

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

Monday, October 18, 1993

9:30 a.m. - 10:00 a.m. Public Hearing - Budget Amendment - Convention Center, Hotel/Motel Tax.

10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director:

- 1) Discussion - Passenger Rail Program.
- 2) Proclamation - Flood Awareness Week - October 25, 1993.
- 3) Personal Services Agreement - Hansen Creek Dredging Project - Hinton Construction.
- 4) Resolution - Temporary Loan from County Road Fund #117 to Solid Waste Fund #401.
- 5) Agreement - Software Purchase/Installation - American Management Systems, Inc.
- 6) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:00 p.m. Public Hearings:

- 1) Amendment to Skagit County Code 14.20.010 - Fees for Recording Record of Survey.
- 2) Modify Charges for Recording Short Plats.
- 3) Resolution to Modify Charges for Issuing Marriage Licenses.

2:00 p.m. - 2:30 p.m. Planning Commission Recommendation - Approval - Amendment to Skagit County Code to Allow Conservation Easements Within Agricultural Zoning Districts.

2:30 p.m. - 3:00 p.m. Request to Provide Guarantee for Bonds for Housing Authority - John Smith, Executive Director.

The Skagit County Board of Commissioners met in regular session on Monday, October 18, 1993, with Commissioners Robert Hart, Harvey Wolden and Robby Robinson present.

PUBLIC HEARING - BUDGET AMENDMENT - CONVENTION CENTER, HOTEL/MOTEL TAX.

Mike Woodmansee, Budget/Finance Director, explained that the purpose of the proposed budget amendment is to increase the Convention Center fund budget by \$2,000 to account for revenues received in excess of 1993 estimates from the 2% hotel/motel taxes due to Skagit County.

After discussion, Commissioner Robinson motioned to close the public hearing. Commissioner Wolden seconded the motion, which passed unanimously.

Commissioner Hart motioned to approve for signature a resolution authorizing a Supplemental Budget for the Convention Center Fund #119 in the amount of \$2,000. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution #15055)

PUBLIC WORKS DEPARTMENT - Rich Medved, Director

Robin Larue, Assistant Director, Public Works Department, presented the following items to the Board.

1) Discussion - Passenger Rail Program.

Dave Baltz, Transportation Planner, and Eric Irelan, Regional Transportation Planner, provided a report on the Passenger Rail Program which is being developed by the Washington State Department of Transportation (WSDOT).

Mr. Baltz presented a copy of the "Pacific Northwest Rail Corridor - Passenger Rail Program", which was recently presented to the Technical Committee of the Regional Transportation Plan Organization (RTPO) by representatives of the WSDOT. He stated that this Program will be presented at the next regularly scheduled meeting of the entire RTPO.

Mr. Baltz explained that feedback was received from Technical Committee staff and a memo prepared to present to the RTPO Policy Board after the presentation by WSDOT. The Technical Committee has suggested that the WSDOT program be accepted as proposed on a conceptual basis with the condition that WSDOT will work with local agencies to resolve any issues that may arise.

Chairman Hart stated that when WSDOT staff gave the same presentation to the Board, the Board indicated to the WSDOT staff that Skagit County was not opposed to raising speed limits or upgrading rail crossings. Mr. Baltz stated that Technical Staff noted several issues about specific crossings, which he deferred to Mr. Irelan to review.

Eric Irelan reviewed the seven crossings with the Board that were discussed by WSDOT representatives for upgrading.

The Board expressed concern about a number of the crossings in terms of expense relative to signalization and also safety and access.

With respect to plans to upgrade the Old 99 overpass near Cook Road, Robin Larue advised that the overpass is becoming structurally obsolete. It is about 1100 feet long and it would cost several million dollars to replace. It has been viewed on several occasions to determine whether there could be some realignment to bypass the overpass.

Chairman Hart suggested a four lane highway at Cook Road. Commissioner Wolden suggested eliminating that portion of 99 that contains the railroad trestle, and using Green Road to bypass it.

Mr. Larue remarked that planning extensive new road constructions and widening projects may make constructing a new structure an economical alternative.

Mr. Baltz passed out a map of crossings and potential intermodal depot sites. After evaluation, the final three locations that were selected by the steering committee working with WSDOT were a site in downtown Mount Vernon near the Courthouse, the existing Mount Vernon Amtrak station at College Way and a site in downtown Burlington.

Commissioner Wolden suggested that an open area that provided better access and more parking alternatives might be a more appropriate site than a congested area. Commissioner Hart expressed concern about the attempt to bring more traffic into the downtown Mount Vernon area that is already congested.

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Mr. Baltz said that comments from the Board and the RTPO Policy Board will be taken before a final response is made to the WSDOT. He added that the rankings of the intermodal depot sites were based on certain DOT criteria, which included parking and access. Commissioner Wolden emphasized that Greyhound, the Airporter, the transit system and railroad should be in the same location.

Commissioner Wolden suggested that a site at Pease Road be evaluated. Mr. Baltz said there is only funding to evaluate three sites in detail.

After further discussion, Mr. Baltz clarified that the Boards' recommendation is that Pease Road be added for site evaluation. Commissioner Wolden noted that the Port already owns this property; therefore, there would be no property acquisition costs.

Commissioner Robinson said he would like to see the full study and the criteria that was used to choose the potential intermodal depot sites. Mr. Baltz said he would provide the Board with copies of the full study prior to the Wednesday RTPO meeting.

Mr. Baltz said the Technical Committee also had some concerns about locations. The Technical Committee wants to arrange a meeting either with the leaders of the WSDOT Steering Committee for this group and/or the study consultant.

2) Flood Awareness Week.

Dave Brookings, Flood and Drainage Engineer, presented a proclamation to the Board regarding Flood Awareness Week during the week of October 25. He explained that during that week there will be a levy inspection by County staff and the U.S. Army Corps of Engineers, and meetings with several small communities.

Commissioner Hart motioned to approve for signature a Proclamation for Flood Awareness Week beginning October 25, 1993, through October 29, 1993. Commissioner Robinson seconded the motion, which passed unanimously.

3) Personal Services Agreement - Hansen Creek Dredging Project - Hinton Construction.

Mr. Brookings presented a Personal Services Agreement to the Board for their approval for a contractor to complete the Hansen Creek dredging project. This project is necessary to diminish flooding in the area and will provide a scour pool to eliminate future dredging in this area and help with bank erosion.

Commissioner Robinson motioned to approve for signature a Personal Services Agreement with Hinton Construction for the Hansen Creek dredging project. The term of the agreement shall commence on October 18, 1993, and, unless terminated or renewed as provided elsewhere in the Agreement, will terminate on November 1, 1993. The maximum consideration for the initial term of this Agreement or for any renewal term shall not exceed \$8,400 plus tax. Commissioner Wolden seconded the motion, which passed unanimously. (Contract #001800)

4) Resolution - Temporary Loan from County Road Fund #117 to Solid Waste Fund #401.

Robin Larue presented a resolution to the Board for their approval for a temporary loan from the County Road Fund #117 to the Solid Waste Fund #401. The resolution permits the Solid Waste Fund to borrow funds from the County Road Fund at 3.5% per year. The principal and interest will be repaid upon the issue of bonds at the end of 1994 or sooner.

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After discussion, Commissioner Wolden motioned to approve for signature a resolution authorizing a temporary loan from the County Road Fund #117 to the Solid Waste Fund #401 in an amount not to exceed \$2,040,000.00 at the rate of 3.5% per annum. The principal and interest shall be repaid to the County Road Fund not later than December 31, 1994. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution #15056)

5) Agreement - Software Purchase/Installation - American Management Systems, Inc.

Robin Larue presented to the Board for their approval three contracts between Skagit County and American Management Systems, Inc., for the purchase and installation of software to be incorporated into the County's L.G.F.S. (Local Government Finance System) accounting system. These programs will help to address concerns of the State Auditor indicated during the County's latest audit. The cost of this software has been included in the 1993 and 1994 budgets.

Commissioner Hart motioned to approve for signature three contracts between Skagit County and American Management Systems, Inc., for the purchase and installation of software to be incorporated into the L.G.F.S. accounting system. Total cost of the software is \$107,625.00, and the costs for on-site personnel is based on actual hours with a not-to-exceed cost of \$167,400.00. Commissioner Robinson seconded the motion, which passed unanimously. (Contract #001801)

6) Miscellaneous

There were no miscellaneous items from the Public Works Department at this time.

CONSENT AGENDA

Commissioner Wolden motioned to approve for signature the Consent Agenda for October 18, items 1 through 15. Commissioner Robinson seconded the motion, which passed unanimously.

• Public Works:

1. Resolution - Cooperative Agreement with the Washington State Parks and Recreation Commission for the plowing of snow at the shadow of the Sentinels Natural Trail parking lot and the shoulders of the roadway at the junction of U.S.F.S. Road #11 at Rocky Creek, both areas are on the Baker Lake Road. (Contract #001802)
2. Resolution - Call for Public Hearing to be held on Monday, November 8, 1993, at 10:00 a.m., to consider applying for a County-wide franchise by Index Cable T.V., Incorporated, formerly known as Country Cable T.V. (Resolution #15057)
3. Resolution - Call for Public Hearing to be held on Monday, November 8, 1993, at 10:00 a.m., to consider an application for a permit to open unopened right-of-way known as West Big Lake Boulevard to provide a temporary logging access by the Port Gardner Timber Company. (Resolution #15058)
4. Resolution - permitting the Equipment Rental Fund #501 to be reimbursed for 1993 vehicle fleet expansion requested by the Parks and Recreation Fund. (Resolution #15059)
5. Ordinance - Amendment of Skagit County Code 10.08.010 to create a "No Parking Zone" on a portion of Old 99 North. (Ordinance #15060)

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6. Contract addendum with Vintage Oil, Incorporated, adding additional collection sites for the removal of waste oil at the Burlington Shop and at the Guemes Ferry. (Contract #01658)
- * Planning and Community Development:
 7. Resolution approving the rezone request from Ella Friedrich to change 1.83 acres from Agriculture to Commercial-Limited Industrial located at 1731 East Hickox Road, Mount Vernon. (Resolution #15061)
- * Parks, Recreation and Fairgrounds:
 8. Application and Agreement for use of the Burlington Edison High School gym and fieldhouse on Wednesday's beginning October 6, 1993, and continuing through December 22, 1993, from 6:00 - 10:00 p.m., for an adult volleyball league. (Contract #01292)
 9. Rental Application and Agreement for use of the Centennial gym on Friday's beginning October 8 and continuing through December 17, 1993, from 6:30 - 9:30 p.m., for adult volleyball. (Contract #01292)
- * Commissioner's Office:
 10. Resolution appointing Joyce Pless to the Mental Health Advisory Board until September 17, 1996. (Resolution #15062)
 11. Resolution appointing Joan Lubbe to the Mental Health Advisory Board until October 1, 1996. (Resolution #15063)
 12. Record of the proceedings from October 11, 1993.
 13. Record of the proceedings from October 12, 1993.
- * Sheriffs:
 14. Resolution awarding bids for the purchase of commissary supplies for use by the jail by the following various vendors: Bob Barker in the amount of \$434.50, Crawford's in the amount of \$2,394.75, ICS in the amount of \$1,357.90, and Precise in the amount of \$890.00. (Resolution #15064)
- * Auditor's:
 15. Resolution cancelling several warrants issued over one year ago and Skagit County Treasurer, JudyAnn Menish, petitioned for their cancellation provided by R.C.W. 36.22.100. (Resolution #15065)

MISCELLANEOUS ITEMS

Stephanie Wood, Administrative Coordinator, presented the following miscellaneous items for the approval of the Board:

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- A) Ms. Wood presented a resolution for the Boards' signature to Call for Public Hearing to consider an extension of interim zoning controls adopted earlier this year. She explained that the interim controls on zoning expire November 24. They can be extended no more than 6 months each time and the Planning Department has recommended an ension of not more than 6 months.

Commissioner Robinson motioned to approve for signature a resolution to Call for Public Hearing for Extension of Interim Zoning Controls for Unincorporated Skagit County to be held Tuesday, November 9, 1993 at the hour of 2:00 p.m., or as soon thereafter as possible, in Hearing Rooms B and C of the County Administration Building for the purpose of receiving testimony on a proposal to extend the temporary interim zoning regulations for unincorporated Skagit County. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution #15066)

- B) 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, October 18, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Commissioner Robinson motioned to approve for signature Warrants MW103197 through MW103197 in the total of \$25,000. Commissioner Wolden seconded the motion, which passed unanimously. (C51-93)

PUBLIC HEARING - AMENDMENT TO SKAGIT COUNTY CODE 14.20.010 - FEES FOR RECORDING RECORD OF SURVEY.

Jerry McInturff, County Auditor, explained that the fees for recording of surveys have not been reviewed and updated since the 1970's.

At the last Auditor's Association meeting a standardized fee was agreed upon, and using that recommendation as a guide, Mr. McInturff recommended that the Board set the fee for recording of surveys at \$25 by County ordinance.

Commissioner Robinson motioned to close the public hearing. Commissioner Wolden seconded the motion, which passed unanimously.

Commissioner Robinson motioned to approve the Ordinance modifying charges for recording Records of Survey, as presented by Mr. McInturff. Commissioner Wolden seconded the motion, which passed unanimously. (Ordinance #15067)

PUBLIC HEARING - MODIFY CHARGES FOR RECORDING SHORT PLATS.

Mr. McInturff again pointed out that fees for recording of short plats have not been reviewed and updated since 1974.

Mr. McInturff stated that this item was also reviewed at the State Auditors' Association meeting, and a recommendation for a standardized fee made. Based on the recommendation of the State Auditors' Association, Mr. McInturff recommended that the Board adopt fees of \$25 for basic fee, \$5 for each additional page, \$1 for each additional owner name, \$2 for Centennial Preservation fee, and \$26 for DNR fees.

Commissioner Wolden motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Commissioner Robinson motioned to adopt the resolution modifying charges for recording of Short Plats, as presented by Mr. McInturff. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution #15068)

PUBLIC HEARING - RESOLUTION TO MODIFY CHARGES FOR ISSUING MARRIAGE LICENSES.

Again, Mr. McInturff stated that the fee for marriage licenses has not been modified for many years, and this fee was also a subject of review at the State Auditors' Association meeting. Mr. McInturff recommended that the Board adopt the findings of the Auditors' Association and set the fee for a marriage license at \$50 total, including contributions to several State funds.

Commissioner Wolden motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Commissioner Robinson motioned to adopt the resolution modifying the charge for marriage licenses, as recommended by Mr. McInturff. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution #15069)

PLANNING COMMISSION RECOMMENDATION - APPROVAL - AMENDMENT TO SKAGIT COUNTY CODE TO ALLOW CONSERVATION EASEMENTS WITHIN AGRICULTURAL ZONING DISTRICTS.

Kraig Olason, Assistant Director - Skagit County Planning Department, reviewed the action of the Planning Commission. The Board had previously received copies of the Planning Staff report and the Planning Commission's recorded motion.

Mr. Olason stated that on direction from the Board of Commissioners, the Planning Commission studied the possibility of adopting a program based on conservation easements that would permit greater latitude in the use of agricultural property. Mr. Olason stated that at the close of a public hearing held by the Planning Commission on a conservation easement program for Skagit County, the Commission deliberated and chose to recommend a program substantially similar to that which staff had recommended. That program added section (6) to Skagit County Code 14.04.110 which provides exception to the County Code's dimensional requirements for division of agricultural land if the divisions are not contrary to the public interest and the Comprehensive Plan, and do not increase the allowable density, and satisfy the following criteria:

- Predominately lowland prime soils
- Zoned Agriculture
- Setback requirements are met
- Residential lots may not exceed one acre in size, unless for septic and well constraints
- A Conservation Easement is placed on the remainder of the property and held by a non-profit land trust.

The section is preceded by a paragraph explaining the purpose of the program, and indicates that the goal of the program is to encourage long term agricultural land protection, that the program is voluntary, and is a one-time compensation program.

The program is accessible through an administrative review procedure, and does not require a public hearing before the Hearing Examiner or the Planning Department.

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Commissioner Wolden was concerned that this policy will encourage land speculation. He feared that applicants would assume that the County is purchasing their development rights, not a private land trust, and would assume that they could divide property again and again.

Commissioners Hart and Robinson both were satisfied with the proposal, and felt that the requirements were very clearly stated.

Commissioner Hart then motioned to adopt the Planning Commission's recommendation for a conservation easement program, to be made a part of the Skagit County Code. Commissioner Wolden seconded the motion, which passed unanimously.

REQUEST TO PROVIDE GUARANTEE FOR BONDS FOR HOUSING AUTHORITY - JOHN SMITH, EXECUTIVE DIRECTOR.

John Smith, Executive Director, stated that the Housing Authority has been researching methods to acquire existing housing or to construct new housing to meet the needs of the County for low cost housing. Mr. Smith stated that the Authority has developed a plan to obtain 85 units of housing through a Housing Authority bond. The bond could be issued at a lower rate of return if Skagit County would guarantee to provide payments if the Housing Authority were unable to meet their commitment. The reduction in bond rate would be about one-half of a percentage point, with Skagit County's guarantee.

Mr. Smith stated that under regulations governing Housing Authorities, at least half of the tenants of a Housing Authority housing project must have an income of 80% of the local median income or less. Through attrition, the housing project would meet this requirement. Mr. Smith stated that with the County's help, the Housing Authority bond would receive an "A" rating, as the County is rated at the "A" level.

Mike Woodmansee, Budget/Finance Director, reminded Mr. Smith that in order to make this project viable, the County would have to waive the Payment In Lieu of Taxes on the housing units, which would remove \$48,000 in taxes from the tax roles.

Mr. Smith stated that at some later date, the Housing Authority may be able to make a Payment in Lieu of Taxes, but at this time, it would be impossible to pay those taxes and break even.

Mr. Woodmansee stated that Cynthia Weed of Preston, Thorgrimson, Skagit County's bond counsel, has commented on this proposal, and has indicated that the County would incur a true liability which must be honored if the Housing Authority should default on payments. Mr. Woodmansee also pointed out that Mr. Smith's figures indicate that renters at the housing project would receive only an \$11 monthly reduction in rent if the Housing Authority purchases their housing project.

Mr. Smith stated that in the long-term, the Housing Authority can keep rental rates below what private enterprise will charge. He stated that his research has indicated that privately owned housing rents have increased at a rate greater than the median income over the last few years. He stated that while the rents would not be hugely different right now if the Housing Authority were to become the owner, over a five year period, renters would realize an affordable rental rate because the Housing Authority would forego any profit that the private sector would expect to receive.

Chairman Hart pointed out that if the current market conditions allow housing at only \$11 more than if owned by a local Housing Authority, then market rents must be already providing living accommodations for low income residents.

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Commissioner Wolden felt that the loss of tax revenue to the County is not offset by an \$11 rent savings per unit in the housing project. Commissioner Robinson asked if Mr. Smith was basing his future predictions on a belief that rental rates will increase, to which Mr. Smith responded affirmatively.

Chairman Hart stated that Ms. Weed advises that entering into this proposal limits that amount of debt the County may incur, also known as the "debt ceiling". Mr. Smith disputed Ms. Weed's opinion, citing an Attorney General's Opinion to the contrary.

Members of the Housing Authority Board, Pat Parker, Mary Lamm and Midge Taylor were present. Ms. Lamm explained that the Board had attempted to construct new housing, but were deterred by the high cost of developable land and the onerousness of land use and development regulations. She stated that the purchase of existing housing is the only alternative left.

Mr. Smith suggested that if the Board were to approve the Housing Authority's request, the County could review the project's cash flow in one year with the stipulation that taxes would apply if the financial stability of the project would permit.

The Board continued to discuss the proposal. Mr. Smith was asked to explain how rents are controlled at the Housing Authority's Austin Lane project. He indicated that the project is Federally subsidized, and that the tenants are at 50% of median income or less.

Answering a question from Commissioner Wolden, Mr. Smith stated that the Authority would employ the current owners as managers of the units, paying them a management fee. The current owner, Mr. Smith surmised, is interested in converting his investment to cash so that he can invest it somewhere else.

Commissioner Robinson suggested that the board deliberate on this request for a week before making a decision. Ms. Lamm asked if the Housing Authority could contact the Board during this deliberation period, for example, to provide the Board with the Attorney General's opinion cited by Mr. Smith. Mr. Woodmansee was directed to work with the Housing Authority to answer some of the concerns posed by Ms. Weed.

ADJOURNMENT:

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Robert Hart
Robert Hart, Chairman

Robby Robinson
Robby Robinson, Commissioner

Harvey Wolden
Harvey Wolden, Commissioner

ATTEST:

Stephanie Wood
Stephanie Wood, Clerk
Skagit County Board of Commissioners