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01/03/2023 02:23 PM Pages: 1 of 5 Fees: \$207.50
Skagit County Auditor

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Document Title(s) (or transactions contained herein):

Skagit County Board of Health Resolution No. R-20220136

() Additional Reference Numbers on page ____ of document

Grantor(s) (Last name, first name and initials):

1. Skagit County
- 2.
- 3.
- 4.

() Additional names on page ____ of document

Grantee(s) (Last name, first name and initials):

1. Dykstra, Henry
2. Dykstra, Charlotte
- 3.
- 4.

() Additional names on page ____ of document

Legal Description (Abbreviated: i.e. lot, block, plat or quarter, section, township and range):

Portion SW 1/4 SE 1/4 Sec 32, Twp 35 N, Rge 3 E W.M.

() Additional legal(s) on page ____ of document

Assessor's Parcel/Tax I.D. Number:

P-35287

() Tax Parcel Number(s) for additional legal(s) on page ____ of document

**A RESOLUTION OF CONCURRENCE WITH SKAGIT COUNTY HEALTH OFFICER SKAGIT COUNTY
CODE VARIANCE REQUEST DETERMINATION**

WHEREAS, Henry and Charlotte Dykstra (Dykstra) are the reputed owner of Skagit County Tax Parcel No. P35287 (hereinafter, the "**Property**"); and

WHEREAS, Dykstra is proposing a land division of the property which will be served by two individual drinking water well systems; and

WHEREAS, both drinking water systems exceed the Environmental Protection Agency (EPA) standard of 0.010 mg/L arsenic. EPA set the arsenic standard for drinking water at 0.010 mg/L to protect consumers from the effects of long-term arsenic exposure. Arsenic has been linked to several cancers including cancer of the bladder, lungs, skin, kidney, nasal passages, liver, and prostate. Washington Department of Health adopted this drinking water standard for arsenic on January 14, 2004. Drinking water with arsenic exceeding the drinking water standard is a public health threat; and

WHEREAS, Because of the arsenic exceedances, each water system requires a water system status report, and per Skagit County Code (SCC) 12.48.270 (2), water systems with a water system status report shall not be used for the creation of new lots; and

WHEREAS, Dykstra petitioned the Skagit County Health Officer for a variance from SCC 12.48.270(2) in order to proceed with the proposed land division; and

WHEREAS, pursuant to RCW Chapter 70.05 and SCC 12.48.280, the Health Officer reviewed the variance petition. SCC 12.48.280(1) provides that "the Health Officer may upon written petition by the applicant, and upon concurrence of the BOH, waive such rule or regulation or portion thereof; provided, that the waiver is consistent with the intent of these rules and regulations, Chapters 173-160, 246-290 and 246-291 WAC, and that no public health hazard will result." The Health Officer determined that in order to grant the variance, certain variance conditions are necessary to assure that no public health hazard will result; and

WHEREAS, the Health Officer determination, including the variance conditions, are contained in the Attachment A, Request for Variance with Health Officer Decision dated July 12, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Skagit County Board of Health:

1. That the Skagit County Board of Health concur with the Health Officer determination to allow the Dykstra SCC 12.48.270(2) variance with specific conditions a through g, contained in Attachment A and
2. That any costs associated with meeting the variance conditions shall be at the expense of Dykstra and any future property owner.

Resolution Authorizing Concurrence with Health Officer Variance with Conditions - 1

SKAGIT COUNTY
Resolution # R20220136
Page 1 of 4


WITNESS OUR HANDS AND SEAL OF OUR OFFICE this 19th day of July 2022.

**BOARD OF HEALTH
SKAGIT COUNTY, WASHINGTON**





Peter Browning, Chair



Ron Wesen, Commissioner




Lisa Janicki, Commissioner

ATTEST:



Linda Hamman
Clerk of the Board

APPROVED AS TO FORM:



Will Honea, Deputy Prosecuting Attorney
Office of the Skagit County Prosecuting Attorney

pd 450-
4/5/22 CP

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APR 01 2022

SKAGIT COUNTY
HEALTH DEPT.

SKAGIT COUNTY
PDS

Skagit County Public Health

Jennifer Johnson, Director

Howard Leibrand, M.D., Health Officer



Request for Variance from Public Health Code

Skagit County Public Health may grant a variance for a specific regulated facility or site code requirement by modifying or waiving requirements of the relevant code if the applicant can demonstrate to the Health Officer that a health hazard or nuisance will not result. Applicants must complete the following information and submit along with the appropriate fee. The fee for variance application is \$450.00 according to the 2019 Schedule of Charges. Allow up to 30 days for review of this application.

Applicant Name: Henry Dykstra Business Name: Sama
Site Address: 11854 Tew Acres Lane Burlington Parcel # Tew Acres
Applicant Mailing Address: 12542 Green Dr B Parcel 2
City: Burlington, WA 98233 Zip: 98233
Applicant phone number: 360 980-2123 Applicant email: _____

The following information is required for review of the application. Be as detailed as possible. Attach additional pages for full question response as necessary. Provide all documentation necessary to support application including engineering or architectural plans, equipment specifications, site diagrams, etc.

1. Cite specific Code section(s) you are asking variance from:

SIC 12.48.270 (2)
IF a water system status report is filed for a water system, the system shall NOT be used for the creation of new lots.

2. Why you are unable to meet the provisions of the code:

Describe precisely the situation
- 2 existing modular homes on one 10-acre parcel served by well
- wish to separate modular homes to own lots via land division. New well contains elevated arsenic.

3. Explain how potential public health hazards will be alternatively addressed:

Install whole house filtration system
- describe make/model
Fleck 2510A10 2.5 Katalox Light Iron Filter & Fleck 2510SXT 64,000 Gal. Water Softener

Signature of applicant: [Signature] Date: 4/4/22

Application for Variance, Page 1 of 2

SKAGIT COUNTY PUBLIC HEALTH

700 South 2nd Street Room #301 Mount Vernon, WA 98273 (360) 416-1500 Fax (360) 416-1501

enclosed Fee

\$450.00

For Health Department Use only – Page 2 of 2

Application for variance Name, address: Henry Dykstra, 11854 Ten Acre Lane, Burlington, Land division

Variance is granted under the following conditions

Approve the proposal as submitted with the following additional conditions recorded on the plat notes and each new property deed:

- a. Install professionally designed and engineered treatment systems on both the proposed lot 1 and proposed lot 2 wells which are designed to reduce arsenic to the EPA standard of 0.010 mg/L arsenic or below.
- b. Record the drinking water status reports to the proposed lot 1 and lot 2 property deeds. Include the professionally verified as-builts and the system operation and maintenance plans for the approved water treatment systems.
- c. Demonstrate satisfactory post-treatment water samples for both proposed lot 1 and lot 2. The water samples shall be taken by a qualified third party and analyzed by a certified laboratory.
- d. Additional dwelling units or land divisions shall be prohibited until such time as a public water system becomes available.
- e. When public water system becomes available/feasible, both proposed lots shall connect to the public water system and stop using the wells for potable water.
- f. Per SCC 12.48.220 *Rental housing individual water system requirements*, landlords must provide potable water per RCW 59.18. When either of the dwellings are rented, the property owner(s) shall include a written statement in the rental agreement(s) regarding the arsenic exceedance in the well and inform the tenant that the water system treatment must remain properly functioning and maintained to mitigate the arsenic exceedance.
- g. The property owner(s) shall have an on-going maintenance contract with a water treatment professional to maintain the treatment systems. The property owner shall keep records of the on-going system maintenance and ensure annual third-party professional post treatment sampling and analysis for arsenic. The property owner shall submit annual copies of the treatment system maintenance records and test results for arsenic concentrations to Skagit County Public Health. Submit the records for the previous calendar year by February 1 of each year.

Reviewed by Public Health Staff Name/Title:

K. Britt Huff Duntun
Environmental Health Manager

Date:

7/12/2022

Health Officer Signature:

H. Hubbard

Date:

7/12/22

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