

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

Monday, August 24, 1992

- 10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director.
- 1) Public Hearing - Vacation of Portion of "C" Street, Town of Bayview.
 2) Miscellaneous.
- CONSENT AGENDA
- MISCELLANEOUS
- 11:00 a.m. - 11:15 a.m. Call for Public Hearing Regarding Amendments to Skagit County Code Fire Control Issues in Areas Not Served by Fire Districts.
- 11:15 a.m. - 11:30 a.m. Call for Bid - Underground Storage Tank Removal.
- 1:30 p.m. - 2:00 p.m. Decision - Shoreline Substantial Development Variance Permit #SLV-91-032 of Jerry Rindal, Lot 49 Sulphur Springs Lake Tracts, Big Lake.
- 2:00 p.m. - 3:00 p.m. Executive Session - Personnel.

The Skagit County Board of Commissioners met in regular session on Monday, August 24, 1992, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

Public Hearing - Vacation of Portion of "C" Street, Town of Bayview.

Chairman Robinson waived the reading of the Notice of Public Hearing, as published in The Skagit Argus.

Linda Johnson reported that a petition has been received requesting that "C" Street in Siegfried's Addition to Bayview (near Josh Wilson Road) be vacated to the adjoining property owners. A vicinity map demonstrated the location of the vacation. The Beckstroms, Sheahans, Rozemas, United Methodist Church and Raney's would be eligible to receive a portion. The Public Works Department has received nine letters from citizens opposed to the vacation. Ms. Johnson stated that the Public Works Department is recommending denial of the petition based upon the fact that the right-of-way will be needed for any improvements to the existing street, and relinquishing the right-of-way would interfere with the placement of any sewer line proposed for the future. "C" Street currently has an 80 foot right-of-way, and the petitioners are requesting 10 feet on the south side of the road. The entire length of the road is just over 3 miles, and the vacation would run only in front of the petitioners' properties.

Gary Jones, representing Gloria Beckstrom, clarified that currently there are no County improvements on the portion of "C" Street proposed for vacation. Ms. Johnson also agreed that a utility easement could be left intact even if the vacation were granted, although the easement could not be blocked in any way.

A representative of the church stated that they would prefer not to have to maintain the ditch along "C" Street. Ms. Johnson verified that the ditch would not be included in the vacation portion. The representative noted that the additional 10 feet would be included in the church's tax assessment. She was therefore opposed to the vacation. Ms. Johnson verified that earlier correspondence from the church has indicated opposition to purchasing the vacated property.

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Again, Mr. Jones spoke to oppose the recommendation of the Public Works Department. Mr. Jones stated that there is no real reason for denying the vacation. He stated that the normal width of County rights-of-way is 60 feet, 20 feet less than that currently dedicated on "C" Street. He stated that the vacation is needed by Mrs. Beckstrom to correct a property boundary error that prevents his client from using her property in the manner in which she wishes.

Colonel Betz represented several concerned citizens in opposition to the vacation, chiefly Fire District #12. He referenced a letter from representatives of Fire District #12 which had earlier been sent to the Board. He stated that parking at the fire hall on "C" Street is severely limited, as is the area for ingress and egress of fire trucks, requiring the use of the proposed vacation area for turning of fire trucks in and out of the fire hall. A new school also exists nearby, and the community will likely undergo an increase in population in the next years, requiring additional fire trucks and equipment.

Linda Johnson remarked that the County usually finds itself needing to purchase additional right-of-way to complete road improvement projects. It would not be in our policy to vacate right-of-way that may potentially be needed in the future.

Chairman Robinson invited public comment.

Clarence Rozema, one of the petitioners, wished to make clear that if the fire department or community civic hall would be adversely impacted, he would not wish to support the petition he had previously signed.

Mary Hall, 1075A Josh Wilson Road, read a prepared statement on behalf of Bayview residents, which asked for the denial of the vacation petition. The statement reflected negative impacts to the access and parking for the fire hall, church and civic center. She submitted a petition containing 72 signatures of those agreeing with the prepared statement.

Bill Jenkins, Bayview resident and fire commissioner, stated that he is a professional truck driver, and that he is opposed to the vacation because it would not allow adequate turning radius for trucks entering and leaving the fire hall. New equipment planned for purchase by the fire district will have an even greater axle length than that currently in use.

Ron Nealy, Fire Commissioner for Bayview, agreed with Mr. Jenkins. He also remarked on a citizen's yard which currently exists on the County's right-of-way which prevents public use of the right-of-way for parking.

Nancy Hanson, Bayview resident, reported that as many as 500 to 600 people are served at the annual Bayview salmon dinner. The need for parking is great for functions held by the civic center and church.

Judy Nichols, 2554 Highway 20, Sedro Woolley, read a prepared statement. Although she is not a Bayview resident, she wished to comment that Mrs. Beckstrom's error in determining her lot boundaries was of her own making and should not constitute reason for the vacation of "C" Street.

Mr. Jones submitted a survey of the "C" Street area which was submitted with the vacation petition. He pointed out where, with respect to his client's property, parking improvements have been made in front of his client's property which are used by those visiting the fire hall. The survey, Mr. Jones pointed out, shows a 10 foot strip in front of her improved parking area that is not used for parking, or for anything. Mr. Jones suggested that if the right-of-way is vacated, a crushed rock surface could be applied for parking along the length of "C" Street which would not affect the requested 10 feet.

Ms. Hall spoke again. She asked if the area in front of the church would not be vacated in the event that

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the church did not wish to purchase it. Ms. Johnson stated that it would remain County property if the church did not wish to purchase it.

Barbara Bond Howard, 1061 Josh Wilson Road, stated that if the property were to be vacated, the property boundaries of the entire block should be adjusted accordingly. Even in the event this were possible, she stated, she still opposes the narrowing of "C" Street.

Dale Jenkins provided a map indicating that he does own property which Mr. Jones claimed earlier did not belong to him. Ms. Johnson confirmed that Mr. Jenkins' property, although bordering "C" Street, is in a different Plat, where the right-of-way is only 60 feet.

Mrs. Talbot, 1103A Josh Wilson Road was opposed to the vacation.

Barbara Rozema, 1151 Walker Road, Mount Vernon, and owner of Rozema Boatworks in Bayview, stated that although she and her husband would like to have 10 additional feet of property, in light of the opposition expressed, they would like their name removed from the petition to vacate right-of-way.

Hearing no further comment, Commissioner Wylie motioned to close the public hearing. Commissioner Vaux seconded the motion, which passed unanimously.

Commissioner Vaux stated that a difficult situation was created by the fact that Mrs. Beckstrom did not adequately address the location of her property lines in constructing her residence on her property, causing the plans for the residence to be in violation of setback ordinances. This mistake was made by Mrs. Beckstrom, not the public. He motioned to follow the recommendations of the County Engineer in denying the petition to vacate "C" Street.

Commissioner Wylie agreed, stating that she has concerns similar to those addressed by the fire district commissioners. She seconded the motion.

The motion passed unanimously.

Miscellaneous.

- A. Steve Winters, Office Engineer, explained that in working to proceed with the installation of the Lake Chiquita Bypass before the winter rains begin, a need for the passage of an emergency resolution to allow construction to begin during a low tide period occurring at this time is needed. The amount of the contract for the construction will be approximately \$44,000 for the County's portion of the project, and that contract will be presented to the Board next week.

Commissioner Vaux motioned approval of the emergency resolution regarding the construction of the Lake Chiquita Bypass. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #14453)

CONSENT AGENDA.

Commissioner Wylie motioned to approve the consent agenda of August 24, 1992, as submitted, with the exception of item #7, a resolution for approval of change orders. Commissioner Vaux seconded the motion, which passed unanimously.

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* Juvenile Probation:

- 1) Out-of-State Travel Request for Ken Van Liew to attend Advanced Gang School, offered by National Law Enforcement Institute, Santa Rosa, California, in Portland, Oregon, departing August 31, 1992, returning September 2, 1992. Total estimated travel expense \$365.00.

* Public Defenders Office:

- 2) Contract for Professional Service with Language Exchange, P.O. Box 1251, Mount Vernon, Washington 98273, to provide interpreting services as required for clients, beginning June 15, 1992, and terminating December 31, 1992. (Contract #001397)

• Public Works:

- 3) Signature - Resolution Awarding Bid for One New 1993 Chevrolet ASTRO CL10906 Four-Wheel Drive Passenger Van to Blade Chevrolet, the low bidder, for the bid price of \$20,395.98. (Resolution #14455)
- 4) Signature - Resolution calling for Public Hearing for Road Name Changes in Section 32, Township 36 North, Range 3 East, WM., in the Plat of Haller's Addition to Edison as recorded in Volume 2, Page 87 of Plats, Skagit County Auditor's Office, that portion of Farm to Market Road #3101, (formerly known as State Route 237) designated and platted as Cain's Court in the above said plat to be changed to Cain's Court #2003; and that portion of Farm to Market Road #3101, designated and platted as Mac Taggart Avenue in the above said plat, to be changed to Mac Taggart Avenue #2002; and that portion of Farm to Market Road #3101 beginning at the east end of Mac Taggart Avenue and continuing easterly to its intersection with Chuckanut Drive (State Route 11) to be changed to West Bow Hill Road #2118. (Resolution #14456)
- 5) Signature - Supplement No. 1 Contract with Leonard, Boudinot and Skodje, Inc., for the Burlington Shop Site Analysis increasing the funding to allow for a wetland reconnaissance, as well as to extend the contract time to allow for the study. Contract shall be increased by \$1,495.00, and extended until September 30, 1992. (Contract #001301)
- 6) Signature - Award of Bid of Hansen Creek Sedimentation Pond Project to LOVCO Construction, 1015 Goldenrod, Burlington, WA 98233, the low bidder, for the bid amount of \$45,848.75. (Resolution #14457)
- 7) Signature - Resolution that construction project Change Orders that do not exceed the contract bid amount plus the approved contingency, or that do not materially change the scope of a project may be approved by the Director of the Public Works Department or by the County Engineer, and the Skagit County Auditor is authorized to process contractor payments up to the total amount of the contract plus the approved contingency amount. (REJECTED)

MISCELLANEOUS ITEMS.

- A. Doug Barnett, County Engineer, explained the review of the bids received for the Hansen Creek Sedimentation Pond project.
- B. The Board discussed with Mr. Medved and Mr. Barnett a consent agenda item which allows certain change orders to be approved by the Public Works Director or County Engineer. The Board directed

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Mr. Medved and Mr. Barnett to return with a resolution which reflects the wishes of the Board.

- C. 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, August 24, 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 #85859 through #86427 (Vouchers #2010946 through #2011823) in the amount of \$524,805.32. (Transmittal #C-32-92)

CALL FOR PUBLIC HEARING REGARDING AMENDMENTS TO SKAGIT COUNTY CODE FIRE CONTROL ISSUES IN AREAS NOT SERVED BY FIRE DISTRICTS.

Scott Kirkpatrick, Planning Department Director, and Dan Cain, County Fire Marshall, presented proposed amendments and additions to the Skagit County Code developed following meetings and work sessions on this issue with the Board. Access standards, Mr. Kirkpatrick stated, will be addressed as part of the Uniform Fire Code adoption. Additionally, Mr. Kirkpatrick stated that additional definitions may need to be added to the definitions section of this Chapter.

The Board discussed aspects of the proposed ordinance. Slash abatement was discussed from the standpoint of lots that may not be big enough to conform to the 200 foot slash abatement requirement. Changes were suggested by the Board to amend the proposal to allow those with lots not able to accommodate a 200 foot slash abatement to comply. Mr. Kirkpatrick confirmed that any of these requirements are subject to the variance process.

The public hearing is planned for September 14, at 1:30 p.m., by which time the Planning Department will have completed environmental review.

Commissioner Wylie motioned to hold a public hearing on September 14, 1992, 1:30 p.m. to consider additions and amendments to Chapter 14.04 regarding construction outside of fire districts.

Commissioner Vaux seconded the motion, which passed unanimously.

CALL FOR BIDS - UNDERGROUND STORAGE TANK REMOVAL.

Commissioner Wylie motioned to call for bids for underground storage tank removal, to be received and opened on September 21, 1992, at 1:30 p.m. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #14454)

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT/VARIANCE PERMIT #SLV-91-032 OF JERRY RINDAL, LOT 49, SULPHUR SPRINGS LAKE TRACTS, BIG LAKE.

Chairman Robinson opened the meeting.

Oscar Graham, Shorelines Administrator, clarified a point brought up at the last meeting regarding whether the placement of material to construct the retaining wall would constitute a landfill. Mr. Graham read from the Shorelines Master Program, which states that a land fill is "creation, extension or raising of land area by depositing sand..." which is incidental to the cuts and fills for the residence. Mr. Graham then advised that

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Mr. Rindal's retaining wall will require a Conditional Use Permit.

Commissioner Wylie thanked Mr. Graham and Ms. Pfahl for their clear delivery of information. She indicated that she felt the OHWM was located properly by staff, and a survey suggested by the appellants is not necessary. She agreed that a Conditional Use Permit will be required for the retaining wall. Commissioner Wylie stated that Mr. Rindal should not be denied the construction of a structure on his property because of the lot shape.

Commissioner Wylie motioned to approve the Shoreline Variance Permit of Mr. Rindal subject to conditions #1-5; and adding the following condition:

#6 That the proposed wall near the dock will not be exempt from the Shorelines Master Program and will require a Conditional Use Permit.

Commissioner Vaux verified that the motion allows Mr. Rindal to construct the residence as he has indicated in his latest proposal, and that the retaining wall could be constructed only with the granting of a Conditional Use Permit for the fill and grading necessary to construct the retaining wall. With these clarifications, Commissioner Vaux seconded the motion.

Commissioner Wylie further clarified that a zoning variance will be required for the front yard setback.

The motion then received unanimous approval.

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:
 8/31/92
Stephanie Wood, Clerk
Skagit County Board of Commissioners