

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, February 27, 1984

9:00 a.m. Board of Health:

1. Variance request of James DePree, Jr., to allow commercial use of a sand filter sewage disposal system for the proposed relocated Edison Tavern. (Variance from Resolution #9082).
2. Update on EDB contamination of groundwater in Skagit County

10:45 a.m. Discussion - Superior Court fees - Carol Perusek, Director, Superior Court Services

11:00 a.m. Discussion - Sale of Tax Title Property - Ruth Wylie, Treasurer

MISCELLANEOUS ITEMS

1:30 p.m. Planning Commission Referred Items:

1. Special Use Permit Request #SP-83-034 of Washington Loggers for the development and operation of a gravel pit located approximately 1.5 miles south of Alger between the Friday Creek Road and Interstate 5 (Recommendation for approval 8-0 with attached conditions).
2. Rezone Request #84-001 of Warren Hall to reclassify approximately 1.55 acres from Residential to Multi-Family located approximately two miles west of Burlington at 1463 Ovenell Road (Recommendation for denial 7-0).

MISCELLANEOUS ITEMS

2:00 p.m. Executive Session - Labor Negotiations

The Board of County Commissioners met in regular session on the above noted date. Commissioners Norris, Mansfield and Rohrer were present.

BOARD OF HEALTH

1. Variance request of James DePree, Jr., to allow commercial use of a sand filter sewage disposal system for the proposed relocated Edison Tavern (Variance from Resolution #9082).

Tom Karsh, Environmental Health Specialist III, passed out Staff Reports to those who wanted a copy. He presented to the Board copies of correspondence from people who had expressed an interest.

Mr. Karsh presented the Staff Report to the Board. He stated that this proposal would involve converting an existing commercial building with adjoining mobile home into a tavern with the mobile home being removed. Lou Ankney, licensed designer, had submitted a sewage system design for the project which called for the abandonment of the existing systems and the installation of a sand filter on-site sewage system in the area now occupied by the mobile home and its drainfield.

Mr. Karsh stated that the site and the design had been reviewed by the staff and had been determined to not be in compliance with Skagit County Board of Health Resolution #9082 "Policy of Health Officer Governing the Design, Application, and Operation of Sand Filter Sewage Systems," because of the following reasons:

- a. Sand filters are restricted to single-family residences only.
- b. The proposed site has a high groundwater level.
- c. It was not feasible to construct a curtain drain on the property, as required.
- d. The disposal method proposed was the use of an absorption bed, which is not in compliance with the policy.

Also listed as items of major concerns were the high groundwater tables in the general Edison area, the history of sewage system failures in the Edison area, and the risk of using a long-term on-site sewage system for any food establishment.

Based on the above concerns, Mr. Karsh stated that the staff recommended denial of the variance request.

Chairman Norris invited public input on the matter.

Lou Ankney, 400 Sapp Road, Sedro Woolley, pointed out that the DePrees were not proposing a new tavern, but simply a relocation of an existing tavern. He stated that they use less than 300 gallons of water per day and serve mostly take-out food. He said a curtain drain would be detrimental, and feels that the proposed sewage system is an improvement over the previous sewage system the tavern used.

Carol Quinsey, 1208 Gilmore, Edison, was against the variance, pointing out that there is already a great deal of standing water throughout Edison during many months of the year. She was concerned about property values decreasing because of additional standing water.

Mary Hatrick, 653 Ershig Road, Bow, was for the variance, stating that the Edison Tavern was the only decent tavern a woman could go to. She felt that the old location of the tavern was a disgrace to the community, and the new location would be a much needed improvement.

Glenn Plambeck, 566 Smith Avenue, Edison, was for the variance, because the Edison Tavern was one of the few businesses left in the Edison community.

John Redifer, 579 Main Street, Edison, questioned the timing of this issue. He asked why the County was protesting the issue now, when the owner has been planning the move for six months or more. He pointed out that the DePrees have invested a tremendous amount of money in the relocation.

Tom Karsh stated that the variance application was turned in approximately two weeks ago. John Thayer of the Health Department stated three or four months ago the DePrees were informed that they would have to take care of the sewage problem.

Leona Keene, 584 Farm To Market Road, Edison, asked if the drainfield of the proposed new location would drain into the storm sewers. She complained of an odor from sewers.

Tom Karsh said it would not drain into the storm sewers.

Jim DePree, Box 1, Edison, owner of the Edison Tavern, stated that the Edison Tavern had been there for 50 years. He stated that the landlord who made him move might very well open another tavern there.

David Hall, 585 Farm To Market Road, Edison, spoke against the variance as a concerned resident.

Kathryn Hall, 585 Farm To Market Road, Edison, presented a list of signatures of people who were against the variance but were unable to attend the meeting.

Roxanne DePree, Box 1, Edison, owner of the Edison Tavern, stated that they have been trying to follow the codes. She claimed that people are against the variance simply because it is proposed for a tavern, not because of any drainage problems.

Commissioner Mansfield stated that he felt the public was straying from the concern that was being addressed by the Board of Health. He noted that he intends to make a decision strictly on the sewage system.

Doris Robbins, 583 Ewing Court, Edison, stated that she was not against the DePrees or their tavern, but was concerned about the groundwater problem becoming worse.

Lou Ankney stated that the intention of the proposed variance was to remove a trailer, which would use more water than a tavern, from the property, and open a tavern on the site. He stated that if allowed, this sewage system would be the best sewage system in the Edison area. He asked what better place to learn about these systems than where it can't get any worse?

John Redifer stated that the reason there is an odor in the Edison area is because it is farm country.

Al Skinnel, former owner of the Edison Tavern, pointed out that the new location is going to be real close to the slough, so sewage won't drain into the storm sewers, it will drain into the slough.

John Blau, 892 Halloran Road, Bow, was present representing the oyster growers in Samish Bay. He said they were positive toward the variance request, because they felt the new location would be much better than the old location for the environment. They would like some guarantee that the old building would not reopen.

Leona Keene said she lives next to the sump, and she knows where the odor is coming from. The odor she is talking about is not coming from the farmland.

Commissioner Rohrer pointed out that there needs to be more testing and experimenting with the type of sewage system that Lou Ankney is proposing for the tavern's use.

Commissioner Mansfield agreed, adding that the decision to be made was not a political decision. He said he didn't feel it was his place to overrule the Health Department's decision on this matter.

Chairman Norris agreed, and added that in this instance the Health Department was the department with the experts on the matter. He said he had confidence in the Health Department's expertise.

Commissioner Mansfield motioned to follow the recommendations of the Permit Center and the Health Department to deny the variance request. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

2. Update on EDB contamination of groundwater in Skagit County

Ken Willis, Environmental Health Specialist II, stated that they were surprised to find EDB contamination in the well. He stated that the Environmental Protection Agency (EPA) has done a physical survey to determine where the groundwater is moving. He has mapped the hydrology of the area, and the next step is to take follow-up samples. Simultaneously, the State Department of Agriculture has been gathering information about where EDB has been applied.

Chairman Norris asked if the Department of Agriculture has an accurate system of determining where it has been applied. Mr. Willis said it is required by law that records be kept for three years on the selling and application of EDB. He showed the Board a map he has prepared of where EDB has been applied according to information (legal descriptions) he received over the telephone. His map was color-coded according to the year of application. Fortunately, most of the EDB application sites are within public water service areas. The only public water system located near an EDB contamination site is the Cedar Grove development, and this is being looked into.

Mr. Willis pointed out that we are not dealing with an immediate health injury. The hazard is from drinking contaminated water for a prolonged period of time.

Chairman Norris asked if there was a forecast on how much EDB will be used in the future. Mr. Willis said EDB has been used for various pesticidal uses since 1947 or 1948. It has been injected into the soil as a fumigant for one use. As of September no EDB could be sold. EDB that was already purchased, however, could be used. He added that EDB appears to be used more extensively recently than in the past. Not much information is known on how long the EDB remains effective.

Chairman Norris said he had a phone call that there was going to be increased usage of EDB with regard to root diseases. Mr. Willis speculated that there will be even more stringent action taken on the use of EDB, as a result of the recent groundwater contamination.

With regard to additional questions from the Board, Mr. Willis stated that he didn't know if the Department of Ecology was doing any testing at this time. The EPA does not have near the funds necessary for adequate sampling. Sampling is very expensive because the machinery is expensive. The machinery is able to detect very low levels of EDB.

Chairman Norris asked if it would be appropriate to request the EPA to take additional action on the EDB contamination. Mr. Willis thought that would be very appropriate, and said he would draft a letter for the Board's approval.

Commissioner Rohrer said he had heard from someone on the Nellie Road off of Highway 20 in Birdsvew regarding a dump site bleaching onto her property. Mr. Willis was aware of this problem.

Chairman Norris thanked Mr. Willis for his report, and asked him to keep the Board informed.

Commissioner Mansfield motioned to close the Board of Health meeting. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Miscellaneous

Glenyce Waldschmidt, of 1105 Waldschmidt Acres, Burlington, presented the following letter to the Board:

Gentlemen:

We are very displeased with the improper way the Permit Center handled the permit etc., for Ed Hawkins, 1102 Markwood Road, Burlington.

Mr. Hawkins owns his own logging business and was granted a permit to build a one story building 46 x 60 x 24 feet high in the residential area with a 3-foot rear and side setback.

The Permit Center was very inconsistent with the specifications.

- #1. After the permit was issued, the center was informed there was a private road at the rear of the Hawkins property that is the frontage and only access for the four families served by this road that has been in existence over 20 years.
- #2. The Permit Center advised that Hawkins failed to mention a road and also include an easement (access only) in with his square footage. Therefore, he would be notified he would have to have a 25-foot setback.
- #3. Mr. Hawkins complained that was the rear of his property and there was not really a road as it was private. Therefore the Permit Center again reversed their decision and gave him back a 3 foot setback.
- #4. Mr. Otto Walberg said they usually consider a one story building to be 12 to 14 feet high and said the drawing submitted looked like a 3 bay shop.

- #5. When the center was questioned about the use of this building in the residential area, several restrictions were mentioned, but when asked for a copy, there was nothing available.
- #6. The Board of Appeals granted the building to be constructed with a 25-foot rear setback even though a petition signed by almost the entire neighborhood opposing it was presented.
- #7. The Board of Appeals totally disregarded the concern for truck traffic and logging equipment on the Markwood Road. This is almost a breach of contract to the landowners that gave a gift deed to the County for the Goldenrod Road that was built to eliminate the truck traffic.

Several realtors have agreed that the Waldschmidt house has been devalued by \$20,000 because of the close proximity of only 13 feet with no room for a greenbelt.

We urge you to go out to the Waldschmidt Road and the Markwood Road and observe this "Pandora's Barn." Please note the actual size (64 x 46) and height of 28 feet and the second floor balcony with a walled in room above. Does this constitute a one story storage shed?

The zoning laws are to protect the people and the fault lies on the Permit Center and their Board for allowing such a monstrosity in a nice residential area.

Please give this violation your attention. Thank you.

Sincerely,

Glenyce Waldschmidt
1105 Waldschmidt Acres
Burlington, WA 98233
757-6424

Chairman Norris informed Mrs. Waldschmidt that the only appeal following a Board of Adjustment action would be Superior Court. He agreed that the building sounded higher than a residential area would allow.

Mrs. Krepps of 1646 Andis Road, Burlington, was also present to discuss the matter. She said she would have sold her house before this all began if she new a building of this size would be allowed.

Chairman Norris told Mrs. Waldschmidt and Mrs. Krepps that he would talk to the various people involved with the permit process to find out if the matter was handled properly.

Discussion - Superior Court fees - Carol Perusek, Director, Superior Court Services

Carol Perusek, Director of Court Services, stated that Superior Court makes its own local rules. The last set of revisions they were able to reproduce and distribute

quite economically. However, a new set is now ready and costs have increased. She needs to distribute about 400 sets. She is requesting that the Board of County Commissioners allow Superior Court to charge a \$5 fee for these local rules.

The Board agreed with Ms Perusek. The resolution to set this fee will appear as an agenda item next week for approval.

Discussion - Sale of Tax Title Property - Ruth Wylie, Treasurer

Ruth Wylie, County Treasurer, stated that there are six pieces of property that did not sell at the last foreclosure sale. She is requesting the Board draw up a resolution allowing the Treasurer to sell these pieces at a public auction. The Board said a resolution would be drawn up to that effect and placed on the agenda for approval.

MISCELLANEOUS ITEMS

Tom Oakes, of the Public Works Department, asked for approval of an out-of-town travel request for Sharon Vance to travel to Emmitsburg, Maryland, for a FEMA training session during the week of April 16 through April 20, 1984. The Board gave approval.

Diane Baker presented the following items to the Board:

- a. Chairman Norris motioned to approve the Record of the Proceedings for Tuesday, February 21, 1984. Commissioner Mansfield seconded the motion. The motion was carried unanimously.
- b. Chairman Norris motioned to approve the Record of the Proceedings for Wednesday, February 22, 1984. Commissioner Mansfield seconded the motion. The motion was carried unanimously.
- c. Diane Baker presented a letter from the Economic Development Association of Skagit County requesting the formation of a Skagit County Corporation to administer Industrial Revenue Bonds. The Board felt that this should be placed on the agenda and asked that it be placed as an agenda item for next week.

PLANNING COMMISSION REFERRED ITEMS

1. Special Use Permit Request #SP-83-034 of Washington Loggers for the development and operation of a gravel pit located approximately 1.5 miles south of Alger between the Friday Creek Road and Interstate 5 (Recommendation for approval 8-0 with attached conditions).

Steve Wood, of the Permit Center, presented the Staff Report and Recorded Motion of the Planning Commission regarding the Washington Loggers request for Special Use Permit. He stated that the Washington Loggers would be granted the request subject to identifying definite hours of operation, and subject to the permit being reviewed every five years by the Planning Commission and the Board of County Commissioners. Mr. Wood stated that all conditions have been met, and the hours of operation will be seven days per week from 6:00 a.m. to 8:00 p.m., subject to modification in five years.

Commissioner Mansfield motioned to approve the Special Use Permit request of Washington Loggers for the development and operation of a gravel pit. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

2. Rezone Request #84-001 of Warren Hall to reclassify approximately 1.55 acres from Residential to Multi-Family located approximately two miles west of Burlington at 1463 Ovenell Road (Recommendation for denial 7-0).

Otto Walberg, of the Planning Department, presented to the Board a photo of the property in question. He presented the Staff Report and Recorded Motion of the Planning Commission, noting that the Planning Commission recommended denial based on the following factors:

- a. Adverse impact on adjacent agricultural lands.
- b. Adjacent zoning not compatible.
- c. No change of circumstances since the adoption of the Skagit County Zoning Map on October 25, 1983.

Warren Hall of 1463 Ovenell Road, Mount Vernon, was present. He stated that he wished to subdivide the parcel into three lots. The two new lots being created would be used for building two duplexes. He explained that they planned to build the duplexes in a colonial style that would fit in with the farm houses in the area.

Chairman Norris stated that he was hesitant to overturn the Planning Commission's decision of denial for the rezone request. He suggested that Mr. Hall apply for a Special Use Permit.

Bob Schofield of the Planning Department stated that they would want a guarantee that no more than two duplexes would be built on the property.

Commissioner Mansfield said he preferred to see duplexes spread out, such as this proposal was suggesting, rather than grouped together.

Commissioner Mansfield motioned to deny the rezone request of Warren Hall without prejudice, adding that no additional expense would be incurred by Mr. Hall should he decide to apply for a Special Use Permit. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Miscellaneous

Otto Walberg, of the Planning Department, presented the Board with the following:

- a. The Board approved for signature only a Resolution Approving Rezone Request #R-83-004 of George Dewey and Edward Watson to Reclassify 4.23 Acres from Residential Reserve to Commercial/Limited Industrial (KBRC). (Resolution #9975)
- b. The Board approved for signature only a Resolution Approving an Amended Development Schedule for Wilderness Village Planned Unit Development. (Resolution #9976)

- c. The Board approved for signature a letter to Ida Mae Wolfe (Clam Shacks of America) informing her that the County was not interested at this time in leasing the tide-lands she requested.

Steve Wood, of the Permit Center, presented the Board with the Resolution Approving Washington Loggers Special Use Permit #SP-83-034 for signature only. (Resolution #9977)

Bob Schofield, Director of the Planning Department, initiated discussion of the new Short Plat Ordinance. Discussion followed regarding raising the minimum lot size of a parcel to be short platted up to 40 acres in order to close a loop hole. Another revision to the Short Plat Ordinance would regard water systems. If the parcels are not on P.U.D. water, the owner would have to either build or bond the water system to serve the lots.

Chairman Norris asked about the road requirements for short plats. Mr. Schofield said paved roads in a short plat are required if the amount of traffic warrants it.

Mr. Schofield added that an anti-piggybacking requirement would eliminate 100 acres being short platted into five 20-acre parcels, with each of those being sold and short platted into four 5-acre parcels each.

ADJOURNMENT

Commissioner Mansfield motioned to adjourn the proceedings. Chairman Norris seconded the motion. The motion was carried unanimously.


BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Bud Norris, Chairman




Jerry Mansfield, Commissioner



Dave Rohrer, Commissioner





JERRY MCINURFF, SKAGIT COUNTY AUDITOR
and Ex-Officio Clerk of the Board of
County Commissioners