

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, October 10, 2000**

7:30 a.m. – 8:00 a.m.	Commissioners' Staff Meeting.
8:00 a.m. – 8:30 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
8:30 a.m. – 9:00 a.m.	Work Session – Planning & Permit Center Work Program.
*T 9:00 a.m. – 10:00 a.m.	<u>Board of Health – Peter Browning, Director.</u> <ol style="list-style-type: none"><li>1) Influenza Vaccine Update.</li><li>2) Skagit County Recreational Shellfish Wrap-Up for the Summer of 2000.</li><li>3) Year 2000 Migrant Camp Outreach Report.</li><li>4) Year 2000 United Way Campaign, A Partner in Public Health.</li><li>5) Miscellaneous.</li></ol>
10:00 a.m. – 10:30 a.m.	Parks Projects Update.
11:00 a.m. – Noon	Appeal by Dan & DeAnn Mills of the Hearing Examiner's Decision Denying a Variance from the Residential Setbacks for the Placement of a Mobile Home on an Undersized Lot, at 23562 Mud Lake Road in Clear Lake (VA 00-0065).

The Skagit County Board of Commissioners met in regular session on Tuesday, October 10, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

**BOARD OF HEALTH – PETER BROWNING, DIRECTOR.**

**1) Influenza Vaccine Update.**

Linda Speck, Immunization Nurse, advised the Board that this year's flu vaccine would be arriving late. She stated that there would probably not be a shortage of the vaccine once it arrives. She reported that the Health Department should received 16% of the entire vaccine order in October, with 58% scheduled to arrive in November and the balance in December. She indicated that the Department's goal would be to vaccinate those people at the highest risk with the first vaccine received. Ms. Speck explained that there would be a checklist developed with the assistance of Peter Browning, Director, and Dr. Howard Leibrand, Health Officer, to determine the target group. She reviewed that the Senior Centers would be actively involved and reviewed a proposed schedule of vaccinations for each Senior Center in the County. She stated that those at highest risk are those 65 years old or older, children with asthma, or pregnant ladies in their second or third trimester. She advised that the peak influenza disease activity time is generally later in the season during the months of December, January and February. She emphasized that the general public can call the Health Department's Influenza Hotline at 419-3315.

**2) Skagit County Recreational Shellfish Wrap-Up for the Summer of 2000.**

John Hadman, Recreational Shellfish Coordinator for Skagit County, indicated that it was an interesting year for recreational shellfishing with 7 people ending up in the hospital, setting off a waive of extreme concern throughout the whole shellfish organization in the State of Washington. Consequently, harvesting areas were under close surveillance, with Skagit County having a good strong program in place supplemented by an excellent volunteer program. This volunteer program was sponsored by the Skagit Conservation District through the Watershed Masters Program and the assistance of Senior

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Services. He detailed the testing that occurred on Cypress Island, Sinclair Island and Guemes Island, and the continued monitoring of toxins. He reported that the toxin levels first started to rise in mid-August, with recreational shellfish harvesting being closed on August 17 in Skagit County. He indicated that the last round of sampling was done September 28 –29 and that some toxin rates were still up and that it is still not safe to harvest shellfish in the County. He stated that harvesting would most likely remain closed throughout the winter, with sampling continuing on a regular basis. He stated that there are about 12 active volunteers.

### 3) Year 2000 Migrant Camp Outreach Report.

Sandy Paciotti, Communicable Disease Supervisor, gave a final report of migrant camp outreach for Tuberculosis Prevention throughout Skagit County. She stated that the Health Department collaborated with SeaMar Clinic to accomplish this prevention and testing program. She thanked the Board for their support of Tuberculosis Prevention, noting that Skagit County is one of the best counties in the State in this regard. She reviewed changes in testing procedures recommended by the Center for Disease Control (CDC). She reviewed pertinent statistics of the Migrant Camp Tuberculosis Outreach in collaboration with Sea Mar Clinic. Ms. Paciotti advised that the Skagit County Health Department visited seven migrant camps (one camp per week) between June 20 to August 10, 2000. Sea Mar provided Tuberculosis, HIV and Diabetes education, and Skagit County Health Department provided Tuberculosis skin testing, histories, chest-x-rays and direct observed preventive therapy free of charge. Of the 300 migrant farmworkers tested, 20 were incomplete (skin test not read). Of the 280 Tuberculosis skin tests, 83 were positive, which equals a 28% positive rate. All 83 were assessed for symptoms of disease even though only 75 received chest x-rays.

She reviewed the suggested treatment for Tuberculosis as recommended by the CDC.

Ms. Paciotti also reviewed the number of clients who have moved or have been referred on (perhaps to other counties in other states) after starting treatment, the number lost to follow-up after beginning treatment, the number that stopped taking medicines, and the number still on medication.

### 4) Year 2000 United Way Campaign, A Partner in Public Health.

Peter Browning, Director, talked about the United Way Campaign. He stated that United Way involves themselves in programs that help the Health Department. For example, Red Cross is not federally funded but counts on gifts from the community and does an outstanding job when floods go through the County. Also, the American Diabetes Association provides many educational programs that the Health Department cannot provide. The Catholic Community Services provides parenting classes and free counseling to families of "working poor" that do not qualify for free services. He mentioned the good work of Chinook Enterprises, North Cascades Health Conference, and SeaMar. He also commented on the work of the Skagit Council on Aging in providing the Meals on Wheels Program, keeping elderly people healthy with good food and companionship.

### 5) Miscellaneous.

- A. Mr. Browning advised that the Septic 101 Classes have been very successful with a good turnout, more than 40 people in every class.
- B. Mr. Browning reported that the Marblemount Water Program Meeting is coming up within two weeks to review the money received and the hook-ups to the water system. He reviewed how this water system would assist the community and businesses.
- C. Mr. Browning briefly reviewed the previously-held PUD Forum and the resultant solutions for improving septic problems within the County. He advised that PUD is not in competition with other purveyors and is more than willing to hand over services to existing cities.

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D. Mr. Browning reported on the Similk Community Meetings.

### **PARKS PROJECTS UPDATE.**

Patrik Dillon, Parks & Recreation Staff, reviewed major projects of the Department:

1. Swinomish Channel Boat Launch – Mr. Dillon advised that the Corps had finished making their recommendations and that the Federal agencies would have 135 days to provide additional comments. He stated that the Legal Department has commented on the lease with the Department of Natural Resources (DNR), and that the document would be routed for signatures soon. He reported that he has been coordinating with the Public Works Department on the necessary drainage easement.
2. Presentin Park – Mr. Dillon stated that he had met with the EIS consultant and reviewed the comments of the Forest Service. A response would be prepared this month. Mr. Dillon stated that the County would then proceed with NEPA approval before construction documents are prepared or plan implementation is started. He commented briefly on the WSDOT access permit which would be submitted next week.
3. Northern State – Mr. Dillon reported that the final wetlands delineation report had been received. Commissioner Anderson stated emphatically that there would be no diversion of either Hansen Creek or Red Creek through the playfields. Mr. Dillon advised that the Department would take the comments received and incorporate them into a first draft. He stated that he has also been working on the Helmick Road improvement plan to make sure that all needs are met. Mr. Dillon indicated that all of the plans would be reviewed with the Northern State Task Force and the Parks Advisory Board. He stated that the next step would be to finalize a master plan. He stated that the community planning process would have to take place prior to any further work after the master plan is developed. He spoke briefly about the National Parks System taking the lead and interfacing with professional organizations and the community as a part of the work program.
4. Skagit Valley Playfields – Mr. Dillon stated that the County did receive the IAC grant to renovate Wahlberg Field. He indicated that the construction would be scheduled for August of next year, and that hopefully adverse weather would not set that timetable back. Chairman Wolden discussed the other needs for the Playfields. He spoke briefly regarding standing water from the concession stand to the playing fields that needs to be addressed. Commissioner Anderson asked Mr. Dillon to bring back cost estimates for completion of this work.

Dennis Lind, Recreation Director, reviewed concerns about construction to the adjoining fields.

Commissioner Anderson commented on the difficulty of maintaining community enthusiasm for the Presentin Park Project when so much time has expired. He stated that much County money and staff time has been spent with nothing happening. Mr. Dillon stated that he is optimistic that the Forest Service will complete the work required as soon as possible. He added, however, that he had no idea how long the WSDOT process might take for the access permit.

Mr. Dillon stated that the Department had been busy interviewing and hiring a Park Ranger, Lou Peterson, and a Parks Maintenance Worker, Jim Guterrez. He also indicated that the Department had completed interviews for the Parks Department Assistant Director.

### **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

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listing, which has been made available to the Board.

As of this date, October 10, 2000, 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 80475 through 80534 from Clearing Fund 696 in the total dollar amount of \$301,337.99 (Transmittal No. C-69-00);

Payroll warrants numbered 953888 through 953959 in the total dollar amount of \$65,717.78 (Transmittal No. P-38-00); and,

Payroll warrants numbered 61480 through 62316 in the total dollar amount of \$774,539.82 (Transmittal No. P-39-00).

**APPEAL BY DAN & DEANN MILLS OF THE HEARING EXAMINER'S DECISION DENYING A VARIANCE FROM THE RESIDENTIAL SETBACKS FOR THE PLACEMENT OF A MOBILE HOME ON AN UNDERSIZED LOT, AT 23562 MUD LAKE ROAD IN CLEAR LAKE (VA-00-0065)**

Marge Swint, Planning & Permit Center Staff, reviewed a site plan and pictures of the proposed site.

She reviewed the Staff Report and Hearing Examiner's Findings of Act, Conclusions of Law, and Decision, and many of the provisions contained therein. She stated that this variance request is to allow for the placement of a mobile home within the required setbacks of the residential zone. She reviewed the exact location of the property and the dimensions of the lot. The mobile home would be located approximately two feet from the existing County right-of-way. Ms. Swint reviewed some of the particulars of the triangular shape of the property and the septic requirements. She reviewed the applicable code sections regarding setbacks, sight distance and safety, vehicular traffic, and septic location.

Ms. Swint advised that letters of concern had been received regarding the lack of adequate setbacks, possible flooding in the area, parking, vision clearance, septic setbacks and drainfield requirements.

Ms. Swint stated that many homes in the area are on substandard lots as they were built prior to the implementation of setback requirements. She stated that the applicants are not responsible for the shape of the subject property, but are responsible for any action taken on the property. She noted that even though the lot has been certified, it does not mean that it is buildable.

Ms. Swint next spoke regarding the safety concerns surround the placement of the mobile home due to its close proximity to Mud Lake Road and Fir Avenue. She discussed the potential traffic hazards caused by performing work on the property due to the small size of the parcel. She advised that any new structures must comply with setbacks that do not impact the health and safety of the general public, and that it would be unusual to place a home so close to the property lines and county right-of-way.

Ms. Swint advised that Staff did not make a recommendation to the Hearing Examiner, but did provide a set of conditions if the Hearing Examiner did approve the variance. She reviewed those specific conditions as contained in the Staff Report.

Ms. Swint next reviewed the Findings of the Hearing Examiner, noting that the request for the variance was an extreme departure from acceptable standards. The Hearing Examiner stated that the application seeks to shoehorn a house onto a lot that is substantially below the size needed to accommodate reasonable setbacks, i.e., eighteen inches and two feet. The result would provide a troublesome precedent for future cases where extreme departures from the established setbacks are requested. Consequently, the Hearing Examiner stated that the precedence would not be in the public's best interests, and he denied the variance.

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Ms. Swint reviewed with the Board that they have the following options:

- (1) After examining the written request for appeal, the Board may deny the request and allow the Examiner's decision to stand;
- (2) Remand the matter for reconsideration by the Hearing Examiner; or
- (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.

Chairman Wolden opened the meeting for the appellant to speak.

Edie Adkins, PO Box 203 Clear Lake, reviewed the history of her acquisition of the property from an aunt in 1976, noting that the home that existed on the property was torn down in 1983. She indicated that the existing septic system for this house is not in danger of being flooded, and that there had never been flood water in the previously existing house. She compared this septic systems to other homes in the near vicinity.

Chairman Wolden asked Ms. Adkins to keep her comments relevant to the record presented to the Hearing Examiner.

Ms. Swint informed the Board that the septic system for the proposed manufactured home had never been approved. She further reiterated that a lot certification does not mean that the lot is buildable.

Ms. Adkins stated that there were no setbacks when the original house was built, in fact the original building was a church. She discussed the fact that her kids had been working on this for a year, trying to come up with an acceptable plan. She threatened the Board with litigation if the variance was not granted. She further commented negatively on the people who had written letters to the Hearing Examiner against granting the variance. She commented briefly on a survey that was taken of the property.

A brief discussion ensued on setback requirements.

Commissioner Anderson indicated that the official survey of the property indicates that the subject parcel consists of 3,400 square feet. The County's records indicate that the parcel is 3,200 square feet. He stated that this could be an important issue due to the limited space available on the lot. He stated that there are several issues involving the configuration of the setbacks, mobile home and parking. He stated that current County codes limit the placement of the mobile home, and that the mobile at its closest point would be located approximately two feet from the existing County right-of-way. On the Fir Avenue side, the distance from the right-of-way is 18 inches.

Ms. Adkins stated that the setbacks should be waived since everyone on the road would like to have the roadway vacated. She mentioned easements that were in existence by herself and Earl White. She stated that there should be a cul-de-sac near Earl White's property, noting that the roadway has become somewhat of a speedway.

Chairman Wolden commented that part of the right-of-way on Fir Avenue belongs to the railroad, and is an issue that has not been dealt with.

Ms. Adkins stated that the local community club bought the right-of-way from the railroad and now has refused to sell it back to Ms. Adkins as promised.

Commissioner Anderson noted that if the lot is approximately 3,100 square feet after deducting for the safe vision triangle, and the proposed mobile home consisting of 1,120 square feet, there would not be much property left.

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Ms. Swint stated that sometimes there are lots that just should not be built on. She indicated that the applicants are wonderful people and she has had lots of discussions on how she could help them, but it was her feeling that this is one of those lots that really and truly should not be built on. The septic system does not meet the setback requirements and will only be approved through extensive monitoring and maintenance conditions, of which the septic staff could not give her any set requirements at this point in time.

Commissioner Hart stated that the septic permit had not yet been approved and would have to follow State Health Code for proper installation. He stated that with the small size of the lot, there is just no way to get back to normal setbacks, and that the reasonable use of the property is not being compromised.

Chairman Wolden stated that the Board can only overturn the Hearing Examiner if an error is found in his decision.

Commissioner Anderson stated that he reviewed the original survey and all of the documents, looking for some legal way to make this work for the applicants. Unfortunately, he stated that he could not see any way to allow a home to be placed on this lot, unless the proposed home could be moved back. He stressed the need to look at current setbacks under existing code. He stated that with the configuration and square footage, it makes it impossible to grant this variance.

Ms. Swint pointed out that the minimum lot size under County Code is 12,500 square feet, and that this lot is, at best, 3,500 square feet.

Chairman Wolden concurred with Commissioner Anderson's comments that the requirement setbacks and configuration of the lot do not make the granting of this variance possible. He confirmed with Ms. Swint that this is a certified lot and is under private ownership.

After a brief discussion, Commissioner Anderson moved to uphold the Hearing Examiner and deny the appeal given the setbacks and the size of the property. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Resolution to be provided by Staff at a later date)**

**ADJOURNMENT.**

Chairman Wolden made a motion to adjourn the proceedings. Commissioner Hart 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

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ATTEST:

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