

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

Tuesday, August 15, 1989

8:30 a.m. Discussion: Douglas S. Ramey Appeal of Hearing Examiner's Decision Regarding Variance Request #V-89-007 of Clarence Rozema.

10:30 a.m. Review Contract - Facility Study.

MISCELLANEOUS ITEMS.

11:00 a.m. Tour Facility Modifications for Computer Installations.

- 1:30 p.m.
- 1) Bid Opening: Catered Meals for Senior Citizens.
 - 2) Bid Opening: Purchase and Installation of a New Air Conditioning Unit.
 - 3) Bid Opening: Purchase and Installation of Two New Gas-Paks with Air Conditioning.
 - 4) Bid Opening: Roof Replacement - Burlington Shop.

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. David Day Appeal of Hearing Examiner's Decision Regarding Shoreline Substantial Use Development/Variance Permit #24-88 and Special Use Permit for the Expansion of Existing Campground #88-050 of Leisure Time Resorts.

The Skagit County Board of Commissioners met in regular session on Tuesday, August 15, 1989, with Commissioners Dave Rohrer, Ruth Wylie, and W. W. Vaux present.

DISCUSSION: DOUGLAS S. RAMEY APPEAL OF HEARING EXAMINER'S DECISION REGARDING VARIANCE REQUEST #V-89-007 OF CLARENCE ROZEMA.

Commissioner Vaux opened the discussion by questioning Mr. Rozema and his representative, Bud Norris, regarding the reason his proposed building has to be 30 feet in height. Mr. Norris responded that the product mandates a height of 30 feet. Mr. Rozema explained the utilization of space in the new building. Commissioner Vaux suggested a different roof line that would have a height of 30 feet only in the center, with each side substantially lower. Mr. Rozema stated that this would limit him to only one boat in the building at a time instead of two. He stated that the old building, which is 45 feet in height, holds two boats at a time. Mr. Norris pointed out that an alteration in roof line would limit Mr. Rozema's production possibilities by 50%. Mr. Rozema questioned whether having so many roof lines would disturb the aesthetics of his buildings. Mr. Norris stated that if the building is large enough for finishing of two boats, it is more likely it will be Mr. Rozema's last construction at this site.

Commissioner Vaux then questioned Mr. Rozema's plans for noise control. Mr. Rozema stated that the buildings are presently insulated with a glass wool

insulation. He stated that there is material available that is sprayed in (as opposed to hung) to control noise levels. In answer to Commissioner Wylie's question regarding sound level testing, Mr. Norris stated that Mr. Rozema's business has never been tested, but Mr. Rozema stated that WISHA has tested and approved the sound levels at his business.

Commissioner Vaux then explored the reasons for the dimensions of the building. Mr. Rozema stated that the building is 60 feet in width to take advantage of as much space as possible. He stated that there is an 18 foot allowance between the new building and existing storage shed to the west.

In answer to Commissioner Wylie's questions, Mr. Rozema stated that he built three large boats last year. Each boat is built up-side-down, and must be taken out of the building and inverted to finish it. After finishing, the boat must again be moved out of the building to the launching area.

Commissioner Vaux asserted that the County cannot allow the construction of buildings within 14 inches of the right-of-way to continue, and that at least 8 feet should separate the new building and the right-of-way.

Commissioner Wylie motioned to uphold the decision of the Hearing Examiner, with the conditions listed, including those regarding the noise level tests, sewage plans, and traffic safety conditions.

Commissioner Vaux motioned to amend Commissioner Wylie's motion to add to the Hearing Examiner's condition #2b, adding a minimum of 5 feet to the 14 inch setback at the east right-of-way. Commissioner Wylie seconded the motion to amend, which passed unanimously.

After consultation with Betsy Stevenson, Commissioner Vaux motioned to further amend Commissioner Wylie's motion to change condition #6 of the Hearing Examiner's decision from "as soon as possible" to "within 90 days of approval", regarding noise abatement measures, and to add to condition #7a "for approval by the Hearing Examiner following a public hearing", regarding the possible implementation of fibreglassing at the boatworks. Commissioner Wylie seconded the motion to amend, which passed unanimously.

Commissioner Vaux then seconded the original motion, with the three amendments. The motion passed unanimously.

REVIEW CONTRACT - FACILITY STUDY.

This item was deferred until next week.

MISCELLANEOUS ITEMS.

- A. As of this date, August 15, 1989, the Board, by unanimous vote, did approve for signature the following warrants and vouchers.
- a) Warrant #77813 through #77866 (Voucher #77813-77866) in the amount of \$14,035.00 (PR-15-89).

- b) Warrant #46506 through #46967 (Voucher #907317 through #907818) in the amount of \$479,914.82 (C-36-89).
 - c) Warrant #61417 through #61524 (Voucher #61417 through #61524) in the amount of \$291,816.37 (R-20-89).
- B. The Board approved for signature a Contract for Skagit County Fair Commercial Displays and Vendors with the Spinal Health Center.
- C. The Board approved for signature a Confirmation of Intent to Propose for the Senior Services Department's nutrition and senior employment programs through a grant from Northwest Regional Council.
- D. The Board approved for signature the following Petitions for Property Tax Refunds:
- a) Estate of Bernice Fender, in care of Harwood Bannister, attorney for personal representative, 415 Pine Street, Mount Vernon, WA 98273, in the amount of \$351.46, because of a double payment of first half taxes. (008489)
 - b) Constance D. Johnson, P.O. Box 12, Concrete, WA 98237, in the amount of \$25.20, due to a senior citizen exemption. (007989)
- E. Commissioner Vaux motioned to adopt the Records of the Proceedings from Monday, August 7, 1989; Tuesday, August 8, 1989; and Wednesday, August 9, 1989, as submitted. Commissioner Wylie seconded the motion, which passed unanimously.
- F. Commissioner Wylie read a resolution rescinding resolution #12162, which called for an election to be held on September 19, 1989, in Fire District #12, to determine whether the property known as the Port of Skagit County should be withdrawn from Fire Protection District #12. She motioned to adopt the resolution, as submitted. Commissioner Vaux seconded the motion. The motion passed unanimously. (Resolution #12180)
- G. Sheriff Gary Frazier announced his decision to appoint Sergeant John Hunter to the position of Chief Deputy - Field Services, and introduced Chief Hunter to the Board.

TOUR FACILITY MODIFICATIONS FOR COMPUTER INSTALLATIONS.

The Board, along with Data Processing Coordinator Steve Kleinbart, Facilities Manager Roger Howard, Budget/Finance Director Mike Woodmansee, and Operations Engineer Ross Bailey, toured the proposed computer room located in the engineering shop, and the computer room at the Sheriff's Office.

1) **Bid Opening: Catered Meals for Senior Citizens.**

Chairman Rohrer waived the reading of the notice of Call for Bids, as published in The Skagit Argus on August 1 and 8, 1989.

The following bids were received and opened:

- a) United General Hospital
Sedro Woolley, WA 98284

BURLINGTON

Congregate	\$2.00
Hot Home-Delivered	\$2.20
Frozen	\$1.50

MOUNT VERNON

Congregate	\$2.00
Hot Home-Delivered	\$2.20
Frozen	\$1.50

SEDRO WOOLLEY

Congregate	\$2.00
Hot Home-Delivered	\$2.20
Frozen	\$1.50

Tim Holloran, Senior Services Director, requested to be allowed to review the bids and return at a later date with a recommendation, and this request was granted.

2) Bid Opening: Purchase and installation of a New Air Conditioning Unit.

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on August 1 and 8, 1989.

The following bids were received and opened:

- a) Bel-Aire Heating & Air Conditioning, Inc.
2172 Division Street
Bellingham, WA 98226

Total Out-of-Pocket Cost to Skagit County: \$23,910.60
A bid deposit in the form of a check was enclosed.

- b) Ronk Bros., Inc.
837 E. Moore St. / P.O. Box 351
Sedro Woolley, WA 98284

Total Out-of-Pocket Cost to Skagit County: \$12,320.36
A bid deposit in the form of a check was enclosed.

- c) Refrigeration & Heating, Inc.
107 Cedar Street
Mount Vernon, WA 98273

Total Out-of-Pocket Cost to Skagit County: \$13,617.03
A bid deposit in the form of a check was enclosed.

- d) Blythe Plumbing & Heating, Inc.
2201 Humboldt Street
Bellingham, WA 98225

Total Out-of-Pocket Cost to Skagit County: \$13,429.98
A bid bond was enclosed.

Roger Howard, Facilities Manager, will review the bids received and return at a later date with a recommendation for award.

3) Bid Opening: Purchase and Installation of Two New Gas-Paks with Air Conditioning.

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on August 1 and 8, 1989.

The following bids were received and opened:

- a) Blythe Plumbing & Heating, Inc.
2201 Humboldt Street
Bellingham, WA 98225

Total Out-of-Pocket Cost to Skagit County: \$7,250.88
A bid bond was enclosed.

- b) Ronk Bros., Inc.
387 E. Moore St. / P.O. Box 351
Sedro Woolley, WA 98284

Total Out-of-Pocket Cost to Skagit County: \$7,444.14
A bid deposit in the form of a check was enclosed.

- c) Refrigeration & Heating, Inc.
107 Cedar Street
Mount Vernon, WA 98273

Total Out-of-Pocket Cost to Skagit County: \$6,476.88
A bid deposit in the form of a check was enclosed.

- d) CEM Heating, Inc.
2133 East Section
Mount Vernon, WA 98273

Total Out-of-Pocket Cost to Skagit County: \$7,263.48
A bid deposit in the form of a check was enclosed.

- e) Bel-Aire Heating & Air Conditioning, Inc.
2172 Division Street
Bellingham, WA 98226

Total Out-of-Pocket Cost to Skagit County: \$13,087.05
A bid deposit in the form of a check was enclosed.

Roger Howard, Facilities Manager, will review the bids received and return at a later date with a recommendation for award.

4) Bid Opening: Roof Replacement - Burlington Shop.

Roger Howard, Facilities Manager, requested that the Board not open any of the bids received, and that all bids be returned to the bidders, because on a tour of the facility to be re-roofed, it was discovered and subsequently documented that asbestos exists in the present roofing material. Mr. Howard stated that a new bid document will be worked up for presentation some time in the future, after more is known about an asbestos abatement procedure. The Board concurred with Mr. Howard's request.

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

Betsy Stevenson, Acting Planning Department Director, gave the following chronological review of the events leading up to Mr. Sims's appeal.

September, 1986	A building inspector noted fill material placed on the Sims property. (photos were provided to the Board)
October, 1986	The owner was notified and applied for a shoreline permit.
December, 1986	The Hearing Examiner held a public hearing and made a site visit.
March, 1987	The Hearing Examiner denied the permit and ordered the removal of the material.
April, 1987	The Hearing Examiner held a public hearing on a reconsideration request by Mr. Sims.
August, 1987	The Hearing Examiner denied the request and ordered the removal of the fill, redefining the Ordinary High Water Mark (OHWM).
October, 1988	A second reconsideration request was made by Mr. Sims, and the Hearing Examiner again denied the request, ordering the removal of fill material by December 15, 1988.
October 19, 1988	Mr. Sims filed an appeal of the Hearing Examiner's decision.

Ms. Stevenson 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.

Bill Neilson, attorney for Mr. Sims, stated that a controversy exists between Mr. Sims and the Hearing Examiner regarding the location of the OHWM. Mr. Neilson claimed that the Hearing Examiner had entered three different orders attempting to locate the OHWM. Mr. Neilson stated that Mr. Sims did not willfully neglect the permit process when placing the fill, and that removal of the fill material would cause financial losses of \$10,000 to \$15,000 to Mr. Sims. He requested that a public hearing be held by the Board to discuss 1) the incorrect location of the OHWM, and 2) options for a compromise. Mr. Neilson intimated that those involved in the decision making process are too closely associated with the location for an objective judgement.

The following persons made statements opposing Mr. Sims's request, and asking that the decision of the Hearing Examiner in this matter be upheld:

- 1) Knute Figenshaw, 815 I Ave., Anacortes, WA 98221
- 2) Sylvia Jensen, 1870 B South Westview Drive, Mount Vernon, WA 98273
- 3) Marian Neal, 1866 South Westview Drive, Mount Vernon, WA 98273

Upon being questioned by the Board, Ms. Stevenson stated that although the OHWM is difficult to locate because of the fill that has been dumped on the property, it can be seen by looking across the beach, indicating that Mr. Sims has dumped approximately 5 to 10 feet into the OHWM. She stated that this was reported in the Staff Findings of the Planning Department. Ms. Stevenson read the definition of Ordinary High Water Mark from the Shoreline Master Management Plan.

Commissioner Vaux then stated his opinion that this matter involves a case of work being performed without a permit, and motioned to uphold the decision of the Hearing Examiner. Commissioner Wylie agreed and seconded the motion.

Ms. Stevenson requested that the Board clarify the date by which the fill must be removed, and Commissioner Vaux motioned to amend his motion to state that the fill must be removed within 30 days of the date of the Department of Ecology's decision regarding Mr. Sims's permit to remove the fill material. Commissioner Wylie seconded the motion on the amendment, which passed unanimously.

Commissioner Wylie then seconded the original motion, with the amendment, and the motion passed unanimously.

DAVID DAY APPEAL OF HEARING EXAMINER'S DECISION REGARDING SHORELINE SUBSTANTIAL DEVELOPMENT/VARIANCE PERMIT #24-88 AND SPECIAL USE PERMIT FOR THE EXPANSION OF EXISTING CAMPGROUND #88-050 OF LEISURE TIME RESORTS.

In view of the inavailability of the appellant's legal representative due to a previously scheduled court appearance, the Board continued the hearing of Mr. Day's appeal to Monday, August 21, 1989, at 2:30 p.m.

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

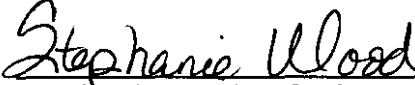


Ruth Wylie, Commissioner



W. W. Vaux, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners