

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, February 5, 1990

9:00 a.m. Public Hearing - Food Services, Inc., Request to Expand Existing Contractual Rezone #R-79-017.
(At site of proposed request, 1587 McLean Road, Mount Vernon)

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

- 1) Public Hearing - Consideration of Establishment of One-Way Traffic on Entner Lane.
- 2) Discussion - Petition for Tree Removal.
- 3) Signature - No Protest Agreement - Plat of Cascade Ridge.
- 4) Call for Public Hearing - Farmhouse Inn Sewerline Franchise Application.
- 5) Resolution - Samish Farms Water Association Fire Protection System.
- 6) Status Report - Solid Waste.
- 7) Miscellaneous.

MISCELLANEOUS ITEMS.

2:30 p.m. Presentation - Possible Acquisition of McGlinn Island - Maggie Wilder.

MISCELLANEOUS ITEMS.

4:00 p.m. Discussion - Fire Protection for Resource Recovery Facility.

The Skagit County Board of Commissioners met in regular session on Monday, February 5, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

PUBLIC HEARING - FOOD SERVICES, INC., REQUEST TO EXPAND EXISTING CONTRACTUAL REZONE #R-79-017.

The public hearing convened at the site of a request to expand an existing contractual rezone at 1587 McLean Road in Mount Vernon, the location of Food Services, Inc., a food wholesaling business and restaurant supplier. The existing business consists of freezers, warehouse and truck shop on approximately three acres fronting on McLean Road. To the east of the business is a large plat of agricultural land. To the west of the business is a residential area with houses fronting on Sunset Lane, which turns to the north off McLean Road. To the north of the business is a plat of approximately 5 acres of land zoned agricultural, which gives way to more businesses fronting on Memorial Highway. The request is to expand to the north of the business for construction of a food storage building.

The Board viewed the site of the proposed expansion and then, because of inclement weather, adjourned the public hearing to the Commissioners' Hearing Room, 202A, in the County Administration Building.

The public hearing reconvened at 9:30 a.m.

Scott Kirkpatrick, Planning and Community Development Department Director, reviewed the letters received regarding the request:

- Marjorie Cleave, opposed
- Kenneth and Chris Smiley, in favor
- Eleanor Huseby, opposed

Jerry Murray, 1545 Sunset Lane, discussed water problems associated with the neighborhood. He stated that he experiences water under his house and standing in his yard during heavy rainfalls. A professional consultant indicated that for 100% control of the problem, he must build a drainage ditch and pump water onto Mr. Crawford's property. Mr. Murray felt more concrete being poured on the Crawford property would increase the water problems already being experienced on neighboring property.

Commissioner Vaux and various members of the audience discussed the drainage of the entire area. Commissioner Vaux suggested that eventually the water from the neighborhood finds its way into the holding pond at KBRC Radio Station on Memorial Highway.

Mr. Murray suggested that the pond level at KBRC has actually been lower of late.

Harvey Moyer, 1684 McLean Road, stated that the City of Mount Vernon has made drainage improvements to the West Mount Vernon area that may be responsible for the lower water level in the pond at KBRC.

Charles T. Sping of Sunset Lane stated that since the local dike district has made improvements near Sunset Lane, he has not had any water standing in his yard.

Don Nelson, Public Works Section Manager, Flood Control, stated that water in the KBRC pond perks right into the ground. He stated that there was a proposal approximately 15 years ago to perform drainage improvements in the Sunset Lane area, but it did not get enough public support for approval, therefore there is no drainage system on the west side of Mount Vernon. The City of Mount Vernon maintains storm sewers in the commerce area, as well as some drainage at Dunbar and Memorial and Sunset and Cottonwood to the west. Mr. Nelson stated that the Sunset Lane area is in Dike District #15, but is not in the Drainage District. He stated that most drainage districts make improvements using open drainage ditches, tending to stay away from underground sewers. The plan proposed 15 years ago included a number of open ditches, which may account for its being voted down.

Liz Murray, 1545 Sunset Lane, agreed that the plan was voted down because of the open drainage ditches. She discussed standing water on property, as well as delivery trucks using Sunset Lane, increased congestion from more truck traffic, the danger to school children from increased truck traffic, and the blocking of the view of seven residences by the proposed construction. She felt by granting the request, others such as Smiley's Trucking would follow suit and expand into the area. She pointed out how many times Food Services, Inc., has violated previous orders of the Hearing Examiner. Finally she noted recommendations by both the Planning Department and Planning Commission to

deny the request. Ms. Murray pointed out that when the first hearing was called, Commissioner Vaux indicated that alternative compromises would be sought. She suggested that a possible compromise would be expansion to the east, away from the residential district.

William Crawford, proponent in the matter, discussed further steps he has taken to muffle noise from his compressors. He stated that he has negotiated with his neighbor for extra property for water drainage. He discussed his current lease agreement, as it has been brought into question during the ongoing discussions, stating that he leases both his site and his building. Should he move to the Port of Skagit County, he could lease the land, but would have to construct his own building, which would belong to the Port should he decide to move. Regarding expansion to the east, Mr. Crawford stated that his truck shop is located on the east side of the business. It would have to be torn down or converted to link the new construction with the existing facility.

Mr. Murray suggested that a storage facility be established at a remote site.

Mr. Crawford noted that this would cause even more truck traffic in transferring items from the remote site to the parent facility.

Mr. Moyer pointed out, as before, that Mr. Crawford's selling of paper products from his present location is in violation of his contract rezoning agreement.

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

Commissioner Vaux then gave a statement. He noted the negative recommendations from the Planning Department and Planning Commission. He stated that he believes Food Services, Inc., if they continue to develop at their present rate, will expand to a second facility in the near future. He stated that he feels it is time for the business to expand to the east of the facility, where there would not be as much impact on the residential area on Sunset Lane. Commissioner Vaux also felt drainage needed to be addressed with Mr. Nelson of the Public Works Department. Mr. Vaux stated that he is willing to discuss an expansion to the east, but at this time would feel that expansion to the north should be denied.

Commissioner Rohrer agreed.

Mr. Kirkpatrick explained that if the Board opted to deny Mr. Crawford's request and to uphold the decision of the Planning Commission, and Mr. Crawford wished to pursue expansion to the east, he would be required to go through the same process again for a modification of his contractual rezoning.

Chairman Wylie stated that the Board has previously allowed the business to expand, and would like to continue to support its success, but agreed that a solution to the east would better serve the neighborhood.

Commissioner Vaux then made the following motion:

- 1) To uphold the recommendation of the Planning Commission for denial.
- 2) To encourage the applicant to negotiate an option to the east.
- 3) To waive fees for a new application are waived in an attempt to mitigate a solution to the matter.

Commissioner Rohrer seconded the motion and the motion carried unanimously.

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

1) Public Hearing - Consideration of Establishment of One-Way Traffic on Entner Lane.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on January 23 and 30, 1990.

Mr. Spahr located Entner Lane off of Gibraltar Road between Gibraltar and Jura Way on a vicinity map. He stated that Entner Lane is a 10 foot wide asphalt strip with no shoulders that the County took over some years ago. Site distance concerns at the intersection of Gibraltar and Entner and width of the road have prompted the Public Works to respond to the concerns expressed by the residents of Entner Lane by recommending that the road be established as one-way.

Ed Hawes, Traffic Safety Engineer, explained that ingress to Entner Lane would be from Gibraltar to Entner and egress would be from Entner to Jura Way.

Mr. Spahr stated that neighborhood comments have dealt with driveway orientation and movement of mailboxes. County forces would be available to make improvements to accommodate these requests.

Cole Cummings, 1483 Entner Lane, was in favor of the establishment. He requested that the County ease the corner at his driveway, stating that other residents were also in favor of this request.

A Mr. Keating and Jim Sheldrup wished to have the brush and trees screening their homes from Gibraltar Road left intact, since the need for removal to increase site distance at Entner and Gibraltar would be alleviated with the advent of one-way traffic.

Mr. Hawes stated that he still would recommend some brush removal, but could ask the Road Crew to contact the property owners first to ensure that enough screen is left standing to create privacy for the residences.

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

Commissioner Rohrer then motioned to establish one-way traffic on Entner Lane, as described by Mr. Spahr and Mr. Hawes. Commissioner Vaux seconded the motion, which passed unanimously.

2) Discussion - Petition for Tree Removal.

Mr. Spahr noted that following recent issues that have arisen for the Public Works Department regarding removal of trees from County right-of-way by the public, the Public Works Department has deemed it appropriate to develop a written policy for handling requests for removal of trees. Recently a request was received for the removal of eight trees from a lot in Fidalgo City. Mr. Spahr proposed to handle this request and all subsequent requests as follows:

- If Public Works establishes that the tree or trees in question are danger tree(s), capable of causing damage if they remain standing, the County crew will remove the tree(s) at no cost to the applicant.
- If Public Works establishes that the tree or trees in question are not danger tree(s), a \$50.00 permit fee will be charged to the applicant, the applicant will be required to obtain the written consent of his neighboring property owners to remove the tree(s), and the Board must approve the removal of the tree(s) by the County crew.

The present petition for tree removal involves the petition by Gary VanLuben for the removal of eight trees from Lot 3 of the Plat of Fidalgo City to facilitate utilities access.

The Board discussed what would be done with the trees that are cut. No conclusion was reached on this matter.

The Board expressed some reservation over the present petition, and requested that Mr. Spahr obtain more information about alternate methods of access for the utilities.

3) Signature - No Protest Agreement - Plat of Cascade Ridge.

Mr. Spahr presented a No Protest Agreement for a Road Improvement District involving the Planned Unit Development of developer Keith Johnson, commonly known as Cascade Ridge.

Mr. Spahr explained that the agreement commits Mr. Johnson to participate in the part of the costs to improve Stackpole and Hickox Road that will result from the increased traffic from Cascade Ridge. Skagit County's share of the improvements would be for traffic presently utilizing the road. Mr. Johnson, according to the agreement, would also give up his ability to protest the formation of a Road Improvement District (RID) in Cascade Ridge, should this occur in the future, but would retain his ability to object to the RID allocation for any property still held by him.

Mr. Spahr explained that agreement will be a model for other agreements of this kind involving Planned Unit Developments and their impacts on road usage.

The Board discussed the implications of these types of agreements. It was noted that the agreements will:

- defer the obligation for road improvements to subsequent property owners.
- relieve the developer of his obligation to continue to pay for roads within

the plat.

- compensate the County for minor improvements to existing roads.

Commissioner Vaux motioned approval of the agreement. Commissioner Rohrer seconded the motion, which passed unanimously.

4) Call for Public Hearing - Farmhouse Inn Sewerline Franchise Application.

Mr. Spahr presented a resolution calling for a public hearing to consider a request by the Farmhouse Inn, Inc., to construct approximately 4 miles of sewer along the LaConner-Whitney Road to the City Limits of LaConner. Mr. Spahr noted that this road was just redone this summer, and that the intent of the Farmhouse is to lay sewerline beyond the existing paved road.

Commissioner Rohrer motioned to adopt the resolution calling for a public hearing on February 26, 1990, at 10:30 a.m., to consider the sewerline franchise application of the Farmhouse Inn, Inc. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution #12379)

5) Resolution - Samish Farms Water Association Fire Protection System.

Mr. Spahr explained that in 1986 an agreement was entered into between Skagit County and the Samish Farms Water Association in which the County agreed to pay an amount not to exceed \$30,000 to provide water to property owners adjacent to the Inman Landfill. Apparently a subsequent verbal agreement was entered into at some time for an additional amount to be paid by the County for installation of a fire hydrant to the Inman Landfill area. It was estimated that a cost of approximately \$8,775 would be assessed for this.

Mr. Spahr stated that an invoice was received some one month ago from the Samish Farms Water Association for \$7,609.46 for installation of this hydrant, which was accomplished in 1986. Since the Water Association's records were previously destroyed by fire, the only supporting documentation for this bill is an undated job estimate and this invoice. The Water Association can find no evidence of a previous billing to the County or a payment for the hydrant. Since the residences in the neighborhood, as well as the Inman Landfill, derive significant benefit from the fire hydrant, Mr. Spahr recommended that the payment be approved to Samish Farms Water Association.

Commissioner Vaux motioned to adopt the resolution authorizing the remittance of \$7,609.46 to the Samish Farms Water Association in payment for a previously installed fire hydrant. Commissioner Rohrer seconded the motion, which passed unanimously. (Resolution #12380)

6) Status Report - Solid Waste.

A) Rebecca Voerman, Recycling Coordinator, explained that the aluminum buy-back plan approved for C&D Recycling has had to be put on hold until a building can be provided to shelter the program. Ms. Voerman stated that, although the Public Works Department did go out for bid for such a shelter, only one bid was received and it was quite high. All firms contacted stated that the job was too small to bid competitively.

Ms. Voerman suggested that, until a decision is made for a permanent building, the Evergreen Mobile Company can provide a temporary building that can be brought up and set up within two days. She provided a diagram for the building. She stated that the costs for the building would be \$245 per month for rent, a \$200 set up fee and a \$200 tear down fee, and \$65 for blocking. She estimated that for three months of use the County would pay approximately \$1200. An option to purchase the building is also available.

The Board approved Ms. Voerman's plan for a temporary building.

Ms. Voerman also suggested that the Board consider going out for another bid for a permanent building as part of a bid for a previously approved shop building on the site.

B) Ms. Voerman listed her recent activities to promote recycling:

- Talks over the past four weeks to organizations on the importance of recycling.
- Composition of articles for small newspapers, information packets for teachers and brochures for the public.
- Work on a pilot recycling project for an apartment building.
- Work on a pilot recycling project for curbside recycling to begin in June.
- Scheduling of a meeting with city mayors regarding a curbside implementation schedule.

7) Miscellaneous.

There were no miscellaneous items from the Public Works Department.

MISCELLANEOUS ITEMS.

A) Don Bockelman, 2863 S. Skagit Highway, Sedro Woolley, provided the Board with his response letter to a letter previously provided to Mr. Bockelman by the Board from Jamie Randalls of Northwest Air Pollution Authority. Mr. Randalls' letter indicates that ozone depleting substances are completely consumed in the 1800 degree heat produced by a garbage incinerator.

Chairman Wylie requested an accounting of Mr. Bockelman's credentials. She stated that she should know the background of an individual making challenging statements regarding technical matters.

Mr. Bockelman listed his credentials as:

- a franchised voter in Skagit County.
- an informed citizen of the United States of America.
- a former U.S. Army enlisted person assigned to a missile site.
- study in "analytical analysis" at Shoreline Community College.
- classes in business administration at the University of Washington.
- familiarity with technical terms.
- extensive resource on ozone depleting substances.

Mr. Bockelman review his letter and continued to maintain Mr. Randalls' willful misleading of the public. He strongly denounced Mr. Randalls' opinions and research, accusing Mr. Randalls of bias and attempts to derail further study of CFC's, which Mr. Bockelman alleges are emitted by incinerators.

Commissioner Vaux maintained that Mr. Bockelman has a disagreement with Mr. Randalls of the Northwest Air Pollution Authority, and that he should address his comments to that agency.

PRESENTATION - POSSIBLE ACQUISITION OF MCGLINN ISLAND - MAGGIE WILDER.

Ms. Wilder presented a packet of information to each Board member containing documentation of a history of public support for the purchase of McGlinn Island for a public park, as well as maps and a picture of McGlinn Island.

Ms. Wilder stated that she has learned from Jon Aarstad, Parks and Recreation Director, that there will be from 40 to 62 million dollars available for land acquisition through the Wildlife and Recreation Coalition in the coming years. She identified herself as a party who is interested in pressing the County to represent the public's interest in McGlinn Island by supporting a purchase of McGlinn Island.

Jon Aarstad confirmed that there is a proposal in the Senate and House to appropriate between 45 and 62 million dollars to fund a list of projects identified by the Washington Wildlife and Recreation Coalition. If the McGlinn Island acquisition is desirable to the County, the County would have to request its inclusion in the list. If funded, the County would be obligated to provide 50% of the grant for purchase. Mr. Aarstad stated that although the Parks Comprehensive Plan has already been made, it could be altered, but it is urgent that a decision be made immediately. Mr. Aarstad stated that it would probably be better to convince a State agency to co-sponsor the request, as they would receive 100% funding.

The Board discussed alternatives for funding the project. It was noted that the asking price is 1.15 million for McGlinn Island. Suggestions for funding involvement included the City of LaConner and individual donors.

The Board requested that Jon Aarstad obtain more information on the purchase and report back to the Board.

MISCELLANEOUS ITEMS.

A) The Board approved for signature Amendment "B" to the Lease Agreement with Skagit Community Mental Health Center for lease of County property at 108 Broadway in Mount Vernon. A previously approved rent credit was allowed from December 1, 1988, to April 1, 1990, but due to the Mental Health Center's delayed occupancy of the building, the amendment changed the dates to January 1, 1990, through December 31, 1990, for the rent credit.

B) Commissioner Rohrer motioned to adopt the Records of the Proceedings from

Tuesday, January 16, 1990; Wednesday, January 17, 1990; Monday, January 22, 1990; and Tuesday, January 23, 1990, as submitted. Commissioner Vaux seconded the motion, which passed unanimously.

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

- 1) Goldome Realty, A/O Melba Fae Larson, P.O. Box 9000, Buffalo, NY 14231, in the amount of \$324.79, due to a senior citizen exemption. (011689B)
- 2) Ralph Eaton, 705 35th, Anacortes, WA 98221, in the amount of \$23.67, due to the sale of the property to the Housing Authority of the City of Anacortes. (00490A)
- 3) Wilco Hawaii, Inc., P.O. Box 158, Anacortes, WA 98221, in the amount of \$16.97, due to the sale of the property. (014189)
- 4) Island Title Company, P.O. Box 1228, Anacortes, WA 98221, in the amount of \$23.28, due to the sale of the property to the Housing Authority of the City of Anacortes. (00490B)
- 5) Everett Bust, 1004 Rhodes Road, Sedro Woolley, WA 98284, in the amount of \$139.64, due to a senior citizen exemption. (000390)

D. Jon Aarstad, Parks and Recreation Department Director, stated that he and Dave Hough, Senior Planner, met with Chuck McCauley, the contractor for the appraisal of the Northern State grounds, regarding the misidentification of the highest possible use of the site. A reappraisal is forthcoming and may be expected within one week.

E. The Board signed Parks and Recreation Department Officials Contracts with Siphon Riopel and Darick Brewer for officials services from January 1, 1990, to December 31, 1990, with compensation occurring at from \$5.00 to \$16.00 per game or at \$5.00 per hour.

F. In accordance with action previously taken, the Board approved for signature the resolution approving the modification to an existing contract rezone #R-77-003 of Mr. Ken Fowler for his business, Dahlman Pump and Well Drilling (Application #R-89-013). (Resolution #12381)

A Contract Rezone Agreement for the action described above was also approved for signature by the Board.

G. As of this date, February 5, 1990, the Board, by unanimous vote, did approve for signature the following Warrants and Vouchers:

- a) Warrants #79053 through #79188 (Vouchers #79053 through #79188) in the amount of \$283,252.57. (PR-2-90)
- b) Warrants #1130 through #1698 (Vouchers #00419 through #00422) in the amount of \$763,008.44. (PR-2-90)

H. In accordance with action previously taken, the Board approved for signature a Contract for Professional Services with Columbia Analytical Services, Inc., for lab services for testing of groundwater monitoring samples for the period from February 1, 1990, through December 31, 1992. Payment will occur at rates listed on the agreement.

- I. The Board approved for signature a one-year Dance License #507 for Skagit Valley Grange #620, 2026 F&S Grade Road, Sedro Woolley.
- J. The Board approved for signature Contract Amendment #2490-75340(1) with the Department of Social and Health Services - Division of Developmental Disabilities for:
- vendor rate increase from 1/1/90 to 6/30/91 at 2.25%;
 - new funds for services to people eligible for OBRA (Omnibus Budget Reconciliation Act) which are Federal funds; and
 - changes in numbers of people served in each category.
- K. The Board approved for signature a Contract for Professional Services with Teresa Conover for stretching and toning class instruction for County employees from January 17, 1990, through December 31, 1990, for compensation totaling \$8.00 per class.
- L. Commissioner Rohrer motioned to appoint Dave Christianson to a four year term on the Noxious Weed Control Board, to commence on February 1, 1990. Commissioner Vaux seconded the motion, which passed unanimously.

DISCUSSION - FIRE PROTECTION FOR RESOURCE RECOVERY FACILITY

Fire District Twelve Commissioners Ron Neeley and Dale Jenkins and Swede Hansen of Fire District Twelve, met with Commissioner Ruth Wylie, Commissioner Bill Vaux, and Commissioner Dave Rohrer; Mark Spahr, Director, Public Works Department; Tom Sheahan, Director, Emergency Management; and Dan Cain, Skagit County Fire Marshall to discuss fire protection for Skagit County's Resource Recovery Facility.

The representatives of Fire District Twelve requested that the County negotiate a contract with Fire District Twelve for the fire coverage Fire District Twelve is providing the Resource Recovery Facility.

Mr. Sheahan and Mr. Cain both felt that the negotiation of a contract with Fire District Twelve would be setting a precedent and that such a precedent should not be set. Mr. Sheahan suggested that the Fire District meet with the Public Works Department and determine a way of working with the Fire District informally.

Chairman Wylie agreed with Mr. Sheahan and also suggested that they look at what the exposure would mean financially. Commissioner Rohrer stated that he did not believe the Fire District should charge the County for fire protection, although he appreciated their concerns.

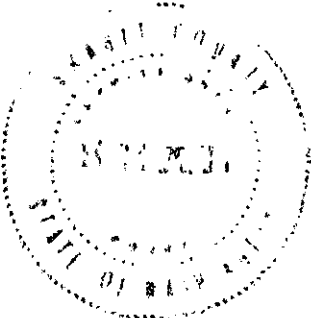
Mr. Neeley said he felt that something needed to be negotiated that would not be a precedent setting event. Mr. Jenkins stated he felt it was unfair to build such a facility and expect the fire district involved to protect it for the whole county. Commissioner Vaux expressed his concern and emphasized the County's willingness to live up to it's responsibilities.

It was agreed that a meeting would be set up with Mark Spahr to discuss the issues involved and to work with Fire District Twelve on this matter.

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, Commissioner
W. W. Vaux

Dave Rohrer, Commissioner

ATTEST:

Stephanie Wood

Stephanie Wood, Clerk
Skagit County Board of Commissioners