

RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, July 24, 1995:

Flag Salute.

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

Appeal of John Schmid of Administrative Decision Requiring A Special Use Permit to Conduct Recycling Operations, No. APP-95-006.ORD, at property located approximately one-half mile north of city limits of Sedro Woolley on the east side of SR 9, at 960 SR 9.

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

Public Works - Jan Keiser, Director.

- 1) Signature - Change Order No. 1 - Hooper Creek Fish Passage Project - Tomasko Brothers.
- 2) Signature - Bid Award Resolution regarding Higgins Airport Way C.R.P. #3115-1 - Associated Sand & Gravel Company, Inc.
- 3) Signature - Contract with Associated Sand & Gravel Company, Inc. regarding Higgins Airport Way C.R.P. #3115-1.
- 4) Miscellaneous.

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

Consideration of Hearing Examiner's Recommendation for Approval of Open Space Application #OST-93-012 of Nell Hansen, 1785 Highway 9, Mount Vernon.

**CONSENT AGENDA.  
MISCELLANEOUS.**

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

Planning Commission Referral of Nookachamp Hills Planned Unit Development.

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 Monday, July 24, 1995, with Commissioners Robert Hart, Ted W. Anderson and Harvey Wolden present.

Appeal of John Schmid of Administrative Decision Requiring A Special Use Permit to Conduct Recycling Operations, No. APP-95-006.ORD, at property located approximately one-half mile north of city limits of Sedro Woolley on the east side of SR 9, at 960 SR 9.

Oscar Graham, Planning Department Staff, presented the appeal of John Schmid of Administrative Decision Requiring a Special Use Permit to conduct recycling operations. Mr. Graham mentioned this facility would be located north of Sedro Woolley on Highway 9. Mr. Graham mentioned that this hearing is based on the Hearing Examiner's decision and reviewed the 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 and 3) to call for the Board's own public hearing to consider testimony on the matter, after which a revised decision may be adopted.

Don Kirkpatrick, Attorney representing John Schmid, reviewed the events that have taken place beginning in 1990. Mr. Kirkpatrick mentioned the activity of recycling is closely related to the activity that Mr. Schmid has already been permitted to conduct and queried as to why Mr. Schmid would have to repeat the same process to obtain a Special Use Permit. Mr. Kirkpatrick asked the Board to overturn the decision of the Hearing Examiner.

Gary Sturdy, Sturdy Engineering Corporation, Mount Vernon, reviewed the process developing the inert landfill permit, stating that all the requirements have all been met, stating that repeating these exact procedures do not seem necessary. Mr. Sturdy also stated that he has not received any adverse comment from surrounding property owners.

Staff stated that four letters have been received from surrounding property questions requesting that the Board uphold the Hearing Examiner's decision.

John Schmid stated that he has been in direct contact with all his immediate neighbors who pose no opposition to this project, as they have already accepted the inert landfill and support the proposed recycling project. Mr. Schmid stated that the site has been maintained to prevent any visual unattractiveness. Mr. Schmid stated that the traffic flow would increase only as products are stockpiled. Mr. Schmid said he could easily continue to landfill, however, recycling would be more beneficial.

Mr. Schmid reviewed the steps of the permitting process he has previously completed, mentioning that this was not a grandfathering process. Mr. Schmid stated that everything that has been addressed for the recycling permit has already been done for the landfilling activity.

A discussion ensued in regard to the intent on the original application and the deletion of the recycling request at that time.

Commissioner Anderson reviewed the sequence of events Mr. Schmid has been forced to complete. Mr. Anderson made a motion to overturn the Hearing Examiners decision. There was no second.

A discussion ensued in regard to the specifics of the recycling operation. Mr. Schmid stated that garbage would not be recycled and that other material would be processed if possible in regard to requirements, or hauled out in solid form.

Commissioner Wolden stated he could not support the motion on the floor to overturn the Hearing Examiner.

Chairman Hart stated that the Special Use Permit should be issued under the circumstances, based on the fact that Mr. Schmid has already completed the required process.

Mr. Graham stated that supporting documents do not support the recycling request, mentioning that the issues of Use and Public Health have not been addressed.

A discussion ensued.

Chairman Hart made a motion to uphold the Hearing Examiner, with the stipulation that the fee for the special use permit be waived and that this permit be issued expeditiously. Commissioner Wolden seconded the motion. Chairman Hart and Commissioner Wolden voted in favor of the motion. Commissioner Anderson voted against the motion. The motion passed.

**PUBLIC WORKS - Jan Keiser, Director.**

1. **Signature - Change Order No. 1 - Hooper Creek Fish Passage Project - Tomasko Brothers.**

Dave Brooking, Public Works Staff, stated that the increase in the project was due to placing additional crushed rock on the shoulders of the roadway, increasing the cost of \$683.51.

Commissioner Wolden made a motion to approve the change order. Commissioner Anderson seconded the motion and it passed unanimously. **(Contract #02448).**

2. **Signature - Bid Award Resolution regarding Higgins Airport Way C.R.P. #3115-1 - Associated Sand & Gravel Company, Inc.**

Dave Sheridan, Public Works Staff, presented a Resolution in regard to the Higgins Airport Way project. Commissioner Wolden made motion to approve the Resolution as presented.

Commissioner Anderson seconded the motion and it passed unanimously. (Resolution #15838).

3. Signature - Contract with Associated Sand & Gravel Company, Inc. regarding Higgins Airport Way C.R.P. #3115-1.

Mr. Sheridan presented the contract to award the Higgins Airport Way project to Associated Sand & Gravel, Inc. Commissioner Wolden made a motion to approve the contract as presented. Commissioner Anderson seconded the motion and it passed unanimously. (Contract #02519).

4. Miscellaneous.

1. Jan Keiser, Public Works Director, presented the question of putting change orders involving small amounts of funds, on the consent agenda. The Board concurred.
2. Ms. Keiser presented an Out-Of-State travel Request for Penni Ramsey to stay one more day at the LGFS seminar in Virginia to attend a workshop. Ms. Keiser mentioned that due to an employee deciding not to attend, this does not involve any additional funds. Chairman Hart made a motion to approve the request. Commissioner Wolden seconded the motion and it passed unanimously.
3. Ms. Keiser mentioned that Janice Scott has recently been working at the Burlington Shop to implement the Fleet computer program. Ms. Keiser asked that Ms Scott also be allowed to attend the LGFS symposium in Virginia and presented an Out-Of-State Travel Request in this regard. A discussion ensued. Commissioner Wolden made a motion to approve the request. Commissioner Anderson seconded and it passed unanimously.
4. Ms. Keiser stated the that Draft Environmental Statement from DOT regarding the construction changing the two lanes to four lanes from Fredonia to Burlington. Ms. Keiser mentioned that the City of Burlington will be responding with their submission preferring the changes go to the George Hopper Intersection. Ms. Keiser stated that Public Works will prepare a submission to DOT following that position. The Board concurred.
5. Ms. Keiser mentioned that Bud Anderson will be retiring on July 31, 1995, after 30 years of employment with the County.
6. Ms. Keiser stated that in regard to the re-addressing project there is a recommendation that Emergency Services take the lead on this project, rather than Public Works. Ms. Keiser stated that they would be back before the Board when Mike Woodmansee, Budget/Finance Director, returns. A discussion ensued. Mr. Church, 911 Director, mentioned that there has been a commitment made with the State of Washington in regard to the signing of this project. Mr. Church stated his concern and request that this project move along in a timely manner.

Consideration of Hearing Examiner's Recommendation for Approval of Open Space Application #OST-93-012 of Neil Hansen, 1785 Highway 9, Mount Vernon.

Grace Roeder, Planning Staff, presented the recommendation for approval of the open space application, providing a map illustrating the area in question. Commissioner Wolden made a motion recommending approval of the Hearing Examiner's Recommendation. Commissioner Anderson seconded the motion and it passed unanimously. (Resolution #15839).

### CONSENT AGENDA

Commissioner Anderson made a motion to approve the Consent Agenda as presented. Commissioner Wolden seconded the motion and it passed unanimously.

• Commissioners' Office:

1. Record of the Proceedings from Monday, July 10, 1995.
2. Record of the Proceedings from Tuesday, July 11, 1995.
3. Record of the Proceedings from Wednesday, July 12, 1995.
4. Record of the Proceedings from Monday, July 17, 1995.
5. Record of the Proceedings from Tuesday, July 18, 1995.
6. Resolution regarding Creating Skagit County's Insurance Cost Assessment Policy, establishing an interfund billing mechanism for the Insurance Services Fund (503), to provide an equitable proration of costs associated with the Insurance Services Fund. (Resolution #15840).

• Data Processing:

7. Service Agreement with CompUSA, Inc. for the period of June 1, 1995 through December 31, 1995, to allow the acquisition of computer hardware and associated peripherals from CompUSA. CompUSA will invoice on a net 30 days from invoice date consistent with specific purchase letters (as specified in Exhibit "A" and Exhibit "B"). (Contract #02520).
8. Personal Services Agreement with Bill Dockstader for the term of July 1, 1995 through December 31, 1995, to provide a training course on Job Control Language for IBM VSE/ESA computer systems. Compensation will be at the rate of \$100 per hour and the total cost of services shall not exceed \$3,000. (Contract #02521).
9. Agreement for Use of County Computer Equipment with Skagit Council of Governments for the period of July 1, 1995, through December 31, 1995. Payment has been waived by the County. (Contract #02522).

\* Health Department:

10. Consolidated Contract Authorizing Signatures which authorizes the Board as authorized signers for contract and initial changes in contract and budget.

\* Public Defender:

11. Professional Services Agreement with J. Robert Wheeler, Ph.D. for the period of May 3, 1995, through December 31, 1995. Compensation for the initial term of this agreement shall not exceed \$75 per hour for court time, depositions, and \$150 per hour for consultations with attorneys, \$114 per hour for testing and evaluation of clients. Dr. Wheeler will provide evaluations, courtroom testimony and consultations for the Skagit County Public Defender. (Contract #02523).

\* Juvenile Probation:

12. Personal Services Agreement with Mario Navarro for the term of January 1, 1995, until terminated 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 by the Contractor. Compensation will be at the rate of \$60 per one hour session for counseling/treatment, staffing meetings, consulting meetings and court testifying. (Contract #02524).

• Human Services:

13. Amendment to the Contract with North Sound Regional Support Network for the period of May 1, 1994 through December 31, 1995. The amendment amount of \$64,512.00 increases the contract to \$206,377. This amendment will cover the next six month period while the NSRSN undergoes possible changes in its organizational structure. Funds in this contract are used to pay salaries of the Mental Health Area Resource Coordinators for adults and children, monitoring and a portion of our department's rent at this offsite location. (Contract #02063).

\* Public Works:

14. Project Agreement from the County Road Administration Board for the Prairie Road - C.R.P. #5002-2 project. Two previous project agreements, \$250,000 signed June 23, 1992, and \$234,000 signed November 2, 1992, are streamlined into this on Project Agreement for a total of \$484,000. (Contract #02525).

**MISCELLANEOUS.**

1. Vouchers audited and certified by the auditing officer as required by R.C.M. 42.24.080, and those expense reimbursement claims certified as requested by R.C.M. 42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, July 24, 1995, by a majority vote, did approve for payment those vouchers included in the above mentioned list and further described as follows:

Vouchers #PDRAWJL08171 through PDRAWJL08372 and Payroll Warrants #63551 through #63752 in the total of \$79,355. (Transmittal #P-14-95).

2. Personal Services Agreement with Balanced Action (Steve Kleinbart) to provide data processing planning and programming services, systems programming support, systems installation support, and related activities pertaining to the mainframe or networked computers for the term of July 1, 1995, through December 31, 1996, at the rate of \$100 per hour. Commissioner Anderson made a motion to approve the contract as approved. Commissioner Wolden seconded the motion and it passed unanimously. (Contract #02526).
3. Out-Of-State Travel Request for Jon Aarstad, Parks Director, to attend the National Recreation and Parks Association Revenue Sources and Marketing School in San Diego, California, from September 10 - 14, 1995. Commissioner Wolden made a motion to approve the request as presented. Commissioner Anderson seconded the motion and it passed unanimously.

**Planning Commission Referral of Nookachamp Hills Planned Unit Development.**

Commissioner Wolden disclosed that in 1992 he signed a petition in opposition to this project and now that he is a Commissioner and this project is before the Board, it creates an Appearance of Fairness issue and therefore, Commissioner Wolden excused himself from today's deliberations.

Jeff Morgan, Planning Department Staff, reviewed the request for 255 lots on 245.6 acres. Mr. Morgan stated that the Planning Commission recommend approval and reviewed the options of the Board and mentioned that no new evidence can be submitted today.

Mr. Morgan stated the options as follows:

1) Summarily approve the Planning Commission's recommendation, 2) remand the matter back to the Planning Commission for further consideration and, 3) to call for the Board's own public hearing to consider testimony on the matter, after which a revised decision may be adopted.

A brief discussion ensued in regard to the location of the proposed development and the provision of long-term maintenance. Mr. Morgan specified the location and mentioned that the Homeowner's Association would take care of the maintenance.

A discussion ensued in regard to the Sewer District and the provisions allowing for future phases of this development.

A brief discussion also ensued in regard to the Right To Farm issue.

Chairman Hart made a motion to approve the Planning Commission's recommendation of approval of the Nookachamp Hills Planned Unit Development. Commissioner Anderson seconded the motion and it passed unanimously.

The Board adjourned to Executive Session to discuss litigation matters at 3:30 p.m. for approximately one hour.

**ADJOURNMENT.**

Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and the motion was carried unanimously.



BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

*Robert Hart*

Robert Hart, Chairman

Harvey Wolden, Commissioner

*Ted W. Anderson*

Ted W. Anderson, Commissioner

ATTEST:

*Debby Sims*

Debby Sims, Clerk  
Skagit County Commissioners