

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, February 13, 1990

- 9:30 a.m. Deliberation - Lowell Engberg Appeal of Hearing Examiner's Decision Regarding Shoreline Application #12-89.
- 10:30 a.m. Parks and Recreation Department:
- 1) Signature - Fair Grant Request.
  - 2) Fair Board Member Term Restructure.
  - 3) Miscellaneous.
- MISCELLANEOUS ITEMS.
- 2:00 p.m. Planning Department Items.
- 3:30 p.m. Public Comment Period.
- 4:00 p.m. Tour - Skagit Community Mental Health Center.

The Skagit County Board of Commissioners met in regular session on Tuesday, February 13, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

DELIBERATION - LOWELL ENGBERG APPEAL OF HEARING EXAMINER'S DECISION REGARDING SHORELINE APPLICATION # 12-89.

Betsy Stevenson, Assistant Director - Planning Department, stated that after further consideration she has realized that during the Environmental Review Process, the Declaration of Non-Significance disallowed any fill being left on the Engberg property. Should the Board make changes to the Hearing Examiner's conditions to allow fill to be left on the property, it would prove the Environmental Review Process to be faulty.

Discussion ensued on the Hearing Examiner's decision. Arguments were made by Bill Stiles, who represented Mr. Engberg, and Chairman Wylie warned Mr. Stiles that he may speak to answer questions only.

The access to the existing exempted dock was discussed. Mr. Graham stated that he felt the original intent was indicated to be a dock with an extended boardwalk.

It was established that DOE has not been asked for a determination of the existence of a wetland on the Engberg property. Mr. Graham stated that this is because during the course of preparing the Staff Report, the needs for help from other agencies is usually identified. Since the Staff Report in this case was prepared after the work had already been done, the usual process was not followed.

During the discussion, the Board received an explanation on how special circumstances are allowed on shorelines. A variance is allowed for moving something closer than the current code allows. A conditional use permit is requested for deviances from the code which do not involve setbacks. It is Mr. Engberg's right to request such items.

Commissioner Vaux stated his total agreement with the Hearing Examiner's Findings of Fact regarding the violation of stop work orders on page 1 of Order #12A-89. He stated that Mr. Engberg's actions were unjustifiable, and that the Board should not set a precedent by showing that the permit process can be ignored.

Chairman Wylie agreed and asked questions regarding other permits that could be obtained for the Engberg property.

Ms. Stevenson indicated that the issue of the present Hearing Examiner's order must be resolved before other permits can be considered. She explained that although the Hearing Examiner allowed fill to be left in any area not designated as wetlands, the permit must now be sent to the DOE for final approval before it becomes enforceable. The Hearing Examiner denied Mr. Engberg's request to leave the fill in a wetland area.

At this point, Commissioner Rohrer motioned to uphold the decision of the Hearing Examiner, but to suspend the fine imposed on Mr. Engberg, as listed in Order #12A-89, to encourage compliance with order #12-89. Commissioner Vaux seconded the motion. The motion passed unanimously.

MISCELLANEOUS ITEMS.

A. As of this date, February 13, 1990, the Board, by unanimous vote, did approve for signature the following warrants and vouchers:

- 1) Warrants #52198 through #52682 (Vouchers #914549/000419 through #914593/000987) in the amount of \$512,293.23 (C-9-90).
- 2) Warrants #70094 through #70204 (Vouchers #70094 through #70204) in the amount of \$223,686.55 (R-6-90).

B. Commissioner Rohrer motioned to approve the Petition for Property Tax Refund of Helen R. Ross, 278 Elwha Drive, LaConner, WA 98257, in the amount of \$220.85, to correct a 1989 exemption. (008789)

- C. The Board approved for signature contracts for professional services for public defense services for 1990 with the following attorneys:
- Stephen C. Schutt
  - Lowell Ashbach, Jr.
  - Alfred L. Heydrich
  - William R. McCann
- D. The Board approved for signature Contract Amendment #1440-74190(3) with the DSHS-Bureau of Alcohol and Substance Abuse to incorporate inflationary increases for the period 01/01/90 through 06/30/91, and changes to the Statement of Work, decreasing the units of service.
- E. Commissioner Rohrer motioned to adopt the Records of the Proceedings from Wednesday, January 24, 1990; Monday, January 29, 1990; Tuesday, January 30, 1990; and Tuesday, February 6, 1990, as submitted.

**PARKS AND RECREATION DEPARTMENT:**

1) **Signature - Fair Grant Request.**

The Board approved for signature an Application for Special Assistance Grant to the Washington State Fair Fund for Agricultural Fairs in the total amount of \$5,963.48 for horse stall renovation, portable livestock pens and outside electrical outlets.

2) **Fair Board Member Term Restructure.**

Barbara Lawrence, Fair Manager, submitted, in the absence of the Parks Director, a report of the correct terms for each member of the Fair Board.

3) **Miscellaneous.**

There were no miscellaneous items from the Parks and Recreation Department.

Commissioner Vaux's absence was excused for the following items.

**MISCELLANEOUS ITEMS.**

- A. The Board approved for signature a Contract for Professional Services with Knott & Zehring, Inc., for design of a 911 Emergency Dispatch System in Skagit County. The project time limitations will be February 19, 1990, to July 30, 1990, and expenditures should not exceed \$12,000.
- B. The Board approved for signature an annual Contract with Skagit Council on Aging for the provision of senior citizen transportation services beginning January 1, 1990, and ending December 31, 1990. The County

agrees to pay SCOA \$10,000 for these services, plus an additional \$5,162.25 for a Concrete coordinator.

PLANNING DEPARTMENT ITEMS.

- A. The Board was introduced to new Planning Department employees Dana Chrysler, Staff Assistant, and Greg Galendse, Environmental Health Specialist.
- B. The Board was updated on the progress of the Planning Commission toward development of interim zoning controls for agriculturally zoned land.

Scott Kirkpatrick, Planning Department Director, indicated that the Board will receive from the Planning Commission, in the form of recommendations for adoption, a zoning ordinance which would restrict residential development in agricultural zones to within 150 feet of the front property line. Additionally, review of the RCW's has revealed that although the Hearing Examiner can be directed to send his decisions on variances involving agricultural zones to the Board in the form of recommendations, it is not allowed to make agricultural variances the responsibility of the Planning Commission.

Mr. Kirkpatrick noted that procedural changes to the County Code, such as is necessary in changing the Hearing Examiner's procedure, are exempted from the public hearing process. Further, a public hearing has already been held by the Planning Commission on the changes to the code involving setback requirements for residential construction on agricultural property, so it is not necessary for the Board to hold an additional public hearing.

- C. Regarding the Board's instructions during deliberation by the Board on the Planning Commission's recommendation for a contract rezone modification for Food Services, Inc., Mr. Kirkpatrick stated that land to the east, which the Board directed the owner of Food Services, Inc., to explore for expansion, is also zoned agricultural, which will necessitate similar handling by the Planning Department in their staff report as when the request involved property to the north.

The Board directed Mr. Kirkpatrick to have landscaping on the north of the building corrected. Conditional requirements for landscaping and area drainage were then discussed briefly.

- D. Mr. Kirkpatrick once more reviewed his proposal for updating Skagit County's Comprehensive Plan. He reviewed the implications of Substitute House Bill 2929, which mandates comprehensive planning, on our current plan.

The Board discussed the county's wetlands policy with Mr. Kirkpatrick and Brian McGinnis of Skagit-Island Builders Association.

Commissioner Rohrer then motioned to approve the proposal of the Planning Department for the Comprehensive Plan update, including expenditures of an estimated \$210,700 for additional staff and consultant services. Chairman Wylie seconded the motion, which passed unanimously.

PUBLIC COMMENT PERIOD

There was no one present to address the Board at this time.

TOUR OF SKAGIT COMMUNITY MENTAL HEALTH CENTER.

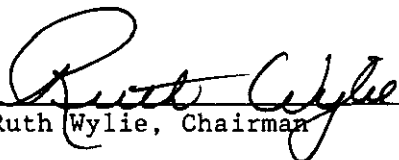
The Board's tour of the Skagit Community Mental Health Center was cancelled.

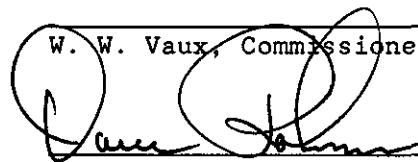
ADJOURNMENT

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

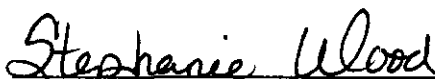
BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



  
\_\_\_\_\_  
Ruth Wylie, Chairman

W. W. Vaux, Commissioner  
  
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Dave Rohrer, Commissioner

ATTEST:

  
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Stephanie Wood, Clerk  
Skagit County Board of Commissioners