

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

Monday, November 15, 1993

7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.

9:00 a.m. - 10:00 a.m. Planning and Community Development - Dave Hough, Director:

- 1) Discussion - Citizen Advisory Committee Proposed Policies.
- 2) Code Enforcement Report.
- 3) Miscellaneous.

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

- 1) Public Hearing - Consideration of Speed Limit Reduction on Dunbar Lane.
- 2) Public Hearing - Consideration of Speed Limit Reduction on Dunbar Road.
- 3) Public Hearing - Consideration of Speed Limit Reduction on Moores Garden Road.
- 4) Discussion - Proposed Contract Negotiations for Response to Household Hazardous Waste Disposal and Related Services RFP - Burlington Environmental, Incorporated.
- 5) Submittal - 1994 Annual Road Program.
- 6) Resolution - Rejection of Bids for One New Four-Wheel Drive, Rubber-Tired, Hydraulic Excavator.
- 7) Resolution - Calling for Bids for One New Four-Wheel Drive, Rubber-Tired, Hydraulic Excavator.
- 8) Resolution - Sole Source Provider for Radio Equipment (Motorola).
- 9) Signature - Amendment to Interlocal Agreement with Dike District Number 12.
- 10) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:30 p.m. Executive Session - Personnel, Litigation, and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, November 15, 1993, with Commissioners Robert Hart, Harvey Wolden and Robby Robinson present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - Dave Hough, Director:

1) **Discussion - Citizen Advisory Committee Proposed Policies**

Dave Hough advised that they have finally completed the Citizen Advisory Committee Proposed Policies for the meeting at La Venture School this evening.

Gary Christensen, Senior Planner, reviewed the Rural Element with the Board, summarizing what the Citizens Advisory Committee did in this regard.

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The Rural Element is somewhat unique. When the Legislature passed the Growth Management Act, they basically left it to local government to define lifestyle and develop measurements and programs to protect it. The Citizen's Advisory Committee felt it was important to develop a definition for the rural areas. They said that rural landscape is characterized as areas with open space, natural vegetation, comprised of a variety of rural densities, farms, forests, mining and aquatic resource areas, small unincorporated rural communities, and regionally important recreation areas. Rural lifestyles are often viewed as retreat, seclusion, and self-sufficient living. That was a home grown definition.

Part of the policy document begins to identify local criteria. This provides a narrative description of what rural landscape is. Another issue was providing for rural density and protecting the rural character and lifestyles. This was the single most important issue for the Citizen's Advisory Committee to deal with. What kind of density shall we have in rural areas? The statute says we are to provide for a variety of rural densities.

They looked at residential zoning, reserve and rural intermediate and did reach a consensus that the overall density within the rural areas will be one dwelling unit per five acres. They don't want to zone some of the communities out of existence, like Marblemount, Conway, Bayview and Edison. There was no attempt to allow new rural villages to be developed.

If you have an existing twenty acre parcel they are recommending clustering in terms of land division. Those four or five acre tracts could be clustered together with the remaining acreage left for recreation, natural resource management and environmental protection.

Another objective is to encourage diverse economic opportunities and uses compatible with and supportive of rural lifestyles.

Chairman Hart asked, when they are talking about Bayview are they talking about the community or the country club? Mr. Christensen said they are talking about the current zoning. It may be that those areas will fall under this variety of rural densities of twenty acres or larger.

Mr. Christensen said that there were some committee members who felt that the GMA should only allow for five acres or larger and others wanted to provide some flexibility in terms of density in these areas. In adopting their policy they did give the Planning Department and the County an opportunity to be flexible in terms of their designations. One of the other things the committee supported and endorsed was the acceptance of rural residence cluster development. There was unanimous support for this concept as a development option.

In the future there is probably going to be more development in the rural areas based on cluster. This can be more cost effective, less infrastructure, less land use and development. They are trying to mandate historical sites and landscapes and types of roads, services and utilities that could be expected in rural areas.

After fourteen months of discussion, the members came up with a policy document they can all feel good about.

Commissioner Robinson said he wondered about some people who might have an acreage under five acres in a rural area and how is this supposed to be addressed?

Mr. Hough said, when looking at the Comprehensive Plan map and land use element there may be rural areas in one with a 20 acre minimum and some with substantially less in another. This will balance out.

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Chairman Hart said he was pleased at the amount of agreement in the rural report.

Mr. Christensen said, of the 40 policies or so, he would say there were probably only 4 or 5 where it wasn't a 12-0 vote. It was unanimous. They did feel it was important to address each other's views. He said he gives them a lot of credit for hard work and the time they put into it.

Pat Bunting, Assistant Planner and Staff Facilitator for the Proposed Mineral Element Policy Document and Proposed Utilities Element for the comprehensive plan, responded to the Mineral and Utility Element Policy Document.

Relative to the proposed Mineral Resource Element, Ms. Bunting said that her committee suggested going with something that is proven and that works. They brought up a plan from Olympia from the Department of Natural Resources that was brought up from California. They modified it for the use of Washington state. The committee went through it page by page and saw no problem with it. They proposed to adopt it for something to follow and use for Skagit County.

A zoning designation of mining districts is proposed to protect and enhance the mineral industry and protect the public at the same time.

After Ms. Bunting reviewed the proposed mineral element with the Board there was some discussion about some of the mineral sites and deposit sites.

Ms. Bunting stated that this committee did real well at working things through to meet in the middle.

Ms. Bunting said she has a description of what to do with the Utility Element, but as yet there aren't any policies. This element will contain policies for electrical lines, natural gas lines, and telecommunication lines and towers. The utility companies have a big concern about how we are going to work out siting their facilities. There will not be public input at the Open House, but it will be ready for review in December some time.

Chairman Hart asked if there was going to be a fair agreement on utilities? Ms. Bunting said she did not see any problems.

Jim Cahill, Assistant Planner and Staff Facilitator for the Proposed Forest Resource Element Policy Document for the comprehensive plan said that some of the things they agreed to is the right to practice forestry. It calls for a transfer development rights program to be in place by 1995.

The intent of the Forest Resource Element of the comprehensive plan is to ensure that forest lands of long-term commercial significance are conserved and managed to provide for sustainable forest yields, job stability, ecological values and the continuation of a viable commercial forest industry in Skagit County.

Mr. Cahill said the committee members wished to send a message back that they feel further taxing of forest lands is going to be a burden on them. They favored expansion of forest industries related to extraction and manufacture of forest products.

Mr. Cahill reviewed the report further and the policies proposed by the committee. He talked about the criteria about how the land is being effected by an adjacent neighbor when he is classified to rural and how impacts need to be looked at to include his property too. The committee had some split votes. This is an industry that has its back against the wall. They feel this is just another layer of loopholes and hoops they are faced with. The issues are very clear. They don't want to back off of what they can hang on to. The

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ability to develop land for something other than forestry is not something they really want to do. The other side of the coin is the preservation or conservation side, where they don't want to see development of the forest land. They see forest management as the preferred use rather than development. That is the way the land should stay.

Chairman Hart stated that it is exactly the same as rural land. He talked about the conflict between the financial issues and keeping the land as it is.

Mr. Cahill said, something else they came up with was the issue of the duration of this plan. They might have been able to reach an agreement if the conservation easement was good for 20 years rather than for good. The time frame was an issue. Probably the other issue was minimum parcel size in industrial forest land. Eighty acres was kicked around as a good middle ground there. They didn't quite get a majority vote on that issue.

Edwyna Fong, Assistant Planner, and Facilitator of the Proposed Housing Element Policy Document for the comprehensive plan said the committee wanted to make sure there is enough housing when the maps are changed. They talked about information packages being provided at the counter which show land that is available and the fact that they want to help developers and builders through the process.

Ms. Fong said that farm worker housing was an issue. They were specifically concerned about wanting the County to work with the cities and farmers to bring a consortium together to develop housing. They also looked at using the housing as a transitional housing for the winter months.

Chairman Hart said that for farmers to provide housing that meets code and stays vacant for 9 months is going to be something the farmers will not be able to afford. This is a difficult problem to work out.

Rob Knable, Assistant Planner and staff member, and Kraig Olason, reported on the Agricultural Element of the comprehensive plan.

Mr. Knable said the committee wanted to establish some policies for preserving farmland and stabilizing lots. One of the big issues that came up was greenhouses. They are really concerned about maximum lot coverage. They have developed some proposed policies with which to develop an ordinance for farm marketing.

Chairman Hart noted that the greenhouse issue does not have an easy answer. When a major crop is grown in a greenhouse, should it be on ag zoning or not? The majority of greenhouses in the County are on prime land. This is probably a good reason they could be on secondary soil.

Mr. Knable said the committee is pretty split on this.

Mr. Olason said they need to do some more survey work and look at numbers before deciding to do a transfer program.

Chairman Hart said the committee process is excellent. There are certain ideas relative to transfer development rights, clustering, right to farm, right to timber, that seem to be getting a general consensus. They are making progress in this matter.

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Chairman Hart said that one of the questions he has is relative to the transfer of development rights. They may have to look at those kinds of sites in the zoning map as areas available to receive transfers. Mr. Hough said they have been discussing that particular question in the last two weeks.

There was a great deal of discussion about transfer development rights. Mr. Olason said they can sit down with the cities and work out some of those one through three test areas. It will have to wait for annexation to take them in.

Mr. Olason concluded by emphasizing that talking it out is an evolving process.

2) Code Enforcement Report

The Code Enforcement Report was presented to the Board.

3) Miscellaneous.

There were no miscellaneous items.

PUBLIC WORK DEPARTMENT - Rich Medved, Director

1) Public Hearing - Consideration of Speed Limit Reduction on Dunbar Lane.

Ed Hawes, Traffic Engineer, presented a site map and a history of the traffic speed limits on Dunbar Lane. Dunbar Lane is currently unposted, although the speed limit is 35 mph. Mr. Hawes said they would like to recognize Dunbar Lane as a residential road. Although driver discretion has to be used, 25 mph would be the maximum speed allowed.

Commissioner Robinson motioned to close the public hearing. Commissioner Hart seconded the motion, which was carried.

Commissioner Robinson motioned to approve the reduction of the speed limit on Dunbar Lane to a maximum of 25 mph as suggested. Commissioner Hart seconded the motion, which was carried.

2) Public Hearing - Consideration of Speed Limit Reduction on Dunbar Road.

Ed Hawes reviewed a site map with the Board and recommended that the speed limit on Dunbar Road be reduced from 35 mph to 25 mph. He explained that the road is narrow and would justify a 25 mph speed limit.

Commissioner Robinson motioned to close the public hearing. Commissioner Hart seconded the motion, which was carried.

Commissioner Robinson motioned to approve the reduction of the speed limit on Dunbar Road to a maximum of 25 mph as suggested. Commissioner Hart seconded the motion, which was carried.

3) Public Hearing - Consideration of Speed Limit Reduction on Moores Garden Road.

Ed Hawes reviewed a site map with the Board and explained that Moores Garden Road meets the criteria for a residential setting. He said he is asking that the speed limit be reduced from 35 mph to 25 mph.

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Commissioner Robinson motioned to close the public hearing. Commissioner Hart seconded the motion, which was carried.

Commissioner Robinson motioned to approve the reduction of the speed limit on Moores Garden Road from 35 mph to 25 mph. Commissioner Hart seconded the motion, which was carried.

4) Discussion - Proposed Contract Negotiations for Response to Household Hazardous Waste

Jeff Hegedus, Hazardous Waste Specialist, requested the concurrence of the Board for entering into contract negotiations with Burlington Environmental, Inc. regarding the RFP for household hazardous waste disposal and related services. He stated that they received six respondents to their Request for Proposals and are recommending that Burlington Environmental, Inc. be selected because of an award of points in the categories of general expertise, environmental compliance record, experience, references, permits, technical services, management services, and program costs. He introduced Mr. Hal Williams, who is representing Burlington Environmental, Inc., to the Board.

Commissioner Hart and Commissioner Robinson were in concurrence with the above recommendation.

Mr. Hegedus said he would be back within 30 days with a contract for the signature of the Board.

5) Submittal - 1994 Annual Road Program.

Doug Barnet, County Engineer, reported that the 1994 Annual Road Program document establishes those roads to be worked on and funds to be expended in 1994. The Annual Road Program has to be adopted prior to the adoption of the 1994 Public Works Department budget. The 1994 Annual Road Program will be presented to the Board for adoption on December 6.

6) Resolution - Rejection of Bids for One New Four-Wheel Drive, Rubber-Tired Hydraulic Excavator.

Charlie Tewalt, ERR/Ferry Coordinator, advised that a bid for one new four-wheel drive, rubber tired hydraulic excavator has been analyzed and it has been determined by staff that it doesn't fit their needs. The bid documents have been restructured to fit the requirements the Burlington staff feel is necessary and another call for bids will be made on that equipment.

Commissioner Robinson motioned to approve a resolution Rejecting Bids for Purchase of One New Excavator with Tires. Commissioner Hart seconded the motion, which was carried. (Resolution # 15099)

7) Resolution - Calling for Bids for One New Four-Wheel Drive, Rubber-Tired Hydraulic Excavator.

Commissioner Robinson motioned to approve a resolution to Call for Bids for the Purchase of One New 4WD Rubber-Tired, Hydraulic Excavator. Commissioner Hart seconded the motion, which was carried. (Resolution # 15015)

8) Resolution - Sole Source Provider for Radio Equipment (Motorola).

Charlie Tewalt provided a background on the necessity for an agreement with Motorola, Inc. as a sole source radio service for the Public Works Department.

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Commissioner Robinson motioned to approve for signature a resolution for the Declaration of Sole Source Radio Service for the Public Works Department. Commissioner Hart seconded the motion, which was carried. (Resolution #15016)

9) Signature - Amendment to Interlocal Agreement with Dike District Number 12.

Rich Medved reported that the Amendment to the Interlocal Agreement with Dike District Number 12 is a housekeeping matter. If the County acts negligently on a work site, the County will incur liability and not the dike district.

Commissioner Hart motioned to approve a Resolution Amending the Interlocal Cooperative Agreement Between Skagit County and Diking District No. 12. Commissioner Wolden seconded the motion, which was carried.

(Resolution #15017), (Contract #01081)

10) Miscellaneous.

Mr. Medved advised that there was a fatality on Walker Valley Road and the State Patrol did not contact the County about it. Ed Hawes is meeting with the State Patrol in Everett to deal with this matter and to make sure the County is informed of these situations.

CONSENT AGENDA

Stephanie Wood, Administrative Coordinator, presented the Board with the Consent Agenda for their approval.

Commissioner Robinson motioned to approve for signature the Consent Agenda of November 15, 1993, items 1 through 21. Commissioner Hart seconded the motion, which was carried.

* Public Works:

1. Resolution establishing County Road Project #8220-1 for the preliminary engineering costs for the replacement of a concrete box culvert on Franklin Road at a cost of \$10,000. (Resolution #15018)
2. Resolution to update the County Road Project authorizing day labor funding for minor construction of the Pipeline Road at a cost of \$5,000 for the Engineering and \$27,500.00 for right-of-way acquisition. (Resolution #15109)
3. Resolution establishing County Road Project authorizing preliminary engineering funds for the preparation of plans and specs for reconstructing 1.52 miles of Bradshaw Road between McLean Road and Calhoun Road in the amount of \$25,000. (Resolution #15110)
4. Resolution establishing County Road Project authorizing the preliminary engineering funds for the preparation of plans and specs for reconstructing 2.29 miles of Bradshaw Road between Calhoun Road and Summers Drive at a cost of \$50,000. (Resolution #15111)
5. Resolution calling for Public Hearing to consider establishing a 25 m.p.h. speed limit on the entire length of Lincoln Avenue from Concrete Road to the Dalles Road. (Resolution #15112)

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6. Resolution Calling for Public Hearing to amend Skagit County Code 11.30.010 relating to Primitive Roads. (Resolution #15113)
7. Signature on the final cost records for the South Skagit Highway County Road Project #0700-3.
8. Resolution and Contract for the printing of non-legal advertisements in the Skagit Valley Herald by the Public Works Department for projects such as composting workshops, open hours of the Household Hazardous Waste Collection Facility, flood awareness meetings, etc. (Contract #001817) (Resolution #15114)
9. Personal Services Agreement with Riley Mapping, Incorporated, for aerial and photogrammetric services at the cost of \$3,300.00 beginning November 17, 1993, through December 16, 1993. (Contract #001818)
- Health:
10. Guest speaker contract with Martin Santillon to do presentations on Personal Perspectives on HIV/AIDS during the year of 1993 at a cost of \$25.00 per presentation. (Contract #001819)
- Data Processing:
11. Personal Services Agreement with Network Control, Incorporated to develop custom database applications which comply with Skagit County Data Processing Standards with compensation on a project by project basis and the total contract not to exceed \$15,000 in total beginning November 1, 1993, and continuing through December 31, 1994. (Contract #1820)
12. Personal Services Agreement with Teletrieve to develop custom database applications which comply with Skagit County Data Processing Standards on a project by project basis beginning January 1, 1993, through December 31, 1994, at a cost not to exceed \$15,000. (Contract #1821)
- Administration:
13. Addendum to the Administrative Services Agreement with the Northwest Administrators, Incorporated to retain the Administrator to perform the services set forth in the Agreement effective April 1, 1992 through December 31, 1994. (Contract #00923)
- * Commissioners:
14. Call for Public Hearing to adopt an ordinance amending Skagit County Code Chapter 3.08, and impose an additional .1% sales and use tax to be collected from those persons from whom the state sales and use tax is collected to fund criminal justice services. (Resolution #15115)
15. Application renewal for a dance license by the Alger Bar and Grill, 176A Old Highway 99, Bellingham.
16. Record of the Proceedings of Monday, November 8, 1993.
17. Record of the Proceedings of Tuesday, November 9, 1993.

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18. Call for Public Hearing and Notice of Public Hearing for the proposed 1994 Skagit County Budget to be held on December 6, 1993, at 1:30 p.m. (Resolution #15116)
- * Parks, Recreation and Fair:
19. Resolution authorizing a request for proposal for the preparation of a master facility plan for the Northern State Recreation Area to develop this property for long term park and recreation facilities to enhance the quality of life, economic growth and leisure opportunities of the citizens of Skagit County. (Resolution #15117)
20. Instructional Services Contract with Jim Poth/Easy Going Outings, Incorporated to perform day hikes/trips beginning November, 1993, and continuing through December 31, 1993, at a cost which will vary depending on the trip \$30-\$35 each. (Contract #001822)
- Planning and Community Development:
21. Resolution approving the Agricultural Variance request for Ed Kaptein #VAR-93-029. (Resolution #15118)

MISCELLANEOUS ITEMS

Stephanie Wood presented the following miscellaneous items for the consideration of the Board:

- 1) Commissioner Robinson motioned to approve for signature warrants numbered MW104347-29 in the amount of \$5,031.00. Commissioner Hart seconded the motion, which was carried. (C58-93)
- 2) Commissioner Robinson motioned to approve for signature warrants numbered MW104346-28 in the total of \$3,000.00. Commissioner Hart seconded the motion, which was carried. (C57-93)
- 3) Commissioner Robinson motioned to approve for signature a resolution for Support for the Pacific Northwest Rail Corridor Passenger Service Objectives and for Increasing the Train Speed Limits within the County. Commissioner Hart seconded the motion, which was carried. (Resolution #15119)

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:

Jean Terry
Jean Terry, Clerk
Skagit County Board of Commissioners