

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 3, 2006**

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| 8:00 a.m. – 8:45 a.m. | Work Session – County Commissioners |
| 8:45 a.m. – 9:30 a.m. | Work Session – County Administrator |
| *T 9:30 a.m. – 10:00 a.m. | Work Session – Solid Waste Request For Proposals |
| *T 10:00 a.m. – 11:00 a.m. | Closed Record Appeal #PL06-0129 by Cedar Hills Homeowners Association of the Hearing Examiner’s Decision on Special Use Permit Application #PL04-0889 Filed by Dan Watts Requesting a Special Use Permit For the Operation of Indoor and Outdoor Paintball Courses |
| 11:00 a.m. – 11:30 a.m. | Consent Agenda and Miscellaneous Items |
| 11:30 a.m. – 11:45 a.m. | Public Comment Period |
| 1:30 p.m. – 3:30 p.m. | Executive Session – Personnel, Litigation and Land Acquisition |

The Skagit County Board of Commissioners met in regular session on Monday, April 3, 2006, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks present.

WORK SESSION – SOLID WASTE REQUEST FOR PROPOSALS.

Public Works Director Chal Martin stated that following a work session to discuss the Draft Request for Proposal (RFP) for Solid Waste System Operations, several issues were brought forward by the Commissioners. Mr. Martin said staff has assessed the comments and narrowed the issues to the following three:

- 1) Build a New Transfer Station Facility
Recommended Action – Modify the RFP to reflect the requirement to build a new transfer station, either on the existing transfer station site or on a new site. Determine the lease value and include it in the RFP.

- 2) Invitation for Additional “Processing Facility”
Recommended Action – Review and strengthen the RFP as appropriate to more clearly emphasize, encourage and invite additional processing. Require transfer operations to be distinct and separable from the processing facility to ensure garbage transfer operations can continue independently if the processing facility encounters problems.

- 3) Prevailing Wage Requirement
Recommended Action – Legal opinion requires a contractor to pay prevailing wage rates for that portion of the work requested in the RFP. The prevailing wage requirement does not apply to a separate “processing facility” so there is no change.

A lengthy discussion ensued after which Public Works Administrator Dave Brookings indicated that he would make the recommended changes to the RFP and forward it to the County’s legal department for review. Mr. Brookings said the Commissioners will have the final say on the document.

CLOSED RECORD APPEAL #PL06-0129 BY CEDAR HILLS HOMEOWNERS ASSOCIATION OF THE HEARING EXAMINER'S DECISION ON SPECIAL USE PERMIT APPLICATION #PL04-0889 FILED BY DAN WATTS REQUESTING A SPECIAL USE PERMIT FOR THE OPERATION OF INDOOR AND OUTDOOR PAINTBALL COURSES.

Brandon Black, Senior Planner with the Department of Planning and Development Services, stated that Dan Watts filed a Special Use Permit No. PL04-0889 to operate indoor and outdoor paintball courses on February 23, 2005. The proposed project is located at 2464 East Blackburn Road, Mount Vernon. On January 4, 2006, the Hearing Examiner issued a decision of approval on the Special Use Permit. The residents of Cedar Hills and the Cedar Hills Homeowners Association filed an appeal of the Hearing Examiner's decision to the Board of County Commissioners on February 21, 2006.

Mr. Black said the appeal indicates that the Homeowners Association has several concerns with the proposal; concerns with drainage, noise, traffic, parking, visual appearance and the belief that the overall proposal is inconsistent with existing and future uses within the Urban Reserve Residential (URR) designated area.

The Department notes that the URR designated zone specifically lists recreational uses such as paintball as a use allowed with an approved Special Use Permit. The Department also notes that the concerns raised by Cedar Hills have been analyzed and addressed within the Hearing Examiner's decision through the conditions placed on the proposal. The proposal will be required to comply with Skagit County Code in regards to parking, performance standards, drainage, and overall enforcement of the conditions of approval.

Based on review of the filed Notice of Appeal, Mr. Black said the Skagit County Planning and Development Services recommends that the Board uphold the Hearing Examiner's decision and deny appeal No. PL06-0129.

Gary Jones, Attorney for the Appellant, contends that County staff and the Hearing Examiner have made a clear error in judgment about the compatibility of commercial paintball in the URR zone, which includes more than 40 Cedar Hills residences. Granting a Special Use Permit should involve the exercise of discretion in two forms. First, where the nuisance impacts of the Applicant's activity on existing development and planned future residential development predominate, the application should be rejected. In those cases where the site is acceptable under the criteria SCC 14.16.900, given existing development and planned future development conditions should be imposed, which mitigate the impacts of the special use.

The Cedar Hills Homeowners Association believes that the Watts site is appropriate for future residential development, but not for a Special Use Permit for indoor and outdoor paintball activity on a commercial basis.

John Sadzewicz, Pat McLatchy and Marie Biladeau, residents of Cedar Hills, each provided lengthy testimony expressing their opposition to the paintball operation in their neighborhood.

Tom Moser, attorney for the Applicant, stated his objection to several documents submitted by the Appellants and asked the Board not to consider them after the fact. He believes that some of the statements made today should be considered new information and; therefore, should not be considered.

Mr. Moser pointed out that the Hearing Examiner did make a site visit. He also said that many people appeared before the Hearing Examiner in support of the paintball course. While one of the previous speakers mentioned the website Paintomania, it is not a website that his clients maintain.

According to Mr. Moser, the burden is on the Appellants to prove that the Hearing Examiner's decision is clearly erroneous. The site where the paintball sport is conducted is not currently a commercial venture, so what the Watts' are doing on their property is lawful. However, their desire to turn it into a commercially regulated activity is one that Skagit County Code allows.

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Ken Evans, 506 Main Street, Mount Vernon, said he is an adjacent property owner and a friend of Mr. and Mrs. Watts and their father. He urged the Commissioners not to overturn the recommendation made by the Hearing Examiner.

Mr. Jones objected to Mr. Evans' testimony because Mr. Evans wasn't present at the hearing held by the Hearing Examiner.

Commissioner Anderson motioned to strike the testimony presented by Ken Evans, which was seconded by Commissioner Munks and passed.

Chairman Dahlstedt said pursuant to Skagit County Code 14.06.170(10) Closed Record Hearings/Appeals Procedures, the Board of Commissioners may either remand the matter for further consideration by the Hearing Examiner; deny the appeal and affirm the decision of the Hearing Examiner; or if the Board finds the Hearing Examiner's decision is clearly erroneous, the Board may adopt its own findings, conclusions and decisions based upon the record made before the Hearing Examiner.

A motion was made by Commissioner Anderson to schedule Tuesday, April 18, 2006, 2:00 p.m. for a decision on this matter. Commissioner Munks seconded the motion, which passed.

CONSENT AGENDA.

The Commissioners agreed to remove item 8 from the Consent Agenda, pending further information.

Commissioner Anderson motioned to approve the Consent Agenda for Monday, April 3, 2006, items 1 through 7 and items 9 through 27. Commissioner Munks seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, March 27, 2006.
2. Record of the Proceedings for Tuesday, March 28, 2006.

ADMINISTRATIVE SERVICES:

3. Resolution appointing Larry Mitchem and re-appointing Fred Loffer, Aubrey Stargell and Dick Whitmore to the Forest Advisory Board for a three year term beginning January 1, 2006, and expiring on January 1, 2009. **(Resolution No. R20060129)**

ASSIGNED COUNSEL:

4. Personal Services Agreement with Lynn Miner, Attorney at Law, to provide defense/legal services to clients for cases considered to be a conflict of interest for the Skagit County Public Defender's Office and cases that have been determined to be within the scope of indigent defense. The agreement shall commence on January 1, 2006, and continue until January 31, 2008. Compensation shall vary depending on the services being rendered. **(Contract No. C20060158)**

AUDITOR'S OFFICE:

5. Amendment No. 2 to Hart InterCivic - Help America Vote Act (HAVA) Grant Agreement **No. C20050162** between the Washington State Secretary of State's Office and the Skagit County Auditor's Office to upgrade Skagit County's ballot tabulation system to meet current HAVA requirements and additional miscellaneous elections upgrades. These changes are federally mandated and paid for by a federal grant, totaling \$15,900. **(Amendment No. A20060025)**

BUDGET/FINANCE:

6. Funding Agreement between Skagit County and Skagit County Community Action Agency to distribute low-income housing funds in the amount of \$50,000 for remodeling costs at the expanded Emergency Family Shelter and an additional \$15,000 to support the Emergency Family Shelter and secure Federal funds for transitional housing, for a total of \$65,000. The agreement shall commence upon the date of execution and continue until either party terminates, but in no event shall the contract continue for more than one year from the date of execution. **(Contract No. C20060159)**
7. Memorandum of Agreement with the Anacortes Chamber of Commerce, which provides \$7,500 of hotel motel funds for the Anacortes Jazz Festival. The agreement shall commence on January 1, 2006, and shall be completed no later than December 31, 2006. **(Contract No. C20060160)**
8. Memorandum of Agreement with Skagit County Chamber Executive Director's Association (SCCEDA), which provides \$32,000 of hotel motel funds for the implementation of the 2006 marketing plan for Skagit County. The agreement shall commence on January 1, 2006, and shall be completed no later than December 31, 2006. **(This item was removed pending further information)**
9. Amendment No. 1 to Funding Agreement **No. C20050075** with Northwest Youth Services. This amendment will extend the expiration date of the contract three months to May 7, 2006. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060026)**

FACILITY MANAGEMENT:

10. Personal Services Agreement with Elliott W. Johnson, Inc. PS, Attorney at Law, to provide consultation and representation relating to the County in negotiations for the purchase of private property and the preparation of purchase agreements and other associated documents as required. The agreement shall commence upon the date of execution and continue until December 31, 2007. Compensation shall not exceed a total of \$10,000. **(Contract No. C20060161)**

FAIRGROUNDS:

11. Vendor Services Agreement with Spencer Roofing and Siding to provide removal and installation of a new roof on the Pavilion and G Building at the Skagit County Fairgrounds. The agreement shall commence March 1, 2006, and continue until either party terminates, but in no event shall the contract continue for more than one year from date of execution. Compensation shall not exceed \$46,688.33. **(Contract No. C20060162)**

FARMLAND LEGACY:

12. Resolution appointing John S. Vendeland to the Agricultural Advisory Board for a three year term beginning April 19, 2006, and expiring on April 30, 2009. **(Resolution No. R20060130)**
13. Resolution adjusting the pricing formula for the Skagit County Farmland Legacy Program as recommended by Timmers Appraisal Services. This adjustment involves increasing the "base value" of a development right in the Agricultural-NRL zone by 5% from \$50,000 to \$52,500. This is an anticipated first step in adjusting the pricing formula to better reflect market conditions. While it has been reviewed periodically, the pricing formula has not been updated since approved by the County Commissioners in November 1997. **(Resolution No. R20060131)**

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HEALTH DEPARTMENT:

14. Resolution modifying and increasing the Public Health Department Petty Cash Fund from \$650 to a total of \$800. The \$150 increase in the Petty Cash fund will be funded by a warrant drawn on Public Health Fund #101. **(Resolution No. R20060132)**

INFORMATION SERVICES:

15. Amendment No. 6 to Customer Service Agreement **No. 4487** with the City of Mount Vernon, which adds internet services for computer equipment that will be installed at the Mount Vernon Kulshan Creek Neighborhood Resource Center. **(Amendment No. A20060027)**
16. Resolution AND Interlocal Agreement between Skagit County and The Washington State Administrative Office of the Courts for reimbursement of funds to develop and expand the jury source list to increase the number of citizens available for jury duty. The agreement shall commence on July 1, 2005, and continue through June 30, 2007. **(Resolution No. R20060133 AND Contract No. C20060163)**

MEDIATION SERVICES:

17. Resolution AND Letter of Agreement between Skagit County and Skagit Valley College, through its Business Resource Center, to offer a Basic Conflict Resolution training series. The students will be charged a fee of \$90 per student for the four-class series. Skagit Valley College will pay Skagit County Mediation Services fifty percent of workshop revenue from students paying the full registration fee if the minimum enrollment requirements are met. The agreement offers the series to be held on February 2nd, 9th, 16th and 23rd, 2006. **(Resolution No. R20060134 AND Contract No. C20060164)**

PARKS AND RECREATION:

18. Resolution calling for bids to lease County-owned land for hay cutting at Northern State Recreational Area. The bid opening will be held on Monday April 17, 2006, at 10:30 a.m. **(Resolution No. R20060135)**

PLANNING & DEVELOPMENT SERVICES:

19. Personal Services Agreement with Ag Prospects to evaluate the feasibility of initiating a Transfer of Development Rights program for designated agricultural and forest lands of long-term commercial significance; environmentally sensitive areas; and land of historical significance. The agreement commenced on December 1, 2005, and shall continue through December 31, 2006. Total compensation is not to exceed \$40,000. **(Contract No. C20060165)**

PROSECUTOR'S OFFICE:

20. Amendment No. 1 to Personal Services Agreement **No. C20060001** with Buck and Gordon, LLP, which provides a compensation amount not to exceed \$250,000. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060028)**

SENIOR SERVICES:

21. Resolution increasing the revolving fund for the Skagit County Retired Senior Volunteer Program from \$3,000 to \$4,000, by warrant drawn on the Senior Services Fund #118. **(Resolution No. R20060136)**

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SHERIFF'S OFFICE:

22. Signature only on Federal Annual Certification Report. **(Approved)**

TREASURER'S OFFICE:

23. Resolution AND Interlocal Agreement between Skagit County and The Housing Authority of Skagit County, which will allow the Skagit County Treasurer to manage the Housing Authority's investments. The agreement shall commence on March 25, 2006, and continue through March 24, 2009. **(Resolution No. R20060137 AND Contract No. C20060166)**

YOUTH & FAMILY SERVICES:

24. Interlocal Agreement, per Resolution No. R20050244, between Skagit County and the University of Washington to provide development and implementation of the collaborative Fetal Alcohol Spectrum Disorders Project. This agreement will enable the Department of Youth and Family Services to utilize the Fetal Alcohol Diagnostic and Prevention Network of the University in the provision of staff training and services to youth and families with fetal alcohol spectrum disorders. The agreement shall commence on September 1, 2005, and continue through August 31, 2006. Compensation is not to exceed \$62,206. **(Contract No. C20060167)**

PUBLIC WORKS DEPARTMENT:

25. Amendment No. 1 to Agreement **No. C20050195** between Skagit County and Glacier Northwest, Inc., to extend the termination date from April 29, 2006 through April 30, 2007. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20060029)**
26. Ordinance to revise the speed limit on F & S Grade Road #62500, from milepost 0.00 (Prairie Road) to milepost 3.45, from 45 miles per hour to 40 miles per hour. **(Ordinance No. O20060003)**
27. Ordinance to revise the existing posted speed limit on March's Point Road #16610 to a maximum speed limit of 40 miles per hour from milepost 0.983 to milepost 2.06 and a maximum speed limit of 35 miles per hour on March's Point Road from milepost 2.06 to milepost 5.760. **(Ordinance No. O20060004)**

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, April 3, 2006, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$145,555.21 (Transmittal No. C-37-06); and

ACH Transfer Request Form and Certification to Xpress Flex from Clearing Fund 696 in the total dollar amount of \$390.50 (Transmittal No. C-38-06); and

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$33,067.49 (Transmittal No. C-39-06); and

Warrants numbered 219719 through 220215 from Clearing Fund 696 in the total dollar amount of \$1,153,343.11 (Transmittal No. C-40-06).

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2. Jeroldine Hallberg, Associate Planner, Planning & Development Services, was present to request a date to consider the Planning Commission's recommendation to redesignate 10 acres of Mount Vernon School District property to Ag-NRL to comply with the Final Decision and Order in Western Washington Growth Management Hearings Board Case No. 05-2-0012.

Commissioner Anderson motioned to schedule Monday, April 10, 2006, at 1:30 p.m. to hear the proposal. The motion was seconded by Commissioner Munks and passed with a unanimous vote.

3. Tom Sheahan, Director of Emergency Services, brought forth an emergency resolution affecting a home located at 4801 Anaco Beach Road, Anacortes, which he determined to be in imminent danger to due to a potential slide.

The Commissioners encouraged Mr. Sheahan to engage the City of Anacortes and the Washington State Department of Fish and Wildlife in reaching a solution to the problem. If it is determined that an emergency resolution is still needed, the Board agreed to sign it.

4. Planning & Development Services Senior Planner Brent Morrow requested that a date and time be set to consider the final plat of Lake View Heights.

A motion was made by Commissioner Anderson to review the request on Tuesday, April 11, 2006, at 10:30 a.m. Commissioner Munks seconded the motion, which passed.

PUBLIC COMMENT PERIOD.

No one was present for the public comment period.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:

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