

**RECORD OF THE PROCEEDINGS**  
**SKAGIT COUNTY BOARD OF COMMISSIONERS**  
*Monday, May 5, 1997*

10:00 a.m. – 10:15 a.m.	Public Comment Period.
10:30 a.m. – 11:00 a.m.	Video Presentation – Public Works Department Solid Waste Division.
11:00 a.m. – 11:30 a.m.	Work Session – Parks Department Special Projects.
	<b>CONSENT AGENDA.</b> <b>MISCELLANEOUS.</b>
1:30 p.m. – 2:00 p.m.	Public Hearing – Supplemental Budget.
2:00 p.m. – 3:00 p.m.	Public Hearing – Consideration of Formation of the Bullerville Sewer District.
3:00 p.m. – 3:30 p.m.	Public Hearing – Repeal Chapter 1.28 of Skagit County Code regarding Jail Standards.
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, May 5, 1997, with Commissioners Harvey Wolden and Ted W. Anderson present. Commissioner Robert Hart's absence was excused.

**PUBLIC COMMENT PERIOD.**

Dewey Hyatt, Sedro Woolley, spoke in regard to a piece of property he purchased and the building permit delays involved in developing an office on this property. Mr. Hyatt stated he has spent thousands of dollars in this regard and now he has received notice that he will finally be able to obtain the permit after a year and a half and the drainage issue will be dismissed. However, he will then have to apply for a fill and grade permit for fill around the office and at that time the drainage issue will be addressed. Mr. Hyatt requested assistance from the Commissioners in this regard, hoping to omit the need for litigation. Chairman Wolden stated that he thought this had been rectified, however he will pursue the matter in order to resolve the issue.

Tom Solberg, Bow, commented on the Growth Management Act and state mandated land use issues and emphasized his fear of the possibility of the abolishment of private property rights. Mr. Solberg warned the Board that the federal government provides for civil rights laws and that the County's approval of the proposed comprehensive plan could have ramifications for the County. Mr. Solberg further discussed the issue.

Monte Lennox, Concrete, commented on the great disservice the Planning Commission and Planning staff is doing to the County by not following the guidelines mandated by the state. Mr. Lennox discussed the damage many property owners will face and the continuation of damage to property owners with approval of the plan. Mr. Lennox spoke of the Board's future in dealing with the ramifications of the severe damage that will be done, including many civil suits. Mr. Lennox stated he unfortunately does not see any remedy besides starting totally over again.

Bill Schmidt, Concrete, stated that the issue of when and in what manner the public should comment needs to be clarified in regard to the GMA public participation program. Mr. Schmidt stated that it appears that the Planning Commission does not seem to be looking at actual public comments, as the comments are reviewed and possibly reduced by the Planning staff before they are presented to the Commission. Mr. Schmidt also spoke of his specific land use issues that he is facing with the approval of the plan. Mr. Schmidt suggested several alternatives.

Don Van Etten, Sedro Woolley, stated that he feels the 3<sup>rd</sup> District has been ignored in the comp plan and requested that the Board look at the industrial and secondary forest issues.

**VIDEO PRESENTATION – PUBLIC WORKS DEPARTMENT SOLID WASTE DIVISION.**

Robin LaRue, Public Works, announced that he was just notified that Conway Elementary and Middle Schools have won awards for their waste reduction recycling program and will receive awards and \$1,000 in a ceremony in Olympia for their contribution to addressing the recycling issue.

Mr. LaRue proceeded to present an informative video about the solid waste division of Public Works. The Board commended Mr. LaRue on the quality of the video, stating that this was very informative. Mr. LaRue stated that the video will be aired on television and also used as an education tool for the recycling program.

**CONSENT AGENDA.**

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

• Commissioner's Office:

1. Record of the Proceedings of Monday, April 28, 1997.
2. Record of the Proceedings of Tuesday, April 29, 1997.
3. Supplemental Agreement with Skagit Business Services (Contract No. 03382), adding rates for the services of temporary office help, copies and clerical/word processing. **(Contract No. 03382).**
4. Contract Addenda to the Deferred Compensation Plans (Hartford and PEBSCO). The changes are in regard to recent legislation and other company changes regarding fees. **(Contracts No. 00664).**
5. Contract with CIGNA for provision of a long term disability policy for corrections deputies. This firm provides life insurance, AD&D, employee voluntary long term disability insurance, and patrol deputies' LTD policy. **(Contract No. 03476).**
6. Resolution regarding the increase in amount of gift certificates for Skagit County Wellness Committee Program from \$50 to \$60 effective January 1, 1997. **(Resolution No. 16535).**

• ARIS:

7. Personal Services Agreement with Diaz Karate for the term of January 1, 1997, through December 31, 1997, to provide Karate and Judo lessons two times per week or more to ARIS clients. Compensation will be \$85 down payment per student, \$50 per month per student and \$30 testing fees per student. **(Contract No. 03477).**
8. Personal Services Agreement with Catholic Community Services, In. for the term of January 1, 1997, through December 31, 1997, to provide assessments, counseling/therapy, case management, consultation and psychoeducation. Also provides brief respite for parent, monitoring behavioral or social skills plans, supervision, tutoring, social or recreational activities. Compensation will be \$50 & \$20 per hour as indicated in contract. **(Contract No. 03478).**

• Health:

9. Amendment to RWCA Title II Contract DOH Contract Number 3040-05177 with the Evergreen AIDS Foundation to amend the contract period from April 1, 1997, through March 31, 1998, in the scope of work and the budget which provides \$16,855 in Federal Funds for the specified time period. **(Contract No. 02929).**

• Public Works:

10. Vendor Services Agreement with Elite Productions for the production of flooding video program. Compensation will be in the amount of \$12,000 and will be in effect from May 1, 1997, until terminated. **(Contract No. 03479)**.
11. Resolution Authorizing the Road Name Change of a Portion of a County Road Known as Chilberg Road, No. 4220, to Best Road, No. 4401. **(Resolution No. 16536)**.
12. Rural Arterial Program Construction Proposal Project Agreements for a)Cook Road, Project No. 2997-07, b)Cook Road, Project No. 2997-08, and c)Starbird Road, Project No. 2997-06. **(Contract No. 03480)**.
13. Resolution Updating Cook Road Signalization, CRP No. 6300-5. **(Resolution No. 16537)**.
14. Final Cost Record, Cook Road Signalization, CRP No. 6300-5. **(Resolution No. 16537)**.
15. Personal Services Contract with Skagit Soils for Yard Waste processing service for the period of April 15, 1997, until terminated. Compensation will be in the amount of **(Contract No. 03483)**.
16. Professional Services Agreement with Waste Management Northwest for the period of April 15, 1997, until terminated, to provide Yard Waste Transportation & Processing Service. Compensation will be as shown on the proposal sheet attached to the Contract. **(Contract No. 03484)**.
17. Personal Services contract with Skagit River Steel and Recycling for recyclable materials transportation and processing services. The term of the contract will be from May 8, 1997, until December 31, 1997. **(Contract No. 03485)**.

• Prosecuting Attorney:

18. Resolution Providing a Defense to Peter Browning in Lawsuit by Michael Harke, in a lawsuit regarding Michael Harke vs. Peter Browning – Health Department Director, Judyanne Menish – Skagit County Treasurer, and Roxanne Michael – Director of Skagit County Permit Center. **(Resolution No. 16538)**.

• Human Services:

19. Personal Services Agreement with Skagit Youth Services for the term of April 1, 1997, until terminated, to provide for Community Prevention Training as approved and funded by DSHS – Division of Alcohol & Substance Abuse. **(Contract No. 03486)**.

• Parks:

20. Interlocal Agreement for Construction of LaConner School Tennis Courts. The County will pay the sum of \$20,000. **(Contract No. 03487)**.

**MISCELLANEOUS.**

1. Staff presented an Out-of-State Travel Request for Dan Cox, Planning, to attend the Society of Wetland Scientists & the Society for Ecological Restoration NW 1997 Annual Meeting on May 5, 6 & 7<sup>th</sup>, in Corvallis, Oregon. Jim Cahill was previously approved for this requested travel, however, Mr. Cahill will not be able to attend and Dan Cox would like to attend instead. The total cost of travel is \$239. Commissioner Anderson made a motion to approve the out-of-state travel request as presented. Chairman Wolden seconded the motion and it passed unanimously. **(Approved)**.

2.  
Out-of-State Travel Request for Keith R. Brown to attend the WISN Conference in Sacramento, California, on June 3 – 6, 1997, for training in drug enforcement. The total cost will be \$136. Commissioner Anderson made a motion to approve the out-of-state travel request as presented. Chairman Wolden seconded the motion and it passed unanimously. **(Approved)**.

3.  
Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, May 5, 1997, the Board, by a majority vote, did approve for payment those vouchers included in the above mentioned list and further described as follows:

Vouchers No. P1-109001 through P1-109018, P1-276001 through P1-276041, P1-277001 through P1-277005, #7002995 through #7003811 in the total amount of \$1,494,768.68 and Warrants #174010 through #174248. **(Transmittal No. C-17-97)**.

Vouchers No. 7007-368 through 7007-369, 7007-371 through 7007-381, 7007-383 through 7007-388, 7007-390 through 7007-397, 7007-399 through 7007-407, 7007-409 through 7007-411, 7007-413 through 7007-435, 7007-437 through 7007-444, 7007-447, 7014-165 in the total amount of \$838,574.57 and Warrants No. 174249 through 174937. **(Transmittal No. C-18-97)**.

#### **PUBLIC HEARING – SUPPLEMENTAL BUDGET.**

Chairman Wolden opened the Public Hearing.

Alicia Huschka, Budget Manager, discussed the supplemental budget, stating that this amendment is in regard to the Conservation Futures Fund #122 in the amount of \$378,687 and Land Acquisition/Facilities Fund #funds of \$860,000, presenting a Resolution in this regard.

Commissioner Anderson made a motion to close the Public Hearing. Chairman Wolden seconded the motion and it passed unanimously.

Commissioner Anderson made a motion to approve the Resolution as presented. Chairman Wolden seconded the motion and it passed unanimously. **(Resolution No. 16539)**.

#### **PUBLIC HEARING – CONSIDERATION OF FORMATION OF THE BULLERVILLE SEWER DISTRICT.**

Chairman Wolden opened the Public Hearing.

Tom Karsh, Assistant Planning Director, summarized the procedure for formation of sewer districts. Mr. Karsh reviewed the petition for the formation of the Bullerville Sewer District and the Affidavit of Sufficiency. Mr. Karsh reviewed the criteria for approving or disproving the sewer district. Mr. Karsh advised that this proposal is not inconsistent with any comprehensive plans or sewer codes within the County. Mr. Karsh further advised that sewer districts in general usually serve urban settings, but that this small system is not outside the intent of the pertinent RCW's.

Don Clark, proponent, 5675 Highway 20, Rockport, briefly discussed the reasons for the formation of the sewer district. The landowners of the area described as "Bullerville" are petitioning for the formation of a sewer district which includes approximately 100 acres. This is the site of mixed-use resort development. The Bullerville Village Plan incorporates residential and commercial uses within a village setting. A community water system has served the area for several years, but there is no public sewer. This district shall provide for construction and installation of improvements, so that each entity pays a fair pro-rated share of the system. Districts are better able to monitor and maintain sewer functions.

According to Mr. Clark, the Bullerville Sewer District complies with the Skagit County Comprehensive Plan. The size and scope of the project is limited by the specific acreage and underlying zoning designation. The scale of the system is small community (public), not municipal. Clearly, stated Mr. Clark, nothing in code prohibits on-site community systems.

Mr. Clark referred to the Skagit County Sewage Code and discussed how the Bullerville Sewer District will comply with the Code. Mr. Clark stated that the petitioners can comply with County Code better by having the Bullerville Sewer District in place, and that the sewer district will give the County a more efficient way of handling the sewer district's requests. Mr. Clark stated that no other public agency is willing to assume responsibility for a sewer district in the Bullerville district.

Mr. Clark explained that the proposal meets the criteria and requirements of the Skagit County Code and the appropriate RCW's. Mr. Clark further indicated that the sewer district proposal is consistent with the guidelines of the Growth Management Act.

Doyle McClure, 777 Parker Road, Sedro Woolley, submitted a letter on behalf of Friends of Skagit County written by Gerald Steel. Mr. McClure stated that Friends opposes sewer districts outside of urban growth areas unless there is an existing public health problem. If additional materials are presented that do prove there is a public health threat, Friends would request an additional 30 day comment period to consider that new information. Mr. McClure indicated that public sewer is an integral part of urban development. Friends stated further that the proposed sewer district is contrary to the Comprehensive Plan and Countywide Planning Policies. Mr. McClure indicated that the proposed sewer district is located in a floodplain. Mr. McClure stated that the proposed sewer district is not consistent with the 1982 Comprehensive Plan. Mr. McClure stated that the Board should call for a Boundary Review Board hearing and also noted the need for an EIS for the full project. Mr. McClure indicated that this project would have a substantial impact to surrounding property. Friends asked for the Board to deny the proposal. Mr. McClure indicated that the Friends of Conway Country Living also urge the Board to deny this proposal.

Jim Chu, Forest Service in Sedro Woolley, state that his agency needs more information for the impact on the wild and scenic river, but at the same time would like to encourage recreational activities in the upper valley. Mr. Chu asked for additional information on the specifics of the project as the required procedures continue.

There being no further public comment forthcoming, Commissioner Anderson made a motion to close the Public Hearing. Chairman Wolden seconded the motion and it passed unanimously.

Commissioner Wolden verified with Staff that the Department of Ecology had contacted the Commissioners' Office and had advised that their Bellevue Office would be relaying information in the future concerning this project.

The Board asked that the Department of Ecology be contacted for their response to this proposal, hopefully within 10-15 days.

A discussion ensued on the procedure for formation of the sewer district. The Board asked to gather more information, including a legal opinion on the questions raised by Friends of Skagit County. It was decided to meet again on Monday, June 2, at 9:00 a.m. for further discussion and possible action.

**PUBLIC HEARING – REPEAL CHAPTER 1.28 OF SKAGIT COUNTY CODE REGARDING JAIL STANDARDS.**

Chairman Wolden opened the Public Hearing.

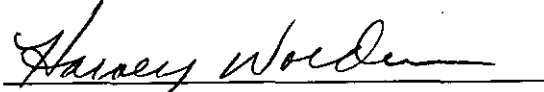
There being no public comment forthcoming on the proposed action, Commissioner Anderson made a motion to close the Public Hearing. Chairman Wolden seconded the motion and it passed unanimously.

Commissioner Anderson made a motion to approve the Ordinance as presented by Staff. Chairman Wolden seconded the motion and it passed unanimously. **(Ordinance No. 16540).**

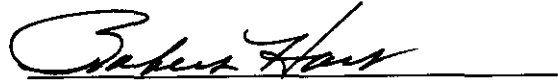
**ADJOURNMENT.**

Chairman Wolden made a motion to adjourn into Executive Session. Commissioner Anderson seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



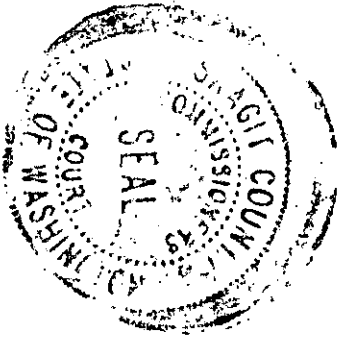
Harvey Wolden, Chairman



Robert Hart, Commissioner



Ted W. Anderson, Commissioner



ATTEST.



Debby Sims, Clerk  
Skagit County Board of Commissioners