

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

Monday, June 28, 1993:

9:30 a.m. - 10:00 a.m.

Parks Recreation and Fair - Jon Aarstad, Director:

- 1) Signature - Contract for Young's Park, Guemes Island.
- 2) Signature - Contract for FEMA Projects.

10:00 a.m. - 11:00 a.m.

Public Works Department - Rich Medved, Director:

- 1) Public Hearing - Six Year Road Program 1994 - 1999.
- 2) Discussion - Draft Used Oil Recycling Amendment to Skagit County Moderate Risk Waste Plan.
- 3) Signature - Contract for Legal Counsel for Solid Waste Issues.
- 4) Miscellaneous.

11:00 a.m. - 11:30 a.m.

Fee Waiver Request - Arn Thoreen - Stream Revitalization, Sorenson Creek, Day Creek.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:30 pm.

Discussion and Deliberation - Interim Zoning Map for Skagit County.

The Skagit County Board of Commissioners met in regular session on Monday, June 28, 1993, with Commissioners Robert Hart, Harvey Wolden, and Robby Robinson present.

PARKS RECREATION AND FAIR - JON AARSTAD, DIRECTOR:

- 1) Signature - Contract for Young's Park, Guemes Island.

Jon Aarstad, Skagit County Parks, Recreation and Fair Director, addressed the Board. He reviewed that the Guemes Island County Park, Young's Park, is adjoining private property. Mr. Partington owns the tidelands in front of the park and is having trouble with people wandering onto his tidelands. Also, Mr. Partington's fireplace chimney is built on County property. He is willing to trade footage with the County to relieve both problems. This requires Superior Court action due to the property being donated to the County and deemed to be a park in perpetuity. Mr. Partington has asked for 20 to 30 feet of land in exchange for the tideland in front of the park. The exact amount of land that will be traded to Mr. Partington will be determined after an appraisal is performed. An appraisal is necessary to determine whether the trade is equal in value. Most of the area proposed to be traded to Mr. Partington is wooded. Mr. Aarstad stated that the funding for the appraisal is coming from the blow-down timber sales revenue from two years ago. Mr. Dick Reitsma, Reitsma Appraisal Service, is available and has agreed to appraise the area for a fee of \$1,500.00. Mr. Aarstad presented a contract for appraisal services between Dick Reitsma and Skagit County in the amount of \$1,500.00.

Commissioner Robinson motioned to approve the contract as presented. Commissioner Wolden seconded the motion, which carried unanimously. (Contract #01690).

2) Signature - Contract for FEMA Projects.

Mr. Aarstad stated that in 1990, after the floods, FEMA became involved to purchase flooded properties to turn over to other agencies. This would be done to assure no further development takes place in flooding properties. The county received two parcels of this FEMA buy-out land. One parcel is located in the Conway area and one is in the Marblemount area. There is a person wanting a piece of property and negotiations are being made to trade properties to make it beneficial to the person and the County. Property the County is wanting to acquire is waterfront property at a shallow part of the Skagit River close to the community facilities in Marblemount. Appraisals will be necessary to determine whether there is an equitable property exchange.

The Board reviewed vicinity maps of the two property locations and discussed the ownership of surrounding properties and access and road vacations in the area. The Board felt further information was necessary regarding the subject properties.

Mr. Aarstad will review the property further to be sure public access is available and will remain available. He will present this item to the Board again at a later date for approval.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

1) Public Hearing - Six Year Road Program 1994 - 1999.

Doug Barnet, County Engineer, addressed the Board and presented the 1994 - 1999 Six Year Road Program. Mr. Barnet reviewed a map with the road program projects defined by year. Mr. Barnet stated that the Plan he was presenting for approval was as previously discussed with the Board in various work sessions.

Chairman Hart opened the hearing for comment.

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

Commissioner Robinson motioned to approve the resolution adopting the Six Year Road Program 1994 - 1999 as presented. Commissioner Wolden seconded the motion which carried unanimously. (Resolution #14918).

2) Discussion - Draft Used Oil Recycling Amendment to Skagit County Moderate Risk Waste Plan.

Ric Boge, Waste Reduction/Recycling Coordinator, reviewed with the Board the draft used oil recycling amendment to the Skagit County Moderate Risk Waste Plan. Two options were presented for consideration. One option suggested provided for moderately upgrading the collection system for household waste motor oil. The estimated cost for this project would be \$33,000 over three years. The second option suggested provided for significantly upgrading the overall system, which was estimated to cost \$45,000 over three years. Mr. Boge recommended submitting the draft to the Department of Ecology (DOE) with the original program.

Mr. Boge reviewed that there are presently five collections sites for waste oil from land-based vehicles. The four private business sites are: Al's Auto Supply, Vintage Oil Company, Cenex Farmers Supply, and Schucks Auto Works. There is one public site at the Sedro-Woolley City Shop. The County will be opening

three public collection sites soon at the Sauk Transfer Station, Clear Lake Compactor site, and the County Incinerator.

Commissioner Wolden asked who was collecting the used oil from the collection sites.

Mr. Boge stated that three companies are available to collect the used oil: Clean Care, Vintage Oil Company, and Burlington Environmental Incorporated.

Jeff Hegedes, Moderate Risk Hazardous Waste Specialist, stated that the County will be referring those collection agencies that actually re-refine the oil.

Mr. Boge stated that the County selected Vintage Oil for collecting at the County sites with priority being on re-refining.

Mr. Hegedes stated that the re-refining takes off the water and solids from the oil, it is then filtered, and the product is processed in a limited fashion.

Mr. Boge stated that the document being reviewed is a draft and will be submitted to DOE as a draft. He felt it was a good draft document to begin with. Mr. Boge stated that local marinas collect used boat motor oil but could possibly be collecting waste auto motor oil as well. These sites are not targeted as main collection sites for waste auto oil, and are felt to be sufficient for marine waste motor oil collection.

Chairman Hart stated that he felt it is critical to have the waste oil collection sites.

Mr. Hegedes stated that the County sites are ready to go. The permitting process is completed, the Skagit County Fire Marshall, and Skagit County Health Department have approved the processes. He said that he is ready to prepare a press release regarding the opening of the sites.

The Board approved for Mr. Boge to present the draft used oil recycling amendment to the Skagit County Moderate Risk Waste Plan to DOE.

3) Signature - Contract for Legal Counsel for Solid Waste Issues.

Don King, Operations Manager, Resource Recovery Facility, stated that this is the first time a contract has been written with Preston, Thorgrimson, Shidler, and Ellis, for legal counsel for solid waste issues. They have been representing the County, but there has been no written agreement. The contract is for up to \$25,000 in legal fees through the end of 1993. Legal council will be for long haul negotiations, contract negotiations, and ensuring that all legal methods are being followed.

Commissioner Wolden motioned to approve the contract as presented. Commissioner Robinson seconded the motion which carried unanimously. (Contract #01689).

4) Miscellaneous.

A) Mr. King stated that as of this morning, ash residues have plugged the #2 Boiler at the Incinerator, and it needs to be shut down and cleaned. He requested the Board to declare an emergency situation which will allow for depositing refuse at the Inman Landfill for up to three days in order to

allow for the problem to be cleared up. Mr. King stated that by the end of the day the amount of refuse inventory at the incinerator will be approaching a level in violation of what is permitted. It is planned to start the clean-out project Tuesday, June 29, 1993. The project will take 12 hours to perform, and the incinerator will be back on line the following morning. Mr. King said that the regular garbage stream on Monday and Tuesday are heavy days which would not be accommodated at the incinerator due to current inventory levels. Therefore, it is necessary divert to the land fill. Based on the special use permit, health considerations can be determined by the Health Department to allow for the diversion of waste to the landfill in an emergency situation. The Health Department supports the emergency shut-down.

Commissioner Robinson motioned to approve the shut down of the incinerator for cleaning and diversion of hauling waste to the Inman Landfill for up to 3 days due to an emergency situation. Commissioner Wolden seconded the motion which carried unanimously.

- B) Doug Barnet, County Engineer, stated that the contractor performing work on Josh Wilson Road requested that the road be closed during the day from Avon Allen Road to Higgins Airport Road. There is no need to advertise the closure as it will be less than 12 hours at a time. The proposed days of closure are June 30, July 1, 2, 6, 7, 8 and 9, 1993.
- C) Mr. Barnet stated that a culvert is to be replaced on Avon Allen Road, and it will be necessary to close Avon Allen Road south of the Josh Wilson Road in order to perform the work. The Road will need to be closed for 48 hours beginning at 5 a.m. July 12, 1993. There will be no through traffic allowed. All emergency response teams will be contacted, and the notice will be published. Mr. Barnet requested the Board's approval and signature of the resolution.

Commissioner Wolden motioned to approve the resolution for the Avon Allen Road closure. Commissioner Robinson seconded the motion which carried unanimously. (Resolution #14919).

- D) Mr. Barnet addressed the Board regarding the County-Wide Addressing system. He said that the current procedure for addressing has problems. He said that the a new improved system could be implemented. Mr. Barnet recommended forming a committee to improve the system. He felt that representatives from Skagit County Public Works, Fire Chiefs Association, Skagit County Emergency Management, and Citizens at Large should be involved.

Mr. Medved stated that the current County addressing grid is inadequate. He would like to form a committee to find the shortcomings. He felt it important to have citizen involvement.

Commissioner Wolden stated that the readdressing creates a big burden on volunteer fire departments. He said that the Conway Fire Department just completed the task of renumbering addresses. It is a time consuming task. He said that he is aware of the need for better fire numbering, and felt it should be a requirement for proper fire numbers to be purchased for new construction before an occupancy permit is issued.

Mr. Barnet stated that he will draft a list of possible committee members to recommend to the Board for appointment, and requested that the Board recommend a citizen from each of their districts.

FEE WAIVER REQUEST - ARN THOREEN - STREAM REVITALIZATION, SORENSON CREEK, DAY CREEK.

Arn Thoreen, addressed the Board. He said that Sorenson Creek is seven miles up the South Skagit Highway from Highway 9. The Creek is a main producer of Coho Salmon. Sufficient buffers were not left on the creek during logging operations, which caused bedload to wash downstream during heavy rains. Mr. Thoreen stated that he proposes to dredge the lower 1000 feet of the creek. When the water flows from the stream up above it is flowing below grade downstream, and the fish are stranded. He provided sketches of the area depicting what has happened over the years and what is being proposed for resolving the problem. He said that he planned to dredge the bedload and build a settling pond that will be able to be dredged each year to keep the problem under control. Mr. Thoreen presented photographs of the upper area of Sorensen Creek, all taken the same day indicating the progression of the bedload downstream. He felt that the benefit to the County would be the increase in salmon running. He said that two years ago the State Department of Ecology (DOE) requested that he prove the logging in the area was the source for the reduction in salmon in the creek. He read the resource recommendations portion of the Stewardship Plan for the Restoration of Sorenson Creek into the record. DOE is willing to provide up to \$3.00 per yard for work performed. He said that the permit for him to perform the work is \$500. He said that the Fisheries Department issued a permit two years ago for him to remove the bedload. Mr. Thoreen presented a letter from the Department of Fisheries supporting the project. He stated that Kurt Buchanan from the Department of Fisheries, was instrumental in the development of the plan. Mr. Thoreen said that he has the support of the Fisheries Department and the Department of Natural Resources (DNR), and would like the Board's support also.

Mr. Bill Reinard, Skagit Regional Enhancement Group, stated that the Group would like to perform projects similar to the one Mr. Thoreen was proposing. He said that there is a site in the Lake McMurray area where they propose to dredge a 12 foot stretch and use the soil removed to create a berm.

Dave Brookings, Flood and Drainage Engineer, asked if the Enhancement Group was providing funding for Mr. Thoreen's project.

Mr. Reinard said that Mr. Thoreen is on the Enhancement Group Board, so he is not requesting funding from the Group, he is doing it on his own.

Mr. Thoreen stated that he felt it was a conflict to request funds from the Board he sits on.

Chairman Hart stated that he has no disagreement with the proposed enhancement project. The Permit Center is a fee supported operation. When something is performed without a fee, the funds have to come from somewhere else.

Mr. Reinard stated that DNR is taking a different stance than in the past, will be receiving stream enhancement funds, and are willing to donate a logging truck and pit run rock to place a weir at I-5 and Alger Road. He felt the County could modify the permit fee method for these types of projects.

Chairman Hart stated that there is a good reason for having the fees. If the fees were reduced or removed, there would need to be an allowance for other funds in the budget for the Permit Center.

Mr. Thoreen stated that when the bedload builds enough the creek will flood the neighboring properties, which is dairy pasture land. The project needs to be performed, and the funding source needs to be determined.

Chairman Hart again stated that he didn't disagree with the project.

Commissioner Robinson asked Mr. Reinard whether it was possible for the Enhancement Group to provide funding for Mr. Thoreen's project.

Mr. Reinard stated that if the project is viewed favorably by the Enhancement Group Board, and he presented the funding request instead of Mr. Thoreen, it could be possible.

Mr. Thoreen stated that as a board member, he would argue the point of funds going to permit fees. He felt that any funding from the Group should be for the work to be performed.

Chairman Hart felt that this type of project was of tremendous benefit to the public, Skagit Systems Cooperative, etc. He felt it may be possible to provide for funding in the budget to assist with this type of project. A limit could be placed on enhancement projects to be funded.

Commissioner Robinson stated that he was willing to review the possibility of supporting the project.

Mr. Hough stated that a Shoreline Permit, and SEPA Review will be required through the Planning process.

Mr. Thoreen stated that the Department of Fisheries was performing the SEPA review.

Mr. Hough stated that Skagit System Cooperative in the past has fought projects suggested by the Fisheries Department.

Mr. Thoreen stated that it was frustrating when necessary projects do not occur due to government entities being in disagreement. He said that it is also frustrating when a private individual attempts to provide assistance to the community and still runs into delays.

Mr. Hough stated that there will be no waiver of procedure.

Chairman Hart motioned to waive the fees on this individual case and directed the Planning Department and Permit Center to develop a policy regarding fee waivers.

Commissioner Robinson seconded the motion which carried unanimously.

CONSENT AGENDA.

Chairman Hart motioned to approve the Consent Agenda of June 28, 1993. Commissioner Wolden seconded the motion which carried unanimously.

*** COMMISSIONER'S OFFICE:**

1. Record of the Proceedings for Tuesday, June 23, 1993.

*** BEST SELF:**

2. Signature - Memorandum of Agreement with Private Industry Council (PIC), 101 Prospect Street, Suite 20, P.O. Box 2009, Bellingham, Washington 98227, for the County to be Host Agency for trainees provided by PIC to assist with the Best SELF Program. Agreement shall be valid until April 30, 1995. (Contract #01696).

*** HUMAN SERVICES:**

3. Signature - Resolution Appointing Alex Myrick, 1002 S. 99th Place, #75, Seattle, Washington 98108 as Designated Mental Health Professional at the Emergency Services Unit of Skagit Community Mental Health Center. (Resolution #14920).
4. Signature - Contract with Skagit Recovery Center, 1905 Continental Place, Mount Vernon, Washington 98273, for Alcohol & Drug Abuse Treatment and Prevention Services for a maximum contract amount of \$350,000.00. Contract term July 1, 1993, through June 30, 1994. (Contract #01691).
5. Signature - Contract with Skagit Community Mental Health-Substance Abuse Unit, 208 Kincaid Street, Mount Vernon, Washington 98273, for Mentally Ill/Chemically Addicted (MICA) Treatment for a maximum contract amount of \$50,000.00. Contract term July 1, 1993, through June 30, 1994. (Contract #01693).
6. Signature - Contract with Skagit Preschool and Resource Center (SPARC) for Development Disabilities services to children for a contract maximum of \$85,000.00. Contract term July 1, 1993, through June 30, 1994. (Contract #01692).
7. Signature - Contract with Chinook Enterprises, for Developmental Disabilities community integration services for adults for a maximum contract amount of \$450,000.00. Contract Term July 1, 1993, through June 30, 1994. (Contract #01694).
8. Signature - Contract with Service Alternatives of Washington for Developmental Disabilities community integration services for adults for a maximum of \$150,000.00. Contract term July 1, 1993, through June 30, 1994. (Contract #01695).

* PLANNING AND COMMUNITY DEVELOPMENT:

9. Signature - Amendment of Padilla Bay Grant Agreement #00845. Washington State Department of Ecology is requesting the amendment due to the determination that the agreement originally developed is inconsistent with their own Washington Administrative Code requirements for watershed planning. This is an administrative amendment only, the work and dollar amount does not change, there is only a reorganization of tasks. (Contract #00845).

* PROSECUTOR'S OFFICE:

10. Signature - Personal Services Agreement with Daniel B. Fosso, 1400 William Way #7, Mount Vernon, Washington 98273, to provide the supervision and review of legal research performed by Skagit County Law Library staff on behalf of post-conviction inmates incarcerated in the Skagit County Jail. Total Contract amount is \$2,000.00 payable in two installments of \$1,000.00, one payable in July, 1993, and the other in January, 1994. If the Contractor exceeds 10 hours of service between July 1, 1993, and December 31, 1993, the additional time shall be compensated at a rate of \$65.00 per hour. If the Contractor has exceeded 10 hours of service in BOTH the timeframes of July 1, 1993, through December 31, 1993, and January 1, 1994, through June 30, 1993; Contractor shall also be compensated at the rate of \$65.00 for services performed in excess of 10 hours in the January 1, 1994, through June 30, 1994. (Contract #01697).

• PUBLIC WORKS:

11. Signature - Resolution Calling for a Public Hearing Regarding Speed Limit Reduction on Andis Road, ##190; Andis Place, #3188; and Andis Court, #3189. (Resolution #14922).
12. Signature - Resolution Awarding Bid for Fabrication of Gas Blower Skid and Gas Flare at the Inman Landfill. (Resolution #14923).

* SHERIFF'S OFFICE:

13. Signature - Resolution and Interlocal Agreement with the City of Mount Vernon Police Department for access to the Spillman FORCE computer program for law enforcement agencies. No fees are involved. (Resolution #14924) and (Contract #01698).

* SKAGIT COUNTY CLERK'S OFFICE:

14. Signature - Oath of Appointments for Tanya Tesauro and Clara Riggs. Tanya is a summer intern for the Clerk's Office this summer, and Clara is a student in the paralegal program at Skagit Valley College and is volunteering 90 hours in exchange for college credit.

* **HEALTH DEPARTMENT:**

15. Signature - Contract with Washington State Health Care Authority for the provision of \$15,324.00 in new funding for the period July 1, 1993, through December 31, 1993 for migrant health services. (Contract #01699).

• **ADMINISTRATION:**

16. Signature - call for public hearing to amend Skagit County Code Section 9.04.270(1) regarding special restrictions on Lake 16. (Resolution #14921).

MISCELLANEOUS ITEMS.

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, June 28, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- A) Warrant #96438 (Voucher #94638) in the amount of \$41,546.36. Transmittal #R13-93.
- B) Warrant #MW98731-12 through #MW08732-13 (Vouchers ##MW98731-12 through #MW08732-13) in the amount of \$46,069.26. Transmittal #C26-93.

DISCUSSION AND DELIBERATION - INTERIM ZONING MAP FOR SKAGIT COUNTY.

Chairman Hart clarified for the audience that this is a work session for the Board to discuss the testimony received at the public hearing on Monday, June 21, 1993, and to hear the Planning Department's recommendation after their review of the testimony from the public hearing.

Mr. Hough stated that he reviewed his notes from the public hearing and looked at comments from the 'for or against' points of view, and possible changes or problems occurring from the adoption of the ordinance. He said that concerns were expressed regarding changing the four zoning classifications (residential, residential reserve, rural intermediate and multi-family residential) to rural, and allowing the same land uses. Concerns were also expressed regarding lot size requirements and usage. Mr. Hough stated that concerns expressed regarding lot aggregation focused on whether lots previously approved through a subdivision would then be required to be aggregated. He said that the Skagit County Code provides that any lot created by legal means after March 1, 1965, (legal registered lot) will remain a separate distinct lot even if it does not meet the minimum lot size requirements. This was passed in 1979 when substantial zoning changes took place. Mr. Hough stated that a possible alternative is to allow farm and agricultural construction in a residential zone.

Another possible solution would be to rescind the original Interim Zoning Map ordinance and adopt a new one reflecting changing the lot size in the four zoning categories to five acre minimums, and not change the zoning. In this option, any new lot approved during the interim would be required to be a minimum of 5 acres. Mr. Hough emphasized that this is still a temporary interim measure. It would address the problem

of agricultural and residential zoning adjacent to each other. Setbacks would remain the same in the zoning, only the lot size minimum would be changed.

Mr. Hough recommended the withdrawal of the ordinance adopted on May 24, 1993, regarding a temporary interim zoning map in unincorporated Skagit County, and the adoption of an ordinance relating to lot size only retaining the setbacks and uses of the zoning designations.

Chairman Hart stated that the Mount Vernon City Council preferred this option. It seems to be within the original intent.

Chairman Hart stated that the original interim zoning map adopted on May 24, 1993, was for a period of 6 months. He said that it is the intent of the Board for the interim controls to allow for the completion of the

Rural Element of the Comprehensive Plan. He asked whether the recommended interim controls would accomplish this task.

Mr. Hough stated that the Department is attempting to have the Land Use Element to the Planning Commission for review before the end of the year. The Planning Commission meets twice a month, and he will work with them to meet more often to try to meet timeline for the Land Use Element.

Chairman Hart stated that there were two main areas of concern. He clarified that the reason the ordinance was originally passed was to allow for the completion of the Comprehensive Plan. He said that the concern regarding the continued issuance of permits on lots legally created, which may have created confusion, has been clearly explained. Another concern was that it is not an interim control. He felt that sufficient clarification had been made that the intent is for a temporary, interim measure.

Mr. Hough stated that the Skagit County Code is specific in identifying legal lots of record. The Plat of Gibraltar and Plat of Fidalgo Island were major subdivisions at the turn of century and were required to be aggregated. These plats will be affected by this interim measure. There will be a variety of lot sizes involved, and specific areas are being identified for infill due to prior use and service. He said that it is not known where the boundaries will be, the interim zoning measure will allow for the completion and determination of the boundaries. Mr. Hough said that every effort will be made to complete the plan in a timely manner.

Chairman Hart asked whether John Moffat, Chief Civil Deputy Prosecuting Attorney, will be available to review the revision of the interim zoning map.

Mr. Hough said that Mr. Moffat would be available, and he will begin working with him in order to bring the revised ordinance to the Board for approval.

Chairman Hart stated that the Board intends to adopt the interim zoning map. He asked how soon the revision could be ready for presentation for approval.

Mr. Hough stated that he could present the revised ordinance to the Board on Tuesday, June 29, 1993.

Chairman Hart motioned to direct the Planning Director to amend the ordinance to reflect a minimum 5 acre

lot size in the 4 zoning classifications, review the document with Mr. Moffat, and return on Tuesday, June 29, 1993 to present to the Board for approval.

Commissioner Wolden seconded the motion which carried unanimously.

Chairman Hart motioned to continue the discussion at 10:30 a.m., June 29, 1993, or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, Skagit County Administration Building, 700 S. Second, Mount Vernon, Washington, for recommendation and approval of the revised temporary interim zoning map for unincorporated Skagit County.


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 Carter, Clerk
Skagit County Board of Commissioners

