

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

Tuesday, February 27, 1990

- 9:00 a.m. Discussion - Resolution #12306 - Responsibility for Fire Hydrant Maintenance.
- 10:00 a.m. 1) Introduction of New Prosecuting Attorney's Office Employees.
2) Resolution Accepting Proposals for Assessor/Treasurer Software System.
- MISCELLANEOUS ITEMS.
- 10:30 a.m. Tour of Skagit Community Mental Health Center Facility.
- 1:30 p.m. 1) Planning Commission Referred Items.
a) Recommendation for Approval - Interim Zoning Controls Addressing Siting of Residential Development in Agricultural Zoning Districts.
b) Recommendation for Approval - Zoning Code Amendment Addressing Procedural Changes for Review of Variance Requests in Agricultural Zoning Districts.
2) Planning Department Items.
- 3:30 p.m. Public Comment Period.
- 4:00 p.m. WSU Cooperative Extension Agency Items:
1) Update - Farm Worker Housing.
2) Update - Involvement in Agricultural Land Use Planning.

The Skagit County Board of Commissioners met in regular session on Tuesday, February 27, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

DISCUSSION - RESOLUTION #12306 - RESPONSIBILITY FOR FIRE HYDRANT MAINTENANCE.

Chairman Wylie explained that Resolution #12306 was passed at the request of fire districts, who wished for water purveyors to assume the responsibilities for fire hydrants. Since then, numerous complaints have been received both by letter and in person regarding the resolution. A discussion was called today to address those complaints.

Commissioner Vaux mentioned that most of the comments he has received regard the opposition to language giving the ownership of the hydrants to the water districts.

The audience was given an opportunity to speak.

Earl Dralle, Fire District #2, stated that the resolution is intended to address unincorporated area fire districts, not city departments, and that a

lot of negative comments are coming from city departments. He stated that the Fire Chiefs and Commissioners Association is also making comments, but it is up to the Board of Commissioners to make a decision for these organizations to live by.

Ted Banta, President of the Fire Chiefs Association, stated that the city areas are not going against the unincorporated area districts. His concern was the city's fire rating. He believed that his department was being asked to sign a blank check for fire hydrant maintenance, not knowing what will be charged or what will be performed. He was not, however, opposed to PUD maintenance of hydrants, but felt he should not have to pay for this service, and he felt that the RCW's support a resolution forcing water purveyors to assume responsibilities for costs as well as maintenance.

Mr. Banta clarified for Chairman Wylie that his department does painting, weeding and testing for the City of Burlington and Fire District 6, and the PUD is called for any needed repairs.

Mr. Banta and Mr. Dralle agreed that the property owners pay for new hydrants, but neither knew who ultimately owns the hydrants.

Pete Walker stated that the resolution that was passed addresses the problem of ownership of hydrants. He argued that since Chairman Wylie's signature does not appear on the resolution, she must have refused to sanction it.

Chairman Wylie clarified for the record that she was absent on the day the written resolution was signed, but had been present for the verbal motion and vote of the Board on the issue and had voted affirmatively.

Mr. Walker read from Snohomish County Resolution #82-110 of 10/19/82, which makes water purveyors responsible for fire hydrants. He requested that the resolution be allowed to stand.

Dave Ford, City of Anacortes Engineer, stated that the city is agreeable to the resolution. He stated that the City of Anacortes maintains ownership of hydrants in the city and in Fire Districts 11 and 13. The city currently charges \$4.50 per month per hydrant for maintenance, repairs and replacements. He pointed out that if hydrants belonged to the districts, they would have to assume the responsibility for costly replacements. He stated that the city is willing to negotiate a payment schedule that would allow some maintenance by the departments in lieu of cash.

Tom Litzinger of Fire District #11 felt \$5.00 per month per hydrant was excessive.

Ken Slater of Fire District #3 also objected to the \$4.50 per month charge, stating that this charge takes 10% of his district's budget.

One audience member felt the Board had no authority to set rates for maintenance.

David Day, an attorney representing Fire Districts #4 and #2 and possibly the Fire Districts Association, felt the resolution probably conforms to State

law. The parties he represents feel the ordinance should stand, or that just the maintenance portion should be changed. Mr. Day felt that allowing substitution of the labor of the fire district for a portion of the maintenance fees is inconsistent with the rest of the ordinance. He stated that if the water purveyors own the hydrants, they should be made to pay for their maintenance.

Dennis Hofstadt, City of Mount Vernon Fire Chief, wanted the resolution go further in making reference to maintenance guidelines, rules and regulations, and to address the costs for maintenance as the responsibility of the water purveyor. He provided the Board with a list of tasks necessary for hydrant maintenance.

Jim Kirkpatrick, PUD General Manager, stated that the PUD is receptive to ownership of fire hydrants. They have begun requiring larger water mains to support installation of more hydrants, and have required, where possible, that fire hydrants be installed along with new water mains. Mr. Kirkpatrick stated that the PUD is supported by revenues from water sales, and should not force PUD rate payers to subsidize fire hydrant maintenance for those who do not pay.

Dan Cain, County Fire Marshall, stated that RCW 80.28 allows that ownership of fire hydrants can be assigned, but is silent as to payment for maintenance. He stated that it is the opinion of the Skagit County Prosecuting Attorney that in interpreting RCW 80.28, maintenance could be charged to the water purveyors.

Commissioner Vaux then stated his belief that Resolution #12306 is the right direction to take in the matter, and that he would not vote to withdraw it, although it might take some time to implement it.

Both Chairman Wylie and Commissioner Rohrer agreed, and the discussion ended.

INTRODUCTION OF NEW PROSECUTING ATTORNEY'S OFFICE EMPLOYEES.

Mike Rickert, Skagit County Prosecuting Attorney, introduced Corbin Volluz and Tom Sequine, new employees of his department. He stated that these attorneys will help with the District Court caseload.

RESOLUTION ACCEPTING PROPOSALS FOR ASSESSOR/TREASURER SOFTWARE SYSTEM.

Following presentation and a full explanation by Mike Woodmansee, Budget/Finance Director, and Steve Kleinbart, Data Processing Coordinator, Commissioner Vaux motioned to adopt the resolution accepting the proposal of The Software Group of Plano, Texas, for a software package for the Assessor's and Treasurer's Offices. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12392)

MISCELLANEOUS ITEMS.

As of this date, February 27, 1990, the Board, by unanimous vote, did approve for signature the following warrants and vouchers:

- 1) Warrants #70205 through #70329 (Vouchers #70205 through #70329) in the amount of \$393,892.87 (R-7-90).
- 2) Warrants #52684 through #53172 (Vouchers #000988 through #001646) in the amount of \$237,103.67 (C-11-90).

PLANNING COMMISSION REFERRED ITEMS.

1) Recommendation for Approval - Interim Zoning Controls Addressing Siting of Residential Development in Agriculture Zoning Districts.

Gary Christensen, Associate Planner, presented the Recorded Motion, Staff Report and recommended resolution approved by the Planning Commission at their February 12, 1990, public hearing. Except for the setback requirement, the recommendation of the Planning Department was adopted.

The recommendation of the Planning Department was for a back setback of not more than 100 feet from the front property line. The Planning Commission felt this was too restrictive, and voted to change the back setback to not more than 150 feet from the front property line. This forces residential development to the front of the property, as currently the back setback is 35 feet from the back property line. The front setback of 35 feet and side setbacks of 15 feet will remain the same. Additionally, a height limitation of 35 feet was added, which the Planning Commission felt was a generous allowance, in an attempt to deter obtrusive buildings. The Commission recommended that the temporary ordinance be adopted for a period of 18 months, after which the Comprehensive Plan update should be completed.

Following discussion of the recommended ordinance, Commissioner Vaux motioned to adopt the recommendations contained in the Recorded Motion of the Planning Commission #Z-90-001 for interim zoning controls addressing siting of residential development in agricultural and agricultural reserve zoned lands in Chapter 14.04 of the Skagit County Code. Commissioner Rohrer seconded the motion, which passed unanimously.

2) Recommendation for Approval - Zoning Code Amendment Addressing Procedural Changes for Review of Variance Requests in Agricultural Zoning Districts.

Mr. Kirkpatrick explained that at the Board's request, a change to the procedure for granting of variance requests in Agricultural zoning districts was reviewed by the Planning Commission. At first it was thought that the variance requests could be heard by the Planning Commission, but further legal consultation and review revealed that these matters must go before the Hearing Examiner, although they may come to the Board in the form of recommendations rather than decisions, much like the procedure for Planning Commission referrals. This is the intent of a recommended ordinance drafted by the Planning Commission.

Mr. Christensen reviewed the Recorded Motion of the Planning Commission and explained the procedural changes. He stated that the appeal process for approval of such recommendations by the Board is through the Superior Court of Skagit County.

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Discussion was held on notification of the applicant of their right to appeal decisions.

Commissioner Vaux then motioned to adopt the Recorded Motion #Z-90-002 of the Planning Commission regarding procedural changes for review of variance requests in Agricultural zoning districts. Commissioner Rohrer seconded the motion, which passed unanimously.

PLANNING DEPARTMENT ITEMS.

- A. Mr. Kirkpatrick and Tom Karsh, Environmental Health Specialist, again discussed their observations regarding implementation of new septic permitting fees for the benefit of Commissioner Vaux, who was absent for this discussion last week.

Mr. Kirkpatrick and Mr. Karsh explained that the septic installers had the same concerns regarding contractual obligations as were expressed by the builders when building permit fees were raised. They had already entered into contracts prior to notification of the fee increases, and were locked in at previous septic permit rates.

Mr. Karsh explained that the Planning Department plans to allow the installers until May 1, 1990, to submit designs at old fees for any contracts they negotiated prior to the fee increase, or for installations done prior to the wet season, for which the installer was waiting for dryer conditions for inspection.

Mr. Karsh stated that the Planning Department intends to do a better job of informing the septic industry in the future of rate increases, has formed an agreement on how to update fees for redesigns for old septic systems, and will encourage, through fee breaks, requests for simultaneous design and site evaluation. Furthermore, a cost of service analysis will be presented at the time of any future proposed fee increases.

Finally, Mr. Kirkpatrick discussed his intentions to formulate a policy for fee waivers, exemptions and refunds for all permit fees for the Planning Department.

- B. Commissioner Vaux motioned to adopt the resolution authorizing a cash payment of \$5,626.53 to Betsy Stevenson, Planning Department Assistant Director, for 39 days of accrued annual leave, leaving the employee's annual leave balanced at 30 days, not to be exceeded in the future for any reason. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12393)
- C. The Board denied the Out-of-State Travel Request of Betsy Stevenson for attendance at "Management Skills for Planners" in Reno, Nevada, from March 20 through 24, 1990, reasoning that the Planning Department has hired a number of new employees recently who require close supervision, and the Department has also taken on some priority projects which require the attention of Planning Department administrative staff.

PUBLIC COMMENT PERIOD.

No members of the public were present for the Public Comment Period.

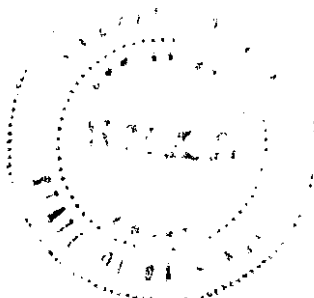
WSU COOPERATIVE EXTENSION AGENCY ITEMS.

This was cancelled and will be rescheduled at a later date.

ADJOURNMENT

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

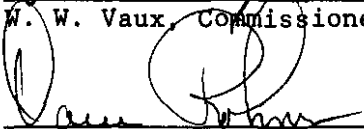
BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ruth Wylie, Chairman

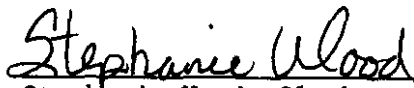


W. W. Vaux, Commissioner



Dave Rohrer, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners