

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

**Monday, July 6, 1992**

Flag Salute.

- 10:00 a.m. - 11:00 a.m.      Public Works Department - Rich Medved, Director.
- 1) Public Hearing - Proposed Speed Limit Reduction, Pioneer Highway #8009.
  - 2) Public Hearing - Six-Year Transportation Improvement Program.
  - 3) Discussion - Request for Statement of Qualifications, 1992 to 1993 Engineering Services Consultant Roster.
  - 4) Signature - Interlocal Agreement with City of Sedro-Woolley.
  - 5) Signature - Professional Services Contract, Household Hazardous Waste Education Training (MetroCenter Y.M.C.A.).
  - 6) Call for Public Hearing - Amendment of Skagit County Code 12.18, Solid Waste Disposal.
  - 7) Miscellaneous.
- 11:00 a.m. - 11:15 a.m.      Bid Award - Senior Catered Meals.
- 11:15 a.m. - 11:30 a.m.      Commissioner's Salary Recommendation - Salary Recommendation Committee.

**CONSENT AGENDA**

**MISCELLANEOUS**

- 1:30 p.m. - 2:00 p.m.      Annual Report - Skagit County Auditor.
- 2:00 p.m. - 3:00 p.m.      Appeal by George Theodoratus - Hearing Examiner's Decision Regarding Preliminary Plat #PPT 91-006 and Shoreline Substantial Development and Permit #SHL 91-025 for Skagit Sunset.
- 3:00 p.m. - 4:00 p.m.      Appeal of Approval of Shoreline Substantial Development Permit #SLV 91-032 of Jerry Rindal for Construction of a Single Family Residence at Lot 49, Sulphur Springs Tracts, Big Lake.
- 4:00 p.m. - 5:00 p.m.      Executive Session - Personnel and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, July 6, 1992, with Commissioners Robinson, Wylie and Vaux present.

**PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR.**

- 1) Public Hearing - Proposed Speed Limit Reduction, Pioneer Highway #8009.

Due to an error in posting Pioneer Highway, #8009 properly, the public hearing has been cancelled. A call for public hearing will be presented at a later date.

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2) Public Hearing - Six-Year Transportation Improvement Program.

Commissioner Robinson waived reading the notice of public hearing as advertised in The Skagit Argus.

Doug Barnet, County Engineer, reviewed with the Board that various work sessions have been held to review the preparation of the recommended Six Year Road Program and presented a resolution for adoption to update the Six-Year Transportation Improvement Program.

Chairman Robinson opened the hearing for public comment.

Seeing and hearing no comment from the audience, Commissioner Vaux motioned to close the public hearing.

Commissioner Wylie seconded the motion, which carried unanimously.

Commissioner Vaux motioned to adopt the Resolution establishing the Six Year Road Program 1993 - 1998.

Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14379).

3) Discussion - Request for Statement of Qualifications, 1992 to 1993 Engineering Services Consultant Roster.

A discussion was held regarding a Request for Statement of Qualifications (RFQ) for Engineering Services for the 1992 - 1993 Roster. This roster would consist of a list of all the interested Engineering firms that responded to the RFQ and their qualifications. When professional services are required, the roster will be examined and the most qualified firm selected to enter into contract negotiations for the proposed work. When the Public Works Engineering Department reviews the list, selects the most qualified firm from the list, and completes contract negotiations, the contract will be presented to the Board for approval. Substantial, major projects will continue to be bid out.

Commissioner Wylie motioned to approve the Request for Statement of Qualifications for Engineering Services for the 1992-1993 Consultant Roster.

Commissioner Vaux seconded the motion, which carried unanimously.

4) Signature - Interlocal Agreement with City of Sedro-Woolley.

Steve Winter, Office Engineer, presented to the Board an Interlocal Cooperative Agreement with the City of Sedro-Woolley, which will allow the Skagit County Public Works Department to provide materials, equipment rental, and perform work on a reimbursable basis for the City of Sedro-Woolley for a period of (5) years.

Commissioner Vaux motioned to adopt the Resolution approving the Interlocal Cooperative Agreement between Skagit County and the City of Sedro-Woolley.

Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14380).

The Board signed the Interlocal Cooperative Agreement between Skagit County and the City of Sedro-Woolley. (Contract #01350).

5) Signature - Professional Services Contract, Household Hazardous Waste Education Training (MetroCenter Y.M.C.A.).

Frances Ambrose reviewed with the Board that the contract with MetroCenter YMCA will provide for one day of training by Richard Conlin for approximately 10 staff members and volunteers; reproduction of a slide show; and camera ready mechanicals for the reprinting of a booklet, "Hazard Free Home". Sixty percent of the total project cost of \$2,000.00 is reimbursable. The total cost to the County will be \$700.00.

Commissioner Vaux motioned to approve the Professional Services Contract with MetroCenter YMCA.

Commissioner Wylie seconded the motion, which carried unanimously. (Contract #01351).

6) Call for Public Hearing - Amendment of Skagit County Code 12.18, Solid Waste Disposal.

Don King, Skagit County Incinerator Manager, presented for signature a resolution to call for a Public Hearing to amend Skagit County Code 12.18 relating to Ordinance #11125 - Solid Waste Disposal.

Commissioner Wylie motioned to adopt the resolution to call for a Public hearing to amend Skagit County Code 12.18 relating to Ordinance #11125 - Solid Waste Disposal. Public Hearing to be held Monday, July 20, 1992, at 10:00 a.m., or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, County Administration Building, 700 S. Second, Mount Vernon, Washington.

Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #14381).

**BID AWARD - SENIOR CATERED MEALS.**

Melinda Wade, Nutrition Project Coordinator, presented a resolution to the Board awarding the bid for Senior Catered Meals to Island Hospital for the Anacortes Senior Services area, and Affiliated Health Services for the Mount Vernon, Burlington, and Sedro-Woolley Senior Services area.

Commissioner Wylie motioned to adopt the resolution awarding the bids for Senior Citizen Meals to:

1. Island Hospital  
24th & "M" Avenue  
Anacortes, WA 98221  

Hot Home-Delivered Meals	\$2.85
Hot Congregate Meals	\$2.55
Frozen Home-Delivered Meals	\$1.75
Transportation Charge	\$7.50/day

Services for Anacortes Nutrition site only.

2. Affiliated Health Services  
P. O. Box 1376  
Mount Vernon, WA 98273  

Hot Home-Delivered Meals	\$3.14
Hot Congregate Meals	\$2.86

Frozen Home-Delivered Meals            \$2.15

Services provided for Sedro-Woolley, Mount Vernon, and Burlington. Contractor states that services to the Anacortes site represents a logistical problem and feels the site would be better served by someone near them.

Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #14386).

**COMMISSIONER'S SALARY RECOMMENDATION - SALARY RECOMMENDATION COMMITTEE.**

Mr. Vince Hanson, Mr. Jim Loop, and Ms. Mary Scott of the Salary Recommendation Committee met with the Board to review the Commissioner's Salary Recommendation.

Mr. Loop addressed the Board and read into record the information considered during the deliberations.

Mr. Loop read into the record the recommendations as follows:

The changing role of the County Commissioner and the increasing complexities of the position were discussed during the meeting of the Committee. Factors such as a rapidly growing county, additional mandated regulations such as the Growth Management Act, and the ever increasing pressures placed on local government budgets were considered.

Based on the above factors and review, it was the unanimous decision of the Committee to recommend the following salary increases for the Commissioners of District No. 1 and No. 2 for the term commencing January 1, 1993:

- Effective January 1, 1993, the 1992 salary rate shall be increased by a rate of 8 percent.
- Effective January 1, 1994, the 1993 salary rate shall be increased by a rate of 80 percent of the U.S. Cities Urban Wage Earners and Clerical Workers Consumer Price Index for the year ending April of 1993, as published by the United States Department of Labor, Bureau of Labor Statistics.
- Effective January 1, 1995, the 1994 salary rate shall be increased by a rate of 80 percent of the U.S. Cities Urban Wage Earners and Clerical Workers Consumer Price Index for the year ending April of 1994, as published by the United States Department of Labor, Bureau of Labor Statistics.
- Effective January 1, 1996, the 1995 salary rate shall be increased by a rate of 80 percent of the U.S. Cities Urban Wage Earners and Clerical Workers Consumer Price Index for the year ending April of 1995, as published by the United States Department of Labor, Bureau of Labor Statistics.

Mr. Loop stated that other Countys, comparable to Skagit County, salaries were reviewed to arrive at the 8 percent increase to bring the Commissioners' salaries to a comparable level.

Commissioner Vaux motioned to adopt the resolution establishing the salaries of County Commissioner Districts No. 1 and 2 as presented.

Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14382).

CONSENT AGENDA

- \* Data Processing:
  - 1) Out-of-State Travel for John Holmes to attend Spillman Data Systems User Conference in Salt Lake City, Utah, August 24 through 29, 1992. Total conference, travel, accommodations, etc. \$1,636.24.
  
- Parks, Recreation, and Fair:
  - 2) Signature - School Use Agreement with Cascade and Evergreen Schools in Sedro-Woolley for June 15, 1992, through August 21, 1992, Monday, Wednesday, and Friday from 9:00 a.m. - 3:00 p.m. (Contract #01292).
  - 3) Signature - Contract with Continental Roofing, 1617 Spruce Ct., Mount Vernon, WA 98273, to replace existing builtup roofing on two restrooms and the center section of builtup roofing on the third restroom at Howard Miller Steelhead Park. Replace roofing on the restroom section of the building at Skagit Valley Playfields. Contract shall commence June 24, 1992, and be completed July 30, 1992. Contract amount \$3,526.00. (Contract #01353).
  - 4) Signature - School Use Agreement with Conway School District for the use of the playground and gym June through August 1992, on Mondays and Wednesdays, from 9:00 a.m. to 3:00 p.m. (Contract #01292).
  
- \* Permit Center:
  - 5) Signature - Ordinance amending Skagit County Code 15.04 - Uniform Building Code. (Resolution #14384).
  
- \* Juvenile Probation:
  - 6) Professional Services Contract - H. Michael Isbell, 937 Alderwood Lane, Sedro-Woolley, WA 98284, to provide specialize juvenile sex offender evaluations, treatment or consultations for juveniles referred by the County and accepted for treatment. Contract shall be retroactive to March 1, 1992, and continue until terminate. Fee Schedule attached. (Contract #01354).
  - 7) Professional Services Contract - Mary K. Barbieri, Uptowne Center Suite 310, 321 Washington St., Mount Vernon, WA 98273, to provide psychologicals, evaluations, counseling, outpatient treatment and other services within the Contractor's field of expertise for selected juveniles. Rate shall be \$60.00 per 50 minute session. Contract shall be retroactive to July 1, 1992, and continue until terminated. (Contract #01355).
  
- Commissioner's Office:
  - 8) Record of the Proceedings for the week of May 26, 1992.
  - 9) Record of the Proceedings for the week of June 1, 1992.
  - 10) Record of the Proceedings for the week of June 8, 1992.

\* **Sheriff's Office:**

- 12) Bid Award, Commissary Supplies (Stationery and Toiletry Items). Awarded in part to all three bidders as outlined on the resolution. Generally, Bob Barker - items totaling \$1,917.20; Crawfords - items totaling \$1,432.60; and ICS - items totaling \$2834.20. Bids were broken down and awarded by best price. (Resolution #14385).

**MISCELLANEOUS**

- A) Mike Woodmansee, Budget/Finance Director, held a discussion with the Board regarding modifying Skagit County's Cost Assessment Policy. This item will be reviewed again at a later date.
- B) Mr. Woodmansee presented a resolution to the Board for signature regarding a Budget Line Item Change in the amount of \$1,200 for the Current Expense Fund #001. An appropriation was included in the Treasurer's travel budget for mileage to compensate the Treasurer for costs related to use of her personal vehicle for duty related travel. This money was budgeted in the travel line item of the Treasurer's budget when it properly belongs in a compensation line item in order to properly account for the transactions.

Commissioner Vaux motioned to adopt the Resolution authorizing a Budget Line Item Change as presented.

Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14383).

- C) Mr. Woodmansee discussed the need for a Budget Line Item Change to move funding from the contingency appropriations line item to an operating line item for the Best SELF program, a project not fully provided for in other budget categories. An amount of \$50,000 would be moved from the contingency funds to the ARIS budget in order to provide the necessary funding.

Commissioner Vaux motioned to approve the Budget Line Item Change in the amount of \$50,000 for the Current Expense Fund #001.

Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14387).

- D) A Contract for Professional Services for the Skagit County ARIS Program with Kathie Ketcham, M.A., 1575 Sneeoosh Road, LaConner, WA 98257, was presented to the Board. The Contract is for the provision of individual and family therapy at the rate of \$60.00 per hour beginning July 6, 1992, and terminating December 31, 1992.

Commissioner Vaux motioned to approve the contract as presented.

Commissioner Wylie seconded the motion, which carried unanimously. (Contract #01352).

**ANNUAL REPORT - SKAGIT COUNTY AUDITOR.**

Jerry McInturff, County Auditor, presented to the Board as required by R.C.W. the Annual Auditor's Report. Mr. McInturff stated that a notice has been published that the report will be available to the public.

He stated that there are two sections of the report that he felt would of primary interest to the Board. The

first section being the transmittal letter which presented an overview of major projects covered in the report. Mr. McInturff stated that the Activity Focus last year was the Juvenile Probation Department. This year's Activity Focus is the ARIS Program as it is the newest and most successful program of the year.

The second section of primary interest would be the Financial Section.

Mr. McInturff stated that there was good cooperation from all the departments in gathering the necessary information to compile the report.

The Board requested Mr. McInturff to provide them a copy of the Summary Report when it is ready.

**APPEAL BY GEORGE THEODORATUS - HEARING EXAMINER'S DECISION REGARDING PRELIMINARY PLAT #PPT 91-006 AND SHORELINE SUBSTANTIAL DEVELOPMENT AND PERMIT #SHL 91-025 FOR SKAGIT SUNSET.**

Bob McGill, Assistant Planner, stated that the appeal centers around conditions set by the former Hearing Examiner Pro Tem, Bill Nielsen, that were issued in a single written order for two applications. Mr. McGill stated that the primary issue is the method of how the shoreline permit was processed. There was no significant objection to the preliminary plat, but there was objections to the shoreline permit. Mr. McGill stated that it was confusing as the conditions were intermingled in one written finding.

Scott Kirkpatrick, Planning Director, stated that some of the conditions applied were outright errors and that Mr. Nielsen went beyond his limits of authority. He said that it was his understanding that the appeal was based on Mr. Nielsen going beyond Staff recommendations.

Chairman Robinson opened the floor to public comment.

- Mr. Brad Furlong, 904 S. 3rd, Mount Vernon, attorney for Mr. Theodoratus addressed the Board. Mr. Furlong stated that Mr. Theodoratus made applications for both the Preliminary Plat and Shoreline Substantial Development Permit on September 12, 1991. A hearing was held March 18, 1992, before the Hearing Examiner Pro Tem, Bill Nielsen. The first decision was appealed on April 2, 1992, due to grievous errors, and a reconsideration was requested. There was a site visit done by the engineer, Mr. Theodoratus, and Mr. McGill.

Mr. Furlong stated that Mr. Nielsen's first decision was one decision rather than a decision for both applications separately. He said that this was brought to Mr. Nielsen's attention and he then made two separate sets of conditions, but they were identical in content. If Mr. Theodoratus should choose to go to the Shoreline Hearings Board for the Shoreline Substantial Development Permit portion, he would have to go to writ action.

Mr. Furlong stated that the second major area of concern was that Mr. Nielsen went too far with the conditions he set. He imposed conservation elements that are unnecessary to the application. Mr. Furlong said that he has discussed the situation extensively with the Planning staff and believes that it would be best for the Board to hold their own public hearing to consider the case. Except for one issue, the Planning staff recommendations should be brought to the Board in two separate staff findings and recommendations.

Mr. Furlong stated that the proposed subdivision is 14.5 acres, with 12 buildable lots. Seven lots on the River and 5 back on the Street in the Cape Horn area of Skagit River. He said that no public input had been made as yet, and recommended that the Board hold their own public hearing, and get the matter resolved and done with.

Mr. Furlong also said that maybe the Board should not have to deal with it, and have it remanded back to the Hearing Examiner again.

Chairman Robinson asked if Mr. Kirkpatrick agreed with Mr. Furlong.

Mr. Kirkpatrick stated that he did, but for the appearance of fairness, a neutral Hearing Examiner should be used if the Board chose to remand to the Hearing Examiner again.

Commissioner Vaux motioned for the Board to hold their own public hearing Tuesday, August 4, 1992, at 10:00 a.m., or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, County Administration Building, 700 S. Second, Mount Vernon, Washington 98273.

Commissioner Wylie seconded the motion, which carried unanimously.

**APPEAL OF APPROVAL OF SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT #SLV 91-032 OF JERRY RINDAL FOR CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT LOT 49, SULPHUR SPRINGS TRACTS, BIG LAKE.**

Mr. McGill reviewed with the Board that Mr. Rindal applied for a setback variance on November 1, 1991, for a 24 x 30 foot single family residence (SFR). The requested setback was for 35 feet from the Ordinary High Water Mark (OHWM) to the residence, rather than the required 50 feet. The distance from the OHWM to the deck on the residence would be 23 feet. Mr. McGill stated that at the original public hearing the Planning Staff's recommendation was for denial of the Shoreline Substantial Development Permit due to the view blockage to the Hansen/Dunlap property to the North. He said that Mr. Schofield continued the public hearing to allow the applicant to revise the plan. A Plan was submitted on December 23, 1992, for a 24 x 30 SFR with no deck, and a setback of 49 feet from the OHWM, which would required a variance of one foot from the shoreline. The proposal and revised proposal exceed the maximum site coverage, which is 30%. Either would also need a variance to meet the maximum lot coverage requirements. Mr. McGill stated that Planning Staff advised the Hearing Examiner that the proposed structure would cause a blockage of the view, and recommended approval with conditions. On June 11, 1992, the variance was approved by the Hearing Examiner. Mr. McGill presented both the original and revised site plans to the Board.

Commissioner Wylie verified that a variance was approved for the 49 foot setback, and that the site coverage exceeding 30% was not approved.

Mr. McGill stated that there were some concrete areas that could be removed to meet the site coverage requirements. The Hearing Examiner also suggested in the conditions that Mr. Rindal could aggregate the lot he owns across Sulphur Springs Road to allow him to meet the lot coverage requirements.

- Mr. Peter Eglick, attorney for the appellants, Bank of California Building, 900 Fourth Avenue, Seattle, Washington, addressed the Board. Mr. Eglick asked that the Board review photos and site plans of the subject property. He stated that the Shoreline Master Plan requires a 50 foot setback. This would still not alleviate the view problem but his client is entitled to the full 50 foot requirement being complied with. Mr. Eglick stated that it would be a revolutionary approval if it is done with the lot coverage situation.

Mr. Eglick stated that a variance is not a given right, that there must be stringent criteria met. It must be shown that denial of the set back, coverage, etc., would interfere with the reasonable use of the property. Mr. Eglick felt that Mr. Rindal could build reasonably for the property without the variances.



Mr. Eglick felt that the Hearing Examiner did not fully do his job. The criteria needs to show hardship due to unique characteristics of the lot. Mr. Rindal built a parking area without a permit and now wants a house built. This is why his plan requires coverage of more than 30% of the lot. Mr. Eglick felt that the design of the house is too big and his clients' view will be blocked.

Mr. Eglick stated that there needs to be a rationale on how to deal with this situation when it rises again. It is a special privilege and will be allowed if combined with the lot on the other side of the road. Mr. Eglick felt that combining the lots would be illegal because the lots are not contiguous.

Mr. Eglick was disappointed that the Hearing Examiner did not review the case further. He felt that he should have looked beyond this case to what the impact would be if other similar lot aggregations were granted.

Mr. Eglick stated that a surveyor had not been brought out to establish a mutually agreeable OHWM. Mr. Eglick said that Mr. McGill had measured and determined an OHWM, but he respectfully disagrees with Mr. McGill as he is not a surveyor. Mr. Eglick felt that a survey to establish the OHWM needs to be done and reviewed before a decision can be made. He suggested that Mr. Rindal be made to comply with the 50 foot setback at least. He also suggested that should the Board choose to do otherwise, that a survey be required first to establish the OHWM, and distance to his clients' home, the neighbors' and Mr. Rindal's.

Mr. Eglick stated that regarding the site coverage issue, the original proposal was at 61 percent calculated by including the parking area. His proposal to Mr. Rindal was to remove the parking area, reduce the home size, and follow the 50 foot setback. Mr. Eglick presented a site plan of his proposal to the Board. He said that there was 1,000 square feet of parking lot that the Hearing Examiner apparently said not to worry about, that Mr. Rindal could aggregate the lot across the road. Mr. Eglick stated that cannot be done as it would be illegal. Mr. Eglick stated that a variance cannot be granted contingent on another variance that has not been granted yet.

Mr. Eglick asked why a Shoreline Setback requirement of 50 feet could not be respected. He wondered what was unique to the Rindal property, what precedent was being set and what the requirements were for a setback variance. He wondered if variances should be granted conditional on other variances being granted. He stated that the fact that Mr. Randal had illegally placed fill and built a parking lot without a permit should not be a reason for a variance.

Mr. Eglick stated that he was asking the Board to look at the law since the Hearing Examiner did not and did not bring all the hearing information out. He recommended that the Board deny Mr. Rindal a Shoreline Permit.

- Mr. Rindal addressed the Board. He stated that he did not understand the lot coverage issue. The lot is 3,400 square feet and the house is 700 square feet. The house is proposed to be where the cement is and it will be removed. He didn't see where the lot coverage issue was coming from. Mr. Rindal said that the proposed roof line is no further out than his neighbors, and that the appellants' house sits back further than any other house in the area. Mr. Rindal said that the proposed house is not large, that 700 square feet is very conservative.

The Board, Mr. Rindal, Mr. Eglick, and Mr. Barry Butler reviewed the site plans.

Commissioner Wylie asked if Mr. Eglick included the cement area when considering the lot coverage.

Mr. Eglick stated that he did as the original plan included the house, deck, and cement.

Commissioner Wylie asked if the plan now is for a house, no cement, and no deck.

Commissioner Vaux asked if Mr. Rindal could build a house if he removed the concrete, made the house 720 square feet and added a deck to meet the required OHWM setback.

Discussion and review of the site plan ensued for a time with the Board, Mr. Rindal, Mr. Eglick, and Mr. Butler.

Mr. Rindal readdressed the Board stating that there is a steep slope on the property to the lake and that he put in a four foot retaining wall with sand fill to level the yard as others around the lake have done.

Mr. Eglick stated that he appreciated Mr. Rindal commenting on the fill issue.

Mr. Eglick felt that once there was an established setback requirement of 50 feet from the OHWM that is expected to be complied with, then it should be adhered to. He said that his clients feel strongly that their home is within compliance of the 50 foot setback. Mr. Eglick stated that the easiest solution would be to go with the proposal he provided.

Commissioner Vaux stated that he did not like the aggregation idea, and agreed that it would not be a manageable precedent to set.

Commissioner Wylie motioned for the Board to visit the subject property on Tuesday, August 4, 1992, at the hour of 11:00 a.m. and then hold a public hearing to determine their own findings of fact on Tuesday, August 4, 1992, at the hour of 1:30 p.m., in the Commissioners' Hearing Room, 202A, County Administration Building, 700 South Second, Mount Vernon, Washington.

Commissioner Vaux seconded the motion, which carried unanimously.

**ADJOURNMENT**

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



ATTEST:

*Connie Carter*

Connie Carter, Clerk of the Board

*Robt. Robinson*  
Chairman Robinson

*Quint Wylie*  
Commissioner Wylie

*W. Vaux*  
Commissioner Vaux