

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, February 1, 1999**

- 8:00 a.m. – 9:00 a.m. Executive Session – Personnel, Litigation and Land Acquisition.
- 9:00 a.m. – 10:00 a.m. Planning & Permit Center – Tom Karsh, Director.
- 1) Review and Possible Action on Planning Commission Recommendations regarding Proposed Revisions to Mount Vernon, Sedro Woolley and Hamilton Urban Growth Areas and on the Definition of Legal Lot of Record.
 - 2) Miscellaneous.
- 10:00 a.m. – 10:30 a.m. Consideration of Resolution Canceling Uncollectible Personal Property Taxes.

**CONSENT AGENDA.
MISCELLANEOUS.**

The Skagit County Board of Commissioners met in regular session on Monday, February 1, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Review and Possible Action on Planning Commission Recommendations regarding Proposed Revisions to Mount Vernon, Sedro Woolley, Hamilton Urban Growth Areas on the Definition of legal Lot of Record.

Gary Christensen, Assistant Director, reviewed a memorandum dated January 29, 1999, regarding the Planning Commission's recommendation on revisions to Mount Vernon, Sedro Woolley and Hamilton Urban Growth Areas (UGAs) and the Definition of Legal Lot of Record.

John Moffat, Chief Civil Deputy, reviewed the options available to the Board as had been discussed by the Planning Commission. Mr. Moffat advised that there is very little for the Board to gain by opening this matter back up for more public input, as there has been ample opportunity for the public to comment during the Planning Commission process.

Mr. Christensen reviewed a January 29th memorandum he had prepared in regards to the subject Planning Commission recommendations.

Mount Vernon Urban Growth Area. Mr. Christensen first reviewed the proposed revisions to the Mount Vernon Urban Growth Area. He stated that the Planning Commission's proposal would remove from the Mount Vernon UGA the "Rundgren/Pederson Properties" and redesignate them as Agriculture-Natural Resource Land in the Skagit County Comprehensive Plan; and retain within the UGA north of the current city limits approximately 134 acres of property designated Public with uses restricted to parks, recreation, open space, and wetland preserve.

- a) Rundgren/Pederson properties. Mr. Christensen indicated that the Planning Commission made a motion to remove land from the Mount Vernon UGA and to redesignate as Ag-NRL under the Comprehensive Plan as required by the Western Washington Growth Management Hearings Board (WWGMHB) to remove the invalidity order on the properties, and to be consistent with two previous Planning Commission votes. This motion failed on a 4-4 vote. The Planning

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Commission concluded that the matter is best to be resolved by the Board of County Commissioners.

Commissioner Wolden commented on previous attempts to try to retain the Rundgren/Pederson properties in the UGA. He stated that the landowners have worked very hard to keep their properties in the UGA, but there has been very little support and the City has never stepped up to the plate to clearly indicated their preference. He made several comments regarding the possibility of Mount Vernon establishing a TDR program that could include these properties. He indicated the need to move forward.

Commissioner Hart explained that the WWGMHB made a decision which was not appealed by the property owners or the County, and that a resultant stipulated agreement indicated that the County would delete this property from the Mount Vernon UGA. He concurred with Commissioner Wolden's comments regarding the County's support of a City-initiated TDR program in this area. He further indicated that the Board would support considering this area in an amendment to the Comprehensive Plan in the future, but stressed the prudence of proceeding in conjunction with the previous stipulated agreement.

Commissioner Hart moved to support the Planning Department's recommendation and remove the Rundgren/Pederson properties from the Mount Vernon UGA. The motion was seconded by Commissioner Wolden. Upon the call for the question, Commissioners Hart and Wolden voted for the motion, and Commissioner Anderson voted "nay." The motion passed.

- b) Properties North of Mount Vernon City Limits. Mr. Christensen stated that the Planning Commission made a motion to retain 17 acres north of the Salem Lutheran Church property within the Mount Vernon UGA and to remove 117 acres of property to the east of Salem Lutheran Church property and south of Lindegren Road, and to redesignate to Ag/NRL. This motion was approved on an 8-0 vote.

After a brief discussion, Commissioner Hart moved to support the Planning Commission's recommendation. The motion was seconded by Commissioner Wolden and passed with a unanimous vote.

Proposed Revision to the Sedro Woolley Urban Growth Area. Mr. Christensen stated that the proposal would remove from the Sedro Woolley UGA approximately 274 acres of property designated Open Space located south of the City limits, and redesignate that property as Agriculture/NRL in the Skagit County Comprehensive Plan. The proposal also would retain within the UGA, with a Public designation, approximately 956 acres of property associated with the former Northern State Hospital for continuing use as essential public facilities and development as a county-owned recreational area.

- a) 13 Acres of Open Space Property South of the City Limits. The Planning Commission moved to remove from the Sedro Woolley UGA 13 acres of property along the southern City limits located adjacent to and west of the City's sewer plant that the City requested for retention within the UGA under an Open Space designation. The motion was approved by the Planning Commission on a 6-2 vote.

Chairman Anderson asked if the City's request for that land was for future expansion of its sewer facilities. Mr. Christensen replied that the City wanted to use these lands on a interim basis while their sewer facilities were being remodeled. Adjacent landowners had raised concern over past practices. Some land has agricultural uses to the southwest, and that there was also some flooding in the area, while perhaps not on the subject property. Mr. Christensen explained that the Planning Commission felt that perhaps expansion into that area was just not appropriate.

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Commissioner Hart clarified with Mr. Christensen the possibility of a special use permit for continuing the same operation on the property as in the past.

A brief discussion ensued regarding the character of the neighborhood and the fact that this is not a pristine residential area.

Commissioner Wolden moved to include the property in Sedro Woolley's UGA. Commissioner Hart seconded the motion. The motion passed with a unanimous vote.

- b) 74 acres of Open Space at Southern City Limits. Mr. Christensen explained that the motion from the Planning Commission is to remove from the Sedro Woolley UGA approximately 274 acres of property designated as Open Space and located between the southern City limits and the Skagit River and redesignate Agriculture/NRL. It was approved by a 6-1 vote. No members of the public expressed objection.

Mr. Christensen reviewed the specific findings of the Planning Commission.

After a brief discussion, Commissioner Hart moved for approval of the Planning Commission's recommendation to remove 274 acres of open space at the southern city limits. The motion was seconded by Commissioner Wolden and passed with a unanimous vote.

- c) 33 acres of Open Space Property Between Southern City Limits and Riverfront Park. Mr. Christensen stated that the Planning Commission's recommendation is to retain within the Sedro Woolley UGA under an open space designation the subject property. The motion was approved by the Planning Commission with a 7-0 vote. Commissioner Hart moved for approval of the Planning Commission's recommendation. Commissioner Wolden seconded the motion, which passed with a unanimous vote.
- d) Northern State Property. Mr. Christensen advised that the Planning Commission's motion was to include the entire Northern State property, excluding land north of the centerline of Section 7 & 8, T35N, R5E, W.M. This was approved on a 7-0 vote. Further, a motion to redesignate the above excluded property to Public Open Space was approved on a 7-0 vote.

Mr. Christensen reviewed the specifics of the Planning Commission's findings.

Commissioner Wolden moved to support the Planning Commission's recommendation on the Northern State Property. Commissioner Hart seconded the motion, which passed unanimously.

Commissioner Wolden further moved to uphold the Planning Commission on the redesignation of the excluded property to Public Open Space. Commissioner Hart seconded the motion, which passed unanimously.

Proposed Revision to the Town of Hamilton Urban Growth Area. Mr. Christensen advised that the proposal would pull back the Hamilton UGA boundary to the city limits and redesignate lands within as either Rural Resource-NRL or Rural Intermediate under the County Comprehensive Plan. The Town of Hamilton intends to reestablish a UGA upon completion of a sub-area plan with the goal of moving portions of Town currently in the floodway to areas outside of the floodway. The Planning Commission approved on a 7-0 vote a motion to remove the unincorporated portions of the Town of Hamilton UGA and hold in reserve allocated residential populations under CPP 1.1 pending sub-area planning study. Further, to redesignate such lands generally described as north of SR 20 and east of Hamilton Cemetery Road as Rural Resource and lands generally described as north of SR20 and west and south of Hamilton Cemetery Road as Rural Intermediate.

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Commissioner Hart moved to support the Planning Commission's recommendation. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

Proposed Comprehensive Plan Amendment to the Definition of Legal Lot of Record. Mr. Christensen explained that the proposal would establish consistency between the Comprehensive Plan and Skagit County Code definitions of "legal lot of record" and "lot of record." The motion from the Planning Commission was to retain the current Skagit County Comprehensive Plan definition of "legal lot of record" and was approved by a 6-0-1 vote. Mr. Christensen reviewed the specific findings of the Planning Commission.

Commissioner Hart stated that he understands the Planning Commission's decision, but that it was his understanding when reading the WWGMHB decision, that the County would bring the Comprehensive Plan description in line with existing code language, and, having made the decision not to appeal this directive, must bring this definition to adhere to such directive.

Commissioner Hart moved to overturn the Planning Commission's recommendation as the County did not appeal the WWGMHB decision, and entered into an agreement that the County would bring the Comprehensive Plan language into agreement with the Development Code language.

Commissioner Wolden indicated that he would be more inclined to agree with the findings of the Planning Commission. A brief discussion ensued.

Commissioner Hart's motion died for lack of a second.

Commissioner Wolden moved to uphold the Planning Commission's findings. Chairman Anderson second the motion. Upon the call for the question, Commissioners Wolden and Anderson voted for the motion, and Commissioner Hart voted "nay." The motion passed.

2. Miscellaneous.

There were no miscellaneous items for discussion.

CONSIDERATION OF RESOLUTION CANCELING UNCOLLECTIBLE PERSONAL PROPERTY TAXES.

Clyde Williams, Deputy Treasurer, presented the Board with the subject resolution. Commissioner Hart moved to approve a Resolution canceling uncollectible personal property taxes in the amount of \$775.29 for 1998. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

(Resolution No. 17299)

CONSENT AGENDA.

Commissioner Wolden moved to approve the Consent Agenda for Monday, February 1, 1999. Commissioner Hart seconded the motion, which passed with a unanimous vote.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, January 25, 1999.
2. Record of the Proceedings of Tuesday, January 26, 1999.

ADMINISTRATIVE SERVICES:

3. Vendor Services Agreement with Environments to provide signage for County facilities/services in

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downtown Mount Vernon County Campus. The contract begins February 1, 1999 and will continue until terminated, with a not-to-exceed amount of \$3,000. **(Contract No. 04237)**

FACILITIES:

4. Amendment "B" to contract with American Building Maintenance extending janitorial services for one year through November 4, 1999 with no change in compensation. **(Contract No. 03248)**

ARIS:

5. Personal Services Agreement with United Karatedo Organization to provide karate lessons two times per week for ARIS clients for the rates listed in Exhibit B. The contract will run from January 1, 1999 through December 31, 1999. **(Contract No. 04238)**
6. Personal Services Agreement with Kathie Ketcham to provide therapy sessions at rates detailed in Exhibit B. The term of the contract will run from January 1, 1999 through December 31, 1999. **(Contract No. 04239)**
7. Personal Services Agreement with Liz Findley, MSW, to provide individual or family therapy at the rate of \$60 per 50-minute counseling session and \$15 per TOVA. The contract will run from January 1, 1999 through December 31, 1999. **(Contract No. 04240)**
8. Resolution approving Interlocal Cooperative Agreements between Skagit County and all County School Districts. **(Resolution No. 17300)**

JUVENILE PROBATION:

9. Personal Services Agreement with Randy P. Green, M.A., to provide specialized juvenile offender evaluations and consultations at the rates detailed in Exhibit B. The contract will commence on the 1st day of January, 1998 (retroactive) and will continue until terminated. **(Contract No. 04241)**

PUBLIC DEFENDER:

10. Amendment to Personal Services Agreement with Paula Plumer for provision of handling district court caseload not to exceed 50 cases per month in 1999. The compensation rate is \$4,250 per month for 1999. **(Contract No. 03322)**

TREASURER:

11. Resolution designating the listed banks as depositories for all public funds held. **(Resolution No. 17301)**

HUMAN SERVICES:

12. DSHS/DASA Substance Abuse Contract Amendment changing the expiration date from December 31, 1998 to June 30, 1999. The amount of the contract remains at \$30,000. **(Contract No. 03907)**

PUBLIC WORKS DEPARTMENT:

13. Local Agency Federal Aid Project Prospectus Update on the Cook Road Improvement Project. **(Contract No. 04242)**

14. Resolution calling for bids for the 1999 Aggregate Crushing Project, CCP#122-7. The Bid opening is set for February 23, 1999. **(Resolution No. 17302)**

PLANNING & PERMIT CENTER:

15. Personal Services Agreement with Sehome Planning and Engineering, Inc. to provide language amendments to specific sections of the Critical Area Ordinance as requested by the Planning & Permit Center for a maximum compensation amount of \$15,000. The contract runs from the date of signature and will continue until terminated. **(Contract No. 04243)**

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, February 1, 1999, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 37870 through 37874 from Clearing Fund 696 in the total dollar amount of \$90,441.86 (Transmittal No. C-06-99); and

Warrants numbered 37875 through 38330 from Clearing Fund 696 in the total dollar amount of \$787,618.16 (Transmittal No. C-07-99).

2. Alison Mohns, Planning Department Staff, presented for the Board's consideration several change orders and other documents regarding the Blanchard/Edison Clean Water District.
- A. Change Order No. 1 to contract with Paragon Construction regarding a modified trench system for the drainfield in the total dollar amount of \$1,544.22. The total contract amount is changed to \$27,329.55. Commissioner Wolden moved to approve the Change Order as presented. Commissioner Hart seconded the motion, and it passed with a unanimous vote. **(Contract No. 04150)**
- B. Addendum No. 1 to contract with Paragon Construction correcting a bid date and amending Section 15110, 2.03 regarding solenoid valves. Commissioner Wolden moved to approve the Addendum as presented. Commissioner Hart seconded the motion, and it passed with a unanimous vote. **(Contract No. 04150)**
- C. Pay Request No. 2 authorizing \$1,274.38 to be paid to Paragon Construction. Commissioner Wolden moved to approve the pay request as presented by Ms. Mohns. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 04150)**
- D. Change Order No. 5 to contract with Strider Construction Company, Inc. to reflect final as-built quantities of each bid items as required by Department of Ecology grant and loan funding rules. This change order increases the contract by \$3,418.88 for a total contract amount of \$608,325.60. Commissioner Wolden moved to approve the Change Order as detailed by Staff. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 03565)**

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- E. Pay Request No. 7 and Final of \$32,898.08 to Strider Construction final amount due including retainage and closing the contract. Commissioner Wolden moved to approve the Pay Request as presented. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 03565)**

- F. Amendment No. 4 to Professional Service/Consultant Agreement with Wilson Engineering increasing the not-to-exceed contract price for the Construction Phase Engineering – Phase 1, Wastewater Improvements by \$2,433.51 for a new contract phase subtotal of \$44,556.51 and a new overall contract total of \$296,267.51. Commissioner Wolden moved to approve the contract amendment as presented by Staff. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 02506)**

- G. Amendment No. 5 to Professional Service/Consultant Agreement with Wilson Engineering increasing the not-to-exceed contract price for the Construction Phase – Phase 2, Village Collection System, by \$8,955 for a new contract phase subtotal of \$78,555 and a new overall contract total of \$305,222.51. Commissioner Wolden moved to approve the contract amendment as presented by Staff. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 02506)**

- H. Amendment No. 6 to Professional Service/Consultant Agreement with Wilson Engineering increasing the not-to-exceed contract price for the Construction Phase – Phase 2, Village Collection System, by \$11,436.25 for a new contract phase total of \$89,991.25 and a new overall contract total of \$316,658.76. Commissioner Wolden moved to approve the contract amendment as presented by Staff. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 02506)**

- I. Amendment No. 7 to Professional Service/Consultant Agreement with Wilson Engineering increasing the not-to-exceed contract price for the Facility Plan/Engr. Report phase by \$978.75 for a new contract phase subtotal of \$42,192.75. This amendment also adds a new contract phase entitled "Effluent Disposal, Flowsplitter Modification" adding an amount of \$21,673.16. The sum of these two increases is \$22,651.91 and the new overall contract total is \$339,310.67. Commissioner Wolden moved to approve this amendment as presented by Staff. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 02506)**

- J. Amendment No. 8 to Professional Service/Consultant Agreement with Wilson Engineering increase the not-to-exceed contract phase subtotal by a total increase of \$45,384.45 and a new overall contract total of \$384,695.12 This contract amendment is necessary to restore the original self-help contract allocation for work which was intended to be done by Edison self-help forces, but which was actually performed by Wilson Engineering when self-help forces could not complete the tasks without assistance. Commissioner Wolden moved to approve the Amendment as presented by Staff. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 02506)**

ADJOURNMENT.

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

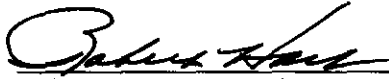
BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



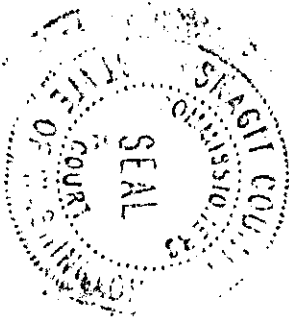
Ted W. Anderson, Chairman




Harvey Wolden, Commissioner



Robert Hart, Commissioner



ATTEST:



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