

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Monday, August 21, 1989

10:30 a.m. Public Works Department - Mark Spahr, Director:

- 1) Public Hearing: Vacation of Portion of State Turnback - Burlington.
- 2) Call for Bids: Contractor for Household Hazardous Waste Collection Day.
- 3) Miscellaneous.

MISCELLANEOUS ITEMS.

11:00 a.m. Work Session - Country Club Drive.

1:30 p.m. Bid Opening: One New Portable Air Compressor.

MISCELLANEOUS ITEMS.

2:30 p.m. David Day Appeal of Hearing Examiner's Decision Regarding Shoreline Substantial Use Development/Variance Permit #24-88 and Special Use Permit for the Expansion of Existing Campground #88-050 of Leisure Time Resorts.

The Skagit County Board of Commissioners met in regular session on Monday, August 21, 1989, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

- 1) **Public Hearing: Vacation of Portion of State Turnback - Burlington.**

Commissioner Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on July 25 and August 1, 1989.

Mr. Spahr located the portion of County right-of-way in question near McDonald's restaurant in Burlington. He stated that the portion of right-of-way was given back to the County by the State following completion of I-5. Mr. Spahr stated that the owner of Pacific Pride card-key fuel station, Jack Martin, has requested the vacation, to create a new entrance and exit point from his business. This improvement will allow enough space within the fuel station property for trucks to await their turn at the fuel pumps, and thus would enhance the traffic safety on the adjacent Goldenrod Road. Mr. Spahr provided a Engineer's Report which recommends approval of the request, selling the approximately 5,000 square feet of vacated right-of-way to Mr. Martin for the sum of \$0.72 per square foot, or \$3642.90.

Jeff Monsen explained that the declaration of the property as surplus is not necessary in the case of right-of-way, and that the right-of-way may be vacated only to the adjacent property owner.

Mr. Paul Martin, representing Martin Oil Company, described the location of the turnback, using the vicinity map, and explained the plans for expansion.

Seeing no further public comment, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion. The motion passed unanimously. Commissioner Vaux then motioned to vacate the County right-of-way known as the I-5 turnback in Burlington to Mr. Jack Martin for the sum of \$3642.90. Commissioner Wylie seconded the motion, which passed unanimously.

2) Call for Bids: Contractor for Household Hazardous Waste Collection Day.

Mr. Spahr explained that the Public Works Department is planning a one-day household hazardous waste collection day to be held in mid-October, when the public can dispose of hazardous wastes they have stored in their homes. He stated that a grant in the amount of \$52,000 has been received from the Department of Ecology to fund this event. Mr. Spahr stated that a chemical processing contractor is requested to perform waste identification, packaging, logging of material and transportation of the wastes to the ultimate repository. In addition, the contractor will be asked to supply experts for the actual collection day, and liability insurance in the amount of \$5,000,000 for the event. The Board and Mr. Spahr discussed locations for the event, as well as public notification and participation.

Commissioner Wylie then motioned to adopt the resolution calling for bids for a contractor to conduct a one-day household hazardous waste collection day. Commissioner Vaux seconded the motion, which was unanimously approved. (Resolution #12181)

3) Miscellaneous.

A. Mr. Spahr indicated that, in anticipation of the passage of the proposed increase in the gasoline tax, the State Urban Arterial Board is planning to change its name to the Transportation Improvement Board (TIB). Also, with expectation that increased funding will be available for transportation projects from the gas tax, the TIB has been compiling a list of eligible projects. Mr. Spahr stated that an informal meeting was held with staff from the cities of Mount Vernon, Burlington, Anacortes and Sedro Woolley; representatives from the Indian Tribes, Skagit Council of Governments, and the Public Works Department, at which possible projects for which this funding could be used were discussed. Mr. Spahr stated that three possible projects surfaced, and he requested that the Board discuss and consider taking up the issue of interlocal cooperative agreements for grant funding with elected officials from the cities involved. Mr. Spahr stated that the project felt to be of greatest importance to those present at the meeting was the widening of the Skagit River Bridge between Burlington and Mount Vernon. He stated that preliminary estimates would put the project at between 4 and 8 million, with the local share totaling probably 20%. Mr. Spahr admitted that the bridge is entirely owned by the cities of Mount Vernon and Burlington, but that a need exists to widen the bridge to service what is now a five lane approach from both sides. Mr. Spahr stated that the other two suggested projects were to add a turn lane to Highway 20 at Helmick Road east of Sedro Woolley, and to improve access to the Rainbow Bridge in LaConner.

Commissioner Vaux was opposed to initiating a project within incorporated territory, when the stretch of Highway 20 between the Burlington City limits and the intersection with Memorial Highway is in such grave need of improvements. He cited repeated fatal traffic accidents along this route. Commissioner Wylie pointed out that County drivers would also benefit from improvements to the Skagit River Bridge. Mr. Spahr stated that the intent of the TIB will be to solve corridor problems and alleviate congestion with the grant funding. The Board took Mr. Spahr's statements under advisement.

MISCELLANEOUS ITEMS.

Discussion of the miscellaneous items was deferred until a later time due to the lack of time.

Chairman Rohrer's absence was excused for the following items.

BID OPENING: ONE NEW PORTABLE AIR COMPRESSOR.

Commissioner Wylie waved the reading of the Notice of Call for Bids, as published in The Skagit Argus on August 8 and 15, 1989.

The following bids were received and opened:

- a) Case Power and Equipment
3217 Hewitt Ave.
Everett, WA 98201

Manufacturer and model: Chicago Pneumatic CPS750
Total out-of-pocket cost to Skagit County: \$43,687.37

- b) Craig Taylor Equipment Company
3100 E. Valley Road
Renton, WA 98056

Manufacturer and model: Sullair 750DTQ
Total out-of-pocket cost to Skagit County: \$35,451.40

- c) Dresser Industries, Inc.
Sidney, Ohio 45365-9980

Manufacturer and model: Leroi Q750 DCC
Bid Price Unit: \$32,000

- d) N.C. Machinery Co.
2020 Freeway Drive
Mount Vernon, WA 98273

Manufacturer and model: Atlas Copco Model XAS350
Total out-of-pocket cost to Skagit County: \$42,828.00

- e) Ingersoll-Rand Equipment Sales
11222 E. Marginal Way So.
Seattle, WA 98168

Manufacturer and model: Ingersoll-Rand Model P750WCU
Total out-of-pocket cost to Skagit County: \$36,483.75

Alternate Proposal:

Manufacturer and model: 1987 Ingersoll-Rand Model P750WCU (Used with
approximately 1800 hours)
Total out-of-pocket cost to Skagit County: \$27,019.60

The Public Works Department will review the bids and return at a later date with a recommendation for award.

MISCELLANEOUS ITEMS.

Discussion of miscellaneous items was deferred until a later time for the convenience of the audience.

DAVID DAY APPEAL OF HEARING EXAMINER'S DECISION REGARDING SHORELINE SUBSTANTIAL USE DEVELOPMENT/VARIANCE PERMIT #24-88 AND SPECIAL USE PERMIT FOR THE EXPANSION OF EXISTING CAMPGROUND #88-050 OF LEISURE TIME RESORTS.

Commissioner Wylie opened the meeting and noted to the audience Chairman Rohrer's absence.

Commissioner Vaux explained that the appellant has the opportunity to request that the hearing of the appeal be rescheduled to another time when all three commissioners are present.

David Day stated that he represents the families of Dan Adkinson and David Lake, neighbors of the Leisure Time Resorts, in the appeal of the hearing examiner's decision. He stated that the appeal at this time is partially outdated due to events which occurred following the reconsideration request filed by a State Department. He stated that his clients were not a party to all of the meetings subsequent to that reconsideration, and they therefore were not given the opportunity to give testimony on all of the new conditions placed on the permits by the Hearing Examiner following the meetings. Mr. Day therefore requested that the Board call for their own public hearing, in which all parties could be present to fully air the issues, or barring that, that the appeal be rescheduled for a time when Chairman Rohrer is present.

John Martin, representing Leisure Time Resorts, made a statement in which he maintained that Leisure Time Resorts has been cooperative through all phases of the permitting process, meeting all requests and requirements, but is being economically impacted by the continued delay of the appeal. He therefore requested that the appeal be heard today.

Commissioner Vaux then requested that Oscar Graham, Senior Planner, give a synopsis of the matter at hand. Mr. Graham gave the following overview:

- April 5, 1989 Hearing Examiner held a public hearing to consider the above mentioned requests.
- May 12, 1989 Hearing Examiner signed order approving permit requests with conditions.
- May 15, 1989 Request from Department of Wildlife for reconsideration of permits.
- May 16, 1989 Appeal of Hearing Examiner's decision filed by David Day on behalf of neighbors Dan Adkinson and David Lake.
- June 7, 1989 Hearing Examiner held reconsideration hearing requested by Department of Wildlife.
- July 11, 1989 Hearing Examiner signed reconsideration order with modifications of original conditions. Reconsideration order was not appealed.

Mr. Graham read in their entirety the conditions of the Hearing Examiner, as modified on July 11, 1989.

Betsy Stevenson, Acting Planning Department Director, clarified statements made by Mr. Day. She stated that she was contacted by the Department of Wildlife and was given to understand that a reconsideration would be requested. She spoke individually with both Mr. Day and Mr. Adkinson and gave them the opportunity to withdraw their appeal and file a reconsideration, along with the Department of Wildlife. They chose to allow their appeal to stand and, although they were present at the reconsideration hearing, they were not a part of an ad hoc group formed of Department of Wildlife, County, and Leisure Time representatives that studied the matter.

Mr. Day, on the whole, agreed with Ms. Stevenson's statements, although still maintained that his clients were not adequately represented at the last deliberations. He stated that, although surface water drainage is listed in the present appeal as a contraindication for the permits, subsequent modifications have made this issue moot where his present clients are concerned, but now may affect other neighbors in the area who are not present today. He reiterated his wish that the Board either call for their own public hearing or reschedule the appeal until Chairman Rohrer is present.

Commissioner Vaux then motioned to reschedule the appeal for Tuesday, August 29, 1989, at 9:00 a.m. Commissioner Wylie seconded the motion, which carried and was so ordered.

MISCELLANEOUS ITEMS.


Miscellaneous items were discussed at this time for the convenience of the audience.

- A. The Board approved for signature the following Skagit County Fair Contracts:
- a) A Professional Services Contract with Fred Ruble to display two draft horses from August 10 to 13, 1989, for \$300.00 per four days.
 - b) A Commercial Displays and Vendors Contract with the United States Army, 7500 Sand Point Way N.E., Seattle, WA 98115, at no charge for space outside the ballpark from August 10-13, 1989.
 - c) A Commercial Displays and Vendors Contract with Happy Feet, P.O. Box 147, Baring, WA 98224, for the sum of \$159.50 for space outside from August 10-13, 1989.
 - d) A Commercial Displays and Vendors Contract with Gubrud's Valley Nissan, 655 Auto Blvd., Burlington, WA 98233, for the sum of \$192.50 for space outside the ballpark from August 10-13, 1989.
 - e) A Commercial Displays and Vendors Contract with Gary's Books, 19045 Hewitt Ave., Everett, WA 98201, for the sum of \$181.50 for space in the grange building from August 10-13, 1989.
- B. The Board approved for signature the following Petitions for Property Tax Refunds:
- a) Barbara M. Horen, 3131 Marlee, Burlington, WA 98233, in the amount of \$189.63, due to the sale of property to a tax exempt party. (008089)
 - b) Grace Barrett, et al, 2514 Oakes Ave., Anacortes, WA 98221, in the amount of \$41.65, due to a manifest error. (009189)
 - c) Lawrence Hansen, 887 Ershig Road, Bow, WA 98232, in the amount of \$1,665.00, due to application of property to the Open Space timber program. (009289)
 - d) Laverne W. Kahn, P.O. Box 36, Bow, WA 98232, in the amount of \$27.26, due to a double assessment. (007789)
 - e) William D. Keeton, 902 South 12th, Mount Vernon, WA 98273, in the amount of \$282.42, due to a senior citizen exemption. (008289)
 - f) O.C. Gill, 1730 Golden View, LaConner, WA 98257, in the amount of \$1,098.23, due to a senior citizen exemption. (007689)
- C. Commissioner Vaux motioned to adopt the Records of the Proceedings from Monday, August 14, 1989, Tuesday, August 15, 1989, and Wednesday, August 16, 1989, as submitted. Commissioner Wylie seconded the motion. The motion carried and was so ordered.
- D. Commissioner Vaux motion to adopt a resolution establishing an Auditor's Operation and Maintenance Fund #112, in accordance with R.C.W. Chapter 204, Laws of 1989, for collection of a surcharge charged for each instrument recorded by the County Auditor, and to be used for maintenance of equipment and systems improvement for recording, copying, preserving and indexing of documents. Commissioner Wylie seconded the motion. The motion carried and was so ordered. (Resolution #12182)

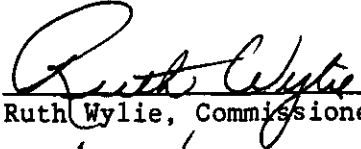
ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion. The motion carried and was so ordered.


BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Dave Rohrer, Chairman



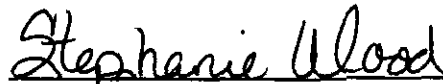
Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners