

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

Tuesday, May 21, 1991

9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick,
Director:

- 1) Discussion - Preliminary Plat Review.
- 2) Enforcement Report Update.
- 3) Miscellaneous.

10:00 a.m. - 11:00 a.m. Hearing Examiner Recommendations:

- 1) Approval - Agricultural Variance for Mark Cutler.
- 2) Approval - Agricultural Variance for Hubert and Mitchell Johnson.
- 3) Approval - Agricultural Variance for John Skeel.

11:00 a.m. - 11:30 a.m. Parks & Recreation Department - Jon Aarstad, Director:

- 1) Discussion - Contract with YMCA for Clear Lake Swimming Park Management.
- 2) Signature - Contract with IAC.
- 3) Discussion - Tourism Promotion - Skagit County Fair.
- 4) Miscellaneous.

1:30 p.m. - 2:00 p.m. 1) Bid Opening - Burlington Maintenance Shop Remodel.
2) Bid Opening - Peterson Road Paving, et al.

MISCELLANEOUS ITEMS.

2:00 p.m. - 3:00 p.m. Work Session - Criteria for Siting of New Landfill.

3:00 p.m. - 3:45 p.m. Update - At-Risk Intervention Specialist (ARIS) Program.

5:00 p.m. - 5:30 p.m. Site Visit - M.D. Cooper Property, Marblemount.

5:30 p.m. - 6:30 p.m. Public Hearing - Interpretation of 1972 Contract Rezone for Motel of Roy J.
Harrison.

(Marblemount Community Hall - 5879-A Highway 20, Marblemount, WA)

The Skagit County Board of Commissioners met in regular session on Tuesday, May 21, 1991, with Commissioners W. W. Vaux, Ruth Wylie and Robby Robinson present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

- 1) Discussion - Preliminary Plat Review

Kraig Olason, Senior Planner, reported that he conducted a survey of other counties to see how they are handling their plats. He talked with Island, San Juan, Thurston, Walla Walla and Whatcom Counties and has been trying to contact Snohomish County. There appear to be three options:

- 1) Hearing Examiner handling plats and making recommendations to the Board of County Commissioners.

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- 2) Planning Commission reviewing and making recommendations to the Board of County Commissioners.
- 3) Hearing Examiner making final decision.

Mr. Olason explained further that in most cases if the Hearing Examiner makes the decision it is appealable to the Board or executive branch. The Hearing Examiner review is more consistent, primarily because the Hearing Examiner is used to working with that kind of material. In all cases staff felt the Hearing Examiner's review helped to expedite requests, especially in counties that had many plat hearings to review.

Commissioner Wylie asked how long it takes from time of application until the plat is approved. Commissioner Vaux asked Brian McGuinness if he would obtain that information from the builders in Snohomish and Whatcom Counties. Mr. McGuinness agreed that he would.

The Board discussed the possibility of the Hearing Examiner handling plat hearings. Commissioner Wylie suggested the possibility of another Hearing Examiner. Mr. Olason said he would do some more checking to see how many hours are going into review and then report back to the Board.

2) Enforcement Report Update.

Mr. Olason reviewed the Enforcement Report Update with the Board.

3) Miscellaneous

Mr. Olason described the services to be provided by Entranco Engineers, Inc. to carry out activities in the Lower Skagit River basin. Commissioner Wylie motioned to approve for signature a Consultant Services Agreement between Skagit County and Entranco Engineers in the amount of \$44,960.00 to develop a sampling and water quality study in the Lower Skagit River basin with a completion date of September 3, 1992. Commissioner Robinson seconded the motion, which passed unanimously. (Contract #00990)

HEARING EXAMINER RECOMMENDATIONS

1) Approval - Agricultural Variance for Mark Cutler

Grace Roeder, Associate Planner, Skagit County Planning Department, reported. She reviewed photographs and a map of the area with the Board. The Hearing Examiner has approved a variance request to allow the placement of a residence further than the required 150 ft. rear yard setback in the Agricultural Reserve Zone. The Planning Department staff have also recommended approval of the request.

Commissioner Wylie motioned to approve for signature a resolution authorizing approval of an agricultural variance for Mark Cutler subject to the conditions of approval on the recommendation. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12978)

2) Approval - Agricultural Variance for Hubert and Mitchell Johnson

Grace Roeder reported, providing photographs and a map of the area for the review of the Board. The Hearing Examiner pro-tem has recommended approval of this variance request to allow subdivision of approximately 16,000 sq. ft. with an existing residence from a total of approximately 120 acres. The Planning Department staff have also recommended approval of the request.

Commissioner Wylie motioned to approve for signature a resolution authorizing approval of a variance

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request for Hubert Johnson and Mitchell Johnson subject to the conditions of approval listed on the recommendations. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12979)

Commissioner Wylie was excused for the following portion of the public meeting.

3) Approval - Agricultural Variance for John Skeel

Jeff Morgan, Assistant Planner, Skagit County Planning Department, reported. He reviewed a map of the area with the Board. The Hearing Examiner has recommended approval of this variance request to allow the placement of a residence that would exceed the 150 foot rear yard setback. The Planning Department has also recommended approval of the request.

Commissioner Robinson motioned to approve for signature a resolution authorizing approval of an agricultural variance for John Skeele subject to the conditions of approval listed on the recommendations. Commissioner Vaux seconded the motion, which was carried. (Resolution # 12980)

Commissioner Wylie returned for the following portions of the public meeting.

MISCELLANEOUS ITEMS.

- A. 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 listing which has been made available to the Board.

As of this date, May 21, 1991, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Commissioner Wylie motioned to approve for signature vouchers 81103A through 81285 and warrants number 81103A through 81285 in the total of \$328,722.86. Commissioner Robinson seconded the motion, which passed unanimously. (R12-91)

PARKS AND RECREATION DEPARTMENT - JON AARSTAD, DIRECTOR:

1) Discussion - Contract with YMCA for Clear Lake Swimming Park Management.

Jon Aarstad discussed with the Board the contractual agreement between the Parks and Recreation Department and the YMCA regarding the provision of swimming instruction services at Clear Lake. Mr. Aarstad explained that the YMCA has requested that there be a statement of assurance that if there is a cost overrun for this, the County will be responsible for funding that. This will be watched carefully to insure that the cost is as minimal as possible. The Board agreed with the YMCA's request that the County underwrite these costs. Mr. Aarstad will schedule time with the Board to review this matter further.

2) Signature - Contract with IAC

Commissioner Wylie motioned to approve for signature an amendment to the Interagency Committee for Outdoor Recreation Burlington Regional Playfields contract with Skagit County to amend the project scope with no reduction in cost for the construction of the Burlington Regional Playfields and to close the contract with the IAC. Commissioner Robinson seconded the motion, which passed unanimously. (Amendment No. 88-032D.2) (Contract #00292)

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3) Discussion - Tourism Promotion - Skagit County Fair

Mr. Aarstad explained to the Board that a request has been received from Don Helwig, Skagit County Fair Manager, requesting financial assistance from the County through the Hotel/Motel Tax Account to pay for the cost of 250 yard signs to promote the Skagit County Fair in the month of August. These signs would be purchased from Portal Industries and placed on major highway corridors in Skagit County.

Commissioner Wylie motioned to approve the request for \$535.00 to pay for 250 yard signs to be made at Portal Industries. Commissioner Robinson seconded the motion, which passed unanimously.

4) Miscellaneous

- A) Commissioner Wylie motioned to approve for signature a Contract for Professional Services between George Beckett and Skagit County Parks and Recreation to repair rail sockets and floats damaged during the flood at Clear Lake Swimming Beach for \$300.00. Commissioner Robinson seconded the motion, which passed unanimously. The Board asked Mr. Aarstad to extend their thanks to Mr. Beckett for performing this work. (Contract #00991)
- B) Commissioner Wylie motioned to approve for signature a Contract for Professional Services between Dean Bannister and Skagit County Parks and Recreation to redesign the septic system for the Clear Lake Swim Beach not to exceed \$800.00. Commissioner Robinson seconded the motion, which passed unanimously. (Contract #00992)
- C) Commissioner Wylie motioned to approve for signature a resolution authorizing the payment of expenses to pay for Parks Department volunteers to attend authorized conferences and training sessions and that any additional travel expenses be reimbursed in the same manner as prescribed in Skagit County's Personnel Policies and Procedures Manual. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12981)

BID OPENING - BURLINGTON MAINTENANCE SHOP REMODEL.

Chairman Vaux waived the reading of the notice of call for bids. No bids were received for the item. The Board agreed to consider recalling for bids.

BID OPENING - PETERSON ROAD PAVING, ET AL.

Chairman Vaux waived the reading of the notice of call for bids.

The following bids were received and opened:

- 1) Lakeside Industries
P.O. Box 729
Anacortes, WA 98221

Total Bid - \$384,754.36
- 2) Wilder Construction Company
2006 North State
Bellingham, WA 98225

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Total Bid - \$383,664.36

- 3) Associated Sand and Gravel
P.O. Box 2037
Everett, Wa 98203

Total Bid - \$357,192.67

The bids will be reviewed by the Public Works Department, and staff will return at a later date with a recommendation for award.

MISCELLANEOUS ITEMS.

- A. The Board approved for signature a contract assigning the organization and operation of the Skagit County Jail's medical services to Dr. Howard Leibrand, the County's Health Officer, for the period from May 23, 1991, to December 31, 1991. A retainer fee of \$700 per month will be paid for on-call coverage, and \$112 per hour will be paid for jail visits. Commissioner Robinson motioned to approve the contract, with Commissioner Wylie seconding. The motion passed unanimously. (Contract #00993)
- B. The Board approved for signature a contract with Drs. Paul Creelman and David Shilling to provide temporary medical services at the Skagit County Jail when requested for the period from May 23, 1991, to December 31, 1991. A retainer fee of \$24.00 per day will be paid for on-call coverage and \$112.00 per hour for jail visits. Commissioner Robinson motioned to approve the contract, with Commissioner Wylie seconding. The motion passed unanimously. (Contract #00994)
- C. The Board approved for signature amendment #2 to Contract #RSN-91-10-01 with the North Sound Regional Support Network. The amendment changes the statement of work to further define patients who may be seen by Sea Mar clinic and adds \$1,000 to fund a conference on mental health for the members of the regional support network. Additionally, the amendment adjusts line items which were only estimated in the original contract to reflect actual totals. Commissioner Wylie motioned to approve the amendment. Commissioner Robinson seconded the motion. The motion passed unanimously. (Contract #00773)
- D. The Board approved for signature a letter of understanding to the Collective Bargaining Agreement with Locat #176, Council #2, AFSCME Public Works Department Employees which incorporates language regarding an allowance for the purchase of coveralls. (Contract #00802)
- E. Commissioner Wylie motioned to adopt the resolution authorizing that the remodeling of the County's Burlington maintenance shop be rebid. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12982)

UPDATE - AT-RISK INTERVENTION SPECIALIST (ARIS) PROGRAM.

Mike Woodmansee, Budget/Finance Director, and the three At-Risk Intervention Specialists updated the Board on the ARIS program.

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PUBLIC HEARING - INTERPRETATION OF 1972 CONTRACT REZONE FOR MOTEL OF ROY J. HARRISON.

The Board traveled to Marblemount, where they viewed the site of a proposed motel complex by Marshall Cooper. At the appointed time, the Board convened the public hearing at the Marblemount Community Hall, 5879-A Highway 20, Marblemount.

Chairman Vaux waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on May 7 and 14, 1991.

Chairman Vaux explained to the audience the purpose of the public hearing, which was to determine whether the intent of the original contract rezone established in 1973 was to allow a restaurant or bar to be constructed as part of the motel.

Jim Cahill, Associate Planner, reviewed a staff report of the Department of Planning and Community Development dated May 21, 1991, which outlined steps that have been taken. A memorandum from Gary Christiansen, Senior Planner, to the Planning Commission contained a description of the proposal and was also read. Mr. Cahill concluded with the background of the original contract rezone.

Commissioner Wylie disclosed that the original contract rezone was signed by her husband, former Commissioner Jack Wylie; however, she had not discussed the issue at the time with her husband, nor had they discussed it since.

A letter from Representative Mary Margaret Haugen was read into the record, which illustrated Marblemount's need for new businesses such as Mr. Cooper's motel, and requested that the Board consider this during their decision making.

Chairman Vaux informed the audience that the Board had been instructed by the County's attorney that they could accept only testimony regarding the intent of the contract rezone, and that it appears Representative Haugen's letter is not pertinent to that matter.

Mr. Cooper was invited to speak first.

Mr. Cooper read a letter from his attorney, Paul Taylor, who was unable to be present. Mr. Taylor's letter exhorted the Board to make their decision based upon the definition of a "motel" according to today's standards, as, he stated, the 1973 reports do not indicate what those standards are. Mr. Taylor's letter indicates that Mr. Cooper's proposal conforms to the present definition. He gave examples of local motels with adjacent restaurants and bars. He referenced the considerable amount of money Mr. Cooper has invested.

Mr. Cooper then read a letter of support from Fire Protection District #19. He also read a letter from Roy Harrison which indicated that Mr. Harrison's intent had always been to include eating facilities at his motel which he was never able to build. Mr. Cooper alleged that Mr. Harrison is 80 year old and is dying of cancer. Mr. Cooper charged that Commissioner Wylie was aware of Mr. Harrison's plans.

Mr. Cooper finished by reading a prepared statement of his own.

Answering a question from an unknown audience member, Chairman Vaux stated that the 60 letters that were submitted to the Planning Commission will not be made a part of the record of this public hearing, as this is a whole new record.

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The audience was then given an opportunity to comment.

Don Wick, Executive Director of the Economic Development Agency of Skagit County, read a prepared statement in support of Mr. Cooper's proposal.

Gerald B. Steel, P.O. Box 808, Marblemount, read a letter he had written. He quoted from the minutes of the Planning Commission of 11/13/72 and of 01/22/73 and asked that the Board uphold the decision of the Planning Commission to deny the ability to construct a restaurant or bar on the site based on these minutes. He noted that a drawing submitted by Mr. Harrison in 1973 indicates only about 1.1 acres of property, clearly only enough property for a small concern.

Dave Peckinpaw was in favor of the motel complex having a restaurant and bar. He stated that while living on the Harrison property he spoke with "Papoose" (Mr. Harrison). At that time, there had been a discrepancy discovered in the property lines. At least in 1983, Mr. Peckinpaw stated, in the opinion of Mr. Harrison, the property was larger than 1.1 acres.

Art Olson was opposed to the motel proposal, stating that Mr. Cooper should have known he was buying only 1.1 acres.

Craig Holmquist, who lives behind the site and whose driveway is adjacent to the property, gave a long list of shortcomings of the proposal which were not indicative of the intent of the contract rezone.

Debbie Abel stated that a real estate contract can mislead the buyer into thinking they have purchased more land than they have. She stated that she usually looks for motels with restaurants and lounges when she stays away from home. A motel without these facilities is commonly considered a "hole in the wall".

Dennis Peek pointed out that Mr. Harrison's letter is from a dying man, therefore this fact should lend considerably more weight to his claims.

Susanna Steel noted that since he is dying, he may be feeble. She also noted that the issue at hand is the intent of the Planning Commission rather than of Mr. Harrison.

Chairman Vaux stated that if the property had been originally zoned Commercial, there would be no need for a contract rezone because motels are allowed on Commercial property; however, it was not zoned in that manner, so the Planning Commission chose to grant Mr. Harrison a special privilege to build on the property a motel.

Teresa Deschene pointed out that Clark's Cabins, then called Langendorfer's, had cooking facilities at the time Mr. Harrison made his request, and Mr. Harrison is recorded as stating that he wanted to build a motel like the Langendorfer's. She asked if the Board could petition old Planning Commission members to discover their intent.

Chairman Vaux indicated that he did not believe that a Planning Commission member could recall a single decision made almost 20 years ago, so it is appropriate to rely on the written record.

Ms. Deschene then requested that the Board consider the comments of those who lived in the community at the time, but also to apply the present needs for a restaurant/motel/bar complex to their decision. She gave other quotes of long time residents and other statement which were not pertinent.

Sue Jongren was opposed to the restaurant and bar.

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Brandy Dillon clarified that the "special privilege" of a contract rezone is applied to the land, rather than to the applicant. She pointed out that a prospective buyer can obtain information on adjacent zoning from the County Planning Department, thereby enabling one to discern whether or not it is an appropriate use of the land. She stated that she is neither for nor against the proposal, but pointed out that the applicant should have done his homework before buying the parcel.

Dave Peckinpaw made another statement which did not speak to the intent of the contract rezone.

John Janda stated that although Mr. Cooper has a right to develop his property, he cannot be given something that the law does not allow.

Cheryl Holmquist brought the Board's attention again to the 1973 minutes, which indicate that no dining facilities will be built on the property.

Corky Hundahl confirmed that Mr. Cooper will be allowed to build what Mr. Harrison was given permission to build.

Darrell Frost felt the audience could not help the Board to determine the intent of the original contract rezone.

Celia Milet pointed out that since the original contract rezone was for property thought to be 3.5 acres in size rather than the actual 1.1 acres, the original intent was different.

Gene Gregg had questions about Mr. Cooper's ability to construct an adequate septic system on the smaller parcel.

Dan Heidel spoke to the size of the parcel and the ability to achieve Mr. Cooper's plans on the smaller acreage.

Merv Peterson spoke about the community's development of its original comprehensive plan.

Mary Janda stated she is not opposed to the proposal, but is opposed to the proposal on this site.

Clarence Jones stated he lived in Marblemount in 1973 and owned Commercial property not far from the Harrison site. He stated that Mr. Peckinpaw was only 14 at the time he says he spoke with Mr. Harrison and therefore would not be a good judge of Mr. Harrison's intent.

Ron Hunnington invited Mr. Cooper to research the availability of other property closer to town.

Mr. Steel gave additional statements, as did several other audience members, which reiterated earlier testimony.

Mr. Cooper was then allowed to make a rebuttal statement. He testified that he has cancelled Phase II of his project, thereby scaling down his proposal. He again stated that Mr. Harrison said that it was understood but unspoken that his motel would include a dining room.

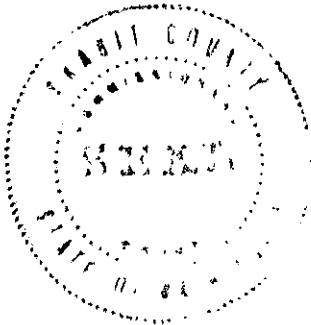
At this point, Commissioner Wylie motioned to close the public hearing, with Commissioner Robinson seconding. The motion passed unanimously.


Deliberation and decision was scheduled for Tuesday, May 28, 1991, at 9:00 a.m.

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

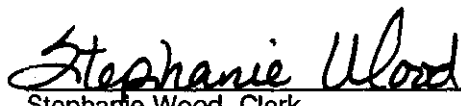


Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners