

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

Tuesday, December 8, 1992:

- 9:00 a.m. - 9:30 a.m. Planning and Community Development - Dave Hough, Acting Director.
- 1) Discussion - LaConner Harbor Line Relocation.
 - 2) Code Enforcement Report.
 - 3) Miscellaneous.
- 9:30 a.m. - 10:00 a.m. Presentation - Safety Awards, Skagit County Worker Safety Program.
- 10:00 a.m. - 11:30 a.m. Planning Commission Recommendation - Approval - Winston Anderson
Comprehensive Plan Amendment, #CPA-92-006, Guemes Island.
- 1:30 p.m. - 2:00 p.m. Parks, Recreation, and Fair - Jon Aarstad, Director.
- 1) Discussion - Commercial Rafter Permits at Howard Miller
Steelhead Park.

The Skagit County Board of Commissioners met in regular session on Tuesday, December 8, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

PLANNING AND COMMUNITY DEVELOPMENT - DAVE HOUGH, ACTING DIRECTOR.

- 1) Discussion - LaConner Harbor Line Relocation.

Zoe Pfahl, Assistant Planning Administrator, addressed the Board stating that a letter had been received from the Department of Natural Resources (DNR) for the County's opinion on proposals being reviewed to relocate the outer harbor line in LaConner. The request was particularly requested to be directed to the effects of harbor line relocations on navigation and commerce in the Swinomish Channel. Ms. Pfahl presented a draft letter of the County's response to the DNR, a letter from the Town of LaConner to the DNR wherein the town council voted down any changes in the outer harbor line, and maps designating the proposed adjustments.

Ms. Pfahl stated that two of the applicants were requesting the adjustment of the harbor line because their existing docks extend beyond the line. Two other applicants wish to have the harbor line moved in order to build docks that would extend over the existing harbor line. One of these two applicants, LaConner Boat Works, remodified their dock plans in order to be within the harbor line, but is still requesting the move of the harbor line so that they may extend the dock.

Commissioner Vaux felt that a statement in the draft letter needed to be reworded to reflect that there would be a substantial threat to Dunlap Towing if the harbor line was moved to the west. The LaConner Boat Works is located directly east of Dunlap Towing's log yard on the west side of the Swinomish Channel. In order to tow log rafts up or down the channel, a wide turn in the middle of the channel must be made which would run into the proposed site for the construction of a large marine vessel by LaConner Boat Works.

Ms. Pfahl stated that LaConner Boat Works is requesting the harbor line adjustment so that they may build their dock further out in the channel, and locate the vessel inside the dock in order to protect it.

Commissioner Vaux stated that he would not want to restrict or jeopardize Dunlap Towing's business, and felt that the westerly expansion of the harbor line allowing LaConner Boat works to have a dock farther out into the channel would create a restriction to the Dunlap business.

The Board recommended that the letter be rewritten to reflect that a threat to Dunlap would be created by the allowance of the harbor line expansion, and that Skagit County is not in favor of any adjustments.

Ms. Pfahl will make the recommended changes and present the letter to the Board for signature at the next regularly scheduled Planning Department agenda time.

2) Code Enforcement Report.

The Code Enforcement Report was presented to the Board.

3) Miscellaneous.

There were no miscellaneous items presented at this time.

PRESENTATION - SAFETY AWARDS, SKAGIT COUNTY WORKER SAFETY PROGRAM.

Dave Fleming, Risk Manger, addressed the Board. He stated that in three years, this was the second time that the Sheriff's Department has worked 12 consecutive months without a time loss accident. He stated that this is a unique event for a law enforcement group. Coffee mugs were distributed to department members the previous day which are imprinted with **Accident Free for 12 Months**. Mr. Fleming stated that a press release will be prepared and distributed to the local newspapers.

The Board offered their congratulations to the Sheriff's staff present.

**PLANNING COMMISSION RECOMMENDATION - APPROVAL - WINSTON ANDERSON
COMPREHENSIVE PLAN AMENDMENT, #CPA-92-006, GUEMES ISLAND.**

Gary Christensen, Senior Planner, stated that the Planning Commission voted five to one to approve the Comprehensive Plan Amendment of Mr. Anderson. The subject property is three acres in size on Guemes Island near the ferry terminal. It is zoned Rural, and is designated Rural Open Space on the Comprehensive Plan Map. Mr. Anderson is requesting to have the Comprehensive Plan Map designation changed to Commercial. He plans to construct a convenience store adjacent to the ferry terminal. If the request is approved, Mr. Anderson will still need to apply for a rezone of his property, and submit specific plans for the store. Should the Comprehensive Plan Amendment be approved additional environmental review will be required at the rezone stage.

Mr. Christensen submitted an aerial and standard photographs of the subject property for the record.

Commissioner Vaux asked why the Planning Commission had no recommendation from the Planning Staff.

Mr. Christensen stated that in attempting to comply with the GMA and land use on the Comprehensive Plan, the work on this project began with the Citizen's Advisory Committees addressing issues presented. It was felt to be helpful for the committees to give recommendations regarding what may be permissible in rural settings.

Chairman Robinson clarified that this was a recommendation from the Planning Commission, not a Public Hearing.

- Mr. Winston Anderson, 465 South Shore Road, Guemes Island, stated that he had nothing to add to the recommendations from the Planning Commission. He felt that the hearing had been complete and that he would reserve comment for a rebuttal if necessary.

- Tom Moser, 709 S. 1st Mount Vernon, representing a group of Guemes Island Citizens opposed to the Amendment, addressed the Board. Mr. Moser felt that the Planning Commission meeting was long, and a number of Guemes Island Citizens had to leave to catch the last ferry home and missed the end of the meeting. The applicant's comments, and those in favor of the Amendment were not responded to by those against. Mr. Moser felt that due process was not served. He felt that an opportunity should be given for response. Mr. Moser read a paragraph from a 23 year old court case regarding Guemes Island and its beauty and isolation. He felt that there were no changed conditions or studies that supported the need for a Comprehensive Plan Amendment. He felt that there should be another Planning Commission meeting held regarding the matter to allow all those who did not get an opportunity to speak to do so. He stated that at community meetings on Guemes Island every Saturday, Urban Growth was not encouraged beyond the existing character, commercialization was not encouraged, and Urban density growth was not encouraged. He said that what the community recommended was being contradicted by the proponent. He asked that the Board remand the issue back to the Planning Commission for further consideration.

- Bob Anderson, Land Use Planner, 203 W. Holly, Bellingham, addressed the Board. He stated that special care has been taken by the Board to look out for the residents of the Island. The hearing was a special circumstance and the Planning Commission allowed those who needed to leave to speak. He felt that there are changed conditions on the island. The population growth creates a demand for services. There is no safe legal way to get fuel on the island. He felt that need alone demanded approval of the proposal. Mr. Anderson's perception was that change is important too. He said that there is a need to provide services to the people on the island after days' ferry service has stopped. Mr. Anderson stated that he wants to have a rural country grocery store with gas pumps on the subject property to serve the island. He did not feel that remanding the matter to the Planning Commission would provide any new information. He requested that the Board accept the recommendation for approval so that he may continue with his proposed project. He said that he will work with the community and if he does not get their support he will not be able to go forward with the project.

- Ferdy Booth, 321 Solstice Lane, Guemes Island, addressed the Board. Ms. Booth was concerned that if this Amendment was allowed, that other land would be allowed to be commercialized in the future. She expressed the desired to have the island remain quiet and secluded.

- Tim Rosenhan, 490 Lervick Avenue, addressed the Board. Mr. Rosenhan felt that the people who had to leave the Planning Commission Hearing should be given the opportunity to speak. He said that there is approximately 30 acres of commercial land on Guemes Island at present, some of which is across the street from Mr. Anderson's property, and it is vacant. He said that the regulations for installing underground gas tanks are strict and the costs for above or underground tanks are high. He felt that a gas station would not be feasible because it would cost from \$80,000 to \$120,000 to install the appropriate tanks, and the gas sales would only make approximately five cents per gallon profit. They would need to sell 10,000 gallons a month to make \$500.00, which would mean about 250 cars per week filling their tanks. Mr. Rosenhan requested that the Board remand the matter to the Planning Commission.

- Richard Houghton, 650 Guemes Island Road stated that the business Mr. Anderson is planning would not be a profitable one in the winter months. He felt that the ferry area was not the best area for commercial

business, and that Mr. Anderson was requesting the Amendment in that particular area for tourist attraction. Mr. Anderson said that if commercialization is needed in the future, he hoped it would be located in the middle of the island and be less commercialized.

Mr. Houghton felt that the proposed location for a service facility would be hazardous as it would be located across the street that bears the on and off-loading of ferry traffic.

- Jean McCracken, 473 Guemes Island Road, said that she resented the Planning Commission being too busy to give fair time to all who were concerned with the proposed Amendment. She said that 432 residents signed a petition against the proposed Amendment. She said that if the community voice didn't matter, what did? She requested the Board to take into consideration those in opposition to the request.

- Howard Pellet, President of the Guemes Island Property Owners Association, 421 Guemes Island Road, stated that the Association had no position at that time, but was of the opinion that there was need for further public input.

Mr. Winston Anderson stated that the Planning Commission public hearing closed about 15 minutes after the people left to catch the last ferry to Guemes Island. The Planning Commission Board discussed the situation then asked questions of him and others. The hearing was not continued because 6 of 9 members would have to be present for a quorum at the continuation, the three members absent would not have been able to participate, and it could have been difficult to get the remaining members together again to continue in a timely manner. Mr. Anderson said that he has been working on this project for close to a year, and if there was new information to be submitted, he would recommend remanding to the Planning Commission for further consideration. He felt that the primary speakers had been present at the hearing and had the opportunity to speak. He said that if he cannot accomplish what he is proposing within a specified time frame, a "sunset" clause could be included in a contract rezone which would revert the land to the present zoning. He said that those residents opposed to his project don't want commercial clutter at the ferry landing, are concerned about environmental effects of installing a fuel tank, and feel that a store sufficient for the island's needs already exists. He felt that the present store was not sufficient to service the island and the fuel tank is close to the shoreline, non-conforming, and the owner wants out of the gas business so he can just run his resort. Mr. Anderson stated that he will install a complying fuel tank that will pose no danger to the environment. He said that 140 people from the Guemes Island phone book signed a petition against his proposal, about the same for it, and about 300 remained neutral. Five past presidents of the Guemes Island Community Center and Property Owners Association signed in favor of his proposal. He said that the Commercial property at present on the island is the gravel pit and the resort. He said that he signed the Guemes Island Planning Community document as a show of solidarity so that Skagit County would recognize Guemes Island as a solid community.

Commissioner Vaux requested clarification of the procedures followed at the Planning Commission public hearing.

Mr. Christensen said that two sign-up sheets were available for attendees. One was for attendance only, the other for those wishing to speak. After hearing the majority of the people on the speakers list, approximately 9:15 p.m., the Board reminded those in attendance that the last ferry to Guemes Island would be leaving at 10:00 p.m. The public hearing closed at approximately 9:45, and there was a one hour deliberation. A motion was made to provide additional time to receive written comment, which was voted down. The Chairman called for a decision, and around 11:00 p.m. a motion was made to recommend

approval of Mr. Anderson's request and the vote carried five to one. Mr. Christensen stated that there were over 100 people present and he felt that all those wishing to speak had the opportunity to do so. He felt that it was possible that the people who had to leave to catch the ferry could feel that they did not have ample opportunity to address the Commission because they were not present during the clarification and deliberation portion of the hearing. He did believe that all those who signed up to speak had been able to before they left.

Commissioner Vaux stated that the Board attempts to assure that due process is followed. A Courtesy ferry was provided to accommodate the Guemes Island residents so that they could attend the meeting. He felt that due process was not served without finishing the public hearing in front of all those that were originally present. He asked whether a Planning Commission member who was not present at the original public hearing could listen to the tape recordings and then participate in a future public hearing on the same topic.

Mr. Christensen confirmed.

Commissioner Vaux motioned to remand the issue to the Planning Commission meeting to be held December 14, 1992. If a Planning Commission member who was not present at the previous public hearing regarding the Winston Anderson Comprehensive Amendment #CPA-92-006 wishes to participate in the remand, he/she must listen to the tap recordings. This remand is not to repeat the entire public hearing, just to begin it at the point where those present had to leave to catch the late ferry, and allow testimony that was not heard before Mr. Anderson's rebuttal and deliberation.

Commissioner Wylie seconded the motion which carried unanimously.

It was found that the above issue will not be able to be heard until the first Planning Commission meeting Monday, January 11, 1993, at the hour of 7:00 p.m.

PARKS, RECREATION, AND FAIR - JON AARSTAD, DIRECTOR.

1) Discussion - Commercial Raft Permits at Howard Miller Steelhead Park.

Mr. Aarstad stated that he had met with the Forest Service regarding the possibility of a one-stop permitting process for river rafting. Commercial rafters are no longer being allowed to launch from the west side of the bridge. The Hausle property on the East side of the river has just been received by the County from FEMA, and is a possible site for raft launching. It was being proposed to collect \$1.50 per person for permits that the Forest Service would then pay to the County. Rafters would drive to a designated parking area and catch a bus to the rafting input site. The Forest Service would assist in patrolling the site between 10:00 a.m. and 4:00 p.m. approximately. The County Parks Department will provide staff to patrol the area on the remaining hours. Fees will be collected from the commercial rafters, in advance, for each person per raft, per trip.

Commissioner Vaux asked how much revenue had come from rafting.

Mr. Aarstad stated that as of February, 1992, approximately \$1,200 had been collected. He was not aware of current receipts.

Mr. Aarstad said that Be Wet, Microsoft, and one other company often use the area for rafting. Commercial

rafters are required to acquire a license from the State, and the Forest Service will help police the river to be sure that rafters are licensed. The commercial rafter will be required to have \$300,000 minimum insurance coverage designating the County as "other insured." He requested the Board's signature on an addendum to the original permit. The Board signed.

CONTINUATION OF PUBLIC HEARING REGARDING THE ADOPTION OF THE 1993 BUDGET.

- Elsa Gruber, Box 21, La Conner, Washington 98257, addressed the Board, voicing concern over the proposed merging of the Short Range Planning function of the Planning Department with the Permit Center.

- Debbie Aldrich, Bow, Washington, addressed the Board. She suggested that a moratorium could be placed into effect to cease the issuing of special use permits. She also felt that the approval of Short Plats should be considered in Long Range Planning. She stated that she lives in Allen, and there are a number of land owners wishing to replat the farm land. Allen is in the flood plain and she is concerned about the possible loss of farmland should short platting be permitted.

Darrell Heiner, Health Department Accountant, stated that he was concerned regarding the transition period that will occur at the beginning of 1993, when three accountant positions are streamlined into one.

Mr. Woodmansee stated that there was no transition period planned, no carry over of the positions.

Mr. Heiner wanted to know why the Health Department was losing a full position when the other two departments' positions were being reclassified.

Mr. Woodmansee stated that when the positions were analyzed, it was felt that the Health Department Accounting position could be performed by clerical staff with supervision. When the Health Department requested an additional position that was turned down, a request was submitted for a position to be upgraded to a supervisor position.

Mr. Heiner asked why the Public Works Department was being awarded a new computer programmer position if it was felt necessary to consolidate the three accounting positions.

Mr. Woodmansee explained that the Public Works Department has a greater budget, and is different in magnitude and function.

Mr. Heiner said that he did not even know how to access the LGFS system, and felt that it was not user friendly. He also stated that he was not aware that it was available to use and wondered why Mr. Woodmansee did not use it if it was purported to be so good.

Mr. Woodmansee stated that he is using it for the functions it is meant to be used for. He was able to prepare the 1993 Budget using the new system with no manual input, and taking less time than had been necessary on past budget creations.

Mr. Heiner said that the conversation Mr. Woodmansee referred to the previous day regarding the good idea to consolidate accounting positions, was meant that he felt it was a good idea to not duplicate work. He said that the Data Processing Department was unable to write a program to handle the Health Department accounting functions so he looked into buying a system to handle it.

Mr. Woodmansee stated that the Data Processing Department could only create a system based on information given them, and they apparently had not been given comprehensive information.

Mr. Heiner stated that the Health Department would fall apart without him, and that the removal of his position was purposely to get rid of him.

- Barb Edwards, 203 Stanford Drive, Mount Vernon, Washington, expressed negative opinions regarding the removal of the Health Department Accountant position, and the merge of Short Range Planning with the Permit Center.

- Ranger Kidwell-Ross, 278 Barrel Springs Road, Bow, Washington, submitted more negative responses to the questionnaire that Habitat Watch distributed in regards to the merging of the Short Range Planning function with the Permit Center. He said that Habitat Watch is still strongly opposed to the merger, and requested the Board to remove the merger from the Budget adoption and table the decision until a permanent Planning Director is on staff.

- Cathy Sayre, 1459 Jura Lane, Mount Vernon, Washington, addressed the Board. Ms. Sayer stated that she was hired as an Office Supervisor with the Parks Department. She had no bad evaluations and her title has not been changed during her employment. When there was a reorganization in the department, the accounting functions originally performed by three staff members was delegated to the two remaining staff members. She said that there is no accounting position in existence. She did not understand why a supervisory position was being replaced by an entry level position. She also wanted to know why she was not informed that this was to happen.

Mr. Woodmansee stated that it was not his place to seek out persons whose positions are being affected by the Budget. Mr. Heiner sought him out to speak to him. Mr. Woodmansee stated that he did speak with the Supervisor of the affected departments, and it was their responsibility to communicate with their staff person.

- Mark Lucky, 264 Barrel Springs Road, Bow, Washington, spoke against the merger of the Short Range Planning function and the Permit Center. He felt it inappropriate to have Short Range Planning in a quick permit situation.

- Jeff Langlow, Colony Creek Road, Bow, Washington, expressed concerns regarding the merger of the Short Range Planning function and the Permit Center.

Seeing and hearing no further comment, Commissioner Vaux moved to close the public hearing. Commissioner Wylie seconded the motion, which carried unanimously.

Commissioner Vaux motioned to hold the deliberation and final decision on the adoption of the 1993 Budget on Wednesday, December 10, 1992, at the hour of 11:00 a.m. Commissioner Wylie seconded the motion, which carried unanimously.

PUBLIC HEARING - SUPPLEMENT TO 1992 BUDGET - PUBLIC HEALTH FUND

Commissioner Vaux was not present for this item.

Chairman Robinson waived reading the notice of public hearing, as published in The Skagit Argus.

Mike Woodmansee, Budget/Finance Director, stated that the Public Health Fund received unanticipated revenue during 1992 from various grants and services. In order to provide for T.B., laboratory and immunization supplies for the remainder of 1992, it is necessary to supplement the budget in the amount of \$70,000 for the Public Health Fund #101.

Chairman Robinson opened the public hearing for comment.

Seeing and hearing no comment from the public, Commissioner Wylie motioned to close the public hearing. Chairman Robinson seconded the motion, which carried and was so ordered.

Commissioner Wylie motioned to approve a resolution supplementing the 1992 Budget in the amount of \$70,000 for the Public Health Fund #101. Chairman Robinson seconded the motion, which carried and was so ordered. (Resolution #14662).

MISCELLANEOUS

- A) Mr. Woodmansee presented a resolution for signature authorizing a budget line item change in the amount of \$16,000 for the Current Expense Fund #001, and \$2,000 for the County Fair Fund #106. These line item changes are necessary to properly account for expenditures.

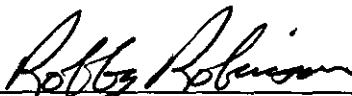
Commissioner Wylie motioned to approve the resolution as presented. Chairman Robinson seconded the motion, which carried and was so ordered. (Resolution #14663).

- B) The Board approved and Chairman Robinson signed a Memorandum of Agreement between WSU Cooperative Extension and Skagit County for the joint funding of five Cooperative Extension positions totaling \$37,710.00 (Contract #01490).

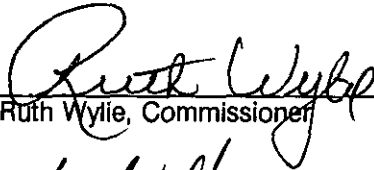
ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Chairman Robinson seconded the motion. The motion carried and was so ordered.

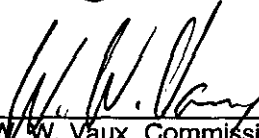
BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Robby Robinson, Chairman




Ruth Wylie, Commissioner



W. W. Vaux, Commissioner

ATTEST:



Connie Carter, Clerk
Skagit County Board of Commissioners

