

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

Monday, October 26, 1992

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

- 1:30 p.m. - 2:00 p.m. Discussion - Abandoned Burlington Northern Property Acquisition.
- 2:00 p.m. - 3:00 p.m. Planning Commission Recommendation - Approval - Kirk Campbell Comprehensive Plan Map Amendment #CPA-92-005, East of Stackpole Road.
- 3:00 p.m. - 4:30 p.m. Executive Session - Litigation.

The Skagit County Board of Commissioners met in regular session on Monday, October 26, 1992, with Commissioners Robby Robinson, Bill Vaux and Ruth Wylie present.

DISCUSSION - ABANDONED BURLINGTON NORTHERN PROPERTY ACQUISITION.

Steve Colby, Skagit County Parks Department Special Operations Manager, gave a history of the County's project to develop recreational trails from abandoned Burlington Northern Railroad property. He stated that originally the idea was brought forward by a citizens group, but was also supported by the State Parks Department. In 1990, the Board gave permission to Jon Aarstad to apply to the IAC (Interagency Committee for Outdoor Recreation) for funding for a trails project. Subsequently, a grant for \$650,000 was received from the IAC, with a matching share to be in the form of the value of a donated bridge across the Skagit River. Appraisal of the bridge revealed its worth at well over one million dollars. A contract was signed with the IAC in January of 1991, and a title search and appraisal were completed. The donation of the bridge to Skagit County was also accomplished. Skagit County's project was modeled after a successful project in Snohomish County which recognizes these trails as "linear" open space parks.

Burlington Northern has now agreed to the purchase price of \$113,254.00 for abandoned railway lines from the South Skagit County Line north to Sedro Woolley. In essence, Skagit County would be buying the rights to the property on which the railway line currently exists. Skagit County would receive a quit claim deed, not a warranty deed, for the Burlington Northern property, and Skagit County would have to perform title searches to determine the ownership of the property. Mr. Colby submitted for the Board's signature a letter of intent between Skagit County and Burlington Northern to purchase the previously mentioned property for the purchase price of \$113,254.00.

Commissioner Vaux asked Mr. Colby if he felt that the titles are clearable. Mr. Colby stated that according to the experiences of those working with the Snohomish County project, the titles are clearable, but it may involve additional payments to property owners discovered through the title search. Commissioner Vaux followed up by asking if it is necessary that Skagit County obtain clear title for all of the property. Again, Mr. Colby cited Snohomish County's experience, stating that Snohomish County presumed that they actually owned the property on which they owned the Burlington Northern rights. When a property owner came forward, attempts were made to reconcile the ownership issue. The potential exists that unresolved property disputes could be taken to court by the landowner.

Commissioner Wylie pointed out that many of the agreements that Burlington Northern currently maintains with property owners contain language to the effect that the property reverts back to the original owner once Burlington Northern has no more interest in the property.

RECORD OF THE PROCEEDINGS

Monday, October 26, 1992

Page #2

Mr. Colby stated that legal experts he has consulted feel that Skagit County would have an equal claim to the property as does the original owner.

Commissioner Wylie asked to be allowed time to review a memorandum from John Moffat, Chief Civil Deputy, which addresses the issue of property ownership. The memorandum was received by the Board on Friday, October 23, 1992.

The Board declined to sign the documents at this time, deferring further consideration until after the Board conducts further review.

Jon Aarstad, Parks Department Director, stated that the only deadline under which the County is obligated is the grant deadline, which expires at the end of the year.

CONSENT AGENDA.

Commissioner Wylie motioned to approve the consent agenda of October 26, 1992. Commissioner Vaux seconded the motion, which passed unanimously.

* Administrative Services:

1. Contract for Professional Services with Skagit Valley Properties, 307 South 1st Street, Mount Vernon, Washington, to serve as real estate agent for the purchase of selected properties as directed by the County. The County shall compensate the Contractor at 5% of real estate purchase price. Contract shall commence October 1, 1992, and terminate December 31, 1992. (Contract #001461)
2. Contract for Professional Services with Cheryl Brakefield, 302 South 2nd Street, Mount Vernon, Washington, to administer Sheriff Guild employee physical fitness testing and compile the resulting data. The County shall compensate the contractor at the rate of \$15.00 per hour. Contract shall commence October 1, 1992, and terminate December 31, 1992. (Contract #001462)

• Commissioner's Office:

3. Record of the Proceedings for October 19, 1992.

• Health Department:

4. Signature - Contract with the DSHS Division of Developmental Disabilities, Regional Office, 840 N. Broadway, Building A, Suite 100, Everett, Washington 98201, for the provision of screening and vaccination for Hepatitis B. Contract to commence upon full execution and continue through June 30, 1995. The County will invoice the Division of Developmental Disabilities at the following rates: Pre-screening, \$10.00; Post-screening, \$10.00; Vaccine \$60.00/per day/\$180.pp maximum for 3 doses. (Contract #001463)

* Planning & Community Development:

5. Signature - Resolution to call for public hearing regarding Agricultural Variance Request #AGV-92-044 of Fred Carlson, 1474 Baker Heights Road, Mount Vernon, on Tuesday, November 17, 1992, at the hour of 10:00 a.m., or as soon thereafter as possible, in the

RECORD OF THE PROCEEDINGS

Monday, October 26, 1992

Page #3

Commissioner's Hearing Room, 202A, 700 S. Second, Mount Vernon, Washington.
(Resolution #14611)

6. Signature - Resolution approving Variance Request #VAR-92-027 of Marguerite Johnson, 1485 Dunbar Lane, Mount Vernon, Washington. (Resolution #14612)
7. Signature - Resolution denying appeal by Howard Pellett of granting of Short Subdivision Application SPT-91-093 of Ken Reed for the development of approximately 57.53 acres on Guemes Island. (Resolution #14613)

• **Public Works:**

8. Signature - R.A.P. Project Agreement for Construction Proposal - Prairie Road, C.R.P. #500-2. (Contract #001464)
9. Signature - Resolution establishing new Plat Roads as County Roads. (Resolution #14614)
10. Signature - Resolution to call for public hearing for vacation of a portion of unused County right-of-way on Guemes Island. (Resolution #14615)
11. Signature - Resolution to call for public hearing for the vacation of County right-of-way in the Plat of Clear Lake Water Front Tracts. (Resolution #14616)
12. Signature - Consulting Services Agreement for Traffic Modeling with TModel Corporation of Vashon Island, Washington, to assist the Public Works Department staff in building a County-wide traffic model which will support GMA and RTPO transportation Planning activities. Contract shall commence upon full execution and terminate no later than December 31, 1993. Total contract amount shall not exceed \$7,920.00. Currently, \$6,000 of reimbursable funds targeted for this item are in the RTPO Sub-Regional Work Program Budget for 1992-93. If there are surplus RTPO funds in other budget items, the Sub-regional Policy Board will have the option of shifting an additional \$1,920 into traffic modeling in order to cover the entire cost of this contract. (Contract #001465)

* **Parks and Recreation:**

13. Signature - Agreement for the use of school facilities at Cascade Middle School, Sedro-Woolley School District. Saturdays, October 31, 1992 through December 12, 1992, for Youth Basketball Camp. (Contract #01292)

MISCELLANEOUS ITEMS.

There were no miscellaneous items for consideration by the Board at this time.

PLANNING COMMISSION RECOMMENDATION - APPROVAL - KIRK CAMPBELL COMPREHENSIVE PLAN MAP AMENDMENT #CPA-92-005, EAST OF STACKPOLE ROAD.

Gary Christensen, Associate Planner, referred to a staff report from the Department of Planning and Community Development, and a recorded motion from the Planning Commission which the Board had received prior to the meeting.

RECORD OF THE PROCEEDINGS

Monday, October 26, 1992

Page #4

This application by Kirk and Lale Campbell is for property located east of Stackpole Road, west of Cascade Ridge Planned Unit Development. The applicants are requesting to reclassify 20 acres of property from Forestry to Rural for the purpose of residential development. The property is adjacent to existing rural zoning on the west and rural intermediate on the east. It is served by Fire District #3 and the Skagit County PUD for water. Residential development would be served by on-site septic systems. The property is characterized by steep slopes of 15 to 30 degrees. In order to reclassify this property, the applicant must obtain a Comprehensive Plan Map Amendment and later must apply for a rezone.

Mr. Christensen stated that the staff felt that since this forestry zoning is sandwiched between higher density zoning, it likely will not be used for long-term commercial forestry purposes.

Edwyna Fong, Associate Planner, summarized the Planning Commission's recorded motion. She stated that the Planning Commission found as Mr. Christensen had stated, that the property would likely not be used in the long term as commercially significant forest land. The Planning Commission voted 7-0 to recommend approval of this application.

Commissioner Wylie motioned to adopt the findings and recommendations of the Planning Department staff and of the Planning Commission and approve the Comprehensive Plan Map Amendment of Kirk and Lale Campbell, #CPA-92-005. Commissioner Vaux seconded the motion, which passed unanimously.

ADJOURNMENT.

There being no further business, Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion, which carried unanimously.


BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Robby Robinson, Chairman

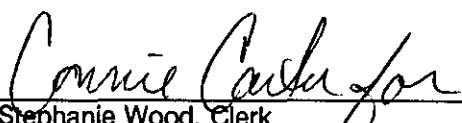


Ruth Wylie, Commissioner



W. W. Vaux, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners