

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, October 27, 1986

8:30 a.m. Work Session - Road Supervisors/Road Superintendent.

Flag Salute

9:30 a.m. Elton Anderson and Burton and Pat Aase Appeal of Hearing Examiner Decision.

10:30 a.m. Public Works Department - Gene Sampley, Director:

1. Public Hearing - 1987 Solid Waste Rates.
2. Discussion - Solid Waste Update.
3. Call for Bids - Old 99 North Overlay.
4. Call for Bids - Concrete Sauk Valley, et al. - Guardrail Projects.
5. Call for Bids - La Conner Bridge Portal Modifications.
6. Call for Public Hearing - Speed Limit Establishment - Alger CCC Road, #5355.
7. Change Order - Sheriff's Office Project.
8. Miscellaneous Items.

MISCELLANEOUS ITEMS

1:30 p.m. Planning Commission Referred Item - Rezone Request #R-86-016 of Joe and Sharon Gooch.

2:30 p.m. Lavone Dally Appeal of Hearing Examiner Decision.

MISCELLANEOUS ITEMS

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

ELTON ANDERSON AND BURTON AND PAT AASE APPEAL OF HEARING EXAMINER DECISION.

Grace Roeder, Associate Planner, submitted photos and Assessor's maps of the two 30-acre parcels zoned Agriculture and contained in the appeal of Variance Request #V-86-038. The applicants were seeking a variance to allow the division of their adjoining properties into two 7-acre parcels with existing buildings and one 40 plus acre parcel with provision for a building site. Ms. Roeder explained that although the Planning Department staff recommended approval of the variance, the Hearing Examiner denied the request because the variance request was not in accordance with the Guidelines for the Division of Agricultural land and, therefore, would be adverse to the public health, safety and general welfare. One of the parcels in this application is involved three ways in an estate settlement.

Commissioner Vaux motioned to remand Variance Request #V-86-038 back to the Hearing Examiner for further consideration. Commissioner Walberg seconded the motion.

Commissioner Walberg stated that he felt the Hearing Examiner made a reasonable decision based on the current agricultural policy.

Commissioner Vaux agreed, and felt that in this instance, the combination of two small parcels of farmland would create one larger, more economically feasible parcel of farmland.

Discussion followed regarding the possibility of creating an additional home site on the third parcel.

The motion to remand the matter back to the Hearing Examiner was amended to include specific consideration of the possibility of granting the variance without creating a third building site. The motion was carried unanimously.

MISCELLANEOUS ITEMS

1. In accordance with action previously taken, the Board approved for signature the resolution conditionally approving the appeal of Eugene Robbins to waive the square footage requirements in Section 12.04.070 of the Skagit County On-Site Sewage Rules and Regulations. (Resolution #11001)
2. Commissioner Walberg motioned to approve the Record of the Proceedings for Monday, October 20, 1986, and Tuesday, October 21, 1986. Commissioner Vaux seconded the motion. The motion was carried and so ordered.
3. Commissioner Vaux motioned to approve the following Petitions for Property Tax Refund, as recommended by the Skagit County Assessor and Treasurer:
 - a. George A. Dickson, 1701 33rd Place N., Mount Vernon, Washington 98273, in the amount of \$178.52, due to error in description on 1985 tax rolls. (#009186)
 - b. David J. Dickson, P.O. Box 20, Sedro-Woolley, Washington 98284, in the amount of \$98.43, due to senior citizen exemption. (#009586)
 - c. John E. Jassman, P.O. Box 495, Hamilton, Washington 98255, in the amount of \$76.32, due to reduced valuation by Board of Equalization (EDB area). (#004785)
 - d. Doris Nelson, c/o Penny Barker, 1109 4th Street, Anacortes,

Washington 98221, in the amount of \$493.92, due to senior citizen exemption. (#009786)

- e. Vina M. Schmandt, 3306 K Avenue, Anacortes, Washington 98221, in the amount of \$29.21, due to senior citizen exemption. (#009686)
- f. Ellen N. Wright, 1919 Vista View Drive, Sedro-Woolley, Washington 98284, in the amount of \$57.03, due to senior citizen exemption. (#009886)

Commissioner Walberg seconded the motion. The motion was carried unanimously.

- 4. Commissioner Vaux motioned to deny the following Taxpayer's Claims for Reduction of Assessments on Destroyed Real or Personal Property, as recommended by the Skagit County Assessor:
 - a. National Food Corporation Employees Pension Trust and National Food Corporation Profit Sharing Trust, P.O. Box 33745, Seattle, Washington 98133, because the taxpayer did not file within time allowed by law. (#730)
 - b. James P. Joseph, c/o Jim Joseph, Jr., 10642 32nd Avenue S.W., Seattle, Washington 98146, because the taxpayer did not file within time allowed by law. (#720)
 - c. George A. Dickson, 1701 33rd Place N., Mount Vernon, Washington 98273, because the taxpayer did not file within time allowed by law. (#732)
 - d. Frank A. Ferry, P.O. Box 1301, Bellingham, Washington 98227, because the taxpayer did not file within time allowed by law. (#734)
- 5. Following discussion, Commissioner Vaux motioned to approve the expenditure of \$100 in hotel/motel tax funds for Skagit County's contribution to a new Samish Island map and bulletin board sign at the entrance to the Samish Island community. Commissioner Walberg seconded the motion. The motion was carried unanimously.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Public Hearing - 1987 Solid Waste Rates.

Prior to beginning this discussion, Commissioner Vaux stated that he felt Skagit County cannot afford not to take a stand to encourage recycling. He stated that he would accept responsibility for coordinating this program until such time as Bill Ness, Solid Waste Engineer, has time. He felt \$0.50 per ton should be earmarked for a recycling program.

Mayor Don Walley, of Sedro Woolley, and Mayor Ray Reep, of Mount Vernon, stated that the Skagit County mayors at a recent Skagit Council of Governments meeting voted to support a county recycling program. Mayor Reep asked Commissioner Vaux to make a presentation at a Skagit Council of Governments meeting in the future.

Discussion followed.

Gene Sampley presented the proposed 1987 solid waste rates. He noted that the basic rate for commercial waste was proposed to increase from \$22.80 to \$30 per ton. He also noted that the number of tires coming into the landfill is a major problem. The fee for use of the compactor boxes was proposed to increase from \$2 to \$3.50 per use. The new fees as proposed would generate approximately \$350,000 in additional funds.

Mayor Reep suggested the Board gradually increase the rates, rather than the large increase proposed for 1987.

Mr. Sampley noted that even with the proposed increase, Skagit County's landfill fees are lower than those in surrounding counties.

Mayor Walley proposed the rates be raised to \$26 or \$27 per ton for 1987.

Commissioner Vaux motioned to close the public hearing. Commissioner Walberg seconded the motion. The motion was carried unanimously.

Commissioner Vaux motioned to raise the basic rate for commercial waste to \$27.25 per ton, including the \$0.50 per ton fee designated for a recycling program, effective January 1, 1987.

Commissioner Walberg suggested the basic rate for commercial waste be increased to only \$27 per ton, including the \$0.50 per ton fee designated for a recycling program, effective January 1, 1987.

Commissioner Vaux concurred, and amended his motion accordingly to \$27 per ton including the \$0.50 per ton fee designated for a recycling program, effective January 1, 1987. Commissioner Vaux's motion included the adoption of all other rates as proposed. These rates include all sales and Business and Occupation tax for cities and Rural Sanitation. All other users of the landfill will pay additional taxes to the proposed fees. Commissioner Walberg again seconded the motion. The motion was carried unanimously.

2. Discussion - Solid Waste Update.

Gene Sampley stated that the three firms still being considered for the resource recovery facility have submitted additional information, and more information is being requested. Puget Power is very interested in purchasing the power which would be generated.

Mike Woodmansee, Budget and Finance Director, presented a memo to the Board and briefly explained how the new federal Tax Reform Act may complicate financing of the facility. The new law could make a large portion of the incinerator bond issue subject to federal taxes. Taxable bonds would cost the County more money in higher interest payments to investors. However, the solution appears to be a restructuring of the Department of Ecology grant so that it pays for the taxable parts of the project. The County's financial advisors will keep the County informed of interpretations of the law that may affect the incinerator financing.

Mr. Woodmansee also noted the eventual need for an agreement to retain Yeasting and Hughes Associates as financial advisors.

3. Call for Bids - Old 99 North Overlay.

Commissioner Vaux motioned to adopt the resolution calling for bids for two reconstruction projects on Old 99 North, #5051. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #11002)

Bids will be received and publicly opened at 1:30 p.m., Tuesday, November 18, 1986.

4. Call for Bids - Concrete Sauk Valley, et al. - Guardrail Projects.

- a. Commissioner Vaux motioned to adopt the resolution calling for bids for the installation of approximately 8,540 lineal feet of guardrail in various locations. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #11003)

Bids will be received and publicly opened at 1:30 p.m., Tuesday, November 18, 1986.

- b. Commissioner Walberg motioned to adopt the resolution initiating a County Road Project (C.R.P.) for the preparation of construction plans, specifications and cost estimate for the installation of guardrail. Commissioner Vaux seconded the motion. The motion was carried unanimously. (Resolution #11004)

5. Call for Bids - La Conner Bridge Portal Modifications.

- a. Commissioner Walberg motioned to adopt the resolution calling for bids for the portal modification of La Conner Rainbow Bridge, #40039. Commissioner Vaux seconded the motion. The motion was carried unanimously. (Resolution #11005)

Bids will be received and publicly opened at 1:30 p.m., Tuesday, November 18, 1986.

- b. Commissioner Walberg motioned to adopt the resolution initiating a C.R.P. for engineering to modify the La Conner Rainbow Bridge portals. Commissioner Vaux seconded the motion. The motion was carried unanimously. (Resolution #11006)

6. Call for Public Hearing - Speed Limit Establishment - Alger CCC Road, #5355.

Commissioner Vaux motioned to adopt the resolution calling for a public hearing regarding the establishment of a maximum speed limit of 35 m.p.h. on Alger CCC Road. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #11007)

The public hearing will be held at 10:30 a.m., on Tuesday, November 18, 1986.

7. Change Order - Sheriff's Office Project.

This item was continued until November 3, 1986.

8. Miscellaneous Items.

- a. The Board approved for signature the lease agreement with DuCap Electronics, Inc., for the County's use of Mobile Radio Repeater House #2 in the Lyman Mountain area. This agreement is effective November 1, 1986, through October 31, 1987, and the monthly rent is \$103.
- b. Commissioner Walberg motioned to adopt the resolution initiating a C.R.P. for engineering for the reconstruction of a segment of Beaver Marsh Road. Commissioner Vaux seconded the motion. The motion was carried unanimously. (Resolution #11008)
- c. Commissioner Walberg motioned to adopt the resolution calling for bids for the purchase of one used four-wheel drive one-ton cab and chassis unit. Commissioner Vaux seconded the motion. The motion was carried unanimously. (Resolution #11009)

Bids will be received and publicly opened at 1:30 p.m., Monday, November 10, 1986.

- d. Commissioner Walberg motioned to adopt the resolution calling for a public hearing regarding the establishment of Schulze Road as a County Road. Commissioner Vaux seconded the motion. The motion was

carried unanimously. (Resolution #11010)

The public hearing is scheduled for 10:30 a.m., Tuesday, November 18, 1986.

- e. The Board received copies of the calculation results of the ferry rate analysis for their information. Gene Sampley recommended the ferry rates remain at the current level.
- f. Chairman Rohrer approved for signature plans for the Concrete Sauk Valley, et al. guardrail projects, Old 99 North overlay project, and La Conner Bridge portal modification project.
- g. Jim Parker, of Concrete, was present to discuss his property located near a former County landfill. He suggested a portion of the landfill fees should be set aside in a fund created to resolve such situations as his.

Commissioner Walberg stated that he felt the burden of proof was on Mr. Parker to prove that the quality of water is contaminated on his property, prior to seeking any compensation from the County.

PLANNING COMMISSION REFERRED ITEM - REZONE REQUEST #R-86-016 OF JOE AND SHARON GOOCH.

Steve Wood, Assistant Director of the Department of Planning and Community Development, stated that the proposed Rezone Request #R-86-016 for Joe and Sharon Gooch requested the following reclassification:

1. Approximately 4 acres from Agriculture to Commercial/Limited Industrial.
2. Approximately 1.5 acres from Residential Reserve to Commercial/Limited Industrial.
3. Approximately 13.5 acres from Agriculture to Residential Reserve.

The Planning Commission recommended denial of this rezone because most of the property is designated Agriculture and used as pasture, and there were no changes in circumstance.

Louis Regua, representing Joe and Sharon Gooch, requested that the Board conduct their own public hearing on this matter to receive additional testimony for a number of reasons which he explained. He interpreted the Soil Conservation Service's evaluation of the property and noted that a score of only 54 out of a possible 121 was received with regard to farming suitability.

Don Nevitt, 1523 Sunset Lane, Mount Vernon, expressed opposition to the

rezone, due to drainage problems in that area.

Commissioner Vaux read a letter received from Ed Walker and a number of other residents in opposition to the rezone due to drainage concerns. Following is a list of other residents submitting the same letter:

1. Harvey and Jadelle Moyer, 1584 McLean Road, Mount Vernon
2. Daniel and Linda Lefeber
3. Mrs. Georgia Nelson
4. Edwin and M. Frances Woll
5. E. M. and Wanda Coupstick
6. Patricia and John Huemmer, 1510 Sunset Lane, Mount Vernon
7. Kirk Shroyer, 1519 Sunset Lane, Mount Vernon
8. Doug and Susan Rindal
9. Donald and Elizabeth Nevitt
10. Ben and Marion Martin
11. Calvin and Vera Smith
12. John and Rosemarie Billgren
13. Bertha Pedersen
14. Richard Oakland
15. Cathy and Jerry Pelland
16. Elenor Husby
17. Jerry Hoback
18. Henrietta and Ray Moseley
19. Marjorie Cleave
20. Daniel and Teresa Nelson
21. Mr. and Mrs. Larry Hastings
22. Kay and Edith Goodman
23. Donald and Carol Jordan
24. Robert and Madell Jolly, 1531 Sunset Lane, Mount Vernon

Vern Haase, 1581 McLean Road, Mount Vernon, read a different letter which he had submitted in opposition to the rezone due to drainage and traffic problems.

Chairman Rohrer noted that Mr. Haase had visited his home to deliver a number of letters, however, they did not discuss the matter.

Ed Walker, 1582 McLean Road, expressed opposition to the rezone because of the drainage situation.

Zell Young, of Mount Vernon, concurred.

Pete Walker, representing the McLean Road Fire Department, expressed concern regarding fire protection.

Bob Jolly, an adjacent property owner, recalled that many kinds of crops have been grown on the subject property in past years.

Louis Regua noted that additional consideration of drainage and traffic would be given at the time a proposal was submitted. There are certain requirements which must be met or there is no approval for a proposal. Mr. Regua noted that only the northeast corner of this propert is lower than the surrounding properties.

Commissioner Walberg motioned to deny Rezone Request #R-86-016 of Joe and Sharon Gooch, as recommended by the Planning Commission. Commissioner Vaux seconded the motion. The motion was carried unanimously.

MISCELLANEOUS ITEMS

In accordance with action previously taken, the Board approved for signature the ordinance approving a procedural amendment to Skagit County Code 14.04.150, relating to the posting requirements for unclassified special uses. (Ordinance #11011)

LAVONE DALLY APPEAL OF HEARING EXAMINER DECISION.

Grace Roeder, Associate Planner, submitted photos and Assessor's maps of the subject property. She explained that Ms. Dally owns a total of 47 acres, 20 acres of which are zoned Forestry (20-acre minimum lot size) and 27 acres of which are zoned Agricultural Reserve (20-acre minimum lot size). Ms. Dally currently has two mobile homes on the entire parcel, and wishes to divide the 27-acre parcel zoned Agricultural Reserve, so that a mobile home is located on each of the two new parcels.

Ms. Roeder explained that the 20-acre parcel zoned Forestry was erroneously included in the variance application. This omission may have created confusion at the public hearing.


Paul Taylor, attorney for Ms. Dally, presented color-coded maps of the property. He noted that this was not a request for a rezone, but for a variance. He felt that Bob Schofield, being both Planning Director and Hearing Examiner, created an appearance of impropriety.

Commissioner Vaux motioned to schedule a public hearing to consider Variance Request #V-86-041 for Lavone Lee (Toni) Dally, at 2:30 p.m., Tuesday, November 18, 1986. Commissioner Walberg seconded the motion. The motion was carried unanimously.

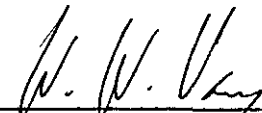
ADJOURNMENT

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

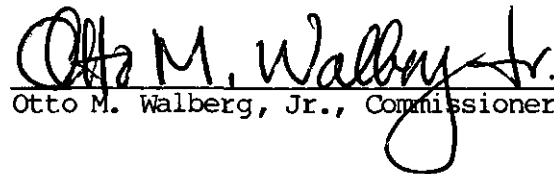
BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Dave Rohrer, Chairman


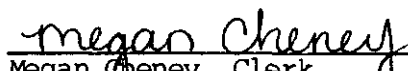


W. W. Vaux, Commissioner



Otto M. Walberg, Jr., Commissioner

ATTEST:

Megan Cheney, Clerk
Skagit County Board of Commissioners