

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

**Monday, April 12, 1993:**

- 10:00 a.m. - 11:00 a.m.      Public Works Department - Rich Medved, Director:
- 1) Public Hearing - Franchise Agreement - Texaco Refinery.
  - 2) Discussion - Inman Water System.
  - 3) C.R.P. Establishment - Peter Anderson Road, #6323.
  - 4) Bid Award Recommendation - 1993 Motor Fuel.
  - 5) Miscellaneous.
- CONSENT AGENDA.
- MISCELLANEOUS ITEMS.
- 11:00 a.m. - 11:30 a.m.      1) Proclamation - Earthquake Awareness Week - April 18-24, 1993.  
2) Proclamation - Public Safety Telecommunications Week - April 11-17, 1993.
- 1:30 p.m. - 2:30 p.m.      Appeal - Hearing Examiners Decision Regarding Variance Request #VAR-92-074 of Thomas Wake, 351 Chuckanut Drive, Bow.
- 2:30 p.m. - 3:00 p.m.      Planning Commission Recommendation - Approval - Amendments to Skagit County Code Chapter 14.04, Zoning Ordinance, to Allow Retriever/Field Trial Dog Training Facilities to be Considered as a Special Use.
- 3:00 p.m. - 3:30 p.m.      Resolution - Increasing Change Fund for District Court.

The Skagit County Board of Commissioners met in regular session on Monday, April 12, 1993, with Commissioners Robert Hart, Harvey Wolden, and Robby Robinson present.

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

- 1) Public Hearing - Franchise Agreement - Texaco Refinery.

Chairman Hart waived the reading of the notice of public hearing as advertised in the Skagit Argus.

Doug Barnet, County Engineer, introduced the subject franchise agreement proposal to the Board. He said that 2500 lineal feet of ditch is planned to be reconfigured on March Point Road. There are 10 or 11 existing areas of road crossing Texas Road. The 12 inch culverts under these crossings are planned to be removed and replaced with 18 inch culverts. Texaco Refinery will retrofit the culverts with gates that can be closed in the occurrence of an oil spill.

Chairman Hart opened the hearing for public comment.

- Mr. Joe Haley, Spill Cleanup Coordinator for Texaco Refinery, addressed the Board. He stated that the proposed work will prevent a reoccurrence of polluting the bay should another oil spill occur. He said that spillage would probably still occur on the land, but that a land spill is easier to clean up.

Commissioner Wolden asked whether the retention capacity of the reconfigured ditch would be sufficient should another spill occur.

Mr. Barnet stated that the storage capacity of the ditch is estimated to be sufficient to minimize the impact should another spill occur.

Seeing and hearing no further comment from the public, Commissioner Wolden motioned to close the public hearing. Commissioner Robinson seconded the motion, which carried unanimously.

Commissioner Wolden motioned to enter into the franchise agreement as presented. Commissioner Robinson seconded the motion, which carried unanimously.

The franchise agreement will be presented for signature at a later date.

2) Discussion - Inman Water System.

Mr. Barnet addressed the Board regarding the proposals from Samish Farms Water Utility and Skagit PUD to be water purveyor for the residences in the area west of the Inman Landfill from Allen West Road, up to the Hillwood residential area. He said that the Public Works Engineering Department would like direction from the Board regarding the selection of a purveyor.

The Samish Farms Water Utility proposal was received March 30, 1993, and the estimated total cost for upgrading the water system for the subject area is \$450,000. On March 17, 1993, the PUD cost estimate for Phase I, which includes the installation of a water tank, and main line, is \$553,000. They have not submitted an estimate for Phase II. Mr. Barnet felt that the Samish Farms Water Utility proposal would be the most favorable.

Mr. Barnet stated that presently, there is a 6 inch line leading from the PUD hookup on Allen West Road to the pumping station which continues to the top of hill. Samish Farms Water Utility's proposal provides for replacing the 6 inch line with 8 inch line, and placing a water storage tank at the top of the hill. They are requesting that the County pay for the upgrade of the pipeline from the PUD main line to the pumping station, and to the proposed tank on the hill. The proposal also requires upsizing the PVC line that crosses Farm-to-Market Road. PUD's proposal is similar in design except that the PVC pipe crossing Farm-to-Market Road is not acceptable by their standards. He stated that PUD has worked cooperatively with him to this point.

Mr. Medved stated that this is not a competitive bid situation. At the onset of the planning for this system, it was understood that Samish Farms Water Utility was not interested in developing a proposal for a system, so PUD was asked to prepare a proposal. Later, Samish Farms Water Utility decided that they would like to submit a proposal. Mr. Medved said that some of the water shares were paid by the County, and the cost was shared between the County and Samish Farm Water Utility for the installation of the existing six inch line.

Mr. Medved stated that part of the Samish Farms proposed system is already in place, and PUD's proposal would provide for the installation of a completely new system.

A representative from Samish Farms Water Utility felt that it had not been made clear that another purveyor would take over the system should they not redesign it. They thought it was still in the discussion process. He stated that the fire flow is not adequate at present. The proposed system will meet fire flow requirements for the majority of the service area. The water tank proposed will be 200,000 gallons in capacity.

Mr. Barnet stated that the Board's options are: to select the proposal from Samish Farms Water Utility, select the proposal from PUD, or do nothing. He felt that the decision was not for the Engineering Department to make, therefore, came to the Board for direction.

Mr. Medved stated that the County is under no legal obligation to do further improvements. The Public Works Department was acting on directions of the previous Board of Commissioners. If the Land fill contaminates area wells, then it is under obligation to provide clean water. The County paid for some water shares where evidence of contamination existed. A hydraulic study performed showed that there was no contamination flowing toward the existing water supply to residents. The cost difference is substantial between the proposals from Samish Farms Water Utility and PUD, \$8,000 to \$9,000 difference.

The Samish Farms Water Utility representative stated that the 1986 agreement allowed for providing water service to 26 homes in the area. The properties on top of the hill were not intended to be divided, and are now being provided service.

Mr. Medved stated that the current system has reached capacity.

Commissioner Wolden motioned to accept the proposal from Samish Farms Water Utility.

Dan Peth, subject area resident, asked who was liable for ground water contamination and the provision of clean water to the residents.

An unidentified home owner on the hill above Inman Landfill addressed the Board. He stated that when he built his house water was not a concern as he has a well. He said that one of his neighbors was hooked up to the system by the County due to contamination found in his well. He said that he doesn't want to wait until the wells are contaminated before hooking up to the system. He said that two of six lots on the hill have homes on them. He didn't feel that the County is responsible to hook up all the properties.

Chairman Hart felt that the installation of a storage tank and the line upgrade as proposed by Samish Farms Water Utility was justified. He felt that the County was responsible to find a system that meets minimum requirements to supply water to those residents that the County is obligated to supply. He felt that major improvements should be born by the users, not just the County.

Jim Kirkpatrick, PUD, stated that in a new customer area it is a one time investment. Maintenance, replacement, and upgrades are cost shared by the district. PUD does not take over other systems. It was understood at the beginning of the Inman water system improvement that Samish Farms was not interested in submitting a proposal. The existing system does not meet PUD standards. The 1991 service area map did not show Samish Farms as supplier, and PUD assumed Skagit County to be the supplier. PUD has performed a Determination of Nonsignificance, an appraisal for a tank, and considerable time has been devoted to the preparation of the proposal. November 24, 1992, PUD, Samish Farms Water Utility, and County staff members met. It was understood at that time that Samish Farms Water Utility was not concerned with PUD solving the problems. This looks to be a project to facilitate an expanded service area.

Chairman Hart felt that trying to determine where the confusion occurred was a moot point and apologized for the uncertainty created. With Samish Farms Water Utility being the existing purveyor, and with a motion on the floor, he felt that the Board should continue.

Commissioner Robinson felt that it was unfortunate that PUD was asked to develop and proposal and was involved for a considerable length of time. He then seconded Commissioner Wolden's motion, which passed unanimously.

3) C.R.P. Establishment - Peter Anderson Road. #6323-1.

Mr. Barnet explained that this project was chosen for State funding, and is included in the officially adopted Annual Road Program. He requested that the Board approve and sign the resolution establishing C.R.P. Peter Anderson Road #6323-1. This will provide for the preliminary engineering funds for various railroad crossing road improvements.

Commissioner Robinson motioned to approve the resolution as presented. Commissioner Wolden seconded the motion, which carried unanimously. (Resolution #14803).

4) Bid Award Recommendation - 1993 Motor Fuel.

Mr. Medved stated that the Public Works Department is recommending to award the bid for bulk fuel to Skagit Farmers Supply, who was the low bidder. He recommended that the County not award the bid for a key/card lock system at this time. The key/card lock system will be addressed again next year.

Commissioner Wolden motioned to approve the resolution awarding the bid for the purchase of motor fuel to Skagit Farmers Supply, P.O. Box 266, Burlington, Washington, the low bidder, at the total bid price of \$213,543.00. Commissioner Robinson seconded the motion, which carried unanimously. (Resolution #14802).

5) Miscellaneous.

There were no miscellaneous items presented at this time.

**CONSENT AGENDA.**

The Consent Agenda for Monday, April 12, 1993, was unanimously approved.

\* Public Defender's Office:

1. Professional Services Contract with John Ketchum to conduct polygraph examination of Public Defender clients from January 1, 1993, through December 31, 1993, at \$175 for tests conducted in the contractor's office, and \$250 for tests conducted out of the contractor's office. (Contract #01621).

• Parks, Recreation and Fair:

2. Facility use agreement with Mount Vernon Parks and Recreation Department to use the 25th Street Park for girls softball games during the months of April, May and June, 1993, at a fee of \$5 per game. (Contract #01624).
3. Professional Services Contract with Economy Fence Center for installation of a six foot chain link fence for the bid price of \$4,488.94. (Contract #01622).

\* Sheriff's Office

4. Out-of-State Travel Request for Bart G. Moody, Sheriff's Deputy, to travel to Riverside, California, to attend Adlerhorst International K-9 School from April 9, 1993, through May 16, 1993.

\* Health Department:

5. Proclamation designating April 4-10 as Public Health Week.

\* Facilities Management Department:

6. Professional Services Department with Outlook Enterprises for washing of exterior windows at Courthouse complex for a rate not to exceed \$900.00, during the period between April 12, 1993, and May 2, 1993. (Contract #01623).

\* Commissioners' Office:

7. Record of the Proceedings from April 5, 1993.
8. Record of the Proceedings from April 6, 1993.
9. Resolution appointing Richard W. Strawn, Jerry L. Annis and Virginia A. Beck to the Fair Advisory Board. (Resolution #14804).
10. Resolution calling for a public hearing regarding an agricultural variance request #AGV-93-004 of Valley Farms, Inc. (Resolution #14508).

\* Permit Center:

11. Out-of-State Travel Request for Darrin Graham to travel to Boise, Idaho, to attend ICBO N.W. Chapter's Code Development Conference, from May 18, 1993, through May 21, 1993.
12. Out-of-State Travel Request for Corey Schmidt to travel to Boise, Idaho, to attend ICBO N.W. Chapter's Code Development Conference, from May 18, 1993, through May 21, 1993.

\* Public Works Department:

13. Signature - Final Cost Record - Seaway Hollow, C.R.P. #1006-1.
14. Signature - Final Cost Record - LaConner-Whitney Road, C.R.P. #4241-2.
15. Signature - Final Cost Record - Garden of Eden Road, C.R.P. #6344-1.
16. Signature - Final Cost Record - Maintenance Shop at Resource Recovery Facility, #918-1.

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, April 12, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #95246 through #95861 (Vouchers #3003810 through #3004697) in the amount of \$583,418.90. Transmittal #C12-93.

- B) The Board signed a letter of congratulations to Affiliated Health Services, in their application for the Foster McGraw Prize. They are a finalist this year and are being reviewed for this award.

**1) PROCLAMATION - EARTHQUAKE AWARENESS WEEK - APRIL 18-24, 1993.**

Tom Sheahan, Emergency Management Director, presented, and read into the record, a proclamation declaring the week of April 18, through 24, 1993, as Earthquake Awareness Week in Skagit County. A news article will be published in the local paper on April 19, 20, and 22, 1993.

Commissioner Robinson motioned to approved the proclamation as presented. Commissioner Wolden seconded the motion, which carried unanimously.

**2) PROCLAMATION - PUBLIC SAFETY TELECOMMUNICATIONS WEEK - APRIL 11-17, 1993.**

John Church, presented, and read into the record a proclamation recognizing all Skagit County public safety telecommunicators and the vital contributions they make to the safety and well-being of our citizens.

Commissioner Wolden motioned to approve the proclamation as presented. Commissioner Robinson seconded the motion, which carried unanimously.

**APPEAL - PLANNING DIRECTOR'S DECISION REGARDING VARIANCE REQUEST #VAR-92-074 OF THOMAS WAKE, 351 CHUCKANUT DRIVE, BOW.**

Jeff Morgan, Senior Planner, addressed the Board regarding this appeal of the Planning Director's denial of a variance request. The subject property is zoned Agriculture, is located in the flood plain, and is designated Agriculture on the Northwest Comprehensive Plan Map. The property has 1200 feet fronting Chuckanut Drive. The applicant proposes to construct a residence 600 feet from the front property line. There was a residence located on the proposed building site in the past. An access road to the proposed building site is in place. The majority of the property is acceptable for septic installation. Planning Staff made a site visit and found single family residences on adjacent properties within 200 feet of front property lines. Mr. Morgan presented photographs of the subject property to the Board for review. Staff findings showed that the reasons set forth in the application did not justify the granting of the variance requested.

The Board's options were as follows:

- 1) Deny Mr. Wake's appeal and uphold the Planning Director's decision.
- 2) Remand the matter back to the Planning Director for further consideration.

3) Adopt findings and make a decision based on the record presented.

Jim Scholls, a former owner of the subject property, addressed the Board. He said that a considerable portion of land in the subject area has not been farmed in approximately five years.

Chairman Hart felt that when a house site exists on land that is not able to be farmed, it should be utilized.

Doug Charles, property owner immediately to the south of the subject property, addressed the Board. He stated that their house was originally 600 or 700 feet back from the front property line. It was moved to 250 feet from Chuckanut Drive, and is now almost parallel to the proposed subject home site. He felt that the property behind the old home site on the subject property is considerably drier.

Commissioner Robinson asked why the septic mound was placed so far away from the proposed home site.

Mr. Wake stated that soil samples taken determined the site to be the best for the type of septic system being installed.

Commissioner Wolden asked whether the proposed septic site could be farmed.

Mr. Scholls, said that it could be, but there is concrete there. He felt that the former site could be used, so that more land is not taken out of possible agricultural use.

Further discussion between the Board members concluded that using the old home site would be appropriate, but the distance between the home and the septic field should be reduced.

Chairman Hart motioned to grant the appeal of Mr. Wake with the condition that he work with the Planning Department to minimize the footprint of the house and reduce the distance between the house and septic field.

Commissioner Robinson seconded the motion, which carried unanimously.

**PLANNING COMMISSION RECOMMENDATION - APPROVAL - AMENDMENTS TO SKAGIT COUNTY CODE CHAPTER 14.04, ZONING ORDINANCE, TO ALLOW RETRIEVER/FIELD TRIAL DOG TRAINING FACILITIES TO BE CONSIDERED AS A SPECIAL USE.**

Mr. Morgan stated that the Planning Commission, at a public hearing, motioned unanimously to recommend approval of the amendments to the Skagit County Code allowing retriever/field trial dog training facilities to be considered as a special use.

The Board had reviewed these documents prior to session and was prepared to make a motion without further discussion.

Commissioner Robinson motioned to approve the recommendation of the Planning Commission as presented. Commissioner Wolden seconded the motion, which carried unanimously.

**RESOLUTION - INCREASING CHANGE FUND FOR DISTRICT COURT.**

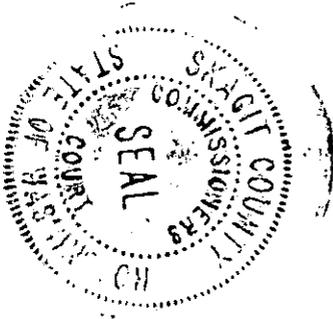
Bob Taylor, Administrative Officer, addressed the Board. He stated that an internal audit found that the cash handling procedures in District Court were in need of revision. The resolution he presented to the Board for approval and signature approves an increase in the change fund amount for District Court from \$75.00 to \$300.00. It will also provide for the establishment of four individual cash drawers that the fund will be divided into.

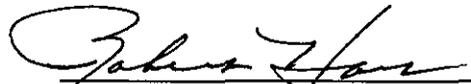
Commissioner Robinson motioned to approve the resolution as presented. Commissioner Wolden seconded the motion, which carried unanimously. (Resolution #14806).

**ADJOURNMENT**

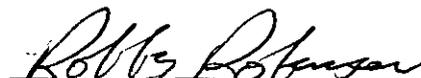
Commissioner Wolden motioned to adjourn the proceedings. Commissioner Robinson seconded the motion which carried unanimously.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

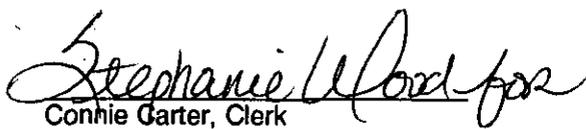


  
Robert Hart, Chairman

  
Harvey Wolden, Commissioner

  
Robby Robinson, Commissioner

ATTEST:

  
Connie Garter, Clerk  
Skagit County Board of Commissioners