4, 1989, for the purpose of obtaining IBM 9370 training.
- B. As of this date, July 18, 1989, the Board, by unanimous vote, did approve for signature the following manual warrant:
 - a) Warrant #MV46158 (Voucher #MW913-46158) in the amount of \$6,000 (C-29-89)
- C. The Board approved for signature the following Professional Services Contracts for the 1989 Skagit County Fair:
 - a) "3-D", 700 Sharon, Burlington, WA 98233, to provide two performances of top 40 music on Sunday, August 13, 1989, for the sum of \$225.00 per day.
 - b) Tall Timber Boys, 512 W. Main Street, Concrete, WA 98237, to provide one performance of bluegrass music on Sunday, August 13, 1989, for the sum of \$120.00 per day.
- D. The Board approved for signature the following Contracts for Skagit County Fair Commercial Displays and Vendors, to commence on August 9, 1989, and continue until August 13, 1989:
 - a) Piazza Realty, 2222 Riverside Drive, Mount Vernon, WA 98273, for the sum of \$200.00 for space in the commercial tent.
 - b) Skagit County Auditor, Courthouse, Mount Vernon, WA 98273, for no charge for space outside.
 - c) Country Companies, 1750 S. Burlington Boulevard, Burlington, WA 98233, for the sum of \$200.00 for space in the commercial tent.
 - d) Web Novelty, 120 W. Casino Road, 7D, Everett, WA 98204, for the sum of \$159.50 for space outside.
 - e) Recreational World Marketing, 117 North First, Mount Vernon, WA 98273, for the sum of \$159.50 for space outside.
 - f) First Christian Reformed Church, 1430 S. 7th, Mount Vernon, WA 98273, for the sum of \$159.50 for space outside.
 - g) Woodmiser Stoves, 817 N. 4th, Mount Vernon, WA 98273, for the sum of \$192.50 for space outside the ballpark.

- E. The Board approved for signature the following Skagit County Fair Concessionaires Contracts for the period from August 9, 1989, to August 13, 1989:
- a) H. Grabke, 733 So. Maple, LaConner, WA 98257, for the sum of \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever amount is greater.
 - b) Linda's Concessions, 101 N. Pine, Burlington, WA 98233, for the sum of \$150.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever amount is greater.
 - c) C.C. Bar-B-Que, 2307 236th St. N.E., Arlington, WA 98223, for the sum of \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever amount is greater.
 - d) Mermaid Munch Mobile, 5112 MacBeth Drive, Anacortes, WA 98221, for the sum of \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever amount is greater.
 - e) Ramona's Taco Booth, 1606 E. Avon Ave., Burlington, WA 98233, for the sum of \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever amount is greater.
 - f) Hickory Hut, 1776 Parkridge Lane, Sedro Woolley, WA 98284, for the sum \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever amount is greater.
 - g) Taste of Aloha, 1217 6th Street, Kirkland, WA 98033, for the sum \$50.00 plus a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever amount is greater.
- F. The Board approved for signature the following Skagit County Fair advertising contracts:
- a) KPUG/KNWR Radio, P.O. Box 1170 Bellingham, WA 98227, for a total of 27 radio announcements between August 3, 1989, and August 9, 1989, advertising the Skagit County Fair, for the sum of \$351.00 total.
 - b) NCOA Certified Merchant Guide, 5002 Kitsap Way, Bremerton, WA 98312, for one time publishing of fair advertising in the Summer issue, for the sum of \$90.00.
 - c) Skagit Valley Publishing Company, Mount Vernon, WA 98273, for 150 inches of advertising space during the period from June 1, 1989, to May 31, 1990 at a rate of \$7.80 per inch, with a discount of \$0.35 per inch, and 100 display inches of advertising space in Skagit Today at a rate of \$3.90 per inch.
- G. The Board discussed issues relating to the allowance given to 4-H horsetrailerers at the Skagit County Fair, and the Fair Advisory Board's decision to limit trailering to 10% of each club in an attempt to fill horse stalls that have previously been empty throughout past year's fairs. Mr. Aarstad said that jail crews are fixing up stalls, which have previously been rough. The Board requested that Mr. Aarstad meet immediately with the horse committee of the Fair Advisory Board to resolve the situation and report back to the Board.

BID OPENING: CLEAR LAKE PARK SEPTIC SYSTEM.

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on July 11, 1989.

No bids were received for this item, and Jon Aarstad, Parks and Recreation Director, stated that he would be rewriting the specifications for the bid after consulting with a structural engineer, and would reissue a call for bids after the swim season draws to a close in August.

BID OPENING: SKAGIT COUNTY FAIR DECORATIONS, TENTS AND AWNINGS.

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on July 11, 1989.

The following bids were received and opened:

- a) M.V.P. Enterprises
P.O. Box 1957
Lynnwood, WA 98046

Total Bid: \$6484.92

- b) Rowan Northwestern Decorators, Inc.
1819 Westlake Avenue North
Seattle, WA 98109

Total Bid: \$8200.79

Jon Aarstad, Parks and Recreation Director, will review the bids received and return at a later date with a recommendation for award.

MISCELLANEOUS ITEMS.

This item was discussed at this time for the convenience of the audience.

- A. Roger Howard submitted a recommendation from a committee composed of Commissioner Wylie, Mike Woodmansee, Terry Rousseau, Jeff Monsen and himself, to enter into contract negotiations with The Henry Klein Partnership for the purpose of assisting in facility planning and production of bid documents for small alteration and maintenance projects. Three proposals were received for this service, and the committee determined The Henry Klein Partnership to be the proposal most suited to the needs of the County at this time.

The Board gave permission to begin contract negotiations.

CEDAR HEIGHTS CENTENNIAL TOUR CERTIFICATE PRESENTATION: TIM WHITFORD, PRINCIPAL - CEDAR HEIGHTS JUNIOR HIGH, PORT ORCHARD, WASHINGTON.

Due to the need to leave for an on-site appeal and the lateness of Mr. Whitford and his students, the Board was unable to be present for this presentation. Robert W. Taylor, Administrative Officer, accepted the certificate in the Board's absence.

PUBLIC HEARING: BARBARA SPAETH APPEAL OF HEARING EXAMINER'S DECISION
REGARDING THE RESIDENCE OF MR. ERIC ERICSSON. (AT SITE OF ERICSSON RESIDENCE,
438 SEAWAY HOLLOW, GUEMES ISLAND)

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on July 4 and 11, 1989.

Chairman Rohrer allowed Barbara Spaeth the first opportunity to present her evidence to the Board.

Ms. Spaeth submitted 1972 beachfront photos and two aerial photos of the Ericsson residence and surrounding area. Ms. Spaeth showed the Board the proximity of the residence to the Bay and to a wetland area at the back of the property. She indicated that her surveyor had taken measurements from different areas on the beach. She showed where the character of the vegetation changes, from which the ordinary high water mark should be measured. She stated that her surveyor made measurements to the eaves of the residence. She stated that another indicator for measurement is the character of the soil. Ms. Spaeth read from a Puget Sound Water Quality Authority newsletter regarding new, stricter requirements for septic systems, and again brought up the easement granted by she and her deceased husband to the Ericssons for their drain field. She stated that the drain field drains to the wetland area and the beach below. She indicated again that if the residence were moved back the additional 8 feet she feels is necessary, it would then be located too close to the wetland area to be legally allowed. She stated that this area is a fragile area, and that she believes this decision will set a precedence for other construction in the area.

Mr. Ericsson stated that his home was built with the proper permits, and that it has been shown to comply with all County requirements, therefore, it is legally situated. He requested of Ms. Spaeth what type of reparation she is seeking.

Ms. Spaeth responded that she seeks enforcement of the Shoreline Major Management Plan. She made a statement regarding the erosion of laws to the detriment of our ecological system. She further discussed sewer systems, and she and Mr. Ericsson agreed that the agreement between Mr. Ericsson and Mr. Spaeth is lawful and valid.

Mr. Ericsson requested that the Board view the North Beach area, to which Chairman Rohrer responded in the negative.

The Board then viewed the log cabin guest house located adjacent to the home, and marks which appeared to be high water marks on the inner walls of the cabin. Mr. Ericsson provided photos of the setback of the homes in the North Beach area, as well as photos of changes in vegetation during different times of the year and different years. Mr. Ericsson provided a tide table and discussed the level of the water in the Bay.

A neighbor, Mary Peas, stated that her interest as a neighbor is in the setting of a precedence for other property owners.

At a question from Commissioner Vaux, Betsy Stevenson, Acting Planning Department Director, stated that the home was built 4 to 5 years ago, and a final inspection completed in August of 1986.

Ms. Spaeth stated that her personal situation and infrequent visits to the island made her unaware of the construction of the residence for a time, but she raised questions with the Planning Department immediately on discovering the construction of the structure.

Mr. Ericsson stated that he was unaware that his neighbor, Ms. Spaeth, had any objections until after the residence was complete. He stated that he was unaware of any letters Ms. Spaeth wrote to the County until notified by the County, and that no issues were discussed with him prior to the mailing of those letters.

Seeing no further public comment, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion, which was unanimously approved. Commissioner Vaux then motioned to continue the discussion to Wednesday, July 19, 1989, at 2:00 p.m., at which time the Board would issue a decision on the matter. Commissioner Wylie seconded the motion. The motion was unanimously approved.

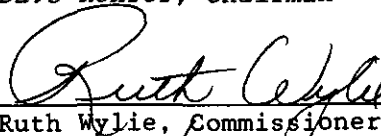
ADJOURNMENT

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:



Stephanie Wood, Clerk
Skagit County Board of Commissioners