

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

Tuesday, January 14, 1992:

- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/Road Superintendents.
- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick,
Director:
- 1) Contract for Signature - San Juan-Fidalgo Supplemental E.I.S. by GeoEngineers.
 - 2) Continuation of Discussion - Recreational Vehicles and Pre-1976 Mobile Homes.
 - 3) Request for Approval to Apply for Funding to Develop Watershed Plan for Samish River.
 - 4) Code Enforcement: a) 1991 Annual Report, b) Weekly Report.
- 10:00 a.m. - 11:00 a.m. Appeal of Hearing Examiner's Decision Regarding Conditions of Special Use Permit #SP-89-032 by Two Individual Parties: 1) CM Trucking and Construction, Inc., and 2) Harold Coultas and Charles & Margaret Coultas.
- 11:00 a.m. - 11:30 a.m. Hearing Examiner Recommendation - Approval - Open Space Application #OSO-91-016 of Chris Solar.
- 1:30 p.m. - 2:00 p.m. Senior Services Department - Tim Holloran:
- 1) Introduction of New Employees.
 - 2) Northwest Regional Council Contracts for Signature.
- 2:00 p.m. - 2:30 p.m. Hearing Examiner Recommendation - Approval - Agricultural Variance Request #AGV-91-041 for Charles Boon.
- 2:30 p.m. - 3:00 p.m. Hearing Examiner Recommendation - Denial - Agricultural Variance Request #AGV-91-038 for Henry Ploeg.
- 3:30 p.m. - 3:45 p.m. Resolution - Approval of 1992 Property Tax Levies.
- 4:00 p.m. - 4:30 p.m. Executive Session - Personnel.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 14, 1992, with Commissioners Robby Robinson, Ruth Wylie and W. W. Vaux present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

- 1) Contract for Signature - San Juan-Fidalgo Supplemental E.I.S. by GeoEngineers.

This item was discussed with Assistant Director Kraig Olason at last week's Planning Department agenda time, and was continued to this week so that Mr. Kirkpatrick could be present.

Mr. Kirkpatrick explained that the Department of Planning and Community Development required that Parametrics, a consultant working on contract with Skagit County but paid in a three-way agreement by San Juan-Fidalgo Holding Company - which later went bankrupt, to hire GeoEngineers to perform expanded environmental impact statement work that Parametrics did not have the expertise to perform. Although

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Parametrics never did initiate the contract, GeoEngineers did perform the work. Mr. Kirkpatrick suggested that Skagit County now should enter into a belated contract with GeoEngineers in order that they be reimbursed for their work.

Commissioner Vaux asked Mr. Kirkpatrick where the County's obligation lies to reimburse Parametrics' subcontractor.

Mr. Kirkpatrick replied that since the Department of Planning and Community Development changed the scope of the work expected of Parametrics and required that they hire GeoEngineers, the County is responsible to see that GeoEngineers is paid.

Commissioner Vaux argued that there is no responsibility on the County's part. Parametrics is responsible for payment of their subcontractors, and they should also be responsible for getting their reimbursement from the now bankrupt developer.

Both Chairman Robinson and Commissioner Wylie felt that Skagit County would end up paying GeoEngineers either through contract or, if Parametrics initiates a belated contract, through paying Parametrics since Skagit County required the additional work. They both agreed, however, and instructed Mr. Kirkpatrick, that procedurally, Parametrics should contract with GeoEngineers and afterwards Parametrics can amend its contract with Skagit County in order to be reimbursed for the additions to the scope of work.

2) Continuation of Discussion - Recreational Vehicles and Pre-1976 Mobile Homes.

This item was cancelled and rescheduled for next week.

3) Request for Approval to Apply for Funding to Develop Watershed Plan for Samish River.

Jim Freeman, Watershed Manager, reminded the Board that at an earlier discussion, the question was raised of whether anything could be done about the Samish River Watershed pertaining to water quality. Mr. Freeman advised that there are funds now available from the Centennial Clean Water Fund to study the water quality of the Samish, and he requested permission to submit a grant proposal.

Mr. Freeman went on to explain that in 1991, a State Water Quality Management Plan encouraged each county to develop three watershed management plans by 1996. Skagit County is currently working on a watershed management plan for the Nookachamps watershed. A grant is being negotiated to begin work on a Padilla Bay management plan. Mr. Freeman stated that the third-ranked watershed in Skagit County's watershed ranking system is the Samish River Watershed.

Mr. Freeman explained that the grant, if approved, would be received in January of 1993. He would plan on completing the Plan by July of 1995. Mr. Freeman gave a presentation on the issues of water quality in the Samish, which included threatened shellfish harvesting. Mr. Freeman stated that the total amount needed to complete the grant will be \$250,000. The State would be asked to fund 75%, or \$187,500, and Skagit County would be responsible for 25%, or \$62,500. If given permission, Mr. Freeman stated, he would return to the Board for review of the application. Mr. Freeman stated that he plans to use current staff to complete the project, not anticipating the addition of any additional employees.

John Sandell, Dike District #25 Commissioner, was supportive of Mr. Freeman's request. He indicated that he would like to meet with the Board of Commissioners and representatives of the Public Works Department and Department of Planning and Community Development to discuss concerns that the diking district has.

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Both Mr. Sandell and a new Dike District #25 Commissioner indicated that water quality problems exist in the Samish.

The Board directed Mr. Freeman to proceed with the drafting of the grant application.

4) Code Enforcement: a) 1991 Annual Report, b) Weekly Report.

The 1991 annual code enforcement report and weekly code enforcement report were reviewed with the Board.

5) Miscellaneous.

A. Mr. Kirkpatrick reviewed with the Board the actions of the Planning Commission at their last meeting. Those recommendations made by the Planning Commission were:

- a) Approval of First Baptist Church Comprehensive Plan Map Amendment.
- b) Approval of Mount Vernon Christian School Comprehensive Plan Map Amendment.

The items will be scheduled for consideration at a later date.

B. Regarding Skagit County's participation in a Regional Transportation Planning Organization (RTPO) and its apparent suspension due to a disagreement between the participants about who will act as the lead agency, Mr. Kirkpatrick asked for direction. The Board directed Mr. Kirkpatrick to send a letter to each city reaffirming Skagit County's position that the State Department of Transportation should act as lead agency and ask for their comments and/or concurrence.

APPEAL OF HEARING EXAMINER'S DECISION REGARDING CONDITIONS OF SPECIAL USE PERMIT #SP-89-032 BY TWO INDIVIDUAL PARTIES: 1) CM TRUCKING AND CONSTRUCTION, INC., AND 2) HAROLD COULTAS AND CHARLES & MARGARET COULTAS.

The Board of Commissioners had all received a packet containing a memo from Grace Roeder dated November 14, 1991, the Planning Staff Report, Hearing Examiners Findings dated October 30, 1989, June 20, 1991, and October 23, 1991, and appeals from Terrance Carroll on behalf of Harold Coultas and Charles and Margaret Coultas and from Bill Nielsen on behalf of CM Trucking and Construction, Inc., prior to the meeting.

Grace Roeder, Associate Planner, read from her dated November 14, 1992, which gave a brief overview of the case. The memo stated that in October 1989, CM Trucking received a Special Use Permit to allow operation of a trucking operation. In October of 1990, the Planning Department began receiving complaints regarding the CM Trucking operation. A public hearing was held in May, 1991, by the Hearing Examiner to consider the complaints. After review of the record, the Hearing Examiner added several conditions to the Special Use Permit. Bill Nielsen asked for and received and reconsideration of the new conditions. The Hearing Examiner reaffirmed the new conditions. Mr. Carroll's clients maintain that CM Trucking's Special Use Permit should be revoked in light of continuing violations to the conditions. Mr. Nielsen maintains as part of the grounds for his appeal that it was unlawful for the Hearing Examiner to impose additional conditions upon the Special Use Permit. Ms. Roeder stated that it is the opinion of John Moffat, Skagit County's Chief Civil Deputy Prosecutor, that the public hearing notice for the May public hearing of the Hearing Examiner to review CM Trucking's permit was in error because it did not indicate what actions might be taken.

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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.

Chairman Robinson then gave each attorney at opportunity to briefly present their arguments.

Mr. Nielsen stated that since the Hearing Examiner has seen the case three times, he would likely have nothing further to add, therefore to remand the matter back to the Hearing Examiner would not accomplish any resolution. Mr. Nielsen cited the error in the public notice in defense of his request for an appeal. Mr. Nielsen maintained that the new conditions imposed by the Hearing Examiner to close shop doors and perform maintenance only between the hours of 7:00 a.m. and 7:00 p.m. are impossible to comply with. He requested that the Board hold their own public hearing on the matter.

Terrance Carroll agreed that the Hearing Examiner has done all that is possible in this circumstance, but that he would be agreeable to either a remand of the matter back to the Hearing Examiner, or the Board holding their own public hearing. He did, however, stated that since CM Trucking is unwilling or unable to comply with the conditions of the permit, affirming the Hearing Examiner's decision would perpetuate the conditions the neighbors are enduring, therefore, Mr. Carroll stated that he will request that the Special Use Permit for CM Trucking be revoked.

Chairman Robinson, the site being located in his district, spoke first. He stated that because both parties desire a public hearing, and because of the apparent erroneous public hearing notice, he would look favorably upon the Board holding their own public hearing.

Commissioner Vaux suggested that the hearing include a site visit.

Chairman Robinson motioned that the Board hold their own public hearing on this matter on March 3, 1992, at 1:30 p.m., in the Commissioners' Hearing Room, and that a site visit, at which no public testimony will be taken, be scheduled for February 5, 1992, at 1:30 p.m. Commissioner Vaux seconded the motion, which passed unanimously.

HEARING EXAMINER RECOMMENDATION - APPROVAL - OPEN SPACE APPLICATION #OSO-91-016 OF CHRIS SOLAR.

Jeff Morgan, Associate Planner, provided an Assessor's Map and an applicant's site plan of the subject property located at 368 Colony Road. The applicant is requesting that 8.81 acres of his 11.93 acre parcel be included in the Open Space Timber program. The remainder of his land contains a residence, which is not eligible for inclusion in the program. Both the Planning Department and Hearing Examiner have approved the request.

Commissioner Vaux motioned approval of Open Space Application #OSO-91-016. seconded the motion, which passed unanimously. (Resolution #14196)

SENIOR SERVICES DEPARTMENT - TIM HOLLORAN:

- 1) Introduction of New Employees.

Tim Holloran introduced Melinda Waite, Senior Services Coordinator.

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2) Northwest Regional Council Contracts for Signature.

The Board approved for signature the following contracts:

- a) Senior Information and Assistance Case Management contract for \$169,585.00. Expires December 31, 1992. (Contract #01188)
- b) Senior Nutrition Project contract for \$162,561.00. Expires December 31, 1992. (Contract #01189)
- c) Senior Employment Project contract for \$4,474.00. Expires December 31, 1992. (Contract #01190)
- d) Amendment #2 to Basic Grant #AAA-3100 to incorporate standard conditions and certifications.
- e) Federal Region X Action Grant Award #340-0593/12 to benefit the Retired Senior Volunteer Program in the amount of \$38,174 plus a supplemental award of \$538.00. Expires December 31, 1992. (Contract #01191)

HEARING EXAMINER RECOMMENDATION - APPROVAL - AGRICULTURAL VARIANCE REQUEST #AGV-91-041 FOR CHARLES BOON.

The subject property is located at 2060 Mud Lake Road in Clear Lake. Mr. Boon is requesting to build a milk storage tank within 23 feet of the front property line. The Skagit County Code requires accessory structures be no closer than 35 feet from the front property line. Mr. Boon's property is 20 acres in size and contains barns and other farm building necessary to operate his large dairy farm. He also lives on the property.

Mr. Boon has one milk tank at this time, and he would like to install a second tank so that he can tie it to the first for a larger storage capacity. He therefore needs to place his second milk storage tank and house as close as possible to the milking area of the barn. It is also necessary to locate milk tanks and building as close to an access road as possible to make them accessible to large trucks.

The Planning Staff feels that there is no other reasonable location to place the proposed milk tank, and they have recommended approval. The Public Works Department also has no objections, provided that truck crossing signs are placed. The Hearing Examiner has also concurred and has made the truck crossing signs a condition of approval.

Commissioner Vaux motioned to approve Agricultural Variance Request #AGV-91-041. Commissioner Wylie seconded the motion, which passed unanimously.

HEARING EXAMINER RECOMMENDATION - DENIAL - AGRICULTURAL VARIANCE REQUEST #AGV-91-038 FOR HENRY PLOEG.

Jeff Morgan, Associate Planner, provided an Assessor's Map of the subject property located at 972 Samish Island Road. The property is approximately 76 acres in size and is zoned agriculture. The minimum lot size in the agricultural zone is 40 acres. Mr. Ploeg is proposing to divide his property into one 3 acre parcel and a second parcel containing 73 acres. The property is divided by Samish Island Road, and the 3 acre lot would be on the east side of the road between the road and a dike. The 73 acre parcel would lie on the west side of the road. The 73 acres is currently in agricultural production, while the 3 acres on the east side of the road contains a residence and is not currently being farmed.

John Moffat, Skagit County's Chief Civil Deputy Prosecutor, issued a legal opinion in August of 1991, that a county road does not constitute a subdivision of property. In order to divide the property, the applicant must go through a formal subdivision process.

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Mr. Morgan stated that both the Department of Planning and Community Development and Hearing Examiner have recommended denial of the request.

Mr. Morgan 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.

Commissioner Vaux motioned for the Board to hold their own public hearing on Monday, February 3, 1992, at 1:30 p.m. Commissioner Wylie seconded the motion, which passed unanimously.

RESOLUTION - APPROVAL OF 1992 PROPERTY TAX LEVIES.

This item was cancelled.

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, January 14, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

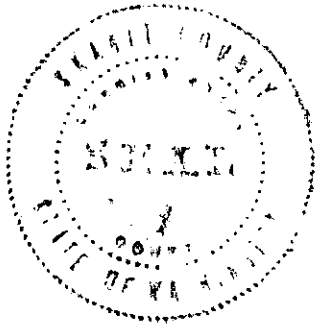
- 1) Warrants #90001 through #90021 (Vouchers #90001 through #90021) in the amount of \$6,455.71. Transmittal #R-1-92.
 - 2) Warrants #83684 through #83824 (Vouchers #83684 through #83824) in the amount of \$282,212.17. Transmittal #R-32-91.
- B. The Board approved for signature a contract on behalf of the Skagit County Health Department with Northwest Regional Council to benefit the Senior Health Screening service provided by the Health Department in the amount of \$6,000. The contract expires on December 31, 1992. (Contract #01192)
- C. Mike Woodmansee, Budget/Finance Director, stated that because of the separation of the Permit Center from the Department of Planning and Community Development, a separation of budgets needs to be accomplished.

Commissioner Wylie motioned to adopt Mr. Woodmansee's resolution authorizing a budget line item change in the amount of \$738,000 for the Department of Planning and Community Development. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #14195)

ADJOURNMENT:

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON





Robby Robinson, Chairman

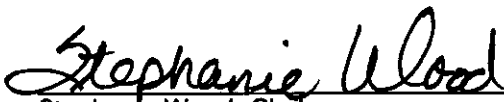


Ruth Wylie, Commissioner



W. W. Vaux, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners