

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

Tuesday, August 7, 1990

- 9:30 a.m. - 10:00 a.m. Presentation - Regional Transportation Plan - Bob Ruby, Skagit Council of Governments.
- 10:00 a.m. - 11:00 a.m. Discussion - Plat of Kwonesum.
- 11:00 a.m. - 11:30 a.m. Revenue and Expenditure Discussion - Budget/Finance Director.
- 12:00 p.m. - 1:00 p.m. Emergency Management Council Meeting.
(Elks Lodge, Mount Vernon)
- 1:30 p.m. - 2:00 p.m. 1) Bid Opening - Four New Dump Trucks for Public Works Department.
2) Bid Opening - Contractor for Household Hazardous Waste Collection Day and Paint Swap Event.
- 2:00 p.m. - 3:30 p.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Sphere of Influence Agreements and the Growth Management Act.
 - 2) Discussion - Benchmark Requirements on Building Sites Located in the Flood Plain.
 - 3) Staffing Update.
 - 4) Enforcement Update.
- 3:30 p.m. - 4:00 p.m. Public Comment Period.

The Skagit County Board of Commissioners met in regular session on Tuesday, August 7, 1990, with Commissioners Ruth Wylie, Dave Rohrer and W. W. Vaux present.

PRESENTATION - REGIONAL TRANSPORTATION PLAN - BOB RUBY, SKAGIT COUNCIL OF GOVERNMENTS.

Mr. Ruby, the Executive Director of the Skagit Council of Governments, explained that through the Growth Management Act, ESHB 2929, the legislature has authorized Regional Transportation Planning Organizations (RTPO's). This was a product of the recognized need for surface conduit and highway planning as coordinated efforts between counties, and between cities and counties. RTPO's are formed through voluntary association of local governments, and must encompass at least one complete county of a population of 100,000, or at least three counties with combined populations of 100,000.

Mr. Ruby stated that Island County has agreed to join with the SCOG to form an RTPO. If the County is willing to endorse this proposal, the Washington State Department of Transportation will be approached for recognition and funding. This joint venture would enable the RTPO to be eligible for a 100% grant that would total \$28,304 for SCOG and \$23,685 for Island County. Island County currently has no council of governments, so they would be utilizing their planning and public works department staffs for their representatives on the RTPO. Mr. Ruby stated that SCOG will be acting as the lead agency for the grant.

Mr. Ruby explained that the RTPO will be charged with developing a regional transportation plan that addresses existing or planned regional transportation facilities and services. The plan will be coordinated with the County's comprehensive plan and road program. It will aid local officials in deciding where highway capacity should change. SCOG and Island County will be working on

RECORD OF THE PROCEEDINGS

Tuesday, August 7, 1990

Page #2

their parts of the plan independently. A transportation policy board, which will meet annually, will be formed to provide policy advice to the RTPo.

Commissioner Vaux objected to the fact that an RTPo will be an outside influence on the County's current Six-Year Road Program. He stated that he is unable to understand how the RTPo plan will fit in with the plans that the County already has in place.

Arguments and discussion ensued, and Commissioner Vaux further stated that when the plan directly effects the County, SCOG should not be the lead agency, but the County should.

Mr. Ruby felt it was the intent of the WSDOT to give the authority to the councils of governments.

Chairman Wylie felt that the duplication of effort caused by an additional study would be unnecessary.

Commissioner Vaux stated that he has been involved with approximately five County transportation plans and only on one occasion has any other governmental entity in Skagit County shown any interest. He stated that the County road tax is paid by county residents only, not city residents, and now a council of governments made up of city representatives will be forming a policy board that will effect how the County spends their road funds.

Commissioner Vaux asked Mayor Bud Moore of LaConner for his opinion. Mayor Moor agreed that the County has always looked out for LaConner's interests in road maintenance and construction.

Chairman Wylie, Commissioner Rohrer and Commissioner Vaux agreed that the County should act as lead agency, and Commissioner Vaux indicated he felt Skagit County's RTPo representatives should be County Planning and Public Works Department staff members, like Island County.

Jeff Monsen, Assistant Public Works Department Director, explained his views on the reason for the legislation regarding RTPo's.

The Board asked Mr. Ruby what action he wished of the Board. He replied that he is asking for a resolution of the Board approving the formation of the RTPo with SCOG as lead agency.

Commissioner Vaux made a statement that he strongly feels that transportation issues effecting Skagit County should be dealt with between Planning and Public Works Departments. He indicated that he would not vote for the resolution requested by Mr. Ruby. Commissioner Rohrer concurred with Commissioner Vaux.

Chairman Wylie directed Mr. Ruby to return to the SCOG with this information. She motioned that the Board adopt the position that the Skagit County Departments of Public Works and Planning should act as lead agency in the formation of an RTPo, although SCOG may submit the application, and that any RTPo formed, or its policy making branch, should act as an advisory body only to the legislative authority. Commissioner Vaux seconded the motion, which passed unanimously.

DISCUSSION - PLAT OF KWONESUM.

Kirby Johnson introduced himself and Darrell Sisson, the two remaining partners in the Plat of Kwonesum. He explained that the plat, which is located on the Swinomish Indian Reservation, was approved on June 14, 1976, before tribal zoning existed. Mr. Johnson and Mr. Sisson and their partners bought the plat in 1979. In 1979 they applied to the Department of Ecology for water rights, made

appropriate legal publication, and received no comments for a six year period. A Chain of Title was required for the plat in order to receive a water right, but unfortunately the DOE's request for this document was mis-routed to an incorrect address and Mr. Johnson did not receive it, so the water right was never consummated.

Over the next few years, six building permits were issued for the plat. In 1988, Steve Wood, the Director of the Planning Department, refused to issue any more building permits until the water system was approved.

Mr. Johnson indicated that a 1969 deed from the Bureau of Indian Affairs shows that the plat is fee simple, but the tribe has succeeded in blocking Mr. Johnson's efforts to obtain a water right. Without it, Mr. Johnson is only allowed to develop the plat for water use of up to 5,000 gallons per day. Mr. Johnson provided documentation of old correspondence and approvals pertaining to his water system. He stated that he would now like to obtain the remaining building permits and finish his plat. He argued that there is plenty of water for more homes, the present homes using less than a quarter of the 5,000 gallons allowed. He stated that the current water system is certified to be legal and safe.

Answering questions from the Board, Mr. Johnson stated that the DOE continues to stall him, promising to talk to the Attorney General, promising to sort the problem out. The DOE had at one point told him he would have to go through the Fidalgo Water Utilities Coordinating Committee to obtain his water right, but that committee said that his plat was not within their jurisdiction. By letter, Mr. Johnson requested water from the tribe, but in their reply, they indicated that he would have go through the entire platting process again with the tribal authorities, at a cost which Mr. Johnson estimated to be about \$300,000.

The Board discussed with Mr. Johnson his predicament. It was noted that a well that draws greater than 5,000 gallons per day requires a water right. Mr. Johnson again maintained that the six homes now present on the plat draw only about one fourth of that amount, even though DOE has estimated that one home uses 800 gallons of water per day.

The Board asked Scott Kirkpatrick, Planning Department Director, whether it would be appropriate to issue permits for homes until the 5,000 gallon per day limit is reached. Mr. Kirkpatrick noted that his department is not able to monitor the water usage, but could condition the building permits on water availability.

Commissioner Vaux then motioned to 1) lift the building moratorium on the Plat of Kwonesum, and 2) instruct the Planning Department to work with Mr. Johnson to develop an agreement based on the condition that the developer is allowed to construct homes up to the 5,000 gallon per day water limit, or until DOE provides him with a water right.

REVENUE AND EXPENDITURE DISCUSSION - BUDGET/FINANCE DIRECTOR.

Mr. Woodmansee reported that the Fair budget was figured on a \$5,000 grant from the State Fair Fund. As it turns out, the Fair actually received almost \$7,000 from the State Fair Fund, and \$2,400 in private donations. Although a public hearing has been scheduled for later this month to supplement the Fair's budget with these funds, the funds are needed now to support the imminent production of the Fair. This can be provided by authorizing a budget line item change, and later replenishing the budget line item from which the funds were borrowed.

Commissioner Rohrer motioned to adopt the resolution authorizing a budget line item change in the amount of \$9,180 from the salaries line item to the operating supplies line item of the County Fair Fund. Commissioner Vaux seconded the

motion, which passed unanimously. (Resolution #12586)

BID OPENING - FOUR NEW DUMP TRUCKS FOR PUBLIC WORKS DEPARTMENT.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on July 17 and 24, 1990.

The following bids were received and opened:

- 1) Burlington White GMC
420 Pease Road
Burlington, WA 98233

Manufacturer & Model: WhiteGMC ACL64B
Dump Body: Lynnwood Truck LTE 10 yard
Cost to Skagit County: \$337,776.21

Manufacturer & Model: WhiteGMC ACL64B
Dump Body: Peerless
Cost to Skagit County: \$336,948.30
- 2) SeaTac Ford Truck Sales, Inc.
P.O. Box 68848
Seattle, WA 98168

Manufacturer & Model: Ford Motor Company LTS 9000
Dump Body: Lynnwood LTE 10
Cost to Skagit County: \$340,350.69
- 3) Morgan Bros. of Everett, Inc.
3225 Cedar
Everett, WA 98201

Manufacturer & Model: Western Star, Model 4864S
Dump Body: Euclid-Heil 10/12 yd
Cost to Skagit County: \$342,300.79
- 4) Vern Sims Ford, Inc.
116 West Ferry Street
Sedro Woolley, WA 98284

Manufacturer & Model: Ford 1991 LTS9000
Dump Body: Lynnwood Truck & Equipment Co.
Cost to Skagit County: \$355,269.20
- 5) Western Peterbilt, Inc.
3707 Airport Way South
Seattle, WA

Manufacturer & Model: Peterbilt Model 357 SBFA
Dump Body: Euclid/Heil 12 to 12 yard
Cost to Skagit County: \$349,792.10
- 6) Motor Trucks, Inc.
1684 Henson Road
Mount Vernon, WA 98273

Manufacturer & Model: Navistar International F2674
Dump Body: Peerless
Cost to Skagit County: \$329,593.24

Manufacturer & Model: Navistar International F2679
Dump Body: Lynnwood Truck Equipment, Inc.
Cost to Skagit County: \$330,418.84

These bids will be reviewed by the Public Works Department, and a recommendation for award made at a later date.

BID OPENING - CONTRACTOR FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY AND PAINT SWAP EVENT.

Chairman Wylie waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on July 17, 24 and 31, 1990.

The following bids were received and opened:

- 1) Chem-Safe Services, Inc.
P.O. Box 616
Kittitas, WA 98934

Grand Total: \$90,267.50
- 2) Northwest EnviroService, Inc.

Grand Total: \$53,557.06
- 3) Chemical Processors, Inc.
2203 Airport Way South, Suite 400
Seattle, WA 98134

Grand Total: \$63,402.00 (exclusive of sales tax)
- 4) Pegasus Environmental Management Services, Inc.
30250 S.W. Parkway Avenue, Suite 1
Wilsonville, OR 97070

Grand Total: \$103,654.08

The bids will be reviewed by the Public Works Department, and a recommendation for award will be made at a later date.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR:

3) Staffing Update.

This item was taken out of order for the convenience of the audience.

Mr. Kirkpatrick introduced JoAnn Ostlund, a new employee of the Planning Department. She will be working as a Staff Assistant.

1) Sphere of Influence Agreements and the Growth Management Act.

- A. Mr. Kirkpatrick stated that, through working with local city planners, he has developed a draft resolution to affirm and expand the existing Sphere of Influence Agreements with the cities, as required by the Growth Management Act. It is currently being reviewed by each of the City Councils. He provided a copy of the draft and reviewed its contents. He indicated where further changes will be made, and stated his intention to bring it back for approval in final draft form.

- B. Dave Hough reported on two current annexation actions. He stated that the City of Anacortes have proposed to annex 40 acres known as the Pacific Development of Ron Woolworth. It is an approved plat that is currently served by City water and sewer. He stated that no action is required by the Board, but the Board may request that the Boundary Review Board assume jurisdiction over the annexation if they have concerns. Mr. Hough stated that he saw no reason for the Board to do so, and the Board concurred.

The second annexation was proposed by the City of Mount Vernon on a 900 acre portion of the SeaView Community Development east of Mount Vernon. The Planning Department has expressed a concern that a small "finger" of land which includes Digby Road and Digby Lane will be left isolated within City of Mount Vernon territory. The proposed annexation is within the City's sphere of influence and the zoning is compatible. Other questions the Planning Department has can be answered during the environmental review, and Mr. Hough again saw no reason for the County to ask the Boundary Review Board to intervene. The Board concurred with Mr. Hough.

2) Discussion - Benchmark Requirements on Building Sites Located in the Flood Plain.

This discussion was again held for the benefit of Commissioner Vaux, who was absent when it was discussed last week.

Mr. Hough again explained the purpose of benchmarks, stating that they are necessary because they facilitate conformance to the rule that the floor levels of homes constructed in the flood plain must be above sea level. He explained how benchmarks are found, stating that the cost to the homeowner can be extensive if they are not accomplished.

Commissioner Vaux suggested that a builder may be able to use an altimeter to discern sea level, and he asked Mr. Hough to check into this technology.

4) Enforcement Update.

The enforcement activity report was reviewed and briefly discussed.

5) Miscellaneous.

- A. Mr. Kirkpatrick stated that Fire District #4 has made a request for a waiver of a building permit fee for new construction. The Board directed him to follow the usual policy for waiver of fees for fire protection districts.
- B. Mr. Kirkpatrick reviewed a letter from Sewer District #2, which requests that copies of all sewer permit applications for the town of Big Lake be provided to Sewer District #2, and that no new private septic systems be allowed in the district. Mr. Kirkpatrick stated that he would supply the applications to the Sewer District, but did not know whether the County could force applicants to attach to public sewer systems. The Board directed Mr. Kirkpatrick to research this issue with John Moffat, the County's Chief Civil Deputy.

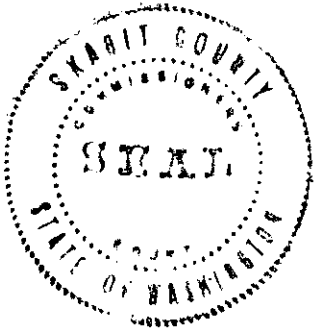
PUBLIC COMMENT PERIOD.

No members of the public were present for the Public Comment Period.

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