

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

**Tuesday, February 18, 1992:**

- 9:00 a.m. - 10:00 a.m.            Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Lake Chiquita Bypass Resolution.
  - 2) Planning Commission Recommendation: Interim Fire Protection Controls.
  - 3) District Centennial Grant Support Letter.
  - 4) Signature - Samish River Watershed Grant Application.
  - 5) Signature - Sanitary Survey Grant Application.
  - 6) Presentation for Signature - Contract - Consultant for County Rock Quarry Site Selection Process.
- 10:00 a.m. - 11:30 a.m.        Public Works Department - Rich Medved, Director:
- 1) Discussion - Household Used Oil Collection Facilities.
  - 2) Bid Award Recommendation - One New 1991 or 1992 5th Wheel Truck.
  - 3) Signature - WSDOT/County Ferry Agreement.
  - 4) Call for Public Hearing - Vacation of Kavanaugh Road, #1810.
  - 5) Signature - Proposed Deed Exchange - South Shore Road.
  - 6) Resolution - Re-establishment of the Skagit River Flood Control Committee.
  - 7) Signature - Quit Claim Deed - Vacated Roads Plat of Townsite of Gibraltar.
  - 8) Miscellaneous .
- CONSENT AGENDA.
- MISCELLANEOUS ITEMS.
- 1:30 p.m. - 2:00 p.m.            Bid Opening - New Track Loader
- 2:00 p.m. - 2:30 p.m.            Public Hearing - Fairground User Fees
- 2:30 p.m. - 3:30 p.m.            Appeal - Hearing Examiners Decision to Deny Variance Request #VAR-91-033 of Karen Sloss
- 3:30 p.m. - 4:30 p.m.            Executive Session - Personnel and Litigation.

The Skagit County Board of Commissioners met in regular session on Tuesday, February 18, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

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

These items were taken in this order for the convenience of the audience.

4) Signature - Samish River Watershed Grant Application.

The Board signed the Samish River Watershed Grant Application as submitted by Jim Freeman, Senior Planner. The total estimated amount of this grant is \$250,000.

5) Signature - Sanitary Survey Grant Application.

The Board signed the Sanitary Survey Grant Application as submitted by Jim Freeman, Senior Planner. The total estimated amount of this grant is \$90,427.00

3) District Centennial Grant Support Letter.

The Board signed a letter of support for the Skagit Conservation District's water quality improvement grant application from the Department of Ecology Centennial Clean Water Fund. Vickie Mesman, Manager, Skagit Conservation District, reviewed with the Board that the grant money will be allocated to: demonstrate plots on proper manure management and utilization methods, provide technical assistance to agricultural producers to minimize dairy/livestock waste impacts on water quality, provide an educational background for the agricultural community and the general public to build an awareness of improving quality water, Name That Stream Contest, Streambank Revitalization Project, assistance in Department of Ecology Animal Waste Complaints, and to promote cover crop programs.

6) Presentation for Signature - Contract - Consultant for County Rock Quarry Site Selection Process.

Scott Kirkpatrick reviewed with the Board the Contract presented for David Nemens and Associates to provide an expanded environmental checklist for the County's Rock Quarry Site Selection Process. Commissioner Vaux motioned to approve the contract with David Nemens & Associates, at a cost not to exceed \$5,000.00, beginning February 18, 1992, and terminating June 30, 1992. Commissioner Wylie seconded the motion, which carried unanimously. (Contract #01234)

1) Lake Chiquita Bypass Resolution.

Scott Kirkpatrick reviewed the proposed Lake Chiquita Bypass Resolution with the Board. He stated that this would clarify that the potential for an impending emergency due to winter weather has passed making it unnecessary for the County's financial participation in the Lake Chiquita Bypass project. This would in no way alleviate the responsibility of the applicant to complete the project in a timely and safe manner.

Commissioner Vaux stated that he has a problem with this Resolution, and that the message could not have been any clearer that the county agreed that San Juan Fidalgo would get the pipe and the County would run it to the beach. Commissioner Wylie commented that this was based on the fact that these people were in danger. Commissioner Vaux questioned whether the emergency situation was off, and can the work be done now. Chairman Robinson commented that the initial concern was that the neighbors were being flushed upon down below and that the County should not be supplementing the development of a potential problem. The indication is that the winter problem has passed.

Mr. Kirkpatrick stated that the work cannot be done now, there needs to be low tides. The intention of setting the July 31, 1992, completion date is so that the County can take over. If there is failure on performance on the preliminary plat, the County has the option to have it done and can go to bid for a contractor. There will still be time to complete the project by September, 1992. The purpose of the resolution is to clarify that San Juan Fidalgo Holding Company is responsible to put in the project with their own money. Commissioner Vaux stated that it makes it sound like the County can't be trusted, he doesn't see why the work cannot be done now.

Steve Winter, Office Engineer, addressed the Board explaining that the project needs to be done all at once. The middle part can't be done without creating a gully - it has to be extended into the tide flat. The high tides prohibit the work being done without high expense. Mr. Winter has spoken with Hayes drilling who said the work could be done now, but it would require purchasing special equipment and would be very expensive. The Public Works Department has agreed to be of assistance if there is a big rain fall before the project is completed. Commissioner Wylie commented that the developer knew it had to be completed and the County should let him know we will take over if the project is not completed by July and recoup the money from him. Mr. Kirkpatrick said that this was the purpose of the resolution.

Commissioner Wylie motioned to approve the Resolution, Chairman Robinson seconded. Commissioner Vaux cast a dissenting vote, the motion carried by majority vote, from Chairman Robinson and Commissioner Wylie.

2) Planning Commission Recommendation: Interim Fire Protection Controls.

Scott Kirkpatrick addressed the Board regarding the referred item from the Planning Commission. At the Board's request at the January 28, 1992 meeting, the Planning Commission made a motion and is referring this item back to the Board in a recorded motion regarding recommending reinstatement of an interim control addressing the non-issuance of building permits outside of fire districts.

Vested rights and a lot size exemption will be reviewed at a public meeting of the Planning Commission. The public meeting will have proposals from staff and there will be a lengthy study session to decide what vested rights mean in this proposal. Since the Board of Commissioners found no fault with the Planning Commission's proposed changes to Skagit County Code 14.08 and 14.12, this was returned for action.

Discussion resumed regarding Fire Protection-Subdivision Codes. Commissioner Vaux questioned where the 600 foot maximum dead-end road length came from. Dan Cain, Fire Marshall, stated that it was a length already in existence therefore retained. Commissioner Wylie noted that there are a lot of places in the County that have over 600 foot dead-end roads. Mr. Cain responded that it causes a problem for fire departments with only one way in as in dead-end roads. Fire trucks may not be able to get out or possibly get in.

The following comments from the audience were heard.

- Mr. George Shelton, Department of Natural Resources commented that it takes a long time to lay the hose on long driveways, they need to be maintained and have turnarounds.

- Mr. Les Wagoner addressed the Board questioning if a road over 150 feet must already have a turn out every 300 feet and a turnaround, why must it be added here? Mr. Wagoner also stated that he felt that comparing fires in Oakland & Spokane County as reason not to issue permits was not a fair comparison as both those areas are within fire districts. He then questioned how many fires in Skagit County or Western Washington are caused by rural residences, and how many injuries result from those fires. Mr. Wagoner questioned whether it is really a public safety matter.

- George Theodoratus of Concrete addressed the Board stating that the 600 foot maximum dead-end road issue is out of line due to topography. The only way we have some of our roads is due to roads starting out as dead ends. To limit length to 600 feet and require a variance is unnecessary. Requiring proper turn arounds and passing lanes would be better. The 12% grade matter is probably in offense right here in Mt. Vernon.

- Mr. Jim Evans addressed the Board stating that he had 40 acres near Scott Paper where they were slash burning a few years ago and was concerned about the safety of his acreage. He doesn't know of any private individuals who have been detrimental. He continued stating that if our forefathers had done these codes we would still be East of the Mississippi. There is no room for expansion. It seems that property inside fire districts will have values go up, and outside will go down.

- George Shelton, Department of Natural Resources, again contributed to the discussion stating that their records show that fires are people caused. Out of 130 fires in a year, 80% are landowner (residential) caused. The largest number are escaped debris-burns. He also reinforced that the law does allow for annexation of fire districts. He went on saying that recently the Cedardale Fire Department responded to a fire call on Cascade Ridge/Devils Mountain area. Due to the 14% grade, the trucks could go no faster than seven miles per hour. The 12% grade issue is important to health, safety and response time.

- Mr. Wagoner then requested the Board to not enact these proposals now, stating that it does not seem urgent.

Commissioner Vaux stated that the issue of vested rights is still a very important issue and that the Planning Department is going to consider that issue at the March 9, 1992 meeting. He continued, stating that lines are continually being drawn on maps that do not necessarily take away private property rights, but shifts them around a bit, and the Courts have upheld zoning and the notion of zoning for a long time. One of the ways to minimize that effect is to have vested rights. It benefits all to participate in the Comprehensive Plan update meetings. What comes out of these meetings goes to the Planning Commission and the Board of Commissioners for adoption. There are approval points all along. When it gets to the Board it has had changes. The reasons for enacting the interim control are still there. The discussion of vested rights have critical dates. Anyone concerned should attend the Planning Commission Meeting.

Commissioner Vaux motioned to adopt a resolution Approving Interim Controls Addressing the Non-issuance of Building Permits for Residential and/or Commercial Structures Outside of Fire District by Amending the Skagit County Code by Creating a New Subsection (14) to Skagit County Code 14.04.190. Commissioner Wylie seconded the motion which carried unanimously.

Commissioner Wylie motioned to adopt a resolution approving proposed changes to Skagit County Code 14.08, the short subdivision code, and 14.12 the subdivision code, to provide land use controls and road standards for reducing the potential of fire hazard resulting from the residential-wildfire interface. Commissioner Vaux seconded the motion, which carried unanimously.

**PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR**

1) Discussion - Household Used Oil Collection Facilities.

Ric Boge, Recycling Coordinator, presented a picture of and discussed with the Board a temporary secondary containment system for household used oil collection. The cost of the temporary containment systems will be \$2,250 for four units. There are two, 50 gallon drums in each unit. One will go to the Sauk site, one at Clear Lake, and two at the incinerator. There will be a use for these units once the permanent oil collection facility is in place. The cost to get up and running at all three facilities will be approximately \$2,700. Vintage Oil did not respond to a request for possible oil removal service. Clean Care in Tacoma, Hazardous Waste and Oil Collectors, will pump the oil for no charge and ship to San Francisco to be recycled and reused.

Mr. Boge stated that this system would be best utilized at a manned facility. The public would be responsible to pour the oil into the container, and the County personnel will clean up any mess created. There would be a limit on how much oil could be deposited at once. Commissioner Wylie questioned whether Anacortes has a place for oil dumping, and if we could place one in Anacortes. Mr. Boge responded that if we put one on someone else's property, do we accept liability for contamination or spillage? He will check into the possibility. Commissioner Wylie asked Mr. Boge where things stood on the Moderate Risk Household Hazardous Waste Plan. Mr. Boge replied that Skagit Council of Governments' response has been delayed, is meeting with them regarding the current status February 19, 1992. Rich Medved met with SCOG consultants and Bob Ruby and it has been agreed to get the plan completed by April 15. SCOG will handle the administration.

The Moderate Risk Plan says that we will put in permanent collection at three sites. By 1993 sites will need to be expanded. Commissioner Vaux asked if this was a big deal. Mr. Boge confirmed that it is, and it is surprising the number of Counties already using a collection facility. The concern is where our County's oil is going now. Mr. Boge will research the possibility of buying secondary containment units if the Cities will take on the responsibility of maintaining them. Other issues he will research and return to the Board with are: will Clean Care enter into a written removal agreement, what constitutes contaminated oil, and what charges are there if it is contaminated?

2) Bid Award Recommendation - One New 1991 or 1992 5th Wheel Truck.

Commissioner Vaux motioned to adopt the resolution presented by the Public Works Department awarding the bid for purchase of one new 1992 Peterbilt 457 fifth wheel truck to Western Peterbilt for the bid price of \$72,709.24. Commissioner Wylie seconded the motion, which carried unanimously.

3) Signature - WSDOT/County Ferry Agreement.

Commissioner Vaux motioned to adopt the agreement as presented by the Public Works Department, between the State of Washington Department of Transportation, and Skagit County for operating reimbursement distribution commencing July 1, 1991. Commissioner Wylie seconded the motion, which carried unanimously. (Contract #01235).

4) Call for Public Hearing - Vacation of Kavanaugh Road, #1810.

Commissioner Vaux motioned to approve the resolution to call for Public Hearing for the Vacation of a County Road known as Kavanaugh Road #1810. Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14233)

5) Signature - Proposed Deed Exchange - South Shore Road.

Steve Winter, Office Engineer, presented to the Board a proposed deed change for signature. This deed change would vacate a strip of land a previous owner deeded to the County in 1958, the purpose unknown. In return, the adjacent property owner, Boyd Schorr, has agreed to deed to Skagit County, property adjacent to the existing South Shore Road. Commissioner Vaux motioned to approve the signing of the Statutory Warranty Deed granting to Mr. Boyd Schorr the piece of property as described. Commissioner Wylie seconded the motion, which carried unanimously.

6) Resolution - Re-establishment of the Skagit River Flood Control Committee.

Commissioner Wylie motioned to adopt the resolution re-establishing the Skagit River Flood Control Committee, for a four year term beginning February 18, 1992. Commissioner Vaux seconded the motion, which carried unanimously.

7) Signature - Quit Claim Deed - Vacated Roads Plat of Townsite of Gibraltar.

Dave Brookings, Manager, Flood and Drainage Division, presented a vicinity map to the Board showing the area requested to vacate to Puget Sound Power and Light Company. As a result of public meetings regarding bluff slumping and slippage in the Salmon Beach area, the Public Works Department agreed to divert some of the surface water run off from the Gibraltar Road area. Dan Tolliver and staff came up with a plan to take water down to the easement below Gibraltar. Mr. Brookings will negotiate with Puget Power to acquire an easement needed to clean up the area. The Board approved and signed the Quit Claim Deed of the Vacated Roads of Plat of Townsite of Gibraltar.

8) Miscellaneous.

- a) Don King, Manager, Skagit County Solid Waste Facility, reported that Friday, February 14, 1992, he received a call from the Department of Ecology informing him that there has been a change in the entire ash testing and sampling procedure. The change reduced the requirements and will reduce the cost as well. This will be an approximate savings of \$50,000. According to the phone call Mr. King received, instead of 42 separate samples, only 14 are required. He proposed that he return the responses to the Request For Proposal for 1992 Ash Sampling with thank you letters until he receives official documentation from the Department of Ecology regarding the sample requirement change. Mr. King will have ash samples collected and stored until a new Request For Proposal's is done with the new requirements and a contractor is selected.

CONSENT AGENDA.

Commissioner Vaux motioned to approve the Consent Agenda of February 18, 1992, as submitted for items 2 - 10. Commissioner Wylie seconded the motion, which carried unanimously.

\* Public Defender:

1. Contract for Professional Services with Skagit Recovery Center to provide evaluation of clients for treatment at the rate of \$90.00 per evaluation commencing January 1, 1992, and terminating December 31, 1992. (Contract #01236).

\* Planning and Community Development:

2. Resolution - Remanding Code Amendments for Fire Protection and Environmental Protection to the Skagit County Planning Commission. (Resolution #14225).

• Health Department:

3. Contract for Professional Services with Cordia Sammeth, Support Group Facilitator, to furnish services for the Skagit AIDS Volunteers group from February 1992, through December 1992, at the rate of \$40.00 per month. (Contract #01237).

\* Human Services:

4. Contract Amendment to North Sound Regional Support Network (their number RSN-91-02-03) which adds \$32,469.00 to the existing contract bringing the maximum consideration of this contract to \$65,643.00. (Contract #01032).

• District Court Probation:

5. Contract between Skagit County District Court Probation and the City of Anacortes in which the County provides the following probation services to the city: full probation services, treatment monitoring, restitution determinations, in-house alcohol program, deferred prosecution monitoring, collection of restitution/fees, prohibitions, third party verifications, community service work, pre-sentence investigations, and post-sentence investigations. This agreement shall be effective January 1, 1992, terminating December 31, 1992, at a fixed fee of \$500.00 paid semi-annually and may require renegotiation. (Contract #01238).
6. Contract between Skagit County District Court Probation and the City of Burlington in which the County provides the following probation services to the city: full probation services, treatment monitoring, restitution determinations, in-house alcohol program, deferred prosecution monitoring, collection of restitution/fees, prohibitions, third party verifications, community service work, pre-sentence investigations, and post-sentence investigations. This agreement shall be effective January 1, 1992, terminating December 31, 1992, at a fixed fee of \$2,337.00 paid semi-annually and may require renegotiation. (Contract #01239).
7. Contract between Skagit County District Court Probation and the City of Sedro Woolley in which the County provides the following probation services to the city: full probation services, treatment monitoring, restitution determinations, in-house alcohol program, deferred prosecution monitoring, collection of restitution/fees, prohibitions, third party verifications, community service work, pre-sentence investigations, and post-sentence investigations. This agreement shall be effective January 1, 1992, terminating December 31, 1992, at a fixed fee of \$3,500.00 paid semi-annually and may require renegotiation. (Contract #01240).
8. Application for Dance License - "Bobby Lee's Pub" beginning February 11, 1992, and ending February 10, 1993. (Licence #514).

\* Prosecuting Attorney's Office:

9. Out of State Travel Request for \$968.00 for John Moffat to attend the Government Risk Management Seminar in Tucson, Arizona, February 22 - 28, 1992.

MISCELLANEOUS ITEMS.

- A. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W.42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, February 18, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Manual Warrant # QV2001128, Voucher # MW78302-004, in the amount of \$3,384.75. Transmittal #CO8-92.
- B. Commissioner Wylie motioned to approve an Out of State Travel Request for Mark Watkinson to go to Salem, Oregon for a Basic Skills Training in Emergency Management Seminar in the amount of \$205.00. Commissioner Vaux seconded the motion, which carried unanimously.
  - C. Commissioner Wylie motioned to approve resolutions reappointing Woody Derrackx, Virginia Doty, and Jim Hinton to the Noxious Weed Board. Commissioner Vaux seconded the motion, which carried unanimously. (Resolutions numbered respectively 14226, 14227, 14228).

Public Hearing. Fairground User Fees

Don Helwig, Fair Manger discussed with the Board the proposed admission fee and user fee schedule for the Skagit County Fairgrounds that had been reviewed and recommended by the Fair Advisory Board. Jack Crawford from the Square Dance Club addressed the Board stating that the facility itself is great, but the camping facility needs upgrading. As is it now, water hoses and electrical cords have to be run a long way across the grounds. The hookups are there, but they are spread out around the grounds. Mr. Crawford also stated that the proposed rates sound fine, but he feels that upgrading the camping area should be considered in with the other areas. Mr. Aarstad commented that Langley generally makes \$26,000 - \$32,000 on camping alone annually. He stated that if Skagit County were to put in a camping facility, it would pay for itself in a short time as we have a prime location. Mr. Helwig stated that the income on camping now is around \$3,485 and if improvements were made, would bring in the money. There are several large groups planning to use the grounds this year. Chairman Robinson asked what the cost of water & power installation would be. Mr. Aarstad will come back to the Board with this information at a later date.

Commissioner Wylie motioned to close the public hearing. Commissioner Vaux seconded the motion which carried unanimously.

Commissioner Wylie motioned to approve the resolution adopting admission fees for the 1992 Skagit County Fair and user fee schedule for the Skagit County Fairgrounds. Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #14299).

Appeal - Hearing Examiners Decision to Deny Variance Request #VAR-91-033 of Karen Sloss

Jeff Morgan, Assistant Planner, presented to the Board copies of the survey, and site plan maps of the property. He then stated the Boards options to be: affirm the Hearing Examiners decision to deny the variance request, remand for further consideration, or hold their own public hearing. The understanding is that if the variance is approved, the applicant would be allowed to have the home placement 20 feet from the adjacent treed DNR land rather than the Skagit County Code requirement of 100 feet.

Commissioner Vaux motioned to hold their own public hearing on March 24, 1992, at 10:00 a.m. Commissioner Wylie seconded the motion, which carried unanimously. Mr. Morgan will provide pictures of the site.

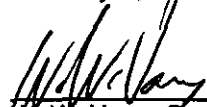
ADJOURNMENT

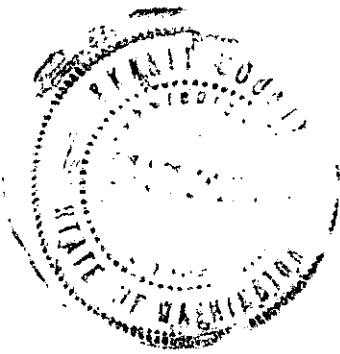
Commissioner Wylie motioned to adjourn, Commissioner Vaux seconded the motion, which carried unanimously.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
Robby Robinson, Chairman

Ruth Wylie, Commissioner

  
W. W. Vaux, Commissioner



ATTEST:  
  
Connie Carter, Clerk  
Skagit County Board of Commissioners