

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, September 26, 1989

10:00 a.m. Public Hearing: Skagit County Comprehensive Recycling Plan.

MISCELLANEOUS ITEMS.

11:00 a.m. Discussion: Brookings Road Extension.

1:30 p.m. Public Hearing: Application of Dorothy L. Tenderholt for Special Use Permit to Allow Operation of Chiropractic Clinic in a Residential Zone (at site - 2174 Old Day Creek Road, Clear Lake).

The Skagit County Board of Commissioners met on Tuesday, September 26, 1989, in regular session, with Commissioners Dave Rohrer, Ruth Wylie, and W. W. Vaux present.

PUBLIC HEARING: SKAGIT COUNTY COMPREHENSIVE RECYCLING PLAN.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on August 29, September 5, 12, and 19, 1989.

Mark Spahr, Public Works Director, opened the discussion by introducing himself and Bill Ness, Environmental/Solid Waste Engineer. He prefaced his remarks by stating that a preliminary draft of the Comprehensive Recycling Plan had been previously submitted to the Department of Ecology, which resulted in a response on September 21, 1989, commending Skagit County for its fine efforts, and stating that only minor changes will be necessary to finalize the plans.

Mr. Spahr stated that, following the public hearing, the Public Works Department will be receiving comments, meeting with the cities and submitting all findings and comments, as well as D.O.E. comments, to the Board for approval of the Plan.

Mr. Spahr stated that the plan consists of a two-phase program. The first phase incorporates the following steps:

- Hiring a full time recycling coordinator. (The County has already advertised for this position and is at present screening applications)
- Implementing a source reduction program, whereby waste products are eliminated before they become wastes.
- Establishing rural drop off points for recyclables.
- Working with incorporated cities to develop recycling and reduce the waste stream.
- Working with commercial waste collectors to audit the waste stream with an aim toward reduction.

Mr. Spahr related that the second phase would incorporate the following steps.

- Implementing yard waste collection and a composting program.
- Implementing commercial recycling ventures.

- Implementing curbside collection.
- Implementing recycling programs at larger apartment complexes.

Mr. Spahr identified four recycling zones consisting of the four largest cities, in which to target efforts to implement curbside recycling. Smaller cities would be serviced by drop off areas.

Mr. Spahr reviewed the tasks of the recycling consultant as follows:

- Work with community groups, schools and civic organizations on recycling programs.
- Work with cities and towns on recycling programs.

(Mr. Spahr mentioned that Skagit County has entered into an agreement with Whatcom and Island Counties for funding to employ an educator for promoting recycling in schools)

- Communicate with other County staff regarding the feasibility of recycling market generation.
- Provide technical assistance for cities and towns.
- Perform program evaluation and data collection.
- Initiate an outreach program to the private sector, to include industries, private recyclers and private haulers.
- Coordinate an in-house recycling program.
- Work on source reduction.
- Plan and implement objectives of Phase II.

Finally, Mr. Spahr reminded the audience of the Hazardous Waste Collection day to be held at the Resource Recovery Facility on October 21, 1989, starting at 8:30 a.m.

Mr. Ness then briefly reviewed the process for development of the Plan. He discussed the creation of the Solid Waste Advisory Committee and its recommendations. He mentioned the hiring of Resource Research Consultants for compiling of the Plan.

Mr. Ness then reviewed questions which he felt may be of interest to the audience. He stated that single family and multiple family residences have been targeted for recycling, and that those within the four zones identified could be offered curbside recycling. He stated that, to start, newspapers, glass, metal and aluminum will be accepted. Pick up would occur weekly or bi-weekly and most probably would occur on the same day as regular garbage pick up. He referred the audience to Chapter 5 of the Plan, where other commonly asked questions are answered.

Bob Green of Mount Vernon asked why no plastics would be accepted during the first stage of recycling efforts. He pointed out that plastics are a major contributor to dioxin emissions from the Resource Recovery Facility.

Mr. Ness agreed that plastics are second only to aluminum in recycling value by weight; however, Chapter 2, page 13 of the Plan addresses the difficulty in recycling plastics due to the variation in resins. He stated that most recycling is concentrated on pop bottles and milk jugs, but that the low

density and light weight of the material makes it difficult to transport, unless it is baled using a special machine such as that used by Skagit River Steel.

Mr. Green maintained that plastics should be made a priority, and that they could be pulverized for transportation.

Mr. Spahr related that recycling of plastics has been addressed in the Plan and will be considered under Phase 2.

Bekky Love asked why Phase 2 is not made a top priority in the recycling program, to which Mr. Spahr replied that he did not mean to imply that recycling of plastics was of lesser importance, but that their recycling at curbside will not be offered initially, although investigation of the possibility of later implementation can begin in the first phase. Ms. Love reiterated her wish that plastics be made a top priority.

Commissioner Vaux pointed out that, while the Sprenkle Bill mandates that we put a recycling program into effect, it gives us no control over the waste stream, and only allows counties the ability to request compliance from cities and private haulers regarding recycling and waste reduction programs, with no enforcement abilities. He asked how we can be expected to implement a recycling program within the cities without any such enforcement control.

Mr. Ness replied that the Plan advocates control by communication and support services for the cities. He pointed out that the Sprenkle Bill mandates that a Recycling Plan be submitted in 1992, with implementation occurring within one year after, which puts Skagit County ahead of the times with their recycling efforts.

Terry Knudsen of Rural Sanitation pointed out that being "ahead of the ballgame" could have the ill effects of being ahead of the recycling industry.

Mr. Spahr stated that if the public wants recycling, it will be done. If, however, the public is apathetic toward recycling, it cannot succeed.

Commissioner Vaux summarized that the cities are most likely wondering how to implement recycling programs without spending more than they now do to haul all wastes to dumping sites. Mr. Knudsen felt that there will be no problem implementing recycling if it is wanted, it will just depend on whether the public is willing to pay for it. Mr. Ness related that the cost of rural drop boxes has been estimated to be approximately 24 cents per household per month, while curbside recycling will raise rates by \$1.07 per household per month.

Don Bockelman of Day Creek asked what percentage of the solid waste budget is being allotted for recycling. Mr. Spahr estimated the total at about \$75,000 to \$100,000, or approximately 3%. Mr. Bockelman stated that this figure is completely inadequate and typifies the attitude of the County toward recycling. He stated that the amount allotted is a ridiculously low figure. Regarding the Plan, Mr. Bockelman stated that it does not address all solid waste, and that composting should include sewage. He mentioned his distress at Mayor Reep's quote in the Skagit Valley Herald regarding importing of garbage to pay for the debt service for the incinerator.

Commissioner Vaux asked Mr. Bockelman how he, as a Skagit County Commissioner, would force the cities to enter into a regional sewage treatment system. Mr. Bockelman replied that he would identify the costs and communicate with the cities to build a regional composting facility. Commissioner Vaux reminded him that one year ago the City of Anacortes refused to enter into a regional agreement, and opted to build their own sewage treatment plant, and are now considering their own sewage incinerator. Commissioner Vaux stated that he agrees with Mr. Bockelman's plan, however; there are insurmountable political problems barring development of such a facility.

Mr. Ness pointed out that it is impossible just to compost in a big pile, that it must be treated somehow, and that the cost is a deterrent to such a program.

Mr. Bockelman asked whether the market for ash is greater than the cost of building the Resource Recovery Facility. He suggested that regional storage centers be constructed to store recyclables until such time as a market exists for them. He continued to refer to developing "sustainable steps", stating that the Plan does not deal with solid waste on a permanent level.

Commissioner Wylie stated that an attitude must be developed that it is not those in charge who create the solid waste and sludge, but the citizens, who need to help take charge of the problem, too. She stated that if there is no market for collected recyclables, they must go to the incinerator anyway.

Commissioner Vaux voiced his concern over the fact that no mayors were present at the public hearing.

Commissioner Wylie and Chairman Rohrer answered questions from an audience member who wished to know when styrofoam would be barred from the County and about the recycling program in Sedro Woolley. Chairman Rohrer stated that composting is being done in Sedro Woolley, but that recycling, which is being done at the County's shop, has left a mess. Commissioner Wylie noted that the authority to bar styrofoam or plastics from the County was taken away from the local jurisdictions by the State Legislature.

Commissioner Vaux pointed out that the County's recycling contractor has stated that the market for recyclables is not too bad, except for newspaper. Mr. Charlie Decker, the County's recycling contractor, agreed, and briefly discussed the recycling market.

Seeing no further public comment, Commissioner Wylie motioned to close the public hearing. Commissioner Vaux seconded the motion, which was unanimously approved.

MISCELLANEOUS ITEMS.

- A. In accordance with action previously taken, the Board approved for signature a resolution remanding the variance request #V-89-024 of Wilma Stanek to the Hearing Examiner for further consideration. (Resolution #12229)

- B. As of this date, September 26, 1989, the Board, by unanimous vote, did approve for signature Warrant #48041 in the amount of \$141,145.35 (C-42-89)

DISCUSSION: BROOKINGS ROAD EXTENSION.

Mark Spahr, Public Works Director, stated that Jeff Monsen, who has been following this issue, is unavailable to attend today's meeting. He asked that each side state their position for the interest of all present.

Tom Moser, representing the Proctors, stated that at the last meeting, he presented letters and testimony showing that the area in question on Brookings Road is a County road. He explained the issue of the wish of Mrs. Proctor for at least 60 feet of right-of-way for access to her property, and to ensure the possibility of a variance to develop other areas of her property. He stated that the McNabs have offered to deed only 50 feet to the County. He provided a letter of September 14, which explains a proposal to cul de sac the road, using 90 feet of right of way and additional land located entirely on Mrs. Proctor's property.

Gary Jones, representing the McNabs, stated that his clients have volunteered to deed 50 feet by 40 feet of land for the purpose of road establishment and access to the Proctor property. He stated that any dispute over the ownership of the roadway must be settled in court. Regarding Mr. Moser's proposal, it does require an additional amount of property the McNabs have not offered, and the Proctors should not have sold the property if they had wanted it for access. He refused Mr. Moser's proposal.

John Moffat, Chief Civil Deputy, reviewed the County's position. He stated that because the County is not the owner of record, a County road cannot be established. He stated that in order to establish a road, the County must acquire title in one of two ways; either the McNabs must deed the property to the County, or the County must file a quiet title action in Superior Court and be granted title to the roadway. If the County is deeded the property, it still must establish it as a County road according to the RCW's. If the property is acquired through quiet title, it is automatically designated a road. He stated that nothing can occur until the County owns the road.

Chairman Rohrer asked Mr. McNab if he was willing to deed the 90 feet of property. Mr. McNab answered negatively.

In answer to Commissioner Wylie's inquiry, Mr. Moser stated that the issue came about when Mr. McNab contacted the County and was informed, after a search of old records, that the road property belonged to him. He then informed the Proctors that he had the right to gate the roadway. At this time Mrs. Proctor requested the action by the County.

Answering Commissioner Vaux's question, Mr. Moffat stated that if the Superior Court finds in favor of the McNab's, the County may still condemn the property and acquire it in that manner. However, if the Court finds in favor of the County, the excess roadway that the County will not utilize must be surplus and disposed of in that manner.

Chairman Rohrer then stated that if the McNabs would not deed the property he would make a motion that the County go to court. Mr. Jones replied that the County would not get as much right-of-way through the courts as is being offered in deed from the McNabs. Mr. Spahr concurred that the McNabs are offering a 40 foot width, while a quiet title action could only allow the actual road, which is approximately 20 feet wide.

Commissioner Vaux then suggested he would like to see both sides take another 30 days to settle the matter privately, and if no agreement is reached, to place the discussion on the calendar again at the end of 30 days. Chairman Rohrer and Commissioner Wylie concurred, and offered the services of County surveyors, should they be required by either party.

MISCELLANEOUS ITEMS.

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

- A. Commissioner Vaux motioned to adopt the resolution presented by the Budget/Finance Director, transferring monies from the Cumulative Reserve Fund #190 to the G.O. Bond Fund #206 in an amount sufficient to pay outstanding principal and interest on the called bonds. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #12230)

PUBLIC HEARING: APPLICATION OF DOROTHY L. TENDERHOLT FOR SPECIAL USE PERMIT TO ALLOW OPERATION OF CHIROPRACTIC CLINIC IN A RESIDENTIAL ZONE (AT SITE - 2174 OLD DAY CREEK ROAD, CLEAR LAKE.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on September 12 and 19, 1989. The hearing was opened in the Commissioners' conference chambers first, and reconvened to the site of the proposed clinic, 2174 Old Day Creek Road, Clear Lake.

Grace Roeder, Associate Planner, briefly reviewed the course of events leading up to the hearing.

Dr. Tenderholt stated that her request for a special use permit to allow operation of her chiropractic clinic in a residential zone located at 2174 Old Day Creek Road was denied based on certain items. Those items include questions of adequate parking, increased traffic and noise, and radiographic chemical disposal. She stated that she has marked off areas in the southwest corner and west side of the property which she plans to use for parking. She stated that the two to four cars per hour of traffic she will be generating will not impact the traffic or noise, and that x-ray chemicals will be disposed of by the supplier, but will not be used at first.

Natalie Boetcher, 1220 Highway 9, and Kristen Boyes, Mountain Lane, pointed out the possibility of Dr. Tenderholt's permit setting a precedent for the area, mentioning that a trailer court may be built on a piece of land nearby.

Shorty Oldfield agreed with Ms. Boetcher and Boyes, and voiced concerns regarding the changing of zoning in residential areas.

Kathy Johnson of Old Day Creek Road did not want a business in her neighborhood, and was concerned that her children would not have the freedom to play in a neighborhood containing a business.

Bonner Mitchell, 2173 Old Day Creek Road, objected to the increased traffic on roads where children walk to and from school. He also objected to a business in a residential neighborhood, and discussed the problems of access to the clinic.

Joan Downing, 2164 North Woodland, Oak Harbor, stated that people coming to a chiropractic clinic would be no worse than teenagers living in a neighborhood.

John Boyes of Mountain View Road pointed out that people moved to the neighborhood with the expectation of it remaining a residential area. He pointed out that commercial space is available in downtown Clear Lake.

Michael Lenarz, a chiropractor from Sedro Woolley, stated that he lives two blocks from a lumber mill, which is not an impediment to his neighborhood. He stated that there will be no boisterous activity from the clinic, and that the face of the neighborhood will not change. He stated that exceptions are often made for small professional offices in residential areas.

Kathy Johnson questioned Ms. Roeder regarding parking. Ms. Roeder stated that the Public Works Department denied parallel parking on Mill Street and that a new parking area has been suggested, however, a recommendation from the Public Works Department regarding the new parking plan has not yet been received.

Commissioner Vaux explained permit compliance actions in the event that the parking plan is not adhered to.

Dan Taylor of Clear Lake asserted that the people who used to own the property in question operated an antiques shop at the location. He presented a petition of signatures of citizens favoring Dr. Tenderholt's application to the Board. He presented a letter from Cliff Butler, Skagit County engineer, stating that traffic will not be impacted by the Clinic, which Chairman Rohrer read into the record. Mr. Taylor stated that on a recent survey it was found that 1,500 cars per day travel Old Day Creek Road. He maintained that 30 to 40 more cars per day would not cause a significant impact.

Ms. Boetcher and Ms. Tenderholt argued briefly regarding an alleged warning given to the Boetcher children regarding playing in the street.

Arnold Clibbey, a retired Public Accountant formerly located in Mount Vernon, stated that his business had been located in a residential area and, even during tax time, had no ill effects on the local traffic.

Kathy Wilson, next door neighbor, stated that she works in a home chiropractic clinic which, like Dr. Tenderholt's, was to start out small. She stated, however, that the business has picked up tremendously to the point where an additional employee is being hired. She stated that there is no guarantee this will not happen to Dr. Tenderholt, as it is the hope of most businesses, and that just the location of a business in a neighborhood devalues local property. She also questioned why Dr. Tenderholt went ahead with the purchase

of the property before all permits were obtained.

Dr. Tenderholt stated she would like to keep the house whether for office use or not.

Mr. Boyes questioned why commercial property was not purchased, and stated that Dr. Tenderholt's application is a deliberate attempt to circumvent the County's planning process, to which Mr. Taylor replied that the request was not for a rezone but for a special use permit.

Further testimony was received from Mr. Oldfield, Mrs. Downing, Mr. Boyes and Dr. Lenarz regarding the neighborhood's opposition to the permit and Dr. Tenderholt's rights to apply for the permit.

Shelly Schols asked Dr. Tenderholt if growth of her clinic would cause her to add a partner to practice. Dr. Tenderholt stated that she likes her independence, but that she could not guarantee that she would not, at some future date, add an associate.

Discussion was then held on the Board's decision making process and the appeal process. Finally, Dr. Tenderholt summarized her position and, seeing no further public comment, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion, which carried unanimously. Commissioner Vaux then motioned to continue the discussion to Monday, October 2, 1989, at 10:00 a.m. in the Commissioners' Hearing Room. Commissioner Wylie seconded the motion, which was unanimously approved.

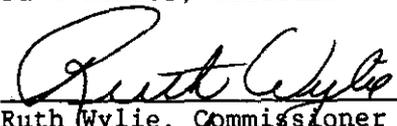
ADJOURNMENT

Commissioner Wylie 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



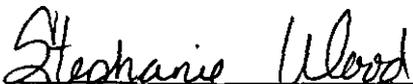
Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners