

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, January 30, 1990

- 10:00 a.m. Planning Department Items.
- 11:00 a.m. Public Hearing - Budget Amendment - Juvenile Probation Department.
- MISCELLANEOUS ITEMS.
- 1:30 p.m. Continuation - Public Hearing - Ronald and Judy Nichols Appeal of Hearing Examiner's Decision Regarding Variance Request #V-89-050 of Fred Aiken.
- 2:00 p.m. U.S. Forest Service Discussion - Wild and Scenic Rivers Act.
- 3:00 p.m. Discussion - Mutual Agreement for County Office Space - Gil Holt, Concrete School District Superintendent.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 30, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

PLANNING DEPARTMENT ITEMS.

- A. Commissioner Rohrer stated that a request was received from the Town of Darrington for a letter of support from the Board for an Off-Road-Vehicle Park to be located in Skagit County.

Mr. Kirkpatrick stated that he has reviewed the request. He pointed out that the town is required by DNR to have this supporting letter, and also to have Skagit County's agreement to act as SEPA lead for the project. He recommended that the Board decline involvement in the project.

The Board concurred with this recommendation.

- B. Mr. Kirkpatrick requested direction from the Board regarding his presentation of last week on a proposal for an update to Skagit County's Comprehensive Plan. He discussed the development of Resource Lands policies and Urban Growth Boundaries. He discussed new annexations by incorporated cities and the effects of Urban Growth Boundaries on future annexations.

The Board requested further discussion on the matter at the next Planning Department session.

- C. Mr. Kirkpatrick gave an update on the Board's request for interim zoning controls from the Planning Commission. Additionally, he stated that he has asked the County's legal advisor, John Moffat, to draft legislation in accordance with the Board's direction to the effect that the office of the Hearing Examiner must submit agricultural zone variance decisions to the Board as recommendations rather than decisions.

- D. Mr. Kirkpatrick updated the Board on a DOE Coastal Zone Management grant to be used for updating the Shoreline Master Management Program.
- E. Mr. Kirkpatrick discussed noise complaints regarding Bell Pole in Conway. He stated that the Health Department has found the pole yard to be frequently non-compliant as to noise levels, and will be turning their findings over to the Planning Department for enforcement measures. Additionally, the Planning Department has identified possible shorelines management violations, and will be proceeding with enforcement investigations regarding these.
- F. Regarding the Shorewood Plat, a plat which has demands adherence to specific covenants for construction within the plat, Mr. Kirkpatrick stated that a Mrs. Knudsen has approached the Planning Department to review building plans for construction within the Plat. She states that the County has agreed to perform this review and has done so in the past. Mr. Kirkpatrick agreed that Skagit County could perform review as a courtesy, but could not administer rules not our own such as those contained in the covenant.

Commissioner Vaux disagreed with Mr. Kirkpatrick, stating that the present system has worked so far, in which each covenant committee issues an approval stamp to building plans prior to their review by the Planning Department. The Planning Department may reject any plans not containing this stamp. The Board agreed with Commissioner Vaux.

PUBLIC HEARING - BUDGET AMENDMENT - JUVENILE PROBATION DEPARTMENT.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus.

Seeing no public comment, Commissioner Vaux motioned to close the public hearing. Commissioner Rohrer seconded the motion, which passed unanimously.

Commissioner Vaux then motioned to adopt the resolution authorizing a supplemental budget of \$32,228 to the Juvenile Probation Department's budget of the Current Expense Fund to account for a grant received for a residential substance abuse treatment program. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12377)

MISCELLANEOUS ITEMS.

- A. Commissioner Rohrer motioned to approve Manual Warrant #MW006-52195 in the amount of \$3,000 (C-8-90). Commissioner Vaux seconded the motion, which passed unanimously.
- B. In accordance with action previously taken, the Board approved for signature a Memorandum of Agreement with Upper Skagit Bald Eagle Festival for a County donation of \$750.00 to the festival for planning, organizing and operating the festival.

CONTINUATION OF PUBLIC HEARING - RONALD AND JUDY NICHOLS APPEAL OF HEARING EXAMINER'S DECISION REGARDING VARIANCE REQUEST #V-89-050 OF FRED AIKEN.

Chairman Wylie requested that Grace Roeder, Senior Planner, review the letters received regarding the Aiken variance request.

Ms. Roeder noted receipt of the following letters:

- Norm Schaaf, Timberlands Manager, Crown Pacific, Ltd. - opposed
- W.D. Purnell & Associates, Inc., Bellingham - opposed
- Judy Nichols, 2554 Hwy 20, Sedro Woolley - opposed
- Bill and Linda Eastman, 2575 Hwy 20, Sedro Woolley - opposed
- Walter Eastman, 894 Eastman Road, Sedro Woolley - opposed
- Gary Worline, 2587 Hoehn Rd., Sedro Woolley - opposed
- Keith D. Fisher, 2596 Minkler Rd., Sedro Woolley - opposed
- Julie E. and Robert C. Martin, 2492 Burmaster Rd., Sedro Woolley - opposed
- Gary and Betty DeWitt, 2640 Utopia Road, Sedro Woolley - opposed
- Shannon Anderson, 2659 Utopia Road, Sedro Woolley - opposed
- Oscar and Dollie Nicholson, 2579 Hwy 20, Sedro Woolley - opposed
- Hallie and William Elms, 1140 Talcott St., Sedro Woolley - opposed
- Donald B. and Phyllis Bergstedt, 952 Bergstedt Rd., Sedro Woolley - opposed
- Jim and Jan Feddema, 2572 Minkler Rd., Sedro Woolley - opposed
- Raymond W. and Ella A. Nichols, 2773 Lyman-Hamilton Rd., Sedro Woolley - opposed
- Vern and Colleen Mast, 2261 Hwy 20, Sedro Woolley - opposed
- Tina (Nichols) Riggins, 1202 Talcott St., Sedro Woolley - opposed
- Robert and Brenda Davis, 411 Central, Sedro Woolley - opposed
- Mr. and Mrs. Richard Power, 815 Hoehn Rd., Sedro Woolley - opposed
- Robert D. Dow - opposed
- Bonnie Young, P.O. Box 591, Clear Lake - opposed
- Curt and Kim Goche, 1033 Fruitdale Road, Sedro Woolley - opposed
- Harold Sorsdal, 1286 Cedar St., Clear Lake - opposed
- Phyllis Quen, 2564 Hoehn Rd., Sedro Woolley - opposed

The audience was then given an opportunity to speak.

Judy Nichols, 2554 Highway 20, Sedro Woolley, refuted the statements of Mrs. Aiken on the previous day when she indicated that the letters received were not from neighbors. She stated that all respondents had a vested interest in the fate of the property. She reiterated points made on the previous day by experts from DNR, Department of Fisheries and a geologist retained by the Nichols'.

Gordon Nichols, 2554 Highway 20, Sedro Woolley, stated concerns regarding the degradation of his and his neighbor, Mr. Perkins', water source from a new sewage system on the Aiken property. He speculated on liability for water contamination. He noted the recommendation of the Planning Department for denial of the request.

Louis Requa, representing the Aikens', clarified statements made on the previous day. He felt there were findings of the Planning Department that were addressed by Mr. Scofield when he approved the variance request. He urged the Board not to be swayed from the facts by letters from the public, but to make a judgement on the merits of the request.

Mr. Requa stated that special sewage treatment can address ground water contamination. He also stated that it is speculation only that slippage may endanger the Aiken property, and that Mr. Aiken is willing to sign a hold harmless agreement to protect the County in the event of a slippage, although he felt any slide would miss the Aiken property to the east.

Seeing no further testimony, Commissioner Vaux motioned to close the public hearing. Chairman Wylie seconded the motion, which passed unanimously.

Commissioner Rohrer motioned to uphold the decision of the hearing examiner.

Commissioner Vaux noted his feeling that all residences presently located in the area are at great risk of destruction from a slide. He refused to second the motion.

Chairman Wylie stated that she had inquired into the property and had found that it is not designated as a flood plain. She noted that it has been a precedent set by the Board that agricultural zone variances are allowed for subdivision of land to be deeded to family members. She felt that Skagit County should not set a precedent of disallowing the construction of homes near streams. She seconded Commissioner Rohrer's motion, adding that a hold harmless agreement should be required.

The motion carried with votes from Commissioner Rohrer and Wylie. Commissioner Vaux voted in the negative.

U.S. FOREST SERVICE DISCUSSION - WILD AND SCENIC RIVERS ACT.

Larry Hudson, U.S. Forest Service District Ranger, began the presentation. He pointed out that the Skagit River traverses land partially owned by private owners, and partially within national forests. He introduced Dale Potter, a U.S. Forest Service Recreational Specialist from the Forest Service's Seattle office, and Jim Chu, Skagit County River Manager. Also present was Cindy Corell, Resource Assistant.

Mr. Potter gave background on the Skagit River's Wild and Scenic Rivers designation. He stated that the Wild and Scenic Rivers Act was passed by Congress in 1968. At that time the Skagit was named a study river, and in 1978 was declared a Wild and Scenic River.

Mr. Potter stated that the Forest Service is interested in management of Wild and Scenic Rivers because of the heightened interest in water related recreation.

The Board viewed a videotape concerning Wild and Scenic Rivers.

Mr. Chu explained that in Skagit County, the Sauk, Suiattle and Cascade Rivers have been designated as scenic rivers, while the Skagit is declared a recreational river. The difference in designations is that scenic rivers have no impoundments or diversions and have relatively undeveloped shorelines. Recreational rivers are more accessible and have some development along

shorelines. He stated that the Forest Service has worked to erect eight bald eagle interpretive signs along the Skagit River, as well as to clean up identified illegal dump sites.

Mr. Chu reviewed components of the Forest Service's Action Plan for the Skagit River. He stated that a bald eagle disturbance study will be reviewed this year. An informal citizen's group will be developed to focus on the river. Components will be added to the plan to prevent adverse development on the river and to monitor the impacts of proposed developments.

Answering questions from the Board, the Forest Service representatives stated that the Act allows for rip-rapping along the banks of Wild and Scenic Rivers to protect agricultural land. The Forest Service's stance has always been to allow rip-rapping whenever flooding is indicated, but not if it changes the character of the river. The Barnaby Slough project was cited as a project guilty of changing the character of the river.

Regarding the Wildcat Steelhead Club's bid to reopen a fish hatchery at Grandy Creek, the representatives stated that encouragement of salmon and steelhead runs will be supported; however, the club's proposal must conform with the standards of the Act.

Questioned about the Forest Service's rule that activity on the river be curtailed from 8:00 a.m. to 12:00 p.m., representatives stated that signs request the river be used only after those times, but that this is not a rule.

The representatives discussed the eagle feeding study, and assured the Board that this report will be used only as information in implementing a management plan. They stressed that the report, which was commissioned by Congress, is only one person's conclusions and addresses only the feeding of the eagles.

Chairman Wylie pointed out that Skagit County expends many dollars on flood control on the Skagit River.

Mr. Potter requested the cooperation of County government in controlling development on the River. He indicated that the Forest Service would be willing to help financially with any legislation that would further that request.

DISCUSSION - MUTUAL AGREEMENT FOR COUNTY OFFICE SPACE - GIL HOLT, CONCRETE SCHOOL DISTRICT SUPERINTENDENT.

Mr. Holt referenced the County's ongoing discussions on the location of a satellite office in the upriver community. He stated his wish to move his office to the downtown Concrete area, where he would have more contact with the community. Although he felt the school district would be unable to help financially, he proposed that he might utilize the office and function as caretaker for the office.

Administrative Officer Bob Taylor, who was placed in charge of a study of acceptable office space for an upriver satellite office, was present and received Mr. Holt's information.

The Board promised to consider Mr. Holt's request and to notify him of their decision.

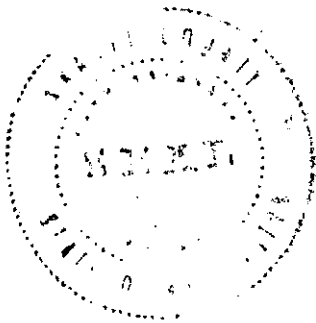
MISCELLANEOUS ITEMS.

- A. Commissioner Vaux motioned to adopt a resolution supporting the continued cooperation of Skagit County with the other four counties involved in the North Sound Regional Support Network, and to support its efforts to receive 6.4 million dollars for operations during 1990 and 1991, and 6.1 million dollars for renovation of the North Sound Multi-Service Center at Sedro Woolley for long term care of the mentally ill of the region. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12378)

ADJOURNMENT

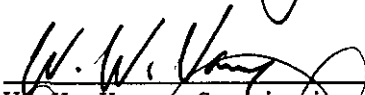
Commissioner Vaux motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON





Ruth Wylie, Chairman

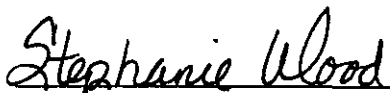


W. W. Vaux, Commissioner



Dave Rohrer, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners