

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, December 18, 1989

10:00 a.m. Call for Public Hearing - Amendments to Skagit County Code Chapter 9.16 - Possession, Use of Intoxicating Liquor.

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

- 1) Resolution - Close Solid Waste Construction Fund #404.
- 2) Call for Public Hearing - Road Names Changes, Plat of Bow.
- 3) Recycling Update.
- 4) Status Report - Incinerator
- 5) Resolution - Final Costs - Legg Road Construction.
- 6) Resolution - Final Costs - Guemes Island Ferry Dolphin Repair.
- 7) Miscellaneous.

MISCELLANEOUS ITEMS.

- 1:30 p.m.
- 1) Resolution - Establishing 1990 County Elected Officials' Salaries.
 - 2) Resolution - Establishing Skagit County Risk Management Program.
 - 3) Parks and Recreation School Use Agreements.
 - 4) Summit Timber Property Title Report.
 - 5) Miscellaneous.

MISCELLANEOUS ITEMS.

2:00 p.m. Public Hearing - Permit Fee Modifications - Department of Planning and Community Development.

3:00 p.m. Executive Session - Personnel.

The Skagit County Board of Commissioners met on Monday, December 18, 1989, in regular session, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

CALL FOR PUBLIC HEARING - AMENDMENTS TO SKAGIT COUNTY CODE CHAPTER 9.16 - POSSESSION, USE OF INTOXICATING LIQUOR.

In accordance with a request made by the Sheriff's and Prosecutor's Offices, Commissioner Vaux motioned to call for a public hearing on January 2, 1990 at 11:00 a.m., to receive public testimony on changes to chapter 9.16 of the Skagit County Code relating to Possession, Use of Intoxicating Liquor. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #12323)

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

- 1) Resolution - Close Solid Waste Construction Fund #404.

This item was deferred to another time due to the inavailability of necessary

forms.

2) Call for Public Hearing - Road Name Changes, Plat of Bow.

Mr. Spahr reported that there has been some confusion regarding names of roads in the Plat of Bow. He demonstrated discrepancies in road names on a map of Bow, indicating that Ocean Drive, Bow Street or Bow Hill Road and Davison Street boundaries are in dispute. Mr. Spahr stated that the Public Works Department is proposing to officially rename Ocean Drive to Bow Street, and to define the boundaries of Davison Street, renaming portions Inez Drive. He stated that in addition to publication of the notice of public hearing, notices will be mailed to property owners on each street.

Commissioner Wylie motioned to adopt the resolution calling for a public hearing on January 8, 1990, at 10:30 a.m., to consider changing the road name of Ocean Drive to Bow Street, and of Davison Street to Inez Street. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12326)

3) Recycling Update.

Rebecca Voerman, Recycling Coordinator, explained that C&D Salvage has made a proposal for institution of recycling incentives for 1990. She stated that C&D Salvage has offered to pay the public for aluminum cans presented at the Incinerator transfer site. She stated that additionally, C&D Salvage will pay an additional \$.03 more per pound for aluminum cans if they are accompanied by another acceptable recyclable item. Ms. Voerman stated that she has contacted the County's legal representative for matters involving the incinerator, and he has approved of the plan.

Mr. Decker of C&D Salvage stated that the regular rate for aluminum cans is \$.34 per pound, which will be the rate offered at the incinerator. If other recyclables are presented in an acceptable manner, \$.37 per pound will be paid for aluminum.

The Board gave their support to this proposal, and directed Ms. Voerman to proceed with plans for institution of the incentives.

Ms. Voerman further proposed that Skagit County offer a small scale Christmas tree chipping day at the Inman Landfill following the Christmas holidays. Mulch obtained from the Christmas trees would be offered to the public, and used at the incinerator for landscaping.

The Board also approved of this proposal.

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

4) Status Report - Incinerator.

Mr. Spahr indicated that there have been ongoing litigations involving Skagit County and the contractor and operator of the Resource Recovery Facility regarding the 20 year contract for operation of the incinerator and

construction claims. He stated that at this time, both parties are close to reaching a settlement. Mr. Spahr stated that a complete package containing the terms of the settlement will be available for release after January 1, 1990, following a meeting with Wright Schuchart Harbor on December 22, 1989, to work out final details.

5) Resolution - Final Costs - Legg Road Construction.

The Board approved for signature the Final Cost Record for installation of cantilevered lights and gates at the south railroad crossing on Legg Road. The total of all costs was \$44,187.00.

6) Resolution - Final Costs - Guemes Island Ferry Dolphin Repair.

Commissioner Vaux motioned to adopt the resolution authorizing revision #3 for final costs of the Guemes Island Road C.R.P. #1841-1, which involved repair of the pile dolphins at the Anacortes and Guemes Island Ferry Terminals. Total cost for the construction was \$71,582.00. Commissioner Wylie seconded the motion, which carried and was so ordered. (Resolution #12327)

7) Miscellaneous.

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

MISCELLANEOUS ITEMS.

- A. The Board approved for signature the Petition for Property Tax Refund of Horen's Drug Store, 1223 Patricia Lane, Burlington, WA 98233, in the amount of \$34.18, due to a manifest error. ((014689))
- B. In accordance with action previously taken, the Board approved for signature a resolution calling for a public hearing on January 10, 1990, at 10:00 a.m., to receive public testimony on a request for expansion of an existing contractual rezone of Food Services, Inc. (Resolution #12324)
- C. Commissioner Vaux motioned to call for a public hearing on December 27, 1989, at 10:00 a.m., to receive public testimony and consider supplemental budgets of \$4,000 for the County Fair Fund #106, \$6,900 for the Elections Fund #113, and \$200,000 for the Medic I Services Fund #123. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #12325)
- D. Don Bockelman, a Day Creek citizen, asked to know the status of a proposed ordinance banning importation of solid waste requested by the "Don't Dump on Skagit" citizen's group.

Commissioner Vaux stated that the ordinance is in its final draft, and motioned to call for a public hearing on Wednesday, January 17, 1990, at 7:30 p.m., in hearing rooms B and C of the Skagit County Administration Building. Commissioner Wylie seconded the motion, which carried and was so ordered.

- E. Mr. Bockelman stated that during the Board's regular session last week, the Board had declined to review ozone depleting substances that may be being emitted from the Skagit County incinerator, as requested by Mr. Bockelman, on the basis that Skagit County is in compliance with all regulations regarding emissions testing. Mr. Bockelman pointed out that, although the Board may be in compliance, it still found fit to allocate \$700,000 for an environmental study of the effects of the incinerator on the area. He urged the Board to reconsider his request. Mr. Bockelman restated his request, asking that the Board request that the Department of Ecology (DOE) and the Environmental Protection Agency (EPA) join with Skagit County to establish methods and technologies for measuring ozone depleting substances.

Commissioner Wylie pointed out that since there are no standards for emissions, Skagit County would have nothing by which to measure the performance of CFC producing equipment, even if methods and technologies were established.

Mr. Bockelman insisted that the discussion should start in Skagit County, and could be used by others after the technologies are developed.

Commissioner Wylie pointed out that we do not burn refrigeration or air conditioning units at the incinerator, which the Northwest Air Pollution Authority (NWAPA) has identified as causing the most harm to the ozone, and the remainder of the refuse burned is broken down by the 1800 degree heat, and produces no ozone depleting emissions.

Mr. Bockelman disputed the notion of the breakdown of the refuse by the intense heat and gave arguments opposing this idea.

Commissioner Wylie pointed out that the development of technologies for measuring gas emissions is beyond the scope of Skagit County's abilities.

Commissioner Vaux maintained that Skagit County performs all tests that are required at the incinerator. He stated that he is not prepared to direct Skagit County to do what Mr. Bockelman is asking, but is prepared to conduct further investigation into the subject with the DOE and EPA on an informational basis at this time. Commissioner Wylie concurred with this idea.

Mr. Bockelman offered to provide the Board with a packet of information after the first of the year regarding ozone depleting emissions.

Mr. Spahr and Ms. Voerman both indicated that, having already spoken to experts from the DOE, the opinion held by that organization is that all ozone harmful substances are incinerated in the 1800 degree heat produced by the incinerator.

- F. Commissioner Vaux motioned to adopt the Records of the Proceedings from Monday, December 11, 1989; Tuesday, December 12, 1989, and Wednesday, December 13, 1989, as submitted. Commissioner Wylie seconded the motion, which carried and was so ordered.

- G. As of this date, December 18, 1989, the Board, by majority vote, did approve for signature the following warrants and vouchers:
- a) Warrant #20918 through #20928 (Voucher #890310 through #890310) in the amount of \$4,217.36 (P-15-89).
 - b) Warrant #78601 through #78663 (Voucher #78601 through #78663) in the amount of \$17,110.00 (PR-23-89).
- H. The Board approved for signature the official Notice of Grant Award for Grant #340-0593/10 for an Action grant of \$67,392.00 from the Federal Domestic Volunteer Agency for the Retired Senior Volunteer Program.
- I. The Board approved for signature Agreement #1 and #2 between Skagit County and Skagit Council on Aging for handicapped transportation and use of the UMTA bus from January 1, 1990, to December 31, 1990, for the sum of \$12,000.
- J. Commissioner Wylie motioned to call for a public hearing on January 9, 1990, at the hour of 10:00 a.m., to consider the establishment of a moratorium on residential building permits on Agriculturally zoned land within Skagit County. Commissioner Vaux seconded the motion, which carried and was so ordered.
- K. As of this date, December 18, 1989, the Board, by majority vote, did approve for signature Warrants #62358 through #62484 (Vouchers #62358 through #62484) in the amount of \$131,273.28 (R-33-89).

Chairman Rohrer was present for the following items:

RESOLUTION - ESTABLISHING 1990 COUNTY ELECTED OFFICIALS' SALARIES.

Commissioner Wylie motioned to adopt the resolution establishing the Skagit County elected officials annual salaries and benefits for the year 1990 as follows:

Assessor.....	\$42,816.00
Auditor.....	42,816.00
Clerk.....	39,553.00
Coroner.....	25,066.00
District Court Judges.....	N/A
Prosecuting Attorney.....	60,000.00
Sheriff.....	45,968.00
Superior Court Judges.....	N/A
Treasurer.....	42,816.00

Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #12328)

RESOLUTION - ESTABLISHING SKAGIT COUNTY RISK MANAGEMENT PROGRAM.

Robert W. Taylor, Administrative Officer, stated that a resolution (#10858) was adopted several years ago establishing a Risk Management Advisory

Committee. Mr. Taylor stated that the new Skagit County Risk Manager, after reviewing Skagit County's current risk management system, has now developed a proposed risk management program. Mr. Taylor presented a resolution outlining the parameters of the proposed program, and rescinding Resolution #10858 to modify the composition of the Risk Management Advisory Committee. Mr. Taylor stated that the current Risk Management Advisory Committee has recommended its adoption.

Commissioner Wylie motioned to adopt the resolution, as stated above. Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #12329)

PARKS AND RECREATION SCHOOL USE AGREEMENTS.

The Board approved for signature School Use Agreements with Burlington Edison Public Schools for:

- a) use of the Allen School Gym on December 16, 1989, from 9:30 a.m. to 12:30 p.m. for the Pink Cheeks Fun Run for a fee of \$18.00, and
- b) use of the Burlington Edison Gym and Field House on April 7, 1989, from 3:00 p.m. to 7:00 p.m., for a volleyball tournament for a fee of \$174.00.

SUMMIT TIMBER PROPERTY TITLE REPORT.

Mr. Aarstad reported that a title report has confirmed that no encumbrances exist on the 80 acres of property owned by the Summit Timber Company located west of the Howard Miller Steelhead Park that Skagit County has been considering for purchase. Mr. Aarstad reviewed the ownership of surrounding property with the Board using a map of the area. Mr. Aarstad stated that a Notice of Intent to purchase the property has been issued to Summit Timber Company, and that Summit Timber Company has indicated acceptance of the purchase price.

Commissioner Vaux motioned to approve the purchase of 80 acres of property owned by Summit Timber Company on the west side of Howard Miller Steelhead Park for the purpose of enlarging the park, at the purchase price of \$110,000. Commissioner Wylie seconded the motion, which passed unanimously.

MISCELLANEOUS ITEMS.

- A. The Board approved for signature a Professional Services Contract with Marty Lopez to officiate at youth and adult basketball games through December 31, 1989, at current Parks Department officials rates.
- B. The Board approved for signature a Jail Facility Use Agreement with the City of Sedro Woolley for detention of City of Sedro Woolley prisoners in the Skagit County Jail beginning January 1, 1990, at a rate of \$37.50 per detention day, and continuing until superceded.
- C. The Board approved for signature an amendment to the AIDSNET Agreements with the Region 3 AIDS Service Network, accepting an additional \$10,000 for subcontracting with Skagit Community Mental Health Center for a

special project entitled "AIDS Intervention Project Directed Toward High Risk Youth: A Peer Counseling Model".

PUBLIC HEARING - PERMIT FEE MODIFICATIONS - DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

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

Commissioner Vaux opened the discussion, stating that Brian McGinnis, Executive Director of Skagit-Island Builders Association (SICBA), was unable to attend the public hearing today, and as a courtesy to SICBA, Commissioner Vaux stated, he wished to reconvene the public hearing at a later date to allow Mr. McGinnis to attend, while still taking public testimony today.

Scott Kirkpatrick, Director - Department of Planning and Community Development, stated that the proposed fee schedule reflects an 80% fee increase over the current fees for building permits, and a 50% increase over the current fees for land use and septic fees. Mr. Kirkpatrick noted that, in addition to publication in The Skagit Argus, approximately 50 letters of notification were sent to individuals and business affected by the rate increases.

Mr. Kirkpatrick stated that, in an effort to provide better service, the Planning Department plans to add four new employees in 1990. Those employees would include a new building inspector, bringing the total to two, a new environmental health specialist, bringing the total to two, a permit center technician and a clerical position. Mr. Kirkpatrick stated that those positions are currently budgeted.

Mr. Kirkpatrick explained that the current fee schedule is based on fees recommended in the 1976 Uniform Building Codes (UBC), plus a 20% increase that was added in 1986. It is proposed that the 1988 UBC recommended fee schedule be adopted. Additionally, Mr. Kirkpatrick stated, land use and septic permits have not increased since 1982. Mr. Kirkpatrick also proposed that, following acceptance of the proposed fee schedule, a study at the end of 1990 would determine whether additional modifications should be made.

John Whitney, a local builder/contractor, stated that he is not opposed to increases in the building permits fees, but is opposed to an 80% increase. He stated that not only have the permit fees for builders increased, but builders are also being required to obtain engineering consultation on many projects. He felt a 30% to 40% increase would be acceptable.

Lorna Alstead, 1415 Avon Allen Road, Bow, also felt an 80% increase is excessive.

Dottie Piazza, 2222 Riverside Drive, Mount Vernon, President of SICBA, requested on behalf of the SICBA that the matter be tabled until SICBA can work with the County to develop a more acceptable fee schedule.

Lisa Neilson, Co-Chairman of Skagitonians to Preserve Our Farmlands, supported the fee increase, citing reasons of increased expansion in the building

industry in Skagit County as a result of increased population.

Jerry Erickson, 414 Snoqualmie, Mount Vernon, indicated that he felt that the services provided by the Planning Department now were satisfactory, and were not in need of improvement. He argued that the Planning Department should not be expected to pay for itself, but should be subsidized from the General Fund.

Commissioner Vaux countered that at one time there was a policy that the Planning Department would fund itself through fees; however, several years ago the General Fund did begin to subsidize the department's activities.

Mr. Kirkpatrick indicated that staff additions are at the discretion of the department head and Board of County Commissioners, and it is not appropriate for the building industry to approve the level of service offered. He gave examples to support his statement. Mr. Kirkpatrick stated that building permit revenues are used to pay for building related services; however, there has been a 25% increase in building permit requests in 1989, as well as a 14% increase in land use applications. Mr. Kirkpatrick noted that it is either necessary to add staff to meet the additional demands, or to curtail services.

Mr. Kirkpatrick indicated that permit fees have not kept pace with the demands placed on the Planning Department, and that adoption of the 1988 UBC fees will be only minimally adequate.

Mr. Erickson asked at what level the current fee schedule of 1976 plus 20% can be compared to the UBC schedules. Mr. Kirkpatrick responded that it compares approximately with the 1979 schedule. Mr. Kirkpatrick stated that the UBC schedule is based on surveys of departments administering building permits, and is calculated on what is required to support a building department in three major areas of the United States.

Commissioner Vaux produced a chart compiled by the Skagit County Auditor of the level of real estate transactions as compared to previous years.

Mr. Whitney reiterated that SICBA is not opposed to a rate increase, but is opposed to an increase of 80%. He stated that he has contracts through June of 1990 with prices locked in. Mr. Whitney noted that with the increases, he will have to ask his clients to absorb the costs.

Lorna Alstead also reiterated her opposition to the 80% increases, and gave arguments about the Board's "pricing people out".

Chuck Smith felt that the Planning Department was long overdue for staff additions, and supported the fee increases.

Morris Neilsen, excavating contractor, requested postponement of the decision on the proposed fee schedule and a continuation of the public hearing to allow time for those affected by the increases to meet with Planning Department officials who could substantiate the increases.

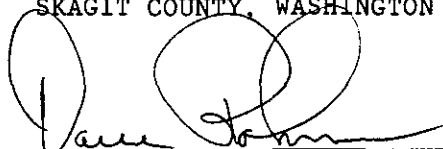
Commissioner Wylie supported a continuance of the public hearing, asking that calculations presented during the budgeting process for the Planning Department be provided.

Commissioner Vaux motioned to continue the public hearing to Wednesday, December 27, 1989, at 9:00 a.m. Commissioner Wylie seconded the motion, which passed unanimously.

ADJOURNMENT

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

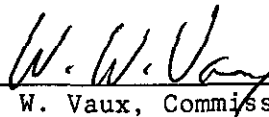
BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Dave Rohrer, Chairman



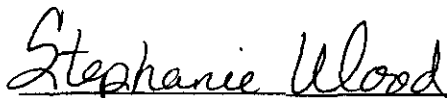
Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners