

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

Wednesday, September 6, 1989

- 9:00 a.m. Health and Fitness Commendation - Ross Bailey and Chet Reid.
- 9:30 a.m. Discussion - Samish Farms Water Association Agreement.
- 10:00 a.m. Planning Commission Referred Items:
- 1) Bob Andrews Special Use Permit #SP-89-012.
 - 2) Keith Johnson Preliminary Approval for Cascade Ridge Planned Unit Development.
Keith Johnson Variance From the Maximum 14% Vertical Road Grade for Cascade Ridge Planned Unit Development.
 - 3) Fir Conway Luthern Church Comprehensive Plan Amendment and Rezone.
 - 4) Robert Royal (Wildwood Chapel) Comprehensive Plan Amendment and Rezone.

MISCELLANEOUS ITEMS.

The Skagit County Board of Commissioners met in regular session on Tuesday, September 6, 1989, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

HEALTH AND FITNESS COMMENDATION - ROSS BAILEY AND CHET REID.

Commissioner Wylie read a resolution regarding Ross Bailey, Operations Engineering Supervisor, and Chet Reid, Civil Engineer, and their efforts to achieve physical fitness, as submitted by Mike Woodmansee, Budget/Finance Director, and motioned to adopt the resolution. Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #12203)

Commissioner Vaux then read a resolution which commended Ross Bailey for finishing 128th in the Ironman Canada Triathlon, during which he swam 2.4 miles, biked 112 miles and ran 26.2 miles in 10 hours, 48 minutes, to qualify for the 1990 Hawaii Ironman. Commissioner Vaux motioned to adopt the resolution, with Commissioner Wylie seconding the motion. The motion carried unanimously. (Resolution #12204)

Chairman Rohrer read a resolution which commended Chet Reid for finishing 629th in the Ironman Canada Triathlon, during which he swam 2.4 miles, biked 112 miles and ran 26.2 miles in 13 hours, 28 minutes. Chairman Rohrer motioned to adopt the resolution, with Commissioner Wylie seconding the motion. The motion passed unanimously. (Resolution #12205)

DISCUSSION - SAMISH FARMS WATER ASSOCIATION AGREEMENT.

Ken Willis, Environment Health Specialist, briefly reviewed the history of the County's agreement with the Samish Farms Water Association. He stated that the agreement was originally signed in July of 1986 to extend water up to and above the Inman Landfill, and later to the David Chamberlain residence. Mr. Willis stated that developers Mike and Dick Fohn have made a request to short

plat a 40 acre parcel to the south of the Chamberlain property. The Fohn brothers have been informed that, because of the possibility of ground water contamination from the landfill, drilling of wells in the area is restricted, and water service is available from Samish Farms Water Association.

Brian Clark, representing Mike and Dick Fohn, stated that the restriction of well drilling by the County is an "arm twisting" tactic to force the developers to enter into a water agreement with Samish Farms. He stated that before entering into such an agreement, they require a guarantee of water availability, and a fixed cost for installation. Mr. Clark said conflicting information has been received from the Planning Department and Samish Farms regarding charges. He stated that a "newcomer" fee, a condition of the current agreement between Skagit County and Samish Farms to help recoup some of the funds Skagit County used to upgrade the water system, of \$2,000 is supposed to be charged to each new hook up, however, has not been charged or collected of late. He stated that it is inappropriate for the County to impose restrictions on well drilling if they are unable to give assurances of alternate water sources.

Commissioner Vaux asked Mr. Fohn when a well would be drilled, if the County were to allow the drilling of a well. Mr. Fohn replied that it would be drilled at the time a purchaser of property wished to institute construction. Commissioner Vaux questioned why, since the price of well drilling cannot be locked in now for drilling at a later time, the Fohn's expect to have a fixed price agreed upon now for water hook up.

Commissioner Vaux further reviewed issues surrounding the Samish Farms agreement. He stated that, in an agreement for \$38,000 of funding for upgrades to the water system, Samish Farms agreed to designate 22 hook ups to Skagit County to sell as the County wishes. He pointed out that these are available to satisfy the Fohn's application for water hook up. Mr. Fohn pointed out a paragraph in the agreement which states that the cost for a share and hook up fee is established by the Samish Farms Water Association, and could be set at any cost they wish.

Bob Ratfield, 923 North Beach Road, president of the Samish Farms Water Association, stated that the cost for a share at present is \$3,000, but questioned who pays the \$2,000 latecomer charge. He stated that it is possible that the hook up charge may either increase or remain stable in the future.

Commissioner Vaux declared that the liability of the County, as well as the developer, is too great to allow property owners to drill wells; therefore, the Fohn's interests are served, as well as the County's by receiving water through an alternate source. He stated that the Fohn's should negotiate with the County for a guarantee of hook up availability, and that the Board would look favorably on that, as well as on a schedule of fees for hook up, which would accelerate over time. He volunteered to work with Ken Willis and the Fohn's to develop a mutual agreement over the next two weeks.

Betsy Stevenson, Acting Planning Department Director, then stated that the original purpose of today's discussion was not to discuss the Fohn request, but rather was to discuss the fact that the Samish Farms Water Association has

violated the agreement with Skagit County in that they have not been receiving the County's approval for new hook ups, nor have they been charging the newcomer fee. She provided a map showing 9 hook ups of the 22 owned by the County, at least one of which was made without County approval or appropriate charges.

Mr. Ratfield stated that the Peter Koney property was hooked up without the County's permission about 2-1/2 months ago, an agreement being signed about a year ago, and possibly one other additional property may have been hooked up without the Board's permission as well. He stated that this problem stems from the fact that all records of the Samish Farms Water Association were burned during a fire at the residence of Duff McDaniels; therefore, the association was unaware of the portions of the agreement which they have violated. Mr. Ratfield asked if the association would be charged for failing to collect the latecomer fee on the Koney property.

Commissioner Vaux stated that the Board cannot arbitrarily waive the latecomer fee for the Koney property and then require the Fohn's to pay their fee.

Mr. Ratfield then noted that the association is a non-profit organization, and that there is a need for an update to the water lines if they are expected to carry water up to the Fohn development on Windy Ridge. He further noted that, if by increasing the pressure on the existing pump the minimum pressure level demanded by the Health Department is not achieved, the association would like an area reserved for a new pump.

The Board agreed that the last request for a reserved area was possible, but the discussion ended with no further decisions.

PLANNING COMMISSION REFERRED ITEMS:

1) **Bob Andrews Special Use Permit #SP-89-012.**

Dave Hough, Senior Planner, stated that an application was received from Bob Andrews for a special use permit for an already established produce market at the intersection of Fir Island Road and Conway Road in Conway. Mr. Hough produced photos of the property taken approximately two months ago. He stated that the Conway Farmers Market has been in operation on and off since the mid-70's under several different proprietors. He stated that a special use permit has never been requested for the establishment, up until a complaint was received regarding its lack of compliance. Mr. Hough states that the market currently sells seafood, produce and small grocery items. He stated that following appropriate review by the Planning Commission, approval of the permit was decided upon by a 7 to 2 vote with conditions which he summarized as follows:

- 1) Sale only of agriculturally related foods and plants
- 2) Facility limited to existing area
- 3) Sign size limited to existing size and temporary produce signs limited in size
- 4) Obtain sewage system design approval
- 5) Within 30 days of permit approval, comply with Public Works Department recommendations regarding curbing and access

6) Obtain necessary permits and inspections

At Commissioner Vaux's request, Mr. Hough explained the discussion of the Planning Commission regarding condition #1. He explained that the Planning Commission usually does not act on special use permits; however, because of the community interest in the permit, the Hearing Examiner felt it would be best to refer to matter to the Planning Commission. Mr. Hough stated that the majority of members felt that, from an economic standpoint, the items allowed for sale at the Conway Market should be broadened to include seafood. Commissioner Vaux then asked about the ability to enforce such a condition. Mr. Hough replied that it would be difficult, especially with the wording of the condition.

Commissioner Vaux then motioned to grant the special use permit to Mr. Andrews, following the recommendation of the Planning Commission. Commissioner Wylie seconded the motion, which passed unanimously.

- 2) a) Keith Johnson Preliminary Approval for Cascade Ridge Planned Unit Development.
b) Keith Johnson Variance From the Maximum 14% Vertical Road Grade for Cascade Ridge Planned Unit Development.

Mr. Hough provided maps to locate the area in question east of Stackpole Road just south of Mount Vernon. He explained that Keith Johnson is proposing a 40 lot subdivision on 40 acres for a planned unit development. He is proposing that some roads within the development be designated as private roads, while some will be designated as County roads. In addition to Mr. Johnson's request for preliminary approval, he has requested a variance from the County road standards for grade development to allow roads of up to a 16% grade. Mr. Hough stated that representatives of the Public Works Department were present at the public hearing, and the Planning Commission voted to grant the preliminary approval, with an 8 to 0 vote, with the following conditions:

- 1) Submit a development schedule to the Planning Department
- 2) Receive approval for a drainage plan
- 3) Draft a covenant to contain notification that the development is adjacent to existing mining and logging operations
- 4) Prior to final approval, the water system, roads and drainage improvements shall be constructed or bonded
- 5) The preliminary plat is valid for 3 years

Mr. Hough stated that the variance request was approved with a 6 to 2 vote, allowing a maximum grade of 14% for roads designated as County roads, and a maximum grade of 16% for roads designated as private roads. The use of a 16% grade is discouraged, if possible.

Cascade Ridge design engineer, Bruce Lisser, discussed the potential road grades, and located those areas on the map. He discussed the drainage plan, and demonstrated those areas also. Mr. Hough stated that if a drainage plan is executed property, the drainage can actually be improved in the area. Mr. Lisser stated that he would not use the 16% maximum allowance, if at all

possible because of the liability of the developer for accidents, but would like to have permission in case it is unavoidable.

Commissioner Wylie motioned to approve the recommendation of the Planning Commission and allow the preliminary approval of the Cascade Ridge development. Commissioner Vaux seconded the motion, which passed unanimously. Commissioner Wylie then motioned to approving the Planning Commission recommendation and allow the variance request from the County road grade standard, as conditioned by the Planning Commission. Commissioner Vaux seconded the motion, which passed unanimously.

3) Fir Conway Luthern Church Comprehensive Plan Amendment and Rezone.

Gary Christensen, Associate Planner, submitted aerial and 35 mm photos of the subject property located at 1611 Fir Island Road. He stated that the Planning Commission held a public hearing on August 14, 1989, to consider the comprehensive plan amendment and rezone of the Fir Conway Luthern Church. The request was to reclassify the existing land on which the church is situated from Agricultural to Public Use, to allow construction of an addition to the existing Sunday School building. The Planning Commission recommended approval based on the findings listed in the recorded motion and provided to the Board for review.

Commissioner Vaux motioned to adopt the recommendation of the Planning Commission and approve the comprehensive plan amendment and rezone request of the Fir Conway Luthern Church. Commissioner Wylie seconded the motion, which was unanimously approved.

4) Robert Royal (Wildwood Chapel) Comprehensive Plan Amendment and Rezone.

Mr. Christensen provided aerial and 35 mm photos of the subject property, located near Birdsvew, south of Highway 20 on Wild Road. The Planning Commission held a public hearing on August 14, 1989, to consider the comprehensive plan amendment and rezone of Robert Royal for the Wildwood Chapel. The request was to reclassify the land on which the chapel is situated from Residential Reserve to Public Use, to construct a 3,000 square foot building for religious services. The Planning Commission recommended approval, based on the findings listed in the recorded motion and provided to the Board for review.

Commissioner Wylie motioned to adopt the recommendation of the Planning Commission and approve the comprehensive plan amendment and rezone request of Robert Royal for Wildwood Chapel. Commissioner Vaux seconded the motion, which passed unanimously.

MISCELLANEOUS ITEMS.

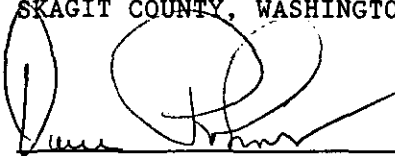
A. Betsy Stevenson, Acting Planning Department Director, brought up the matter of the interpretation of Resolution #8248, regarding the removal of the Don Pierson property from Agricultural Zoning. Commissioner Vaux directed Ms. Stevenson to contact him after 1:00 p.m., when he will have received a telephone call from a former commissioner, explaining the intent of the resolution.

- B. The Board approved for signature contract addendums to the indigent defense contracts with attorneys Stephen Schutt, Lowell Ashbach, Jr., and Stephen Skelton, adding a section regarding consideration for misdemeanor case representation.

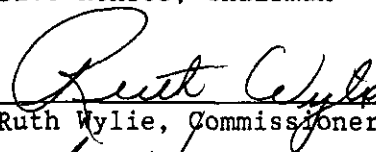
ADJOURNMENT

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



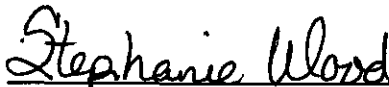
Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners