

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, July 16, 1984

9:00 a.m. Board of Health:

1. Public Hearing - Revised Skagit County On Site Sewage Code.
2. Discussion - Update on Septage Handling Practices.

MISCELLANEOUS ITEMS

11:00 a.m. Consideration of Appeal of Denial of Special Use Permit Request #SP-83-019 for the Damnation Creek Hydroelectric Project.

1:30 p.m. Discussion and Consideration of Adoption of Revised Jail Rates - Sheriff John Boynton and Cities.

2:30 p.m. Parks, Recreation and Senior Services - Jon Aarstad, Director:

1. Discussion - Multi-Use Facility Equipment.
2. Contract for Signature - City of Anacortes, Volunteer Park Improvement Project.
3. Contract for Professional Services - Signature.
4. Miscellaneous items.

The Skagit County Board of Commissioners met in regular session on Monday, July 16, 1984, with Commissioners Norris, Mansfield, and Rohrer present.

BOARD OF HEALTH:

1. Public Hearing - Revised Skagit County On Site Sewage Code.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board of Commissioners, read the Notice of Public Hearing as published in the Skagit Valley Herald on June 29, and July 6, 1984.

Tom Karsh, Environmental Health Specialist III, stated that the major change to the Skagit County On Site Sewage Code involved the installation and design of systems by the property owner. He stated that after the site has been examined by a properly licensed person, the property owner or licensed installer can design and install a conventional system. The property owner can also install an alternate system which is designed by a designer, provided that the designer certifies that the system was installed and inspected properly.

In answer to a question from Randy Duggan, Mr. Karsh stated that a mound system is an alternate system.

Shorty Oldfield asked how the County could prevent a neighbor from working on a property owner's system. Mr. Karsh stated that the intent of the wording was to prevent unlicensed, unbonded people with backhoes from acting as installers.

Mr. Karsh pointed out various typographical and technical errors which were corrected. He pointed out that "downslope" has now been defined as a five percent or greater slope with regard to property line setback. He also stated that all requests for reduced separation will be handled by variance.

Chairman Norris expressed a concern regarding the situation where a neighbor had a well on the property line and the adjacent property owner placed a septic system five feet from the same property line. Mr. Karsh stated that the applicant has to inform the County when a well is within 200 feet. No new system can be placed within 100 feet from an existing well.

Shorty Oldfield stated he objects to runoff from neighboring properties emptying into a system. Mr. Karsh stated that there are provisions to handle this problem adequately.

Mr. Karsh pointed out that State approved alternate systems will be allowed to be used for proposed subdivisions down to a one-acre lot size. Chairman Norris pointed out that this provision is more lenient than before.

Don Van Etten asked if the one-acre minimum lot size for subdivisions was final. Chairman Norris stated that this matter has not been finally discussed.

Mr. Karsh pointed out the Health Unit's method of reviewing residential building permits for septic systems.

Robbie Robinson asked about removing a cloud on a title once the repair to a failed system was brought up to standard. He presented a suggested document to the Board with regard to removing the cloud. The Board reviewed the document and approved of something similar. Mr. Karsh stated that the document to be recorded regarding a failed system has not yet been written.

Louis Regua, of Skagit Surveyors, asked about the provision for using three feet of soil with two feet of separation on parcels of five acres or more. Mr. Karsh responded that this provision was intended to be in the revised code, although he could not locate it at that time. Mr. Regua requested that this item be included.

Mike Mitchell, of Northwest Septic, stated that he needed more time to review the code because he had only recently received it. He reviewed the changes and objections which he had noticed. He objected to the method of determining area.

Lou Ankney, of Lou Ankney Septic Service, stated that meeting County and State codes should constitute ultimate approval. Commissioner Mansfield stated that we can only be responsible for enforcing County codes.

Mike Mitchell also objected to the requirement of a 1000-gallon septic tank. Discussion followed regarding the minimum additional expense, if any, of a 1000-gallon tank compared to a 900-gallon tank.

Mike Mitchell objected to the method of calculating sewage flow. He suggested that only problem areas be required to meet such stringent regulations. Discussion followed, with the consensus being that overdesign would not hurt a resident as much as underdesign.

In answer to a question from Don Van Etten, Mr. Karsh stated that the intent of the code was not to regulate recreational vehicles.

Louis Regua asked if some allowance could be made in the case of a 100-foot well protection zone if railroad or State highway easement wasn't possible. Chairman Norris pointed out that the variance procedure was available.

Alice Oosterhof questioned the one-acre minimum lot size for parcels with P.U.D. water. Chairman Norris pointed out once again that the one-acre minimum is more lenient than before. Discussion followed regarding how the one-acre minimum lot size was chosen. Mr. Karsh stated that this was arbitrarily chosen as a safe size from a public health standpoint.

Chairman Norris stated that the County is trying to prevent problems which might arise with smaller lots.

John Piazza and Don Van Etten thought parcels with P.U.D. water should be allowed a smaller lot size. Lou Ankney and Louis Regua seemed pleased that the County was considering a minimum one-acre lot size.

Jim Hayes expressed a concern regarding the recording of a document for a sub-standard system. He asked why the Health Department couldn't handle this instead of involving the title companies. Mr. Karsh explained that this will inform the buyers and banks that a sub-standard system exists.

Robbie Robinson stated that many banks and lending institutions are starting to require well and septic system certifications.

Lou Ankney was opposed to attaching a document to the title.

Chuck Smyth, of Smyth & Associates, asked that the code be adopted as soon as possible, as he has several clients waiting until the adoption.

Commissioner Mansfield motioned to close the public hearing, and schedule the Skagit County On Site Sewage Code for consideration and possible adoption on Monday, July 23, 1984, at 9:00 a.m. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

2. Discussion - Update on Septage Handling Practices.

John Thayer, of the Health Department, updated the Board on the few changes which had taken place with regard to septage handling practices. Burlington and Sedro Woolley are proceeding with studies by Pool Engineering, but questioned who will pay for treatment plant upgrading, should the engineering study so indicate. Commissioner Norris said that could be negotiated at such time as it became necessary.

Mr. Thayer reported that Sewer District #2 (Big Lake) is having U.R.S. Company do a feasibility study on receiving and treating septage.

The Board thanked Mr. Thayer for his report.

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

CONSIDERATION OF APPEAL OF DENIAL OF SPECIAL USE PERMIT REQUEST #SP-83-019 FOR THE DAMNATION CREEK HYDROELECTRIC PROJECT.

Steve Wood, of the Permit Center, reported that the Hearing Examiner denied the Special Use Permit request, the applicant appealed to the Hearing Examiner and was denied once more, so is now appealing to the Board of Commissioners. He reported that the Hearing Examiner denied the request on the basis that the project fell within the scope of the Skagit County Shoreline Master Program, and was therefore prohibited.

Bill Devine, of W.L.D. Glacier Energy Co., P.O. Box 68, Maple Falls, Washington 98266, requested that the Board hold a public hearing to review the facts. He presented a map of the project to the Board and described the project. Mr. Devine stated that the diversion site is in Whatcom County, which is outside of Skagit County's jurisdiction. He explained that approximately three acres would be disturbed, with very little timber being removed. Mr. Devine stated that in 1978, Congress passed a law to encourage renewable resources all over the country.

Chairman Norris asked how this project would affect the ratepayer. Mr. Devine responded that the plant would produce energy at a far cheaper rate than nuclear or coal.

Chairman Norris stated that the Northwest Power Bill locked Puget Power into purchasing expensive power. Mr. Devine stated that Seattle City Light is interested in purchasing this power.

Phil Serka, Attorney, of 805 Dupont Street, Bellingham, Washington, stated that there was nothing in the hearing before the Hearing Examiner which should have caused him to deny the request. He stated that this project is on federal lands, so it is uncertain whether a permit with Skagit County is even necessary. He stated that the National Park

Service has determined that the hydroelectric project will not be incompatible with the purpose and program of the Ross Lake National Recreation Area. As there is no fish in this part of Damnation Creek, the Department of Fisheries has no objection. Mr. Serka stated that Mr. Devine has approval from every agency except Skagit County. He stated that there was no evidence to support a denial by the Hearing Examiner.

Mr. Devine explained that the plant would probably shut down in late September. He stated that an average of five cubic feet per second would always be left in the creek during operation of the plant. He explained to the Board the application procedure through the various agencies.

In answer to a question from Chairman Norris, Mr. Serka explained why the Shorelines Management Act, Master Program and Comprehensive Plan could not be used against the project.

Willard Pernel, 1392 Chuckanut Drive, supported the project as one of the best in the State.

Bill Snelson, of Sedro Woolley, stated that bureaucracy appears to be getting in the way of a project which would provide cheaper power and would be clean for Skagit County. He stated that the cost of the project is approximately \$7.5 million.

Mr. Devine stated that he presented this project to the County in 1981, and it was received favorably.

Commissioner Mansfield motioned to schedule a public hearing on Monday, August 6, 1984, at 10:00 a.m., to hear this proposal. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Commissioners Norris and Rohrer were present for the following items. Commissioner Mansfield was absent.

DISCUSSION AND CONSIDERATION OF ADOPTION OF REVISED JAIL RATES - SHERIFF JOHN BOYNTON AND CITIES.

Mike Woodmansee, Budget and Finance Director, explained the calculation of actual jail operation costs, based on the contracts with Mount Vernon and Anacortes. He stated that the actual cost presently is \$94 per day per prisoner. Mr. Woodmansee explained that because the jail is new and not operating near capacity, the County proposed to use a jail occupancy rate of 75 percent capacity or 62 prisoners per day (rather than 39 percent occupancy) until the actual prisoner per day calculation reaches 75 percent occupancy. He stated that once the 75 percent occupancy is reached, the actual prisoner per day figure will be used. Thus the fee to be paid by cities from July 1 through September 30, 1984 (at which time it will be reviewed) is \$49 per prisoner day.

John Boynton, Sheriff, pointed out that this discussion is with regard to the quarter of July 1 through September 30, 1984.

Ron John, of Sedro Woolley Police Department, asked for a definition of "other services and charges." Mr. Woodmansee explained that this included electricity, water, sewer, professional services such as medical, etc. Trina Hoekstra, Chief Accountant, explained that these costs are actual costs incurred by the County.

Mount Vernon Police Chief Ron Tarry thanked the Board for their consideration in reducing the cost.

Sedro Woolley Mayor Don Walley asked why the cities weren't informed of the increased costs sooner. He asked how the population in the jail will grow. Chairman Norris stated that prisoners were being deferred to other areas because of the limitations on our old jail. He stated that the cost per prisoner is also a shock to Skagit County.

Sheriff Boynton stated that the Determinate Sentencing Act, which became effective July 1, will keep prisoners here rather than sending them to a State penitentiary.

Discussion followed regarding possible alternatives available. Mr. John suggested the State Patrol pay for their prisoners. Chairman Norris stated that every attempt possible is made to collect money owed.

Undersheriff Gary Frazier pointed out that the greater the jail population, the less cost per inmate.

Sheriff Boynton also explained that the Work Release Program to begin soon will add to the jail population.

Mr. Woodmansee explained "unfunded costs," which will be amortized over a ten-year period.

Len Smith, Mount Vernon City Attorney, stated that they have contracted with Skagit County, so they will pay.

The Board thanked all those present for attending the discussion.

PARKS, RECREATION AND SENIOR SERVICES - Jon Aarstad, Director:

1. Discussion - Multi-Use Facility Equipment.

The Board approved of returning County money allocated for basketball equipment for the multi-use facility to Skagit Valley College to allow them to purchase the equipment. The Board requested that the interlocal agreement be modified to reflect this. Gary Knutzen, of Skagit Valley College, was present for the discussion.

2. Contract for Signature - City of Anacortes, Volunteer Park Improvement Project.

The Board approved for signature the Cooperative Agreement for purchase of drainpipe for the improvement of Volunteer Park in Anacortes.

3. Contract for Professional Services - Signature.

The Board approved for signature the Contract for Professional Services between Skagit County Parks, Recreation and Senior Services Department and Clara Bowe, 816 5th Street, Anacortes, Washington 98221, for services consisting of meal delivery for congregate meals in the Anacortes area. This contract is effective from July 6, 1984, until December 31, 1984, and Ms. Bowe will be compensated at the rate of \$3.75 per hour and 18.5¢ per mile.

4. Miscellaneous items.

Jon Aarstad, Director, presented the following items:

- a. A salmon barbeque is scheduled for August 22, 1984, from 10:00 a.m. until 2:00 p.m. in conjunction with Whatcom County for discussing the needs of parks and recreation.
- b. A work session is scheduled for July 18, 1984, from 3:00 to 5:30 p.m. to work on the comprehensive plan and capital projects for 1985.
- c. The State has approved the plans for the Swinomish Channel access ramp onto Highway 20.
- d. The Board requested that Mr. Aarstad check into the possibility of developing the jogging path between Burlington and Sedro Woolley.

MISCELLANEOUS ITEMS

Robert Taylor, Commissioners' Assistant, presented the following items:

1. The Board requested that Mr. Taylor schedule on the agenda a resolution declaring the County's intent to implement a tax deferral program for retirement contributions.
2. The Board reviewed the following Petitions for Property Tax Refund:
 - a. William A. Harris, 70 Willow Lane, Mount Vernon, Washington 98273, in the amount of \$66.02, because the property was purchased by the City of Mount Vernon on April 3, 1984. (Petition #844969)

- b. Paul R. Stevens, 336 North Baker, Mount Vernon, Washington 98273, in the amount of \$78.75, because of senior citizen exemption. (Petition #845074)
- c. R. M. Vanasse, 116 Highland, Mount Vernon, Washington 98273, in the amount of \$500.29, because of senior citizen exemption. (Petition #845075)
- d. Carl W. Abenroth, 1065 Collins Road, Sedro Woolley, Washington 98284, in the amount of \$65.83, because of senior citizen exemption. (Petition #5088)
- e. Vertis Langley, 320 Butler Creek Road, Sedro Woolley, Washington 98284, in the amount of \$148.96, because of senior citizen exemption. (Petition #845098)

Commissioner Rohrer motioned to approve the above listed Petitions for Property Tax Refund, as recommended by the Assessor and Treasurer. Chairman Norris seconded the motion. The motion was carried and so ordered.

3. The Board reviewed the following Taxpayer's Claims for Reduction of Assessments on Destroyed Real or Personal Property:
 - a. Marguerite E. Whalen, 419 Rietz Road, Concrete, Washington 98237, in the amount of \$2,560.00, because of fire and landslide. (#593)
 - b. Kenneth D. Miller, 336 Butler Creek Road, Sedro Woolley, Washington 98284, in the amount of \$20,670.00, because of fire. (#594)
 - c. Vera B. Padgett, 1187 Kiwanis Road, Republic, Washington, 99166, in the amount of \$2,670.00, because house was torn down. (#592)

Commissioner Rohrer motioned to approve the above listed Taxpayer's Claims, as recommended by the Assessor. Chairman Norris seconded the motion. The motion was carried and so ordered.

4. The Board approved for signature a letter to Frank Petch, Regional Audit Manager of the State Examiner's Office, requesting preliminary audit assistance for the preparation of the 1984 Schedule of Grant Activity.
5. Commissioner Rohrer motioned to adopt the resolution reappointing John Cheney, 1504 Broad, Mount Vernon, Washington 98273, to the Uniform Building Code Board of Appeals. Chairman Norris seconded the motion. The motion was carried and so ordered. (Resolution #10126)
6. The Board approved for signature a Memorandum of Understanding between the State of Washington Department of Agriculture and Skagit County concerning the Noxious Weed Control Program.

7. Commissioner Rohrer motioned to approve Warrants #35167 through #35209 in the amount of \$24,043.23. Chairman Norris seconded the motion. The motion was carried and so ordered. (R-27)

ADJOURNMENT

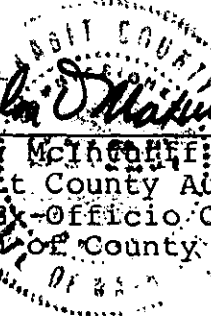

Commissioner Rohrer motioned to adjourn the proceedings. Chairman Norris seconded the motion. The motion was carried and so ordered.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

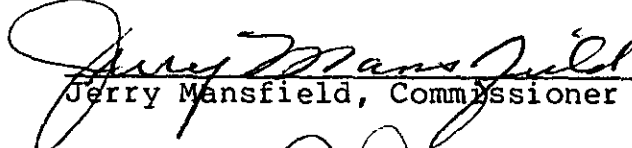
ATTEST:




Bud Norris, Chairman

Jerry McInteeff
Skagit County Auditor
and Ex-Officio Clerk of the
Board of County Commissioners



Jerry Mansfield, Commissioner



Dave Rohrer, Commissioner