

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Monday, October 27, 1997**

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| 9:00 a.m. – 9:15 a.m.      | Public Comment Period.   |
|                            | <b>CONSENT AGENDA.<br/>MISCELLANEOUS.</b>  |
| 9:30 a.m. – 10:00 a.m.     | Executive Session – Personnel, Litigation & Land Acquisition.  |
| 10:00 a.m. – 11:00 a.m.    | Appeal by Friends of Skagit County and Cascade Columbia Alliance of Hearing Examiner's Decision Approving a Variance Requested by Olympia Pipeline Company to Construct Seven Petroleum Tanks at Skagit Regional Airport (PL-97-0186.ORD). |
| *T 11:00 a.m. – 11:15 a.m. | Proclamations:<br>1) National Home Care Month, November 1997.<br>2) National Hospice Month, November 1997.   |

The Skagit County Board of Commissioners met in regular session on Monday, October 27, 1997, with Commissioners Harvey Wolden and Ted W. Anderson present. Commissioner Robert Hart's absence was excused.

**PUBLIC COMMENT PERIOD.**

Stan Wigal, 1189 Marihugh Road, made comments on the value of his property declining due to new zoning, but his tax assessment has gone up approximately 66%.

Monte Lennox, Concrete, commented on the Comprehensive Plan procedures regarding land use designation grievances.

Bill Schmidt, 689 Gallagher Road, Concrete, urged the Commissioners to personally hear all land use designation requests.

Tom Solberg, Alger, talked about the need for individual notifications to go to all property owners regarding land use measures and taxes.

**CONSENT AGENDA.**

Commissioner Anderson moved to approve the Consent Agenda for Monday, October 27, 1997. Chairman Wolden seconded the motion, which passed unanimously.

• **COMMISSIONERS' OFFICE:**

1. Record of the Proceedings of Monday, October 20, 1997.
2. Record of the Proceedings of Tuesday, October 21, 1997.
3. Record of the Proceedings of Wednesday, October 22, 1997.

• **TREASURER:**

4. Resolution – Approval of Revised Cash Collection Policy No. 16 regarding the reporting of losses.  
**(Resolution No. 16727)**

5. Personal Services Agreement with Herk Hancock dba Herk Hancock Auction Co. for conducting a surplus auction on October 3, 1997 for 3.75% of the gross proceeds and advertising costs not to exceed \$1,000. **(Contract No. 03667)**
- SENIOR SERVICES:
6. Contract for Provision of Senior Services with the City of Burlington for the provision of Nutritional Services, Senior Service programs at the Community/Senior Centers, Retired Senior Volunteer Program, Coordination and Delivery of Supportive Services, and Utilization of Media. The agreement is effective for the period January 1, 1998 through December 31, 1998. The City shall pay the County \$17,863 in quarterly payments. **(Contract No. 03668)**
- PARKS & RECREATION:
7. Instructional Services Contract with Kate Bowers for Yoga instruction at a compensation rate of .75% of gross fees generated. **(Contract No. 03669)**
8. Change Order No. 4 to contract with Dariotis Construction for the Dreamfield Project, adding a pressure reducing valve for a total amount of \$660.81. **(Contract No. 03568)**
9. Interagency Agreement with Whatcom County Parks & Recreation department for the purpose of joint maintenance of Squires Lake Park. Agreement includes sharing the cost of the rental portable ADA approved restroom, picking up litter at the trail head twice a month and once a month around the lake, brushing back the vegetation on each side of the trail twice a year, and assisting in installing picnic tables and benches. No monies will exchange hands. **(Contract No. 03670)**
10. Personal Services Agreement with Heather Elliott to provide professional photographic services, including site photography and developing and preparation of slide materials for presentations on an as-needed basis. Compensation will be at the hourly rate of \$40, and the contract will run from October 13, 1997 until terminated. **(Contract No. 03671)**
- EDISON SUB-AREA CLEAN WATER DISTRICT:
11. Sewer Easement Agreement with Robert N. Downen and Amy L. Downen, husband and wife, for building, operation and maintenance of sewer system. **(Contract No. 03521)**
12. Sewer Easement Agreement with Gerald Ruble for building, operation and maintenance of sewer system. **(Contract No. 03521)**
13. Sewer Easement Agreement with Frances H. Rosenquist for building, operation and maintenance of sewer system. **(Contract No. 03521)**

**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, October 27, 1997, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant numbers 7026 through 7434 from Clearing Fund 696, in the total dollar amount of \$1,409,934.06 (Transmittal No. C-53-97);

Payroll warrants numbered 5244 through 5942 in the total amount of \$599,049.27 (Transmittal No. P-28-97).

2. Staff presented a Call for Public Hearing regarding a Supplemental Budget for the County Fair #106 in the amount of \$330,000. Commissioner Anderson moved to approve the Call for Public Hearing as presented by Staff, with said public hearing being scheduled for November 10, 1997 at 10:30 a.m. Chairman Wolden seconded the motion, which passed unanimously. **(Resolution No. 16728)**
3. Staff presented a Resolution Authorizing out of state travel for the Drug Court Team for travel to Kansas City, Kansas and San Bernardino, California for drug court training. Commissioner Anderson moved to approve the Resolution as presented by Staff. Chairman Wolden seconded the motion, which passed unanimously. **(Resolution No. 16729)**
4. Ed Hawes, Public Works Department Staff, discussed with the Board the details of the scope of the project on Allen-West Road. He explained a Scope of Project form that he requested the Board approve. No action was taken on this project until the Board receives further information regarding particular aspects of the project.
5. Mr. Hawes presented a Memorandum of Understanding with Dynes Poultry Farms, Inc. regarding work to be performed by Dynes near the Lyman-Hamilton Highway and Cabin Creek Road. Dynes will perform work detailed in the Memorandum of Understanding, and the County will pay Dynes the sum of \$26,500. Commissioner Anderson moved to approve the Memorandum of Understanding as presented by Staff. Chairman Wolden seconded the motion, which passed unanimously. **(Contract No. 03672)**

**APPEAL BY FRIENDS OF SKAGIT COUNTY AND CASCADE COLUMBIA ALLIANCE OF HEARING EXAMINER'S DECISION APPROVING A VARIANCE REQUESTED BY OLYMPIC PIPELINE COMPANY TO CONSTRUCT SEVEN PETROLEUM TANKS AT SKAGIT REGIONAL AIRPORT (PL-97-0186.ORD)**

Chairman Wolden opened the proceedings.

Brandon Black, Planning Staff, briefly gave a history and location of the subject variance request. He stated that Staff recommended approval of the variance request, and the Hearing Examiner approved the variance request. Mr. Black reviewed the Board's options, which include the following:

- 1) The Board may deny the request and allow the Hearing Examiner's decision to stand;
- 2) The Board may remand the matter back to the Hearing Examiner for further study;
- 3) If the Board believes the Hearing Examiner's decision is not supported by substantial evidence, the Board may adopt its own findings, conclusions and decision based upon the record made before the Hearing Examiner.

Mr. Black then outlined several of the key items of the Staff Report for the Board's information. He indicated that no special privilege would be granted to the applicant with the approval of this variance. Mr. Black further explained that the site is restrictive for development due to the wetlands in the area.

Commissioner Anderson clarified that it is the County's position that this is an accepted use, and that Olympic Pipeline is asking for a variance only for the height of the tanks. He further clarified with Mr. Black that no refueling would take place at the proposed site.

David Mann, Attorney for Friends of Skagit County and Cascade Columbia Alliance, stated that although he included three issues in the subject appeal, he would not speak to the SEPA issue as that will be dealt with by the Department of Ecology, or the special use permit issues. He stated that he would be addressing the variance request only.

Mr. Mann stated that this proposed storage facility will provide fuel to not only Skagit County, but will also supply fuel to Spokane, Portland, and possible other areas. Mr. Mann outlined the aviation zoning area and the established height restriction. He noted that it is obvious that the height restriction was set for a reason, and that reason was most likely safety. He questioned that the Board should be considering a zoning code change and new height restrictions for the entire area rather than granting this exception. He further noted that the Hearing Examiner relied on adjacent industrial zoning rather than the existing aviation zoned area for his comparisons.

He stated that there are no uses on surrounding industrial area that warrant this height increase. Mr. Mann indicated that Olympic Pipeline has not been deprived of any rights in this regard.

Mr. Mann stated that the Skagit County Code requires that staff and the Hearing Examiner have the duty to discover the minimum height that should be required. He stated that if this area isn't big enough for what they need, perhaps they should be looking at another area. Mr. Mann stated that this information is missing from the record and from the findings of fact from the Hearing Examiner.

Mr. Mann asked the Board to deny the variance, or at a minimum remand it back to the Hearing Examiner for further consideration.

Tom Moser, attorney for Olympic Pipeline, 411 Main Street, Mount Vernon, advised the Board that several individuals were present in the audience from the Port of Skagit County and Olympic Pipeline Co. Mr. Moser stated that neither of the appellants submitted any documentation or letters of objection at the public hearing before the Hearing Examiner. There was no evidence provided by Mr. Mann's clients that suggest that the variance should not be granted. Mr. Moser advised the Board that the Hearing Examiner did not review any contrary facts, evidence or arguments. He explained that this is Port-owned property that has a split zoning designation. He further detailed the proposed usage for the site and the need for requesting a variance.

Mr. Moser stated that the Hearing Examiner did the right thing in looking at this site in conjunction with surrounding industrial sites. He discussed the testimony of an expert civil engineer who explained the necessity of the 55 feet minimum height necessary for optimal design of the tank cylinders. He further noted that there will be no effect to surround wetlands.

Mr. Moser commented on the interest of Cascade Columbia Alliance in this project, and Mr. Mann questioned whether the information given by Mr. Moser was new evidence.

Commissioner Anderson stated that in his opinion a variance is appropriate and is clearly within the parameters of the County Code.

Commissioner Anderson moved to uphold the Hearing Examiner's decision in allowing the variance of Olympic Pipeline. Commissioner Wolden seconded the motion.

Chairman Wolden stated that the County Code does not fit in every situation and therefore variances are necessary. He agreed with Commissioner Anderson's comments, and stated that there has been enough discovery to justify this request.

The question was called for. The motion passed unanimously. **(Resolution to be provided by Staff at a Later Date.)**

**PROCLAMATIONS: 1) NATIONAL HOME CARE MONTH, NOVEMBER 1997; 2) NATIONAL HOSPICE MONTH, NOVEMBER 1997.**

Commissioner Anderson read the National Home Care Month Proclamation into the record.

Chairman Wolden read the National Hospice Month Proclamation into the record.

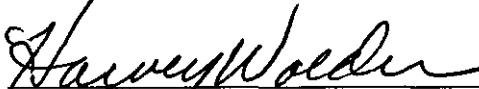
Susan Denham, nurse for Skagit Home Health, stated that one of the goals of Home Care is to help people recover quickly from surgeries or injuries, while remaining cost effective. She reviewed the specific requirements of the program.

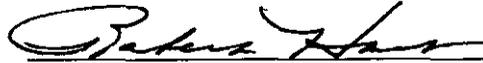
Nancy Toplam, Hospice Nursing, explained that hospice is a program for individuals who have a terminal illness who want to remain at home to eventually die or recover. She reviewed the specific components of the hospice program.

**ADJOURNMENT.**

Chairman Wolden made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion and it passed *unanimously*.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

  
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Harvey Wolden, Chairman

  
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Robert Hart, Commissioner

  
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Ted W. Anderson, Commissioner



ATTEST:

  
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Patti J. Chambers, Clerk of the Board  
Skagit County Board of Commissioners