

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

Tuesday, May 8, 1990

9:00 a.m. Board of Health:

- 1) Recent Activities at Avon Chicken Farm.
- 2) Water Recreation Regulation Update.

9:45 a.m. Discussion - Call for Bids - Replacement of Sheriff's Office Security Gate.

10:00 a.m. Signature - Interlocal Agreement for Library Services.

- 10:30 a.m.
- 1) Public Hearing - Budget Amendment - Public Health Fund.
 - 2) Public Hearing - Budget Amendment - Human Services Fund.

10:45 a.m. Northwest Regional Council:

- 1) Transportation Issues.
- 2) Review of Services Provided in 1989.

1:30 p.m. Planning Commission Referred Items:

- 1) Comprehensive Plan Amendment by Jim Youngsman.
- 2) Contract Rezone by Ken Fowler.
- 3) Comprehensive Plan Map Amendments for Public Use Lands - C-90-001.
- 4) Comprehensive Plan Map Amendments for Public Use Lands - C-90-004.

2:00 p.m. Department of Planning and Community Development - Scott Kirkpatrick - Director:

- 1) Discussion - Fire Protection Response in the Forestry Zone.
- 2) Signature - Resolution Adopting 1988 Uniform Building Code.
- 3) Enforcement Update.
- 4) Staffing Update.
- 5) Miscellaneous.

3:30 p.m. Public Comment Period.

The Skagit County Board of Commissioners met in regular session on Tuesday, May 7, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

BOARD OF HEALTH:

- 1) Recent Activities at Avon Chicken Farm.

Corrine Story, Environmental Health Specialist, explained that over the past 10 years, the chicken farm located at 930 Avon-Allen Road has been an egg laying operation, functioning under several managers. Each new manager would at first cooperate in utilizing practices aimed at controlling flies, and then would later abandon many of these practices, resulting in neighbors' complaints to the Health Department. In 1987, the operation was required to adopt Best Management Practices to deal with the fly management problem, and a \$100 fine was later imposed for violations of the BMP's.

Over the last few months a new owner, Ken Davis, has been remodeling the facility into a fryer growing operation. The growing of frying chickens involves different techniques which do not generate as many flies as in an egg laying operation.

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Ms. Story explained that a neighborhood petition has been received, in light of yet another operation beginning at the chicken farm, requesting stricter controls be placed on the new owner, and stiffer fines be imposed for violations.

Ms. Story indicated that the Health Department has proposed on-site inspections of the facility for an eight week period when the operation first starts, and then no further inspections unless problems occur. Ms. Story requested the Board's direction on whether BMP's should be applied to the new operation.

Ken Davis, the new owner, discussed the differences in egg laying and chicken growing. He stated that the chickens would belong to Draper Valley Farms by contract, and would be raised according to their standards.

Dan Sneva, Field Representative for Draper Valley Farms, explained that the chickens will belong to Draper Valley, but other than standard management practices, Draper Valley does not dictate the management of their businesses to independent contractors.

It was noted that the property itself belongs to the Wolfkill Company.

Mike Olepin, a neighbor of the chicken farm, made statements to clarify the effects of the farm on the neighbors. He related that a number of farm owners made promises to the neighbors and failed each time.

John Thayer, Environmental Health Supervisor, stated that Skagit County's BMP's for poultry operations are unique in Washington State. He stated that the Health Department's experience with fryer operations has been good. He felt that the situation could be adequately monitored without the application of BMP's.

Mr. Olepin stated that the Avon chicken farm location is unusual, in that it is adjacent to a school and a well populated area.

Commissioner Vaux noted that the draw back to Skagit County's BMP's is the ability to impose stiff fines for violations, a fine of \$100 being insignificant to a large operation. He warned Mr. Davis that his operation would be closely watched, but commended Draper Valley for their fine operation.

Mr. Olepin urged that the BMP laws be given teeth. He encouraged frequent inspections, rigid requirements and harsh penalties for the new Avon operation, should it fail to meet County regulations.

There was some discussion as to the possibility of a nearby dairy contributing to the fly problem.

Finally, the Board approved the Health Department's plan for management of the Avon farm without BMP's.

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2) Water Recreation Regulation Update.

Ms. Story gave information on new State requirements for water recreation facilities. This will effect large pools, as well as spas and wading pools. The new regulations will include checking of combined chlorine levels, increased record keeping regulations, safety personnel requirements, and lifesaving equipment provisions.

Ms. Story and Mr. Thayer indicated that a class sponsored by the Health Department will be offered on May 22, 1990, to pool operators on the new regulations.

DISCUSSION - CALL FOR BIDS - REPLACEMENT OF SHERIFF'S OFFICE SECURITY GATE.

Roger Howard, Facilities Manager, provided photographs of the gates which secure the Sheriff's Office operations equipment. He stated that they are really not the proper type for this purpose, and have suffered some damage from difficulties in raising and lowering them. Mr. Howard recommended that a bid be let for a rolling aluminum gate that can be chain hoisted up and out of the way. Roughly, the new gates would cost approximately \$10,000.

The Board discussed the possibilities of damage to a new gate if hoisting by hand does not move the gate up sufficiently to accommodate tall vehicles. Because of the possibility of further gate damage, the Board instructed that a motor also be let for bid which would automatically raise the gate.

Commissioner Vaux motioned to call for bids for a new security gate for the Sheriff's Office. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12484)

SIGNATURE - INTERLOCAL AGREEMENT FOR LIBRARY SERVICES.

Commissioner Vaux motioned to approve a Library Services Agreement with cities and towns in Skagit County for subsidies in the following amounts:

- Mount Vernon	\$40,705
- Anacortes	\$26,892
- Burlington	\$12,116
- Sedro Woolley	\$12,287
- LaConner	\$ 4,000
- Concrete	\$ 4,000

Mayors Rice and Reep were present representing the cities of Anacortes and Mount Vernon.

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PUBLIC HEARING - BUDGET AMENDMENT - PUBLIC HEALTH FUND.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on April 24 and May 1, 1990.

Mike Woodmansee, Budget/Finance Director, explained that the Health Department has received a grant in the amount of \$12,879 for parenting skills and a grant in the amount of \$10,000 for AIDS projects which need to be accounted for in the Public Health Fund.

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

Commissioner Rohrer then motioned to adopt the resolution authorizing a budget amendment in the amount of \$22,879 to the Public Health Fund #101.

PUBLIC HEARING - BUDGET AMENDMENT - HUMAN SERVICES FUND.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on April 24 and May 1, 1990.

Mike Woodmansee, Budget/Finance Director, explained that the Human Services Department has received three subcontractor grants in the amount of \$60,000 for Catholic Community Services, \$5,000 for Consumer Advocates and a grant in the amount of \$10,000 for developmental disability services which need to be accounted for in the Human Services Fund.

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

Commissioner Rohrer then motioned to adopt the resolution authorizing a budget amendment in the amount of \$75,000 to the Human Services Fund #116.

NORTHWEST REGIONAL COUNCIL.

2) Review of Services Provided in 1989.

Dewey Dessler, Executive Director of the Northwest Regional Council, provided a report on services rendered to senior citizens in Skagit County in 1989 on behalf of the Northwest Regional Council. Included was information on the funding sources for these services, as well as the number of people served.

Mr. Dessler gave specific information on a number of the programs being sponsored by the Northwest Regional Council, such as the Geriatric Mental Health Outreach Program, Chore Service and Congregate Nutrition Service.

1) Transportation Issues.

Mr. Dessler gave information on a transportation brokerage project which his organization has been asked to administer for the State DSHS. The first phase of the project, which the Northwest Regional Council has already completed, required development of a transportation system for Medicaid clients. The second portion will deal with other DSHS clients such as developmentally disabled and alcoholic clients.

Mr. Dessler requested that the Board appoint a task force/planning group to identify problems, issues and potential solutions to transportation of these clients. He provided a list of potential participants and asked for the Board's approval. He indicated that he would like to work with the local Public Transportation Benefit Area Board to develop phase two of this project.

The Board agreed to charge the suggested members with the responsibilities outlined by Mr. Dessler.

PLANNING COMMISSIONER REFERRED ITEMS:

3) Comprehensive Plan Map Amendments for Public Use Lands - C-90-001.

Gary Christensen, Associate Planner, reminded the Board that several months ago a reconciliation of the comprehensive plan map and zoning map was completed for fire stations. He stated that the recommendations for comprehensive plan map amendments for Public Use Lands submitted by the Planning Commission today involve reconciliation of church lands, and have been approved by the Planning Commission in a 9-0 vote.

Commissioner Vaux motioned to adopt the recommendation of the Planning Department (C-90-001) for Comprehensive Plan Map Amendments for Public Use Lands. Commissioner Rohrer seconded the motion, which passed unanimously.

4) Zoning Map Amendments for Public Use Lands - C-90-004.

In conjunction with the above item, Mr. Christensen presented the recommendation of the Planning Commission for zoning map amendments for Public Use Lands involving church lands.

Commissioner Vaux motioned to adopt the recommendation of the Planning Commission (C-90-004) for Zoning Map Amendments for Public Use Lands. Commissioner Rohrer seconded the motion, which passed unanimously.

1) Comprehensive Plan Amendment by Jim Youngsman.

Mr. Christensen explained the Board's three options in this matter; to approve

the recommendation of the Planning Commission, to remand the matter back to the Planning Commission for further study, or, if the Board wishes to make changes to the recommendations, to remand the matter back to the Planning Commission for a public hearing of their own.

Mr. Christensen provided an aerial photograph of the Youngsman property located south of the City of Mount Vernon, west of Blodgett Road, and east of the "big ditch". He explained that Mr. Youngsman has requested a reclassification of an approximate 10.9 acre parcel from Commercial to Residential, for the purpose of requesting a rezone on another portion of the property from Agricultural to Residential. Mr. Youngsman would subsequently subdivide the property to create approximately 23 residential lots. Mr. Christensen provided photographs of rain runoff, wetlands vegetation and an existing structure on the site. He related that the Planning Commission, in a 9-0 vote, recommended approval based on findings which differed from those contained in the Planning Department's Staff Report. Those findings were read into the record and are synopsized as follows:

- Testimony shows the Planning Department misidentified the request as involving 16.5 acres instead of 10.9.
- The Comprehensive Plan requires the orderly coordinated development of land.
- Even though the property is zoned Commercial, there are differing uses of the land.
- The City of Mount Vernon's Comprehensive Plan shows the Youngsman property as being suited for residential use.
- Considerable care and sensitivity would be needed here to accommodate the sensitive conditions present.
- The property has limited agricultural value.
- The use conforms with the South Central District Comprehensive Plan.
- Further environmental and project review would be needed to evaluate noise, odor, heat, vibration, air and traffic from adjacent properties. Alternative locations were considered.
- The proposal is in the best interests of the community at this time.

Mr. Christensen explained that the error in stating the acreage in the Staff Report was the result of an error in addition of two figures by Planning Department staff. He presented a survey done on the property for the purpose of subdivision.

Mr. Christensen explained that if the 10.94 acres is changed on the Comprehensive Plan Map from Commercial to Residential, then the applicant could request a rezone of an additional 5.1 acre parcel from Agricultural to Residential at a later date. Mr. Christensen reviewed the zoning map of the area with the Board.

Commissioner Vaux asked why the Planning Commission voted in a 9-0 decision to approve the request when the Staff Report recommended denial.

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Mr. Christensen stated that the staff approached the request as a policy decision on where residential development is desirous. The Planning Commission looked at the request in a project oriented review. The Planning Commission felt that the Agricultural land left, after the proposed Comprehensive Plan Amendment, between the amended area and the big ditch which borders the adjacent Commercial-Light Industrial land would be adequate as a buffer between Residential and C-LI zones.

Chairman Wylie asked how the Planning Commission intended to mitigate the issue of the wetlands allegedly contained on the property.

Mr. Christensen stated that the Planning Commission felt this issue could be addressed at a later date in the permitting process for the subdivision.

Chairman Wylie stated her concerns that the Commercial-Light Industrial designation adjacent to the Youngsman property was not adequately reviewed by the Planning Commission in terms of the impact this designation would have at close proximity to a residential area. She motioned to remand the matter back to the Planning Commission to study this issue.

Discussion ensued, during which Chairman Wylie predicted that at some time there may be consideration of rezoning the remaining agricultural strip to C-LI.

Commissioner Rohrer disagreed.

Mr. Youngsman maintained that there are already residences within the current agricultural zone.

Mr. Christensen stated that these residences were permitted in accordance with agricultural zone building requirements of 40 acres per home.

Commissioner Vaux asked whether the Planning Commission discussed the intentions of Mr. Youngsman regarding the remaining C-LI property, which he also owns on the west side of the big ditch.

Mr. Christensen stated that Mr. Youngsman had indicated he would establish a container grown nursery stock business on the property to be compatible with his business across the Cedardale Road.

Both Commissioner Vaux and Commissioner Rohrer refused to second Chairman Wylie's motion. Instead, Commissioner Vaux motioned to adopt the recommendation of the Planning Commission and allow the Comprehensive Plan Map Amendment #R-89-014 of Jim Youngsman. Commissioner Rohrer seconded the motion, which carried with votes from Commissioners Vaux and Rohrer. Chairman Wylie voted negatively.

2) Contract Rezone by Ken Fowler.

Mr. Christensen related this year's activities regarding Mr. Fowler's contract rezone. He stated that Mr. Fowler purchased the property located 1/4 mile southwest of Chuckanut Drive, north of the Cook Road extension in the community of Alger for the purpose of placing his business, Dahlman Pump and Well Drilling, on the site. The property, at the time of Mr. Fowler's purchase, was commissioned under an existing Contract Rezone (or Concomitant Agreement), which was subsequently modified to permit Mr. Fowler's business to locate on the property. In the process of relocating the business, it was discovered by the Planning Department that Bainbridge Cedar Products was operating a wooden fence panel fabrication business within a portion of the existing building without the necessary contract modifications. When the modification to the Concomitant Agreement was advertised for the Fowler business, there was no mention of the Bainbridge business, so no SEPA review was performed and no property owners were notified of the consideration. This necessitated a request by Mr. Fowler for a Concomitant Agreement for Bainbridge Cedar Products.

Mr. Christensen briefly reviewed the recorded motion of the Planning Commission, which recommends approval of the Concomitant Agreement in a 9-0 decision.

Answering a question from Commissioner Vaux, Mr. Christensen stated that the property has never been rezoned to Commercial-Light Industrial because the Planning Department believes this to be spot rezoning.

Discussion ensued on the future uses of the existing building should Bainbridge ever leave, and the possibility for Dahlman Pump and Well Drilling to take over the entire building.

Finally, Commissioner Vaux motioned to adopt the recommendation of the Planning Commission, #R-90-001, and approve the concomitant agreement for Bainbridge Cedar Products by Ken Fowler. Commissioner Rohrer seconded the motion, which passed unanimously.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR:

1) Discussion - Fire Protection Response in the Forestry Zone.

Mr. Kirkpatrick explained that he was contacted by Dan Cain, Skagit County Fire Marshall, regarding a project taking place on property known as Bacus Hill, west of the Town of Lyman on Highway 20. The property involves a project whereby the Nortep Company has logged off portions of the Forestry Zone at that location via a DNR Class III Forest Practices Permit, and intends to divide the area of approximately 1500 acres into 74 twenty acres building lots. The Forestry designation requires a minimum lot size of 20 acres per home. Forestry property

does not fall under the regulations for subdivisions, and therefore the subdivisions do not have to meet any other County regulations, including those for roadway design.

Mr. Kirkpatrick stated that he met with Mr. Cain, local fire chiefs and DNR representatives regarding the project. While the County's concern is for the conversion of industrial Forestry land to residential development, as well as the containment of urban growth, the DNR and fire chief's immediate issue is the ability to provide fire and emergency aid to residences located in areas that cannot be accessed by fire apparatus. These areas are additionally at risk for fire because of their proximity to piles of large slash debris surrounding the building sites and their partial location outside of any fire district. The nature of this type of homesite location, being both within the Forestry Zone, which is protected by DNR, and containing year-round residences, which may be protected by local fire districts, presents its own unique problems. DNR fire fighters are trained in the techniques of forest fire fighting, but have no training in home fire protection, while local fire fighters' knowledge of fire fighting techniques is limited to structure protection.

Tom Sheahan, Director of Skagit County Emergency Services, showed the Board a videotape of a fire that occurred in Hangman Hill near Spokane on July 15, 1987, when virtually an entire subdivision located in a forested area was wiped out by a fire caused by contact of an electrical wire with nearby tree branches.

Mark Watkinson, Public Works Department Engineering Technician, provided a vicinity map of the area showing the platting of the lots. He explained the location of County oiled roads and the gravel logging roads in the area. He stated that he has received address applications for parcels #59, 66 and 38. He stated that five parcels have already been addressed. One contains an existing home, people are living on two parcels, and one address is for a well site. Most of the gravel roads, he explained, would provide no access to fire trucks, although the current boundaries of the fire district encompass only about half of the area. There is evidence of preparation for home building, and lot 59 is actively seeking a means to move onto the lot, and they are seeking an address so they can receive electrical service. There seems to be no reason to issue fire numbers to the parcels, Mr. Watkinson stated, if there is no means to provide fire protection.

A representative from the DNR and Fire District #8 Chief Jim Allen and Fire District #8 Commissioner Gary Koski were present for the discussion. They made the following points:

- The DNR is charged with fire protection of the forested area, but they have no means nor expertise to protect homes located there.
- The fire districts are criticized if they do not respond to fires located in their areas, but not within their districts, but area liable if they

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receive a call from within the district that they can't give timely attention because they are responding to a non-district fire call.

- 70% of all emergency calls are for medical aid.
- The property was legally, but not practically, reforested in compliance with the Class III Forest Practices Permit.

Mr. Kirkpatrick indicated that in Island County, where a forestry conversion policy exists, the County would invoke a 10-year moratorium on building on the property; however, Skagit County has no such policy. Although the County is in the process of developing such a policy, it would not be applicable to development in process.

Mr. Kirkpatrick proposed that property owners and the developers be notified that the Fire Marshall will block a building permit for any structure not accessible by fire apparatus and not cleared of slash. Mr. Watkinson is working on a letter to those seeking building permits to this effect. He will then notify all property owners in the subdivision.

The Board agreed to this proposal.

Mr. Kirkpatrick further indicated that Planning staff is interested in immediate interim controls until a conversion policy is completed.

Discussion of interim controls and policies ensued.

Gary Koski stated that he intends to press the Board of Commissioners of his fire district to pass a resolution to deny the annexation of any areas where minimum road standards for fire access are not met.

The possibility of raising the homes per acreage from one in 20 to one in 80 to 240 was discussed, as well as the imposition of subdivision requirements and minimum road standards for fire protection.

Commissioner Vaux then motioned to adopt a resolution authorizing the Planning Department to propose to the Planning Commission for discussion and recommendation to the Board of Commissioners an interim ordinance dealing with conversion in the forestry zone, including an increase of minimum lot size and regulations for fire/life safety issues. Commissioner Rohrer seconded the motion, which passed unanimously.

2) Signature - Resolution Adopting 1988 Uniform Building Code.

Mr. Kirkpatrick explained that this resolution was made in 1989, but due to an oversight, the written resolution has not been presented until now.

The Board approved for signature the resolution adopting the 1988 Uniform

Building Code. (Resolution #12487)

3) Enforcement Update.

Mr. Kirkpatrick stated that the staff is in the process of investigating an area on East Section in Mount Vernon where it is reported that raw sewage is running onto the ground.

4) Staffing Update.

Mr. Kirkpatrick had nothing further to report regarding new positions in his department.

5) Miscellaneous.

Mr. Kirkpatrick had no miscellaneous items to discuss with the Board.

PUBLIC COMMENT PERIOD.

- A. Brian McGinnis, representing Skagit-Island Builders Association, gave information on a presentation given to SCIBA by John Horsley, Chairman of the Kitsap County Board of Commissioners, on affordable housing. He encouraged the Board to adopt affordable housing as a priority.
- B. Debbie Aldrich, a concerned citizen, had questions regarding the matter of the Jim Youngsman Comprehensive Plan Amendment heard earlier this date by the Board. She disagreed with the decision, and encouraged the Board to develop a wetlands policy, as the County develops forestry policies.

Mrs. Aldrich also pointed out that Commissioner Rohrer should have excused himself from the deliberation on the Youngsman matter, at Mr. Youngsman made statements at the Planning Commission public hearing regarding advice Commissioner Rohrer gave him on the development of his property during a site visit by Commissioner Rohrer.

Commissioner Vaux indicated that the Appearance of Fairness Doctrine states that any communications of an applicant/appellant with a a judicial or quasi-judicial official after the filing of an application must be reported; however, communications prior to the filing are not considered ex parte communication.

Shirley Viscaya was also opposed to the Youngsman decision, citing destruction of a salmon stream and wetland area.

- C. Carol Ehlers, Planning Commission member, related that she is troubled by the bylaws' of homeowners' associations, commonly referred to as

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covenants, which are being referenced in decisions of the Planning Commission. She stated that the Planning Commission uses these documents to make their decisions on land use and permitting, and often mandates that bylaws be drawn up. She is concerned that many bylaws are inadequate, incomplete, and are ignored by the majority of homeowners.

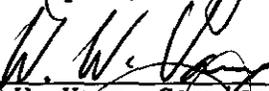
ADJOURNMENT:

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

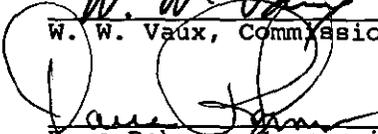
BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ruth Wylie, Chairman

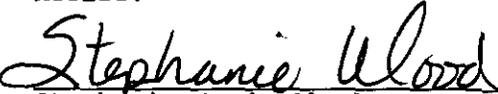


W. W. Vaux, Commissioner



Dave Rohrer, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners