

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, May 3, 1999**

- 8:30 a.m. – 9:30 a.m. Executive Session – Personnel, Litigation and Land Acquisition.
- 9:30 a.m. – 10:00 a.m. Decision – Appeal by Mildred I. Rosenbach and Keith D. Monteith of the Hearing Examiner's Decision Denying a Variance to Create Two Substandard Lots in a Rural Resource Area, located at 56747 Sturgeon Road, Darrington (No. PL98-0357).
- 10:00 a.m. – 10:15 a.m. Public Comment Period.
- CONSENT AGENDA
MISCELLANEOUS**
- 10:30 a.m. – 11:00 a.m. Consideration of the Hearing Examiner's Recommendation for Approval of the Timber Open Space Applications of:
- 1) Bob Anderson and Cheerie Carr for property located at 29752 Alder Place (previously 2794 Alder Place), Sedro Woolley; and,
 - 2) Lisle Brown and Wendy Panda for property located at 17421 Turtle Lane (formerly 264-B Barrel Springs Road), Bow.
- *T 11:00 a.m. – Noon Public Hearing – Consideration of Testimony regarding an update to the Skagit County Health Department Schedule of Charges Applicable to Outside Lab, Personal Health, and Environmental Health.
- Noon – 1:30 p.m. Law Day Luncheon, CottonTree Inn, 2300 Market Street, Mount Vernon.

The Skagit County Board of Commissioners met in regular session on Monday, May 3, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

DECISION – APPEAL BY MILDRED I. ROSENBACH AND KEITH D. MONTEITH OF THE HEARING EXAMINER'S DECISION DENYING A VARIANCE TO CREATE TWO SUBSTANDARD LOTS IN A RURAL RESOURCE AREA, LOCATED AT 56747 STURGEON ROAD, DARRINGTON (No. PL98-0357).

Commissioner Hart stated that he had reviewed this matter with legal counsel, and that there is no doubt that the property can be split as desired by following the Short CaRD process or during the testamentary division. He stated that he has no problem in granting the appeal, but that there are no findings of facts to substantiate this action. He noted that such a decision would be purely based on the will of the Board.

Commissioner Wolden cautioned the applicants that fighting this in Court would be quite costly, and that if the Board were to overturn the Hearing Examiner, it would still be necessary to go through the short plat process. He concurred with Commissioner Hart that the same thing could be accomplished with the Short CaRD or the eventual testamentary subdivision. He stated that he believed the Board should uphold the Hearing Examiner's decision in denying the requested variance. He suggested that the applicants proceed with the Short CaRD process.

Commissioner Hart commented that the applicants are not interested in pursuing the Short CaRD option at this time, and if the variance is granted, they would be able to proceed unless they were appealed by another party. He indicated that if the Board granted the variance with no legal basis, and there is no appeal filed, the applicants can proceed with their plans to divide the land. He stated that if someone does appeal, the applicants have the option of going through the Short CaRD process.

RECORD OF THE PROCEEDINGS
Monday, May 3, 1999
Page #2

Commissioner Hart moved to overturn the Hearing Examiner's decision, but indicated that he did not have any findings to suggest that would support this decision.

Chairman Anderson indicated that the Hearing Examiner noted the fact that prior to this request for variance, the Monteiths could have come in at any time and subdivided the property, so the Hearing Examiner gave that fact some weight when he made his decision. However, this is a really unique situation simply for the reason that these folks pretty much live in Snohomish County. Chairman Anderson indicated that legal advertisements were posted in The Skagit Valley, and were not readily accessible to people in this small island of Skagit County. He indicated that this fact is a pertinent finding, and he concurred with Commissioner Hart that he would like to overturn the Hearing Examiner's decision.

Commissioner Hart moved to overturn the Hearing Examiner based on the uniqueness of the situation wherein the legal newspaper for Skagit County was not available to the applicants and they therefore did not receive property notification. Commissioner Anderson seconded the motion. Upon call for the question, Commissioners Hart and Anderson voted for the motion, and Commissioner Wolden voted against the motion. The motion passed. **(Resolution to be provided by Staff at a later date)**

PUBLIC COMMENT PERIOD.

There were no citizens present for the Public Comment Period.

CONSENT AGENDA.

Commissioner Hart stated that he could not consider the reappointment of Louie Requa to the Planning Commission as long as Mr. Requa has a lawsuit against the County. Commissioner Wolden concurred with Commissioner Hart's remarks. Chairman Anderson objected, saying that the other two Commissioners cannot determine whom he appoints to the Planning Commission.

Commissioner Hart stated that he would reconsider appointing Mr. Requa after the lawsuit is resolved.

A lengthy discussion ensued, with Commissioner Anderson stating that he would challenge this action, and asked Staff to contact legal counsel to determine if the approval of the other two Commissioners is required.

Patti Chambers, Administrative Coordinator, left the proceedings briefly to obtain the information requested by Commissioner Anderson. She returned to report that legal counsel advised that the members of the commission are appointed by the Chairman of the Board with the approval of a majority of the Board.

Commissioner Hart moved to approve the Consent Agenda, items 1-2 and 4-17. Commissioner Wolden seconded the motion. Chairman Anderson advised that he strongly objects to the removal of Item 3 from the Consent Agenda. Upon call for the question, Commissioners Hart and Wolden moved to approve the Consent Agenda, items 1-2 and 4-17, and Chairman Anderson dissented. The Consent Agenda was approved for Monday, May 3, 1999.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, April 26, 1999.
2. Record of the Proceedings of Tuesday, April 27, 1999.
3. Re-Appointment of Louie Requa to the Skagit County Planning Commission for the term April 4, 1999

RECORD OF THE PROCEEDINGS

Monday, May 3, 1999

Page #3

3. Re-Appointment of Louie Requa to the Skagit County Planning Commission for the term April 4, 1999 through April 3, 2003. **(REMOVED FROM THE CONSENT AGENDA)**
4. Resolution providing a Defense to Tom Moody in a lawsuit brought by Mary Riggle. **(Resolution No. 17425)**
5. Resolution Establishing Advisory Committee and Criteria for Distressed County Public Facility Projects to be Funded by Distressed County Sales and Use Tax. **(Resolution No. 17426)**
6. Personal Services Agreement with Skagit Valley Properties to provide negotiation and closing of real estate purchase for the GTE Building, Masonic Building and other properties as directed by the County for the period April 1, 1999 through December 31, 1999. Compensation will be at the rate of \$100 per hour plus 3% of the final purchase price. If the purchased property is a listed property, the selling office's commission offered by the listing agency will be credited against the Contractor's fees. **(Contract No. 04383)**
7. Memorandum of Agreement with the Skagit County Historical Society on behalf of the Great Skagit County Museum Association for tourism promotion utilizing hotel/motel taxes for calendar year 1999 in the amount of \$1,750. **(Contract No. 04384)**

PUBLIC WORKS DEPARTMENT:

8. Adopt-A-Road Agreement with St. Paul's Episcopal Church for litter control along Francis Road from the intersection with Highway 9 to Francis Lane, approximately a two-mile section. **(Resolution No. 04385)**
9. Resolution Calling for Bids to provide roadway improvements on Avon Allen Road, with the bid opening scheduled for May 25, 1999. **(Resolution No. 17427)**
10. Interlocal Agreement with Drainage District 19 relating to the Farm-to-Market Road and Avon Allen Road improvement projects. This Agreement allows the Skagit County surface runoff to enter the Drainage District No. 19 drainage system to be conveyed and disposed of by the District for a one-time assessment equal to \$0.250 per square foot of impervious area. **(Contract No. 04386)**
11. Grant Agreement with the Washington State Department of Ecology wherein the grant will provide up to \$32,000 to the Solid Waste Division for the cleanup of litter and illegal dumpsites on public property and County Roads. The grant and contract expires on December 31, 1999. **(Contract No. 04387)**
12. Professional Services Agreement with Schols Mowing and Excavating for cutting or mowing of vegetation growing on the slopes of the Inman Landfill site as directed by the staff of the Public Works Department. The term of this Agreement is from May 15, 1999 through October 31, 1999, and the compensation will be \$48 per hour. **(Contract No. 04388)**
13. Professional Services Agreement with Schols Mowing and Excavating for the performance of routine maintenance within the Blanchard Sub-Flood Control Zone. The term of this Agreement is from April 15, 1999 through December 31, 1999 for a maximum compensation amount of \$10,000 at a rate of \$65/hour. **(Contract No. 04389)**

PLANNING & PERMIT CENTER:

14. Resolution calling for bids for the Demolition/Clearance/Disposal of 12 Residential properties purchased by Skagit County with Hazard Mitigation Grant Funds sponsored by FEMA. **(Resolution No. 17428)**

ADMINISTRATIVE SERVICES:

15. Software Ownership and Master End User License Agreement with Steve Kleinbart, either as an individual or as owner of Balanced Action Computer Consulting Services, for the Cashtax Software Program and the Investment Manager Software Program. **(Contract No. 04390)**

SHERIFF:

16. Out-of-State Travel Request for David F. Willard to attend the Northwest Polygraph Examiner's Association Summer Seminar in Bend, Oregon, June 20 - 25, 1999, for a total amount of \$740. **(Approved)**

PUBLIC DEFENDER'S OFFICE:

17. Personal Services Agreement with Rebecca M. Clark to handle 15 juvenile cases per month in Skagit County Superior Court at the rate of \$2,250 per month. The contract begins April 12, 1999 and will continue until terminated by either party. **(Contract No. 04391)**

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 3, 1999, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 43549 through 43561 from Clearing Fund 696 in the total dollar amount of \$239,893.98 (Transmittal No. C-30-99); and

Warrants numbered 43562 through 44135 from Clearing Fund 696 in the total dollar amount of \$894,655.25 (Transmittal No. C-31-99)

2. Dave Fleming, Risk Manager, presented a Right-of-Entry Agreement for property adjacent to the Pinelli Pit owned by Robert G. Smith. He stated that such right-of-entry would be for ingress and egress only, and detailed the specifics of the proposed agreement. Commissioner Wolden moved to approve the Right-of-Entry Agreement as presented by Mr. Fleming. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 04392)**
3. Staff presented a Resolution establishing the Salmon Recovery Fund #120. It was noted that the income for this fund shall be derived from monies received from federal, state and local governments to fund salmon restoration projects, and shall be expended only for purposes of salmon restoration projects as authorized by the Board. Commissioner Wolden moved to approve the Resolution as presented by Staff, and Commissioner Hart seconded the motion. The motion passed unanimously. **(Resolution No. 17429)**

4. Staff presented two interlocal cooperative agreements with the Office of the Administrator for the Courts regarding limited reimbursement to the County for expenses incurred for wiring necessitated by installation of personal computers and printers for use by Superior and District Court Judges. Commissioner Wolden moved to approve the two contracts with the Office of the Administrator for the Courts as presented by Staff. Commissioner Hart seconded the motion, which passed unanimously. **(Contract No. 04393 – State No. ICA-300; Contract No. 04394 – State Contract No. ICA-99228)**

CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL OF THE TIMBER OPEN SPACE APPLICATIONS OF:

- 1) **Bob Anderson and Cheerie Carr for property located at 29752 Alder Place (previously 2794 Alder Place), Sedro Woolley; and**

Commissioner Anderson advised he could not vote on this issue as Bob Anderson is his brother. After a brief review of the location of the property, Commissioner Hart moved to approve the Timber Open Space Application of Bob Anderson and Cheerie Carr for property located at 29752 Alder Place (previously 2794 Alder Place), Sedro Woolley. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 17430)**

- 2) **Lisle Brown and Wendy Panda for property located at 17421 Turtle Lane (formerly 264-B Barrel Springs Road), Bow.**

After a brief review of the location of the property, Commissioner Hart moved to approve the Timber Open Space Application of Lisle Brown and Wendy Panda for property located at 17421 Turtle Lane (formerly 264-B Barrel Springs Road), Bow. Commissioner Wolden seconded the motion, and it passed with a unanimous vote. **(Resolution No. 17431)**

PUBLIC HEARING – CONSIDERATION OF TESTIMONY REGARDING AN UPDATE TO THE SKAGIT COUNTY HEALTH DEPARTMENT SCHEDULE OF CHARGES APPLICABLE TO OUTSIDE LABOR, PERSONAL HEALTH, AND ENVIRONMENTAL HEALTH.

Peter Browning, Director, briefly explained the changes proposed by the Health Department.

There being no public comment forthcoming, Commissioner Hart moved to close the public hearing. Commissioner Wolden seconded the motion. The motion passed unanimously, and the public hearing was closed.

Commissioner Hart moved to approve the update to the Skagit County Health Department Schedule of Charges applicable to outside labor, personal health, and environmental health. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17432)**

ADJOURNMENT.

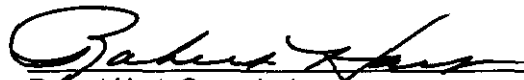
Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ted W. Anderson, Chairman


Harvey Wolden, Commissioner



Robert Hart, Commissioner



ATTEST:



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