

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, July 3, 1984

8:30 a.m. Work Session - Public Works Department - Road Supervisors.

9:00 a.m. Public Works Department - Gene Sampley, Director:

1. Continuation of Public Hearing - Overwidth Farm Implements.
2. Public Hearing - Establishment of Speed Limit Penn Road.
3. Call for Public Hearing - Vacation of Holmes Road.
4. Call for Public Hearing - Conditions of Establishment - Colony Mountain Drive.
5. Resolution - Road Closure Ershig Road.
6. Short Plat Deed for Bayview Shop.
7. Signature - Contract - Sedro Woolley Sub-Flood Control Zone 48-Inch Casing Installation.
8. Signature - City/County Agreement - Supplement #1 Cook Road.
9. Discussion - Impact of County Septic Wastes at Burlington Treatment Plant.
10. Miscellaneous items.

MISCELLANEOUS ITEMS

10:30 a.m. Planning Department - Bob Schofield, Director:

Discussion - Skagit Wild and Scenic River Management Plan.

11:00 a.m. Planning Commission Referred Item:

Special Use Permit Request - SP-84-002 of Skagit County Development Corporation.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, July 3, 1984, with Commissioners Norris, Mansfield, and Rohrer present.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Continuation of Public Hearing - Overwidth Farm Implements.

The public hearing to consider an ordinance on overwidth farm implements was continued once again as a result of additional input by the public. John Rumsey, of the Public Works Department, reviewed the committee meeting held on June 13, 1984. He reviewed proposed changes to the ordinance regarding lead pilot or escort vehicles, rear pilot vehicles,

and special conditions for high volume roads. Regarding signing restrictions, Mr. Rumsey stated that flag people or signs could be used in place of escort vehicles.

Mr. Rumsey stated that at the present time to the best of his knowledge Skagit County is the only county he is aware of which issues permits. Skagit County needs the proposed ordinance in order to back up the permit process. Discussion followed regarding the need to enforce un Hazardous travel of farm implements.

Robert (Tex) Holman stated that the proposed ordinance was not a convenience to his farming operation. He specifically objected to the portion stating that a flag person must be at least 18 years old.

Keith Morrison, President of the Skagit County Farm Bureau, stated that the ordinance may not be a convenience, but it is a necessity. He pointed out that the farming community in general is in favor of the County ordinance, so they will be protected from the State regulations.

John Rumsey stated that the State Patrol will be provided with a copy of the ordinance once it is adopted.

Stewart Thomas asked about traveling on state highways. John Rumsey stated that the State Patrol would regulate travel on state highways.

Commissioner Rohrer asked why there was a minimum age of 18 for flag persons. John Rumsey stated that this portion was taken from the State regulations.

Danny Miller stated that he also disagreed with the 18-year minimum age.

Ken Johnson suggested the wording be changed to "qualified flag person." He pointed out that age is not as important as experience.

Charles Boon, of Mount Vernon, questioned who would be liable if an accident occurred. the Board felt that if the farmer had complied with the permit process and warning devices, he would be safer than if he had not.

Charles Boon pointed out that there will be an educational process involved, and these rules and regulations all add cost to the farmer's operation. John Rumsey stated that there is no formal education at this time given to flag people for farm implements.

Chairman Norris suggested that if the farming community wanted to do away with the County permit process, they could fall under the jurisdiction of the State regulations and permits. Commissioner Mansfield pointed out that it appears the State regulations are more stringent than the proposed County regulations.

Dale Pierson stated that he was in favor of the County ordinance because it was more lenient.

John Rumsey agreed that the proposed wording, "qualified flag person," would be acceptable.

Jim Hinton had several objections: the pneumatic tires requirement; the 500-foot distance required between implement and another vehicle; the hours of movement for hazardous conditions; and special conditions on high volume roads.

Ken Johnson stated that the County is zoning land Agricultural, and then legislating it impossible to farm.

Jack Powers stated that he feels the County is trying to establish a permit process to violate State regulations.

In answer to Chairman Norris' question, John Rumsey stated that to his knowledge, there are no Counties which exempt farm machinery.

Jim Hinton pointed out that the general public doesn't always know what the emblem on the rear of farm implements means.

Discussion followed regarding placement of a sign on I-5 warning motorists that they are entering a farming community. The Board warned that this might provide a false sense of security.

Dan Miller stated that he thought the roads and hours of restrictions should be left to the farmers and their common sense. Chairman Norris pointed out that laws are made for the small percentage of people who don't use common sense.

Discussion followed regarding deleting special conditions for certain high use roads.

Keith Morrison, President of the Skagit County Farm Bureau, pointed out that those roads identified as high volume roads were necessary farm roads.

Dale Pierson stated that signing those roads would be helpful, at least from a liability standpoint.

Chairman Norris suggested the County request the State Department of Licensing require more education on this matter so people know what the triangular slow moving vehicle sign means.

Dan Hunt stated that he will have to cross town seven or eight times this season with his farm machinery. He felt more emphasis should be put on warning lights, etc.

Charles Boon pointed out the portion of the proposed ordinance concerning implements pulling off the road when five or more vehicles are behind. He stated that this may not always be possible, and suggested the wording, "as soon as practicable." Mr. Boon also questioned the value of

signing roads. The Board felt that signing would provide a certain means of warning people.

Dick Morehouser suggested attaching the slow moving vehicle emblem to the warning picture sign.

Keith Morrison suggested the words, "SLOW MOVING VEHICLES," should also be on the picture signs. He also took opposition to the requirement of four flags on implements. He felt only two flags should be required, since it was not always possible for four flags to be seen.

Chairman Norris stated that there would soon be nothing left in this ordinance if everything was deleted. The State would surely challenge a bare shell of an ordinance.

Jim Hinton requested that livestock operations also be included under this ordinance. Discussion followed regarding the types of tires that could be run on roads.

Keith Morrison suggested the committee meet once again to review the proposed ordinance and any additional revisions to the ordinance. He pointed out that the time of day for this hearing was terrible for farmers.

Lou Hiatt, of Twin City Foods, stated that the processing industry will be busy for two months, however he could relay his ideas to someone able to attend the next meeting. Although a night meeting was suggested, the hearing was continued to 9:00 a.m. on July 24, 1984.

Commissioner Mansfield motioned to continue the public hearing to 9:00 a.m. on July 24, 1984, and to reconvene the committee to consider the input and check with the Prosecuting Attorney's office to insure that the intent of the law would be met by the requested modifications. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

MISCELLANEOUS ITEMS

Jess Knutzen, Chairman, and Arnold Hansen, of the Skagit County Flood Control Committee were present to make recommendations to the Board regarding the \$50,000 available for special dike projects in Skagit County.

Commissioner Mansfield motioned to approve and adopt the recommendation of the Skagit County Flood Control Committee to distribute funds to all of the six applicants. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

On a related matter, Mr. Knutzen stated that some of the Committee members don't want to continue into their second term. Chairman Norris suggested that the Committee give Don Nelson a list of the people who

don't want to continue, and the Committee might want to provide some input to the Board for suggestions of new members.

The Board thanked Mr. Knutzen and Mr. Hansen for the report.

2. Public Hearing - Establishment of Speed Limit Penn Road.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board, read the Notice of Public Hearing, as published in the Skagit Valley Herald on June 15, and 22, 1984.

John Rumsey, of the Public Works Department, located the area petitioned along the dike. He stated that the present speed limit is 40 m.p.h. The speed study showed that the 85 percentile speed is 39 m.p.h. The Public Works Department recommended that the speed limit from Junquist to Calhoun Roads be left at 40 m.p.h., while the speed limit from Behrens & Millet to Junquist Roads be lowered to 35 m.p.h.

The Board suggested the speed limit be lowered to 35 m.p.h. on the full length of the requested portion of Penn Road. As there was no comment from those present, Commissioner Mansfield motioned to close the public hearing. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Commissioner Mansfield motioned to adopt a 35 m.p.h. speed limit on the full length of the requested portion of Penn Road. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Gene Sampley requested that Item #9, regarding a discussion of the impact of County septic wastes at Burlington treatment plant, be discussed at this time.

9. Discussion - Impact of County Septic Wastes at Burlington Treatment Plant.

Stan Kersey, Burlington City Supervisor, was present to discuss the proposal by Pool Engineering for the evaluation of septic tank waste at the Burlington and Sedro Woolley treatment plants. Mr. Kersey stated that as long as no problem was discovered by the study, he felt the City Council would be agreeable to accepting County septic wastes.

The Board authorized the expenditure of \$15,000 for the Burlington study and \$11,000 for the Sedro Woolley study, provided that the City Councils of both cities agree that should the study prove the disposal of septic waste to be feasible, that the City and County could have an agreement to this effect. The Board instructed Mr. Sampley to prepare letters for the Board's signature to the mayors of Sedro Woolley and Burlington reflecting this decision.

3. Call for Public Hearing - Vacation of Holmes Road.

Commissioner Mansfield motioned to adopt the resolution authorizing the Auditor to issue a Call for Public Hearing to consider the vacation of Holmes Road. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10122)

4. Call for Public Hearing - Conditions of Establishment - Colony Mountain Drive.

Commissioner Mansfield motioned to adopt the resolution authorizing the Auditor to issue a Call for Public Hearing to reconsider the conditions of establishment of Colony Mountain Drive. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10123)

5. Resolution - Road Closure Ershig Road.

Commissioner Mansfield motioned to adopt the resolution providing for the closure of Ershig Road from Mile Post 1.24 to Mile Post 1.44 on July 18, and 19, 1984, in order to work on the railroad crossing. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10124)

6. Short Plat Deed for Bayview Shop.

The Board approved for signature a Statutory Warranty Deed for the Bayview Shop short plat.

7. Signature - Contract - Sedro Woolley Sub-Flood Control Zone 48-Inch Casing Installation.

The Board approved for signature the contract with Tunnel Systems, Inc., for installation of the 48-inch casing in the Sedro Woolley Sub-Flood Control Zone.

8. Signature - City/County Agreement - Supplement #1 Cook Road.

The Board approved for signature Supplement #1 of the City/County Agreement on the Cook Road, which transferred funds from the Cook/Gardner Road project to the Cook/Collins Road project.

9. Discussion - Impact of County Septic Wastes at Burlington Treatment Plant.

This discussion was addressed earlier in the meeting.

10. Miscellaneous items.

Gene Sampley presented the following miscellaneous Public Works Department items:

- a. The Board approved for signature the contract with Nu-Way Painting Company for painting the Marblemount Bridge.
- b. Commissioner Mansfield motioned to adopt the resolution revising the date for the closure of Riverbend Road for a foot race to July 21, 1984, from 9:00 a.m. to 11:00 a.m. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10125)
- c. The Board received the Second Quarter Status Report of Design/Construction Public Works Department Projects.

PLANNING DEPARTMENT - Bob Schofield, Director:

Discussion - Skagit Wild and Scenic River Management Plan.

Bob Schofield, Director of the Planning Department, reported that his department has reviewed the Final Draft of the Skagit Wild and Scenic River Management Plan, which will become effective August 8, 1984. He stated that they are very pleased with the plan, which will be administered jointly by the Federal Government, the Forest Service, the State, and Skagit County.

Otto Walberg, Assistant Director of the Planning Department, reviewed some of the revisions made to the plan, including the following:

1. Skagit County will have the main responsibility of those comprising the management team.
2. Public access will be sought by the County, rather than bought by the County.
3. Subdivision will be prohibited in the floodway, rather than in the floodplain.
4. The permit requirement for river guide fishing was omitted.

MISCELLANEOUS ITEMS

Commissioner Mansfield announced that Washington Supreme Court Justice Charles Stafford had earlier passed away. He requested that Skagit County fly the flag at half mast for the remainder of the week and send a resolution to his family in remembrance. The Board concurred with this request.

PLANNING COMMISSION REFERRED ITEM:

Special Use Permit Request - SP-84-002 of Skagit County Development Corporation.

Steve Wood, of the Permit Center, summarized the staff findings of the gravel extraction project. He stated that a drainage plan for the project was submitted and approved by Don Nelson, Flood Control Engineer. The Planning Commission recommended denial of the Special Use Permit request on the basis of increased traffic problems, deterioration of roads, adverse affect on wells in the area, soil erosion, and noise. The Planning Commission also noted that the applicant has not complied with all conditions of the rezone, namely fencing and signing.

Bill Thrasher requested that the Board listen to the recording of the Planning Commission meeting; conduct their own on-site inspection; and hold a public hearing on the matter.

Margaret Maxwell, President of Skagit County Development Corporation, stated that she felt the findings of fact of the Planning Commission were not based on investigation. She felt there are enough errors to necessitate a review by the Commissioners.

Steve Wood stated that this project was previously proposed as a larger project, and had been scaled down.

Commissioner Mansfield stated that he was in favor of continuing the item for further consideration.

In answer to Commissioner Rohrer's question, Bill Thrasher stated that the gravel pit was an approved source by the County and State.

Mrs. Maxwell, asked the Board to keep in mind that SCDC is a woman-owned business and deserves maximum opportunity to succeed.

Commissioner Mansfield motioned to continue the matter until Tuesday, July 17, 1984, at 11:30 a.m. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

MISCELLANEOUS ITEMS

The following miscellaneous items were addressed:

1. The Board approved for signature the Contract for Professional Services with R. W. Beck and Associates, Engineers and Consultant for services to be performed in the Inman Landfill short-term operating plan.
2. The Board approved for signature a letter to the Federal Emergency Management Agency (FEMA) requesting that the unincorporated areas of Skagit County be considered for early conversion from the Emergency

Phase of the National Flood Insurance Program to the Regular Phase of that program.

3. Commissioner Rohrer motioned to approve the amendment to the Record of the Proceedings for Monday, June 4, 1984. Commissioner Mansfield seconded the motion. The motion was carried unanimously.
4. Commissioner Rohrer motioned to approve Warrants #35072 through #35108 in the amount of \$62,933.96. Commissioner Mansfield seconded the motion. The motion was carried unanimously. (R-25)
5. Commissioner Rohrer motioned to approve Warrants #3351 through #3476 in the amount of \$100,100.65. Commissioner Mansfield seconded the motion. The motion was carried unanimously. (C-32)
5. Tom Moser, Prosecuting Attorney; Boots Wagoner, of the Prosecutor's Office; and Amy Hughs, DWI Task Force Coordinator, were present to report on Senate House Bill (SHB) 1582, which will provide \$3,000,000 to enhance the prosecution and adjudicating DWI cases. Grant applications must be submitted to the State by August 1, 1984. Mr. Moser informed the Board that jail costs are not included for funding.

Mr. Moser stated that he will apply for money for a part-time deputy to begin prosecuting the cases. He asked the Board if he should encourage the cities in Skagit County to get involved with the program, as only Sedro Woolley and Burlington had shown interest. The Board concurred that letters should be sent to the City Clerks, as well as City Attorneys, with regard to the program.

7. John Boynton, Skagit County Sheriff, was present to request guidance in establishing the daily rate for the new jail. He stated that the daily rate for the second quarter must be established for the purpose of billing the cities. Because the jail is new, the costs are high and probably considerably more than the cities have budgeted.

Chairman Norris stated that it would be most appropriate to have a representative from each city present for the discussion.

Sheriff Boynton stated that if the cities are charged the full rate, the County will only recover 34 percent of the actual cost of housing inmates.

He stated that interlocal agreements were completed with Mount Vernon and Sedro Woolley, because they maintain city jails.

It was noted that the costs were computed by Trina Hoekstra, Chief Accountant, who should also be available for the meeting with the cities. The meeting will be scheduled in several weeks.

Commissioners Norris and Rohrer were present for the following items.
Commissioner Mansfield was absent.

MISCELLANEOUS ITEMS

Robert Taylor, Commissioners' Assistant, presented the following items:

1. Commissioner Rohrer motioned to approve the Petition for Property Tax Refund for Daniel Lifton, 2629 Firwood Lane, Mount Vernon, Washington 98273, in the amount of \$11.07. Chairman Norris seconded the motion. The motion was carried and so ordered. (#845048)
2. The Board approved for signature letters to Sedro Woolley and Burlington informing them that the County will fund the consultant study of their treatment plants by Pool Engineering, providing the cities will authorize the disposal of County septage waste at their treatment plants if the study proves this is feasible.
3. Don Smith, of Rockport, was present to request the Commissioners send a letter of support with him on his trip to Russia with a group who are promoting international friendship. The Board requested time to consider this matter.

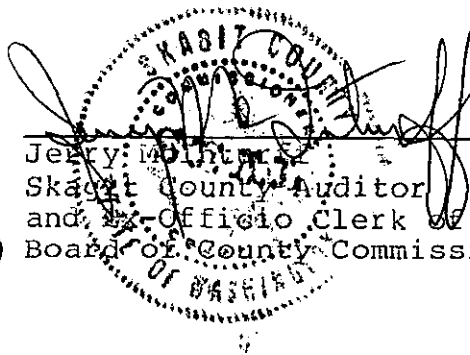
ADJOURNMENT

Commissioner Rohrer motioned to adjourn the proceedings. Chairman Norris seconded the motion. The motion was carried and so ordered.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

ATTEST:


Bud Norris, Chairman


Jerry Mansfield,
Skagit County Auditor
and Ex-Officio Clerk of the
Board of County Commissioners

Jerry Mansfield, Commissioner


Dave Rohrer, Commissioner