

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 9, 2004**

8:30 a.m. – 9:00 a.m. Work Session - Operations Division Manager/Road District Maintenance Supervisors

***T** 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director
1. Public Hearing – Consideration of Franchise Agreement Renewal for Samish Water District (Formerly Known as Whatcom County Water District)
2. Decision – Regarding Vacation of Unopened County Right-of-Way Along Kelleher Road, #63400
3. Discussion – Proposed 2004 Draft Solid Waste Interlocal Agreement Between the Cities/Towns and Skagit County
4. Miscellaneous

***T** 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Lou Haff, Interim Director
1. Consideration – Annexation Applications Submitted to the City of Sedro-Woolley: Kendall Gentry and Janicki Machine
2. Approval – Natural Resource Land Easement for Short CaRD PL03-0266 Submitted by G & D Wallace, Inc.
3. Consideration – Coastal Zone Management Grant Application for Skagit County's Shoreline Master Program
4. Consideration – Coastal Zone Management Grant Application for Guemes Island Planning Advisory Committee
5. Miscellaneous

***T** 11:00 a.m. – 12:00 p.m. Public Hearing – 2004 Comprehensive Solid Waste Management Plan

2:00 p.m. – 2:30 p.m. Bid Opening – Parking Lot Construction Near the Guemes/Anacortes Ferry Terminal

The Skagit County Board of Commissioners met in regular session on Tuesday, March 9, 2004 with Commissioners Ted W. Anderson and Don Munks present. Commissioner Kenneth A. Dahlstedt's absence was excused as he had to attend a meeting out of the area.

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Public Hearing – Consideration of Franchise Agreement Renewal for Samish Water District (Formerly Known as Whatcom County Water District).

Dave Sheridan of the Public Works Department reviewed the proposal to renew the franchise agreement for Samish Water District, previously known as Whatcom County Water District. The two franchise agreements are being combined into a single agreement, which will be effective for 25 years. Mr. Sheridan said Old Highway 99 North Road, Alger Cain Lake Road, Lake Samish Road, and Bow Hill Road will be affected by this agreement.

As no public testimony was forthcoming, Commissioner Munks motioned to close the public hearing. Chairman Anderson seconded the motion and the public hearing was closed.

Commissioner Munks motioned to approve the franchise agreement renewal for Samish Water District for a period of 25 years, which was seconded by Chairman Anderson and was carried. **(Contract No. C20040117)**

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2. Decision – Regarding Vacation of Unopened County Right-of-Way Along Kelleher Road, #63400.

Mr. Sheridan stated that a public hearing was held on February 10, 2004 to consider a proposed vacation of County right-of-way along Kelleher Road that was not established to be a part of Kelleher Road. The petition was filed by Frederick S. Butler to simply unencumber an area of his property from a dead-end stub of right-of-way that does not appear to benefit either him or the County. Mr. Sheridan stated that Mr. Butler assures the vacation request is specific to the area west of Thomas Creek and will not impact the County right-of-way on the east side of the Creek. The berm will remain and continue to function as a visual screen and noise buffer. In addition, field access across Kelleher Road will not be affected by the potential vacation.

Commissioner Munks motioned to approve the vacation of County right-of-way along Kelleher Road that was not established, as outlined by Mr. Sheridan. Commissioner Anderson seconded the motion, which carried unanimously.

Mr. Sheridan said the necessary documents will be put together for a future consent agenda.

3. Discussion – Proposed 2004 Draft Solid Waste Interlocal Agreement Between the Cities/Towns and Skagit County.

Gary Sorensen, Solid Waste Manager, discussed the proposed interlocal agreement for a Comprehensive Solid Waste Management Plan. The original plan, which was completed in 1995, needs to be updated. Mr. Sorensen said the cities/towns would like to see a guaranteed tipping fee structure and would like more involvement in the entire process. The Commissioners insist that they maintain the final say as policy decision makers. Mr. Sorensen stated that because of these concerns, additional language was added in Sections 3.5, 3.6, and 3.7 of the draft proposal.

Chairman Anderson asked what the timeline is for this project. Mr. Sorensen said the proposal would be finalized and would then be forwarded to the cities/towns for their review for approximately 30 days. It would then be brought back before the Board for final signature.

Chairman Anderson stressed the importance of making sure city council members also receive the information. Many times the materials are given to the mayors that sit on the committee when it is actually the city council that makes the final decision. He had hoped the city councils would have more involvement during this process.

Chairman Anderson and Commissioner Munks approved sending the draft proposal to the cities/towns of Skagit County.

4. Miscellaneous.

There were no miscellaneous items for discussion.

PLANNING & PERMIT CENTER – LOU HAFF, INTERIM DIRECTOR

Lou Haff, Interim Director, thanked the Board for hosting the public hearing last evening regarding lot aggregation. He said they received great feedback from those that attended the hearing. Mr. Haff is hopeful that a staff report will be ready by the close of today, which will provide direction to the Board.

1. Consideration – Annexation Applications Submitted to the City of Sedro-Woolley: Kendall Gentry and Janicki Machine.

Geraldine Hallberg, Planner for the City of Sedro-Woolley, reviewed the two annexation applications the City received from Kendall Gentry and Janicki Machine.

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Mr. Gentry's application presents an opportunity for the City to eliminate a municipal "island," – Riverfront Park – and connect this property with the balance of the City. To do so, the area requested by the applicant needs to be expanded to include property owned by the County as FEMA buy-out property. The outcome of this annexation will be to increase recreational opportunities for citizens of the entire region and the boundaries would clarify police jurisdiction for traffic violations on a portion of River Road.

Ms. Hallberg stated that the second proposal is to annex property owned by Stanislaw Properties, LLC, including the site occupied by existing Janicki Industries. The area to be included in this proposal may expand if additional property owners join the petition.

Commissioners Anderson and Munks gave their approval to move forward with the annexation applications.

2. Approval – Natural Resource Land Easement for Short CaRD PL03-0266 Submitted by G & D Wallace, Inc.

Marge Swint, Associate Planner, presented a Natural Resource Land Easement for the Board's signature. It is part of a four lot Short CaRD located in an agricultural zone. Ms. Swint said there are three one-acre size lots and the remaining 116 acres will be put into an easement for long term significant agricultural production.

Commissioner Munks motioned to approve a Natural Resource Land Easement for Short CaRD PL03-0266, submitted by G & D Wallace, Inc., as outlined by Ms. Swint. Chairman Anderson seconded the motion, which carried. **(Contract No. C20040118)**

3. Consideration – Coastal Zone Management Grant Application for Skagit County's Shoreline Master Program.

Kendra Smith, Assistant Director, stated that the County received the largest Coastal Zone Management (CZM) grant ever given for work on Skagit County's Shoreline Master Program update. The funds were used to begin Phase I of a multi-phased project, which included inventorying all of the marine waters and initial work on the freshwaters. Ms. Smith said the Department of Ecology has reviewed the work that has been done thus far and said the final products overall demonstrate a good Phase I effort.

Ms. Smith indicated that they would like to continue their process of updating the Shoreline Master Program and proceed to Phase II. This will require applying for additional CZM grant money in this next grant cycle, which requires submittal of the application by March 16, 2004.

Commissioner Munks moved to authorize the Planning and Permit Center to apply for the 2004 CZM grant offered by the Department of Ecology in order to update the Shoreline Master Program. Chairman Anderson seconded the motion, which carried.

4. Consideration – Coastal Zone Management Grant Application for Guemes Island Planning Advisory Committee.

Lou Haff, Interim Director, advised that the conditions of this grant application are that the Guemes Island Planning Advisory Committee (GIPAC) cannot independently sponsor the grant. It has to be sponsored by County government as a pass-through

Marianne Kooiman of the Guemes Island Planning Advisory Committee (GIPAC) presented a preliminary draft of the CZM grant proposal for Guemes Island in the approximate amount of \$10,000. The intent is to coordinate the GIPAC update of the sub-area plan with an update of the shoreline management program for the island. The draft includes the applicant information, background on the project, and the scope of work. Ms. Kooiman indicated that upon review of the request, detailed discussions on the

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planning schedule and project costs will take place between the Planning Department and the Department of Ecology.

Chairman Anderson said he had no trouble supporting the application if the logistics could be worked out as to how the grant would be transferred.

Mr. Haff said he would be happy to meet with representatives of their association and discuss the logistics of the grant itself including to what degree they are capable of doing this work themselves as opposed to the Planning staff being personally involved in the professional development of the work.

5. Miscellaneous.

1) Kirk Johnson, Senior Planner, presented an interim ordinance, which extends the provisions of Interim Ordinance No. O20030026, implementing development regulations in the Anacortes, Burlington, Mount Vernon and Sedro-Woolley Urban Growth Areas. Mr. Johnson reviewed several amendments to the ordinance, including Attachment B, which allows up to 5,000 square feet of new commercial or industrial construction on lots in the Urban Reserve Commercial-Industrial district. "New construction" refers to that which is built after the August 26, 2003 adoption of Interim Ordinance No. O20030026. He also stated that the building permit for the Reisner project was issued yesterday so there has already been some benefit to this extension.

Commissioner Munks motioned to approve an interim ordinance extending and modifying the provisions of Interim Ordinance No. O20030026, as outlined by Mr. Johnson. The motion was seconded by Mr. Anderson and passed unanimously. **(Ordinance No. O20040005)**

2) Mr. Johnson requested agenda time to deliberate the Planning Commission's Recorded Motion on the 2001-02 Comprehensive Plan Amendment proposals.

Commissioner Munks made a motion to review and deliberate on the proposals, as outlined by Mr. Johnson on Tuesday, April 20, 2004 at 11:30 a.m. Chairman Anderson seconded the motion, which carried.

PUBLIC HEARING – 2004 COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN.

Gary Sorensen, Solid Waste Manager, introduced consultant, Rick Hlavka, who proceeded to review the proposed 2004 Comprehensive Solid Waste Management Plan.

Mr. Hlavka stated that the current plan was adopted in 1995, which is outdated. State law requires that plans be maintained in a current and applicable condition. The Solid Waste Advisory Committee (SWAC) has discussed and reviewed the drafts. The preliminary draft is now available for review by cities/towns, the public and others and March 19, 2003 has been established as the deadline for receiving comments.

Mr. Hlavka said the new plan assumes that the County and Cities will continue to work collaboratively in managing solid waste. It recommends continuation and refinements to recycling and education programs. There are additional recommendations for special wastes, especially construction wastes. The most significant change is new language that creates an option to allow more than one transfer station. Additional transfer stations either private or public must abide by System Policy. Mr. Hlavka said this means that the station must contract with the County, there must be a system fee, and there must be compliance with the existing waste export contract.

Chairman Anderson opened the public hearing.

Carol Ehlers, 3998 Wind Crest Lane, Anacortes, said she supports the notice of continuing the practice of keeping the residential dumping site next to the recycling center. She also indicated that when the dumping fee was \$12, there seemed to be a lot of garbage piles. By reducing the fee to \$5, there has been a

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reduction in trash and the current system has solved a number of problems with County Health issues. Ms. Ehlers said she appreciates what has been the past practice and would like to see it continued.

Norm Wietting, 13227 SE 54th Place, Bellevue, representing Cimarron Transfer & Recycling Company, reviewed several issues that he felt needed to be brought before the Board as follows:

- While this draft of Chapter 7 allows for private transfer stations and composting facilities, it imposes a set of onerous conditions that would be placed on any public or private facility that was proposed to handle municipal solid waste in the County.
- In the past, Public Works and SWAC have generally opposed another facility because they believe the system can't afford more. They have presented that information to this Board and the SWAC. We have presented information to the Transfer Station Operations Committee and City Councils that shows that this is not true.

The staff maintains that they cannot operate their facility without subsidies; however, we have presented options and spreadsheets that show how the County can operate their facility at reduced tonnages and compete in a real system. Public Works staff has refused to review the information or make meaningful comments. Recently the staff sent an analysis to Anacortes that showed a private facility would result in a \$100 per ton tip fee in 2014 at the County transfer station. This is clearly erroneous and shows that the staff is merely using this issue to resist having another facility.

- Section 7.3.4 contains a lengthy discussion of SWAC recommendations that were not accepted by the Board, are not included in this plan, and are not appropriate in this section. They should be deleted.
- The language in Chapter 7 does not meet the "Purpose" which is stated in the chapter nor the direction given by the Commissioners. The primary purpose is to allow a competitive environment. This version merely tries to shift the cost of all of the current County transfer station inefficiencies to a private facility.

The proposed policy in Section 7 goes beyond support for the true Countywide "System" programs and recommends that a private facility also pay for "fixed costs" at the County transfer station. While the "fixed costs" are not defined, it is likely that this policy would be used to subsidize the County facility at the cost to all other proposals – whether the subsidized facility is operating efficiently or not. **Please delete the 5th bullet in Section 7.2.3G(7)**

- One of the policies in Chapter 7 is to insure the development of environmentally sound solid waste handling and disposal. This version of the SWMP doesn't do that.

CTRC has proposed to develop a composting facility that will achieve a 50-60% waste reduction through composting and the sorting of recyclable materials.

The County has chosen to exempt source separated recycling materials from any of the County fees. As currently written, Chapter 7 would require their facility to pay fees on the recycled materials.

The SEMP should have a consistent policy on fees for recycled materials.

What difference does it make whether the material is source separated or not, as long as it gets recycled in an environmentally sound manner.

- Section 7.2.3H states that the System (the County) and private owners/operators shall make **every** reasonable effort to arrange for employment of displaced employees. The word "**every**" should be deleted.
- Section 7.2.3I states that the gatehouse of a private facility should be run by the County or will be otherwise monitored to the satisfaction of the System. This section should state simply that the gatehouse operations shall be monitored as provided in the contract.

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- Section 7.2.4 also includes a discussion of the Transfer Station Alternatives Analysis completed in February 2002. While this report was handed out at a SWAC meeting, it has never been reviewed or discussed.

The most significant problem with this report is that when the cost of operating the facility decreased with the implementation of an alternative, this decrease was never acknowledged. This assumption significantly skews the financial model that was presented and upon which the recommendations were made. Any reference to this report should include a discussion of the limitations.

- Chapter 7 has a discussion of the County's remote transfer station sites at Sauk and Clear Lake. The SEMP should include a recommendation that the current operations and the subsidies need to be studied. In 2003, the users of Clear Lake paid approximately \$85 per ton while the users of the Sauk facility paid over \$150 per ton. The Clear Lake users received a subsidy of well over 100%.
- The SWMP also makes no recommendations on the funding for the Household hazardous waste program. This program's only goal is to reduce the amount of hazardous waste going to the RDC landfill. As the County has very good protection from liabilities from that landfill, the program only serves to reduce RDC's liability. The County should consider requesting a contribution from RDC to help fund the program.

There being no further public testimony forthcoming, Commissioner Munks motioned to close the public hearing. The motion was seconded by Chairman Anderson and carried. The public hearing was closed.

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, March 9, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Payroll warrants numbered 141513 through 142277 in the total dollar amount of \$888,770.09 (Transmittal No. P-09-04); and

Payroll warrants numbered 962154 through 962285 in the total dollar amount of \$150,312.89 (Transmittal No. P-10-04).

BID OPENING – PARKING LOT CONSTRUCTION NEAR THE GUEMES/ANACORTES FERRY TERMINAL.

Public Works employees, Ann Marie Gutwein and Linda Eaton opened the following bids for the construction of a parking lot near the Guemes/Anacortes Ferry Terminal:

Dennis Craig Construction, Inc.
P. O. Box 595
Redmond, WA 98073-0595
Bid Bond Enclosed
Addendum No. 1 Acknowledged
Total Bid: \$722,736.49

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SRV Construction, Inc.
P. O. Box 481
Oak Harbor, WA 98277
Bid Bond Enclosed
Addendum No. 1 Acknowledged
Total Bid: \$671,678.25

Pacific Road & Bridge Company
P. O. Box 3393
Arlington, WA 98223
Bid Bond Enclosed
Addendum No. 1 Acknowledged
Total Bid: \$739,108.00

Callen Construction
P. O. Box 498
Custer, WA 98240
Bid Bond Enclosed
Addendum No. 1 Acknowledged
Total Bid: \$598,856.00

Island Construction Site & Utilities, Inc.
P. O. Box 1467
Oak Harbor, WA 98277
Bid Bond Enclosed
Addendum No. 1 Acknowledged
Total Bid: \$660,811.20

Wilder Construction Company
1525 E. Marine View Drive
Everett, WA 98201-1927
Bid Bond Enclosed
Addendum No. 1 Acknowledged
Total Bid: \$725,880.50

Interwest Construction, Inc.
651 N. Hill Blvd.
Burlington, WA 98277
Bid Bond Enclosed
Addendum No. 1 Acknowledged
Total Bid: \$641,530.85

Snelson Companies, Inc.
601 W. State Street
Sedro-Woolley, WA 98284
Bid Bond Enclosed
Addendum No. 1 Acknowledged
Total Bid: \$724,024.00

Ms. Gutwein stated that all bids will be evaluated and recommendation will be forthcoming.

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ADJOURNMENT.

Commissioner Munks made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion, which passed unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Don Munks, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners