

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

Tuesday, June 7, 1994

9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director.

- 1) Discussion - Samish Watershed Preliminary Draft Characterization Report.
- 2) Discussion - Appeal Fees.
- 3) Code Enforcement Report.
- 4) Miscellaneous.

10:00 a.m. - 11:00 a.m. Public Hearing - Amendments to Skagit County Code Chapter 1504, Building and Construction Codes.

11:00 a.m. - 11:30 a.m. Parks & Recreation - Jon Aarstad, Director.

- 1) Signature - Interlocal Agreement with Burlington-Edison High School to Perform Construction Supervision of Phase 2 of Burlington-Edison Regional Park.
- 2) Discussion - Equipment Rental Account.

The Skagit County Board of Commissioners met in regular session on Tuesday, June 7, 1994 with Commissioners Harvey Wolden, Robby Robinson and Robert Hart present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. Discussion - Samish Watershed Preliminary Draft Characterization Report.

Martha Bray, Planning Department Staff, distributed to the Board a copy of the Samish Watershed Characterization Report. Ms. Bray stated that the purpose of this document is to inform the committee of background and physical characteristics of the watershed, together with land use, fish and wildlife habitat and beneficial uses of water resources. By the end of June this report will also consist of a Part 2 which will synopsise this information and identify sources of pollution in the watershed. Ms. Bray informed the Board that approximately 20% of this watershed is in Whatcom County. There are approximately 4,000 residences in the watershed and approximately 10,000 people using the watershed. The majority of the watershed is forested. Ms. Bray reviewed various maps and discussed the components of the areas surrounding the watershed. Falling septic systems are a source of major concern in the Blanchard-Edison and Samish Island areas.

Discussions ensued on the population densities in this watershed, projected population increases in the Whatcom County area, the abundance of fish and waterfowl, and potential sources of non-point source pollution.

Ms. Bray noted the great opportunity for public involvement and awareness in developing this watershed plan.

The Board briefly discussed the State mandate of shellfish protection districts and how this watershed study will assist in this regard.

RECORD OF THE PROCEEDINGS

June 7, 1994

Page #2

2. Discussion - Appeal Fees.

Dave Hough, Director of Planning, stated that the number of appeals relating to administrative and environmental determinations and Hearing Examiner's decisions continue to increase. In 1993, the Department received 28 appeals, equally divided between the Hearing Examiner and administrative/environmental determinations. As of May 15th of this year, the department has received 15 appeals. Mr. Hough advised the Board that last year the department used approximately 2 months of staff time to handle appeals, in addition to one matter which required 27 staff days to complete. Currently there is a \$225 fee charged for Hearing Examiner's appeals. There are no charges for administrative, environmental and administrative special use permit and variance appeals. Mr. Hough recommended that some type of fee structure needs to be developed that would adequately reflect the costs involved in processing these types of appeals. Mr. Hough further advised that this would require the public hearing process.

Commissioner Hart noted the necessity to streamline this process and cut costs and use of staff time.

Mr. Hough advised that the department will be addressing this process through the regulations implementing and development regulation review of the Comprehensive Plan, making a major effort to implement changes in process. Mr. Hough advised that there is more and more appealing due to the increased involvement of local legal profession, which makes issues extremely complicated and requires greater effort on the Planning Department Staff. It is Mr. Hough's opinion that the proposed appeal fees should not be considered a deterrent to those wishing to appeal, but the need to obtain adequate reimbursement for the Staff time spent is a high priority.

Commissioner Robinson stated that the Board should take a look at the costs to the County, review the present fee schedule and schedule the necessary public hearing.

Chairman Wolden indicated that much time is being expended by the County on these appeals, and reviewed the fees proposed. Mr. Hough indicated that it is impossible to recapture or calculate the costs of appeals that take an inordinate amount of time. The generation of a fee schedule must be developed by looking at an average/normal cost of appealing and Staff time expended.

Stephanie Wood, Administrative Coordinator, indicated that the Board should consider one fee for all appeals with as few deviations as possible in appeal fees. Ms. Wood stressed that simple standardization will eliminate confusion for the public.

Commissioner Robinson moved to set a public hearing date in the near future to discuss appeal fees and see what type of input we get from such a hearing. The motion was seconded by Commissioner Hart, and unanimously carried.

3. Code Enforcement Report.

The Code Enforcement Report was reviewed.

4. Miscellaneous.

A. Gary Christianson, Planning Department Staff, gave the Board an update on what the Planning Commission has been doing with regard to the Comprehensive Plan and the Environmental Impact Statement. Mr. Christianson provided a copy of a newsletter being sent out to constituents,

RECORD OF THE PROCEEDINGS

June 7, 1994

Page #3

concerned citizens, and the general public, advising of important dates coming up in regard to the Comprehensive Plan. Mr. Christianson stated that a vital part of the program is to *involve and inform* the public. June 17 is the date all of the Planning Commission's proposed policy documents will be ready for review. The Draft EIS has been reviewed and revised, and the release date of the Final EIS is the end of this month, June 30th, roughly 2 weeks in advance of the public hearing scheduled for July 11.

- B. Oscar Graham, Planning Department Staff, presented to the Board Addendum #1 to Consultant Services Agreement #001939 to prepare Amendments to the Shoreline Master Program Addressing the Siting and Development of Hydropower Facilities. The Citizens Advisory Committee (CAC) has met 9 times in study sessions to review the draft amendment package, and has had an open house. Mr. Graham asked the Board to execute this addendum with David Nemens Associates, Inc. as Mr. Nemens is being required to prepare additional agendas, meeting minutes, and draft documents. The number of meetings has doubled. In addition, an amendment package will be prepared, and there are a number of additional projects and tasks. The extra compensation required will be approximately \$2,500.

Commissioner Hart moved to approve Addendum No. 1 with David Nemens & Associates. Commissioner Robinson seconded the motion, which was unanimously approved. (Contract #01939).

PUBLIC HEARING - AMENDMENTS TO SKAGIT COUNTY CODE CHAPTER 1504, BUILDING AND CONSTRUCTION CODES.

Chairman Wolden opened the Public Hearing. Roxanne Michael, County Building Official, reviewed the four items being proposed for change in the building and construction codes in the areas of mobile home fire safety inspections, excavation and grading revisions, energy code requirements and lot certifications. The various specifics of each of these areas were briefly reviewed by Ms. Michael.

John Lee, Coach Corral, Mount Vernon, stated that he has concerns regarding this proposed ordinance. He expressed his concern why these particular homes are being determined unsafe. Mr. Lee did admit that mobile and manufactured homes are less safe than a new home. He further stated his concern for low income people who cannot afford the level of safety afforded by new manufactured homes. It was Mr. Lee's opinion that the County must show statistics that back up the concern for safety compared to other types of houses. Mr. Lee stated that the determination of safety should be made by the consumer, not the County and that these homes were built to state codes when initially built and at such time were within the reasonable bounds of safety. Mr. Lee pointed out that most mobile or manufactured homes involve a property purchase which means the homeowner must go through the permit process. Mr. Lee further stated his opinion that the dealers will not be able to fulfill written contracts due to the uncertainty this ordinance will create.

Doug Nicholson, Vic Cox Home Centers, stated that the ordinance placed before the Board is being "ramrodded down the throat of the mobilehome industry," and is a clear violation of the U.S. Department of Urban Development (HUD) safety standards which pre-empt local, State and County authority regarding manufactured housing. It was Mr. Nicholson's opinion that the proposed ordinance should be tabled for further discussion. Mr. Nicholson stated that the safety aspect is extremely important to him and to his business, and he would love to see the implementation of a fire safety code that would affect all housing in Skagit County.

RECORD OF THE PROCEEDINGS

June 7, 1994

Page #4

Brian McGinnis, Skagit/Island Counties Builders Association, commented on the lot certification charge being proposed and noted that the charge is probably reasonable if no other fees have been collected. If a certification from a title company is received, it was Mr. McGinnis' opinion that the proposed fee should be waived. On the fill-and-grade proposal, Mr. McGinnis advised that he has no problem with the 500 cubic yard proposal as long as environmental concerns are addressed.

Adelaide Hall of the Valley Home Center, stated that UBC code listed homes should be allowed to be put on any property chosen, and not be restricted.

Corey Schmidt, Plans Examiner for the County Planning Department, stated that many of the mobilehomes this ordinance is meant for are not fit for dwelling units in the first place. In response to Ms. Hall's statement above, Mr. Schmidt noted that any place a single family residence is allowed, a manufactured home is allowed. To compare standards of manufactured homes to site-built homes is not fair as manufactured homes will fall short. Mr. Schmidt noted the possibility of damage to mobile or manufactured homes when they are moved from location to location. Consequently, a fire inspection is in the best interests of the potential purchaser and the general citizenry. Many of these homes have been moved and/or altered without receiving an additional HUD label. Surrounding jurisdictions require a fire safety inspection at a cost of \$75. In Mr. Schmidt's estimation, this is reasonable. The concern should be with the safety of these homes rather than the potential economic impacts.

Mr. Nicholson stated that it is not true that adjacent jurisdictions have adopted similar ordinances. Mr. Nicholson is aware of a similar proposal in King County, and is not aware of any such proposal in Snohomish County. Mr. Nicholson expressed his concern that the County not discriminate against one particular type of housing, and that every home should pass a fire inspection.

Ms. Michael clarified that the County is not adding additional legislation, but is merely bringing the County up to the State's requirements so that jurisdictional practices are consistent.

A discussion ensued concerning the process of inspections, HUD insignias, state certifications, pre-HUD standards, grandfathered regulations and standards, and the questions of the safety of older mobile homes with possible aluminum wiring.

Dan Cain, Skagit County Fire Marshall, queried Mr. Nicholson on what percentage of mobile home are sold outside of the area. Mr. Nicholson stated that a large amount of these homes are private transactions that do not go through dealers. Mr. Cain pointed out that dealers are required to point out any defects and to have fire safety inspection, but a private sale would circumvent these requirements. Mr. Cain stressed that one thing to remember about inspections for pre-HUD mobilehomes is that if the home passes the inspection, there is nothing further required. The requirements only come in to play when the home does not meet basic fire standards.

A discussion ensued concerning the possibility of self-certification programs and other codes relation to alterations to plumbing, heating, electrical and safety systems. Mr. Nicholson stated that the vehicle for enforcement is already in place and that this ordinance is not needed.

After further discussion, it was determined that a work session needs to be scheduled with Ms. Michael, various members of the community and mobile home dealers to discuss the implementation of the details of this proposed ordinance.

There being no further public comment forthcoming, Commissioner Robinson moved to close the public hearing. Commissioner Hart seconded the motion and the motion to close the public hearing unanimously

RECORD OF THE PROCEEDINGS

June 7, 1994

Page #5

carried.

Commissioner Hart moved to adopt the proposed amendments to Section 1504 that pertain to energy code and lot certification. Commissioner Robinson seconded the motion, which unanimously passed. (Resolution to be provided at a later date by Staff.)

PARKS & RECREATION - Jon Aarstad, Director.

1. Signature - Interlocal Agreement with Burlington-Edison High School to perform Construction Supervision of Phase 2 of Burlington-Edison Regional Park.

Jon Aarstad, Director of Parks & Recreation, presented to the Board an addendum to a previous Interlocal Agreement with the Burlington-Edison High School to have the School District take full responsibility for the construction supervision and bidding. Mr. Aarstad advised that this should save money as a contractor is already on-site so mobilization costs will be reduced. Commissioner Robinson moved to approve the addendum as presented by Mr. Aarstad. Commissioner Hart seconded the motion, which was unanimously approved. (Contract #00650)

2. Discussion - Equipment Rental Account.

This discussion was delayed until Mike Woodmansee, Budget/Finance Director, could be present.

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 Wolder

 Harvey Wolder, Chairman

Robby Robinson

 Robby Robinson, Commissioner

Robert Hart

 Robert Hart, Commissioner

ATTEST:

Patti J. Owen

 Patti J. Owen, Clerk
 Skagit County Board of Commissioners