

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, January 12, 1999**

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| 7:30 a.m. – 8:30 a.m. | Commissioners' Staff Meeting. |
| 8:30 a.m. – 9:00 a.m. Supervisors. | Work Session – Operations Division Manager/District Maintenance |
| *T 9:00 a.m. – 10:00 a.m. | <u>Public Works Department – Chal Martin, Director.</u> <ol style="list-style-type: none">1) Discussion and Possible Action – Grant Applications for Skagit County and Other Jurisdictions.2) Discussion and Possible Action – Staffing Requirements.3) Signature – Cost Share Agreement – Day Creek Project.4) Signature – Resolution Authorizing Rebate of Solid Waste Fees from Solid Waste Fund No. 401.5) Update – Solid Waste Division.6) Miscellaneous. |
| 11:00 a.m. – 11:30 a.m. | Bid Opening – Purchase of County Surplus Property (Timber). |
| 2:00 p.m. – 2:30 p.m. | Bid Award – County Surplus Property (Timber). |
| 3:00 p.m. – 4:00 p.m. | Public Hearing - To Consider Testimony regarding the Extension of an Interim Ordinance for Short Conservation and Reserve Development (CaRD) with Possible Amendments and Additions for Purposes of Clarification. |

The Skagit County Board of Commissioners met in regular session on Tuesday, January 12, 1999, with Commissioners Ted W. Anderson, Harvey Wolden, and Robert Hart present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. Discussion and Possible Action – Grant Applications for Skagit County and Other Jurisdictions.

Chal Martin, Director, advised that Transportation Improvement Board grant applications packages are due January 15, 1999 for all local agencies. In addition, over the next two months, additional applications for several Federal programs will be due. He proceeded to review specific projects under consideration for these grant applications, including Peterson Road Reconstruction, Casino Drive Reconstruction, Cook Road Reconstruction, Farm-to-Market Reconstruction, Clear Lake Pedestrian Facilities, Brickyard Creek Fish Passage, Goldenrod Road Construction, LaVenture Road Extension Design, Francis Road Reconstruction, and Riverside Bridge Replacement.

Fred Buckinmeyer, City of Mount Vernon, discussed the particulars of the LaVenture Road Connection and the improvements to Francis Road. He noted that these projects highlight the continued need for City and County partnerships.

Commissioner Wolden confirmed that the City would perform all of the engineering and legwork involved, and is just asking the County for a \$150,000 contribution towards the grant match. Mr. Buckinmeyer confirmed that Skagit County would be the lead agency, but Mount Vernon would perform all of the work.

Commissioner Wolden moved to accept LaVenture Road Extension design grant application as outlined by The City of Mount Vernon and Mr. Martin. The motion was seconded by Commissioner Hart, adding that the County would contribute \$150,000 matching funds and act as lead agency only. The motion passed with a unanimous vote.

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Commissioner Hart moved to provide a letter of support for the Riverside Drive Bridge project. The motion was seconded by Commissioner Wolden and passed unanimously.

Commissioner Wolden move to authorize the STP Competitive Grant Application for the Cook Road and Farm-to-Market Reconstruction projects. The motion was seconded by Commissioner Hart and passed with a unanimous vote.

Commissioner Wolden move to authorize SCOG Enhancement Grant Application for the Clear Lake Pedestrian Facilities. Commissioner Hart seconded the motion, and it passed unanimously.

Commissioner Wolden moved to approve a letter of support to the City of Burlington for the Goldenrod Road Construction. Commissioner Hart seconded the motion, which passed with a unanimous vote.

Commissioner Wolden moved to authorize the TIB Grant Application for the Peterson Road and Casino Drive reconstruction. Commissioner Hart seconded the motion, and it passed with a unanimous vote.

2. Discussion and Possible Action – Staffing Requirements.

Dave Brookings, Public Works Administrator, requested six new positions for the Public Works Department. He advised that the Public Works Department is in the final stage of a major restructuring effort, having taken nearly a full year to replace vacant positions, establish new goals and objectives, and slowly build a new organizational culture. He commented on goals that have been established, which include meeting the additional challenges of water quality issues and the salmon recovery efforts. Mr. Brookings stated that the Public Works management team has been able to assess the current organization and determine the additional resources needed to successfully accomplish these goals. He reviewed a chart showing the positions being requested, and detailed the specific duties of each of these requested positions.

Mr. Brookings next spoke to the modification of two previously authorized positions, reducing such positions from an Engineer Technician V to an Engineer Technician III, and a Traffic Engineer to a Traffic Engineering Technician III, which will amount to a cost-savings for the Department.

A discussion ensued on the reasoning for the modification to the previously authorized positions, the concern of the Board regarding the use of consultants, and the various funding sources for the requested positions.

Commissioner Hart moved to approve the positions indicated with the understanding that the Project Manager and Engineering Tech IV will be provided from present funds, and the Engineering Technician III will be contingent on the City of Sedro Woolley's concurrence. Further, the Water Specialist and Endangered Species Act Coordinator will be tentatively authorized to begin the hiring process, but the Department will come back to the Board for confirmation, and the positions will not be filled before July 1, 1999. The motion was seconded by Commissioner Wolden, and passed with a unanimous vote.

3. Signature – Cost Share Agreement – Day Creek Project.

Sky Miller, Surface Water Management, asked the Board to sign an agreement with property owner Art Dick to share the cost of a rock riprap bank protection project in Day Creek. The scope of work calls for the installation of three rock deflectors, and will provide fish habitat and preserve water quality as well as protect local residences from future channel migration.

Commissioner Wolden moved to approve the Agreement as presented by Mr. Miller. Commissioner Hart seconded the motion, which passed unanimously. **(Contract No. 04204)**

4. Signature – Resolution Authorizing Rebate of Solid Waste Fees from Solid Waste Fund No. 401.

Robin LaRue, Solid Waste Division Manager, presented a Resolution authorizing a rebate of solid waste fees from Solid Waste Fund No. 401 back to the cities as previously discussed. The amounts to the municipalities are as follows:

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|-----------------------|-------------|
| City of Anacortes | \$33,677.18 |
| City of Burlington | \$18,572.51 |
| City of Mount Vernon | \$80,094.25 |
| City of Sedro Woolley | \$20,391.44 |
| Town of Concrete | \$ 2,409.03 |
| Town of Hamilton | \$ 920.65 |
| Town of LaConner | \$ 2,378.34 |
| Town of Lyman | \$ 982.02 |

Commissioner Anderson asked Mr. LaRue about a possible rebate back to Rural Sanitation so that Rural Sanitation can in turn rebate monies back to their customers. Mr. LaRue responded that the Department has not yet addressed how to refund back to the rural area customers who utilize the services of the Transfer Station. Mr. LaRue indicated that he is investigating this situation, with perhaps providing a free dump day, or further subsidizing the sale of compost bins.

Commissioner Anderson commented that Rural Sanitation is a large customer, and it would seem fair that there should be some sort of economic benefit to rural users.

Mr. LaRue stated that the proposed rebate specifically dealt with partners to the solid waste agreement, and commented on the need to go through records and produce numbers that would track tonnage to determine further areas of rebate.

Commissioner Anderson stated that in his perspective, it is fair to give monies back to the cities, but that rural customers should also benefit.

Commissioner Wolden indicated that he would also like to see some proposal for a benefit to rural customers, but at the particular time he would like to approve the Resolution as presented, and adopt further proposals at another session in the future.

Commissioner Hart moved to approve the Resolution authorizing a rebate of solid waste fees from Solid Waste Fund #401 as outlined by Mr. LaRue. He included that Staff should come back with a list of rural area users with a proposed rebate on future services or possible refund or other proposal at a later date.

Commissioner Anderson reiterated his objective to provide a rebate to Rural Sanitation, with a method in place to refund monies to the citizen who utilizes garbage services in rural areas, specifically in his large rural district. He noted that he needs some sort of assurance that a fair distribution will occur for the benefit of the people in his district.

Commissioner Wolden seconded the motion. Upon call for the question, Commissioner Anderson voted "nay." Commissioners Hart and Wolden voted "aye." The motion passed. **(Resolution No. 17282)**

5. Update – Solid Waste Division.

Mr. LaRue noted that there was an increase of tonnage received in 1998, and the customers have increased by 8,800. He noted that recycling has dramatically increased

He reviewed the rate analysis process in detail, together with a timeline for this process.

Commissioner Hart asked about the surplussing of equipment, and Mr. LaRue indicated that it is hoped to have those documents out by mid-of February.

Commissioner Hart stated that he would like to see a further reduction of the tipping fee rather than building up excess balances.

6. Miscellaneous.

Mr. Martin asked the Board about the possibility of bringing a lobbyist on board to track Public Works interests. He suggested Jim Potts, a well-known lobbyist, at a cost of \$250 per month during the legislative session.

Commissioner Hart indicated that he has known Mr. Potts for sometime and knows of his work for other counties. He stated that Mr. Potts has a great deal of expertise regarding Public Works interests.

Commissioner Anderson stated that it is a great idea to bring Mr. Potts on board.

Commissioner Wolden moved to hire Jim Potts for a maximum amount of \$3,000 per year for lobbying on important issues regarding roads, E-911, and other issues of relevance to the County. The motion was seconded by Commissioner Hart, and passed with a unanimous vote.

BID OPENING – PURCHASE OF COUNTY SURPLUS PROPERTY (TIMBER).

Patti Chambers, Clerk of the Board, opened the following bids, noting that the minimum bid amount was set at \$168,200:

Nielsen Bros., Inc.
PO Box 2789
Bellingham, WA 98227-2789
\$172,000 (bid deposit enclosed)

LB&R Logging Company
PO Box 2037
Concrete, WA 98237
\$192,500 (bid deposit enclosed)

Formark Marketing
3223 Pine Street
Everett, WA 98201
\$183,450 (bid deposit enclosed)

Mike Carlson Enterprises, Inc.
1531 W. Valley Road
Friday Harbor, WA 98250
\$170,041 (bid deposit enclosed)

Those assembled were advised that the bid award would be made at 2:00 p.m. this afternoon, and that the deposit checks would be available tomorrow morning after 9:00 a.m. at the County Commissioners' Office.

BID AWARD – COUNTY SURPLUS PROPERTY (TIMBER).

Jon Aarstad, Parks & Recreation, stated that John Gold, consultant, recommended that the Board accept the \$192,500 bid from LB&R Logging Company. Commissioner Hart moved to approve the award of bid to LB&R Logging Company, the highest bidder at \$192,500, as recommended by Staff. The motion was seconded by Commissioner Anderson, and passed with a unanimous vote. **(Resolution No. 17283)**

Mr. Aarstad reviewed the expenditures of this timber sale, and the monies that would be available, after expenses, for the benefit of Pressentin Park.

PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING THE EXTENSION OF AN INTERIM ORDINANCE FOR SHORT CONSERVATION AND RESERVE DEVELOPMENT (CARD) WITH POSSIBLE AMENDMENTS AND ADDITIONS FOR PURPOSES OF CLARIFICATION.

Kendra Smith, Assistant Director, reviewed the history of this Ordinance, advising that the Short CaRD Ordinance has been in effect for six months, and has been appealed to the Western Washington Growth Management Hearings Board (WWGMHB) by the Friends of Skagit County (Friends). She stated that an agreement with Friends has been worked on to produce amendments for purposes of clarification to satisfy the concerns of Friends. She stated that she had not received any correspondence in this regard from Friends until a fax was handed to her from Friends dated today at 3:01 p.m. She indicated that some sections of the existing ordinance can be amended for clarifications, and other sections were basically felt to be correct, and those issues are still withstanding.

After this brief introduction, Chairman Anderson opened the public hearing.

Marianne Manville-Ailles, 826 East Orange Avenue, Burlington, representing herself and the Association of Skagit County Landowners (ASCL), spoke to an inconsistency regarding rural resource property within one mile of an urban growth area and specific language that needed to be consistent throughout the ordinance (interchanging of the words "may" and "shall"). Secondly, she commented that the changes made are mostly in response to the challenge by Friends, who have assumed that all property within the county designated as rural resource is being used for resource production. She stated that if further regulations are placed on these properties to require them to be put into a natural resource easement and not have recreational uses, then ASCL is opposed to this ordinance. She further expounded on the need to allow recreational uses in the rural resource designation.

Louis Requa, Skagit Surveyors & Engineers, pointed out that the Short CaRD is a method to allow for development cheaper and quicker than any other land development process. He commented on the additional charge of \$100 for an administrative decision, and stated that the only way to make this process quicker is to give the Planning Department the latitude to make such decisions. He further commented on the fact that many of these CaRDs are in process, and wanted to make sure that there are no major changes that would affect those already in progress, with perhaps some sort of vesting right.

A discussion ensued regarding the vesting of projects started when appeals are forthcoming.

Ms. Smith clarified, upon questions from the Board, that the County was appealed by Friends and that there were 10-12 issues at hand. She indicated that some of the appealed items have been agreed upon, but that there was no stipulated agreement. But she further clarified that Friends had not commented on the actual language being proposed today, until a few minutes after the public hearing had begun.

Commissioner Anderson stated that if that is the case, it does not sound like there is any type of buy-off from Friends, and that this will most likely be appealed again without a formal agreement in place.

Commissioner Wolden indicated that Friends agreed to delay the hearing before the WWGMHB, but that the County has not yet receive any approval of the changes that are being proposed until the fax was received just after the start of this public hearing. He indicated that the Friends letter will have to be considered to see if they agree or disagree with the changes being proposed.

Mr. Requa spoke to pre-application meetings with Planning Department Staff and the need for an administrative decision in many instances. He stated that it is imperative that there be some sort of stipulation made when this interim ordinance is re-adopted so that there is an allowance made for those individuals already underway, especially if there is going to be some sort of major change in the conditions or process.

Ms. Smith clarified that the Administrative Decision portion has not changed in the proposed extension of the existing ordinance.

A discussion ensued regarding the allowance of recreational usage in the rural reserve designation.

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Ms. Smith stated that Friends wanted absolutely no recreation in any of these areas, but the County has proposed to acknowledge that there will be restricted recreation. She stated that the extension merely clarifies that recreational usage is quite narrow. She stated that until we change the zoning ordinance, our Comprehensive Plan is rather vague on rural resource lands. She detailed specific examples of such usage.

Commissioner Anderson stated that he is not going to be restricting recreational usage in a rural resource land designation, thereby requiring special use permits.

Commissioner Wolden indicated that this ordinance can not be inconsistent with the Comprehensive Plan.

A lengthy discussion ensued on the specific of this interim ordinance, the zoning code, and the Comprehensive Plan.

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

Commissioner Hart commented that his understanding from the comments received and those of Staff that recreational activities are allowed in these areas, but that the ordinance is struggling with the definition of open space recreational amenities vs. open space natural resource lands.

Commissioner Anderson replied that this proposal is not consistent with the policies of the Comprehensive Plan.

A discussion ensued on the interpreted meanings of the Comprehensive Plan.

Commissioner Anderson stated that this is most difficult to understand, and offered his sympathy to everyday normal citizens trying to understand these regulations.

Commissioner Wolden concurred that there are many different interpretations and noted the need for clarity.

After a brief discussion with Staff, Chairman Anderson asked Ms. Smith if it would be possible to allow the Board to review these documents in further detail, and have further discussion at a later date. It was decided to review this matter again next Tuesday, January 19, at 9:00 a.m.

MISCELLANEOUS.

1. 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.

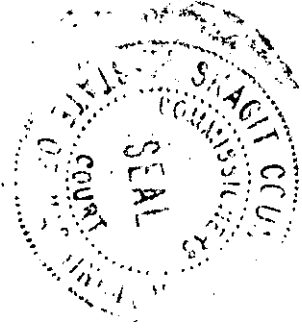
As of this date, December 15, 1998, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant number 36821 from Clearing Fund 696 in the total dollar amount of \$137,792.33 (Transmittal No. C-3-99).

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Ted W. Anderson, Chairman

Harvey Wolden

Harvey Wolden, Commissioner

Robert Hart

Robert Hart, Commissioner

ATTEST:

Patti J. Chambers

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