

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

Monday, December 3, 1990

10:00 a.m. - 11:30 a.m. Public Works Department - Mark Spahr, Director:

- 1) Certificate of Commendation - Skagit County Recyclers of the Month for November: Mount Vernon Senior Center, Anacortes Senior Center, and Sedro Woolley Senior Center.
- 2) Public Hearing - 1991 Solid Waste Disposal Rates.
- 3) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 3:30 p.m. Public Hearing - Joseph Fohn Request for Agricultural Variance.
(Begins with site visit to property adjacent to 1513 Bradshaw Road, Mount Vernon. Public testimony will be taken directly following site visit at Commissioners' Hearing Room)

3:30 p.m. - 5:00 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, December 3, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

- 1) Certificate of Commendation - Skagit County Recyclers of the Month for November: Mount Vernon Senior Center, Anacortes Senior Center, and Sedro Woolley Senior Center.

Certificates of Commendation were issued to the Skagit County Recyclers of the Month for November. Don Sutton represented the Anacortes Senior Center, Phyllis Christopherson and Joe Daves represented the Sedro Woolley Senior Center, Linda Frizzell and Ben Anderson represented the Mount Vernon Senior Center. Howard Howell from the Mount Vernon Senior Center was unable to attend.

- 2) Public Hearing - 1991 Solid Waste Disposal Rates.

This item was continued to December 10, 1990, at 10:00 a.m., due to the lack of a full quorum, on motion from Commissioner Rohrer. The motion was seconded by Commissioner Vaux, and it carried and was so ordered.

- 3) Miscellaneous.

A. The Board approved for signature Contract #1-91-64543 with the State Department of Community Development Division of Emergency Management for eligible costs and activities necessary for repair and restoration of the public facilities damaged by the flooding which began on November 9, 1990. The contract indicates the County's agreement to commit local matching funds to any eligible projects which are identified under the Presidential Major Disaster Declaration FEMA-0883-DR-WA. (Contract #00762)

RECORD OF THE PROCEEDINGS
Monday, December 3, 1990
Page #2

- B. The Board approved for signature a letter certifying the County's permission for the Army Corps of Engineers to enter upon County lands for the purpose of restoring the Fir Island Levee (Job #SKA-1-90) (Contract #00763)

CONSENT AGENDA.

Commissioner Vaux motioned to adopt the Consent Agenda of December 3, 1990. Commissioner Rohrer seconded the motion, which passed unanimously.

* Petitions for Property Tax Refunds:

1. Edward L. Bayly, 1332 Avon Allen Road, Mount Vernon, Wa 98273, in the amount of \$389.19, due to a senior citizen exemption. (014690)
2. William R. Burress, P.O. Box 1313, Mount Vernon, Wa 98273, in the amount of \$114.44, due to a senior citizen exemption. (014190)
3. Ocean Pacific Seafoods, P.O. Box 259, Burlington, WA 98233, in the amount \$416.02 due to a double assessment. (008990)
4. Allen Koehn, 725 State Hwy. 9, Sedro Woolley, WA 98284, in the amount of \$137.89, due to a senior citizen exemption. (013090B)
5. Larry Vansickle, 2701 SW 323rd, Federal Way, WA 98023, in the amount of \$71.20 due to the destruction of the property affidavit. (014790)
6. Skagit Valley Fire Equipment, P.O. Box 938, Mount Vernon, WA 98273, in the amount of \$207.23, due to an amended affidavit filed by the taxpayer. (014590)
7. Schenk Packing Company, 8204 - 288th St. NW, Starwood, WA 98292, in the amount of \$383.48, due to the destruction of the property affidavit. (014390)
8. Martin Oil, P.O. Box 408, Burlington, WA 98233, in the amount of \$281.59, due to the acquisition of the property by Skagit County. (014490)
9. Georgia Pacific Corp., P.O. Box 1236, Bellingham, WA 98227, in the amount of \$22.68, due to the sale of the property to an exempt party. (013390)

* Senior Services Department:

10. Contract/Grant Amendment #90-3110-06(02) with Northwest Regional Council. Provides additional funding of \$13,018 for COPES Case Management and additional funding of \$860 for Title XIX Case Management. (Contract #00121)

* Commissioners' Office:

11. Record of the Proceedings from November 19, 1990.
12. Record of the Proceedings from November 20, 1990.

RECORD OF THE PROCEEDINGS

Monday, December 3, 1990

Page #3

13. Record of the Proceedings from November 21, 1990.
 14. Record of the Proceedings from November 27, 1990.
 15. Record of the Proceedings from November 28, 1990.
- * Auditor's Office:
16. Official Bond and Oath of Office for Jerry McInturff, Skagit County Auditor.
- * Health Department:
17. Professional Services Contract for County Health Officer, Dr. Howard Leibrand. Renewal of yearly contract with no changes. Compensation occurs at \$40 per hour and shall not exceed \$17,000. Contract expires December 31, 1991. (Contract #00765)
- * Human Services Department:
18. Contract Amendment #1445-74490(1) with DSHS-Division of Alcohol and Substance Abuse, adding an inflationary increase for the 1989-91 biennium, a basic revenue increase for prevention activities, and a \$9,000 grant for a new program, "Rural Initiative". Total increase in funds is \$39,074.00. (Contract #00014)
- * Out-of-State Travel Requests:
19. Dean E. Miller, Sheriff's Deputy, to travel to Sacramento, California on November 26, 1990, for the purpose of extraditing a prisoner.

MISCELLANEOUS ITEMS:

- A. Commissioner Rohrer motioned to adopt the resolution designating Mark Spahr, Public Works Department Director, as the authorized representative for obtaining federal and/or state emergency or disaster assistance funds. (Resolution #12727)
- B. Commissioner Rohrer motioned to adopt the resolution reappointing Dave Hughes to the Skagit County Planning Commission, the term to expire on November 2, 1994. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12728)
- C. Commissioner Rohrer motioned to adopt the resolution calling for bids for the purchase of motor fuel for the Public Works Department during the calendar year 1991. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12729)
- D. Commissioner Vaux motioned to adopt the resolution calling for a public hearing on December 17, 1990, at 2:30 p.m., to consider adding a new chapter to the Skagit County Code pertaining to the imposition of an excise tax for the funding of the "911" emergency telecommunications system recently accepted by the voters. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #127300)
- E. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a

RECORD OF THE PROCEEDINGS
Monday, December 3, 1990
Page #4

listing which has been made available to the Board.

As of this date, December 3, 1990, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Warrants #61972 through #62467 (Vouchers #013394 through #014091) in the amount of \$518,659.82 (C55-90).
- 2) Manual Warrant #MW040-61971 in the amount of \$3,830.74 (C54-90).
- 3) Warrant #72568 through #72652 (Vouchers #72568 through #72652) in the amount of \$213,278.86 (R32-90).
- 4) Warrants #81074 through #81222 (Vouchers #81074 through #81222) in the amount of \$450,511.73 (PR-22-90)
- 5) Warrants #7827 through #8441 (Vouchers #5842 through #6416) in the amount of \$939,772.19 (P25-90).

PUBLIC HEARING - JOSEPH FOHN REQUEST FOR AGRICULTURAL VARIANCE.

The Board made a site inspection of the subject property, which was located directly adjacent to the north of 1513 Bradshaw Road, Mount Vernon. No public testimony was taken on the site, but the Board convened in their hearing room directly following their return from the site visit to take public testimony.

The applicant was given the first opportunity to speak.

Joe Fohn, 1176 Chilberg Road, Mount Vernon, explained that he planned to install a mobile home and a dairy replacement building on the property when he first purchased it several years ago. Later, he bought a second parcel and abandoned his plans for the mobile home and barn. He now has had an offer to purchase the property, but the buyer is requiring a variance to build 700 feet from the front property line, instead of the required less than 150 feet, before he will finalize the sale. Mr. Fohn stated that he may, even now, have lost the sale because of the delay in hearing his request.

Lance Masonholder, 1495 and 1499 Bradshaw Road, Mount Vernon, stated that the allowance of a 700 foot variance will place the proposed residence behind his barn, causing interference with the agricultural activities he carries on there, such as the raising of livestock and dusting of crops. He stated that there is another spot on the southwest part of the property that is a suitable site for the construction of a residence.

John Roozen, 1784 Chilberg Road, Mount Vernon, made several points. He stated that in 1978 the property was short platted, and as a result of that, the short plat document states that the second parcel can be used for agricultural purposes only. Mr. Roozen stated that there are new standards with which agricultural variances are considered, standards recently adopted to help to protect farmlands from residential encroachment. He stated that the Planning Commission did not conduct a site visit to the property prior to making their recommendation to approve the variance. Mr. Roozen stated that there are many more small parcels located in the same area as the Fohn property that, if this variance is allowed, may be eligible for the same variance, causing many more homes to be built in locations that will interfere with chemical spraying. Mr. Roozen urged the Board to adhere to the new policies they have made.

Jack Eissis, 1494 Bradshaw Road, Mount Vernon, also urged the Board to adhere to their new rules. He agreed with the statements made by Mr. Masonholder. Mr. Eissis pointed out two errors in the Hearing Examiner's findings of fact. He stated that item #4, which states that the western portion of the property, which is the required building site, contains a swale in which water collects during the winter, is in error. Mr. Eissis said that even during the recent severe flooding the swale held no water, making the wester area

RECORD OF THE PROCEEDINGS

Monday, December 3, 1990

Page #5

a buildable site. Mr. Eissis also pointed out that item #5, which states that the proposed location of the residence is an area which is currently unused for any purpose, is also in error, as the property was farmed as early as last year.

At this point, Commissioner Vaux drew a sketch illustrating the location of the swale, the road, the Masonholder barn, and the proposed location of the residence.

Jody Masonholder, 1495 and 1499 Bradshaw Road, Mount Vernon, questioned whether, if the variance is denied, Mr. Fohn may build on his property at all, since the lot is substandard at 40 acres.

Dave Hough, Senior Planner, explained that in 1973 an ordinance was passed allowing a one-time subdivision of agricultural land into a substandard lot. This was not changed to the current standards until 1983; therefore, Mr. Fohn's lot, which was subdivided in 1978, falls under the one-time subdivision rule.

Brief discussion was held to clarify that the request is for a 700 foot variance rather than 900 feet.

Mr. Masonholder stated that Mr. Fohn is also allowed to build outbuildings at the 700 foot distance, as he has stated he wishes to do, Mr. Masonholder's mother's view will be blocked by the outbuildings.

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

Commissioner Vaux stated that if the Board is serious about farmland preservation and farming preservation, it should adhere to its policies. Commissioner Vaux stated that during the Board's tour of the site, he examined the area within 150 feet of the property line. He stated that in his opinion, a residence could be built at that point if fill were brought in. He motioned to deny Mr. Fohn his request for a variance to place a residence at a 700 foot setback from the front property line.

Commissioner Rohrer wondered if the Board could grant Mr. Fohn a maximum setback of 300 feet.

Mr. Hough stated that the Board may place any limit on the setback that they wish.

Commissioner Rohrer felt that a setback within the 150 foot point would block the neighbor's view. He motioned to amend Commissioner Vaux's motion to be that the front setback not exceed that of the barn.

Chairman Wylie questioned whether a septic system would fit within the 150 foot setback.

Mr. Hough stated that the septic system setback is not limited to 150 feet, as is the building site.

Commissioner Rohrer was instructed that Commissioner Vaux's motion to deny the Fohn request could not be amended, but that Commissioner Rohrer would have to put forth his own motion.

At this point, Chairman Wylie seconded Commissioner Vaux's motion, and the motion carried with votes from Commissioner Vaux and Chairman Wylie. Commissioner Rohrer voted nay.

RECORD OF THE PROCEEDINGS
Monday, December 3, 1990
Page #6

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