

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, January 8, 1990

9:00 a.m. Board of Health:

- 1) Raymond Wibbens Appeal of Solid Waste Violation of 12/06/89.
- 2) Introduction of Kimberly Kenner, Environmental Health Field Trainee.
- 3) 1990-1991 Solid Waste Enforcement Grant.

MISCELLANEOUS ITEMS.

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

- 1) Public Hearing - Renaming Streets in Plat of Bow.
- 2) Notice of Intent - Purchase of New Blue Print Machine.
- 3) Resolution - Removal of Equipment from Public Works Department Property Ledger.
- 4) Resolution - Removal of Facility Improvements from Public Works Department Property Ledger.
- 5) Resolution - Call for Bids - Purchase of Passenger Vehicles.
- 6) Call for Public Hearing - Establishment of Packard Lane as a County Road.
- 7) Signature - Final Cost Estimate - Beaver Marsh Road.
- 8) Resolution - Establish C.R.P. - Colony Road #2400-3.
- 9) Resolution - Establish C.R.P. - North Legg Road #2083-2.
- 10) Resolution - Establish C.R.P. - Garden of Eden Road #6344-1.
- 11) Resolution - Establish C.R.P. - Blanchard Road #2241-1.
- 12) Resolution - Establish C.R.P. - South Texas Road #1720-2.
- 13) Resolution - Establish C.R.P. - Francis Road #7900-2.
- 14) Miscellaneous.

1:30 p.m. Proclamation - Newspaper in Education Week - March 5-9, 1990.

MISCELLANEOUS ITEMS.

3:00 p.m. "Skagitonians To Preserve Our Farmlands" Appeal of Hearing Examiner's Decision Regarding Special Use Permit Request #SP89-034 of Skagit Farmers Supply.

The Skagit County Board of Commissioners met in regular session on Monday, January 8, 1990, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

BOARD OF HEALTH:

- 1) Raymond Wibbens Appeal of Solid Waste Violation of 12/06/89.

John Thayer, Environmental Health Supervisor, reported that the Health Department has received a number of complaints of illegal dumping of sheetrock at an unlicensed dump in the Alger area. The Health Department was able to

identify a site north of Thousand Trails in Alger where sheetrock was being dumped illegally, and Judith Meadows, Environmental Health Specialist, visited the dump site in October. A Notice of Solid Waste Violation was subsequently sent on 12/06/89 to Raymond Wibbens, the property owner and owner of a business on the site called S&D Roofing and Building. The notice demanded immediate cessation of dumping activities and speedy clean-up of the site. Although a monetary civil penalty could have been assessed, it was not.

As a result of the Notice, an exchange of letters occurred between an attorney retained by Mr. Wibbens, Michael Lewis, and the County's Chief Civil Deputy John Moffat. An appeal of the solid waste violation was then received from Mr. Wibbens via his attorney.

Mr. Thayer stated that he telephoned Mr. Lewis on January 5, 1990, and Mr. Lewis agreed to meet with Mr. Thayer and Mr. Moffat to further discuss the case.

2) Introduction of Kimberly Kenner, Environmental Health Field Trainee.

John Thayer, Environmental Health Supervisor, introduced Kimberly Kenner, a University of Washington student intern, who will work with the Environmental Health section of the Health Department this semester as part of her studies as an environmental health major.

3) 1990-1991 Solid Waste Enforcement Grant.

Mr. Thayer reported that the Washington State Department of Ecology will be continuing their assistance to Skagit County's Solid Waste Enforcement programs. He stated that with past funds, Skagit County was able to hire Judith Meadows in November of 1988 to work on illegal dumping problems and compile a list of abandoned dumps. Other funding was used to purchase seven ground water monitoring wells for Skagit County landfills.

Between January 1, 1990, and December 31, 1991, Skagit County is eligible to receive \$25,000 from D.O.E. per year for a total of \$50,000. This money will fund projects pertaining to illegal dumping, abandoned dumps and groundwater monitoring of landfills.

Mr. Thayer stated that the D.O.E. grant requires the Board's signature, and will be submitted at a later date.

MISCELLANEOUS ITEMS.

A. As of this date, January 8, 1990, the Board, by unanimous vote, did approve for signature the following warrants and vouchers:

- 1) Warrant #62569 (Voucher #62569) in the amount of \$91,234.35 (R-2-90).
- 2) Manual Warrant #MW002-51313 in the amount of \$3,891.19 (C-3-90).

B. The Board approved for signature the following Petitions for Property Tax Refunds:

- 1) Charles H. Hampel, 1876 Lafayette Road, Burlington, WA 98233, in the amount of \$1,141.17, due to a senior citizen exemption (015889).
 - 2) Myrtle Nations, 119 Heffernan Street, Piscatanay, NJ 08854, in the amount of \$284.47, due to a senior citizen exemption (015489).
- C. Commissioner Rohrer motioned to adopt the Records of the Proceedings from Wednesday, December 27, 1989, and Tuesday, January 2, 1990, as submitted. Commissioner Vaux seconded the motion, which passed unanimously.
- D. Commissioner Vaux motioned to adopt the resolution certifying the following banks as depositaries for all public funds held:

Security Pacific
Fiscal Agency Department, Seattle First National Bank
Seattle First National Bank
State Bank of Concrete
Skagit State Bank
First Interstate Bank
Interwest Savings and Loan, Anacortes Branch
Washington Federal Savings and Loan
Valley Bank
Horizon Mutual Savings and Loan
Washington Mutual Savings Bank
Metropolitan Federal Savings and Loan
Olympic Savings and Loan
Puget Sound Savings Bank
Puget Sound National Bank
The Benjamin Franklin Federal Savings and Loan Association
U. S. Bancorp

Commissioner Rohrer seconded the motion, which passed unanimously.
(Resolution #12346)

- E. The Board approved for signature a Memorandum of Agreement between the Washington State University Cooperative Extension and Skagit County for provision of educational programs to Skagit County citizens in agriculture, natural resources, family living, community resource development and 4-H/Youth. The agreement period is from January 1, 1990, through December 31, 1990, and provides for one county extension agent and three jointly funded agents.

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

- 1) **Public Hearing - Renaming Streets in Plat of Bow.**

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on December 26, 1989, and January 2, 1990.

Mr. Spahr noted that the notice had also been provided individually to all property owners affected.

Mr. Spahr located the area in Bow on a vicinity map. He noted confusion with

the street names of Davison, Inez and Bow Streets, and recommended that Ocean Drive's name be changed to Bow Street (as house addresses already indicate), and that Inez Street be extended to include portions of a street presently named Davison Street, where address changes will have to occur.

Seeing no public comment, Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion, which passed unanimously.

Commissioner Vaux then motioned approval of the resolution making changes to street names in the Plat of Bow, as explained by Mr. Spahr and outlined in the resolution. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12347)

2) Notice of Intent - Purchase of New Blue Print Machine.

Mr. Spahr provided for the Board's information and in compliance with the County's purchasing policy, a copy of a Notice of Intent to purchase a new blue print machine for the Public Works Department's Riverview Office.

3) Resolution - Removal of Equipment from Public Works Department Property Ledger.

Mr. Spahr explained that, in order to clear the books of property and equipment no longer owned or operated by Skagit County, a resolution of the Board is requested.

Commissioner Vaux motioned to adopt the resolution directing that TIGER mower components (County equipment units numbered 696, 697, and 698) be removed from the property ledger of the Equipment Rental Fund, effective December 31, 1989. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12348)

4) Resolution - Removal of Facility Improvements from Public Works Department Property Ledger.

Mr. Spahr explained that, in order to clear the books of property and equipment no longer owned or operated by Skagit County, a resolution of the Board is requested.

Commissioner Vaux motioned to adopt the resolution directing that site improvements constructed at the Gibraltar Landfill in 1974, and listed in the County's Solid Waste Fund property ledger as projects 916001 and 935001, be removed from the property ledger of the Solid Waste Fund effective December 31, 1989. Commissioner Rohrer seconded the motion, which received unanimous approval. (Resolution #12349)

5) Resolution - Call for Bids - Purchase of Passenger Vehicles.

Mr. Spahr presented a resolution calling for bids for seven vehicles for various County Departments.

The Board discussed with Mr. Spahr the vehicle needs of individuals in various departments and finally Commissioner Vaux motioned for approval of a call for

bids for the following:

- Bid Item #1: 3 new 1990 small pickup trucks (Planning & Public Works)
- Bid Item #2: 2 new 1990 extended cab small pickup trucks (Public Works Traffic Safety and Engineering)
- Bid Item #3: 1 new 1990 full size four-wheel-drive Blazer/Bronco/Ramcharger type unit (Emergency Management)
- Bid Item #4: One new 1989 or 1990 compact 4-door sedan or small station wagon (Health Department)

Commissioner Rohrer seconded the motion, which was approved unanimously. (Resolution #12357)

6) Call for Public Hearing - Establishment of Packard Lane as a County Road.

Commissioner Vaux motioned to adopt the resolution calling for a public hearing on January 29, 1990, at 10:30 a.m., to consider the establishment of Packard Lane, a portion of a State turnback, as a County Road. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12350)

7) Signature - Final Cost Estimate - Beaver Marsh Road.

The Board approved for signature the Final Cost Record for C.R.P. #4461-2, Beaver Marsh Road, for a total of \$422,380.11. Commissioner Vaux noted that the project was estimated at \$480,993.00, and commended Dave Brookings for bringing the project in under budget, yet maintaining quality work.

8) Resolution - Establish C.R.P. - Colony Road #2400-3.

Commissioner Vaux motioned to adopt the resolution establishing a C.R.P. on Colony Road #2400-3, for installation of flashing light traffic control devices with gates and motion sensing devices on the Colony Road railroad crossing. A total of \$135,697 was appropriated for the project. Commissioner Rohrer seconded the motion, which received unanimous approval. (Resolution #12351)

9) Resolution - Establish C.R.P. - North Legg Road #2083-2.

Commissioner Vaux motioned to adopt the resolution establishing a C.R.P. on North Legg Road #2083-2, for installation of automatic flashing light traffic control devices with gates and motion sensing devices at the railroad crossing on North Legg Road. A total of \$92,910 was appropriated for the project. Commissioner Rohrer seconded the motion, which received unanimous approval. (Resolution #12352)

10) Resolution - Establish C.R.P. - Garden of Eden Road #6344-1.

Commissioner Vaux motioned to adopt the resolution establishing a C.R.P. on Garden of Eden Road #6344-1, and appropriating \$8,000 in funds for local engineering for installing automatic flashing light traffic control devices with gates and motion sensing devices on the Garden of Eden Road railroad crossing. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12353)

11) Resolution - Establish C.R.P. - Blanchard Road #2241-1.

This item was cancelled by the Public Works Department.

12) Resolution - Establish C.R.P. - South Texas Road #1720-2.

Commissioner Vaux motioned to adopt the resolution establishing a C.R.P. on South Texas Road #1720-2, and appropriating \$8,000 in funds for local engineering for installation of automatic flashing light traffic control devices with gates and motion sensing devices on the South Texas Road railroad crossing. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12354)

13) Resolution - Establish C.R.P. - Francis Road #7900-2.

Commissioner Vaux motioned to adopt the resolution establishing C.R.P. #7900-2 on Francis Road, where location engineering for realigning a portion of the existing curve to provide for a 35 mile per hour design speed curve will be performed from milepoint 2.41 to milepoint 2.57. Engineering funds of \$11,000 were appropriated for the C.R.P. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12355)

14) Miscellaneous.

- A. Commissioner Vaux motioned to adopt a resolution establishing C.R.P. #5000-2 on Prairie Road from milepoint 4.39 to milepoint 6.99, where preliminary engineering will be performed for preparation of plans and specifications for reconstructing 2.6 miles of roadway. Engineering funds of \$30,000 were appropriated for the project. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12356)
- B. The Board approved for signature an agreement between the State Department of Natural Resources and Skagit County in which D.N.R. agrees to pay up to \$5,000 to Skagit County for placement of survey controls at three sites in Skagit County in accordance with a State-wide survey improvement plan.
- C. Due to a previous commitment by the Board, Commissioner Vaux motioned to cancel the public hearing scheduled for January 17, 1990, to receive public testimony on adoption of an ordinance banning the importation of solid waste in Skagit County, and rescheduling the meeting for January 18, 1990, at 7:30 p.m. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12358)

PROCLAMATION - NEWSPAPER IN EDUCATION WEEK - MARCH 5-9, 1990.

Commissioner Vaux read the proclamation declaring Newspaper in Education Week and motioned to proclaim March 5 through 9, 1990, Newspaper in Education Week in Skagit County. A representative from the Skagit Valley Herald accepted the proclamation.

MISCELLANEOUS ITEMS.

- A. The Board approved for signature a Contract for Professional Services with Skagit County Council on Alcoholism, 1905 Continental Place, Mount Vernon, Washington 98273, for provision of 30 day substance abuse programs and 30 day follow up programs to juveniles incarcerated in the Skagit County juvenile detention facility, and programs two times per week to families, friends and the general public. The fee for the services is \$10.00 per hour, and the contract will run from January 5, 1990, to July 31, 1991.

"SKAGITONIANS TO PRESERVE OUR FARMLANDS" APPEAL OF HEARING EXAMINER'S DECISION REGARDING SPECIAL USE PERMIT REQUEST #SP-89-034 OF SKAGIT FARMERS SUPPLY.

Chairman Wylie opened the discussion. She stated that she has just learned that her relative gave testimony at the Hearing Examiner's public hearing, and that her husband's name appears on the petition of the Skagitonians. She therefore withdrew from the proceedings, abstaining from a vote, and left the room.

Dave Hough, Senior Planner, provided the Board with an assessor's map and photos of the subject property.

Mr. Hough stated that Skagit Farmers Supply has made a special use request to allow construction of a dry fertilizer plant and fertilizer warehouse with future plans for LP and Petroleum storage facilities on 6.5 acres of a 56 acre parcel north of Conway between Burlington Northern Railway and the Conway Road. The parcel is zoned Agriculture, and the Zoning Code currently provides for certain uses such as this to be considered as special uses. Mr. Hough stated that on December 5, 1989, the Hearing Examiner made a decision to approve the Special Use Permit, contrary to the recommendations of the Planning Department's Staff Report. A timely appeal was received from the Skagitonians on December 19, 1989.

The Board was provided with a copy of both the Staff Report and Hearing Examiner's Findings. Mr. Hough stated that the Board may exercise any of the following options:

- 1) To uphold the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

Mr. Hough reminded the Board that only information relative to that presented at the Hearing Examiner's public hearing is admissible during an appeal.

The manager of Cenex (Skagit Farmers Supply), then gave a statement. He noted that Skagit Farmers Supply is a cooperative, owned by farmers, and that the cooperative members have requested the change in location from their current site in Mount Vernon to a more convenient area. He stated that the bulk fertilizer mixing facility would not be moving. The manager felt his business was not a store or commercial venture, and that the use of the land by Skagit

Farmers Supply would save it from a more commercial venture. He noted that his business requires proximity to a railroad, as well as a central location, good traffic access, and surrounding space.

Paul Taylor, Skagitonians to Preserve Our Farmlands Board Member, made note of the following:

- Cenex is a valuable community asset.
- The increase in development in that area impacts the neighborhood via traffic, air and water hazards.
- The decision sets a dangerous precedent, and conflicts with the Comprehensive Plan for Skagit County, as well as allowing "leap-frog" development.
- If, following careful research, no other area in Skagit County is compatible with this type of development, then Cenex has met its burden of proof that the special use is needed; however, Cenex does own land on Highway 20.
- A good compromise would be to cluster this type of development.

Commissioner Vaux again instructed the audience on directing their comments toward points discussed in the Hearing Examiner's public hearing, and to the request of the Skagitonians for a separate public hearing by the Board of County Commissioners at which new testimony could be made.

Ken Johnson, a farmer, requested that the Board uphold the decision of the Hearing Examiner.

Judy Olson, a farmer from Conway, urged the Board to hold their own public hearing, stating that there is more information on the subject that was not heard by the Hearing Examiner. She stated that many were not aware of the public hearing and did not have a chance to attend. She noted that the Hearing Examiner's decision opposes the recommendations of the Planning Department and of the Soil Conservation Service.

Don Bockelman of Day Creek stated that he is aware of "direct illegal activity" in which the Hearing Examiner is involved relating to the "enforcement of the Comprehensive Plan". Mr. Bockelman stated he did not think the Hearing Examiner is capable of making this decision, and urged that the Board hold their own public hearing.

The Cenex manager noted that the property owned by Cenex on Highway 20 is zoned Agricultural.

Jim Koetje stated that he was hired by Skagit Farmers Supply to look at alternative locations for the business. He stated that no other alternatives could be located, either for lack of suitability or not being for sale.

Dave Hedlin stated that Skagit Farmers Supply is one of the most progressive companies in Skagit County. He advocated a public hearing.

Another audience member stated that he has concerns over the use of the term "ag related" to describe businesses indirectly related to agriculture, but felt there is a need to support these types of industries, and indicated his

belief that the Board could make a decision without a public hearing.

Judy Olson felt that it would be improper to argue the merits of the Farmers Supply's property on Highway 20 at this time, but felt that a public hearing is necessary so that the Board can learn about this property.

Commissioner Vaux again explained the procedure for a vote of the Board when only two commissioners are present. He stated that the Board, while recognizing the need to preserve the farmlands in Skagit County, also sees the need to support the farmers themselves. Commissioner Vaux noted that there has been very little investment in farm-related industry of late, and felt when the farmer can be supported, that support should be encouraged. Commissioner Vaux also noted that an expert in real estate has stated that no alternate site exists in Skagit County for the venture of Skagit Farmers Supply. Commissioner Vaux motioned to uphold the decision of the Hearing Examiner in this matter, along with all conditions set forth in his Findings of Fact and Entry of Order. Commissioner Rohrer seconded the motion, which carried and was so ordered.

ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Ruth Wylie

Ruth Wylie, Chairman

W. W. Vaux

W. W. Vaux, Commissioner

Dave Rohrer

Dave Rohrer, Commissioner

ATTEST:

Stephanie Wood

Stephanie Wood, Clerk
Skagit County Board of Commissioners