

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY COMMISSIONERS**

**Tuesday, April 21, 1992**

**Flag Salute**

- 8:30 a.m. - 9:00 a.m.      Decision - Karen Sloss Variance Application, #V-91-033, Property East of Chuckanut Drive on Chuckanut Mountain.
- 9:00 a.m. - 10:00 a.m.      Planning and Community Development - Scott Kirkpatrick, Director.
- 1)      Source Control Strategies for the Nookachamps Watershed Action Plan - Forest Practices.
  - 2)      County/City Development Review.
  - 3)      Discussion - Results of the Planning Commissions' Draft County Comprehensive Plan Policies Public Hearing Held Monday, April 13, 1992.
  - 4)      Code Enforcement Activity Report.
  - 5)      Miscellaneous.
- 10:00 a.m. - 11:00 a.m.      Planning Commission Recommendation - Bill Youngsman Rezone, #REZ-91-004, west of Blodgett Road and East of Maddox Creek, Mount Vernon.
- 11:00 a.m. - 11:30 a.m.      Decision - Beckstrom/Sheahan Special Use Application, #SP-90-023, 1056 C. Street, Mount Vernon.
- 1:30 p.m. - 1:45 p.m.      Bid Opening - One New Truck with Liquid Asphalt Distributor.
- 2:00 p.m. - 2:30 p.m.      Skagit Conservation District - Vicki Mesman.
- 1)      Presentation - Annual Report.
  - 2)      Signature - Proclamation - Soil & Water Stewardship Week.
- 2:30 p.m. - 4:30 p.m.      Presentation - Ron Kendall, Clemson University, South Carolina State Audit Summary and Incinerator Toxicology Study Report.

The Skagit County Board of Commissioners met in regular session on Tuesday, April 21, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

**DECISION - KAREN SLOSS VARIANCE APPLICATION, #V-91-033, PROPERTY EAST OF CHUCKANUT DRIVE ON CHUCKANUT MOUNTAIN.**

Commissioner Wylie stated that she appreciated having the decision on this application postponed until this day in order to review it further. She then requested Commissioner Vaux to proceed with making a motion.

Commissioner Vaux motioned to approve variance application No. V-91-033 for Karen Sloss including the conditions as follows:

1. The applicant shall establish a covenant to run with the land which shall be between the owner of the land and the Department of Natural Resources (DNR). The covenant shall release the DNR from claims of property damage resulting from a blown down tree from DNR land onto the Sloss property.
2. The applicant shall provide the residence with sprinklers or some fire protection measure approved by the Skagit County Fire Marshall and conforming to the Uniform Fire Code to protect the residence from fire damage that may affect adjacent properties.
3. Prior to the issuance of any building permits a geotechnical report shall be submitted to determine construction methods.
4. The applicant shall construct the access road to Uniform Fire Code Standards.

Commissioner Wylie seconded the motion, which carried unanimously.

**PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR.**

1) Source Control Strategies for the Nookachamps Watershed Action Plan - Forest Practices.

Jim Freeman, Senior Watershed Planner, reviewed with the Board that the watershed planning requirement for forest practices will provide: a public education program; assurance that the Forest Practices Act for land use conversions are implemented to ensure that local land use ordinances, water quality plans and erosion control guidelines are complied with; enforcement; and water quality monitoring and coordinations of the monitoring program with state-wide programs.

Mr. Freeman stated that he would not review the forest practices goals and objectives with the Board at this time, due to time constraints, and as they had the opportunity to review the information packet prior to the day's meeting.

Mr. Freeman reviewed the Forest Practices Subcommittee Source Control Strategies Preliminary Draft Recommendations code and regulatory changes with the Board. Mr. Freeman stated that revisions and implementing regulations have been established for specific watershed analysis. The Nookachamps should be prioritized high on the list for conducting the Phase I and Phase II Analysis for evaluating sedimentation and siltation status. Phase I should specifically recommend what type of research is needed to identify whether sedimentation/siltation from forest practices is having any adverse impact on the beneficial uses of the watershed. It was recommended that a "Right to Practice Forestry" ordinance should be developed, by the Planning Department as well as identification of critical wildlife and fisheries habitats in the watershed and a provision for protection of these areas.

Commissioner Wylie asked if the Department of Game, Wildlife and Fisheries are responsible for critical areas, and whether the County could use their information.

Mr. Freeman stated that if they have the information then the County will use it. The information is required, but can be obtained from a source other than the County.

Mr. Freeman continued, reviewing the inventories of the draft recommendations. The Planning-Department should identify forest land of long term commercial significance in the watershed as part of implementing the Growth Management Act (GMA), and an orphaned road inventory in the watershed should be conducted.

Commissioner Vaux questioned where funding for these changes was going to come from, and why the search for funding wasn't the first step to take.

Mr. Freeman replied that this preliminary stage is to receive the recommendations. The search for funding to fulfill the recommendations will come after all the recommendations are complete.

Mr. Freeman continued to review the remaining items with the Board as follows:

- DNR should allocate specific staff time to monitor timber harvesting for compliance and implement regulations. A temperature study should be conducted on the streams in forest lands to determine whether fisheries resources of the watershed are being adversely impacted by elevated temperatures caused from forest practices.
- Private and state timber landowners are encouraged to provide for the supervision of access to forest lands. Solid Waste Division should implement a collection program in the watershed as part of the Solid Waste Management Plan to minimize illegal dumping.
- The Watershed Management Committee and Board should prepare a policy statement to the state legislature requesting the development of a program to tax non-biodegrade packaging materials, appliances, and other items that are typically illegally dumped into stream corridors.

Kristi Carpenter, Project Assistant, reviewed the public involvement/education portion of the plan with the Board as follows:

- The TIE Committee should sponsor annual training sessions in the watershed to educate loggers and other local employees of the private timber industry on BMPs for forest practices. The training should also address disposal of oil, equipment maintenance, travel over stream crossings and other activities which may adversely impact water quality.

- Workshops should be held to educate local residents about the Forest Practices Act and implementing regulations.
- Develop a "Forester of the Year" award for the operator who did the best job of protecting water quality during timber harvesting activities.
- Develop an educational brochure for Off-Road Vehicle (ORV) users regarding the impacts of ORVs on stream crossings to be distributed where ORVs are sold and at Walker Valley ORV park.
- Hold educational workshops and produce a brochure to educate school children, local residents and users of the watershed on proper use of the watershed.

2) County/City Development Review.

Kraig Olason, Assistant Director, reviewed with the Board, problems arising with the County/City Development. Mr. Olason stated that the County is being forced into a county-wide GMA "cop" role by city projects that are underway without the County having prior knowledge of them. Mr. Olson stated that there is need for the Commissioner's direction on how to proceed with these issues. These projects are outside city limits and within the interim growth boundary.

Mr. Olason stated that the Planning Department is continually having to spend valuable time citing how these projects fail to comply with GMA requirements as well as interlocal agreements. The cities response to the objections indicate a lack of interest in complying with the County's requests. The time spent in policing the cities' activities would be better spent working to complete the GMA tasks.

Mr. Olason suggested that time should be spent concentrating on the completion of the GMA in order to have a good product to address the issues with the cities.

Commissioner Wylie asked if the County's authority on Allan Island lies with the Boundary Review Board.

Mr. Kirkpatrick replied that it does, but if the City Council decides to entertain annexation then it goes there. If the County is going to contest the annexation then there would be the need for the staff to do a work up, it would not be left solely to the Boundary Review Board.

Commissioner Vaux stated that there is no sewer plan for Allan Island so it would come under the Boundary Review Board.

Mr. Olason stated that the problem is that we're looking at a Comprehensive Plan that looks at an additional 3100 acres of County Property. Within the Comprehensive Plan for the sewer districts it states clearly that the policy within the city by ordinance, is that no one outside city limits gets on the sewer system.

Mr. Kirkpatrick stated that since there is not a Comprehensive Plan in effect the cities feel it is okay to go their own directions. He said that the County hears second hand about city projects in progress that are in non-compliance.

The Planning Department will continue to send letters to the cities in cases of non-compliance and on items that involve the Boundary Review Board, will place more emphasis on the issue.

Mr. Kirkpatrick will review with the Board, on a case-by-case basis, issues that require more action than a letter pointing out non-compliance.

3) Discussion - Results of the Planning Commissions' Draft County Comprehensive Plan Policies Public Hearing Held Monday, April 13, 1992.

Mr. Kirkpatrick stated that the public hearing on the Planning Commission's Draft County Comprehensive Plan Policies went well, and the public was allowed sufficient time to speak to the Commission.

Mr. Kirkpatrick stated that there is a planning session scheduled for April 27, 1992, for the Planning Commission to begin their review of the proposed plan. The public has until the close of business April 20, 1992, to submit written comments.

Mr. Kirkpatrick felt that it will take more than one Planning Commission study session before they can determine whether to schedule another public hearing or refer the policies to the Board. A verbatim transcript of the public hearing testimony will be available in about a week.

Commissioner Vaux requested that the transcript be directed to the Board for review as soon as it is available.

4) Code Enforcement Activity Report.

The Code Enforcement Activity Report was presented to the Board.

5) Miscellaneous.

Tim Hoffman, Compliance Officer, introduced George Smith to the Board. Mr. Smith is voluntarily working with Mr. Hoffman 16 hours a week learning research and investigation.

The Board welcomed Mr. Smith and thanked him for assisting Mr. Hoffman.

Commissioner Vaux's absence was excused for the following Miscellaneous items.

**MISCELLANEOUS**

- A) Stephanie Wood, Administrative Coordinator, presented to the Board an application/questionnaire for on-going trail grooming project funding assistance. The project addressed in this application is the continuation of the Mt. Baker, Canyon Creek Trail grooming. She stated that the County will act as lead agency for the Snowmobilers Association, through the Parks, Recreation, and Fair Department. Ms. Wood also stated that she, Jon Aarstad, Director of Parks, Recreation, and Fair, and Dave Fleming, Risk Manager, have all reviewed the application and found it sufficient. Commissioner Wylie motioned to approve the application for on going trail grooming project funding assistance in the amount of \$17,000.00 to continue the Mt. Baker, Canyon Creek Trail grooming. Chairman Robinson seconded the motion, which carried and was so ordered. (Contract #01306).
- B) Ms. Wood presented a Memorandum of Understanding to the Board that is between Skagit County; Mt. Baker Ranger District; and Darrington Ranger District, Mt. Baker-Snoqualmie National Forest, USDA - Forest Service; to jointly provide and maintain adequate snowmobiling trails and trailhead facilities on National Forest and other lands. The agreement is to extend from the date the last party signs the agreement, until terminated. There is nothing binding either party to expend in any one fiscal year any sum in excess of amounts available from appropriations for that fiscal year or to involve either party in any contract or other obligation for the future payment in money in excess of any such appropriations. (Contract #01307).

Commissioner Wylie motioned to approve the Memorandum of Understanding as described. Chairman Robinson seconded the motion, which carried and was so ordered.

**PLANNING COMMISSION RECOMMENDATION - BILL YOUNGSMAN REZONE, #REZ-91-004, WEST OF BLODGETT ROAD AND EAST OF MADDOX CREEK, MOUNT VERNON.**

Gary Christensen, reviewed for the Board their options for consideration to be:

- a) to summarily approve the Planning Commission's recommendation; or
- b) to remand it back to the Planning Commission for further discussion; or
- c) hold a public hearing and adopt findings of fact if the Board deems a change in the Planning Commission's recommendation is necessary.

Mr. Christensen stated that the Planning Commission's findings are different than the Staff findings. The Planning Commission is recommending approval of the rezone, and the Planning Staff recommends denial.

Mr. Christensen stated Planning Commission's findings show that the subject property was identified in the 1988 City of Mount Vernon Comprehensive Plan as being within the City's existing urban service area. The City shows the area west of Maddox Creek as future warehouse/industrial and describes it as a logical location for large site heavy equipment, warehouse and manufacturing uses. The area between Maddox Creek and Blodgett Road is identified for future residential use. Mr. Christensen stated that there is a possibility of annexation and urban services in the future. The current zoning is Agricultural.

Commissioner Wylie confirmed that at the present it is stated that there will be residential use on some of the property. She questioned where the County would have retail and commercial sales tax based.

Commissioner Vaux stated that he would like to see commercial development but no annexation.

Commissioner Wylie stated that she doesn't like having commercial and residential zones so close together as proposed by this rezone request. There would be problems with noise, etc. Commissioner Wylie felt that the South Mount Vernon area should be commercial/retail industrial. If there were to be housing also, there would be disturbances to the residences created with the removal of the agricultural buffer zone.

Mr. Christensen stated that there are plans in progress for residences, but this is not the time to deal with the possibility of residential lots, just what zoning is wanted here.

Mr. Youngsman addressed the Board stating that all the services needed for his project are available. The water table is low, there is good soil for septic use, and the PUD has stated that there will be water available. Mr. Youngsman continued saying that there are no permits required beyond the Fisheries, and since he owns property on both sides of Maddox Creek, has a vested interest to fulfill the permitting requirements.

Mr. Youngsman stated that it is a good point that sales of homes would be difficult to implement if there were no buffer. The landscaping, trees, and the commercial set-back of 175 feet from the creek, which is the proposed edge of the rezone, will provide the buffer.

Mr. Bill Nielsen, attorney for the Pat McMullen's who reside close to the proposed rezone area, addressed the Board requesting the Board to hold their own public hearing. Mr. Nielsen stated that the Planning staff and Planning Commission do not agree on the Youngsman rezone request and felt that to be a valid reason for the Board to hold their own public hearing.

Mr. Nielsen stated that it was clear after participating in the Planning Commission's public hearing that the Planning Commission had some sense that it is not fair that the GMA is not in effect as yet. The GMA has a great deal to do with the determination of the rezone request as the staff findings show.

Mr. Nielsen requested that the Board, at very least, remand the issue back to the Planning Commission to consider further including GMA criteria.

Mr. Nielsen continued, saying that at present there is now a buffer between the existing commercial and residential areas. There is a preliminary plat for 10 lots. This rezone would allow 10 - 20 more residential lots down by the creek. Mr. Nielsen stated that in the preliminary plat file there are statements regarding 2 lots in the 10 requiring special septic permits as the soil is not good enough.

Mr. Nielsen felt that as the Mount Vernon City Planning Department will have a new director on board soon. He has discussed with Mr. Smith, the City Attorney, suggesting that perhaps a hearing could be scheduled at a later date allowing the City Staff Director to be present and familiar with the Youngsman rezone request.

Mr. Nielsen felt that residential zoning next to commercial zoning would create problems.

Mr. Youngsman readdressed the Board. He stated that there is already commercial use all around the property. He stated that as far as any safety issues, there has been a driveway placed to serve 8 lots on Skyridge in order to bypass the safety issue on Blodgett.

Commissioner Wylie stated that she has no problem with the commercial zoning, just the residential. The GMA is requesting roads to be put in before allowing development which makes it difficult to have the money to do so.

Commissioner Wylie motioned for the Board to hold their own public hearing.

Commissioner Vaux stated that this area had been rezoned and reclassified many times over the years. He felt that it is a good project but he is for the Planning Commissions motion and will not second Commissioner Wylie's motion.

Chairman Robinson stated that he has concerns regarding the buffer zone that could possibly raise conflicts. With no city planner on board at this time, he felt it wise to give the city time to be fully staffed and seconded the motion. The motion carried by majority vote. Commissioner Vaux cast a dissenting vote.

The public hearing shall be held Tuesday May 19, 1992, at the hour of 2:00 p.m., or as soon thereafter as possible, in the Commissioner's Hearing Room, 202A, County Administration Building, 700 S. Second, Mount Vernon, Washington.

**DECISION - BECKSTROM/SHEAHAN SPECIAL USE APPLICATION, #SP-90-023, 1056 C. STREET, MOUNT VERNON.**

This meeting has been rescheduled for Monday, May 4, 1992, at the hour of 1:30 p.m. or as soon thereafter as possible, in the Commissioner's Hearing Room, 202A, County Administration Building, 700 S. Second, Mount Vernon, Washington.

**BID OPENING - ONE NEW TRUCK WITH LIQUID ASPHALT DISTRIBUTOR.**

Two bids were received and opened for the purchase of one new truck with liquid asphalt distributor.

1. Sahlberg Equipment Co., Inc.  
5950 4th Avenue South  
Seattle, WA 98108

First Proposal: Truck - Ford, LN8000, 1992  
Tank - Etnyre, BTSAM, 1992

Bid Price: \$83,117.80

Second Proposal: Truck - International 4900, 4x2, 1992  
Tank - Etnyre, BTSAM, 1992

Bid Price: \$83,621.29  
Bid Bond Enclosed

2. Smith Tractor and Equipment  
1712 Hickox Road  
Mount Vernon, WA 98273

First Proposal: Truck - International 4900, 4x2, 1992  
Tank - ROSCO, Maximizer, 1992

Bid Price: \$76,996.88

Second Proposal: Truck - Ford, LN8000, 1992  
Tank - ROSCO, Maximizer, 1992

Bid Price: \$76,996.88  
Bid Bond Enclosed

Mr. Tewalt will review the bids received and return at a later date to recommend an award.

**SKAGIT CONSERVATION DISTRICT - VICKI MESMAN.**

1) Presentation - Annual Report.

Vicki Mesman, District Manager, Skagit Conservation District addressed the Board and introduced the following Skagit Conservation District Board of Supervisors: Mark Hitchcock, Secretary - Treasurer Mike Fernie, and Gerry VanderVeen

Ms. Mesman introduced the following staff members: Ella Summit, District Secretary; Carolyn Kelly, District Technician; Kandy Hayes, Office Assistant; Dale Tenneson, District Technician; and Steve Nissley, District Conservationist from the Soil Conservation Service.

Ms. Mesman stated that the 1992-1993 Annual Work Plan year is a special one. This celebrates the 50 year anniversary for the Skagit Conservation District. Ms. Mesman said that there will be special celebrations and activities. Ms. Mesman stated that there are plans to hold a 50 year awards banquet and presentation of a Conservation Farmer of the Year Award. There will also be poster programs in elementary schools, a 6th grade conservation tour, and special promotions.

Ms. Mesman stated that the theme for the year is "Bringing Out The Best In The Land." Ms. Mesman briefly reviewed the main goals and priorities to be: protection of prime farmlands; improve overall water quality; county government assistance; and conservation education.

2) Signature - Proclamation - Soil & Water Stewardship Week.

The Board signed a proclamation designating the week of April 26 through May 3, 1992 Soil and Water Stewardship Week.

The Skagit Conservation District presented each Board member with a seedling douglas fir tree, and a 1992 Soil & Water Stewardship Week - Our Treasured Trees pin.

**PRESENTATION - RON KENDALL, CLEMSON UNIVERSITY, SOUTH CAROLINA STATE AUDIT SUMMARY AND INCINERATOR TOXICOLOGY STUDY REPORT.**

Rich Medved, Public Works Director addressed the Board and thanked them for the opportunity to present the Audit Summary and final draft of the Incinerator Toxicology Study Report. He then introduced Dr. George Cobb, Dr. Carol Weisskopf, and Mr. Ron Kendall.

Commissioner Vaux stated that the study was not mandatory, that is was a result of Mark Backman and Evergreen Islands suggested a study of this nature. When searching for a funding source, the Department of Ecology (DOE) was asked if they would help fund and turned it down. Later on, the DOE came up with \$350,000 to assist.

Mr. Medved stated that this was true, and that the purpose for the meeting in front of the Board this day was to hear a brief background of The Institute of Wildlife Toxicology (TIWET), discuss the Audit in South Carolina, and present the study and results.

Mr. Kendall addressed the Board, stating that he was glad to present the details of the study to the Board. He stated that, by contract, it was not necessary for any member of their staff to be present, that they could have sent the report only. Mr. Kendall stated that they came because they are committed and interested in the project completed for the County.

Mr. Kendall reviewed the reasons for TIWET's move to South Carolina to mainly be due to the offering of a doctoral program. The entire staff moved with the program. Mr. Kendall stated that in order for the program to reach the ultimate level, it had to be moved to where there could be a doctoral program. Mr. Kendall presented a video of TIWET and Clemson University.

Mr. Kendall stated that he was there to lay the facts on the table, whether an incinerator can be run in a environmentally safe manner.

Mr. Kendall stated that the financial audit performed last summer basically turned out fine. There were a few minor issues while in the transition of the move to South Carolina. Some of the issues faced were: double billing on two rental cars, lease of research property from a consultant here on the west coast; the travel advance account had less that \$1,200 discrepancy out of \$11,000,000 in auditing issues even with the move. Mr. Kendall stated that none of the auditing issues involved Skagit County, and all is accounted for.

Mr. Medved stated that David Larson, the Vice President of Finance at Clemson University, told him that the technical side of TIWET is good but the business side needed improvement so they integrated TIWET into the University.

Mr. Kendall showed a slide presentation addressing the toxicology study performed. The information covered the sampling before and after initiation of the incinerator; agricultural sampling to determine concentration of toxins; evaluation of the effects of the incinerator on the environment; air quality and sampling sites. Mr. Kendall stated that the four main toxic metals being looked for are cadmium, chromium, lead, and mercury. The types of sampling collected were: environmental air, particulate and vapor; soil; and biota, earthworms, shrews, mice, etc.

Dr. Cobb addressed the Board to outline the significant and nearly significant findings of the study. Lead stayed below normal background levels, though it fluctuated in the air sampling. Mercury was present in the soil from British Columbia to Oregon. The overall evaluation showed there was not a statistical increase, but may warrant further testing. Background concentrations were higher than normal before the incinerator was active due to natural concentrations in the area, the concentrations were not due to the incinerator.

Mr. Kendall stated that there are not potentially dangerous problems according to the results of the study.

Commissioner Vaux asked when the report will go to the Department of Ecology (DOE) for review, and have a response to the County.

Mr. Medved stated that the report would be mailed by Thursday, and that DOE did not make a commitment on turn-around time, but did say that they would respond quickly. Mr. Medved is hoping for a 30 day turn-around time.

Chairman Robinson stated that after DOE has adopted the study and responded then the Board will hold a public hearing where public comments will be taken.

#### MISCELLANEOUS

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, April 21, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

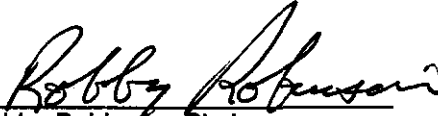
Warrants #90767 through 90932 (Vouchers #90767 through 98932) in the amount of \$197,543.55. Transmittal #R8-90.



**ADJOURNMENT**

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

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

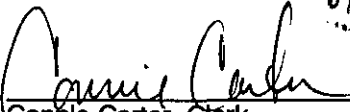
  
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Robby Robinson, Chairman

  
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Ruth Wylie, Commissioner

  
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W. W. Vaux, Commissioner



ATTEST:

  
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Connie Carter, Clerk  
Skagit County Board of Commissioners