

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

**Monday, May 23, 1994**

- 10:00 a.m. - 11:00 a.m.            Public Works - Rich Medved, Director.
- 1)        Discussion - Out-of-State Travel Request of Dave Brookings - American Water Resources Association Symposium.
  - 2)        Discussion - Carriage Estates Mobile Home Park Right-Of-Way.
  - 3)        Miscellaneous.
- 11:00 a.m. - 11:30 a.m.            Discussion - Facilities Management Staffing - Bob Taylor, Administrative Officer.
- CONSENT AGENDA.**
- MISCELLANEOUS.**
- 1:30 p.m. - 3:00 p.m.            Public Hearing - Extension of Interim Controls on Land Divisions, Temporary Zoning Map for Unincorporated Skagit County (Hearing Rooms "B" and "C").
- 3:30 p.m. - 4:30 p.m.            Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, May 23, 1994, with Commissioner Harvey Wolden and Robby Robinson present. Commissioner Robert Hart's absence was excused.

**PUBLIC WORKS DEPARTMENT - Rich Medved, Director**

1.        Discussion - Out-of-State Travel Request of Dave Brookings - American Water Resources Association Symposium.

Robin LaRue, Assistant Director of Public Works, reviewed with the Board an Out-of-State Travel Request for David Brookings to attend the American Water Resources Association Annual Summer Symposium. Mr. LaRue advised that the agenda items at this Symposium definitely apply to County use and include such things as land use impacts on run-off, precipitation and run-off modeling, watershed modeling, and urban stormwater management. Commissioner Robinson moved to approve the Out-of-State Travel Request for David Brookings. Commissioner Wolden seconded the motion, which was unanimously approved.

2.        Discussion - Carriage Estates Mobile Home Park Right-of-Way.

Young-Soo Kim, Public Works Staff, advised the Board that the developer of Carriage Estates Mobile Home Park is proposing a 50 foot right-of way for local access on their street instead of the 60 feet as specified in the Skagit County Road Standards Section 3.06. The project is within the City of Sedro Woolley Urban Growth Boundary and the City Road Standard right-of-way width for an access street is 50 feet. Mr. Kim advised that in the local agency guidelines for minimum roadway design standards in urban areas, it species that the access street right-of-way should be 50 feet. Staff is advising approval of this variance request as the Development Review Division believes that 50 feet of right-of-way, plus a 10 foot utility easement on both sides of the right-of-way will meet the requirements of roadway safety, convenience and maintenance. After

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brief discussion and a review of the exact location of the project, Commissioner Robinson moved to approve the variance to the Carriage Estates Mobile Home Park right-of-way width. Chairman Wolden seconded the motion, which passed unanimously. (Resolution to be provided by Staff at a later date).

3. Miscellaneous.

- A. Robin LaRue reviewed with the Board a Resolution calling for public hearing to supplement the budget to cover the recent acquisition of the new building for the Public Works Department. Commissioner Robinson moved to approve the Resolution as presented by Staff. Chairman Wolden seconded the motion, which was unanimously passed. (Resolution #15363)
- B. Doug Barnet stated that at the recent meetings on Bow Hill Road, there were questions from the public on the lack of notification. For the Board's information, Mr. Barnet provided copies of the letters dated January 10, 1990 that went out to all property owners along Bow Hill Road explaining the type of improvements being planned.

**DISCUSSION - FACILITIES MANAGEMENT STAFFING - Bob Taylor, Administrative Officer.**

Robert Taylor, Chief Administrative Officer, stated that the purpose of this discussion is the reallocation of personnel resources in Facilities Management Staffing. Mr. Taylor noted that the County is entering into one of the busiest construction times. In conjunction with the results of the Interdepartmental customer service and consequently in an effort to provide a higher level of customer service, the suggestion has been made to move Sharon Dubois to straight days to provide additional assistance to the Facilities Director during business hours. This would require the creation of a lead custodial position for the evening shift. Sharon will continue to be overall supervisor for the custodial group, but would need to have a "go-to" person during evening hours. It was felt that this could be absorbed in the existing budget. The Board indicated their approval of this change in staffing.

**CONSENT AGENDA.**

Commissioner Robinson moved to approve the Consent Agenda for Monday, May 23, 1994. Chairman Wolden seconded the motion, which passed unanimously.

\* Commissioners' Office:

- 1. Record of the Proceedings from Monday, May 16, 1994.
- 2. Record of the Proceedings from Tuesday, May 17, 1994.
- 3. Record of the Proceedings from Wednesday, May 18, 1994.
- 4. Resolution for Appointment of Members to LaConner Rural Partial County Library District Board of Trustees. (Resolution #15365)
- 5. Facility Use Agreement with the Marblemount Community Center for the Best Self Program from June 20 through August 19, 1994 for a sum of \$1,012.50. (Contract #02038)
- 6. Labor Agreement with Skagit County Public Works Department Local 176, Council #2, AFSCME, for the period January 1, 1994 through December 31, 1996. (Contract #02039)

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7. Personal Services Agreement with Eugene Knapp to provide legal counseling and representation pertaining to an appeal filed by Pat McMullen of a decision by the Skagit County Land Use Hearing Examiner on a Preliminary Plat of William Youngsman at a rate of \$110 per billable hour and a maximum amount of \$3,000, from April 27, 1994 until terminated. (Contract #02040)
8. Memorandum of Agreement with The Skagit Valley Symphony for the production and presentation of concerts by local and nationally known musicians through December 31, 1994 for the sum of \$1,000. (Contract #02041)

\* Health:

9. Ordinance Revising SCC Chapter 12.16 to Include Provisions for Financial Assurance for Owners of Specific Categories of Solid Waste Landfills, Variances from Sections of the Code, Handling Inert Waste and Adopting Chapter 173.351 WAC by Reference. (Ordinance #15366)
10. Amendment to the 1994 Consolidated Contract with the State of Washington Department of Health adding \$41,691 to the contract for additional Breastfeeding, Tuberculosis Control and Youth Tobacco Prevention programs. (Contract #01838)
11. Agreement between Region 3 Aids Service Network and Skagit County Department of Health to implement and support an HIV care consortium as defined by the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990 for the period April 1, 1994 through March 31, 1995 for the budget amounts listed on Exhibit "B" thereto. (Contract #02025)

\* Prosecuting Attorney:

12. Out-of-State Travel Request for Tom Seguire to attend the Career Prosecutor Court in Houston, Texas June 12-25, 1994 for a total amount of \$490.

\* Human Services:

13. Resolution for Appointment of Member to Skagit County Mental Health Advisory Board (A.E. (Alan) Allen). (Resolution #15367)
14. Resolution for Appointment of Member to Skagit County Substance Abuse Advisory Board (A.E. (Alan) Allen). (Resolution #15368)

\* Planning:

15. Resolution Upholding Hearing Examiner's Decision to Approve Special Use Permit #SPU-93-021 of Stephen Murray. (Resolution #15369)

• Emergency Management:

16. Amendment to Intergovernmental Agreement with Department of Community, Trade and Economic Development for E911 implementation plan and budget proposal due date

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extension to September 1, 1994. (Contract #01828)

\* **Public Works:**

17. Supplement No. 3 to Personal Services Agreement with Preston Thorgrimson Shidler Gates & Ellis changing the name of the contractor to Preston Gates & Ellis. (Contract #01689)
18. Contract with Scoccolo Construction, Inc. for Inman Landfill CDL Cell & Phase I Closure in the amount of \$1,733,102.44. (Contract #02037)

\* **Senior Services:**

19. Resolution Calling for Bids for catered meals to senior citizens for the period January 1, 1995 through December 31, 1995. (Resolution #15370)

**MISCELLANEOUS.**

1. 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 23, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Voucher numbers MW112342-12 through MW112342-12 and claims warrants numbered 104413 through 104413 in the total amount of \$122,708 (Transmittal No. C-22-94); and,

Voucher numbers 4005770 through 4006618, 4FID0000116 through 4FID0000145, 4EL00000125 through 4EL00000135, 40100000204 through 40100000242, PW40000555 through PW40000714 (Warrants #112343 through #113131) in the total amount of \$756,043.97 (Transmittal #C-23-94).

2. The Board signed the Final Plat of Bridgewater Estates in Bayview.
3. The Board approved the Application to Cigna Corporation for Long-Term Disability insurance.
4. Staff presented for the Board's review a Resolution Amending Resolution #15144 Increasing the Number of Representatives on the Skagit County Law and Justice Committee. Staff advised that the group would like to up the maximum number of positions to 20. Commissioner Robinson moved to approve this Resolution increasing the number of representatives on the Law and Justice Committee. Chairman Wolden seconded the motion, which was approved unanimously.

Commissioner Hart was present for the remainder of the proceedings.

**PUBLIC HEARING - EXTENSION OF INTERIM CONTROLS ON LAND DIVISIONS, TEMPORARY ZONING MAP FOR UNINCORPORATED SKAGIT COUNTY (HEARING ROOMS "B" AND "C").**

David Hough, Director of Planning and Urban Development, read a report relating to the extension of

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*temporary zoning regulations.*

Mr. Hough advised that in May 1993 the Board of Commissioners adopted a temporary zoning map for the unincorporated Skagit County changing all residential type zoning to Rural. On June 29, 1993, the Board revised the interim controls that changed the lot size requirements in the residential zoning districts to a minimum of five (5) acres per lot. Mr. Hough advised that interim controls are authorized in RCW 36.70A.390. A provision of the statute is that interim controls expire in six months unless extended after a public hearing. The Board held a public hearing in November 1993 and moved to extend the controls for an additional six months. The controls will expire on May 24, 1994 unless extended.

Mr. Hough explained to the Board that the Planning Department has met with the Planning Commission to review alternatives as they relate to the interim controls. The alternatives are as follows:

1. Allow the current interim controls to expire.
2. Continue the interim controls as is for a six month period or until the Comprehensive Plan and implementing zoning changes have been completed.
3. Extend the interim controls until the Comprehensive Plan Land Use Element is adopted, then modify the interim controls in the following manner:
  - A. Establish minimum lot sizes as follows:
    - Minimum lot sizes within the Rural Villages

|                                    |                                  |
|------------------------------------|----------------------------------|
| Public sewer and water             | 8,400 sq. ft.<br>75 ft. in width |
| Public water and on-site sewage    | 1 acre<br>100 ft. in width       |
| Individual well and on-site sewage | 5 acre<br>200 ft. in width       |
    - Minimum lot size within Urban Growth Areas

|  |                                  |
|--|----------------------------------|
| Public water and sewer                           | 8,400 sq. ft.<br>75 ft. in width |
| Public water/individual well and on-site sewage* | 5 acres                          |
  - Divisions limited to short subdivisions. Lots must be clustered with a maximum lot size of one acre with remainder reserved for future development once full urban services are provided.

The intent of the interim controls was to provide large tract development only until such time as the Comprehensive Plan is completed. The present schedule for adoption is for July 1994. The Planning Department recommends Alternative #3.

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Commissioner Wolden then opened the hearing for public comment.

Ian Munce, Planning Director for the City of Anacortes, advised that Anacortes supports the cooperative approach that the County has taken. Mr. Munce further stated that interim controls are necessary in growth management. The City of Anacortes supports the continuation of interim controls only until the Comprehensive Plan is completed.

Kirby Johnson, 1848 Chilberg Rd, Mount Vernon, stated that he is a realtor in LaConner. Mr. Johnson stated that even if the moratorium is continued, certain lots that are clearly building lots should be allowed to proceed with development. The current moratorium discriminates against longtime owners of property, according to Mr. Johnson.

Chester Miller, 832 Snee-Oosh Road, reviewed the specifics about dividing his property so that his son can build a home there. It was Mr. Miller's opinion that he is being discriminated against if not allowed to build and divide his property. Mr. Miller also pointed out that there will be increasing inflation costs for his son for building materials as time passes. Mr. Miller urged the Board to do away with the current restrictions .

R.K. Feldman stated that if everything can be in place by July 1 and the restrictions lifted, people would be more acceptable of the moratorium.

James Simmons, 865 Peterson Road, Burlington, asked for clarification of the definition of a rural village and an urban growth area. Mr. Hough responded that the Rural Citizens Advisory Committee has recommended that rural villages include such historical communities as Bow, Edison, Bayview, Lake McMurray, Big Lake, Clear Lake, etc. This is a proposal that is moving through the public hearing process with the Planning Commission. Mr. Hough further explained that Urban Growth Areas are adjacent to incorporated areas where it is anticipated that the majority of growth will occur in the next 20 years.

James Cook, 3255 Hamilton Cemetery Road, Sedro Woolley, gave the specifics of his particular property situation and expressed his preference for implementation of Alternative #1. He further stated his concern for the length of time this process is taking.

Ken Richardson 1911 West Big Lake Boulevard, expressed his wish that public hearings could be held in the evenings and on weekends, and described his particular property situation in Big Lake.

John Posel, 3316 Grand Avenue, Everett, stated that he owns lots at Lake Cavanaugh, and that the extension of the moratorium would severely impede his chance of selling one of these lots.

John Sargent, 112 Georgia Place, Anacortes, stated that he is a property owner throughout the County, and in particular, Fidalgo City, and feels that the area should be developed in an orderly fashion. He would like to put trust into government that it will not take away the rights of the people in this area, and plan effectively for the future. Mr. Sargent's complaint was that the public was not being informed properly of what is happening.

Louis Moser, 454 Bayview, Anacortes, stated that the situation is out of hand when government can reduce the property value with no recompense and no previous notification to the property owner, and further indicated a lack of fairness in the aggregation of lots.

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Mr. Hough clarified that aggregation only effects lots created prior to 1965.

Paul Kriegel, the Resource Manager for Goodyear Nelson, stated that interim controls have prevented the sale of property for his company.

Stanley Donogh, Anacortes, stated that with boundary lines shrinking, litigation fees rising, and the accumulation of moratoriums, our generation is systematically making it difficult to create affordable housing for young people.

Eugene Barrett, Big Lake, stated that Alternative #3 seems to be the most appropriate alternative at this time and further indicated his support of the imposition of impact fees to assist in financing schools.

Ron Windish, Sedro Woolley, strongly recommended to the Board the adoption of Alternative #3.

Bill Stiles, III, Sedro Woolley, stated that Alternative #3 is a much better proposal than what we have been doing now. He stated that existing zoning ordinances and comprehensive plans have provisions for variances that are not available under the current interim zoning control.

Commissioner Hart queried Mr. Hough if any variance procedures exist during interim controls. Mr. Hough replied that interim controls are a part of the zoning code which has variance procedures. Variances, however, are not allowable for financial hardship only. Mr. Hough clarified that the comprehensive plan will first need to be finalized, then zoning changes will be made to implement the comprehensive plan, and all are required to be adopted by the State by December 31, 1994.

Suzanne Jenkins, Skagit County Association of Realtors, Mount Vernon, concurred with the problems previously discussed concerning affordable housing. She further indicated her support for Alternative #3 as a temporary compromise, but felt that a definite timeframe needs to be expressed rather than just when the comprehensive plan is adopted.

Ralph Clemons, Town of Lyman, stated that he is in favor of the Planning Department's Recommendation for Alternative #3. Mr. Clemons noted that many people have worked long and hard to finish the urban growth requirements in a timely fashion. If the controls are removed, it would render the progress made to date meaningless.

David Meaker, Anacortes, stated that he is speaking on behalf of Robert Hutcheson, and noted that the prior to the previous interim control just expiring, there were no hearings or notifications of aggregation.

Commissioner Hart reiterated for Mr. Meaker's benefit that aggregation was done in 1965.

Mr. Meaker reviewed the specifics of Mr. Hutcheson's property situation, and indicated his feeling that Mr. Hutcheson is being robbed of his intended retirement monies by the imposition of these interim controls. Mr. Meaker stated that he is in favor of dropping the interim controls which are depriving him of doing business in a reasonable manner.

Scott Meaker, Anacortes, stated his belief that elected officials have the opportunity and responsibility to protect and look after each citizen in this County. The current interim controls effect individuals adversely, and there needs to be an organization, body or board that can deal with such situations.

Ken Slater indicated his concern with Mr. Hough as Planning Director, and noted that the memorandum

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distributed to the audience was most likely written by Mr. Hough. Mr. Slater further indicated that his feeling that politicians are taking his land which he pays taxes on, and noted his frustration in owning land that he cannot use as he sees fit.

Chairman Wolden explained to the audience that the forum for including public input is the Planning Commission. Chairman Wolden further indicated that the County is mandated to adhere to the State Comprehensive Plan. Due to the Growth Management Act, this is a deliberate process that is taking place in order to adhere to the State mandate. There have been many public hearings and meetings held designated to collect input from the public. These rules were instigated before this Board took office.

Commissioner Hart clarified that any law change or new ordinance must go through citizens advisory committees, which include taking public testimony, and, consequently, government is slow in changing things. Commissioner Hart noted that one of the problems right now is that the volume of comments which must be responded to.

Marguerite Haley, Anacortes, reviewed the specifics of her property and the necessity to upgrade her road. She further stated that young people need affordable homes and the elderly need something to live on also. Ms. Haley indicated that she should have the right to sell portions of her property, and further stated that she has owned this property for 50 years. She indicated that she feels her rights are taken away.

Donna Butler, 1452 Rosario Road, reviewed the specific of her property situation. Ms. Butler further stated that elderly people cannot now realize what they have planned for their future, and that something is being taken away that they were guaranteed when they purchased the land. It was Ms. Butler's opinion that a nonpaid governing board should be set up to hear individual requests for variances or special consideration.

Elizabeth Paulson, 84 years old, reviewed with the Board her specific property situation and her feeling that the current controls are not fair to her and to her children. She indicated her opinion that the interim controls should be eliminated.

Richard Moore, 153 Biz Point Road, Anacortes, stated that Alternative #3 as proposed today is better than what we have now, but indicated that a time limit should be imposed.

Bob Powers, 1910 Bay Place, Anacortes, indicated that many areas in the County are zoned improperly and should be looked at on an individual basis. Mr. Powers' stated that he does not envy the Commissioners' job, but reiterated that people need to have some sort of equitable appeal method. He encouraged the adoption of Alternative #1.

Ben Koth, 1423 Avon-Allen Road, expressed his opinion that interim controls should expire and let local citizens get on with their business. Mr. Koth further stated that, in his opinion, nothing is ever accomplished by all these meetings, and that special interest people are the only folks who profit from such meetings.

Al Howard, 1493 Highway 20, Anacortes, stated that he owns land in Fidalgo City, and reviewed his desire to build a house and comfortably retire, and further indicated his opinion that individuals should have the opportunity to do what they want with their land.



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Barbara Rudge, Rosario Road, stated that she is speaking on behalf of Friends of Skagit County, who support extending the interim controls until the comprehensive plan is adopted. The Board of Friends of Skagit County would support either Alternative #2 or #3, and feels that at the present time so much work has been done on the rural element, it would be a shame to throw away this work with just a couple of months left to finish.

Stan Meaker, Anacortes, stated that after contact with several Washington State representatives and senators, it is his opinion that elected officials have a responsibility to their constituents to make sure their rights are not damaged.

Rick Mason, Clear Lake, stated that he owns property at Big Lake, and reviewed the problems that the interim controls are causing him regarding the development of his property.

Don VanEtten, Skagit County Association of Realtors, clarified the definition of a rural village, and stressed the need for legislators to listen to the need of their constituents.

Tom Skinner, Edison, shared his concerns with the people in attendance, particularly the lack of information on some of these issues. Mr. Skinner further indicated that he is in support of Alternative #3. Unfortunately, many individuals find their ambitions frustrated under these interim controls.

Don Rundgren, Mount Vernon, reviewed the effect the interim controls have had on his land. Mr. Rundgren urged the Board to assist those people adversely affected by the economic restraints imposed by interim controls.

Louie Requa, Sedro Woolley, stated that there is no need for interim zoning controls. Mr. Requa stated that quite frankly it is time to end interim zoning as there is no emergency. Mr. Requa urged the Board to adopt Alternative #1.

Dave Meaker, Anacortes, expressed his appreciation for the organized manner in which the Planning Department takes in projects, and wanted to particularly thank Commissioner Hart, who met with Mr. Hucheson and State Senator Tim Ervin. Mr. Meaker stated that he would like to see interim controls dropped. Mr. Meaker stated that he is in favor of growth management, but does not want such growth management to take advantage of the elderly.

Shirley Lundstrom, Dewey Beach property owner, noted the lack of information provided to those property owners who live out of the County.

John Miller, Anacortes, stated that due to aggregation, people have been denied the economic viability of their property.

There being no further public comment forthcoming, Commissioner Hart moved to close the Public Hearing. The motion was seconded by Commissioner Robinson, and was unanimously approved.

ADJOURNMENT.

Commissioner Robinson motioned to adjourn the proceedings. Commissioner Hart seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



*Harvey Wolden*  
\_\_\_\_\_  
Harvey Wolden, Chairman

*Robby Robinson*  
\_\_\_\_\_  
Robby Robinson, Commissioner

*Robert Hart*  
\_\_\_\_\_  
Robert Hart, Commissioner

ATTEST:

*Patti J. Owen*  
\_\_\_\_\_  
Patti J. Owen, Clerk  
Skagit County Board of Commissioners