

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

Tuesday, October 22, 1991:

- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/Road Supervisors.
- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick,
Director:
- 1) Special Project List.
 - 2) Report from Building Official Volume Summary.
 - 3) Boundary Line Adjustments.
 - 4) Enforcement Report Update.
 - 5) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Public Hearing - Application #V-91-023 of Jim Schols for Agricultural
Variance.
- 11:00 a.m. - 11:30 a.m. Hearing Examiner Recommendations:
- 1) Approval - Paul Jay Request for Agricultural Variance.
 - 2) Approval - Paul Jay Request for Boundary Adjustment Approval.
 - 3) Approval - Nadine Watkinson Request for Agricultural Variance.
- 1:30 p.m. - 2:30 p.m. Public Hearing - Proposed Annexation of Dike District #4 and Drainage
District #18 into the Existing County-Wide Flood Control Zone District.
- 2:30 p.m. - 3:00 p.m. Discussion - Future of Dispute Resolution Centers.
- 3:00 p.m. - 4:00 p.m. Planning Commission Recommendation - Approval - Amendment to Skagit
County Code 14.04.030-Definitions and 14.04.150-Unclassified Special Uses.
- 4:00 p.m. - 4:30 p.m. Review - U.S. Army Corps of Engineers Flood Fight Exercise.

The Skagit County Board of Commissioners met in regular session on Tuesday, October 22, 1991, with Commissioners W. W. Vaux, Ruth Wylie and Robby Robinson present.

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

1) Special Project List.

Mr. Kirkpatrick provided an updated list of information regarding non-permit projects underway in the Planning Department. Each project has identified the responsible staff member, brief description and status reports, and next steps. This report will periodically be provided to the Board.

Mr. Kirkpatrick then proceeded to discuss one of the items on the list; the school impact fee ordinance. Mr. Kirkpatrick proposed that the Planning Department, on behalf of the County, enter into an agreement with Henderson and Young, consultants, to provide a day-long seminar on impact fees for representatives of schools and cities. The consultant will charge \$3,000, but this can be recouped by charging each participant \$150. A maximum of 20 participants will be allowed. Mr. Kirkpatrick planned to hold this seminar on November 20, and had already received indication of interest from the schools and cities.

The Board agreed to Mr. Kirkpatrick's proposal.

RECORD OF THE PROCEEDINGS

Tuesday, October 22, 1991

Page #2

2) Report from Building Official Volume Summary.

Roxanne Michael, Building Official, explained that the building inspectors are receiving as many as 40 requests for inspections per day, while the two inspectors are able to complete an average of about 24 inspections per day. Although the building inspectors have a goal of responding to requests within 24 hours, because of the volume, response time is now averaging about 48 hours, and is rapidly increasing to as much as a week for some inspections. In an effort to fit more inspections into their day, inspectors are spending only a minimal amount of time at each site. Statistical information showing how the volume of building permits has grown was provided.

Although foundation inspections are given first priority, even though it is inefficient to arrange their schedules to do so, some builders are becoming anxious and are pouring their cement without first having their forms inspected. This is an intolerable situation, since the inspectors cannot sign off on an inspection they could not perform. Additionally, builders are complaining about having to wait for a permit or an inspection, and answering complaints is consuming hours of inspector time. Finally, individuals pressuring to have their permit or inspection moved ahead of others consumes time and affects efficiency.

Ms. Michael stated that each inspector now has a cellular telephone in his vehicle to improve efficiency, and each plans his route very carefully each day; however, they continue to fall behind.

The Board reminded Mr. Kirkpatrick that they had authorized his department one plans examiner position and one building inspector position, contingent upon his submitting evidence that he is implementing efficiency measures within the department, and that he define the "temporary" status of these positions in the event that volumes show a sharp decrease next year.

Mr. Kirkpatrick gave a long talk on his responses to the Skagit-Island Builders Association's suggestions for efficiency measures.

The Board agreed that Mr. Kirkpatrick may hire the two positions that have been authorized on a long-term basis, as it would not appear that trends will take a down turn in the next year.

3) Boundary Line Adjustments.

This item was postponed.

4) Enforcement Report Update.

Provided for review.

5) Miscellaneous.

Gary Christiansen, Associate Planner, introduced a Concomitant Agreement which is the culmination of the expansion of the contract rezone of Food Services, Inc., which was approved in June of this year by the Board. The Agreement had been signed by William Crawford, the proponent.

Mr. Christiansen explained that Mr. Crawford is not at this time in compliance with all of the conditions of the Agreement, because many will require time to phase in to his operation. Mr. Crawford is experimenting with the use of carbon-dioxide gas used as a cooling element instead of the refrigeration units on each

RECORD OF THE PROCEEDINGS

Tuesday, October 22, 1991

Page #3

truck. In addition, Mr. Crawford has contacted each of his suppliers and has asked that their drivers who make late deliveries park at Truck City until they are unloaded in the morning. If this does not take care of the overnight parking problem, Mr. Crawford may have to install a gate to keep trucks out after operating hours.

The Board approved the Concomitant Agreement #R-90-008 for Food Services, Inc., by William Crawford for signature. (Contract #01140)

PUBLIC HEARING - APPLICATION #V-91-023 OF JIM SCHOLS FOR AGRICULTURAL VARIANCE.

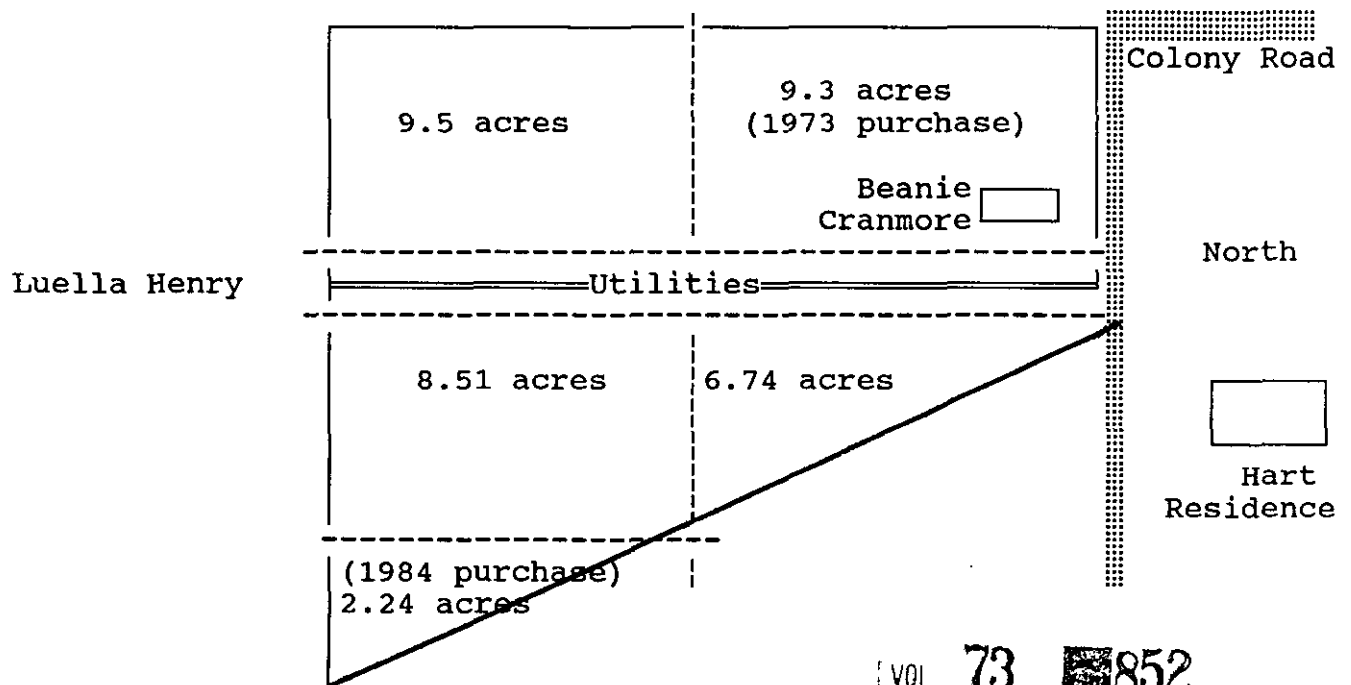
Chairman Vaux waived the reading of the notice of public hearing, as published in The Skagit Argus on October 8 and 15, 1991.

Jeff Morgan, Assistant Planner, provided assessor's maps and scan photos of the Schols property located at 1336 Colony Road. He described the property as being zoned Agriculture, approximately 40 acres in size, and located with a flood zone. Mr. Morgan explained that Mr. Schols is requesting to subdivide his property into two lots, each about 20 acres in size.

Mr. Schols' special condition to justify the variance, Mr. Morgan stated, is that a common driveway divides the property. The Planning Department staff recommended denial of the request, and the Hearing Examiner Pro-tem also recommended denial.

Mr. Morgan submitted four items of correspondence received, all from persons opposing the granting of the variance: Douglas and Katherine Charles, Blanchard; Linda Hart and George Theolin, Colony Road; Janet C. Johnson, 1351 Colony Road; Roger Weschler, 1323 Colony Road.

Mr. Schols was then given an opportunity to speak. He submitted a petition of 16 signatures in support of his application. He drew the following sketch of his property on the marker board (approximate):



RECORD OF THE PROCEEDINGS
Tuesday, October 22, 1991
Page #4

Mr. Schols then proceeded to draw sketches depicting other parcels of Agriculture zoned land which had been divided into substandard parcels. Two of those examples were property on Worline Road, and the Lawrence Edwards property on Chuckanut Drive near East Edison Road.

Mr. Schols indicated that he wants to keep the eastern half of the property, where he presently grows raspberries. The western half he will sell to an individual who wishes to raise cattle on it. At some future date, he may wish to build a house on his half. Additionally, Mr. Schols testified that he has worked all of his life and deserves to be able to finance his retirement from the sale of his land.

Linda Hart, who owns 43 acres adjacent to Mr. Schols' property, testified that she would like the zoning laws applied uniformly and consistently to all properties, including Mr. Schols'. They were not applied correctly in the examples Mr. Schols gave, but this should not be a reason to disregard them now.

There being no more public comment, Commissioner Wylie motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Answering a question from Commissioner Wylie, Mr. Schols said that his land will remain in agricultural production after the sale, but someday he may want to build a home on his property, or give it to his children, or sell it and buy a larger farm.

Chairman Vaux asked Mr. Schols to sketch his property once again, and he drew an approximation of the sketch previously shown.

Chairman Vaux then suggested that if the property is divided, Mr. Schols' half without a residence would have to be declared an unbuildable parcel, except by order of the Board of County Commissioners. Mr. Schols was not in favor of this suggestion.

Discussion continued, and finally Chairman Vaux motioned to allow the Agriculture Variance requested by Mr. Schols, but to declare the eastern parcel of property unbuildable, except with the approval of the County Legislative Authority at the time of any building permit application.

Commissioner Wylie refused to second the motion. She stated that what has happened in the past is wrong, and for that reason, the Agriculture Variance Policies and Procedures were abolished and the rules changed.

Commissioner Robinson stated that he also wished to uphold the zoning laws, but did second Chairman Vaux's motion.

The motion passed with votes from Chairman Vaux and Commissioner Robinson. Commissioner Wylie voted negatively.

HEARING EXAMINER RECOMMENDATIONS:

- 1) Approval - Paul Jay Request for Agricultural Variance.

Due to a clerical error, Mr. Jay was not notified of the meeting. The item was rescheduled for October 29, 1991, at 2:30 p.m.

- 2) Approval - Paul Jay Request for Boundary Adjustment Approval.

Due to a clerical error, Mr. Jay was not notified of the meeting. The item was rescheduled for October 29,

RECORD OF THE PROCEEDINGS

Tuesday, October 22, 1991

Page #5

1991, at 2:30 p.m.

3) Approval - Nadine Watkinson Request for Agricultural Variance.

Jeff Morgan, Planning Assistant, provided an assessor's map, staff photos and site plans for the property located at 1696 Bradshaw Road in Mount Vernon. Additionally, Mr. Morgan produced two letters addressed to Mrs. Watkinson from local banks denying a loan to remodel her residence.

Mr. Morgan described the property as being zoned Agriculture, approximately 40 acres in size, and located within a flood zone. For purposes of obtaining a bank loan to remodel the family home, Ms. Watkinson wishes to subdivide the parcel into two lots, one being approximately one acre in size and containing the existing residence.

Mrs. Watkinson lists as the special condition which justifies her request, Mr. Morgan said, the denial of financing to remodel the residence.

The Planning Department staff recommended denial of the request based upon the fact that no topographical hardship exists, and financial hardship is not grounds for variance approval. The Hearing Examiner, however, chose to recommend approval of the variance request. A revised "Findings of Fact" document added the finding that the applicant was unable to secure financing, and deleted a condition that neither parcel will be sold.

After discussion, Commissioner Wylie motioned to adopt the recommendation, findings and conditions of the Hearing Examiner, and approve Variance Request #AGV-91-030 of Nadine Watkinson. Commissioner Robinson seconded the motion, which passed unanimously.

PUBLIC HEARING - PROPOSED ANNEXATION OF DIKE DISTRICT #4 AND DRAINAGE DISTRICT #18 INTO THE EXISTING COUNTY-WIDE FLOOD CONTROL ZONE DISTRICT.

Chairman Vaux waived the reading of the notice of public hearing published in The Skagit Argus on October 8 and 15, 1991.

Dave Brookings, Flood Control Engineer, explained that in 1970, Skagit County held a public hearing to form a County-wide flood control zone district. Because Dike District #4 and Drainage District #18, which encompass the same territory, felt that they would not receive benefit from the district, they were exempted. The County-wide district has been inactive for the most part of late, but now that there is renewed interest in addressing flooding and drainage in a County-wide effort, Dike District #4 and Drainage District #18 have become interested in joining the County-wide District. Dike District #4 and Drainage District #18 have in the past received four grants from Skagit County's flood control grant funds, and would benefit from future planning, Mr. Brookings said.

Although all of the commissioners from the Dike and Drainage District had been invited, none attended. Mr. Brookings did say that the commissioners are in favor of the annexation.

Pete Walker, commissioner of another district, was the only person present. Mr. Brookings explained the 1970 exclusion of Dike #14 and Drainage #18 several times to Mr. Walker.

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

RECORD OF THE PROCEEDINGS

Tuesday, October 22, 1991

Page #6

Commissioner Wylie then motioned to approve the annexation of Dike District #4 and Drainage District #18 into the Skagit County Flood Control Zone District. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14099)

DISCUSSION - FUTURE OF DISPUTE RESOLUTION CENTERS.

Walter Pfahl, Executive Director of the Child Abuse Prevention Association and representative of CommonGround Dispute Resolution Center gave information. CommonGround is a firm which has been given Dispute Resolution Center status in Skagit County, and receives the proceeds from a surcharge on all civil court filings in Skagit County. He reviewed the services provided by CommonGround, a non-profit organization. He reviewed the services of DRC's in Snohomish County and in Seattle, and pointed out that they receive additional funding from other sources. Mr. Pfahl made a request that Skagit County subsidize CommonGround with a \$3000 per month stipend to pay for operating costs which are not being covered by the surcharge or client fees.

Gary Jones, a local attorney and CommonGround board member, gave a statement supportive of Mr. Pfahl's request regarding the place of DRC's within the courts system.

Claire Reiner, CommonGround employee, gave information on the training of dispute mediators.

Mr. Jones gave information on how court costs can be saved by using mediation, making the County a logical partner for the DRC. He also requested that the County agree to "smooth out" CommonGround's surcharge payments by paying a fixed amount per month instead of the actual surcharge proceeds. Finally, Mr. Jones indicated that the County could participate in the \$3000 per month allotment through donation of office space, equipment or furniture, instead of cash.

Mike Woodmansee, Budget/Finance Director, pointed out that by amortizing CommonGround's surcharge payments, the County assumes the risk that projected collections may fall short of the predicted amount, and the County would still be responsible for the total.

An unidentified gentleman and his wife gave testimony as to their personal experience with CommonGround wherein they received mediation services regarding the settlement of a child custody issue during a divorce.

Ms. Reiner pointed out other unassessable savings to the County such as fewer return court dates, continued cases, and traumatization to children who later become frequent visitors to the court because of delinquency.

Pam Terwilliger, District Court Administrator, gave information on behalf of the two District Court judges. She stated that their records indicate that since CommonGround has been in use, a 58% mediation rate has occurred. This amount is probably about the same as could be referred to another court commissioner, but the judges recognize that people also learn from their experiences with a mediator. She stated that recently "anti-harassment" cases have increased the District Court caseload. Ms. Terwilliger did commend CommonGround on being very professional.

Commissioner Wylie had additional questions regarding CommonGround's revenue report.

In answer to Mr. Woodmansee's question, Mr. Pfahl indicated that no cities had been approached for support.

No decision was reached.

PLANNING COMMISSION RECOMMENDATION - APPROVAL - AMENDMENT TO SKAGIT COUNTY CODE 14.04.030-DEFINITIONS AND 14.04.150-UNCLASSIFIED SPECIAL USES.

Dave Hough, Senior Planner, explained that the current Skagit County Code section relating to Unclassified Special Uses contains lists of many unique land uses which can be applied for in any zoning classification, even though some uses are clearly not appropriate in those zones.

In reviewing these uses, the Planning Commission decided to identify the different types of zoning classifications and categorize each use in its appropriate zone or zones. Some uses were removed from the lists altogether because they were more appropriately reviewed under other chapters.

Mr. Hough presented and reviewed the Planning Commission's recommendation for changes to the Unclassified Special Use section, which also establishes which special use determinations may be made by the Hearing Examiner and which can be made administratively. In addition, an administrative review process was included, and a definitions section added.

Commissioner Wylie asked why the amendment allows children and adult day care centers in the Aviation District. Mr. Hough replied that the only Aviation Zone in Skagit County is a strip along the Port, which would be appropriate for children and adult day care centers.

The definition for Home Occupations was carefully reviewed.

A telephone comment had been received from Carol Ehlers, Planning Commission member, who objected to allowing kennels and campgrounds in the Residential Zone and ski ponds in the Agriculture Reserve Zone. Mr. Hough explained these categorizations to the Board.

Commissioner Wylie then motioned to adopt the resolution of the Planning Commission and approve amendments to Skagit County Code Chapter 14.04.030 - Definitions and 14.04.050 - Unclassified Special Uses. Commissioner Robinson seconded the motion, which passed unanimously.

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, October 22, 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) Manual Warrant #MW74191-26 in the amount of \$2934.20. Transmittal #C-43-91.

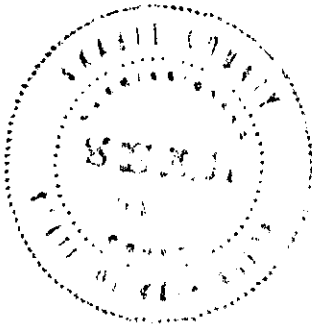
REVIEW - U.S. ARMY CORPS OF ENGINEERS FLOOD FIGHT EXERCISE.

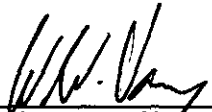
This item was cancelled by the Corps of Engineers and was not rescheduled.

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

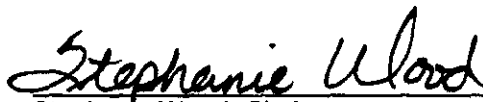


Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners