

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

Tuesday, March 26, 1991

- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Planning Commission Work Load Discussion.
 - 2) Comprehensive Plan Update.
 - 3) Enforcement Report Update
 - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Appeal of Hearing Examiner's Decision to Deny Special Use Permit Application #SP-90-038 of IB and Alaina Knoblauch.
- 11:00 a.m. - 11:30 a.m. Discussion - UMTA Section 3 Program - Bruce Coghill, Executive Director - Skagit Council on Aging.
- 1:30 p.m. - 2:00 p.m. Bid Opening - County Legal Printing.
- MISCELLANEOUS ITEMS.
- 2:00 p.m. - 3:00 p.m. Public Works Department - Mark Spahr, Director:
- 1) Resolution - Regarding Payment for Replacement of Rotostep Screen for Burlington Wastewater Treatment Plant.
 - 2) Signature - WSDOT Agreement - Riverside Drive Bridge Study.
 - 3) Signature - Two Rock Grants.
 - 4) Notification of Public Meeting Schedule - Drainage Utility Discussions.
- 3:00 p.m - 3:30 p.m. Public Comment Period.

The Skagit County Board of Commissioners met in regular session on Tuesday, March 26, 1991, with Commissioners W. W. Vaux, Ruth Wylie, and Robby Robinson present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - Scott Kirkpatrick, Director:

A miscellaneous item was presented first per Mr. Kirkpatrick's request. Commissioner Robinson's absence was excused for the following item.

4) Miscellaneous.

- A. Mr. Kirkpatrick presented to the Board for signature an agreement between Skagit County and the Federal Emergency Management Agency (FEMA) for the acquisition of flood damaged property.

After some discussion Commissioner Wylie motioned to approve for signature an Agreement between FEMA and Skagit County relative to the acquiring of property on Mann Road and in Marblemount as originally agreed under the FEMA buyout program. Commissioner Vaux seconded the motion, which was carried. (Contract #00889)

Commissioner Robinson was present for the following agenda items.

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1) Planning Commission Work Load Discussion

Gary Christensen of the Planning Department reported. Norm Schaaf, of the Planning Commission and Robert Scofield, Hearing Examiner, were also present.

Mr. Christensen reviewed some amendments to the Planning Commission schedule with the Board. He explained that there are a number of agenda items being dealt with in one night and it is difficult to deal with more than two items. The meeting starting time has been changed from 8:00 to 7:30 p.m. Also, due to the complexity of the issues, whether GMA requirements or public concerns, oftentimes it is difficult to reach a decision in one night.

Chairman Vaux discussed with Mr. Schaaf the overburdening of the Planning Commission and how the Commissioner members manage the stress.

Commissioner Wylie asked if they feel they have all the information they need to make decisions. Mr. Schaaf said a great deal of public testimony is received at meetings. The Planning Commission has discussed having a County sponsored review of whatever testimony or presentations are given through an EIS. It might be possible to use experts from the University of Washington or an outside engineering firm. To have an outside objective view of presentations would be helpful.

Mr. Christensen reviewed further the Planning Commission docket. He emphasized that it is becoming more and more difficult to be able to review some of the issues in an expeditious manner.

Commissioner Vaux asked Mr. Scofield if there is a need to resurrect the old Board of Adjustment and/or redirect some of the Planning Commission items to Mr. Scofield or his assistant. Mr. Scofield said that it was not necessary to resurrect the Board of Adjustment but the Hearing Examiner could be doing the plats. He added that he was ready to take on this responsibility.

There was further discussion regarding this matter, with Commissioner Vaux stating that he believes the Planning Commission schedule is unrealistic or unworkable. He said it is at the point where the Planning Department, Mr. Scofield and the Planning Commission and the Planning Department technicians need to come up with a solution to the problem and present it to the Board of Commissioners. Commissioner Vaux expressed some concern about the County's ability to meet the state deadline in terms of the Growth Management Act.

Commissioner Vaux asked that a meeting be held between the Planning Department, Planning Commission and the Hearing Examiner to see if a solution can be reached to better manage the Planning Commission's workload. Mr. Kirkpatrick said they would deal with this with the Planning Commission Chairman and a subcommittee of which Mr. Schaaf might be a member.

Commissioner Vaux requested that Mr. Kirkpatrick come back to the Board within the next couple of weeks with a proposal.

Mr. Schaaf said that, regarding the issue of plats and their approval, he feels this is one area which the Commission members have a strong feeling about. He said they do not necessarily wish to pass over the opportunity to review plats. Perhaps smaller portions could be reviewed by the Hearing Examiner. Commissioner Vaux agreed.

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3) Enforcement Report Update

Mr. Kirkpatrick stated that he would schedule some time with the Board to discuss the status of enforcement. He distributed tracking reports.

4) Miscellaneous

B. Tuesday, April 16, 1991 at 2:00 p.m. was scheduled to review a Planning Commission Referred Item relative to a remanded item from the Board of County Commissioners on siting criteria and administrative variances in agricultural zoning districts.

APPEAL OF HEARING EXAMINER'S DECISION TO DENY SPECIAL USE PERMIT APPLICATION #SP-90-038 OF IB AND ALAINA KNOBLAUCH.

Grace Roeder, Senior Planner, presented photographs, and an Assessor's map, a site plan and the entire file of the Hearing Examiner. She located the subject property on the southeast corner of Best and Chilberg Road.

Ms. Roeder stated that the Board may exercise any of the following options:

- 1) To uphold the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

Ms. Roeder cautioned that no new evidence may be heard at this time, and only statements which repeat evidence which was introduced at the public hearing of the Hearing Examiner may be made.

Ms. Roeder offered to read a petition opposing the application; however, Brad Furlong, attorney for the applicant, objected to the introduction of the petition on the grounds that it was not presented to the Hearing Examiner. Ms. Roeder noted that the Hearing Examiner's public hearing was held on February 5, 1991, while the petition is date stamped January 25, 1991, but Mr. Furlong persisted in his objection, and the petition was withdrawn.

Ms. Roeder explained that the applicant is requesting a Special Use Permit to allow the operation of a retail antique sales facility. Sales will include garden items grown on-site. No new additions to buildings or new construction is proposed, only cosmetic work. The property is zoned Agricultural. While the staff has recommended approval of the request, the Hearing Examiner chose to deny the request. Staff based their recommendation on the fact that the approximate 3 acre parcel was subdivided from a larger parcel around 1986 because it was felt that the three acres had little useable farmland because of a ditch running across the property and the presence of farming outbuildings. A major change to the intersection at which the property is located by the Public Works Department will further render the acreage difficult to use. The applicant's proposal includes the use of the three acres for crops which can be sold by the business. The Staff recommended 10 conditions be added to the granting of any Special Use Permit, summarized as follows:

- 1) Obtain all necessary permits.
- 2) Comply with all building regulations.
- 3) Address parking.
- 4) Limit the retail sales to antiques, produce and flowers.

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- 5) Limit retail sales to within the buildings only.
- 6) Sign a hold harmless agreement with regard to the location of the business near agriculture.
- 7) Limit signage to that approved.
- 8) Limit business days to five days per week, and hours to no later than 8:00 p.m.
- 9) The business may not be expanded.
- 10) The business must comply with the performance standards of the Skagit County Code.

Brad Furlong, attorney for the applicant, was given an opportunity to speak. Mr. Furlong stated that erroneous conclusions reached by the Hearing Examiner are the basis of the applicant's request for a public hearing by the Board of County Commissioners. Mr. Furlong asked each Board member if they had had any ex parte communications pertaining to this case. Chairman Vaux and Commissioner Robinson replied that they had not, and Commissioner Wylie indicated that she had a message on her desk from the Johnson brothers, which stated that they are opposed to the application.

Mr. Furlong, in his remarks, stated that the buildings were in fairly poor condition when they were purchased by the Knoblauchs; however, they have restored them to good condition, and have leased a portion of the three acres to the Roozens for crops. A small area has been designated for sale crops. The realignment of the Chilberg Road by the Public Works Department is expected to increase the traffic at the intersection where the Knoblauch property is located; however, since the opening for the parking area is 150 feet from the intersection it should not affect the traffic, as indicated by the Hearing Examiner in Condition #1. Mr. Furlong felt that the Hearing Examiner's finding that the use is inconsistent with the zoning listed in the comprehensive plan for the area is erroneous, in that there are a number of non-agriculture related businesses operating in the general location. He provided a list of "bed and breakfast" facilities and tea houses located in the general area. Finally, Mr. Furlong maintained that the granting of the application would not set a precedent for further commercialization of the area because the business is a modest, family-type business as opposed to a large commercial endeavor.

Alaina Knoblauch was granted an opportunity to speak, after being warned that comments must pertain to the evidence presented to the Hearing Examiner. She testified that the property was purchased for residential use, but the re-routing of traffic by the Planning Department forced the Knoblauchs to make other plans for the use of their property. She also indicated that the business would tend to enhance the previously dilapidated facilities.

Oliver Pearson, a resident of Calhoun Road, was in favor of the proposal.

Don Kruzi, the adjoining property owner and original owner of the Knoblauch property, was opposed to the application. He felt it would cause traffic problems, and he felt that the three acres of land is useable for agriculture purposes with or without an antique store. He stated that the fact that antique furniture is sold does not make the project any less commercial, and therefore constitutes a precedent. He questioned Ms. Roeder about the reason the petition was not submitted to the Hearing Examiner, and Ms. Roeder had no explanation. Mr. Kruzi stated that the Knoblauchs were operating their business without permits before they were ordered to shut down, and later reopened, again without permits before they were shut down again.

Phil Jennings of 1610 Best Road felt that an additional hearing would prolong the process. He felt that since the Knoblauchs ignored the order to shut down their unpermitted business, they did not deserve another hearing.

Mr. Furlong then recapped. Referring to Finding of Fact #4, Mr. Furlong stated that sales of flowers would be as much as 40% of the business, and therefore would not be an incidental use, as stated by the Hearing Examiner. As to Finding #5, Mr. Furlong implied that if the barns are not used for antiques sales, they will

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not be used at all, and therefore will not receive the highest and best use. Mr. Furlong differed with the Hearing Examiner's comparison of the request to Skagit County Code 14.04.050.

At the conclusion of the arguments, Chairman Vaux made a statement. He stated that it was the original intent, at the subdivision of the home site from the rest of the agricultural property in 1986, to preserve the farmland, not the home site. The fact that, in the applicant's view, they must have a business on the home site property to preserve the home sight is not germane to the preservation of the farmland, which is the intent of the comprehensive plan for that area. Chairman Vaux agreed with the Hearing Examiner, stating that it is wrong to add any retail enterprize in the agriculture zone. Chairman Vaux stated that "bed and breakfasts" are not comparable to retail businesses. He motioned to uphold the decision of the Hearing Examiner.

Commissioner Wylie stated that although she is not opposed to farm retail businesses, they should sell only farm grown items. She also felt that the maintenance of the home site is not reason to allow commercialization of the agriculture zoned parcel. She seconded Chairman Vaux's motion.

Commissioner Robinson agreed that antique sales do not constitute agriculture related business.

A vote was called and the motion received unanimous approval.

DISCUSSION - UMTA SECTION 3 PROGRAM - BRUCE COGHILL, EXECUTIVE DIRECTOR - SKAGIT COUNCIL ON AGING.

A letter from Paul Gamble of the Washington State Department of Transportation was reviewed which SCOA had received in response to their application to the UMTA (Urban Mass Transit Agency) Section 3 program for \$120,000 to purchase two new buses. The application had been accepted, but to be considered further, SCOA must provide proof of a \$42,000 commitment of matching funds. Mr. Coghill asked the Board to commit these funds from the County's resources on behalf of SCOA. An April 12 deadline must be met for response to Mr. Gamble's letter, but the funds will not actually be needed until at least next year.

After discussion, Commissioner Wylie motioned that Skagit County submit a letter of commitment on behalf of SCOA to Mr. Gamble of WSDOT, with the understanding that in the interim between commitment and expenditure, every effort be made by both SCOA and the County to find an alternate source or sources for the funds. Commissioner Robinson, although concerned about the possibility of overtaxing the general fund, seconded the motion, which received unanimous approval.

BID OPENING - COUNTY LEGAL PRINTING.

Chairman Vaux waived the reading of the notice of call for bids, as published in The Skagit Argus on February 12 and 19, 1991.

Four examples were given to each bidder to price for printing.

The following bids were received and opened:

- 1) The Skagit Argus
413 Gates Street
Mount Vernon, WA 98273

Example #A - \$14.00

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Example #B - \$10.50

Example #C - \$38.50

Example #D - \$61.25

- 2) The Skagit Valley Herald
1000 E. College Way
Mount Vernon, WA 98273

Although the examples were typeset for printing, no prices were quoted for any of them.

The bids will be reviewed and an award made on Monday, April 1, 1991.

MISCELLANEOUS ITEMS.

There were no miscellaneous items at this time.

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR.

- 1) Resolution - Regarding Payment for Replacement of Rotostep Screen for Burlington Wastewater Treatment Plant.

Commissioner Wylie motioned to adopt the resolution directing that a payment of \$8,000 be made to the Hycor Corporation for a rotostep screen installed at the Burlington Wastewater Treatment Plant. After the performance of the unit has been declared satisfactory, a final payment of \$2,000 is authorized. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12919)

- 2) Signature - WSDOT Agreement - Riverside Drive Bridge Study.

Mr. Spahr explained that last year the County, on behalf of the Cities of Burlington and Mount Vernon, made application to the Transportation Improvement Board for \$500,000 to conduct a study and prepare plans for a bridge structure improvement to the Skagit River Bridge on Riverside Drive within the city limits of Burlington and Mount Vernon. The TIB application was unsuccessful; however, the legislature did appropriate \$125,000 for the purpose of partially funding a study. The County has now been warned that if the \$125,000 is not used, it must be returned. The parties to the study have now agreed to go ahead with the study to the point that the funds run out. Skagit County will retain \$10,000 for administration and the State will retain \$5,000 for engineering assistance. The total project estimate, Mr. Spahr reported is \$10 to \$15 million.

The agreement with the State Department of Transportation for \$125,000 to conduct a feasibility study of the existing Riverside Drive Skagit River Bridge was approved for signature. (Contract #00890)

- 3) Signature - Two Rock Grants.

Commissioner Wylie motioned to adopt the resolution authorizing flood control project #9106, a rock rip-rap grant in the amount of \$650 to Ron Davis to repair 200 feet of shoreline adjacent to Clear Lake. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12920)

Commissioner Wylie motioned to adopt the resolution authorizing flood control project #9107, a rock rip-rap grant in the amount of \$2762.50 to Duane Whitaker to repair approximately 600 feet of embankment along the right bank of Friday Creek. Commissioner Robinson seconded the motion, which passed unanimously.

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(Resolution # 12921)

4) Mr. Spahr provided the following schedule of public meetings pertaining to the proposed establishment of a County-wide storm drainage utility:

Anacortes/Fidalgo area	Tuesday, April 2, 1991, Anacortes City Hall.
Mount Vernon/Conway areas	Thursday, April 4, 1991, Hearing Rooms A, B, C or County Administration Building.
Sedro Woolley/Upriver area	Monday, April 8, 1991, Sedro Woolley Senior Center.
LaConner/Fir Island area	Tuesday, April 16, 1991, Rexville Grange.
Edison/Allen area	Thursday, April 18, 1991, Allen United Methodist Church Hall.

MISCELLANEOUS ITEMS.

A. Commissioner Wylie motioned to adopt the resolution establishing a list of eligible suppliers of motor fuel as follows:

Item #1 - Ferry/Courthouse/Concrete

Reisner Distributors, Inc.	\$86,870.00
Skagit Petroleum, Inc.	\$89,061.00
Martin Oil Company	\$89,236.00
Skagit Farmers Supply	\$85,427.00

Conventional Delivery to Burlington

Reisner Distributors, Inc.	\$94,620.00
Skagit Petroleum, Inc.	\$95,090.00
Knutson Petroleum Distributor	\$95,455.00
Skagit Farmers Supply	\$98,390.00

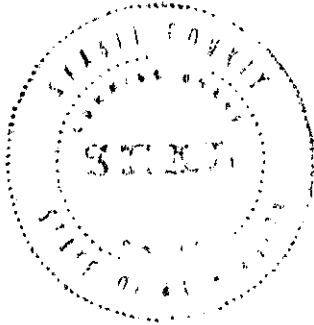
Keylock System - Burlington

Reisner Distributors, Inc.	\$114,867.50
Knutson Petrol Distributor	\$101,045.00
Skagit Farmers Supply	\$101,995.00

ADJOURNMENT:

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Robinson seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux, Chairman

Robby Robinson

Robby Robinson, Commissioner

Ruth Wylie

Ruth Wylie, Commissioner

ATTEST:

Stephanie Wood

Stephanie Wood, Clerk
Skagit County Board of Commissioners