

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, February 21, 1995**

- 7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting  
Flag Salute.
- 9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director
- 1) Discussion - Forest Practice Conversion Optional Harvest Plan.
  - 2) Discussion - Signature on Water Quality Grant Application.
  - 3) Discussion - PUD Water System Plan.
  - 4) Code Enforcement Report.
  - 5) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Public Works Department - Jan Keiser, Director
- 1) Discussion - Adopt-A-Road Litter Control Program.
  - 2) Miscellaneous.
- 11:00 a.m. - 11:30 a.m. Facilities Projects Update.
- CONSENT AGENDA.**
- MISCELLANEOUS.**
- 1:30 p.m. - 2:00 p.m. Bid Opening - 1995 Four-Wheel Drive Backhoe with Extendable Dipper Stick.
- 2:00 p.m. - 3:00 p.m. Appeal of Hearing Examiner's Decision SPU 94 005.REH Concerning a Special Use Permit Application of J.W. Anderson for a Water Storage Tank, 691 Guemes Island, Anacortes.
- 3:00 p.m. - 3:30 p.m. Discussion - Northern State Grazing Lease.
- 3:30 p.m. - 4:30 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Tuesday, February 21, 1995, with Commissioners Robert Hart, Harvey Wolden and Ted W. Anderson present.

**PLANNING DEPARTMENT - Dave Hough, Director**

1. **Discussion - Forest Practice Conversion Optional Harvest Plan.**

Jim Cahill, Planning Department Staff, presented the Forest Practice Applications and the Conversion Option Harvest Plan (COHP) and reviewed steps to implement the conversion option harvest plan.

A discussion ensued in regard to the process involved in this plan.

Bill Smith, Department of Natural Resources, commented on this process and the necessity to implement coordination between agencies.

Ron Smith, Goodyear Nelson, Sedro Woolley, concurred with this process, as presented.

George Theodoratus, Concrete, addressed the conversion issue and the effect it may have on landowners.

A discussion followed in regard to the plan as presented, and the Board indicated their support of the Forest Practice Conversion Option Harvest Plan and directed staff to prepare the appropriate Resolution.

2. Discussion - Signature on Water Quality Grant Application.

Dave Hough, Director, presented a brief outline of the Centennial Clean Water Fund Grant proposals, recommending signature on these grants in furtherance of the County's efforts to improve water quality.

Commissioner Wolden made a motion to approve Proposals I, II and III, as presented. Commissioner Anderson seconded the motion and it passed unanimously.

Proposal I - Coordination of Watershed Action Plan. (Contract #002336).  
Proposal II - Samish and Padilla Watershed Education. (Contract #002337).  
Proposal III - Samish and Padilla Bay Pilot GIS Project. (Contract #002338).

3. Discussion - PUD Water System Plan.

Paul Carr, Planning Department, presented the PUD No. 1 Water Systems Plan.

Tom Sheahan, Emergency Management, commented on this plan, and mentioned that he would work with PUD and Public Works in this regard.

Chairman Hart mentioned his concern to have emergency response procedures coordinated between agencies, noting previous difficulties in the reporting of emergencies. Chairman Hart further noted that toxic situations should be responded through organized emergency procedures. A discussion ensued in this regard.

4. Code Enforcement Report.

Mr. Hough briefly reviewed the code enforcement report.

A brief discussion ensued in regard to the possibility of providing the Board with a more detailed code enforcement report, indicating status of individual matters. Commissioner Anderson noted the need to follow up on constituent complaints in a timely manner.

5. Miscellaneous.

1. Mr. Hough presented an Addendum #1 to Personal Services Agreement #002105, with CH2M Hill to Prepare a Cultural Reconnaissance of a Rock Panel Relating to SHB No. 93-14, Tewalt Quarry, reflecting a change in the expiration date to February 28, 1995. Commissioner Wolden made a motion to approve the addendum, as presented. Chairman Hart seconded the motion and it passed unanimously. (Contract #002105).

2. Carolyn Kelly, Skagit Conservation District, requested a letter of support for the application of grant funding. The Board agreed and suggested that Ms. Kelly work with the Planning Department to such letter in this regard. Ms. Kelly briefly reported on pending legislation that could conceivably effect the conservation districts.

PUBLIC WORKS DEPARTMENT - Jan Keiser, Director

1. Discussion - Adopt-A-Road Litter Control Program.

Frances Ambrose, Public Works Staff, reviewed the implementation and progress of the Adopt-A-Road Litter Control Program.

A discussion ensued in regard to the various aspects of this program. Ms. Ambrose mentioned that Public Works staff will present a Resolution to the Board in the near future in regard to the Adopt-A-Road Litter Control Program.

2. Miscellaneous.

- A. Jan Keiser, Director, reported that the Engineering Technology Fair, held the previous weekend at Cascade Mall in Burlington, was a tremendous success and that Public Works anticipates continued participation in this event on an annual basis.
- B. Ms. Keiser briefly reviewed an issue in regard to the hauling waste to landfills outside of the County.
- C. Ms. Kieser reported briefly on cellular phone towers and pending regulations.
- D. Ms. Keiser gave a brief summary of the upcoming UTC hearings in regard to closure of railroad crossings.
- E. Ms. Keiser reported that an update in regard to the Department Organization Progress will be presented to the Board on Monday, February 27, 1995.

CONSENT AGENDA:

Chairman Hart moved to approve the Consent Agenda for Tuesday, February 21, 1995. Commissioner Wolden seconded the motion, which passed unanimously.

\* Commissioners' Office:

- 1. Record of the Proceedings from Monday, February 13, 1995.
- 2. Record of the Proceedings from Tuesday, February 14, 1995.
- 3. Record of the Proceedings from Wednesday, February 15, 1995.
- 4. Agreement for Computer Access with the City of Anacortes from January 1, 1995 through December 31, 1996, in regard to the "Force" computer software program operated on Skagit County's computer system under the direction of the Data Processing Department and the Sheriff's Office for an annual fee of \$7,500.00. (Contract #002341).

\* Parks:

- 5. Personal Service Agreement with Arnie Svendsen for the period of February 6, 1995, through March 31, 1995, to construct a gravel parking pad at Fairgrounds, approximately 97' x 200', with a six-inch base and two-inch crushed surface for the total amount of \$8,699.46. (Contract #002342).

\* Juvenile Probation:

- 6. Detention Service Agreement with Whatcom County Juvenile Detention to provide facilities, on a space available basis, to lodge youth under 18 years of age arrested for crimes committed under the laws of the State of Washington. This agreement is for the term of February 21, 1995 through December 31, 1995. (Contract #002343).

7. Personal Services Agreement with Pierre E. Brown, Sundown Ranch, to provide specialized juvenile offender evaluations, treatment (group and/or individual), consultations and monitoring for juveniles and/or their families, referred by the County and accepted for treatment from January 1994, (retroactive) until terminated. The fee schedule is as indicated in Exhibit "B". (Contract #002344).

\* Public Works:

8. Resolution Establishing the 1995 Eligibility List for Procurement of Maintenance Materials to purchase twenty-two maintenance items in 1995. (Resolution #15656).
9. Resolution Calling for Public Hearing Regarding Speed Limit, establishing a 25 mile per hour speed limit on the entire length of Bayhill Drive, No. 3006, and Augusta Lane, No. 3004. (Resolution #15657).
10. Certificate of Commendation in regard to Myron Merrill's retirement effective February 28, 1995, from the position of Operator on the MV Guemes Ferry. Mr. Merrill has been employed since September 1986.
11. Resolution calling for a Public Hearing to consider a speed limit revision from 35 miles per hour to 25 miles per hour on a portion of District Line Road between Mile Post 2.43 at Gages Slough and Mile Post 2.82 at S.R. 20. (Resolution #15658).

MISCELLANEOUS.

1. Personal Services Agreement with Booz-Allen & Hamilton, Inc. for the term of February 20, 1995, through May 31, 1995, to provide facility inspection and data collection, data review, detailed analysis and report development in regard to the Skagit County Resource Recovery Facility at the compensation rates as indicated on contract attachment "Exhibit B". Chairman Hart made a motion to approve the agreement, as presented. Commissioner Wolden seconded the motion and it passed unanimously. (Contract #002340).
2. 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, February 21, 1995, by a majority vote, did approve for payment those vouchers included in the above mentioned list and further described as follows:

Voucher numbers PDRAWFE07255 through PDRAWFE07442 and payroll warrants numbered 58419 through 58606 in the total of \$76,158.28.

3. A Plat Map of River's Court, Section 12, T.34N., R.3 E., W. M., was signed by the Board.
4. Out-of-State Travel Request for Charles Betker, Data Processing Staff, to attend #508 Netware 3.1X Administration seminar in Burnaby, British Columbia on March 3 - 9, 1995, for a total cost of \$390. Commissioner Wolden made a motion to approve this request and it was seconded by Commissioner Anderson. The Board approved this request unanimously.
5. John Church, provided the Board with an Intergovernmental Agreement with the State of Washington in regard to funding for the Enhanced 911 program, not to exceed \$219,300. Commissioner Wolden made a motion to approve this agreement as presented. Commissioner Anderson seconded the motion and it was passed unanimously. (Contract #002345).

**FACILITIES PROJECT UPDATE.**

1. Roger Howard, Facilities Manager, reviewed the previously received Juvenile Detention Facility project bids. Mr. Howard presented a Resolution in this regard, awarding the bid to Anda Construction in the amount of \$1,540,000. Chairman Hart made a motion to approve the Resolution, as presented. The motion was seconded by Commissioner Wolden and it passed unanimously. (Resolution #15659).
2. Mr. Howard reviewed the Summersun Greenhouse lease extension. John Moffat, Chief Civil Deputy, reviewed the issue of renewing the lease, presenting several options. Mr. Moffat suggested negotiating an agreement with the tenant to extend the lease until September of 1995 at the original monthly lease amount.  
  
A discussion ensued in regard to the various options available and Mr. Howard reported that a letter will be submitted to the tenant addressing the issues.
3. Mr. Moffat reviewed pertinent legal issues in regard to the Burlington Shop Project contract with Merritt & Pardini.
4. In regard to the realignment of Third Street project by the City of Mount Vernon and the County Right-Of-Way issue, Mr. Moffat presented a brief review of alternatives available to the County. It was explained that the City has authority to condemn the subject property.
5. Mr. Howard mentioned that he anticipates meeting with Bob Taylor in regard to the remodeling project of the administration facility and will return to the Board with further information.

**BID OPENING - 1995 FOUR-WHEEL DRIVE BACKHOE WITH EXTENDABLE DIPPER STICK.**

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

Western Power & Equipment Co.  
Everett, WA  
\$78,377.92 (Alternate Bid)

Smith Tractor & Equipment Co.  
Mount Vernon, WA  
\$98,518.56

NC Machinery Co.  
Mount Vernon, WA  
\$122,784.20  
\$96,750.50 (Alternate Bid)

Charlie Tewalt, Public Works Staff, will review the bids received and return to the Board with a recommendation in approximately two weeks. The estimate was approximately \$100,000.

**APPEAL OF HEARING EXAMINER'S DECISION SPU 94 005.REH CONCERNING A SPECIAL USE PERMIT APPLICATION OF J.W. ANDERSON FOR A WATER STORAGE TANK, 691 GUEMES ISLAND, ANACORTES.**

Tom Moser, Attorney representing Mr. & Mrs. Pellet, Mr. J. W. Anderson, Applicant, and Jeff Morgan, Planning Department Staff, were present for the appeal.

Mr. Morgan reviewed the Board's options as follows:

- 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.

Mr. Morgan summarized the project and briefly reviewed the history of the original application, indicating that Mr. Anderson applied for a special use permit for a water storage tank for the purpose of fire protection and to provide a water source for Guemes Island Fire Department. The special use permit was approved and was subsequently appealed.

Mr. Moser reviewed the case and mentioned that several pertinent issues in regard to this project were not brought before the Hearing Examiner. Mr. Moser presented the results of a recent ground study on Guemes Island conducted by Geo Engineering.

Mr. Moser mentioned the issue of the necessity to create "head pressure" in pumping water and commented that it is unnecessary to use a water tank to create this pressure.

Mr. Moser requested, on behalf of his clients, that the appeal fee be refunded, indicating that Mr. & Mrs. Pellet have paid this fee twice.

Commissioner Anderson commented on the fact that saltwater intrusion on Guemes Island is mostly located on the North end of Guemes Island, rather than in the vicinity of Mr. Anderson's storage tank. A brief discussion ensued in regard to only the North side of the Island being effected and the irrelevance of that issue in this matter.

J. W. Anderson, applicant, presented a review of the appeal. Mr. Anderson indicated that the application for a water tank is part of a broader plan, as Mr. Moser stated the plan to re-establish a store at this location has been disclosed. Mr. Anderson indicated his compliance in following correct procedures and addressing all issues.

Mr. Anderson reviewed the issue of the fire department connecting a fire hydrant to the storage tank, indicating that all State, County and Local regulations have correctly been followed and that a special use permit was actually unnecessary in this regard.

Commissioner Wolden asked about maximum usage and discussed the aesthetic value of the water tank.

Commissioner Wolden made a motion to uphold the Hearing Examiner's decision. Chairman Hart seconded the motion and it passed unanimously. (Resolution to be provided by staff at later date).

#### DISCUSSION - NORTHERN STATE GRAZING LEASE.

Jon Aarstad, Parks Director, reviewed the sole bid received on this lease and the surrounding property owners concern for property damage due to poor fence maintenance and subsequent escaping cattle.

Mr. Aarstad recommended that in consideration of all the facts, the County renew the lease with various stipulations for the prevention of such problems in the future.

Commissioner Anderson reviewed the situation, mentioning that the property owners have indicated that the damage done by loose cattle has been a continuing problem.

A discussion followed in regard to various options available and whether this land could be cultivated, as well as leased for grazing. Mr. Aarstad mentioned that he will proceed with researching these issues and return to the Board with further information before March 15, 1995.

**ADJOURNMENT:**

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

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

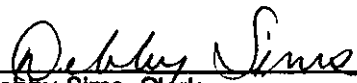


  
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Robert Hart, Chairman

  
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Harvey Wolden, Commissioner

  
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Ted W. Anderson, Commissioner

ATTEST:

  
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Debby Sims, Clerk  
Skagit County Board of Commissioners