

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, May 27, 1986

- 8:00 a.m. Work Session - Road Supervisors - Public Works Department.
- 8:30 a.m. Executive Session - Litigation.  
Flag Salute
- 9:30 a.m. Solid Waste Resource Recovery:
1. Discussion - Status of Project
  2. D.O.E. Grant Application.
- 10:30 a.m. Public Works Department - Gene Sampley, Director:
1. Public Hearing - Vacation of Portion of Drainage Reserve "B," Plat of Dewey Beach, Addition #4.
  2. Discussion - Surplus Property.
  3. Call for Bids - Pease Road Reconstruction.
  4. Signature - Professional Services Contract - Property Appraisal.
  5. Signature - Department of Interior Geological Survey Agreement.
  6. Miscellaneous Items.

MISCELLANEOUS ITEMS

- 2:00 p.m.
1. JoAnne Eimon Appeal of Hearing Examiner's decision regarding a flood plain determination pursuant to Chapter 15.20.200, Skagit County Code.
  2. Planning Commission Referred Items:
    - a. Don Clark Rezone Request #R-86-007.
    - b. Procedural Amendment to Chapter 14.04, Skagit County Code.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, May 27, 1986, with Commissioners Rohrer, Vaux and Walberg present.

SOLID WASTE RESOURCE RECOVERY:

1. Discussion - Status of Project.
2. D.O.E. Grant Application.

Gene Sampley, Director of the Public Works Department, reaffirmed that it is

in the best interest of Skagit County to pursue solid waste resource recovery as a primary means of solid waste disposal in Skagit County. He explained that the Department of Ecology (D.O.E.) grant was issued on March 25, 1986, but expired May 11, 1986, without execution by D.O.E., because they were concerned with the selection process for this project. Skagit County will not be issued a new grant offer under existing conditions. Mr. Sampley noted that Energy Resource Recovery, Inc., by letter dated May 22, 1986, has supported the County's recommended action to negate prior actions and resolve to follow the newly enacted legislation which becomes effective June 11, 1986, with regard to selection of a vendor/contractor. Mr. Sampley presented a time chart showing the proposed schedule, ending in October with contract negotiations. He noted that D.O.E. reacted very positively to this proposal.

It was Mr. Sampley's recommendation that the Board negate its prior actions and resolve to follow the newly enacted legislation which becomes effective June 11, 1986. He also recommended requesting a long term operating contract as well as design and construction of the facility.

According to Mr. Sampley, six of the eight cities involved have signed the solid waste interlocal agreement, and all of those cities were notified of this scheduled discussion.

Chairman Rohrer stated that he felt the procedure used in the selection process was proper.

Commissioner Walberg explained that this project will not be going to bid this time either, because it is impossible to write specifications for a design without eliminating many designs. The Board will be requesting proposals for design and construction of a facility.

In answer to a question from Mayor Ray Reep of the City of Mount Vernon, Mr. Sampley stated that the current interlocal agreement would still be effective if the request for proposal process was initiated again.

Mayor Jim Rice of the City of Anacortes asked if the County is still pursuing the Fredonia site.

Betsy Dwire-Stevenson, Senior Planner, responded that the final environmental impact statement will be available later this week.

Mr. Sampley noted that the Northwest Air Pollution Authority granted the necessary air quality permit. He felt the necessary permits will have been obtained by such time as the project goes out for proposal.

Bob Green felt the Board should request bids rather than proposals.

Mr. Sampley explained that the legislature addressed this question when they passed recent legislation relating strictly to solid waste resource recovery facilities. The legislature understood the need for proposals rather than bids. He outlined the three items to be considered: (1) technology,

(2) capital cost of equipment, and (3) life cycle cost of operating the facility.

Commissioner Vaux pointed out that the request for proposals would detail expenses as well as other items.

Bob Green asked what ceiling will be placed on the cost.

Commissioner Vaux stated that the County won't spend more if they can get the same facility for less.

Mayor Jim Rice, Mayor Ray Reep, and Mayor Mary Lam of the Town of La Conner, expressed concurrence with the recommendation to request proposals again.

Terry Knutzen asked if the County will be using the D.O.E. grant or will private enterprise have ownership of the facility.

Mr. Sampley recommended that the County pursue the D.O.E. grant.

Bob Green stated that the minutes from the Board's December 6, 1983, meeting states no cost in Energy Resource Recovery's proposal.

Mr. Sampley explained that their proposal was for a privately owned facility, and the County didn't care how much it cost.

Bob Green felt it should be private money building the facility and privately operated. Discussion followed.

Hazel Lindstrom felt the facility could break down as easily when owned by Skagit County as it could when owned by private enterprise.

Mayor Reep stated that he believes in free enterprise, however, he sited several examples of privately owned landfills and the costly garbage rates associated with that ownership.

Bob Green stated that private enterprise in Arizona owns their landfills and operates them cheaper than the government could.

Following reading the proposed resolution aloud, Commissioner Walberg motioned to rescind for cause without prejudice, and due to no fault of Energy Resource Recovery, Inc., Resolution #10502 dated May 28, 1985; Resolution #10818 dated April 22, 1986; Resolution #10819 dated April 22, 1986; and all other previous Board action which designates Energy Resource Recovery, Inc., the sole selected vendor/contractor as a result of the May, 1983, request for proposals. Furthermore, it is the intention of the Board to invite new proposals for design and construction of a resource recovery facility under the provisions of Chapter 282, Laws of 1986, on or after June 11, 1986, subject to receipt of an executed grant by D.O.E. for 50 percent matching funds for design and construction of said facility. Commissioner Vaux

seconded the motion. The motion was carried unanimously. (Resolution #10861)

Mr. Sampley stated that he will travel to Olympia this afternoon to present Skagit County's position.

Mayor Rice pointed out that private enterprise could have presented a privately owned proposal over the last five years, however, no one did.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Public Hearing - Vacation of a Portion of Drainage Reserve "B," Plat of Dewey Beach, Addition #4.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on May 13, and May 20, 1986.

Jay Ensley, Assistant Director of the Public Works Department, presented an engineer's report and a memo from Don Nelson, Flood Control Engineer, regarding the drainage in the area.

Ron Scrimsher, 1513 Central Avenue, Anacortes, was opposed to the vacation, because of the additional drainage that would be created from the development of the lots.

Mr. Ensley stated that it was the recommendation of the Public Works Department that the County retain Drainage Reserve "B," with the exception of that portion adjacent to Lots 1 and 2, Plat of Dewey Beach, Addition #4. He explained that the drainage from Lots 1 and 2 would follow an acceptable drainage route without causing additional problems to lots below.

Russell French, 1550 Dewey Crest Lane, Anacortes, the petitioner of the proposed vacation, stated that he is also involved with ownership of Lots 7, 8, 9, 11 and 12, however, he did not petition for the vacation of the drainage reserve adjacent to Lots 3, 4, 5, 6 and 10. He was requesting vacation of the 10-foot easement to allow construction of septic systems.

Don Nelson, explained the drainage flow and the recommendation to retain the easement with the exception of Lots 1 and 2. Mr. Nelson explained that if the drainage easement was ditched adequately, the water could be directed more efficiently.

Mr. Ensley stated that if the Board chose to vacate the easement adjacent to Lots 1 and 2, the Public Works Department recommended the vacation be granted to the property owner at the cost of the proceedings and the Assessor's valuation of that portion of the easement.

Mr. Scrimsher expressed additional concern, should the drainage become a problem in the future.

Mr. Nelson felt Lot 2 should not be filled, as proposed by Mr. French.

Chairman Rohrer suggested this public hearing be continued to Lot 1, Plat of Dewey Beach, Addition #4.

Commissioner Walberg motioned to continue the public hearing to Lot 1, Plat of Dewey Beach, Addition #4, at 3:00 p.m., Wednesday, May 28, 1986. Commissioner Vaux seconded the motion. The motion was carried unanimously.

2. Discussion - Surplus Property.

Mike Loyd and John Semrau, of the Public Works Department, reviewed additional parcels of surplus property.

3. Call for Bids - Pease Road Reconstruction.

Commissioner Walberg motioned to adopt the resolution calling for bids for the improvement of Pease Road #6035. Commissioner Vaux seconded the motion. The motion was carried unanimously. (Resolution #10862)

Bids will be received and publicly opened at 1:30 p.m., Tuesday, June 24, 1986.

4. Signature - Professional Services Contract - Property Appraisal.

The Board approved for signature a Contract for Professional Services with McMillan Appraisal Service to provide appraisal reports for right-of-way on Minkler Road and Francis Road. This contract shall be in effect May 27, 1986, and shall continue until June 15, 1986, and compensation shall be in the total amount of \$1,500.

5. Signature - Department of Interior Geological Survey Agreement.

The Board approved for signature a Joint Funding Agreement between Skagit County and the Department of Interior for operation and maintenance of water gages. This agreement supersedes the agreement previously signed, which contained an error.

6. Miscellaneous Items.

There were no miscellaneous Public Works Department items at this time.

JOANNE EIMON APPEAL OF HEARING EXAMINER'S DECISION REGARDING A FLOOD PLAIN  
DETERMINATION PURSUANT TO CHAPTER 15.20.200 SKAGIT COUNTY CODE.

Grace Roeder, Associate Planner, presented photos, Assessor's maps, and a floodway map for the vicinity of this request. She also entered the entire file for the record, and read the applicants' appeal of the Hearing Examiner's decision to deny them the right to replace their existing mobile home on Lot 8, Rod and Reel Tracts, with a new one.

JoAnne Eimon, 2243 South Skagit Highway, Sedro Woolley, stated that they have twelve signatures from their neighbors who have no objection to the improvement. She stated that they felt with their new mobile home they could meet all of the engineering requirements for a stick home.

Michael Eimon stated that they have been affected by three floods in nine years. One flood caused water to enter the mobile home. He explained that they would locate their new mobile home three to four feet higher than the present mobile home.

Mrs. Eimon stated that they have never requested assistance for flood damage.

Dr. Freidman, who owns neighboring Lot 11, spoke on behalf of herself and Eleanor Ward, owner of Lot 10. She noted that the floodway has been in existence for a long time. She also pointed out that a boundary dispute exists involving the Eimon property.

Eleanor Ward stated that the Eimons are currently in litigation regarding the boundary dispute.

Mr. Eimon noted that the boundary dispute is no where near where they plan to locate the new mobile home.

Commissioner Rohrer stated that he felt it was up to the property owner to decide if he wants to take a chance on losing his home in a flood. However, he would not approve of any application for assistance for flood repairs, should the County allow their request.

Commissioner Walberg stated that it is not in the County's best interest to be in conflict with the federal regulations which allow Skagit County to be eligible for flood insurance.

Commissioner Walberg motioned to uphold the Hearing Examiner's decision to deny Mr. and Mrs. Eimon's request to replace their existing mobile home with a new one on Lot 8, Rod and Reel Tracts. Commissioner Vaux seconded the motion. The motion was carried with votes from Commissioners Vaux and Walberg. Chairman Rohrer voted against the motion.

PLANNING COMMISSION REFERRED ITEMS:

a. Don Clark Rezone Request #R-86-007.

Gary Gidley, Associate Planner, explained that Donald Clark requested the rezone of approximately five acres (approximately two miles west of Marblemount) from Rural to Commercial/Limited Industrial. Mr. Clark is planning to expand the existing Clark's Cabins and R.V. Park to the north by approximately five acres. He presented the staff findings and Planning Commission's recommendation for approval of this request.

Commissioner Vaux motioned to approve Don Clark Rezone Request #R-86-007 for the reclassification of approximately five acres from Rural to Commercial/Limited Industrial. Commissioner Walberg seconded the motion. The motion was carried unanimously.

b. Procedural Amendment to Chapter 14.04, Skagit County Code.

Dave Hough, Senior Planner, explained that this item, which relates to changing of the procedures between the Board of Adjustment and Hearing Examiner, came without a recommendation from the Planning Commission. As a procedural amendment, it does not require a public hearing. This amendment would make conditional uses today as special uses that would be heard by the Hearing Examiner, and the administrative appeals from the Permit Center that would now go to the Board of Adjustment would also then go to the Hearing Examiner.

Although it was not required, Commissioner Walberg motioned to schedule a public hearing to consider a procedural amendment to Chapter 14.04, Skagit County Code. Commissioner Vaux seconded the motion. The motion was carried unanimously.

The public hearing is scheduled for 1:30 p.m., Tuesday, June 17, 1986.

MISCELLANEOUS ITEMS


1. The Board authorized Dave Hough, Senior Planner, to meet with officials regarding an application for a grant through the State Office of Community Development for a business incubator project at Northern State.
2. In conjunction with the above-mentioned project, the Board also authorized Mr. Hough to discuss the matter with the Port of Skagit County, to see if their position is still the same.

ADJOURNMENT

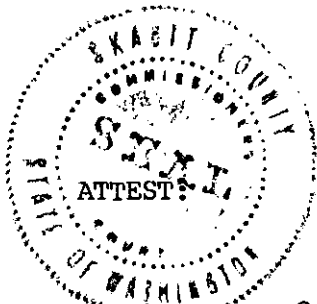
Commissioner Walberg motioned to adjourn the proceedings. Commissioner Vaux seconded the motion. The motion was carried unanimously.

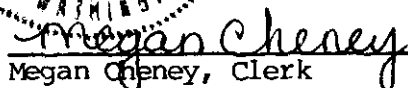
BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
\_\_\_\_\_  
Dave Rohrer, Chairman

  
\_\_\_\_\_  
W. W. Vaux, Commissioner

\_\_\_\_\_  
Otto M. Walberg, Jr., Commissioner



  
\_\_\_\_\_  
Megan Cheney, Clerk  
Skagit County Board of Commissioners