

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, November 13, 1984

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

1. Call for Public Hearing - Vacation of Portion of South Shore Drive.
2. Call for Public Hearing - Regarding Disposition of County Property in Concrete.
3. Signature - D.O.T. Detour Agreement.
4. Signature - Agreement - USGS River Gages.
5. Signature - Professional Service Contract.
6. Signature - Solid Waste Consultant Agreement.
7. Discussion - Solid Waste Citizens' Advisory Committee.
8. Miscellaneous Items.

10:00 a.m. Discussion - Solid Waste Management Plan.

10:30 a.m. Public Hearing - Anacortes/Fidalgo Island Coordinated Water System Plan.

MISCELLANEOUS ITEMS

11:30 a.m. Discussion - Funding Request of Skagit Rape Relief.

1:30 p.m. Public Hearing - Preliminary Plat of Kenart Estates P.U.D.

2:30 p.m. Executive Session - Personnel.

The Skagit County Board of Commissioners met in regular session on Tuesday, November 13, 1984, with Commissioners Norris, Mansfield and Rohrer present.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Call for Public Hearing - Vacation of Portion of South Shore Drive.

Gene Sampley, Director of the Public Works Department, explained that this portion of South Shore Drive was denied vacation without prejudice at a previous hearing, and was submitted by the Public Works Department after review of this portion of right-of-way relative to its proximity to the water.

Commissioner Mansfield motioned to adopt the resolution calling for a public hearing regarding the vacation of a portion of South Shore Drive #1900. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10248) The public hearing is scheduled for 9:00 a.m., Tuesday, December 4, 1984.

2. Call for Public Hearing - Regarding Disposition of County Property in Concrete.

Gene Sampley explained that the property in question has previously been leased to George Theodoratus for his real estate office. The public hearing would determine whether the property should be leased or sold.

Commissioner Mansfield motioned to adopt the resolution calling for a public hearing to receive evidence for or against the proposed sale or lease of the particular parcel in Concrete. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10249) The public hearing is scheduled for 9:00 a.m., Tuesday, December 4, 1984.

3. Signature - D.O.T. Detour Agreement.

The Board approved for signature a Detour Agreement for the Department of Transportation for improvement of bridges south of Conway on State Route 530.

4. Signature - Agreement - USGS River Gages.

The Board approved for signature an agreement between USGS and Skagit County for installation and operation of the river gages previously discussed.

5. Signature - Professional Service Contract.

The Board approved for signature a Contract for Professional Services between Skagit County and Edward H. Miller and Company for a property appraisal on the Myron Thomas property west of the Inman Pit and Landfill. The Board also gave approval for the firm to do a property appraisal on the Robert Nordland property as well. Skagit County presently leases this property, with the first option to purchase at the appraised value.

6. Signature - Solid Waste Consultant Agreement.

The Board approved for signature an agreement with R. W. Beck and Associates for the long-term study of the Solid Waste Management Plan and Incineration in Skagit County.

7. Discussion - Solid Waste Citizens' Advisory Committee.

The Board received the Public Works Department's recommended members for the Solid Waste Citizens' Advisory Committee. The Board will review the list and make the appointments next week.

8. Miscellaneous Items.

Commissioner Mansfield motioned to approve the signing of an agreement with the Port of Anacortes for reimbursable work, materials and equipment rental for a period of five calendar years. Commissioner Rohrer seconded the motion. The motion was carried unanimously. The resolution will be signed at a future time.

MISCELLANEOUS ITEMS

Robert Taylor, Administrative Officer, presented the following miscellaneous items:

1. Commissioner Rohrer motioned to approve Warrants #57453 through #57493 in the amount of \$8,190.00. Commissioner Mansfield seconded the motion. The motion was carried unanimously. (P/R 21)
2. Commissioner Mansfield motioned to approve the Taxpayer's Claim for Reduction of Assessments on Destroyed Real or Personal Property for Timothy D. Loving, 1316 Pulver Road, Mount Vernon, Washington 98273, in the amount of \$3,490 for tax year 1985, because a house was partially destroyed by a woodstove fire. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (#608)
3. The Board considered the following Petitions for Property Tax Refund:
 - a. Richard H. Riffle, 821 Dana Drive, Sedro Woolley, Washington 98284, in the amount of \$258.78 because of senior citizen exemption. (#845585)
 - b. Frances Frazier, 934 Orange Avenue, Burlington, Washington 98233, in the amount of \$653.78 because of senior citizen exemption. (#852287)
 - c. Mrs. John B. Allen, 815 124th Street S.W., #16, Everett, Washington 98204, in the amount of \$6.71 because improvements were incorrectly listed on the property. (#5623)
 - d. Mount Vernon Masonic Building Association, 220 Myrtle Street, Mount Vernon, Washington 98273, in the amount of \$290.00 because Chevron USA has agreed to pay the tax on this property.

Commissioner Mansfield motioned to approve the above listed Petitions for Property Tax Refund, as recommended by the Treasurer and Assessor. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

4. Commissioner Mansfield motioned to adopt the resolution reappointing Richard Ward, 1821 South 15th, Mount Vernon, Washington 98273, to the Mental Health/Drug Abuse Board effective November 10, 1984, and continuing until November 9, 1987. Commissioner Rohrer seconded the

motion. The motion was carried unanimously. (Resolution #10251) The Board also approved for signature a letter thanking Mr. Ward for serving.

5. Commissioner Mansfield motioned to adopt the resolution reappointing Susan Stoner, 618 South Section, Burlington, Washington 98233, to the Developmental Disabilities Administration Board effective October 2, 1984, and continuing until October 1, 1987. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10252) The Board also approved for signature a letter thanking Ms. Stoner for serving.
6. Commissioner Mansfield motioned to adopt the resolution calling for a public hearing regarding the proposed 1985 Skagit County Revenue Sharing Budget. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10253) The public hearing is scheduled for 10:00 a.m., Monday, December 3, 1984.
7. Commissioner Mansfield motioned to adopt the resolution calling for a public hearing regarding the proposed 1985 Skagit County Budget. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #10254) The public hearing is scheduled for 10:00 a.m., Monday, December 3, 1984.

DISCUSSION - SOLID WASTE MANAGEMENT PLAN.

Gene Sampley, Director of the Public Works Department, stated that Skagit County had obtained the necessary grant for the solid waste study, and the Board signed the agreement with R. W. Beck and Associates, the consultant for the study, earlier this morning.

Commissioner Mansfield motioned to continue the discussion until 11:00 a.m., Tuesday, November 20, 1984, so that representatives from the area cities could be present. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

PUBLIC HEARING - ANACORTES/FIDALGO ISLAND COORDINATED WATER SYSTEM PLAN.

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 November 2, 1984.

Bob Schofield, Director of the Planning Department, gave the history of the plan's development.

Alan Bushley, of R. W. Beck and Associates, described the elements of the plan, key issues addressed by the committee, and implementation of the plan. He stated that for any major development, the City of Anacortes would most likely be the source of water. It was pointed out that the

committee is a continuing committee, which will meet at least annually to minorly update the plan.

Dean Hayes, of Hayes Well Drilling & Pumps, Bow, felt that Mr. Bushley neglected to place enough importance on the availability of ground water. Mr. Bushley clarified that the public's right to a private well would not be infringed upon.

In answer to a question from Ralph Johnson, of Dahlman Pump & Well Drilling, Inc., of Burlington, Mr. Bushley responded that three or more customers constitute a community water system.

Sara Hamilton, of La Conner, stated that the majority of the land within the Indian Reservation boundaries is owned by non-Indians, yet the tribal community governs the use of the land. She felt non-Indian property owners would be at the mercy of the tribal community for water service.

Dick Johnson pointed out that the tribe land was given to individual Indians, not the tribe.

Alan Rowe, of the Department of Social and Health Services (DSHS) stated that alternatives would be available if water service could not be provided in a timely and reasonable fashion.

Vince Hanson, of La Conner, stated that at the last meeting with the tribe, it was the consensus of the Indians that they would build a water system using strictly ground water and without assistance from the City of Anacortes.

Ian Munce, City of Anacortes Planner, stated that he had recently been contacted by a tribal member regarding the possibility of a waterline from Anacortes.

Esther Fowler, of La Conner, questioned why everyone should be charged for a waterline circling from Anacortes to La Conner and back to Anacortes. She felt this was helping the Anacortes water business.

Alan Rowe, DSHS, stated that the Indian Reservation is in Anacortes' service area, so Anacortes would be accountable for supplying water to the Reservation.

In response to a question from Ken Fowler, Mr. Bushley stated that the proposed line standards were state requirements.

In response to a question from Margaret Maxwell, Mr. Bushley stated that the La Conner Whitney Road was the eastern boundary of the study area. Ms Maxwell questioned the usefulness of such a water system plan if the City of Anacortes decided not to service the area.

Discussion followed regarding the Boundary Review Board's role in the review process.

Dave Owens, Burlington, was also concerned that the Board was being asked to adopt only a portion of the entire plan.

Chairman Norris suggested that Bob Schofield, Director of the Planning Department, be given time to investigate the role the Boundary Review Board would take in this matter.

Commissioner Mansfield motioned to continue the public hearing until 10:00 a.m., Tuesday, December 4, 1984. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

DISCUSSION - FUNDING REQUEST OF SKAGIT RAPE RELIEF.

Anne DePuydt, a member of the Board of Directors of Skagit Rape Relief, stated that the Skagit Community Action Agency recently cut their proposed \$5,000 contribution from their budget. If some alternative funding is not found, they may have to close their facility.

Sandy Wilcox presented statistics on the number of people served by the facility.

Anne DePuydt stated that they are requesting \$18,000 from Skagit County in order to stabilize their Director's salary and benefits.

Commissioner Mansfield suggested that the Board meet with Skagit Community Action Agency to discuss why they discontinued funding Skagit Rape Relief. The Board also concurred that Skagit County's contribution should be funneled through Skagit Community Action Agency to Skagit Rape Relief.

The Board thanked all those present for attending, and will consider the request further before making a final decision.

MISCELLANEOUS ITEMS

Robert Taylor, Administrative Officer, presented the following miscellaneous items:

1. Commissioner Rohrer motioned to approve Warrants #35944 through #36002 in the amount of \$25,177.14. Commissioner Mansfield seconded the motion. The motion was carried unanimously. (R-45)
2. In accordance with action previously taken, the Board approved for signature a resolution approving the signing of an agreement with the Port of Anacortes for reimbursable work, providing labor, materials and equipment, on certain facilities for a period of five calendar years. (Resolution #10250)

3. Commissioner Rohrer motioned to approve the Record of the Proceedings for Tuesday, November 6, 1984. Commissioner Mansfield seconded the motion. The motion was carried unanimously.
4. The Board approved for signature a letter to Senator Frank J. Warnke, in which the Board states approval for Senator Warnke's proposal to utilize 10 percent of the lottery revenues for acquisition, development, and renovation of state and local parks, provided that such funding be made available to all counties in the state.
5. The Board scheduled for next week discussion of an item of correspondence from Skelton & Tims, Attorneys, regarding the impacts of the D.W.I. Grant. The Board requested that Judge Gene Anderson, Prosecutor Tom Moser and Judge Larry Moller be present for this discussion.

PUBLIC HEARING - PRELIMINARY PLAT OF KENART ESTATES P.U.D.

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 November 2, 1984.

John Moffat, Assistant Prosecuting Attorney, stated that a transcript of the public hearing of 1980 was made a part of the Board's record.

Commissioner Mansfield motioned to accept only new evidence for or against the proposed development. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Steve Wood, of the Permit Center, asked that the verbatim transcripts be entered into the record. He read the findings which were presented at the 1980 hearing and gave a brief history of the previous events leading up to the present.

Mr. and Mrs. Dan Mahoney, representing Kenart & Associates, were present.

Ken Evans, attorney for Kenart & Associates, explained the various costs which have been incurred up to the present, including \$10,000 spent for drilling of a well approved by the Health Department. Mr. Evans stated that a 120-foot by 120-foot parcel would be donated to the fire district; and the gravel pit would eventually be donated to the Skagit County Parks Department.

Don Semrau, engineer and land surveyor, described the gravel pit additionally. Regarding traffic concerns on Highway 9, he stated that the Public Works Department had determined that there would be few traffic problems caused by the additional vehicles. With regard to drainage, he stated a detention system is planned to eliminate any drainage problems. Don Semrau felt confident that the proposed development's community septic system will not affect wells in the area.

Robert Andersen, a planner representing the Fruitdale Road Community Association stated that he didn't feel there was a need for another development at this time. He expressed concerns with the private community septage system and area wells which might be affected. He presented for the Board's review the following: (1) letter dated November 13, 1984, from Mark Schuller, Department of Fisheries, indicating concerns with the impacts of a community septage system on Swede Creek and Cranberry Lake; (2) excerpts from the County's Comprehensive Drainage Plan and Drainage Ordinance; (3) letter dated November 1, 1984, from Department of Transportation, with regard to traffic; (4) copies of previous Skagit County Budgets to show what impact an increase in services would have on the County; (5) and various other exhibits (see attached list).

Patricia Buss, an area resident, read a letter dated November 5, 1984, which she wrote to the Skagit County Sheriff's Department confirming a telephone conversation with Sheriff Boynton on October 31, 1984. The letter was with regard to the need for an increase in manpower at the Sheriff's Department. She also presented a Skagit Valley Herald newspaper article dated October 23, 1984, regarding the Sheriff's Department's need for a budget increase. In addition, Mrs. Buss presented photos of standing water on area properties, as well as a site plan of the proposed Kenart Estates showing post-development drainage.

Barbara George, an area resident, spoke with concern regarding the widening of Highway 9. She said if the Department of Transportation required 50 feet of right-of-way from the centerline, the road would be 11 feet from her front door and similarly for other area residents.

Lorna Shuler, who lives on the corner of Fruitdale Road and Highway 9 spoke with regard to the water and sewer matters. She took a survey of area wells and found that many wells were very shallow. She presented a petition signed by 71 area residents opposed to the development.

Paul James, attorney for the opponents, spoke of potential problems with the community septage system, drainage, roads, and traffic. He submitted for the Board's consideration, letters from various state and local departments.

Mr. Evans pointed out that the Sheriff's Department responds to emergency calls, and does not merely patrol the neighborhoods. He addressed the concerns regarding soils, drainage and roads. He also pointed out that the Department of Transportation was only requiring Kenart & Associates to donate 20 feet of right-of-way on Highway 9.

Finally, Mr. Evans stated that this property was designated Residential in 1980.

John Sandell, of Bow, was present representing Diking and Drainage District #25. He expressed concerns regarding the possible drainage and pollution of the lowland wells.

Commissioner Mansfield expressed his desire to see this matter settled.

Commissioner Rohrer stated that he had mixed emotions.

In answer to a question from Chairman Norris, Steve Wood stated that there are several community septage systems in the County, the largest being approximately 18 lots.

Chairman Norris instructed Bob Schofield, Director of the Planning Department, to find out if there would be a time limit on the extraction of gravel from the pit.

Commissioner Mansfield motioned to close the public hearing. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Commissioner Rohrer motioned to deliberate until 11:00 a.m., Monday, November 19, 1984, on the matter. Commissioner Mansfield seconded the motion. The motion was carried unanimously.

MISCELLANEOUS ITEMS

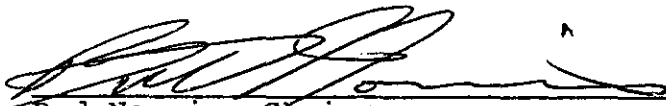
Commissioner Rohrer motioned to approve Warrants #6282 through #6304 in the amount of \$137,829.40. Commissioner Mansfield seconded the motion. The motion was carried unanimously. (R-45)

ADJOURNMENT

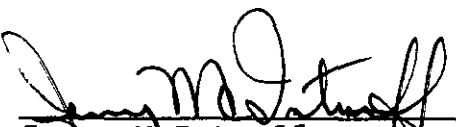
Commissioner Mansfield motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


ATTEST:




Bud Norris, Chairman



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



Jerry Mansfield, Commissioner



Dave Rohrer, Commissioner