

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

Tuesday, June 11, 1991

- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Skagitonian Consultant Service Contract Amendment
 - 2) Lot Certification for Land Use and Building Permits
 - 3) Enforcement Report Update
 - 4) Miscellaneous
- 10:00 a.m. - 11:00 a.m. Dean Hayes, Jr., Appeal of Hearing Examiner's Decision to Deny Special Use Permit Application #SP-90-046 for Hayes Well Drilling.
- 11:00 a.m. - 11:30 a.m. Discussion - Port of Skagit County Development Plans.
- 1:30 p.m. - 2:00 p.m. Public Hearing - Intent to Sell County Surplus Property.
- 2:00 p.m. - 2:30 p.m. Discussion - UMTA Grant Funding for Skagit Council on Aging.
- 2:30 p.m. - 3:30 p.m. Patricia and Roger Buss, et al, Appeal of Hearing Examiner's Decision to Approve the Variance Application #V-91-007 of Carol Ann Wallace.
- 3:30 p.m. - 4:00 p.m. Public Comment Period.

The Skagit County Board of Commissioners met in regular session on Tuesday, June 11, 1991, with Commissioners W. W. Vaux, Ruth Wylie and Robby Robinson present.

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

1) Skagitonian Consultant Service Contract Amendment.

On the recommendation of the Planning Department staff, the Board approved for signature a three-month extension of the Agreement with the Skagitonians To Preserve Farmland to prepare a report on options for farmland preservation and protection in Skagit County. Commissioner Wylie motioned to approve the contract extension through September 16, 1991, with Commissioner Robinson seconding. The motion passed unanimously. (Contract #00640)

The Board directed that a letter be drafted to the Skagitonians encouraging them to provide necessary evidence to document progress on the project.

2) Lot Certification for Land Use and Building Permits.

Gary Christiansen, Associate Planner, explained that a landowner who is seeking a building permit for a substandard lot is currently required to complete a Certification of Substandard Lot form, which assists the Department in determining whether the lot was legally created or not. This procedure does not currently apply to lots of less than 20 acres in size, but meeting or exceeding the zoning minimum lot size requirements. It is necessary to make the same checks on these lots, therefore the Department is recommending that a form similar to that used for substandard lots be approved for use. Completion of the form will require a title company certification, which may cost the applicant \$15.00. Mr. Christiansen stated that adoption of this procedure will reduce the chances of a permit being granted for construction on an illegal lot.

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The Board concurred with Mr. Christiansen's recommendation.

3) Enforcement Report Update.

Provided for review.

4) Miscellaneous.

Packets from the previous night's Planning Commission public hearings were provided for review. Presentation of the Planning Commission recommendation regarding the Skagit County Environmental Policy Ordinance was scheduled for July 2, 1991, at 10:00 a.m.

B. An out-of-state Travel Request for Rick Summerfield to travel to Coquitlam, B.C. on June 13, 1991, to attend the ICBO Chapter Meeting and field trip was approved.

C. Patty Burkland, Port of Skagit County Manager, who was to address the Board at 11:00 a.m. requested to be heard. She stated that her original reason for wishing to see the Board had been solved, and she therefore came at Mr. Kirkpatrick's direction to submit a proposal to the Board.

Ms. Burkland provided a site map of the Port's Bayview property, locating the site of a proposed rail access. She indicated areas of existing wetlands through which the rail is proposed to travel, and demonstrated an area where a permanent high-quality wetlands area would be constructed in exchange for the existing wetland which would be destroyed by the construction of the railroad spur in a concept called "wetlands banking". She stated that the first phase of this two-phase project, the access for Ocean Fibers, a prospective tenant, has been submitted with the approval of the Army Corps of Engineers. Phase #2 would include access to the incinerator.

Ms. Burkland proposed that the County join with the Port as a co-applicant in its Wetlands Application to the Army Corps of Engineers. The County would not be required to participate in meetings or to provide any funding.

After discussion, Commissioner Wylie motioned to approve the County's participation in the project application. Commissioner Robinson seconded the motion, which passed unanimously.

DEAN HAYES, JR., APPEAL OF HEARING EXAMINER'S DECISION TO DENY SPECIAL USE PERMIT APPLICATION #SP-90-046 FOR HAYES WELL DRILLING.

Jeff Morgan, Associate Planner, provided a site plan, assessor's map and scan photos of the subject property. He reported that Hayes Well Drilling submitted an application for a Special Use Permit to expand their current facility, located on the west side of Ershig Road approximately 1 mile north of Bow Hill Road by the construction and operation of a new shop and office adjacent to the existing shop. The new building would be approximately 74' x 100' and the office would be approximately 30' x 40'.

The Department of Planning and Community Development, in its Staff Report, submitted a list of recommended conditions should the Hearing Examiner elect to approve the request. The Staff Report and conditions were provided to the Board.

The Hearing Examiner chose to deny the request, basing his denial on the proposal's incompatibility with the criteria for Special Uses and with the environment, comprehensive plan, and zoning ordinance. The Hearing Examiner's findings of fact were provided.

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An appeal was received from the applicant, which indicates that the Hearing Examiner did not take into account the pre-existence of the business in making his decision. A copy of the appeal was provided to the Board.

Chairman Vaux 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.

Dean Hayes, Jr., the applicant/appellant, requested that the Board hold their own public hearing. He stated that as the County has grown and continues to grow, it is necessary to their business to accommodate the needs of a growing demand for services. Mr. Hayes stated that the plan considered by the Hearing Examiner shows the new buildings on the north property line. Mr. Hayes proposed to construct the one building instead on the south property line and include the office space within the building.

Chairman Vaux confirmed that no neighbors testified against the proposal at the public hearing. He then motioned for the Board to hold their own public hearing on July 2, 1991, at 10:00 a.m.. He stated that the County needs to accommodate this existing business. Commissioner Wylie seconded the motion, which passed unanimously.

Planning staff was directed to prepare a new Staff Report based upon the new site plan Mr. Hayes alluded to.

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, June 11, 1991, 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 #69031 through #69139 (Vouchers #106771 through #106920) in the amount of \$318,252.91. Transmittal #C-26-91.
- B. Commissioner Robinson motioned to adopt a resolution authorizing the voluntary transfer of sick leave in an amount up to a maximum cumulative total of 120 hours by members of the County Clerk's Office to benefit Jerry Carlson, an employee who has undergone bypass surgery. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution # 13019)

DISCUSSION - PORT OF SKAGIT COUNTY DEVELOPMENT PLANS.

This item was canceled.

PUBLIC HEARING - INTENT TO SELL COUNTY SURPLUS PROPERTY.

Chairman Vaux waived the reading of the notice of public hearing, as published in The Skagit Argus.

The Board was presented with maps of the property proposed for sale, along with a deed and Order of

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Vacation showing ownership by Skagit County. Also reviewed were comments from the County Assessor, Planning, Parks and Recreation and Public Works Department indicating no interest in retaining the property.

Fred and Barbara Andrews, who had requested the sale and who had agreed to make a minimum bid of \$3,000 for the property, were present. Mr. Andrews explained that the County owns a "finger" of property bisecting a portion of the lot he owns. He would like to purchase the property to park his boat on.

Seeing no further public comment, Commissioner Wylie motioned to close the public hearing. Chairman Vaux seconded the motion, which passed unanimously. Commissioner Wylie then motioned to declare property located in the Plat of Gibraltar surplus and to authorize its disposal at a public auction on July 17, 1991, at 9:00 a.m. with a minimum bid level of \$3,000. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 13020)

An unidentified audience member remarked that boundary lines are unsure in the Plat of Gibraltar. Mr. Andrews stated that his property was surveyed by Leonard and Boudinout, surveyors.

MISCELLANEOUS ITEMS.

- A. Commissioner Wylie motioned to adopt the resolution amending the Skagit County Personnel Policies and Procedures Manual section 5.8.5. The amendment allows incinerator employees who are temporarily reassigned to a job with a higher classification to receive pay at the first step of that salary range for the duration of the temporary assignment. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 13021)

DISCUSSION - UMTA GRANT FUNDING FOR SKAGIT COUNCIL ON AGING.

Bruce Coghill, Director of Skagit Council on Aging, explained that after the Board agreed to guarantee \$45,000 in matching funds on behalf of SCOA to make them eligible for grant funds from the Federal UMTA program to purchase a new bus, the transit system that was acting as applicant for all small systems within Washington has declined to act as applicant. Ben Franklin Transit was unwilling to assume responsibility for any complications which might occur as a result of their association with the small systems.

Mr. Coghill suggested that, rather than voiding the County's offer of help, the County leave the offer open for SCOA to use on another grant application such as the 16B2 grant.

In view of the fact that the County has promised to guarantee the matching funds only if SCOA were unable to produce those funds itself, the Board directed Mr. Coghill to approach the Board with another proposal should he be offered another opportunity to apply for a grant.

PATRICIA AND ROGER BUSS, ET AL, APPEAL OF HEARING EXAMINER'S DECISION TO APPROVE THE VARIANCE APPLICATION #V-91-007 OF CAROL ANN WALLACE.

Grace Roeder, Associate Planner, provided an assessor's map and scan photos of the site. She located the property at the intersection of Tenneson Ranch Road and the northern end of Fruitdale Road north of the City of Sedro Woolley. She stated that in 1990, Ms. Wallace obtained the 1-1/4 to 1-1/2 acres of property from a realtor. It is located in a rural zone, which requires a minimum lot size of 5 acres. She applied for a building permit and during subsequent staff research, it was discovered that the property is a substandard lot without a legal subdivision. The parcel was part of a Puget Power purchase which was intended for rail access to a proposed nuclear power plant that was never built. Most of the property was returned to adjacent properties, but some substandard lots remained which were not purchased. Because

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it appeared as though the parcels were never short platted, the Planning Staff Report recommended denial.

During the Hearing Examiner's public hearing process, the Hearing Examiner made contact with several personal contacts at Puget Power, who produced a 1988 letter from then Planning Department Director Steve Wood the George Lertkantithan of Puget Power, indicating that three lots near Fruitdale Road are buildable. The letter was provided to the Board. In light of this fact, the Hearing Examiner felt compelled to approve the variance request.

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 stated that the letter from Mr. Wood was not available at the time the Staff Findings were written, otherwise the staff might not have recommended denial.

Ms. Wallace, the applicant, was given an opportunity to speak. She stated that she is surprised the neighbors are unhappy about her lot, as they have been aware for some time that the property was for sale. She verified that their appeal was timely.

Gary Townsend, Ms. Wallace's fiance', stated that their immediate neighbors approve the Ms. Wallace's plans.

Patricia Buss requested the Board call for their own public hearing. She stated that the immediate neighbors are opposed to Ms. Wallace's plans, and that the applicants are opposed to the creation of substandard building lots in a rural zone and the subsequent changes they would bring to the area.

Mike Richacci stated that this is an environmentally sensitive area which cannot support septic systems on less than five acre parcels.

Barbara Lewis feared the area would change with the granting of this request because there would be more subdivisions of less than 5 acres.

Ms. Roeder stated that she believes the letter from Mr. Wood is conclusive evidence that the lot is buildable.

Ms. Buss noted that the letter does not indicate where the "three parcels" Mr. Wood mentions are. She stated that a recently published notice indicates that the County will consider another substandard lot division in the near future, further proof that the granting of this variance will create a change in the area.

Leah Serna gave an example of changes to be expected. She stated that a parcel of about 1 acre is located behind her property, which is for sale and will be built upon if Ms. Wallace's variance is granted.

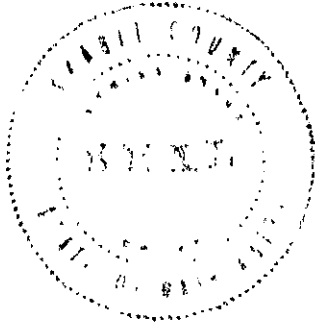
Ms. Buss stated that Puget Power representatives told prospective buyers that the lots they were purchasing were unbuildable and could be used only for grazing land. She had a map of the Puget Power purchases, but was unable to present it because it had not been a part of the Hearing Examiner's record.

Believing that the Wood letter was conclusive evidence, Commissioner Wylie motioned to uphold the decision of the Hearing Examiner regarding the Variance request #V-91-007 of Carol Ann Wallace. Commissioner Robinson seconded the motion, which passed unanimously.

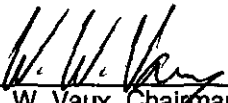
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ADJOURNMENT:

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

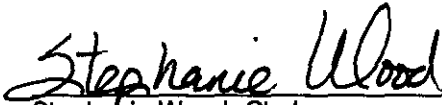


Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners