

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

Tuesday, October 6, 1992

9:00 a.m. - 10:00 a.m. Planning Department - Scott Kirkpatrick, Director.

1. Discussion - Joint Agreement Between Whatcom County Water District #12, City of Burlington, and Skagit County.
2. Discussion - Resolution for Evaluating Burlington Urban Growth Boundary Proposal.
3. Signature - Ordinance Amending Section 14.04.190, Skagit County Code, Regarding the Non-Issuance of Building Permits for Residential and/or Commercial Structures Outside of a Fire District, and Terminating the Interim Controls Addressing the Non-Issuance of Building Permits for Residential and/or Commercial Structures Outside of a Fire District.
4. Code Enforcement Report.
5. Miscellaneous.

10:00 a.m. - 10:30 a.m. Signature - Agreements Establishing Water Utility Service Area Boundaries, Various Water Systems.

10:30 a.m. - 11:00 a.m. Discussion - Underground Storage Tank Removal.

The Skagit County Board of Commissioners met in regular session on Tuesday, October 6, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

PLANNING DEPARTMENT - SCOTT KIRKPATRICK, DIRECTOR.

1. Discussion - Joint Agreement Between Whatcom County Water District #12, City of Burlington, and Skagit County.

Kraig Olason, Assistant Planning Director, addressed the Board. Mr. Olason stated that Skagit County has had an interlocal agreement with Whatcom County Water District #12 (District 12) since 1980. The purpose of the agreement has been to cooperate with each other in the furtherance of the orderly future development and growth within the potential service area of the District's force main to Burlington. A meeting was held in February, '92, to discuss updating the agreement.

There is currently an agreement between Skagit County and District 12, and the City of Burlington. Mr. Olason stated that it is necessary to be sure that land use requests can be serviced by the water and sewer districts. In January, 1992, the City of Burlington placed a moratorium on sewer connections to District 12's force main south of its defined service area, except for the connection of existing dwelling units or other premises with failing on-site systems when dwellings are within 200 feet unless an on-site replacement can be made. District 12 feels that the moratorium is illegal. The Skagit County Planning Department staff met with Burlington and District 12 in February to discuss renegotiating the Joint Use of Sewage Disposal Facilities Agreement. The Burlington City Council conducted a workshop on July 23, 1992, where the City Planning Department identified issues and policy options relating to District 12 and the Joint Sewage Disposal Facilities.

The County needs to formalize a procedure for evaluating whether land use approvals should be granted within District 12 service area and should be removed as a party to the agreement. Mr. Olason suggested the following options:

**Record of the Proceedings
Tuesday, October 6, 1992
Page 2**

- 1) continue a three-way agreement with District 12, Burlington and the County, or;
- 2) enter into an interlocal agreement with District 12 and the County, or;
- 3) develop a process which includes:
 - a) formal verification that the capacity of both District #12 and Burlington exists to service the proposed project through total build-out; and
 - b) requirement for all projects to be completed within 60 months from the date of formal request for sewer service availability from District 12.

Mr. Olason favored option #3. To facilitate this option, Mr. Olason suggested that a memo of Understanding be entered into with District 12 to require a capacity analysis. There needs to be verification from District 12 and Burlington stating that there is sufficient capacity and concurrence that the system can handle the capacity. Exhibit "C" of the current agreement lists previous commitments made that the District 12 agreement says will be honored.

Margaret Fleek, City of Burlington, stated that each of the previous commitments states that they have to be hooked up in 90 days.

Mr. Olason stated that the County finds that the water district will take deposits on availability of service, and then send to the County for approval. The money remains with the District while the approval process is completed. He felt that it is premature to take deposits for hook-ups before seeing if they will be approved.

Commissioner Vaux stated that there seemed to be two problems. The approval process specified in the three-way agreement, and deposits have been made to the District and now those reservations may not exist.

Commissioner Wylie asked whether Burlington had signed an agreement with District 12. It was said that they will not until the Board does, because it is not known if the capacity is there.

Ms. Fleek distributed a handout showing District 12 boundaries, proposed Urban Growth Area Boundary and Pending annexation requests, in the Burlington area.

A letter will be written to Water District #12 regarding available hookups, capacity,

2. Discussion - Resolution for Evaluating Burlington Urban Growth Boundary Proposal.

Mr. Kirkpatrick addressed the Board regarding the resolution prepared by the City of Burlington for evaluating the Burlington Urban Growth Area Boundary proposal. Mr. Kirkpatrick stated that the resolution provides for agreement between the City of Burlington and the County to cooperatively work on Urban Growth issues. With this resolution, the County would hire a consultant to review the proposal and make recommendations on agreed upon criteria. He said that it is desired to have a consultant hired before the end of the year. Approximately three months of evaluation time will pass before a formal public hearing process on the Proposed Urban Growth Boundaries is scheduled. A portion of the resolution allows for the Board to notify the City which proposed annexations will go unopposed. The resolution was drafted by Ms. Fleek and she and Mr. Kirkpatrick worked together to find agreement on the content.

Area maps of the Burlington Urban Growth Boundaries were reviewed. Ms. Fleek stated that the City of Burlington is proposing modest Urban Growth areas, basically straightening out the city limits and keeping sewer service areas as separate spheres of influence. Ms. Fleek felt that the proposed resolution of

agreement will be beneficial to the City and the County. Ms. Fleek stated that the City's concern is that several proposed annexations have been pending for four years, and the City has the legal obligation to go forward with them. They are desiring pre-annexation agreements with the County so that the pending annexations can be cleared up as soon as possible. It is important to move quickly as the sewer system is being installed on the west side of I-5 and if the annexations are completed before the final assessment role, the annexed areas can benefit from the sewer system and will lower the cost of sewer installation.

Ms. Fleek clarified for the Board where the existing city limits are.

Mr. Kirkpatrick stated that the resolution doesn't obligate the County to agree with the City's proposed Urban Growth Boundaries, it just allows the process to get started.

Commissioner Vaux asked Ms. Fleek whether there is an agricultural zone in Burlington.

Ms. Fleek stated that there is Reserve Agricultural in which the minimum lot size is 13,500 square feet. She said that it is desired to process all of the proposed annexations in one big package. They will automatically revert to Reserve Agricultural Zoning and, the city will have six months to set the permanent Comprehensive Plan designations. The City Council proposed a program for current Agriculture land conservation. They will pay a set price per acre to provide for purchase of development rights. They have been working with Skagit Conservation District and Skagit Systems Cooperative to develop the plan, and have agreement on it. The proposed Knutzen annexation is the only one that there is concern over by Skagit Conservation District.

Commissioner Vaux stated that he felt that the proposed boundaries were reasonable.

Commissioner Vaux asked what would happen if the Board or the Mayor didn't agree with the consultant.

Mr. Kirkpatrick stated that the Board could make changes.

Commissioner Vaux questioned the need for a consultant if the County and City agreed with proposals.

Mr. Kirkpatrick stated that in agreeing to County-wide policies there are details that will come out of that. The staff will work with day-to-day issues, the consultant would work with the policy details.

Commissioner Vaux stated that the resolution did not address annexations, it only refers to the Urban Growth Boundaries. He said that it states that Burlington will present Urban Growth Area Boundaries, and the County will have to hire a consultant. Why hire a consultant if there is agreement?

Mr. Kirkpatrick stated that the consultant use needs to be defined.

Commissioner Vaux felt that the Urban Growth Boundaries should come before annexations.

Mr. Kirkpatrick stated that it is not necessary, that the annexation agreement makes it possible to proceed with those annexations that the City and County agree to. Those for which agreement is not reached may require the services of a consultant.

Commissioner Vaux stated that the Board in 1993 may not agree with the proposed annexations. There may be Urban Growth Boundaries in place but it should remain flexible whether to annex or not.

Commissioner Vaux stated that Section 1. B. should read that the County may hire a consultant, not "shall." He concurred with Mr. Kirkpatrick that in Sections 2 and 3 item B, "shall" should be replaced with may also.

Mr. Kirkpatrick will have the changes to the resolution made as requested.

3. Signature - Ordinance Amending Section 14.04.190, Skagit County Code, Regarding the Non-issuance of Building Permits for Residential and/or Commercial Structures Outside of Fire District, and Terminating The Interim Controls Addressing the Non-issuance of Building Permits for Residential and/or Commercial Structures Outside of a Fire District.

Mr. Kirkpatrick presented a resolution for adoption to the Board amending Section 14.04.190, Skagit County Code regarding the non-issuance of Building Permits for residential and/or commercial structures outside of a fire district, which also terminates the interim controls addressing the non-issuance of building permits outside of a fire district.

Commissioner Vaux motioned to adopt the resolution as submitted. Commissioner Wylie seconded the motion, which carried unanimously. The effective date of this resolution shall be November 1, 1992. (Resolution #14495).

4. CODE ENFORCEMENT REPORT.

The Code Enforcement Report was presented to the Board.

5. MISCELLANEOUS.

No miscellaneous items were presented at this time.

SIGNATURE - AGREEMENTS ESTABLISHING WATER UTILITY SERVICE AREA BOUNDARIES, VARIOUS WATER SYSTEMS.

The Board signed agreements establishing water utility service area boundaries for the following water systems:

Skagit County Water District #1	(<u>Contract #01438</u>).
Town of Concrete	(<u>Contract #01439</u>).
Bacus Hill Water Corporation	(<u>Contract #01440</u>).
Lakeside Estates	(<u>Contract #01441</u>).
Guemes Island Water Company, Inc.	(<u>Contract #01442</u>).
Del Mar Community Services, Inc.	(<u>Contract #01443</u>).
City of Anacortes	(<u>Contract #01444</u>).
Cape Horn Maintenance Company	(<u>Contract #10445</u>).
Samish Farms Water Association	(<u>Contract #01446</u>).
Town of Hamilton	(<u>Contract #01447</u>).
Town of LaConner	(<u>Contract #01448</u>).
Leif Erickson Rec. Association	(<u>Contract #01449</u>).
Town of Lyman	(<u>Contract #01450</u>).
Shelter Bay Community, Inc.	(<u>Contract #01451</u>).
PUD #1 of Skagit County	(<u>Contract #01452</u>).

DISCUSSION - UNDERGROUND STORAGE TANK REMOVAL.

Roger Howard, Facilities Manager, stated that the low bidder, Global Environmental of Seattle which was awarded the bid for the underground storage tank removal project, requested to have their bid withdrawn. The reason they state for wanting to withdraw their bid is that they assumed that the waste oil tank at the court house could be filled and closed in place. Mr. Howard stated that the bid specifications were clear that it was to be removed, and felt that they were using it as an excuse to remove their bid. He said that a few days after the bid opening he saw some Global Environmental staff members on-site questioning how they were going to get equipment in to do the job. He felt that it was obvious that they had not looked at the site before bidding on it. He questioned whether Global Environmental should be allowed to withdraw their bid, and if so, does the County keep their bid bond or return it? He said that John Moffat, Chief Civil Deputy Prosecuting Attorney, felt that the County should keep the bond. The bid could be withdrawn if there was documentation showing the County's error in the bid packet, or if the County changed an item related to the work.

Commissioner Wylie felt that the withdrawal should be allowed so that another contractor may be awarded the bid and the work can get underway. The work was supposed to be coordinated with the Courthouse parapet remodel in order to alleviate closing part of the parking lot two different times.

The second lowest bidder was Environmental Excavation P.O. Box 1245, Lake Stevens, Washington at the bid price of \$28,337.40. Approximately \$3,000 more than Global Environmental.

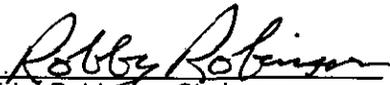
Commissioner Vaux motioned to allow Global Environmental to withdraw their bid and award the bid for the removal of underground storage tanks to Environmental Excavation. Commissioner Wylie seconded the motion, which carried unanimously.

Mr. Howard will prepare a resolution for the Board to sign next week.

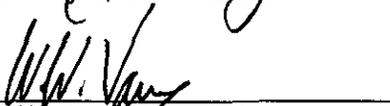
ADJOURNMENT

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

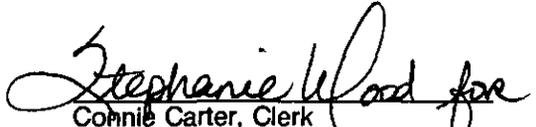
BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Robby Robinson, Chairman


Ruth Wylie, Commissioner


W. W. Vaux, Commissioner

ATTEST:


Connie Carter, Clerk
Skagit County Board of Commissioners