

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

Monday, May 9, 1994

Flag Salute.

8:00 a.m. - 9:00 a.m.

Work Session - North Fork Bridge Seismic Alternatives.

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

Board of Health - Pat Pearce, Director.

- 1) Public Hearing - Resolution to Revise SCC 12.16 to Include Provisions for Financial Assurance for Owners of Specific Solid Waste Disposal Sites, Variances from Sections of the Code, Handling Inert Wastes and Adopting Chapter 173-351 W.A.C. by Reference.
- 2) Public Hearing - Resolution Updating the Skagit County Health Department Schedule of Charges for Food Service Operators Selling Hot Dogs or Requesting a Plan Review.
- 3) Public Hearing - Resolution Updating the Skagit County Health Department Schedule of Charges to Include a Fee for Applications for Variances from the Solid Waste Code.
- 4) Briefing on Proposed Revision to SCC 12.16 to Include a New Section Allowing Recording of Demolition Waste Disposal Sites with the Skagit County Auditor.

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

Public Works - Rich Medved, Director.

- 1) Public Hearing - Consideration of Speed Limit Reduction on Aliston Lane, No. 6160.
- 2) Public Hearing - Consideration of Speed Limit Reduction on North Skagit Street, No. 6121.
- 3) Signature - Resolution Authorizing Condemnation of Property for the Reconstruction of a Portion of the Chilberg Road #4220.
- 4) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS.

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

Facilities - Roger Howard, Director.

- 1) Bid Opening - Accessibility Projects at Howard Miller Steelhead Park.
- 2)
 - A) Discussion - Amendment to Architect Tom Theisen's Contract for ADA Projects and "Blade" Parking Lot Project.
 - B) Discussion - "Blade" Parking Lot Project.
 - C) Signature - Contract for ADA Projects on County Campus.
 - D) Signature - Contract for ADA Improvements at 5 County Parks.

2:00 p.m. - 3:00 p.m.

Public Hearing - Ordinance Establishing Impact Fees.

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- 3:00 p.m. - 4:00 p.m. Appeal by Donald Rapp of Hearing Examiner's Decision to Approve Special Use Application #SPU-930-021 for Stephen Murray, 4865 Highway 20, Concrete.
- 4:00 p.m. - 5:00 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, May 9, 1994, with Commissioners Harvey Wolden, Robert Hart and Robby Robinson present.

BOARD OF HEALTH - Pat Pearce, Director.

1. Public Hearing - Resolution to Revise SCC 12.16 to Include Provisions for Financial Assurance for Owners of Specific Solid Waste Disposal Sites, Variances from Sections of the Code, Handling Inert Wastes and Adopting Chapter 173-351 W.A.C. by Reference.

Ken Willis, Health Department Staff, reviewed with the Board the proposed changes to Skagit County Code Chapter 12.16. Mr. Willis advised that the current regulation interpreted literally would be entirely too strict. These suggested changes would correct deficiencies in the current code, effectively liberalizing rules relating to inert waste, establishing financial assurance requirements for several types of landfills and instituting a variance procedure. Mr. Willis clarified that financial assurance requirements pertain only to landfills, not to recycling operations, and Mr. Willis suggested that perhaps the words "or expanded" should be added to the financial assurance portion of the proposed amendment so as to not impose limitations on existing landfills as follows:

Owners of inert waste, demolition waste, woodwaste, or problem waste landfills that are permitted or expanded after June 30, 1994

Chairman Wolden suggested that this inclusion should be reviewed by John Moffat, Chief Civil Deputy.

David Rubio, of the Solid Waste Division of the Public Works Department, indicated his support for these amendments pending the review by the Prosecutor's Office.

Pete Jefferson, a resident of Bow Hill, stated that he supports these changes, that he believes there should be additional amendments to require minimal function standards for liner or leachate collection systems, and that any proposed landfill should not have false expectations of what is required to protect the water quality of Skagit County.

There being no further public comment forthcoming, Commissioner Robinson moved to close the public hearing. The motion was seconded by Commissioner Hart, and the motion to close the public hearing unanimously carried.

The Board indicated they would like the suggested language approved by John Moffat before approving the proposed amendments. Staff indicated they would consult with Mr. Moffat and so advise the Board.

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2. Public Hearing - Resolution Updating the Skagit County Health Department Schedule of Charges for Food Service Operators Selling Hot Dogs or Requesting a Plan Review.

Corinne Story, Health Department Staff, reviewed with the Board the proposed revisions to the schedule of charges as previously discussed with the Board. The proposed changes include food service establish plan review fees and revised temporary event fees for the sale of hotdogs.

Ms. Story advised that the food service establishment plan review fees for new and remodeled food establishments are currently charged an hourly rate. Frequently prospective operators spend several weeks to several months in the plan and menu development process. Multiple department staff are involved in the plan review process, making it difficult to track total project time. Food Safety Staff, working with the Food Advisory Committee have developed a proposed system of charges based upon the complexity of menu and extent of remodel.

Temporary food establishment permits for hot dog stands are charged a \$50 permit fee for the sale of a potentially hazardous food. It is the opinion of the Food Safety Staff, working with the Food Advisory Committee, that packaged hot dogs are a ready-to-eat food that provide minimal risk to the public unless grossly mishandled. Based on this low risk, Staff is recommending booths selling only packaged hot dogs be allowed to apply for a \$30 (non-potentially hazardous food) fee.

There being no public comment forthcoming, Commissioner Hart moved to close the public hearing. Commissioner Robinson seconded the motion, which was unanimously approved. Commissioner Hart moved to approve the Resolution as presented by Staff. Commissioner Robinson seconded the motion, which was unanimously approved. (Resolution #15349)

3. Public Hearing - Resolution Updating the Skagit County Health Department Schedule of Charges to Include a Fee for Applications for Variances from the Solid Waste Code.

John Thayer, Health Department Staff, reviewed with the Board the proposed Resolution updating the Skagit County Health Department schedule of charges to include fees for applications for variances from Skagit County Code 12.16, Solid Waste Handling and Facilities. Individuals who challenge determinations from the Health Department or request a variance of any kind would pay a fee of \$280 for any application for variance from Skagit County Code Section 12.16. This fee would cover approximately 8 hours of Staff time for review of the variance request.

Dave Rubio, Solid Waste Division, indicated his support of this Resolution.

There being no further public comment forthcoming, Commissioner Robinson moved to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously. Commissioner Robinson moved to approve the Resolution as presented by Staff. Commissioner Hart seconded the motion, which passed unanimously. (Resolution #15348)

4. Briefing on proposed Revision to SCC 12.16 to Include a New Section Allowing Recording of Demolition Waste Disposal Sites with the Skagit County Auditor.

Mr. Willis reviewed with the Board an additional proposed amendment to the Skagit County Code Section 12.16 relating to demolition debris. Demolition of a building can involve the potential avoidance of proper disposal and some of the disposal options for bulky items are limited. Staff advised that houses have been burned and the remains bulldozed underground. Surface and ground water quality can be impacted. Health

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Department Staff is proposing amending this section of the Skagit County Code to allow the County Health Officer to place legal notice on the title to the property stating that possible illegal on-site burial of debris has occurred. Staff suggested that a public hearing be held to discuss this matter further.

Staff indicated the desire to have reasonable recycling efforts continue, and not impose undue restrictions on property owners. Chairman Wolden indicated the importance of being innovative in developing reusable materials.

Commissioner Robinson clarified with Staff the difference between inert waste and recycled concrete or demolition debris. Mr. Willis indicated concrete and asphalt can be used as a component of fill, and these materials can be reprocessed to a certain graded size dimension. Landfill is a high concentration of inert material.

Mr. Rubio indicated his support of this proposal from the Health Department. Mr. Rubio indicated that many contractors are involved in a difficult struggle finding a home for demolition waste. It is Mr. Rubio's opinion that contractors are working hard trying to solve the problems of demolition debris disposal and are not trying to make it easy for property owners to break regulations.

Dave Blake of the Northwest Air Pollution Authority, indicated that Whatcom County has imposed similar regulations as those being proposed by the Health Department and supports this change.

The Board indicated their interest in pursuing this matter further, and Staff indicated a public hearing will be set up for the next Board of Health agenda.

5. Miscellaneous.

The Board requested an update on the Samish Bay oyster situation. John Thayer, Health Department Staff, advised the Board that the illness resulting from the consumption of oysters by attendees at a rugby tournament a few weeks ago has not been fully diagnosed. Essentially the State has mandated voluntary closure of areas in Samish Bay while the illness is being investigated. There have been a number of water samples taken and the results should be in shortly. The State will make recommendations for possible reclassification of some of Samish Bay. It is anticipated that a narrowing of the closure area will occur to help determine contamination sources. It is expected that some sort of results will be available by the end of this week.

A discussion ensued on the possible causes of the contamination and the inconclusiveness of the test results. The Board indicated their concern for those citizens trying to run their businesses, and their eagerness to determine the cause of this problem. Mr. Thayer indicated that samples have been sent in, and that it has been indicated that there is no bacterial contamination.

PUBLIC WORKS - Rich Medved, Director.

1. Public Hearing - Consideration of Speed Limit Reduction on Aliston Lane, No. 6160.

Steve Blair, Public Works Staff, reviewed with the Board the area of the proposed speed limit reduction on Aliston Lane, east of Burlington. The area is currently posted at 30 miles per hour, and residents have requested a reduction to 25 miles per hour. The Staff recommendation is to lower the speed limit to 25 miles per hour. There being no public comments forthcoming, Commissioner Hart moved to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously. Commissioner

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Robinson moved to approve the speed limit reduction on Aliston Lane. Commissioner Hart seconded the motion, which passed unanimously. (Resolution to be provided by Staff at a later date.)

2. Public Hearing - Consideration of Speed Limit Reduction on North Skagit Street, No. 6121.

Mr. Blair reviewed with the Board the area of the proposed speed limit reduction along North Skagit Street in Burlington. The road is currently posted with a 25 mile per hour speed limit, but no current ordinance exists supporting this speed limit, therefore the legal speed limit is 35 miles per hour. Staff advised that this is mainly a bookkeeping item. There being no public comment forthcoming, Commissioner Robinson moved to close the public hearing. Commissioner Hart seconded the motion, which unanimously carried. Commissioner Robinson moved to approve the speed limit reduction on North Skagit Street as presented by Staff. Commissioner Hart seconded the motion, which was unanimously approved. (Resolution to be provided by Staff at a later date.)

3. Signature - Resolution Authorizing Condemnation of Property for the Reconstruction of a Portion of the Chilberg Road #4220.

Doug Barnet, County Engineer, presented to the Board a Resolution authorizing condemnation of a parcel of property consisting of old granary lots, such condemnation being necessary to accomplish the Chilberg Road improvement project. These lots used to exist along various tributaries of the Skagit River and no current owner can be found for Staff to contact for acquisition of the right-of-way. Staff noted that all known owners are deceased. There is no vested interest in the property by the County, so no quiet title action is possible. Condemnation proceedings are therefore necessary. The property taxes on this property have not been paid for years. Commissioner Hart moved to approve the Resolution as presented by Staff. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution #15350)

4. Miscellaneous.

Staff advised that Public Works Item #8 on the Consent Agenda should be removed.

CONSENT AGENDA

Chairman Wolden moved to approve the Consent Agenda for Monday, May 9, 1994, with the exception of item #8 which has been removed by the Public Works Department. Commissioner Hart seconded the motion to approve the Consent Agenda as amended, which was unanimously approved.

* Commissioners' Office:

1. Record of the Proceedings from Monday, May 2, 1994.
2. Record of the Proceedings from Tuesday, May 3, 1994.
3. Record of the Proceedings from Wednesday, May 4, 1994.
4. Personal Services Agreement with Diaz Karate to provide karate lessons to ARIS approved clients for the period March 1, 1994 through December 31, 1994 at the initial rate of \$85 per student and \$50 per month per student. (Contract #02024)

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* Health:

5. Agreement between Region 3 Aids Service Network and Skagit County Department of Health to implement and support an HIV care consortium as defined by the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990 for the period April 1, 1994 through March 31, 1995 for the budget amounts listed on Exhibit "B" thereto. (Contract #02025)

* Juvenile Probation:

6. Personal Services Agreement with Judy McCarthy to provide specialized juvenile offender evaluations for the period January 1, 1994 until terminated pursuant to the fee schedule attached thereto. (Contract #02026)

* Public Works:

7. Resolution Establishing County Road Project #2120-4, Bow Hill Road. (Resolution #15351)
8. Resolution Calling for Bids for Reconstruction of 1.02 Miles of Chilberg Road and .36 Miles of Best Road. (REMOVED FROM CONSENT AGENDA)

* County Clerk:

9. Appointment and Oath of Office of Marcy L. Hantz, Deputy County Clerk.

* Parks:

10. Amendment #2 of the 1993-94 Winter Recreation Program Agreement with Washington State Parks for \$1,134 to compensate our program for emergency monies spent to repair the snow cat that were not budgeted in the original contract. (Contract #01777)

* Senior Services:

11. Contract Amendment #94-3110-06(01 for Alzheimer's Demonstration Grant Respite Care Case Management for additional funds of \$1,455 for the period April 1, 1994 through September 30, 1994. (Contract #01931)

* Human Services:

12. Contract Amendment #2233-95564 with the State of Washington Department of Social and Health Services for an additional \$8,721 for child abuse treatment services to members of the Swinomish Tribal Community beyond June 30, 1994. (Contract #01859)

MISCELLANEOUS.

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

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listing which has been made available to the Board.

As of this date, May 9, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Voucher numbers MW111754-10 through MW111754-10 (Warrants numbered MW111754-10 through MW111754-10) in the total amount of \$500 (Transmittal #C-20-94); and,

Voucher numbers 4005165 through 4005732A, 4FID-087 through 4FID-115, 4EL-120 through 4EL-124, 4010-173 through 4010-203, PW4-413 through PW4-554 (Warrants numbered 111755 through 112340) in the amount of \$822,684.87 (Transmittal #C21-94).

FACILITIES - Roger Howard, Director.

1. Bid Opening - Accessibility Projects at Howard Miller Steelhead Park.

Chairman Wolden waived the reading of the notice of Call for Bids, as published in The Skagit Argus. The following bids were received and opened:

Valley Paving
Burlington, WA
\$58,626

Quantum Construction
Anacortes, WA
\$46,272

Earl Hanson Trucking Company
Mount Vernon, WA
\$34,894

Northwest Federal Construction
Camano Island, WA
\$83,222

Diamond Construction
Oak Harbor, WA
\$52,069

Larsen Construction
Lynnwood, WA
\$58,660

Engberg Construction, Inc.
Enumclaw, WA
\$63,264

It was noted by Staff that each of the bids contained the required bid bond. Roger Howard, Facilities Director, advised that the award of the bid will be made within one week. Mr. Howard further advised

the Board that the original estimate for this work was approximately \$60,000.

2. A. Discussion - Amendment to Architect Tom Theisen's Contract for ADA Projects and "Blade" Parking Lot Project.

Roger Howard presented an amendment to the contract with Tom Theisen. The amendment will extend the contract maximum from \$40,000 to \$55,000 to include the ADA projects as well as other miscellaneous projects. Commissioner Hart moved to approve the Amendment to the contract with Mr. Theisen. Commissioner Robinson seconded the motion, which was unanimously approved. (Contract #00931)

B. Discussion - "Blade" Parking Lot Project.

Mr. Howard advised the Board that his department needs clarification on the improvements to the "Blade" Parking Lot Project. Mr. Howard reviewed with the Board that when the decision was made not to construct a new office building at the Blade location, the Blade building site was then designated to become a parking lot with the necessary paving, curbs, gutters and landscaping as required by the City of Mount Vernon ordinances. Mr. Howard had planned to put this out for bids this summer, and wanted the Board's approval for proceeding with this project. Mike Woodmansee, Budget/Finance Director, pointed out that this project was not included in the 1994 budget. After brief discussion, Mr. Howard indicated that the preliminary cost estimate for this work is \$150,000, based on the cost of new lots recently installed. Mr. Howard indicated that 50 parking spaces will be gained on that lot. The Board indicated that \$150,000 seemed high. Mr. Howard indicated that the average price per parking space is \$2,000 plus sales tax and additional unforeseen costs. It was suggested that perhaps calling for bids would be a way to determine the exact cost for development of this parking lot. The Board directed Mr. Howard to discuss this matter with Mount Vernon City Officials to determine the exact specification requirements of the City and the timing of completing the parking lot.

C. Signature - Contract for ADA Projects on County Campus.

Mr. Howard presented to the Board a contract with Roosendaal/Honcoop Construction, Inc. for ADA projects on the County Campus. Commissioner Robinson moved to approve the contract as presented by Staff. Commissioner Hart seconded the motion, which was unanimously approved. (Contract #02027)

D. Signature - Contract for ADA Improvements at 5 County Parks.

Mr. Howard presented to the Board a contract with Earl Hanson Trucking Company, Asphalt Division, for miscellaneous asphalt pads and paving at five County park facilities. Commissioner Hart moved to approve the contract as presented by Staff. Commissioner Robinson seconded the motion, which was unanimously approved. (Contract #02028)

PUBLIC HEARING - ORDINANCE ESTABLISHING IMPACT FEES.

Dave Hough, Planning Director, opened the public hearing and briefly reviewed with the Board a draft ordinance that would authorize collection of impact fees once a capital facilities plan has been reviewed and approved. The Ordinance provides for the method and timing of collection, establishment of specific impact fee accounts, an appeal process, annual report requirements and other related matters. The adoption of this Ordinance is the first step in establishment of an impact fee process that would

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require new development activity to pay for the additional demand and need for public facilities as provided in R.C.W. 82.02.

Mr. Hough further advised that to actually assess impact fees, it will be necessary for the County to adopt specific capital facilities plans. Those plans should adequately outline the existing deficiencies and identify facility needs created by new housing development activity. Such plans may be in conjunction with particular special districts, i.e. school districts or actual County mandated services such as transportation. Major issues within the ordinance can be identified as method of collection, exemptions and administrative fees.

The method of collection is probably the one issue that has a number of options that Staff has identified as follows:

Option 1: Plats and PUD's - 50% of the impact fee to be paid at the time of final plat recording. Building Permits - 50% of the impact fee to be paid at time of issuance of a building permit for those lots included in a plat of PUD previously assessed impact fees. 100% of the impact fee to be paid at time of issuance of building permit when said lot or parcel was not previously assessed impact fees as a part of the platting process. This option would provide a portion of the fees early on that would allow certain planning, architectural, or engineering work to be commenced prior to the actual impact occurring. The negative aspect is if the 50% impact fee is included in the sales price of the lot, the real estate commission would include the impact fee.

Option 2: 100% of the impact fees to be paid at the time of issuance of a building permit. Option 2 would eliminate the potential for inflating the fee at the time of lot sales. It would also provide for some relief for the developer especially if the economy experienced a downturn and building did not occur for several years. It would also eliminate the early "seed" money to a district or the County for early planning.

Option 3: 100% of the impact fees to be paid at the time of occupancy of the residence. This option could provide the greatest relief on the developer. From previous testimony, the lot owner may not benefit since the lending institution would require that any loan include the impact fee. It would also create difficulty in collecting the fee since the County has not actively enforced "no occupancy" until final approval.

Mr. Hough advised that of the three options, Staff recommends against Option 3.

Proposed exemptions are limited to housing developments reserved exclusively for the elderly so long as they are maintained in perpetuity. Once the comprehensive plan has been adopted, Staff recommends reopening the issue of exemptions as they relate to low income housing.

An administrative fee of \$35 per lot with a sliding scale for fees paid at the time of final plat approval is also included in the current draft Ordinance. It is unknown at this time, according to Mr. Hough, whether the proposed fee is adequate to reimburse the County for the work necessary in the collection and accounting of impact fees.

It is Staff's recommendation for approval of the Ordinance as presented with the exception of either Option 1 or 2 relating to the collection of fees. Mr. Hough noted that impact fees established at this time would be considered interim and that a revised process may be necessary by January 1995.

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Paul Carr, Planning Department Staff, advised the Board of the Advisory Committee's suggested changes to the proposed Ordinance. The specific changes were reviewed. Mr. Carr introduced the Advisory Committee members present at the public hearing.

Commissioner Hart indicated his concern that there is public misconception about curing deficiencies currently existing with impact fees. People tend to think that impact fees are a cure-all.

Chairman Wolden indicated the need to clarify debt service/bond issues, and the need for further clarification. Mr. Hough indicated that the Prosecuting Attorney will review the proposed Ordinance to make sure that the debt service/bond issues are clarified.

Brian McGuiness, a member of the Advisory Committee, stated that the original idea of the County-wide impact fee Ordinance was to make implementation easy and generic enough for all school districts to use, as well as for future parks and road assessments. The Committee reviewed the draft Ordinance page-by-page and made suggested changes on consensus or majority votes. Mr. McGuiness stated that the collection of impact fees was not changed to reflect the committee's viewpoint. The Committee believes that 100% assessment (Option 2) at the building permit stage should be affected rather than the 50-50 option recommended by Planning Staff. Mr. McGuiness stated his disappointment that the assessment recommendations of the Committee were not taken into consideration before publishing the proposed document.

Al Youngsma, 1706 Blodgett Road, advised the Board that he is speaking on behalf of the committee on the housing element, and that the committee notes that the document does not deal with the issue of exemptions for affordable housing. It was Mr. Youngsma's opinion that impact fees are revenue raising only and are unfair to affordable housing. He further stated that square footage should be the determinant in the imposition of the amount of impact fees. Mr. Youngsma further stated that the County should be the leader in the development of an affordable housing market.

Bruce Johnson, 1544 Allen Road, stated that he is an area builder. Mr. Johnson stated that the question of affordable housing relating to impact fees needs to be addressed. Mr. Johnson supports Option 2 for collecting impact fees and that Option 3 is unreasonable.

Grace Yuan, an attorney representing the Conway and Sedro Woolley school districts, commended the Advisory Committee for doing a thorough job of drafting the ordinance. Ms. Yuan indicated the school districts are anxious to get the interim fee ordinance in place. The key issues are the timing of fee collection which Ms. Yuan believes should be the option 1, 50-50 proposal, so that the school districts should not have to deal with carrying costs which should be borne by the individual developers. The second issue of concern is the current provision of the proposed Ordinance which allows appeals by any affected citizen or group having a direct relationship with the school district. Ms. Yuan suggests that this should be limited to fee payers only.

Edward Peters, Director of Facilities, Mount Vernon School District, indicated that the Mount Vernon School District has collected nearly \$300,000 on their interim impact fee ordinance and that this funding is providing a necessary bridge until passage of a bond issue. The Mount Vernon school district would like to participate in the County's proposed program.

Brian McGuiness, Executive Director of Skagit-Island Builders Association, stated that the document as presented has little regard for those expected or required to pay the impact fees. Mr. McGuiness urged the Board to incorporate the Advisory Committee's recommendation for the collection of impact fees as

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stated in Option 2. Mr. McGuiness further expressed his concern for simplifying the process and decreasing overhead by collecting impact fees once, without burdening the homeowner. Mr. McGuiness pointed out that once a building permit is issued, the home is not completed for 3-4 months, and therefore the monies are collected by the school districts prior to occupancy. Mr. McGuiness expressed his disappointment that the Advisory Committee's recommendations were not incorporated in the document before the Board today, and urged the Board to incorporate committee's recommendations.

Louie Requa, Skagit Surveyors, wants the Board to strongly consider a grace period for those people with building projects already underway and operating under certain budgets. Mr. Requa further indicated that he is in favor of Option 2 for the collection of these fees. Mr. Requa queried Staff on the reasons commercial projects are not being assessed impact fees as commercial development has considerable impact in bringing additional citizens to the County. Paul Carr, Planning Department Staff, indicated that the impact fees are intended for residential units only at this point in time. Staff clarified that it is permissible under the Growth Management Act to issue impact fees against commercial developments in the future.

Allen Brown, 235 West Rio Vista, Burlington, stated that he has been a realtor in the County for 28 years and that it is his opinion that impact fees are of an unfair nature and victimize the consumer. It is Mr. Brown's opinion that if the County is going to impose impact fees, Payment Option 2 is the proper method of collection.

There being no further public comment forthcoming, Commissioner Hart moved to close the public hearing. Commissioner Robinson seconded the motion, which unanimously carried.

Commissioner Hart indicated that Option 2 seems the most logical option, collecting the fees at the time of the issuance of the permit. Commissioners Robinson and Wolden indicated their concurrence with this statement.

Mr. Hough advised that the Ordinance language will be reviewed by the Prosecuting Attorney for review and the approved Ordinance should be back to the Board by next week during the regular Planning Department agenda.

The Board thanked those citizens in attendance and expressed their appreciation to the members of the Citizens Advisory Committee.

APPEAL BY DONALD RAPP OF HEARING EXAMINER'S DECISION TO APPROVE SPECIAL USE APPLICATION #SPU-930-021 FOR STEPHEN MURRAY, 4865 HIGHWAY 20, CONCRETE.

Grace Roeder, Planning Department Staff, submitted some staff photographs of the subject property for the record and reviewed said photos with the Board. Ms. Roeder further submitted a copy of a 1976 Board of Adjustment Written Order (Hearing Examiner's Exhibit 2) and a copy of the Assessor's Map for the subject property, together with the applicant's site plan as submitted with the application. Commissioner Robinson advised that he had contact with Mr. Rapp on March 25, and advised Mr. Rapp at that time that he could not talk to Mr. Rapp about the appeal. The Murrays indicated that this fact did not cause them concern, and Commissioner Robinson could remain on the Board for the hearing of this matter.

Ms. Roeder reviewed with the Board the options they have available:

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- 1) To approve and adopt the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter, after which a revised decision may be adopted.

Ms. Roeder briefly reviewed the history of this matter. The request for modification sought to allow a second sign and retail sales at the site. The Planning Department recommended approval of the modification request, with one condition being the Department of Transportation requirements with regards to access. The Hearing Examiner accepted the Planning Department's recommendation and approved the modifications to allow retail sales at the site and additional signage.

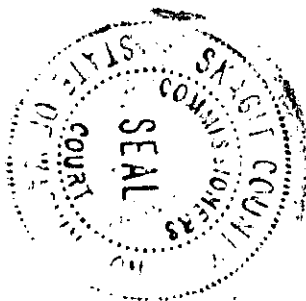
Commissioner Robinson expressed his concern for clarification on Mr. Rapp's ability to attend the appeal. Mr. Rapp indicated that there was some confusion on the exact notification and dates of the hearing scheduled on March 9. It was noted that Mr. Rapp lodged a complaint with the Northwest Air Pollution Authority on that date. Staff indicated that the notice of the hearing was mailed to Mr. Rapp on February 22. Mr. Rapp stated that, to his knowledge, he did not receive the notice until his return from Ohio. Staff clarified that the notice was mailed as indicated in the notice.

After brief discussion, Commissioner Robinson stated that this is a difficult situation and in the interest of fairness, he would recommend that the Board remand the matter back to the Hearing Examiner for another public hearing. Commissioner Hart stated that there is not sufficient evidence to overturn the Hearing Examiner's decision or to remand the decision back to the Hearing Examiner for reconsideration. Chairman Wolden indicated his concurrence with Commissioner Hart. Accordingly, Commissioner Hart moved to uphold the Hearing Examiner's decision. The motion was seconded by Chairman Wolden. Commissioners Hart and Wolden voted to approve this motion, Commissioner Robinson opposed this motion. Motion carried.

ADJOURNMENT:

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



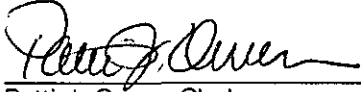

Harvey Wolden, Chairman


Robby Robinson, Commissioner


Robert Hart, Commissioner

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ATTEST:



Patti J. Owen, Clerk
Skagit County Board of Commissioners