

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, January 19, 1987

Flag Salute

- 9:00 a.m. Board of Health - Continuation of Discussion of Status of Sewage Disposal and Building Permit for the Larry Collinge Residence at 1520 Sneeoosh Road.
- 10:00 a.m. Signature - Community Services Contracts - JoAnn Angevine, Coordinator.

MISCELLANEOUS ITEMS

- 10:30 a.m. Public Works Department - Gene Sampley, Director:
1. Discussion - Tire Disposal - Inman Landfill.
  2. Bid Award Recommendation - Butler Pit Aggregate Crushing Project.
  3. Signature - C.C.P. Establishment - Butler Pit Aggregate Crushing Project.
  4. Signature - C.R.P. Establishment:
    - a. Fir Island Road.
    - b. Josh Wilson Road.
    - c. South Skagit Highway.
  5. Signature - Design Contract for Annex Remodel.
  6. Signature - Contract Modifications for Hydrogeologic Services.
  7. Signature - Interlocal Agreement with Drainage District #15.
  8. Miscellaneous Items.

MISCELLANEOUS ITEMS

- 1:30 p.m. Public Meeting - Consideration of Appeal of Hearing Examiner Decision on Miller Variance Request #V-86-052.

MISCELLANEOUS ITEMS

- 7:30 p.m. Public Hearing - Consideration of Moratorium on Aquaculture Activities. (Meeting to be held in Hearing Room "C.")

The Skagit County Board of Commissioners met in regular session on Monday, January 19, 1987, with Commissioners Walberg, Vaux and Rohrer present.

BOARD OF HEALTH - Continuation of Discussion of Status of Sewage Disposal and Building Permit for the Larry Collinge Residence at 1520 Sneeoosh Road.

Larry Collinge was present for this discussion.

Tom Karsh, Environmental Health Specialist III, explained that the Board was in receipt of a legal opinion from John Moffat, Chief Civil Deputy, with regard to the sewage system problem. Mr. Karsh summarized the legal opinion as follows:

1. Mr. Collinge's 1981 sand filter permit is still valid.
2. The County does have jurisdiction to enforce State and County health regulations on Mr. Collinge's property pursuant to R.C.W. 37.12.010.
3. Alternatives available:
  - a. Require Mr. Collinge to install a sand filter system pursuant to the 1981 permit.
  - b. Approve a modification to the existing system on the property along with Mr. Collinge executing a concomitant agreement to hold the County harmless from any damage which might result to him or third persons from a failure of the system.

Commissioner Vaux noted that it was Mr. Moffat's opinion that if the County decided to enforce the 1981 permit, a reviewing judge would be reluctant to take a hardnosed stance against Mr. Collinge in light of the County's neglect in enforcing the permit over the intervening six years.

Mr. Karsh recommended that Mr. Collinge formally appeal the 1981 document and meet repair standards for his system.

Bob Schofield, Director of the Department of Planning and Community Development, explained that Mr. Collinge came to the County for a certification for his bank. He suggested Mr. Collinge meet with his bank to determine if they will accept certification of a repaired system.

With regard to the requested certification of his building, Commissioner Vaux stated that he felt the building is no doubt built with care, however, he suggested Mr. Collinge hire a professional engineer to certify the building is structurally sound. At that point the County's Building Official could possibly sign off on this matter.

Steve Wood, Assistant Director of the Department of Planning and Community Development, instructed Mr. Collinge to receive approval on the items of concern previously mentioned in the County's letter to Mr. Collinge.

SIGNATURE - COMMUNITY SERVICES CONTRACTS - JoAnn Angevine, Coordinator.

JoAnn Angevine, Community Services Coordinator, presented the following contracts, which the Board approved for signature:

1. Contract #3820-48154, Amendment #4, with the Department of Social and Health Services for extension of geriatric mental health services from March 1, 1987, through June 30, 1987. Consideration for this contract is increased by \$25,000 for this time period.
2. Contract #2490-48993, Amendment #3, with the Department of Social and Health Services, Division of Developmental Disabilities, for the following changes:
  - a. The vendor, Chinook Enterprises, changed from an approved to an interim program.
  - b. The contract process changed to "fee for service."
3. Contract #2490-48993 amendment with Chinook Enterprises to extend the provision of services from January 1, 1987, through June 30, 1987. Consideration for this contract shall not exceed \$45,000.
4. Contract #2490-48993 amendment with SPARC Development Center to extend the provision of services from January 1, 1987, through June 30, 1987. Consideration for this contract shall not exceed \$24,000.
5. Contract #2490-48993 amendment with Skagitron to extend the provision of services from January 1, 1987, through June 30, 1987. Consideration for this contract shall not exceed \$48,000.
6. Contract #2490-48993 amendment with Weavers Unlimited to extend the provision of services from January 1, 1987, through June 30, 1987. Consideration for this contract shall not exceed \$38,000.
7. Agreement #1 with Skagit Council on Aging for the provision of transportation services to handicapped citizens of Skagit County from January 1, 1987, through December 31, 1987. Consideration for this contract shall not exceed \$10,000.
8. Agreement #2 with Skagit Council on Aging for the County's conveyance of the use of the County-owned 1985 El Dorado passenger bus for the purpose of providing transportation services to elderly and handicapped citizens of Skagit County. The period of this agreement shall be from January 1, 1987, through December 31, 1987.
9. Contract with Skagit Community Mental Health Center for the purpose of providing mental health services within the County from January 1, 1987, through December 31, 1987. Consideration shall not exceed \$600,000.
10. Contract with Skagit Community Mental Health Center for the purpose of providing drug abuse treatment services within the County from January 1, 1987, through December 31, 1987. Consideration shall not exceed \$50,000.

11. Contract with Skagit County Community Alcohol Center for the purpose of providing detoxification services within the County from January 1, 1987, through December 31, 1987. Consideration shall not exceed \$50,000.
12. Contract with Skagit County Community Alcohol Center for the purpose of providing alcohol treatment services within the County from January 1, 1987, through December 31, 1987. Consideration shall not exceed \$85,000.

PUBLIC WORKS DEPARTMENT - Gene Sampley, Director:

1. Discussion - Tire Disposal - Inman Landfill.

Bill Bailey, Jr., of Bill Bailey for Tires, was present for this discussion. Mr. Bailey had previously called the Public Works Department to inquire regarding the recently increased disposal rates for tires at Inman Landfill.

Gene Sampley, Director of the Public Works Department, explained that disposal of tires was reclassified from general solid waste to demolition waste, and therefore, the charge is \$45 per ton.

Mr. Bailey stated that two years ago disposal of tires cost approximately \$9 per ton; last year disposal of tires cost \$22.80 per ton; and the current charge for disposal of tires is \$45 per ton. He noted that Bill Bailey for Tires is the only retread business in Skagit County at this time. Mr. Bailey felt the reasons given for the increase pertained to the disposal of whole tires, not split tires. He demonstrated the benefits of a split tire, and explained that much of the elasticity is lost when the tires are split. The Bill Bailey for Tires establishments in this area dispose of an average of five tons of tires per week. Mr. Bailey asked the Board to reclassify the disposal of tires back to general solid waste.

In answer to a question from Commissioner Rohrer, Mr. Bailey stated that they don't charge people for disposing of their old tires.

Mr. Sampley pointed out that when the incinerator is completed and in operation, tires will be shredded before being processed through the incinerator.

Mr. Bailey stated that approximately ten percent of their tires come from their Bellingham store.

Commissioner Vaux expressed a concern with regard to out of county waste being disposed of at the landfill.

Mr. Bailey explained that their Mount Vernon store inspects and retreads tires. Those tires which are unsuitable for retreading are then disposed of at the landfill. Rubber dust and large off-road tires are shipped to Canada for recycling.

Commissioner Vaux motioned to investigate this matter additionally for a period of two weeks, prior to making a decision. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

At this time, Item #5 was addressed:

5. Signature - Design Contract for Annex Remodel.

The Board approved for signature the agreement between Skagit County and The Henry Klein Partnership, Architects, for the provision of architectural and engineering services for the completion of new Prosecuting Attorney's offices in the Skagit County Annex Building.

Item #2 was addressed at this time:

2. Bid Award Recommendation - Butler Pit Aggregate Crushing Project.

Commissioner Vaux motioned to adopt the resolution awarding the bid for the Butler Hill Pit crushing project to H. Karb Sand and Gravel, the lowest bidder to meet the specifications, for the base bid and additive bid totaling \$109,800.00. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11120)

3. Signature - C.C.P. Establishment - Butler Pit Aggregate Crushing Project.

Commissioner Vaux motioned to adopt the resolution initiating the Butler Hill Pit crushing project, and authorizing \$5,000 for engineering and \$120,000 for the contract. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11121)

4. Signature - C.R.P. Establishment:

a. Fir Island Road.

This resolution was previously adopted.

b. Josh Wilson Road.

Commissioner Vaux motioned to adopt the resolution appropriating \$5,000 for the completion of soils investigation, preliminary survey, design plans and specifications for repair or reconstruction of the Josh Wilson Road (Milepoint 2.86 to Milepoint 2.98). Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11122)

c. South Skagit Highway.

Commissioner Vaux motioned to adopt the resolution appropriating \$10,000 to complete soils investigation of the South Skagit Highway roadway settlement (Milepoint 2.26 to Milepoint 2.51). Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11123)

Item #5 was addressed previously.

6. Signature - Contract Modifications for Hydrogeologic Services.

This item was postponed until a later date.

7. Signature - Interlocal Agreement with Drainage District #15.

Commissioner Vaux motioned to enter into an agreement with Drainage District #15 for the County's provision of materials and equipment rental on a reimbursable basis on Drainage District #15 facilities for the five calendar year period beginning 1987 and continuing through 1991. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

8. Miscellaneous Items.

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

MISCELLANEOUS ITEMS

1. Commissioner Rohrer motioned to schedule the following two Planning Commission referred items to be reviewed by the Board at 2:00 p.m., Monday, January 26, 1987:

- a. Baker Rezone #R-86-018
- b. Aune Special Use #SP-86-052

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

2. Commissioner Vaux motioned to enter into an agreement with the Town of Hamilton for the provision of materials and equipment rental on a reimbursable basis on Town of Hamilton facilities during the five calendar year period beginning 1987 and continuing through 1991.

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

3. The Board approved for signature a renewal and endorsement to the Group Health Care Service Contract for Skagit County Employees, effective January 1, 1987, with Skagit County Medical Bureau.

Robert Taylor, Administrative Officer, explained the changes noted in the endorsement.

4. The Board approved for signature the following Contracts for Professional Services with the Parks, Recreation and Senior Services Department:
  - a. Jeff Jensen, 1803 East Fox Hill Road, Mount Vernon, Washington 98273, for services as a basketball referee. This contract shall be effective January 22, through March 31, 1987, and compensation shall be \$10 per junior high league, and \$12.50 per slowbreak and men's 30 and over leagues.
  - b. Michelle Siegfried, 1321 North 26th, Mount Vernon, Washington 98273, for services as a junior high basketball league scorekeeper. This contract shall be effective January 24, through March 31, 1987, and compensation shall be \$5 per game.
  - c. Jim Rabenstein, 1305 Lei Garden Road, Burlington, Washington 98233, for services as a scorekeeper and referee in the junior high basketball league and 30's and over basketball league. This contract shall be effective January 22, through March 31, 1987, and compensation shall be \$10 per game as a referee and \$5 per game as a scorekeeper.
  - d. Dave Rindal, 1211 Quentin Avenue, Mount Vernon, Washington 98273, for services as an instructor for the Rhythm Fitness exercise program. This contract shall be effective January 19, through April 23, 1987, and compensation shall be 90 percent of fees after Department expenses.
5. 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, January 19, 1987, the Board, by a unanimous vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows: 1986 Vouchers #11940 through #12233 and 1987 Vouchers #700026 through #700089 (Warrants #20132 through #20386) in the total amount of \$622,190.38. (C-4-87)

Commissioners Walberg and Vaux were present for the following item. Commissioner Rohrer was absent.

PUBLIC MEETING - CONSIDERATION OF APPEAL OF HEARING EXAMINER DECISION ON MILLER VARIANCE REQUEST #V-86-052.

Grace Roeder, Associate Planner, presented staff photos and located the proposed variance on a vicinity map. She entered the entire file into the record. Ms. Roeder stated that on December 10, 1986, the Hearing Examiner denied Paul and Margie Miller's request for the segregation of an 80-foot by 160-foot parcel from a tract 161 feet by 254 feet, located on Hoehn Road, Sedro Woolley. The Millers did not ask for reconsideration because at that time they did not feel there was any new evidence. Ms. Roeder explained that adjacent Residential zoning was located across the road at the Van Fleets' mobile home park. The Department of Planning and Community Development recommended denial of the variance request.

Louis Requa, of Skagit Surveyors, requested that the Board hold their own public hearing on this matter, due to the presence of additional evidence.

Mr. Miller stated that the property will never revert back to a 40-acre size parcel of farmland.

Commissioner Vaux motioned to hold a Board of Commissioners public hearing on the matter. Chairman Walberg seconded the motion.

Discussion followed.

Commissioner Vaux voted in favor of the motion. Chairman Walberg voted against the motion.

Chairman Walberg suggested the Board uphold the Hearing Examiner's decision and encourage the Millers to pursue a rezone to achieve the desired results.

Mr. Requa suggested the Board table this matter until three Board members could be present.

Commissioner Vaux again motioned to hold a Board of Commissioners public hearing on the matter. Commissioner Walberg seconded the motion. The motion was carried and so ordered.

The public hearing was scheduled for 11:00 a.m., Tuesday, February 10, 1987.

Commissioners Walberg, Vaux and Rohrer were present for the following item:



PUBLIC HEARING - CONSIDERATION OF MORATORIUM ON AQUACULTURE ACTIVITIES.

Betsy Dwire-Stevenson, Senior Planner, presented the staff report recommending the Board place a one year moratorium on the submission of permit applications for floating mariculture facilities in Skagit County. During this time Skagit County would continue to review and evaluate documents prepared for the State agencies as they are made available. At the end of one year, it is anticipated that Skagit County would have enough information to make a decision on its management policy and permit requirements for floating mariculture facilities, or would have enough information on the status of the programmatic environmental impact statement to substantiate an extension of the moratorium.

Darlene Madenwald, 629 Slice Street, Anacortes, was present representing Citizens for Clean Industry (C.C.I.). She presented a list of purposes from C.C.I.'s Articles of Incorporation. Ms. Madenwald stated that last year C.C.I. spoke in favor of a net pen project, however, at this time, C.C.I. supports a moratorium of at least one year to develop regulations to protect the public and industry as well.

Francis Barcott, 1820 8th Street, Anacortes, supported the moratorium, and noted that there are currently enough salmon to support man. Mr. Barcott expressed concern regarding waste under the pens, potential disease, and navigation hazards.

Bill Ryan, 1049 Farm to Market Road, Mount Vernon, represented Skagit System Cooperative, who formally withdrew their Request for Substantial Development/Conditional Use Permit in December 1986, for location of salmon rearing net pens in the north Skagit Bay/Similk Bay area. Mr. Ryan stated that they had planned to submit an application for an alternate site in the future. He felt this proposed moratorium was without basis. Mr. Ryan requested that knowledgeable persons be retained to review applications without bias. He presented the Board with a copy of a letter to the Skagit County Department of Planning and Community Development, dated December 1, 1986, and several articles regarding the matter.

Jack Rensel, a Certified Fisheries Scientist, spoke with regard to Dr. Weston's preparation of the Department of Ecology's interim guidelines which are expected to be released by the end of this month. He stated that he did not see a need for Skagit County to enact a moratorium. He felt the free market should reign with the wisdom of the citizenry.

Willie Colvin, a commercial fisherman from Anacortes, favored the moratorium due to the potential for the spread of disease.

Konrad Kurp, 286B Salmon Beach Road, Anacortes, stated that he is a fish farmer. Mr. Kurp felt that Dr. Weston's report did not address Skagit County waters. He noted that fish farming is an added load on Skagit County waters. He favored the moratorium and suggested the County develop a water use plan

similar to the County's land use plan.

Jan Wise Hansen, 577 Gibraltar Road, Anacortes, stated that he is the manager of Scan Am Farms, a salmon rearing operation off of Cypress Island. Mr. Hansen emphasized the importance of placing fish farms in areas with tidal action to keep the water clean. He offered to pay for an independent diver of the County's choice to inspect the water under their pens. Mr. Hansen explained that the season from December 1987 through May 1988 will produce 700,000 to 900,000 pounds of salmon selling for \$4 to \$5 per pound. Their firm will pay \$250,000 in salaries. During the 1988 to 1989 season, they plan to double their production. He explained that there is no wild salmon on the market during their December to May season. Mr. Hansen opposed the proposed moratorium.

Rick Jewell, 2285 Minkler Road, Sedro Woolley, stated that he is a commercial fisherman. He noted that Washington State has a greater concentration of fisherman than any other state. Mr. Jewell favored a moratorium of more than one year.

Kay Bartlett, 1568 Sneeoosh Road, La Conner, favored the moratorium because it would allow time to develop regulations for such operations.

Lois Englebright, 492 Salmon Beach Road, Anacortes, favored the moratorium because she felt the issues have not been adequately addressed in the past. She was especially concerned with the aesthetics of such proposed operations in residential areas.

Robert Brown, 1109 Rio Vista, Burlington, expressed opposition to the moratorium because he did not feel it would answer any questions.

Paul Schliessler, Planner for the Swinomish Tribal Community, requested that the proposed moratorium exclude shellfish aquaculture. As a private citizen he felt the impacts of other projects (garbage incinerator, sewer plants, dairy wastes, etc.) were greater than the impacts of net pen facilities.

Steve Fransen, 812 North 5th, Mount Vernon, expressed opposition to the moratorium. He felt there exists as much information for the assessment of aquaculture as exists for the assessment of agriculture.

Bob Ratfield, 923 North Beach Road, Bow, stated that he raised oysters. He asked the Commissioners to separate shellfish from fin fish in any moratorium decision.

Sarah Carter of La Conner, asked the Board to consider the impact of salmon pens on recreational boaters.

Darlene Madenwald, speaking as a private citizen, asked the Board to take the time necessary to develop requirements.