

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY COMMISSIONERS

Monday, May 4, 1992:

Flag Salute.

10:00 a.m. - 11:00 a.m.

Public Works Department - Rich Medved, Director:

- 1) Introduction of New Employee - Jeffery Hegedus - Moderate Risk Hazardous Waste Specialist.
- 2) Update - Joint Recycling Program.
- 3) Signature - DOE Grant - Coordinated Prevention Grant 1992-93.
- 4) Resolution - Amended Bid Award Recommendation - Purchase of One New Long Track Dozer.
- 5) Bid Award Recommendation - One New Truck with Liquid Asphalt Distributor.
- 6) Bid Award Recommendation - Purchase of Motor Fuel.
- 7) Signature - County/State Agreement Construction Funds Indian Slough Bridge.
- 8) Resolution - Temporary Road Closure for Inspection of Marblemount Bridge - Cascade River Road.
- 9) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:00 p.m.

Decision - Beckstrom/Sheahan Special Use Permit Application - SP-90-023.

2:30 p.m. - 3:30 p.m.

Executive Session - Litigation.

6:00 p.m.

Marblemount Community Meeting.

The Skagit County Board of Commissioners met in regular session on Monday, May 5, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

- 1) Introduction of New Employee - Jeffery Hegedus - Moderate Risk Hazardous Waste Specialist.

The Board was introduced to and welcomed Jeffery Hegedus, Moderate Risk Hazardous Waste Specialist.

- 2) Update - Joint Recycling Program.

Rick Boge, Waste Reduction/Recycling Coordinator, presented an update to the Board regarding the Joint Recycling Program (JRP). Mr. Boge stated that there have been over 300 tons of recyclables during the first 5 weeks of implementing the program. Single family collection averages about 61 tons per week. Multi-family collection averages a little over 1 ton per week. The multi-family collection will be slower to develop.

Mr. Boge stated that waste received at the incinerator this year prior to the JRP averaged 93% of waste received during the same period last year. Post implementation of the JRP, waste received at the incinerator averaged 90% of waste received during the same period last year.

- 3) Signature - DOE Grant - Coordinated Prevention Grant 1992-93.

The Board signed a Coordinated Prevention Grant, (CPG) Waste Reduction and Recycling (WRR) Elements 1992 and 1993. The maximum eligible project cost of the WRR portion of the funds is \$210,800; the DOE's share of 60% is \$126,480, the County's share of 40% is \$84,320. (Contract #01309).

4) Resolution - Amended Bid Award Recommendation - Purchase of One New Long Track Dozer.

Commissioner Vaux motioned to approved the amended bid award recommendation for the purchase on one new long track dozer. Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14303).

5) Bid Award Recommendation - One New Truck with Liquid Asphalt Distributor.

Commissioner Vaux motioned to approve a resolution awarding the bid for one new truck with liquid asphalt distributor to the low bidder, Smith Tractor & Equipment, for a 1992 International, Model 4900 4x2 with ROSCO Model MAXIMIZER at the bid price of \$76,996.88. Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14304).

6) Bid Award Recommendation - Purchase of Motor Fuel.

Commissioner Wylie motioned to approve a resolution awarding the bid for the purchase of motor fuel to the low bidder, Skagit Farmers. Bid Item #1 (Ferry/Courthouse/Ferry) total projected cost is \$92,422.00; Bid Item #2 (Conventional Delivery - Burlington) total projected cost is \$102,435.00. Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #14305).

7) Signature - County/State Agreement Construction Funds Indian Slough Bridge.

The Board signed Supplement #1 to the City/County Agreement with the Department of Transportation, covering the Bayview Edison Road C.R.P. #3121-3. The proposed project is to remove the existing structure, construct a new 70 foot long, 34 foot wide prestressed concrete girder bridge with cast-in-place deck and reconstruct both approaches, including guardrail. This Supplement requests funding of the construction phase of this project. Supplement is for approximately \$288,882.

8) Resolution - Temporary Road Closure for Inspection of Marblemount Bridge - Cascade River Road.

Commissioner Vaux motioned to approve a resolution for a temporary road closure for inspection of Marblemount Bridge on Cascade River Road #9795 on Tuesday, May 12, 1992, from 8:00 a.m. to 2:00 p.m. Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14306).

CONSENT AGENDA.

• Juvenile Probation:

1. Professional Services Contract for Greg Merrill, P. O. Box 4157, Bellingham, Washington 98227, to provide psychologicals, evaluations, counseling, outpatient treatment and other services within the Contractor's field of expertise for selected juveniles as referred by the County. Fee schedule is as follows:
 - a) Individual and family therapy (sexual offenders) - \$70.00/hour.
 - b) Individual and family therapy (option B clients) - \$60.00/hour.
 - c) Group therapy - \$30.00/session.
 - d) Expert testimony at a legal proceeding - \$80.00/hour.
 - e) Formal case consultation (sexual offenders) - \$70.00/hour.
 - f) Formal case consultation (option B clients) - \$60.00/hour.
 - g) Psychosexual evaluation (not including polygraph or plethysmograph) - \$500.00.

Contract shall commence April 1, 1992, and continue until terminated. (Contract #01310).

3. Contract amendment with DSHS (3430-83799(1)) - Commitments and Parolees - to increase consideration payable to the contractor by \$18,050.00, maximum consideration payable to the contractor shall not exceed \$28,800.00. Amendment shall be effective upon date of execution, and terminate June 30, 1993. (Contract #01310)

- * Permit Center:
 4. Consultant Services Agreement with PTL Sign and Design to redesign the Skagit County Permit Center Site Plan informational handout and provide for a uniform and consistent format for all future Permit Center informational pieces. Contract shall commence May 4, 1992, and continue until terminated by either party. Contract amount shall not exceed \$1,500.00. (Contract #01311).
 5. Out-of-State Travel Request for Kraig Stevenson to attend the 1992 Annual N.W. Chapter ICBO in Pendleton, Oregon from May 13, to May 15, 1992. Approximate cost of travel \$363.00.
- Planning and Community Development:
 6. Resolution - call for public hearing concerning short subdivision application SPT 90-055 of Kendall Gentry. (Resolution # 14307).
 7. Resolution - call for public hearing concerning the rezone proposal REZ-91-004 of Bill Youngsman. (Resolution # 14308).
- * Public Works:
 8. Signature - Final Cost Records - Cedardale Road #7055 - C.R.P. #7055-1. Total cost \$136,330.44.
- Parks, Recreation and Fair:
 9. Signature - Facility Rental Agreement with Mount Vernon School District for the use of the Fieldhouse and Gym June 15 through 18, 1992, and June 22 through 25, 1992, from the hours of 6:30 p.m. to 8:30 p.m. for girls basketball. There will be no fee for the use of the facilities. (Contract #01292).
- * Health Department:
 10. Signature - Support Group Facilitator Contract for Carmen Reinhardt, 2268 A. Marlene Way, Sedro-Woolley, Washington, to provide services for the Skagit AIDS Volunteers group on Tuesday evenings, from 7:00 p.m. to 8:30 p.m. beginning June 1, 1992, through December 31, 1992, at the rate of \$40.00 per month. (Contract #01312).
- * Sheriff's Office:
 11. Out-of-State Travel Request for Harry Hemphill to attend Supervision of Police Personnel Seminar in Evanston, Illinois, May 3 through 15, 1992. Estimated cost of travel: Lodging, \$700.00; Food, \$400.00; local transportation, \$50.00; totaling \$1150.00.
 12. Out-of-State Travel Request for David Willard to attend International Association for Identification, Crime Scene and Latent Print Training Seminar in Salem, Oregon, April 29, through May 3, 1992. Estimated cost of travel: Lodging, \$250.00; Food, \$100.00; totaling \$350.00.

MISCELLANEOUS ITEMS.

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 4, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

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- A) Warrants #21797 (Voucher #109767A) in the amount of \$2,176.92. Transmittal #P-9-92.

- B) Warrants #21007 through 21780 (Vouchers #109605 through 110323 and #PW920000758 through PW9200001025) in the amount of \$946,268.89. Transmittal P-8-92.
- C) Warrants #81292 through 81670 (Vouchers #P1078001/2004895 through 2005466) in the amount of \$366,497.13 Transmittal #C17-92.
- D) Warrants #81258 through 81291 (Vouchers #P37001/P76001/2005311 through P37011/P77002) in the amount of \$852,853.85. Transmittal #C16-92.

Decision - Beckstrom/Sheahan Special Use Permit Application - SP-90-023.

As directed by the Board, Mrs. Beckstrom had performed a survey of her property, a copy of which had been provided to the Board.

Grace Roeder, Associate Planner reviewed for the Board the following additional items pertinent to the decision on the Beckstrom/Sheahan Special Use Permit:

"C" street is the point of access and therefore the "front" of the property, no matter how the structure is oriented. The structure is currently located 19.61 feet from the right-of-way of "C" Street. A 25 foot setback from the front property line would be required for either a duplex or a single family dwelling.

Fifth Street is a side (Corner) property line. The structure is located approximately 15 feet from the right-of-way of Fifth Street. A 20 foot setback from the right-of-way of Fifth Street would be required. A 20 foot setback would not allow a constructed access from Fifth Street.

The structure is located in excess of required setbacks from both the vacated alley and the common property line with Lot 6.

In reviewing these items it appears that a special use permit for a duplex, the structure, as located, is in violation of two setback requirements: the required 25 foot front yard setback and the 20 foot side yard setback, when located on a corner parcel of property. The applicant has two options: 1) apply for setback variances, there is no guarantee of approval; 2) reduce the size of the building until it complies with the required setbacks.

Commissioner Vaux questioned how the front was defined.

Ms. Roeder stated that the point of access is the driveway off "C" Street.

Gary Jones, Attorney for Mrs. Beckstrom, addressed the Board. Mr. Jones stated that it was his understanding that since 1990, 5th street had been vacated Mrs. Beckstrom, then to Mr. Jenkins; and that a split 50/50 between Jenkins and Beckstrom in a Quiet Title is currently in process.

Ms. Roeder stated that if this was a fact, then the setback on "C" Street is no longer an issue.

Mr. Jones continued, stating that in SCC 14.08.090 (2) or (3), there is a provision for modified setbacks where preexisting structures violate the set back requirements currently being applied. Mr. Jones pointed out that Mr. Jenkins' house is encroaching onto "C" Street, and that it is closer to the street than Mrs. Beckstrom's.

Commissioner Vaux questioned whether there was still a setback problem on "C" Street.

Ms. Roeder stated that there was, "C" Street has an 80 foot right-of-way, instead of 60 feet, the only street in Bayview that does.

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Mr. Jones continued, stating that an averaging of setback where the structure causes the requirements not to be followed strictly could be used, and the Quiet Title will clear the problem on Fifth Street. Mr. Jones felt that if Mrs. Beckstrom's house was in violation of the front setback ("C" Street) then other structures facing "C" Street including a church, a garage on the

northwest corner of Block 8, and Mr. Jenkins carport which extends out into "C" Street are in violation as well. Mr. Jones stated that by applying Ordinance 14.08.090, there should not be denial or further variance required.

Mr. Jones stated that not included in the report was the siting of the dispersion field, sand spectrum filter, which is effective treatment for waste water. One pipe overlapped the survey line due to the building being larger than required. One leg of the pipe could be disconnected, removing the encroachment on "C" Street right-of-way; this was cleared by the Health Department.

Mr. Jones restated that with averaging setbacks and the Fifth Street right-of-way situation cleared up, all the necessary requirements for Mrs. Beckstrom have been met.

George Ridgeway addressed the Board regarding the on-site sewage design revision. He stated that the survey indicated that one wastewater line violated the front setback. Mr. Ridgeway stated that there were two options for Mrs. Beckstrom; to appeal for a waiver to the Health Officer; or to remove the line out of compliance. He said that other options were taken. The line closest to "C" street was cut off, and another line was used. Additionally, the water line crosses the sewer line. It is recommended that water lines be 12" above any sewer line unless it crosses and is also 12 inches deep. The water line is 30" deep and the treated sewer line is above. This is backward to recommendations. Mrs. Beckstrom has placed double sleeving on both lines, and it is acceptable. Mr. Ridgeway stated that the drain field now meets all the setbacks and codes to handle a two bedroom dwelling.

Mr. Brad Furlong, attorney for Mr. Jenkins, asked Mr. Ridgeway how much the ground sloped from the easterly point, and how far uphill the flow would have to be to reach the second drain field.

Mr. Ridgeway stated that it appears to have no slope, and that any pressurized drain field line would have no problem functioning.

Mr. Furlong stated that the survey brings out a few issues needing to be addressed. He felt that there was a need to go back to the initial Hearing Examiner's Findings. They indicated that the lot was too small to handle the proposed building, which was the basis for the initial denial. There was then a reapplication to see how to make it fit; now it appears that the setbacks have not been adhered to. The need for Mrs. Beckstrom to have a building with tenants to support it is not the issue. The long term affects have to be examined.

Mr. Furlong continued, stating that the issue now is the front set back. Mr. Jenkins property is fronting on a 60 foot right-of-way, not an 80 foot right-of-way as Mrs. Beckstrom's is, which means that his home is not encroaching on the right-of-way. The averaging of setbacks would not be appropriate where a conditional use is being requested.

Mr. Furlong stated that the septic/drain field requirements were still not met. The drain field is not away from the car port by 10 feet, so it does not meet requirements. The water will run uphill if it is pumped, but is there sufficient information to show the flow will go to the uphill drainfield? Mr. Furlong felt that there was too much improvement being done for the size of the lot.

Mr. Furlong stated that when a sewage system has to be altered to meet requirements, and the only way is to downsize the system and use flow restrictors, it seems not to be the right way. It is a dangerous precedent to set that everyone will pay the price for. Mr. Furlong felt that it was not appropriate to approve the Special Use Permit under the existing circumstances.

Mr. Jones addressed the Board, stating that Mr. Furlong represents a person who is in violation of a front setback, but wants to deny a person who is in compliance. Setback averaging has to be applied, but Mrs. Beckstrom is within code compliance and is observing setbacks.

Mr. Furlong submitted Mr. Jenkins' Plat Map for the record to show the 60 foot setback at his property. Mr. Furlong stated that Mr. Jenkins' carport was built before there were setback requirements. He also commented that there is a difference between non-conforming and non-compliance.

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Commissioner Vaux stated that prior to the survey, the Board listened to Mrs. Beckstrom stating that she was in compliance with all the setbacks, and didn't understand who could have told her that she was. Mrs. Beckstrom should have had a

survey done before breaking ground, then all of this could have been avoided. Commissioner Vaux felt as if the Board has been trying harder than Mrs. Beckstrom. He said that a person does not build first, then ask to be approved for compliance.

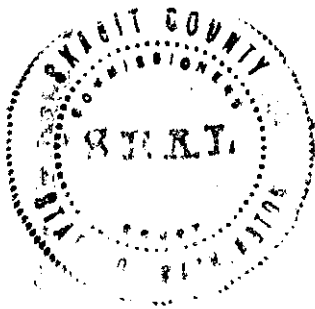
Commissioner Vaux motioned to deny the Beckstrom/Sheahan Special Use Permit Application - SP-90-023. Commissioner Wylie seconded the motion, which carried unanimously.

Marblemount Community Meeting.
(Marblemount Community Hall).

The Board attended a community meeting at the Marblemount Community Hall.

ADJOURNMENT

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Robby Robinson 5/18/92
Robby Robinson, Chairman

Ruth Wylie
Ruth Wylie, Commissioner

W. W. Vaux
W. W. Vaux, Commissioner

ATTEST:

Connie Carter
Connie Carter, Clerk
Skagit County Board of Commissioners