

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, October 20, 1998**

- 7:30 a.m. – 8:30 a.m. Commissioners' Staff Meeting.
- 8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/District Maintenance Supervisors.
- *T 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director.
1) Public Hearing – Establishment of 1999 – 2001 Solid Waste Disposal Rates.
2) Signature – Resolution No. 2 of the Annual Construction Program.
3) Signature – Flood Awareness Week Proclamation.
4) Signature – Joint Funding Agreement for Water Resources Investigations – U.S. Geological Survey and U.S. Department of the Interior.
5) Miscellaneous.
- 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Tom Karsh, Director.
1) Department Report and Recommendation on Interim Mineral Resource Overlay Ordinance.
2) Consideration and Possible Action – Exemption to the Shoreline Substantial Development Permit of James and Kenneth Renner, Lake Cavanaugh.
3) Miscellaneous.
- *T 11:00 a.m. – 11:30 a.m. Washington State Department of Transportation (WSDOT) Presentation on the Interstate 5 Corridor Study.
- 1:30 p.m. – 2:00 p.m. Bid Opening – Emergency Generator System.
- 2:00 p.m. – 3:00 p.m. Presentation – Proposal for Use of Real Estate Excise Tax Monies by the Burlington Parks & Recreation Department.

The Skagit County Board of Commissioners met in regular session on Tuesday, October 20, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. Public Hearing – Establishment of 1999 – 2001 Solid Waste Disposal Rates.

Robin LaRue, Solid Waste Division Manager, stated that the current solid waste disposal rates had been in effect since December of 1995 and expire at the end of this year. He stated that it is the opinion of the Public Works Department that the tipping fee can be reduced by \$5 per ton. He reviewed a chart showing the current rates per ton and the proposed new rates. Mr. LaRue reviewed the details of each category including General Waste, Special Waste, Vehicle Tires, Household Hazardous and Moderate Risk Waste, White Goods, Out-of-County Waste, and Satellite Collection Sites.

After Mr. LaRue's presentation, Chairman Hart opened the public hearing for testimony.

Jeff West, District Manager for Waste Management, 900 Greenleaf, Burlington, questioned whether the new proposed rates are the best that can be done. Mr. West suggested that changes could be made to improve the system, both from operation and collection aspects. He urged the Board to consider this now rather than missing

an opportunity and shortchanging the residents of Skagit County. He spoke to additions to curbside recycling and to expanding the areas of the routing of collection. He stressed that this proposed rate decrease does not indicate what can be done, and does not address the changes that need to be made.

Terry Christianson, Anacortes City Council, informed the Board that by unanimous vote the previous evening, the Council approved a letter to be entered into the record regarding this subject. He distributed a copy of the letter to the Board. He briefly spoke to the difficulties of solid waste management in the County, and noted that Anacortes appreciates the efforts of Skagit County in this regard. He stated that there are thousands of ratepayers and stressed the need to do the best job possible. He indicated that the City has cut their staff substantially and has purchased new equipment do a lot more with a lot less. Mr. Christianson expressed the need to have full disclosure from the County of what goes on in the solid waste program.

There being no further public comment forthcoming, Commissioner Wolden moved to close the public hearing, and Commissioner Anderson seconded the motion. The motion passed unanimously, and the public hearing was closed.

Commissioner Anderson spoke to the many illegal garbage dumping sites in rural eastern Skagit County, and the lower income levels in that area. He commented on the fact that some people from the lower valley drive to the Sauk River area to drop their garbage, due to the high rates. Commissioner Anderson stated that if the rates are raised, there will be an epidemic of such dumping in the Sauk Collection Area. He stated that it costs more money to clean up these illegal dumping areas than it does to maintain lower rates, however, it is not government's role to subsidize such rates. Commissioner Anderson stated that if the scale is installed at the Sauk Collection Area, the County better be prepared to deal with a lot more illegal dumping than is currently occurring.

Commissioner Wolden indicated that there is also illegal dumping in the lower areas of the County. He commented on the need to come to a level of parity throughout the County.

Commissioner Anderson stated that it is absolutely foolish to raise the garbage rates in Eastern Skagit County as illegal dumping will be accelerated.

Chal Martin, Public Works Department Director, stated that installing the scale at the Sauk facility has not been fully analyzed, but it was his understanding that commercial dumpers would be charged more and that household garbage would not increase.

Commissioner Anderson commented that his district is a huge rural area, and at some point in time the County will have to come to grips with the problems of illegal dumping.

Chairman Hart related that at one time mandatory collection throughout the County had been considered, however this would not lessen the impact as everyone would be charged whether they utilize the collection service or not.

Mr. Martin indicated that the Department has not talked with Waste Management in this regard, but that all of these items are linked together, and that next year's budget will develop new programs for garbage pick-up.

Commissioner Anderson again spoke to the continued poverty in the upriver area, and the inability of the area to pay increased rates for garbage collection.

Chairman Hart stated that the bottomline is how to cut the costs of handling the garbage for everyone. He mentioned the need to invest some money to cut operational costs. He further stated that nothing costs as much as staffing, and we need to find ways to automate to be able to do the work required with less people.

Commissioner Wolden spoke to the need to improve cost-cutting by improving recycling efforts. He stated that the proposed rate reduction is a step in the right direction, together with efforts to improve the building and equipment.

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Mr. Martin reminded the Board that a public hearing will be held in two weeks time to consider surplussing some of the equipment at the Transfer Station to secure funding to modify the facility.

Mr. Martin next addressed Mr. Christianson's concerns about possibly dropping the rates lower, expressing the need to be conservative to try to go forward as quickly as possible and still maintain the integrity and responsibility of the program. He stated that the surplus equipment should be on its way out of the facility by the end of the year.

Chairman Hart expressed his frustration at this whole process, and stated that it is necessary to get to something that is more economical than what is now being done.

Commissioner Wolden moved to approve the Resolution to adopt the rates as proposed beginning January 1, 1999 as listed on Exhibit "A". Chairman Hart seconded the motion.

Commissioner Anderson indicated he would not vote in favor of the motion as not enough detail was paid to the illegal dumping issue. He did, however, applaud the effort to lower the rate. He stated that illegal dumping needs to be made an issue, and seemed to be just brushed off.

The question was called for. Commissioners Wolden and Hart in favor of the motion, and Commissioner Anderson voted "nay." The motion passed. **(Resolution No. 17191)**

2. Signature – Resolution No. 2 of the Annual Construction Program.

Ed Hawes, Public Works Engineering, asked the Board for approval of an amendment to the Annual Road Construction Program. He detailed the changes to be made to the Annual Road Construction Program, including changes involving the Cape Horn Road, Sauk Valley Road, and West Bow Hill Road.

Commissioner Anderson moved to approve Resolution No. 2 of the Annual Construction Program. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17192)**

3. Signature – Flood Awareness Week Proclamation.

Sky Miller, Surface Water Division Manager, presented to the Board a Proclamation declaring Flood Awareness Week in Skagit County from October 26, 1998 through October 30, 1998.

Commissioner Wolden moved to approve the Flood Awareness Week Proclamation. Commissioner Anderson seconded the motion, and it passed unanimously.

4. Signature – Joint Funding Agreement for Water Resources Investigations – U.S. Geological Survey and U.S. Department of the Interior.

Mr. Miller brought forward a Joint Funding Agreement for Water Resources Investigations with the U.S. Geological Survey and U.S. Department of the Interior, for the Board consideration.

Commissioner Wolden moved to approve the Agreement as presented by Mr. Miller. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Contract No. 04105)**

5. Miscellaneous.

Ed Hawes, Public Works Department Engineering, reviewed with the Board the boundaries of the Butler Hill Gravel Pit, adjacent Humane Society leased property, and adjacent Washington State Department of Transportation (WSDOT). A discussion ensued on the need for a boundary line adjustment to allow the Humane Society's caretaker's trailer to be located on existing leased property, rather than property owned by WSDOT. Mr. Hawes agreed to pursue a boundary line adjustment with WSDOT.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Department Report and Recommendation on Interim Mineral Resource Overlay Ordinance.

Tom Karsh, Planning Director, stated that the Department had prepared a Report and Recommendation on the Interim Mineral Resources Overlay Ordinance that can be defended and supported in regards to the County's Comprehensive Plan.

Guy McNally, Assistant Planner, reviewed an October 14 memorandum and enclosure to the Board regarding the details of the Department's report and recommendation on the Interim Mineral Resource Overlay Ordinance.

Mr. McNally stated that the recommendations are a consistent and valid approach to adopting a mineral resource extraction ordinance. He reviewed the history of this matter dating back to post-adoption of Growth Management Act and county-wide planning policies. He reviewed the specific department recommendations as follow:

- a. Adopt an interim ordinance that regulates special-use requirements for new mineral operations. Allow new mining special-use permits only in the existing designated Mineral Resource Areas Overlay.
- b. Hold in abeyance or preclude applications or requests for additions to the existing Mineral resource Overlay until such time as the County may choose to initiate a re-analysis of MRO designations, policies, and criteria.
- c. Initiate a re-analysis of the existing Mineral Resource Overlay under a Comprehensive Plan review and amendment process, including analysis of classification and designation criteria and policies.
- d. Allow all legally pre-existing operations, whether in or outside of the MRO, to continue to the extent allowed by the original approval and to the extent allowed by the County's authority to preclude any activity in the interest of public health and safety within its jurisdiction.
- e. Include a Memorandum of Understanding between Skagit County and the Washington State Department of Natural Resources (DNR) to establish a coordinated review process, reduce decision and permitting delays, and eliminate where possible, duplication of required processes.

Chairman Hart clarified that these recommendations will allow a mineral operation to continue within the mineral resource areas with a special use permit. He spoke briefly to the designations of MRA 1, 2 or 3. He questioned staff on whether the interim ordinance would require an immediate public hearing, noting that there are many items on the table that need to be addressed before this is scheduled.

Mr. McNally advised that the Comprehensive Plan calls for a re-evaluation of the mineral resource overlay every five years, and that the County is well within the frame of opportunity to do this analysis.

Commissioner Anderson asked why the second recommendation was being made.

Mr. McNally responded that there was concern during the drafting of the mineral resource overlay ordinance over the mapping of the various classifications. The intent is to simply state that mapping the classifications was not carried out, but the review for land use conflicts was completed.

A discussed ensued regarding this point., and the other specific recommendations of the Department.

Commissioner Anderson asked how the industry feels about being held in abeyance for additions to the existing MRO. Mr. McNally responded that, based on previous correspondence there was concern that the resources they are now mining can continue to be completed. He stated that there has been a di-facto moratorium since 1996, so this has not come as a surprise to the industry. Mr. McNally further stated that based on the

Department's analysis of both sides of the issue, the recommendations are an approach that addresses industry concerns and public health and safety concerns.

Larry Wasserman, a citizen in the audience, spoke to the feelings of the industry, and the development of regulations through the special use process. He stated that this is not a perfect solution, but if the Hearing Examiner is reasonable in granting the special use permits, there should be few complications.

Mr. McNally stated that the proposal is based on the Department's analysis of the issue, and upon approval of an interim ordinance by the Board, a public hearing would be held within 60 days to gather testimony from the industry and others.

Commissioner Wolden stated that if the interim ordinance is approved, he would like to schedule the public hearing as soon as possible.

Commissioners Hart and Anderson concurred with Commissioner Wolden's comments, and directed staff to bring forth an interim ordinance for their approval, with the required public hearing to be scheduled and called for at the same time such an ordinance is approved.

2. Consideration and Possible Action – Exemption to the Shoreline Substantial Development Permit of James and Kenneth Renner, Lake Cavanaugh.

Kendra Smith, Assistant Director, reviewed with the Board photographs of the area in question, and reviewed the history of this matter. She advised that the Board is to consider rescinding a Resolution regarding the Renner's shoreline permit as detailed in Resolution 15561. Further, the Board is asked to consider new information that has been presented by the Renner's showing that they have obtained a lease from the Department of Natural Resources. She advised that conditions required in previous resolutions have now been met.

Ms. Smith outlined the following conditions that should be placed upon this exemption:

1. The application shall maintain an approved Tideland Lease from the Washington State Department of Natural Resources; and,
2. Mitigation measures shall be maintained throughout the life of the installed pilings.

Commissioner Wolden moved to rescind Resolution No. 15561 and provide for an Exemption to the Shoreline Substantial Development Permit requirement with the under the conditions outlined by Ms. Smith. Commissioner Anderson seconded the motion, which passed with a unanimous vote. (**Resolution to be provided by Staff at a Later Date**)

3. Miscellaneous.

Mr. Christensen spoke to the Board regarding working with the Skagit Council of Governments to utilize their consultant, Eric Hovee, to perform work regarding commercial/industrial data needs, including a Traffic Analysis Zone.

A discussion ensued regarding commercial/industrial zoning data outside of urban growth areas.

The Board indicated their consent to proceed with obtaining the information.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) PRESENTATION ON THE INTERSTATE 5 CORRIDOR STUDY.

Thomas Noyes, Washington State Department of Transportation, Northwest Region, introduced Bob Munchinski of H.W. Lochner, Inc., who spoke regarding a study of the Interstate 5 Corridor in the Mount Vernon and Burlington urban area from Milepost 225.14 to 232.14, Anderson Road to Cook Road. Mr. Munchinski stated that the study is being done to address a future capacity deficiency in this area. Funding has been granted to do this

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pre-design and corridor study. Mr. Munchinski reviewed the pertinent details of the study, including the low clearance of the Second Street Bridge overpass.

Mr. Munchinski advised that an open house is scheduled for November 10 at 5:00 p.m. to present this study to the public. He advised that there would be a second public meeting in the spring to explain the findings of the study and to collect public reaction.

BID OPENING – EMERGENCY GENERATOR SYSTEM.

Roger Howard, Facilities Director, opened the following bids:

Electric West
Mount Vernon, Washington
Bid Bond Enclosed.
\$170,900

Intermountain Electric
Spokane, Washington
Bid Bond Enclosed.
\$154,800

Metro Electric
Seattle, Washington
Bid Bond Enclosed.
\$135,000

Seven Sisters, Inc.
Sedro Woolley, Washington
Bid Bond Enclosed.
\$156,630

Valley Electric
Mount Vernon, Washington
Bid Bond Enclosed.
\$161,160

Ebenal General, Inc.
Bellingham, Washington
Bid Bond Enclosed.
\$149,500

Mr. Howard advised that the estimate for this project had been for \$150,000. He stated that he would be bring back a bid award recommendation to the Board after reviewing the bid documents.

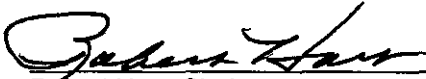
PRESENTATION – PROPOSAL FOR USE OF REAL ESTATE EXCISE TAX MONIES BY THE BURLINGTON PARKS & RECREATION DEPARTMENT.

Loren Cavanaugh, Burlington Parks & Recreation Director, reviewed the City of Burlington Parks & Recreation's Department request for real estate excise tax monies. The Board advised that the Real Estate Excise Tax Committee had met earlier in the week and had approved the City's request for \$25,000 in this regard.

ADJOURNMENT.

Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



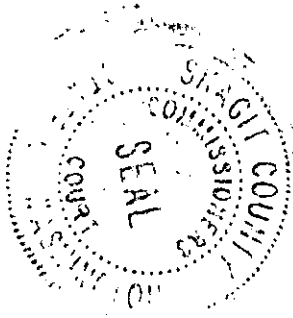
Robert Hart, Chairman




Ted W. Anderson, Commissioner



Harvey Wolden, Commissioner



ATTEST:



Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners