

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 27, 2008**

The Skagit County Board of Commissioners met in regular session on Tuesday, May 27, 2008, with Commissioners Don Munks, Kenneth A. Dahlstedt, and Sharon D. Dillon present.

I. AGENDA:

A. *8:00 a.m. - 8:30 a.m. Executive Session - Potential Litigation

Executive session commenced at 8:00 a.m. and ended at 8:30 a.m.

B. 8:30 a.m. - 9:00 a.m. Consent Agenda and Miscellaneous Items

C. 9:00 a.m. - 9:30 a.m. Decision - Appeal of the Hearing Examiner's January 16, 2008 Decision to Deny the County's Request to Revoke, Rescind or Modify Bow Hill Mill's Special Use Permit

Chairman Munks made the following comments:

This appeal was brought forward by the Bow Hill Mill Neighborhood Association and the Skagit County Planning Department, seeking to enforce the terms of Bow Hill Mill's Special Use Permit. Bow Hill Mill is a non-conforming use operating since 1992 under a Special Use Permit. The Mill has expanded its production in recent years.

Under its Special Use Permit, Bow Hill Mill is allowed to operate from 7:00 a.m. to 4:30 p.m. on weekdays, with equipment and machinery maintenance allowed on Saturday.

The Mill has been performing "clean up" after operating hours, using a chipper and HOG machine. This equipment is quite loud, and has been the main source of the neighbors' complaints. The clean up time has been getting longer and longer.

This has been a long-standing issue, and the Board has tried to get the mill and the neighbors to work together, to mediate their differences, and to come to a reasonable resolution.

The County Planning Department initially brought this matter as an enforcement action to the Hearing Examiner in an effort to make the Mill comply with the terms of its Special Use Permit, and the Bow Hill Neighborhood Association got involved as well.

The Hearing Examiner found that use of the chipper and the HOG do not constitute sawmill operations.

Under Skagit County Code 14.16.900 the Board of Commissioners has

authority to revoke, suspend, or modify a special use permit upon a finding that a condition of the Special Use Permit has not been satisfied.

Commissioner Dillon made the following comments:

The Mill argues that the chipper, the HOG and other similar machinery are excluded from "Sawmill Operation." But this would mean that the County was required to identify every piece of equipment and operation and specifically include it in the operating hour's condition.

The chipper and the HOG are being used to process wood waste for re-sale for cogeneration, pulp and other uses.

The operation of the chipper, HOG and similar machinery for processing wood, wood waste and wood residue constitutes "Sawmill Operation" as that term was intended and used in the operating hour's condition of the permit.

For these reasons, we think that the Hearing Examiner's decision was clearly erroneous.

Commissioner Dahlstedt stated the following:

We recognize that the Bow Hill Mill employs nearly 30 people and contributes to Skagit County's economy. In these times of economic downturn, that is particularly important to the Board of Commissioners.

We are also taking note of the fact that the Bow Hill Neighborhood Association indicated that their primary concern was about the noise mill machinery produces outside the permitted weekday hours. We appreciate that the Bow Hill Neighborhood Association also said they do not want to see the Mill shut down.

So what we want to do is establish a reasonable schedule for the conduct of work related to the handling of wood waste after 4:30 p.m., in a way that reasonably takes the peace and quiet of the neighborhood into account.

A motion was made by Commissioner Dahlstedt to reverse the Hearing Examiner's decision as being clearly erroneous, and make additional findings of fact to clarify that the Bow Hill Mill's use of the chipper and HOG machinery are operations contemplated by the operating hours condition in Special Use Permit No. 92-006.

He further moved that the Commissioners modify Condition 1 of Special Use Permit No. 92-006 to allow work involved in the production of chips and similar wood products to extend until 6:30 p.m. on weekdays and from 10:00 a.m. to 2:00 p.m. on Saturdays; that we allow cleanup that does not

require the use of any equipment or machinery that produces noise audible more than 100 feet from the mill property to extend until 8:00 p.m. on weekdays; and that we allow equipment and machinery maintenance on Saturday from 8:00 a.m. to 4:00 p.m., with all other conditions remaining unchanged. Commissioner Dillon seconded the motion, which passed unanimously.

D. 9:30 a.m. - 10:30 a.m. Planning & Development Services - Gary Christensen, Director

1. Discussion and Possible Action - Planning Commission Recorded Motion and Board of County Commissioners' Options relating to School Siting and Sewer Connection Requirements within the Bayview Ridge Urban Growth Area (UGA)

Gary Christensen, Director of Planning and Development Services, and Senior Planner Carly Ruacho reviewed the Planning Commission's recorded motion pertaining to the proposed code revisions relating to school siting and sewer connection requirements within the Bayview Ridge Urban Growth Area.

A motion was made by Commissioner Dahlstedt to approve the amendments to Skagit County Code 14.16.215 and Skagit County Code 14.28 as proposed and approved by the Planning Commission. Commissioner Dillon seconded the motion, which passed unanimously.

Ms. Ruacho indicated the Ordinance adopting permanent regulations addressing sewer connection requirements within the Bayview Ridge Subarea will be brought forward on the Consent Agenda for Tuesday, June 3, 2008, at 8:00 a.m.

After some discussion regarding the school siting, Commissioner Dahlstedt made a motion to reopen the public comment period for further public input and consideration to be submitted to the Planning and Development Services Department by June 5, 2008, at 4:30 p.m. Commissioner Dahlstedt further motioned that the Commissioners will meet on June 10, 2008, in the Commissioners' Hearing Room, to render a decision. Commissioner Dillon seconded the motion which passed unanimously.

2. Miscellaneous

Mr. Christensen reported on the Planning and Development Services Department's recent move to the 1700 East College Way facility.

E. 10:30 a.m. - 11:30 a.m. Briefing by the Washington State Department of Transportation Project Decision Team Regarding Their Preliminary Recommendations for Long-Term Improvements to the I-5 Corridor from Conway to Cook Road

Public Works Director Jim Voetberg introduced Tom Stacy, Project Manager and Kerri Woehler, Planning Manager of the Washington State Department of Transportation for the Northwest Region. Ms. Woehler presented the Interstate 5, Conway to Cook Road Interstate Master Plan.

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/05272008>

F. 11:30 a.m. - 11:45 a.m. Public Comment Period

During the public comment period, Kim Mower of 35658 Lyman Hamilton Highway in Sedro-Woolley, spoke on behalf of the Skagit County Agricultural Advisory Board. She presented a letter regarding the agreement reached among Skagit County Drainage and Irrigation Districts #19, #14 and #12 and Skagit County, which allocates specific dollar amounts over the next five years, commencing with the 2008 budget year that has not occurred. She also requested a moratorium on all building within the Bayview Urban Growth Area until the agreement is implemented.

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/05272008>

G. *1:00 p.m. - 2:30 p.m. Meet with Congressman Rick Larsen to discuss Local Transportation Funding Needs for Skagit, Island and San Juan Counties (Skagit Station Conference Room - 105 East Kincaid Street, Mount Vernon)

II. CONSENT AGENDA - TUESDAY, MAY 27, 2008 (33 items):

A motion was made by Commissioner Dahlstedt to approve the Consent Agenda for Tuesday, May 27, 2008, items 1 through 33. Commissioner Dillon seconded the motion, which passed unanimously.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, May 19, 2008. **(Approved)**

b) ADMINISTRATIVE SERVICES:

2. Resolution awarding the bid for 2008-2009 Skagit County legal printing services to Skagit Valley Publishing Company. **(Resolution No. R20080257)**
3. Resolution acknowledging the composition of the current Public Facilities District Board and redefining the position designations and term expiration dates of the Board positions. **(Resolution No. R20080258)**

c) BUDGET & FINANCE:

4. Interlocal Cooperative Agreement, per Resolution No. R20080147, between

Skagit County and Public Hospital District No. 2, Skagit County, DBA Island Hospital, which awards grant funding in the amount of \$200,000 for Economic Development Public Facilities Projects. These monies will be used for Island Hospital's expansion and renovation project. The Agreement shall commence upon the date of execution and shall expire on completion of the project. **(Contract No. C20080351)**

5. Interlocal Cooperative Agreement, per Resolution No. R20080147, between Skagit County and the City of Mount Vernon, which awards grant funding in the amount of \$330,000 for Economic Development Public Facilities Projects. These monies will be for the College Way and Freeway Drive Infrastructure Construction Project. The Agreement shall commence upon the date of execution and shall expire on completion of the project. **(Contract No. C20080352)**

d) CONSERVATION FUTURES:

6. Resolution reappointing the following members to the Conservation Futures Advisory Committee: Carolyn Kelly, whose term will expire on December 31, 2011; and Dave Hedlin, whose term will expire on December 31, 2009; and Keith Wiggers, whose term will expire on December 31, 2012. **(Resolution No. R20080259)**
7. Resolution reappointing the following members to the Forest Advisory Board: Lisa Cassidy, whose term will expire on December 31, 2011; and Al Craney, whose term will expire on December 31, 2011; and Gordon Iverson, whose term will expire on December 31, 2011; and Chuck Parker, whose term will expire on December 31, 2011; and Tim Raschko, whose term will expire on December 31, 2012. **(Resolution No. R20080260)**

e) EMERGENCY MANAGEMENT:

8. Interagency Agreement between Snohomish County to provide law enforcement with enhanced capabilities for detecting, deterring, disrupting and preventing acts of terrorism. This is a subgrant of the Department of Homeland Security agreement number 2007 GE-T7-0017, Law Enforcement Terrorism Prevent Program (LETPP) for federal fiscal year 2007. The Agreement commenced on July 1, 2007, and shall continue until November 30, 2009. Compensation shall not exceed \$93,982. **(Contract No. C20080353)**

f) FACILITY MANAGEMENT:

9. Amendment No. 1 to AIA Contract No. C20070277 between Skagit County and Theisen Architects to provide design, construction bid document preparation and construction administration for the alterations of 1730 Continental Place, Mount Vernon. Compensation is increased by an additional \$25,000 for a new contract amount not to exceed \$672,150. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20080098)**

g) FAIRGROUNDS:

10. Rental Agreement between Skagit County and Puget Sound Jr. Livestock Show & Sale to lease Building G. Events Office, Pavilion, and west parking lots. The Agreement shall commence on June 2, 2008 and continue until June 30, 2018. Compensation shall not exceed \$10,000. **(Contract No. C20080354)**

h) HEALTH DEPARTMENT:

11. Amendment No. 9 to 2007-2011 Consolidated Contract No. C20070142 with the Washington State Department of Health, to amend the Statement of Work for the 5930 Public Health, Beach, Healthy Childcare Washington, Drinking Water Group B, Public Health Emergency Preparedness & Response and WIC Programs. This Amendment adds \$5,139 for continuation of the WIC Farmers Market and Group B Water Programs. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080099)**

i) HUMAN SERVICES:

12. Amendment No. 1 to Personal Services Agreement No. C20070400 with Rehabco Skagit Inc., to increase the fee for service rate to \$405, and the recovered rate per service hour not delivered to \$31.43 for Community Action Services, effective July 1, 2008. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20080100)**
13. Amendment No. 2 to Personal Services Agreement No. C20070478 with Pioneer Human Services to decrease funding in the amount of \$7,000 for a new contract total not to exceed \$1,610,400. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20080101)**
14. Amendment No. 1 to Personal Services Agreement No. C20070409 with Chinook Enterprises which adds \$25,000 to the contract for continuance of Development Disabilities Individual Supported Employment, Group Supported Employment, Person to Person, and Pre-Vocational Services for the period July 1, 2007 through June 30, 2009. This Amendment also adjusts the per hour service rates due to the 1% vendor rate increase for a new contract total not to exceed \$1,225,000. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20080102)**
15. Amendment No. 2 to Program Agreement No. C20070395 with the Department of Social and Health Services - Division of Developmental Disabilities for the 2007-2009 biennium to provide additional funding in the amount of \$37,272 for developmental disability services to clients who have transferred to Skagit County from other counties in the State. The contract period is July 1, 2007 through June 30, 2009. Maximum compensation to the County shall not exceed \$2,083,971. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20080103)**

16. Amendment No. 2 to Personal Services Agreement No. C20070397 with Skagit Preschool and Resource Center (SPARC) which increases the amount of State funds by \$8,000 for services provided prior to June 30, 2008. The maximum amount of the contract increases to \$157,992 for the period July 1, 2007 through June 30, 2009. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080104)**
 17. Amendment No. 1 to Personal Services Agreement No. C20070398 with Rehabco Skagit Inc., effective July 1, 2008, to adjust the per hour services rates due to a 1% vendor rate increase for Person to Person, Individual Supported Employment, Group Supported Employment, and Pre-vocational services. The maximum compensation increases from \$280,000 to \$305,000. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20080105)**
- j) INFORMATION SERVICES:
18. Resolution authorizing a request for proposals for a real time replication and fail over software system. **(Resolution No. R20080261)**
- k) PARKS AND RECREATION:
19. Vendor Services Agreement with Barnett Implement to rent a John Deere tractor and loader to be used at four park locations. The Agreement shall commence on June 3, 2008 and continue until June 2, 2009. Maximum compensation shall not exceed \$17,280. **(Contract No. C20080355)**
- l) RISK MANAGEMENT:
20. Resolution authorizing the ratification of a Personal Services Agreement with PROTHMAN. **(Resolution No. R20080262)**
 21. Personal Services Agreement with PROTHMAN to provide recruitment services as requested by the Human Resources Director. The Agreement commenced on April 30, 2008, and shall continue until December 31, 2008. Compensation shall not exceed \$25,000. **(Contract No. C20080356)**
- m) YOUTH AND FAMILY SERVICES:
22. Resolution authorizing the ratification of a Personal Services Agreement with Diane Dempsey Marr, PhD. **(Resolution No. R20080263)**
 23. Personal Services Agreement with Diane Dempsey Marr, PhD, to provide specialized child, adolescent, adult and family assessment, evaluation and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, and training. The Agreement commenced on April 1, 2008, and shall continue until March 31, 2010. Compensation shall not exceed \$10,000. **(Contract No. C20080357)**
- n) PUBLIC WORKS:

24. Resolution to award a bid for a $\frac{3}{4}$ ton utility truck to Blade Chevrolet in the amount of \$30,589. **(Resolution No. R20080264)**
25. Resolution authorizing the ratification of a Vendor Services Agreement with Clyde West. **(Resolution No. R20080265)**
26. Vendor Services Agreement with Clyde West to remove and replace the transmission of the rubber tired loader at the Transfer Station. The Agreement commenced on February 1, 2008, and shall continue for no more than one year from the date of execution. Compensation shall not exceed \$24,500. **(Contract No. C20080358)**
27. Interlocal Cooperative Agreement with the Town of Lyman to provide materials and equipment rental upon request for roadway maintenance activities on a reimbursable basis. The Agreement shall commence on June 10, 2008, and continue until December 31, 2012. **(Contract No. C20080359)**
28. Interlocal Agreement between Snohomish County and Skagit County to provide authority to utilize Flood Control Assistance Program (FCAA) Grant to complete a Comprehensive Flood/Erosion Hazard Management Plan on the Sauk River. The Agreement shall commence upon the date of execution and continue until March 30, 2009. Through this Agreement, Skagit County shall contribute \$30,000 to the grant match requirement. **(Contract No. C20080360)**
29. Resolution authorizing ratification of a Vendor Services Agreement with Smokey Point Concrete. **(Resolution No. R20080266)**
30. Vendor Services Agreement with Smokey Point Concrete to provide gravel and rock products for road maintenance. The Agreement commenced on April 1, 2008, and shall continue until March 31, 2009. Compensation shall not exceed \$100,000. **(Contract No. C20080361)**
31. Amendment No. 1 to Vendor Services Agreement No. C20070188 with Van's Equipment Co., which increases the maximum compensation not to exceed \$110,000 due to increase of projects with outside equipment rental needs. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20080106)**
32. Resolution authorizing the Public Works Director to apply for grant funding from the Recreation and Conservation Office (RCO), in relation to the "Johnson and Sandy Creeks Restoration Project" and the "Red Creek Easement and Restoration Project." **(Resolution No. R20080267)**
33. Resolution authorizing the Public Works Director to apply for grant funding from the Washington State Recreation and Conservation Office (RCO), in relation to the "Cockreham Island Habitat Restoration Project." **(Resolution No. R20080268)**

III. 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, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:
 - a) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$78,059.97 (Transmittal No. C-61-08); and
 - b) Warrants numbered 273926 through 274420 from Clearing Fund 696 in the total dollar amount of \$2,393,689.22 (Transmittal No. C-62-08); and
 - c) Payroll warrants 226480 through 225689 in the total dollar amount of \$1,183,939.06 (Transmittal No. P-19-08); and
 - d) Payroll transmittal, Junior District Payroll, warrants 979467 through 979285 in the total dollar amount \$251,357.17 (Transmittal No. P-20-08).

IV. ADJOURNMENT:

Chairman Munks adjourned the proceedings.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

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