

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

**Tuesday, April 30, 1991**

- 9:00 a.m. - 9:30 a.m. Department of Emergency Management:
- 1) Overview of State Search and Rescue Conference.
  - 2) Proclamation - Search and Rescue Awareness Week.
- 9:30 a.m. - 10:30 a.m. Miscellaneous Budget/Financial Matters.
- 10:30 a.m. - 11:30 a.m. 1) Presentation - Annual Plan - Soil Conservation District.  
2) Proclamation - Soil and Water Stewardship Week.
- 1:30 p.m. - 2:00 p.m. Discussion - Facilities Contracts.
- 2:00 p.m. - 3:00 p.m. Planning Commission Referred Items:
- 1) Recommendation - Gibraltar Heights Interim Development Moratorium.
  - 2) Clarification - 1973 Harrison Contract Rezone.
- 3:30 p.m. - 4:00 p.m. Public Comment Period.

The Skagit County Board of Commissioners met in regular session on Tuesday, April 30, 1991, with Commissioners W. W. Vaux, Ruth Wylie and Robby Robinson present.

**DEPARTMENT OF EMERGENCY MANAGEMENT:**

1) Overview of State Search and Rescue Conference.

Gary Frazier, Skagit County Sheriff; Ron Panzero and John Hunter, Sheriff's Office; and Tom Sheahan, Director, Skagit County Emergency Management, were present to discuss the Search and Rescue Conference being held May 3, 4, and 5, 1991, at Camp Kirby on Samish Island.

John Hunter reported that parking for the conference is well organized and no problems are expected. Overwhelming response has been received and it is expected that approximately 500 people will be in attendance. Chief Hunter advised that the residents of the island had been informed of the conference. Also, the local children have been invited to the helicopter demonstrations.

Tom Sheahan reported there would be two helicopter demonstrations as well as numerous other classes and events. He advised the Search and Rescue groups state-wide were asked what courses they wanted and these were the courses they came up with. Commissioner Vaux agreed that an interesting lineup of events was planned.

2) Proclamation - Search and Rescue Awareness Week.

Chief Hunter read a proclamation proclaiming Search and Rescue Volunteer Recognition Week.

Commissioner Wylie motioned to proclaim May 1 through May 7, 1991, as Search and Rescue Volunteer Recognition Week. Commissioner Robinson seconded the motion, which passed unanimously.

**RECORD OF THE PROCEEDINGS**

**Tuesday, April 30, 1991**

**Page #2**

**MISCELLANEOUS BUDGET/FINANCIAL MATTERS.**

Mike Woodmansee, Budget/Finance Director, reviewed several miscellaneous budget/finance matters with the Board.

- A. Mr. Woodmansee presented a Contract for Professional Services for Board approval between the Skagit County A.R.I.S. Program and Catholic Community Services Northwest for individual and family therapy in Sedro Woolley. He explained the criteria to qualify to use the service.

Commissioner Robinson motioned to approve for signature a Contract for Professional Services between the Skagit County A.R.I.S. Program and Catholic Community Services Northwest for individual and family therapy at the rate of \$25.00 per hour for clients not exceeding that rate on CCSNW sliding fee schedule. Commissioner Wylie seconded the motion, which passed unanimously. (Contract #00927)

- B. Mr. Woodmansee advised that the Health Department is in need of a small four wheel drive pickup for work performed out in the field. A bid package will be prepared.
- C. A Probation Services Agreement between Skagit County and the City of Anacortes for probation services was approved for signature. (Contract #00928)
- D. Mr. Woodmansee distributed the CommonGround quarterly report to the Board. He noted that 204 people had been served in the first quarter.
- E. Mr. Woodmansee reported on the "911" meeting held the previous week. He stated that the EMS Council would be meeting on Wednesday, May 1, and he would report back to the Board on "911" financing after that meeting.

**MISCELLANEOUS**

- A. Commissioner Wylie motioned to approve for signature vouchers 101720 through 102299 and payroll warrants 11347 through 11935 in the amount of \$964,153.00. Commissioner Robinson seconded the motion, which passed unanimously. (P-8-91)
- B. Commissioner Wylie motioned to approve for signature payroll warrants 85676 through 85822 in the total of \$330,800.25. Commissioner Robinson seconded the motion, which passed unanimously. (PR-8-91)

**PRESENTATION - ANNUAL PLAN - SOIL CONSERVATION DISTRICT.**

Vicky Mesman of the Soil Conservation District introduced Tyler Clark, Betty Norton, Carolyn Kelly and Ella Summit of the District.

Ms. Mesman presented slides showing some of the District's programs for 1990. Some of their program include working with farmers on manure management, use of cover crops, wildlife ponds, the Skagit Forest Nursery, and fencing. Ms. Mesman cited some of the projects the Soil Conservation District has contributed funds to, including about 1.3 million dollars for the dike repair on Fir Island. She stated their goal is to promote and educate in the wise use of natural resources for the next generation.

Ms. Mesman distributed and reviewed copies of the Annual Plan with the Board. The Board expressed

## RECORD OF THE PROCEEDINGS

Tuesday, April 30, 1991

Page #3

appreciation to Ms. Mesman and the other representatives of the Soil Conservation District for their work.

A contract for professional services with the Soil Conservation District was signed, in which Skagit County provides funding in the amount of \$25,000 to the District in return for resource management programs relating to water quality, wetlands, pesticides, farm and forestland protection, groundwater, growth, flood control and wildlife. (Contract #00929)

### PROCLAMATION - SOIL AND WATER STEWARDSHIP WEEK

Ms. Mesman read a proclamation declaring April 28 through May 5, 1991, Soil and Water Stewardship Week.

Commissioner Wylie motioned to approve for signature a proclamation declaring April 28 through May 5, 1991 Soil and Water Stewardship Week. Commissioner Robinson seconded the motion, which passed unanimously.

### DISCUSSION - FACILITIES CONTRACTS.

Three agreements were signed as follows with agencies contracting to perform architectural services for Skagit County. Commissioner Wylie motioned their approval, with Commissioner Robinson seconding, and unanimous approval received.

- 1) The Cheney/Page Architects for services relating to the remodel of the Juvenile Probation Department facility, and the completion of an unfinished room in the Sheriff's Office. (Contract #00930)
- 2) Tom Theisen, AIA, for services relating to projects in the jail, the Courthouse complex parking lot, sidewalk and steps, improvements to the Public Defender's building, removal of the Mobil Station, improvements to the Parks Department building, Auditor's Office, and Superior Court judges' chambers, and improvements to the south parking lot. (Contract #00931)
- 3) Henry Klein Partnership for services relating to the construction of a new County building on the site of the old Blade Building. (Contract #00932)

### PLANNING COMMISSION REFERRED ITEMS.

- 1) Recommendation - Gibraltar Heights Interim Development Moratorium.

Gary Christiansen, Senior Planner, introduced this item, stating that it is brought before the Board of Commissioners following the Board's request that the Planning Commission recommend interim controls on development activities in the area of a landslide which occurred in the Gibraltar Heights area on Fidalgo Island following extremely heavy rains. Interim controls were requested by a group of area residents in order to maintain constant environmental conditions for the duration of a geotechnical study of the slide plane.

Jim Cahill, Associate Planner, reviewed the recorded motion of the Planning Commission, which was as follows:

Land use, building and septic approvals shall not be granted or issued within the slide area boundaries described below for a duration not to extend past June 18, 1991, from the date of the approved Board of County Commissioners' resolution.

Interim control boundaries:

**RECORD OF THE PROCEEDINGS**

**Tuesday, April 30, 1991**

**Page #4**

From a point at the intersection of the centerline of Howard Street as recorded in the Plat of Fidalgo City where it meets Similk Bay, thence northerly to the North line of the Southeast quarter of S18-T34N-R2E, thence easterly to the northeast quarter corner of S18-T34N-R2E, thence easterly to S17-T34N-R2E to its intersection with the centerline of Oregon Street to the intersection of Carolina and Whidbey Streets and continuing southerly to Similk Bay, thence west along the Ordinary High Water Mark of Similk Bay to the true point of beginning.

Maps of the area were reviewed and Chairman Vaux gave a description of the area to the audience. It was noted that the expiration date, June 18, is 90 days from the date of the Board of Commissioners' request to the Planning Commission for a recommendation.

Chairman Vaux stated that the Board may exercise any of the following options:

- 1) To adopt the recommendation of the Planning Commission.
- 2) To remand the matter back to the Planning Commission for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

Ross Barnes, a Fidalgo Island resident, stated that his contacts in the neighborhood were unaware of the public hearing held by the Planning Commission on this matter. He stated that the Salmon Beach landowners were not notified. He questioned why the Board was so late in acting on the matter of the study conditions. He felt that the scope of the controls was much too large. Mr. Barnes submitted his own proposal for interim controls, requesting that the Board hold their own public hearing at which all interested parties are notified of the date. He stated that he is aware of two projects which require permitting and should be allowed to proceed, as they do not contribute to the degradation of the study conditions.

Keith Eide, president of the Salmon Beach Landowners Association, submitted a letter of support for the proposal from 23 members of the Association. He also indicated that the two projects cited by Mr. Barnes would be beneficial to the area.

Another audience member who resides on Carolina Street was concerned that, in case of an emergency, he would be unable to obtain a land use permit.

Chairman Vaux explained to the audience the Board's option to allow exceptions to the interim controls in cases of emergency or hardship.

Virginia Bridges asked whether a landowner could sell property during the period the controls are in effect.

Chairman Vaux stated that nothing in the controls prohibits the sale of property.

A discussion ensued regarding publication of the Planning Commission's public hearing, and the extent of the endangered area.

Another audience member voiced his support of the controls.

Mike Felt stated that the study information is needed by property owners to determine their relative safety and land use options.

Gary Jones was concerned that measures which could be taken during the study period that may be beneficial to the area will not be allowed during the moratorium. He suggested conditioning the controls to allow beneficial projects.

## RECORD OF THE PROCEEDINGS

Tuesday, April 30, 1991

Page #5

Mr. Barnes pointed out that the County graded their road during the study period, which indicates that others should be allowed to undertake land use activities on their properties. He also objected to Mr. Eide's statement that the Salmon Beach Landowners Association unanimously voted to support the controls, as he stated that he is a member of the Association and is not in favor of the controls.

After the discussion, Commissioner Wylie motioned to adopt the recommendation of the Planning Commission, as contained in their recorded motion. Commissioner Robinson seconded the motion, which passed unanimously.

### 2) Clarification - 1973 Harrison Contract Rezone.

Mr. Christiansen stated that the Planning staff was requested to act on a request by Mr. Marshall D. Cooper to construct a motel on property he had purchased which is governed by a 1973 contract rezone. The Planning Department staff did not feel that they have the discretion to resolve the matter of whether a bar or restaurant is permitted under the contract rezone, and therefore requested clarification from the Planning Commission. The property is located approximately 1 mile west of Marblemount, north of and adjacent to SR 20.

Jim Cahill, Associate Planner, stated that the Planning Commission, on a 7-0 favorable vote, recommends to the Board the following:

The intent of the original Harrison Contract Rezone in 1973 was for a motel only, and that a bar, restaurant or other support services incorporated into a motel on the subject property would not be in keeping with the intent and conditions of the contract rezone.

The Planning Commission based their decision on the contract rezone itself, as well as upon the written minutes of the Planning Commission meeting held to consider the original proposal. These maps, minutes, and the original contract rezone were also provided in the Board of Commissioners' packets for review.

Mr. Christiansen stated that the Board may exercise any of the following options:

- 1) To adopt the recommendation of the Planning Commission.
- 2) To remand the matter back to the Planning Commission for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

At this point, Commissioner Wylie requested a short recess, and after returning, disclosed that her husband, Jack Wylie, was a County Commissioner at the time the contract rezone was permitted, but denied any discussion of the rezone with her spouse prior to today's meeting.

Larry Erickson, representing Mr. Cooper, requested to speak before leaving for another engagement. He claimed that Mr. Cooper received assurances from the Planning Department that his construction would be allowed. Later the Planning Department chose to request further review with respect to the request for food services on the premises.

Mr. Christiansen then provided aerial and 35 mm photographs of the subject property.

Chairman Vaux asked staff what options the applicant has for his property in view of the existence of the contract rezone.

Mr. Christiansen stated that if food services are not allowed, Mr. Cooper must make a new application

## RECORD OF THE PROCEEDINGS

Tuesday, April 30, 1991

Page #6

which would request new zoning of the property to highway oriented or commercial-light industrial designation. Given the time frame and the environmental concerns involved, the applicant chose to request a clarification of the contract rezone before the Planning Commission rather than to make a new application.

Commissioner Wylie asked what the applicant would be allowed to do with his property if the contract rezone were not present. Mr. Christiansen stated that the property would revert back to its original zoning, which was rural residential.

Mr. Cahill submitted letters received from the community supporting the concept of the motel, but objecting to the proposed location.

Paul Taylor, an attorney representing the applicant, stated that he was surprised at the turn of events that occurred at the Planning Commission meeting. He stated that the Planning Commission members were given a packet of reports at the meeting, with no guidance as to what was being considered. The Planning Commission should have made their decision based upon the content of the contract rezone, but instead based their decision upon the minutes from the public hearing. He requested the Board hold their own public hearing at which they would consider the definition of a "motel" as permitted under condition #1 of the Harrison contract rezone.

Mr. Christiansen indicated that the direction given to the Planning Commission was clearly outlined in a memorandum submitted with their packet. The same memo was provided to the Board of Commissioners. The Planning Department staff did not give their recommendation, as they did not feel it was appropriate to do so.

Mr. Cooper stated that his motel will not be able to survive without an attached restaurant and bar. His proposal would provide 25 jobs for the area. He stated that the letters submitted at the Planning Commission meeting were from many people who do not live in the Marblemount area, and were instigated by one person who is opposed to the proposal.

Commissioner Robinson stated that, although he recognizes that modern-day motels usually include a bar and restaurant, it is clearly the original intent of the contract rezone that no eating facilities be included in a motel complex on the property. Commissioner Robinson did state that he would be willing to study the matter further if Commissioners Wylie and Vaux wished to do so.

Commissioner Wylie stated that she wishes to study the issue further, and motioned to hold a public hearing, following a site visit to the subject property. Commissioner Robinson seconded the motion, which passed unanimously.

The site visit to Marblemount was scheduled for Tuesday, May 21, 1991, at 5:00 p.m. at the Cooper property, with a public hearing directly following at the Marblemount Community Hall.

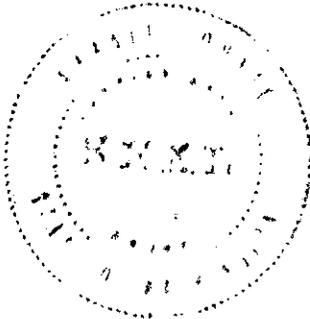
### MISCELLANEOUS ITEMS.

- A. The Board approved for signature an agreement with the City of Anacortes to abide by a pending Attorney General's opinion which will clarify whether the Anacortes-Fidalgo Coordinated Water System Plan, which allows the City of Anacortes to provide water serve beyond its corporate boundaries, or R.C.W. 36.93.090 which mandates that the Boundary Review Board review all extensions of permanent water service outside the boundaries of incorporated cities should be followed. (Contract #00933)

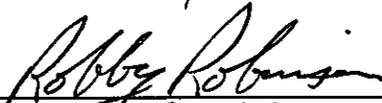
**ADJOURNMENT:**

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

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

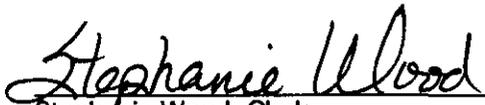


  
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W. W. Vaux, Chairman

  
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Robby Robinson, Commissioner

  
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Ruth Wylie, Commissioner

ATTEST:

  
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Stephanie Wood, Clerk  
Skagit County Board of Commissioners