

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, November 18, 1986

Flag Salute

9:00 a.m. Discussion - Skagit County Workmen's Compensation Program - Roy Burcham, Loss Control Consultant, Department of Labor and Industries.

9:30 a.m. Community Services - JoAnn Angevine, Coordinator:

1. Discussion - Methadone Treatment Facility Licensing.
2. Discussion - Gibraltar Pit Potting Shed.
3. Miscellaneous Items.

10:00 a.m. 1. Public Hearing - Supplemental Budget - Current Expense Fund.  
2. Public Hearing - Supplemental Budget - Clear Lake Park Construction Fund.

MISCELLANEOUS ITEMS

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

1. Public Hearing - Speed Limit Establishment - Alger CCC Road #5355.
2. Public Hearing - Road Establishment - Schulze Road.
3. Signature - Final Cost Records:
  - a. Country Lane
  - b. Cook Road
  - c. Conway Road
  - d. Avon Allen Road
4. Call for Bids - Four (4) New 1987 Pickup Trucks.
5. Miscellaneous Items.

MISCELLANEOUS ITEMS

11:00 a.m. 1. Presentation of the Resource Recovery Evaluation - R. W. Beck and Associates.  
2. Consideration of Resolution - Resource Recovery Selection.

1:30 p.m. 1. Bid Opening - Old 99 North Reconstruction.  
2. Bid Opening - Concrete, Sauk Valley Road #0800 Guardrail Project.  
3. Bid Opening - La Conner Rainbow Bridge Portal Modifications.  
4. Bid Opening - Senior Citizens Catered Meals.

MISCELLANEOUS ITEMS

- 2:30 p.m. Public Hearing - Lavone Dally Variance Request #V-86-041.
- 3:00 p.m. 1. Consideration of Appeal of Hearing Examiner Decision on Rick Beeman Special Use Permit #SP-86-039.  
2. Consideration of Appeal of Hearing Examiner Decision on Andy VanderMeulen Special Use Permit #SP-86-033.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, November 18, 1986, with Commissioners Rohrer, Vaux and Walberg present.

DISCUSSION - SKAGIT COUNTY WORKMEN'S COMPENSATION PROGRAM - Roy Burcham, Loss Control Consultant, Department of Labor and Industries.

Roy Burcham, Loss Control Consultant, complimented the County on its organized program of accident prevention and claims management. He reviewed a list of accident prevention recommendations he had prepared.

Discussions followed regarding a system of charge-back of claims cost to the appropriate department to quantify the cost of accidents and resulting claims; ergonomic education for supervisors; inclusion of safety policies and rules in the County Personnel Policies and Procedure Manual; and thorough investigation of accidents to determine causes.

The Board thanked Mr. Burcham for these recommendations and his participation in this discussion.

MISCELLANEOUS ITEMS

1. Commissioner Vaux motioned to approve the following Petitions for Property Tax Refund, as recommended by the Skagit County Assessor and Treasurer:
  - a. Theodore F. Porter, 2235 State Street, Sedro-Woolley, Washington 98284, in the amount of \$526.84, due to senior citizen exemption. (#010186)
  - b. Alfonso Huerta, 415 North Spruce, Burlington, Washington 98233, in the amount of \$363.33, due to senior citizen exemption. (#861923)

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

2. Commissioner Vaux motioned to approve the Record of the Proceedings for Monday, November 10, 1986. Commissioner Walberg seconded the motion. The motion was carried unanimously.
3. In accordance with action previously taken, the Board approved for signature the ordinance adopting a revised Section 14.04.175 of the Skagit County Code providing for certain zoning restrictions for adult motion pictures and adult entertainment businesses. (Ordinance #11035)
4. 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, November 18, 1986, the Board, by a unanimous vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows: Vouchers #61645 through #61686 (Warrants #61645 through #61686) in the total amount of \$9,115.00. (P-21)

**COMMUNITY SERVICES - JoAnn Angevine, Coordinator:**

1. Discussion - Methadone Treatment Facility Licensing.

JoAnn Angevine explained that the County's Substance Abuse Administrative Board, Treatment Committee, recommended the County adopt a resolution prohibiting the establishment of any methadone treatment program in Skagit County. After consultation with the Prosecuting Attorney's Office and both the alcohol and drug abuse treatment agencies under County contract to provide service, the Administrative Board felt current drug abuse treatment programs meet the demand for service in Skagit County.

Commissioner Vaux motioned to approve the prohibition of establishment of any methadone treatment program in Skagit County. Commissioner Walberg seconded the motion. The motion was carried unanimously.

2. Discussion - Gibraltar Pit Potting Shed.

A discussion was held regarding the response received to the County's proposal for payback of Referendum 37 funds received for the unutilized Gibraltar potting shed. Joseph Orrico, Referendum 37 Coordinator, of the Department of Social and Health Services (D.S.H.S.), proposed the following alternative regarding Skagit County's attempt to comply with the contract with D.S.H.S.: Instead of paying D.S.H.S., the County could establish an escrow account to be held by Skagit County. This fund would be held in reserve for uses eligible under Referendum 37. Secondly, D.S.H.S. requested the County accelerate the repayment schedule so that \$20,700 would be paid in ten years.

The Board instructed Ms. Angevine to draft a letter to Mr. Orrico, agreeing to comply with his proposal. Payback will be made with money received from the current lease of the premises.

3. Miscellaneous Items.

JoAnn Angevine recommended the Board appoint Brian Baker, 213 North 8th Street, Mount Vernon, to the Developmental Disabilities Administrative Board.

The Board concurred, and a resolution to this effect will be drafted.

1. PUBLIC HEARING - SUPPLEMENTAL BUDGET - CURRENT EXPENSE FUND.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on November 4, and November 11, 1986.

Mike Woodmansee, Budget and Finance Director, explained that this supplemental budget would provide funds in the form of commissary proceeds and a marijuana eradication grant to pay for costs in connection with the jail commissary (\$5,800) and the marijuana eradication program (\$1,200).

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

Commissioner Vaux motioned to adopt the resolution authorizing a supplemental budget in the amount of \$7,000 for the Current Expense Fund to pay for costs in connection with the jail commissary and the marijuana eradication program. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #11036)

2. PUBLIC HEARING - SUPPLEMENTAL BUDGET - CLEAR LAKE PARK CONSTRUCTION FUND.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on November 4, and November 11, 1986.

Mike Woodmansee explained that this supplemental budget would provide funds in the form of an I.A.C. Grant and an interfund transfer to pay for costs in connection with the Clear Lake renovation project.

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

Commissioner Vaux motioned to adopt the resolution authorizing a supplemental budget in the amount of \$292,100 for the Clear Lake Park Construction Fund. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #11037)

MISCELLANEOUS ITEMS

1. Commissioner Vaux motioned to adopt the resolution authorizing the interfund transfer of budget appropriation in the amount of \$150,000 to provide funding for the Clear Lake Beach renovation project. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #11038)
2. The Board approved for signature the following Contracts for Professional Services for basketball officials for Department sponsored games:
  - a. Ed Johnson, c/o 301 Garl, Burlington, Washington 98233, effective November 29, 1986, through March 31, 1987.
  - b. Mike Gubrud, 1875 W. Bulson Road, Stanwood, Washington 98292, effective November 24, 1986, through March 31, 1987.

Compensation shall be at the rate of \$12.50 per game for slowbreak and over 30's; \$15 per game for fastbreak men's; and \$10 per game for youth leagues.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Public Hearing - Speed Limit Establishment - Alger CCC Road #5355.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on November 4, and November 11, 1986.

Jeff Monsen, Traffic Engineer, reviewed the engineer's report. He recommended the speed limit on Alger CCC Road be established at 35 m.p.h., as petitioned.

Chairman Rohrer noted that he received a phone message from Dave Carpenter, who was in favor of the 35 m.p.h. speed limit.

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

Commissioner Walberg motioned to adopt the ordinance establishing a 35 m.p.h. speed limit on the entire length of Alger CCC Road. Commissioner Vaux seconded the motion. The motion was carried unanimously. (Ordinance #11039)

2. Public Hearing - Road Establishment - Schulze Road.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on November 4, and November 11, 1986.

Gene Sampley explained that this proposed road establishment was County-

initiated. In 1956, the County received a right-of-way deed for two offset and adjoining parcels, each 12 feet in width. At the present time two structures are located very close to Schulze Road. Mr. Sampley recommended the road be established as used, subject to acquisition of additional right-of-way to provide a minimum width of 24 feet the entire length of the road.

Mrs. Schulze was in favor of the establishment of Schulze Road, and asked that the County put a road name sign on the road also.

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

Commissioner Walberg motioned to establish the Schulze Road as a primitive County road. Commissioner Vaux seconded the motion. The motion was carried unanimously.

3. Signature - Final Cost Records:

- a. Country Lane
- b. Cook Road
- c. Conway Road
- d. Avon Allen Road

The Board approved for signature Final Cost Records for Country Lane (\$36,901.40), Cook Road (\$100,770.02), Conway Road (\$100,486.50), and Avon Allen Road (\$6,857.16).

4. Call for Bids - Four (4) New 1987 Pickup Trucks.

Commissioner Vaux motioned to adopt the resolution calling for bids for the purchase of three new 1987 half ton pickup trucks and one new 1987 three-quarter ton pickup truck. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #11040)

Bids will be received and publicly opened at 1:30 p.m., Monday, December 8, 1986.

5. Miscellaneous Items.

Gene Sampley noted that today one bid was received for a used four-wheel drive one-ton cab and chassis unit. The bid opening was last week, however, and no bids were received at that time.

Commissioner Vaux motioned to waive any further requirements of the bid process for this vehicle and authorized the Director of the Public Works Department to attempt to locate a used four-wheel drive one-ton cab and

chassis unit and to negotiate a purchase in the best interests of the County. Commissioner Walberg seconded the motion. The motion was carried unanimously.

1. PRESENTATION OF THE RESOURCE RECOVERY EVALUATION - R. W. BECK AND ASSOCIATES.
2. CONSIDERATION OF RESOLUTION - RESOURCE RECOVERY SELECTION.

Gene Sampley briefly explained the evaluation procedure used to select a vendor for the proposed resource recovery facility.

Bob Bingham, Principal Engineer, of R. W. Beck and Associates, explained the evaluation criteria used. In the economic analysis of the proposals for construction of the facility in 1988 dollars, Wright Schuchart Harbor's proposal would cost approximately \$13.5 million, while Thermal Reduction Company and Cadoux proposed construction would cost approximately \$12 million.

Mr. Bingham reviewed each of the three top proposers' tonnage fee for each of the five options proposed. Wright Schuchart Harbor proposed a lower tonnage fee for all five of the options.

Margaret Bacus asked if Mr. Bingham had seen a resource recovery facility in operation.

Mr. Bingham responded that he had.

Ms. Bacus stated that she was impressed with the facility in Marion County, Oregon.

Commissioner Vaux stated that the vendor of that facility would not submit a proposal for our facility, due to its smaller size.

Bill Snelson felt that Wright Schuchart Harbor had never built a plant, and therefore had not proven they could do it.

Gene Sampley stated that much time and money has been spent evaluating all of the proposals, and he feels comfortable with the decision to choose Wright Schuchart Harbor.

Dero Forslund felt the Board compromised their decision by visiting the plant in Italy.

Commissioner Vaux noted that all proposals were for private ownership of the facility.

Don Bockelman asked for details regarding the disposal of ash from the facility.

Mr. Bingham stated that ash will be disposed of at Inman Landfill.

Don Bockelman stated that State law says ash cannot be disposed of in a landfill.

Mr. Bingham stated that State law allows for the disposal of bottom ash in landfills.

Bob Green pointed out that everyone should view a facility.

Jim Anderson, of Thermal Reduction Company, inquired regarding how the detailed evaluations were made.

Mr. Bingham offered to explain the process in more detail to Mr. Anderson.

Zell Young agreed that private enterprise should own and operate the facility, however, he stated that he would abide by whatever the Board decides to do.

Ernie Ward inquired about the details of plant capacity calculations.

Mr. Sampley explained that minimum standards were defined for proposals submitted.

Mr. Ward felt that Energy Resource Recovery (Wright Schuchart Harbor) did not have experience or wisdom sufficient to carry out this proposal to completion.

Mr. Sampley stated that the contract provides and guarantees resolutions to many of these concerns.

Mr. Ward asked about the use of local labor for construction of the facility.

Mr. Sampley stated that negotiations of the contract will include provisions for operating employees, trades used for construction of the facility, and subcontractors to be from Skagit County to the greatest extent possible.

Mr. Bockelman asked how adaptive the facility would be to future pollution control regulations.

Mr. Bingham stated that he could not predict an answer to this question at this time.

Frank Zurline, of Thermal Reduction Company, questioned the evaluation of air pollution controls.

Mr. Forslund questioned R. W. Beck and Associates' qualifications with regard to this evaluation process.

Mr. Bingham explained that R. W. Beck and Associates has experience with resource recovery facilities all over the country.



Mr. Forslund asked if incinerators are having trouble all over the country.

Mr. Bingham explained that many failures were based on economic factors.

Mr. Ward asked if Tecnitalia (technology proposed by Wright Schuchart Harbor) has produced steam before.

Mr. Bingham stated that they have produced steam in Europe.

Commissioner Vaux stated that he felt there were two very competent companies: Wright Schuchart Harbor and Thermal Reduction Company. He asked for continuation of this matter for one week to allow him to meet with R. W. Beck and Associates' engineers in Denver for further explanation regarding their evaluations.

Chairman Rohrer concurred.

With regard to hazardous emissions, Mayor Jim Rice, of Anacortes, pointed out that the Department of Ecology classifies many items as hazardous materials.

Commissioner Walberg explained why the Matrix evaluation system was chosen. He felt the Board should proceed with negotiating a contract with Wright Schuchart Harbor.

This matter was continued until 1:30 p.m., Tuesday, November 25, 1986.

**1. BID OPENING - OLD 99 NORTH RECONSTRUCTION.**

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in the Skagit Argus on October 28, November 4, and November 11, 1986; and in the Daily Journal of Commerce on October 31, November 7, and November 12, 1986.

The following bids were received:

- a. Wilder Construction Co., Inc.  
2006 North State Street  
Bellingham, WA 98225  
  
Bid bond enclosed.  
Total Bid: \$345,989.65
  
- b. Lakeside Industries  
1165 Havekost Road  
Anacortes, WA 98221  
  
Bid bond enclosed.  
Total Bid: \$323,860.84

- c. Associated Sand and Gravel Co., Inc.  
P.O. Box 2037  
Everett, WA 98203

Bid bond enclosed.  
Total Bid: \$310,461.10

The Public Works Department will review the bids prior to making a recommendation to the Board.

2. BID OPENING - CONCRETE, SAUK VALLEY ROAD #8800 GUARDRAIL PROJECT.

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in the Skagit Argus on October 28, November 4, and November 11, 1986; and in the Daily Journal of Commerce on October 31, November 7, and November 12, 1986.

The following bids were received:

- a. North Constructors  
15321 139th Avenue S.E.  
Snohomish, WA 98290
- Bid bond enclosed.  
Total Bid: \$172,109.50
- b. Coral Construction Co.  
P.O. Box 347  
Wilsonville, OR 97070
- Bid bond enclosed.  
Total Bid: \$164,787.75
- c. Petersen Brothers, Inc.  
2008 East Valley Highway  
Sumner, WA 98390
- Bid bond enclosed.  
Total Bid: \$131,349.76
- d. Junlo Corporation  
2646 S.E. 73rd  
Portland, OR 97206
- Bid bond enclosed.  
Total Bid: \$130,914.45

The Public Works Department will review the bids, prior to making a recommendation for award of bid.

3. BID OPENING - La CONNER RAINBOW BRIDGE PORTAL MODIFICATIONS.

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in the Skagit Argus on October 28, November 4, and November 11, 1986; and in the Daily Journal of Commerce on October 31, November 7, and November 12, 1986.

The following bids were received:

- a. Quantum Construction, Inc.  
P.O. Box 998  
Anacortes, WA 98221  
  
Bid bond enclosed.  
Total Bid: \$24,583.00
- b. Hobbs Industries, Inc.  
3260 "B" Street N.W.  
Auburn, WA 98002  
  
Cashier's check enclosed.  
Total Bid: \$28,312.50
- c. One Way Construction, Inc.  
215 North Reed Street  
Sedro-Woolley, WA 98284  
  
Bid bond enclosed.  
Total Bid: \$29,230.00
- d. Impero Construction Co.  
2041 East Bakerview Road  
Bellingham, WA 98226  
  
Bid bond enclosed.  
Total Bid: \$31,500.00
- e. Waterworks, Inc.  
2123 East Bakerview Road  
Bellingham, WA 98226  
  
Bid bond enclosed.  
Total Bid: \$34,800.00

- f. Cooney-McHugh Division  
Donald B. Murphy Contractors, Inc.  
Box 6139  
Federal Way, WA 98063

Bid bond enclosed.  
Total Bid: \$38,400.00

- g. Tri-S Painting, Inc.  
Route 3, Box 663  
Yakima, WA 98907

Bid bond enclosed.  
Total Bid: \$38,700.00

- h. North Constructors  
15321 139th Avenue S.E.  
Snohomish, WA 98290

Bid bond enclosed.  
Total Bid: \$40,000.00

- i. Rainier Welding, Inc.  
19020 N.E. 84th  
Redmond, WA 98053

Bid bond enclosed.  
Total Bid: \$41,799.00

The Public Works Department will review the bids prior to making a recommendation to the Board.

**4. BID OPENING - SENIOR CITIZENS CATERED MEALS.**

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in the Skagit Argus on November 4, and November 11, 1986.

The following bids were received:

- a. Island Hospital  
24th Street and M Avenue  
Anacortes, WA 98221

(1) Anacortes area only:

Congregate	\$1.69
Hot Home-Delivered	\$1.88
Frozen	\$1.29

b. United General Hospital  
P.O. Box 410  
Sedro-Woolley, WA 98284

(1) Burlington:

Congregate	\$1.65
Frozen	\$1.25

(2) Mount Vernon:

Congregate	\$1.65
Hot Home-Delivered	\$1.85
Frozen	\$1.25

(3) Sedro-Woolley:

Congregate	\$1.65
Hot Home-Delivered	\$1.85
Frozen	\$1.25

The Parks, Recreation and Senior Services Department will review the bids prior to making a recommendation to the Board.

**MISCELLANEOUS ITEMS**

Roger Howard, Section Manager - Facilities, requested guidance from the Board with regard to the Annex remodel project.

The Board authorized Mr. Howard to proceed with Scheme A without the law library.

**PUBLIC HEARING - LAVONE DALLY VARIANCE REQUEST #V-86-041.**

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on November 4, 1986.

Grace Roeder, Associate Planner, submitted an aerial photograph, other photos, and an Assessor's map. She explained that at the Hearing Examiner's hearing, some confusion arose regarding two zonings on the property, which caused the Commissioners to decide to call for a public hearing.

Ms. Roeder explained that Ms. Dally's property consists of approximately 23 acres zoned Agricultural Reserve and approximately 20 acres zoned Forestry. The parcel zoned Agricultural Reserve contains two mobile homes. The confusion arose because the staff did not indicate there were two different zonings. Ms. Roeder explained that through her research of the matter, she

did not find the properties ever to have been two separate parcels, other than due to zoning. At this time Ms. Dally wished to subdivide the Agricultural Reserve portion of her property into two parcels, each containing one mobile home.

Paul Taylor, attorney for Ms. Dally, stated that Ms. Dally's property consists of 23.98 acres zoned Forestry and 23.02 acres zoned Agricultural Reserve. Ms. Dally desires to subdivide the 23.02 acre parcel into two equally sized parcels to each contain a mobile home. Mr. Taylor explained that the property is only marginal agricultural land, and Ms. Dally plans to sell one subdivided parcel and mobile home.

Gary Jones, attorney for Andrea Xaver Maddox, suggested the variance be granted with a condition that the upland Forestry parcel be restricted from building a residence on it.

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

Commissioner Vaux motioned to grant Variance #V-86-041 to Lavone Dally, allowing the subdivision of the Agricultural Reserve portion of her property into two parcels, each to contain one mobile home, with the condition that the Forestry zoned property in Ms. Dally's ownership remain in Forestry without a residence. Commissioner Walberg seconded the motion. The motion was carried unanimously.

**1. CONSIDERATION OF APPEAL OF HEARING EXAMINER DECISION ON THE RICK BEEMAN SPECIAL USE PERMIT #SP-86-039.**

Grace Roeder, Associate Planner, submitted photos, Assessor's maps, a petition in opposition to the request, letters, a Northwest Air Pollution Authority report and a Health Department noise report. She explained that this request was to allow the operation of an auto body shop in an Agricultural zone on Avon Allen Road, Mount Vernon. The Department of Planning and Community Development recommended that should the Hearing Examiner elect to approve the request, a number of conditions should be met with regard to hours of operation, number of employees, sanitation, etc. Ms. Roeder noted that this request resulted from a complaint. The Hearing Examiner granted Special Use Permit #SP-86-039 for a period of six months.

Ms. Roeder reviewed the appeal submitted on behalf of Don White, who leases the building from Rick Beeman, and operates the auto body shop. She also read a letter from Tom Schumacher, 1509 Avon Street, Mount Vernon, who was opposed to the Hearing Examiner's decision. Ms. Roeder explained that she felt the Hearing Examiner's granting of the Special Use Permit was to allow Mr. White time to find another location for his business.

Mr. Beeman stated that the Avon United Methodist Church is the closest neighbor to his shop.

Stan Walters, 1476 Beavermarsh Road, Mount Vernon, stated that he owns a vacant lot adjacent to the property in question. He felt an auto body shop in the neighborhood would devalue his property.

Mr. White stated that there are other businesses in the area. He noted that the building hasn't changed since it was built for raising rabbits.

Paula Schumacher, 1509 Avon Street, stated that other businesses in the area do not bother her because she doesn't have to look directly at them. She expressed concern regarding the condition of the building and the occupant's practice of burning garbage.

Mr. Beeman stated that the Northwest Air Pollution Authority reviewed the situation and no burning has taken place since that time.

Mr. White stated that he is a roofing contractor, and he burns old shakes on the property.

Commissioner Walberg stated that he did not concur with the Hearing Examiner's decision. He felt the Department of Planning and Community Development's recommended conditions were valid. Commissioner Walberg motioned to remand the matter back to the Hearing Examiner for further consideration.

Commissioner Vaux felt that allowing an auto body shop in an Agricultural zone was wrong. He informed Mr. Beeman of the upcoming Port of Skagit County business incubator project which would enable new businesses, such as his, to get started without the high cost of normally beginning a business.

Chairman Rohrer seconded Commissioner Walberg's motion. The motion was carried with votes from Chairman Rohrer and Commissioner Walberg. Commissioner Vaux voted against the motion.

2. CONSIDERATION OF APPEAL OF HEARING EXAMINER DECISION ON THE ANDY VANDERMEULEN SPECIAL USE PERMIT #SP-86-033.

Grace Roeder, Associate Planner, presented photos and an Assessor's map of the subject property located at 1989 Cedardale Road, Mount Vernon. She informed the Board that the applicant, Andy VanderMeulen, requested a Special Use Permit to allow operation of a retail facility for dairy products produced on the farm and related purchased products. The Health Unit reviewed and approved soil evaluations and on-site sewage disposal system design for the proposed project. The Health Department has no objections to the proposal, provided that either the current water system is brought up to State standards, or P.U.D. water is acquired.

Ms. Roeder stated that the Hearing Examiner granted Special Use Permit #SP-86-033, subject to a number of conditions. Condition #9 states that retail items shall be limited to dairy products, local fruit and produce, jams, jellies, deli items, soft drinks and similar products.

Ms. Roeder stated that Joseph A. Soler, 1795 Stackpole Road, Mount Vernon, appealed the Hearing Examiner's decision, because the products proposed to be sold were not from Mr. VanderMeulen's farm.

Commissioner Walberg asked why this wasn't being handled as a Commercial rezone.

Commissioner Vaux concurred.

Discussion followed regarding the options available.

Mr. VanderMeulen stated that he would be selling dairy products from a farm in the area in which he has an interest. The other items proposed to be sold would compliment his dairy products, just as Skagit Gardens sells products to compliment their plant sales. Mr. VanderMeulen explained his proposal to operate a small creamery business.

Joe Soler stated that he felt some modification was required.

Mrs. VanderMeulen stated that they have no desire to sell beer and wine at their creamery. They propose to sell other items made in the Pacific Northwest which would compliment the dairy products sold.

Commissioner Walberg motioned to refer this matter back to the Hearing Examiner for reconsideration of Condition #9 and an explanation of why this was addressed as a Special Use Request instead of a rezone. Commissioner Vaux seconded the motion. The motion was carried unanimously.

#### MISCELLANEOUS ITEMS

1. The Board approved for signature the Contract for Professional Services between the Department of Planning and Community Development and Shapiro and Associates, Inc., for preparation of a draft supplemental environmental impact statement and a final environmental impact statement for the proposed Eagle Harbor Conference and Recreation Center. This contract shall be in effect November 18, 1986, until project completion, or June 1, 1987, unless otherwise terminated, and compensation shall not exceed a total of \$41,000.
2. In accordance with action previously taken, the Board approved for signature the resolution waiving any further requirements of the bid process and authorizing the Director of Public Works to attempt to locate




a used four-wheel drive one-ton cab and chassis unit and to negotiate a purchase in the best interests of the County. (Resolution #11041)

3. Commissioner Vaux motioned to reappoint Mayor Jim Rice of Anacortes to the Uniform Building Code Board of Appeals. Chairman Rohrer seconded the motion. The motion was carried unanimously.

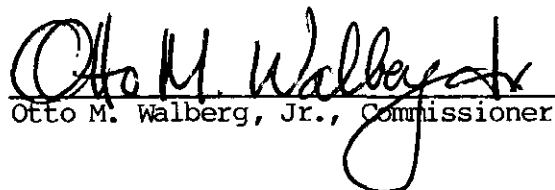
ADJOURNMENT

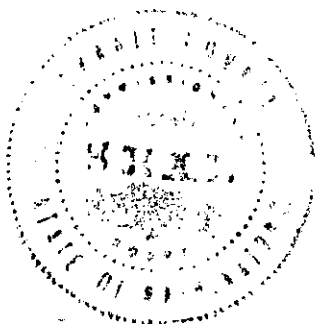
Commissioner Walberg motioned to adjourn the proceedings. Commissioner Vaux seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

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

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

  
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Otto M. Walberg, Jr., Commissioner



ATTEST:

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