

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, December 26, 2000**

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|-------------------------|---|
| 9:00 a.m. – 9:30 a.m.   | Executive Session – Personnel, Litigation and Land Acquisition.   |
| 9:30 a.m. – 10:00 a.m.  | Discussion & Possible Action – Settlement Agreement to Resolve Land Use Dispute.  |
| 10:00 a.m. – 10:15 a.m. | <b>CONSENT AGENDA &amp; MISCELLANEOUS ITEMS.</b>  |
| 10:30 a.m. – 11:00 a.m. | Discussion – Park’s Maintenance Shop.   |
| 1:30 p.m. – 2:30 p.m.   | Appeal by Mack F. Peterson/Pacific Northwest Title Insurance Company, Inc. of Hearing Examiner’s Decision Denying a Variance to Allow a Mobile Home to Encroach Upon Required Setbacks on Property located at 18148 West Big Lake Boulevard, Mount Vernon (PL 00-0193). |

The Skagit County Board of Commissioners met in regular session on Tuesday, December 26, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

**DISCUSSION AND POSSIBLE ACTION – SETTLEMENT AGREEMENT TO RESOLVE LAND USE DISPUTE.**

Chairman Wolden opened the session to discuss the settlement agreement to resolve a land use dispute involving Twin Bridge Marine Park, the City of Anacortes, and Skagit County.

John Moffat, Chief Civil Deputy, reviewed that discussions had been ongoing with the involved parties regarding pending litigation and possible settlement. There had been a proposed outline of a settlement agreement. He asked for the Board’s formal concurrence authorizing the County’s legal representatives to proceed with those negotiations.

Commissioner Hart moved to agree to the settlement as proposed and to authorize John Moffat to proceed with the preparation of all documents necessary, and to sign such documents on behalf of Skagit County and the Board of County Commissioners. The motion was seconded by Commissioner Anderson and passed unanimously.

**CONSENT AGENDA.**

Commissioner Anderson was not present for the vote on the Consent Agenda. Commissioner Wolden moved to approve the Consent Agenda for Tuesday, December 26, 2000, items 1-24. Commissioner Hart seconded the motion, which passed unanimously.

**COMMISSIONERS’ OFFICE:**

1. Record of the Proceedings for Monday, December 18, 2000.
2. Record of the Proceedings for Tuesday, December 19, 2000.

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3. Agreement for Medic I Services with the Skagit Emergency Services Council for a six year term beginning January 1, 2001 and ending December 31, 2006. The Agreement is for the coordination of certain emergency medical care and transportation services for Skagit County to be provided by Skagit Emergency Services Council. **(Contract No. 05152)**
4. Resolution Accepting Recommendations of Economic Development Public Facilities Project Advisory Committee for Projects Submitted in November 2000. **(Resolution No. 18129)**
5. County and Washington State Department of Social & health Services Agreement on General Terms and Conditions. This document replaces the Basic Interagency Agreement signed by each County and DSHS in 1995 and will govern all work to be performed under subsequent agreements between Skagit County and DSHS, except for agreements between DSHS and Prosecutors. The contract term is January 2, 2001 through June 30, 2005. **(Contract No. 05151)**
6. Interlocal Agreement with the Port of Skagit County for public facility project funding pursuant to RCW 82.14.370. The specific proposal is for the Skagit WIN Wetland Mitigation Construction Project for funding totaling \$149,000. **(Contract No. 05152)**

### BUDGET/FINANCE:

7. Out-of-State Travel Request for Alicia Huschka to attend a meeting with SFG on system enhancements in Burnaby, B.C., January 7 – 9, 2000. Cost is \$180. **(Approved)**

### BEST PLACE:

8. Personal Services Agreement with American Red Cross to provide HIV/Aids Education Training and Community CPR and First Aid Training for Best PLACE employees for the period September 1, 2000 through August 31, 2001. Compensation is set at \$50 per student for up to 5 students, and \$45 per student for 6 or more students. **(Contract No. 05153)**

### PUBLIC DEFENDER:

9. Addendum No. 2 to contract with Robert S. Jones which extends the term of the agreement from December 31, 2000, through December 31, 2001. **(Contract No. 04209)**

### SENIOR SERVICES:

10. Vendor Services Agreement with Cintas Corporation for textile rental service effective the date of execution for a 12-month period. Compensation is as follows: \$10.65 at the Anacortes Senior Center, \$13.70 at the Burlington Senior Center, \$6.90 at the Concrete Senior Center, \$8.20 at the Mount Vernon Senior Center, and \$8.65 at the Sedro Woolley Senior Center. **(Resolution No. 18130)**

### YOUTH & FAMILY SERVICES:

11. Addendum to contract with Charles M. Britt, M.A. revising the scope of work and compensation rates for the period October 1, 2000 through December 31, 2001. **(Contract No. 04844)**

### PROSECUTING ATTORNEY'S OFFICE:

12. Resolution Establishing the Skagit County Domestic Violence Impact Panel. **(Resolution No. 18130)**

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### PARKS, RECREATION & FAIR:

13. Resolution regarding the disposal of County Surplus Property consisting of 1977 Allen Bon Prix 14' x 56' mobile home. The auction is set for 9:00 a.m. on February 2, 2001. **(Resolution No. 18131)**

### PLANNING & PERMIT CENTER:

14. Resolution Noticing Contract Award and Contract for Professional Engineering Services with Gray & Osborne, Inc., Consulting Engineers, for the construction of the third drainfield and system design requirements pursuant to the Edison Grant/Loan with the Department of Ecology. The total estimated project cost is \$346,000. **(Resolution No. 18132, Contract No. 05155)**

### INFORMATION SERVICES:

15. Out-of-State Travel Request for Michael Almvig to attend a meeting with SFG on system enhancements in Burnaby, B.C., January 7-9, 2001. Cost will be \$180. **(Approved)**

### PUBLIC WORKS DEPARTMENT:

16. Resolution calling for Public Hearing re: Consideration of Renaming a portion of Llama Lane, No. 23620, to East Llama Lane, No. 23640. The public hearing will be held on January 23, 2001. **(Resolution No. 18133)**
17. Resolution Requesting Proposals for Lake Treatment Services – Lakes McMurray, Erie & Campbell. Proposals are due January 19, 2000. **(Resolution No. 18134)**
18. Supplement No. 1 to Professional Services Agreement with Resource Management, Inc. to allow RMI to perform aquatic plant management services for Lake Management District No. 1 – Big Lake, through December 31, 2002. Total compensation will remain at \$88,000. **(Contract No. 04828)**
19. Supplement No. 1 to Professional Services Agreement with Skagit Fisheries Enhancement Group extending the period of performance from December 31, 2000 to March 31, 2001. The time extension will allow the SFEG to complete the fish use/spawner surveys as detailed in the original agreement. There will be no change in the amount of compensation. **(Contract No. 04883)**
20. Professional Services Agreement with Earth Systems Science, Inc. to prepare a biological evaluation report for the Hope Island Road Drainage Improvement Project. This project includes the installation of storm sewers along Swinomish Street and Chilberg Road. Total compensation will not exceed \$6,000. The agreement term is December 6, 2000 through June 30, 2001. **(Contract No. 05156)**
21. Vendor Service Agreement with Culbertson Marine, Inc. to supply repair services to replaced damage wing wall rubbing timbers and wales for the Guemes Island ferry dock. It is anticipated that this repair will take place at the next available low tide on or about December 22, 2000. Compensation is set at the amount of \$7,847.84 including sales tax. **(Contract No. 05157)**
22. Supplement No. 1 to Professional Services Agreement with AAA Port-A-Pottee to allow payment for unanticipated additional portable toilet in the current year and to increase the total amount in the two-year agreement. An additional \$378 will be paid for the first and second years of the two-year term. **(Contract No. 04784)**

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23. Vendor Services Agreement with Emerald Petroleum Services, Inc. for the removal and disposal of sludge from two oil water separators located at the Public Works Complex, 201 E. Avon Avenue, Burlington, for total compensation of \$2,499. **(Contract No. 05158)**

### COOPERATIVE EXTENSION:

24. Interlocal Agreement with the Washington State University Cooperative Extension wherein the County will pay \$51,885 for educational services rendered from January 1, 2001 through December 31, 2001, and \$64,437 from January 1, 2002 through December 31, 2002. **(Contract No. 05159)**

### 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, December 26, 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 85496 through 85497 from Clearing Fund 696 in the total dollar amount of \$127,880.37 (Transmittal No. C-84-00);

Warrants numbered 85498 through 86070 from Clearing Fund 696 in the total dollar amount of \$2,065,109.39 (Transmittal No. P-85-00);

Payroll warrants numbered 65803 through 66690 in the total dollar amount of \$839,005.37 (Transmittal No. P-49-00)

2. Skye Richendrfer, Mayor of Mount Vernon, spoke regarding the recent actions of the Economic Development Public Facilities Project Advisory Committee, and the submittal of the City of Mount Vernon for the South Mount Vernon Fiber Telecommunications Infrastructure Project. He indicated that he had previously served on this Committee with Commissioner Anderson, and felt there was a good connection to approve good works throughout the County for economic benefit to all. He stated that he understood and believed that the processes previously established are good and should be followed. He stressed the importance to follow the established rules.

Mayor Richendrfer reviewed that the City developed an exemplary program and grant application for \$500,000 of grant funding. He encouraged the Committee to revisit the process for requesting additional information once a submittal is made. He detailed the parameters of the project and the benefits to all of Skagit County. He expressed concern that we should not miss this opportunity to install infrastructure which will cost much more in the future. He stated that the City felt that, based on the information prepared, the project was a good fit for the money.

Chairman Wolden stated that this was a highly ranked project, but members of the Committee were confused on how the \$500,000 would be distributed. He suggested breaking out parts of the proposal for easier clarification. He stated that once the numbers have been broken out for the various segments of the project, the Board could make a request to the Committee for a reconsideration of funding the project.

Commissioner Hart concurred that an emergency meeting of the Committee could be called if the Chairman so desires. He reviewed that one of the issues that comes up with the bonding and other received funding, is that the County could end up with arbitrage, when setting up funding for projects that do not get the additional necessary funding to proceed. He emphasized the need to

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fund projects that do go forward. He stated that it is nice to get the funding up front, but wanted to have the money go where it does the most good incrementally.

Mayor Richendrfer stated that he realized the arbitrage challenges that the finance department has. He stated that the City's projects are larger projects but will be able to be completed. He indicated that grant monies have been received and spent as required. He stressed that there should be no question that South Mount Vernon work is being done and improvements have and will be made. He asked for an emergency meeting to be held so assurances can be made for the commitment of the monies to this project.

Commissioner Hart suggested that as soon as the City can provide the details of the South Mount Vernon project, it should be submitted to Alicia Huschka, Budget Director, for presentation to the Committee.

Mayor Richendrfer suggested that the procedures of the Committee need to be reviewed as far as "ready to build" language that could be tightened. He encouraged the Committee to have another session to ask directly those questions that affect projects such as the City of Mount Vernon's. He stated that he is looking forward to another meeting during the first quarter of 2001, as beyond that the city would lose the opportunity for other funding.

3. Chris Stamey, Budget/Finance Department, presented a Resolution Creating Skagit County's Insurance Cost Assessment Policy. He explained that this Cost Assessment Policy reimburses the insurance reserve fund for providing services to other departments, and breaks down the costs of claims, training, general liability and all premiums and charges them back to the appropriate departments. He reviewed the particular numbers contained in the Resolution, noting that the effective dates are November 15, 1999 through November 15, 2000. Commissioner Hart moved to approve the Resolution as presented by Mr. Stamey, and Commissioner Anderson seconded the motion. The motion passed with a unanimous vote. **(Resolution No. 18135)**
4. Staff presented a Resolution entitled Northwest Economic Adjustment Initiative Approving Prioritization of Projects for Skagit County to the Washington Community Economic Revitalization Team. The resolution is a result of a session last week presented by Don Wick, Economic Development Association of Skagit County, who had reviewed new additions requesting placement on the priority list. Commissioner Hart moved to approve the Resolution as presented. Commissioner Anderson seconded the motion, and it passed unanimously. **(Resolution No. 18136)**
5. Staff presented a Resolution and Memorandum of Agreement with the Skagit County Community Action Agency for the period January 1, 2001 through December 31, 2001. Community Action Agency will provide services to low-income residents as approved by the Board of Directors. The specifics of the contract were briefly discussed, and Commissioner Anderson moved to approve the Resolution and Contract as presented. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Resolution No. 18137, Contract No. 05160)**
6. On behalf of the Senior Services Department, Staff presented the annual Agreement for Mutual Support of the Skagit County Senior Information & Assistance and Case Management Program for calendar year 2001. The list of in-kind County support was reviewed, together with the financial support of \$12,000. Commissioner Hart moved to approve the Agreement as presented, and Commissioner Anderson seconded the motion. The motion passed with a unanimous vote. **(Contract No. 05161)**

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7. On behalf of the Planning & Permit Center, Staff presented a Resolution regarding the Appeal by James and Nancy Duffy, Property Owners, and Dan Russell, on Behalf of Property Owners, in AP 00-0221. In the Resolution, the Board corrected the Findings of Fact and overturned the Hearing Examiner's Decision. Commissioner Hart moved to approve the Resolution as presented. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 18138)**
8. On behalf of the Senior Services Department, Staff presented an Out-of-State Travel Request for Sally Hill to attend the Northwest Wellness Conference for Seniors in Seaside, Oregon, October 22 – 27, 2000, for a total cost of \$318.36. Commissioner Hart moved to approve the Out-of-State Travel Request, and Commissioner Anderson seconded the motion. The motion was unanimously approved. **(Approved)**

### **DISCUSSION – PARK'S MAINTENANCE SHOP.**

Roger Howard, Facilities Manager, reported to the Board that the bids for this project exceeded the architect's estimate by \$100,000. Therefore, he asked the Board to reject all bids, and allow Staff to refine the project, reducing the scope to come within budget. The particulars of the site work involved were briefly discussed. Mr. Howard explained the parameters of the alternatives contained in the bid.

Commissioner Anderson moved to adopt a Resolution rejecting all of the bids for Skagit County Park's Maintenance Shop. Commissioner Hart seconded the motion to reject the bids. The motion passed with a unanimous vote. **(Resolution No. 18139)**

### **APPEAL BY MACK F. PETERSON/PACIFIC NORTHWEST TITLE INSURANCE COMPANY, INC. OF HEARING EXAMINER'S DECISION DENYING A VARIANCE TO ALLOW A MOBILE HOME TO ENCROACH UPON REQUIRED SETBACKS ON PROPERTY LOCATED AT 18148 WEST BIG LAKE BOULEVARD, MOUNT VERNON (PL 00-0193).**

Grace Roeder, Planning Staff, submitted photographs of the subject property, which were a part of the Hearing Examiner's record. She reviewed the details of the photographs.

She reviewed the history of the particular piece of property, read from a Supplemental Narrative to Variance Application of Mack Peterson. The mobile home was located on the property in the summer of 1996.

Ms. Roeder indicated that Mr. Peterson was an innocent purchaser. He purchased the property for value and did not receive notice that a violation existed until after the sale was completed. He relied on the representations of the seller and on the fact that the County had issued a building permit for the mobile home. When he checked at the County, he was provided with a map that showed the mobile home as being located within County setback lines. If a variance is not issued, he will be injured.

Mr. Roeder reported that the variance was original submitted because the driveway that served the mobile home was sloughing out. Mr. Peterson fixed the driveway, and the work was noticed by County employees who told him that he could not complete the work without a fill and grade permit. In the process of investigating, it was discovered that lots 38 and 39 property lines were not appropriate. Consequently, it was discovered that the deck on the mobile home encroached into the right-of-way by approximately 7 feet. She stated that if the property was vacated today, there would not be a building envelope large enough to support the mobile home on this piece of property. She described the topography of the adjacent land and the effects of the Critical Areas Ordinance. She further indicated that at the time the original building permit was issue, the Critical Areas Ordinance was not an issue.

She stated that Mr. Peterson was not aware of any of these things as the building permit was issued to someone else.

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Ms. Roeder advised that the Hearing Examiner denied the variance request following a public hearing held on September 27, 2000. She reviewed the findings of the Hearing Examiner.

Bill Ronhaar of Land Title Company and agent for Pacific Northwest Title Company, stated that Jim Berlein was also present from Pacific Northwest Title Company. He clarified that the title insurance policy issued was not an extended form policy, but did include an endorsement that provides compensation for forced removal of the mobile home. He reported that because of the encroachment situation and the deck extending into the right-of-way plus the mobile home violating the 35-foot setback requirements, the coverage in the policy would be applicable only if the Board rules that the mobile home be removed. He concurred with Ms. Roeder's remarks that Mr. Peterson was in fact an innocent purchaser.

Commissioner Anderson asked if Mr. Peterson wanted to stay in his mobile home on the property.

Mack Peterson, Appellant, stated that there would be many problems if he stayed on the property, as he cannot construct a garage, and creating a driveway would be impossible. Furthermore, there is too much incline and it is too expensive to apply for a fill and grade permit.

Commissioner Hart indicated that even though Mr. Peterson was an innocent purchaser, the issuance of a variance would complicate the situation.

Commissioner Hart moved to uphold the Hearing Examiner's Decision denying the variance. The motion was seconded by Commissioner Anderson and passed with a unanimous vote. Commissioner Hart moved to approve a Resolution upholding the Hearing Examiner's Decision and Commissioner Anderson seconded the motion. The motion passed unanimously. **(Resolution No. 18140)**

**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

ATTEST:

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