

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

Monday, October 16, 1995:

Flag Salute.

9:30 a.m. - 10:00 a.m.

Presentation - Community Development Block Grant Application for Community Resource Center.

10:00 a.m. - 11:00 a.m.

Public Works Department - Jan Kelsner, Director.

- 1) Public Hearing - Vacation of Unused Right-of-Way Along Chilberg Road.
- 2) Public Hearing - Road Name Change for a Portion of Best Road to be Changed to Chilberg Road.
- 3) Signature - Proclamation: Flood Awareness Week (October 23-27, 1995).
- 4) Signature - Proclamation: Recycling Week (October 16-22, 1995).
- 5) Discussion - Solid Waste Rate Study Up-Date.
- 6) Miscellaneous.

**CONSENT AGENDA.
MISCELLANEOUS.**

1:30 p.m. - 2:30 p.m.

Facilities Projects Update.

2:30 p.m. - 3:30 p.m.

Appeal of Beverly Bonifer of Hearing Examiner's Decision to Grant a Variance to Brian Tweten (VAR 95-001.ORD) to Place an Accessory Structure within the Required Side-Yard Setback, located at 1532 Central, Anacortes.

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, October 16, 1995, with Commissioners Robert Hart, Harvey Wolden and Ted W. Anderson present.

PRESENTATION - COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION OF COMMUNITY RESOURCE CENTER.

Paul Schissler, Grant Facilitator, and Joan Martin, SPARC, reviewed the concept of the Resource Center. Ms. Martin emphasized that they are trying to develop a one-stop family resource center, providing education to people on how to utilize their resources for basic needs, and eventually providing the opportunity to gain education and training. Ms. Martin stated that the point of this program is to make a major difference for families on welfare to move them to a independent productive position.

Mr. Schissler reviewed the County's position in this grant application, stating that the County was not responsible for any funding.

A discussion ensued.

Mr. Schissler mentioned that the State prefers a selected site when the application is submitted. Ms. Martin stated that the college site is anticipated, however, Mr. Schissler mentioned that if this site should fall through, the Board would possibly need to consider looking at available property.

Commissioner Anderson made a motion to approve the submission of the CDBG Application in order to proceed. Commissioner Wolden seconded the motion and it passed unanimously.

PUBLIC WORKS DEPARTMENT - Jan Keiser, Director.

1. Public Hearing - Vacation of Unused Right-Of-Way Along Chilberg Road.

Linda Leonhart, Public Works Staff, presented the background in regard to the vacation of the unused right-of-way along Chilberg Road and illustrated by map where the vacations exist. Ms. Leonhart presented the Board's options as not vacating, vacate with full costs or a portion of costs, or to vacate with just the costs of the Public Hearing.

Chairman Hart opened the Public Hearing.

Francis Mesman, 1751 Dodge Valley Rd., Mount Vernon, stated he would like the vacation with the least amount of costs and discussed the changes of road names and numbers in this regard. Mr. Mesman stated he disagreed

Arnie Fohn, Mount Vernon, inquired as to the costs involved to the property owner and the issue of collecting tax revenues off the easement. Mr. Fohn stated he would much rather have 2.6 acres or farmland rather than 2/6 acres of road easement.

Joseph Fohn, 1176 Chilberg Road, Mount Vernon, inquired as to if the property owner is required to take this back, if vacated by the County. Ms. Leonhart stated it would not have to go back and a discussion ensued.

Kirby Johnson, 1848 Chilberg Road, Mount Vernon, commented on the vacation and stated his agreeance with the vacation. Mr. Johnson stated that he represents the 5,000 people who are inconvenienced by the 35 mile per hour, suggesting raising it to 50 miles per hour with 35 miles per hour around curves. Mr. Johnson also commented on the danger of the three-way stop.

Commissioner Wolden made a motion to close the Public Hearing. Commissioner Anderson seconded the motion and it passed unanimously.

Commissioner Anderson made a motion to vacate the land back to property owners at no charge to the property owners. Chairman Hart seconded the motion. A discussion ensued in regard to the liability of the County. The motion passed unanimously.

2. Public Hearing - Road Name Change for a Portion of Best Road to be Changed to Chilberg Road.

Linda Leonhart, Public Works Staff, presented the background on the road name change, mentioning that this is the end of the Chilberg Road project. Ms. Leonhart stated that four addresses would change in approximately four years and stated that this is an attempt to be consistent.

Chairman Hart opened the Public Hearing.

Laura Hill, Mount Vernon, stated her objection to the road name change, stating that a change should not occur most importantly for the sake of confusing emergency vehicles. Ms. Hill stated that the residents are not confused in regard to the current road name. Ms. Hill also mentioned that monetary considerations in regard to the road name change.

Phil Jennings, Mount Vernon, suggested that the Best Road name be continued to the Skagit River, which seems more logical.

Jan Keiser would like to look into the matter further.

Kirby Johnson, Mount Vernon, stated his objection to changing road names.

Commissioner Wolden made a motion to close the Public Hearing. Chairman Hart seconded the motion and it passed unanimously.

Commissioner Wolden made a motion to hold another Public Hearing in regard to changing the road to Best Road to the river and not to consider this today. The motion did not pass for lack of a second.

A discussion ensued.

Ms. Keiser stated that the Public Works Department would look further into this situation and return to the Board with a recommendation.

A discussion ensued.

3. Signature - Proclamation: Flood Awareness Week (October 23-27, 1995).

Dave Brookings, Public Works Staff, presented a Proclamation and read the Proclamation into the record in regard to "Flood Awareness Week" for the week of October 23 through 27, 1995. Mr. Brookings stated that this is intended to increase public awareness of the approaching flood season and reviewed the activities in this regard.

Commissioner Wolden made a motion to Proclaim Flood Awareness week as October 23 - 27, 1995. Commissioner Anderson seconded the motion and it passed unanimously.

4. Signature - Proclamation: Recycle Week (October 16-22, 1995).

Jeff Hegedus, Public Works Staff, presented a Proclamation and read the Proclamation into the record in regard to "Recycle Week" for the week of October 16 - 22, 1995, to promote awareness of recycling efforts in the County. Mr. Hegedus reviewed various anticipated projects in this regard.

Frances Ambrose, Public Works Staff, presented a pamphlet recently produced by the volunteer summer intern, Michele Mead, in regard to recycling resources available.

Commissioner Wolden made a motion to Proclaim Recycle Week as October 16 - 22, 1995. Commissioner Anderson seconded the motion and it passed unanimously.

5. Solid Waste Rate Study Up-Date.

Robin LaRue, Public Works Assistant Director, reviewed the study being conducted by the Economic and Engineering Services. Mr. LaRue stated that a final presentation to the Board and the Cities has been set for November 13, 1995.

It was determined by staff to continue the Public Hearing from October 30, 1995, to November 20, 1995, at 9:00 a.m.

CONSENT AGENDA.

Commissioner Anderson made a motion to approve the Consent Agenda, as presented. Commissioner Wolden seconded the motion and it passed unanimously.

* Commissioners' Office:

1. Record of the Proceedings from Monday, October 9, 1995.
2. Record of the Proceedings from Tuesday, October 10, 1995.

* Prosecuting Attorney:

3. Amendment to Personal Services Agreement (002421) with Mark G. Honeywell and Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim to amend Compensation as follows: Partners - \$150 per hour (previously \$125), Associates - \$110 (previously \$100), Paralegals - \$75 (previously same), Office Clerks - \$15 (previously same). These rates will be effective October 1, 1995, and is to provide legal counsel and representation in the case of Skagit County v. Continental Insurance Company, et al., Snohomish County Superior Court Number #93-2-01050-6. (Contract #02421).

* Public Works:

4. Resolution Calling for Public Hearing for Vacating of Unused County Right-of-way in the Plat of Bingham Acreage in Clear Lake. Public Works received a petition from property owners requesting this vacation which lies between their two lots. (Resolution #15911).

• Health Department:

5. Personal Services Agreement with Affiliated Health Services for the term of October 1, 1995, through October 30, 1995, for the compensation amount not to exceed \$5,000, to coordinate the implementation of the Community Health Risk Assessment for Skagit County in October, 1995. (Contract #02647).
6. Resolution Waiving Requirement for Western Resources Group, Inc. to Drill Wells on all Lots in a Proposed Subdivision on Morford Road. (Resolution #15912).
7. Resolution Waiving Requirement for Barbara Crawfoot to Drill Wells on All Lots in a Proposed Subdivision on the Lake Cavanaugh Road. (Resolution #15913).

• Planning:

8. Resolution in regard to Appeal of Skagit County Hearing Examiner Determination Concerning Shoreline Substantial Development/Variance Permit #SHL 95-003 of Glen and Heather Moses. (Contract #15914).

MISCELLANEOUS.

1. Staff presented a Resolution Calling for Public Hearing in regard to the Community Development Block Grant applications. Commissioner Wolden made a motion to approve the Resolution, as presented. Commissioner Anderson seconded the motion and it passed unanimously. (Resolution #15915).

FACILITIES PROJECTS UPDATE.

1. Roger Howard, Facilities Manager, presented a Personal Services Agreement with SoundNet, a Division of Sound Elevator to install two ADA Speech Independent Elevator Emergency Telephones, in each of the County Administration Building elevators. The compensation amount is not to exceed \$2,500, not including sales tax and the term of the agreement is September 25, 1995, through October 31, 1995.

Chairman Hart made a motion to approve the agreement, as presented. Commissioner Anderson seconded and it passed unanimously. (Contract #02648).

2. A Change Order was presented in regard to the Remodel/Addition to the Administration Building Remodel with Biwell Construction for the Contract sum of \$348,510.13. The total cost is \$12,106.46, plus the addition of 15 days. Chairman Hart made a motion to approve Change Order #3, as presented. Commissioner Wolden seconded the motion and it passed unanimously.

A discussion ensued in regard to the Change Order issue. (Contract #02527).

Lowell Larson, Henry Klein Partnership, reviewed the site plan, first floor, second floor, third floor and fourth floor.

A discussion ensued.

The Board concurred to schedule a 2 hour Facilities session to discuss the options available in regard to how to get people in and out of the building during the construction phase.

APPEAL OF BEVERLY BONIFER OF HEARING EXAMINER'S DECISION TO GRANT A VARIANCE TO BRIAN TWETEN (VAR 95-001.ORD) TO PLACE AN ACCESSORY STRUCTURE WITHIN THE REQUIRED SIDE-YARD SETBACK, LOCATED AT 1532 CENTRAL, ANACORTES.

Grace Roeder, Planning Department Staff, reviewed the situation in regard to the Appeal. Ms. Roeder also read into the record correspondence written by Brian Tweten, explaining the reasons for constructing the building. Ms. Roeder also read into the record the Planning Department staff report recommendation. Ms. Roeder reviewed the Boards options in this matter.

Les Johnson, Attorney representing the Bonifer's, presented a packet to the Board. A discussion ensued in regard to whether this packet had been reviewed by the Hearing Examiner. Tom Moser, Attorney representing the Tweten's, objected to the submission of the packet. The Board did not follow the packet as presented.

Mr. Johnson proceeded to review the series of events leading to this appeal, including the lack of procedure in order to give Mr. & Mrs. Bonifer the opportunity to review items presented to the hearing Examiner, opposition to the location of the building, the square footage of the building being over 100 square feet and various other issues in this regard. Mr. Johnson recommended that the building be removed immediately. Mr. Johnson also recommended a closer look at the Code Book to eliminate problems in the future for variances of this type.

Mr. Moser asked that the Hearing Examiner's decision remain. Mr. Moser stated that he visited the site and that the accusations that Mr. Johnson stated were not accurate. Mr. Moser briefly reviewed the process and supported the procedure in place. Mr. Moser stated that this is not the appropriate place to attain a variance from the process.

Mr. Moser requested that the Hearing Examiner's decision remain.

A discussion ensued in regard how the measurements are determined on side yards.

Commissioner Wolden made a motion to remand the appeal back to the Hearing Examiner for further consideration. Commissioner Wolden stated that it would be his suggestion to put some conditions, such as a fire wall, on this variance, if, in fact, the Hearing Examiner allows the variance once again. The Board concurred that the Hearing Examiner should look at the roof drainage, measurements, and the issue being a good neighbor, regardless of regulations. Chairman Hart seconded the motion and it passed unanimously.

The Board adjourned to Executive Session at 3:30 p.m. for approximately one hour to discuss litigation issues.

ADJOURNMENT.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON





Robert Hart, Chairman



Harvey Wolden, Commissioners



Ted W. Anderson, Commissioner

ATTEST:



Debby Sims, Clerk
Skagit County Commissioners