

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, January 14, 1985

Flag Salute

9:00 a.m. Board of Health:

1. Variance Request of David Carabba to Allow a Reduced Setback Between a Proposed Sand Filter Sewage Disposal System and Lake Chiquita on Lot #28, Division 1 of the Plat of Rancho San Juan Del Mar.
2. Update on EDB (Ethylene Dibromide) Contamination of Groundwater.

10:00 a.m. Discussion - Skagit County Keg Ordinance.

- 10:30 a.m.
1. Resolution - Designation of Depository Banks - Ruth Wylie, County Treasurer.
 2. Resolution - Cancellation of Uncollectable Personal Property Taxes - Ruth Wylie, County Treasurer.
 3. Miscellaneous Items.

11:00 a.m. Consideration of Request of Fire Protection District #12 to Declare One Fire Commissioner Position Vacant.

11:30 a.m. Discussion - Road Jurisdiction Study - Gene Sampley, Director of Public Works Department.

1:30 p.m. Consideration of Remand of Special Use Request #SP-84-002 of the Skagit County Development Corporation.

The Skagit County Board of Commissioners met in regular session on Monday, January 14, 1985, with Commissioners Vaux, Walberg and Rohrer present.

BOARD OF HEALTH:

1. Variance Request of David Carabba to Allow a Reduced Setback Between a Proposed Sand Filter Sewage Disposal System and Lake Chiquita on Lot #28, Division 1 of the Plat of Rancho San Juan Del Mar.

Tom Karsh, Environmental Health Specialist III, noted that Lou Ankney, certified sewage system designer, was present representing David Carabba, the applicant. Mr. Karsh explained that they propose to maintain a 75-foot setback from Lake Chiquita, while also treating the water via a sand filter system prior to injection into the ground. He noted that most of the existing houses along the lake use systems which are much nearer the lake than the proposed system, with no adverse impacts.

Commissioner Rohrer motioned to approve the variance request of David Carabba, allowing a 75-foot setback between the disposal system and Lake Chiquita on Lot #28, Division 1 of the Plat of Rancho San Juan Del Mar.

Commissioner Walberg seconded the motion. The motion was carried unanimously.

2. Update on EDB (Ethylene Dibromide) Contamination of Groundwater.

Ken Willis, Environmental Health Specialist II, informed the Board of past action with regard to EDB contamination of groundwater from pesticides in Skagit County. He stated that a meeting was held in Birdsvew in December with County Health Department and State Department of Social and Health Services officials available to answer questions from the community.

Mr. Willis outlined the Health Department's present plan to survey and map the contaminated areas in order to obtain hydrogeological evidence to continue testing. He emphasized that there is no immediate health hazard, as the health hazard is due to chronic, long-term use of the contaminated groundwater.

Mr. Willis informed the Board that members of the community present at the Birdsvew meeting wanted the Board to know that there may be further requests for reduction of property taxes due to the contamination.

Vincent Scott, pointed out that there are many properties which haven't yet been tested; however, he thanked Ken Willis for his dedicated work on the matter.

Mr. Willis explained that the Department of Social and Health Services won't perform additional samples without hydrogeological evidence to show an indication of EDB in groundwater.

Bill Ruhl, who owns the field probably responsible for some of the well contamination, was concerned about tax relief for his property. He was advised by the Board to pursue the matter with the Assessor's Office.

DISCUSSION - SKAGIT COUNTY KEG ORDINANCE.

Dottie Thayer, President of the Skagit County Task Force on Substance Abuse Prevention, introduced representatives from area cities and towns which have already adopted the proposed beer keg ordinance. She explained that the intent of the ordinance is to ensure that minors are not receiving the kegs.

Sheriff Boynton was present and indicated that his department is very strongly supporting the proposed ordinance, as the major problem lies in the county rather than in the cities.

Mary Lam, Mayor of La Conner, stated that La Conner's Town Council passed a beer keg resolution.

Commissioner Rohrer motioned to schedule a public hearing on Tuesday, February 19, 1985, at 3:00 p.m. to discuss the possibility of a Skagit County beer keg ordinance. Commissioner Walberg seconded the motion. The motion was carried unanimously.

1. DESIGNATION OF DEPOSITORY BANKS - RUTH WYLIE, COUNTY TREASURER.

Commissioner Rohrer motioned to approve the Designation of Depository Banks for public funds, as certified by Ruth Wylie, County Treasurer. Commissioner Walberg seconded the motion. The motion was carried unanimously.

2. RESOLUTION - CANCELLATION OF UNCOLLECTABLE PERSONAL PROPERTY TAXES - RUTH WYLIE, COUNTY TREASURER.

Commissioner Rohrer motioned to adopt the resolution for the cancellation of uncollectable personal property taxes in the amount of \$14,227.90, as submitted by Ruth Wylie, County Treasurer. Commissioner Walberg seconded the motion. The motion was carried unanimously. (Resolution #10343)

3. MISCELLANEOUS ITEMS

The following miscellaneous items were addressed:

- a. Betsy Dwire, of the Planning Department, explained the Washington Parks & Recreation Commission's plan to reclassify approximately 308 acres of Rockport State Park from Recreation Area to Natural Forest Area. Although it was understood that this is a management change within the State Park system, the Board suggested that she check with Jon Aarstad, Director of Skagit County's Parks, Recreation and Senior Services Department to see if he has any objections.
- b. Mike Woodmansee, Budget & Finance Director, informed the Board that State Law requires that an annual inventory be taken and certified by the Board of County Commissioners by the first Monday in March. He stated that a survey of four nearby counties showed that every county used a different minimum dollar amount for the items they listed on their inventory. He suggested that the Board consider establishing a \$100 minimum value for practical purposes on inventory items listed.

Chairman Vaux stated that he was personally in favor of counting everything, even though it would be a difficult task.

Commissioner Rohrer stated that he tended to agree with Chairman Vaux.

In response to a question from Chairman Vaux, Mike Woodmansee stated that he will check with several large corporations in the county regarding their inventory methods.

The Board will continue discussion of this matter next week before making a final decision.

- c. The Board reviewed the following Taxpayer's Claims for Reduction of Assessments on Destroyed Real or Personal Property:

(1) George Weller, 484 G Loop Road, Bow, Washington 98232, in the amount of \$800 for tax year 1985, because a sauna was stolen and a deck was destroyed. (#614)

(2) Melvin Bouslog, et al, 612 Galbreath Road, Burlington, Washington 98233, in the amount of \$4,030 for tax year 1985, because buildings were bulldozed down. (#615)

Commissioner Rohrer motioned to approve the above listed Taxpayer's Claims, as recommended by the Assessor. Commissioner Walberg seconded the motion. The motion was carried unanimously.

- d. In accordance with action previously taken, the Board approved for signature a resolution approving a waiver request by David Carabba to reduce the separation requirements between the edge of a subsurface soil absorption system and surface water on Lot 28, Rancho San Juan Del Mar Division 1. (Resolution #10342)
- e. The Board approved for signature a Contract for Professional Services between the Skagit County Parks, Recreation and Senior Services Department and Allen Dohve, 308 State Street, Sedro Woolley, Washington 98284, for services consisting of meal delivery for congregate meals in Anacortes. This contract is effective January 1, through December 31, 1985, and compensation will be at the rate of \$3.85 per hour and \$0.185 per mile.
- f. The Board approved for signature a Contract for Professional Services between the Skagit County Parks, Recreation and Senior Services Department and Lucinda Loyd, 1209 South Walnut, Burlington, Washington 98233, for services consisting of teaching and substituting rhythm fitness exercise classes. The contract is effective January 3, through December 31, 1985, and compensation will be at the rate of \$20 per class taught.
- g. The Board approved for Chairman Vaux's signature a contract for the senior health screening project and a signatory sheet authorizing the Board's signature for Northwest Regional Council.
- h. Commissioner Rohrer motioned to approve Warrants #7552 through #7727 in the amount of \$94,985.25. Commissioner Walberg seconded the motion. The motion was carried unanimously. (C-64)

- i. As Jon Aarstad, Director of the Parks, Recreation and Senior Services Department, had no objection to the Washington Parks & Recreation Commission's reclassification of a portion of Rockport State Park as discussed earlier, the Board approved for signature a letter to the Commission informing them of this.

CONSIDERATION OF REQUEST OF FIRE PROTECTION DISTRICT #12 TO DECLARE ONE FIRE COMMISSIONER POSITION VACANT.

E. C. Schumacher, Secretary of Fire Protection District #12, informed the Board that Susan Jensen, one of their commissioners, moved out of the area several months ago. They requested that the Board declare the position vacant so another commissioner could be appointed.

Fire Protection District #12 Commissioners Dale Jenkins and Bill Bessner were also present for the discussion.

Commissioner Rohrer motioned to declare one commissioner's position vacant in Fire Protection District #12. Commissioner Walberg seconded the motion. The motion was carried unanimously.

Fire Protection District #12 Commissioners Dale Jenkins and Bill Bessner will choose a new commissioner to fill the vacancy.

DISCUSSION - ROAD JURISDICTION STUDY - Gene Sampley, Director, Public Works Department:

Gene Sampley discussed the results of the Department's road jurisdiction review, presenting a memo recommending that the following roads be turned back to Skagit County from the State highway system:

1. SR 237 (Farm-to-Market) from SR 20 to SR 11 (9.07 miles)
2. SR 530 (Conway-Stanwood) from SR 5 to the county line (3.37 miles)
3. SR 534 (Conway-McMurray) from SR 5 to SR 9 (5.08 miles)

He informed the Board that the roads were on video tape for viewing at their convenience. The State is recommending that the County accept these roads, and acceptance would be subject to adequate funding for maintenance.

The Board approved of the acceptance of the above listed roads subject to adequate funding for maintenance.

CONSIDERATION OF REMAND OF SPECIAL USE REQUEST #SP-84-002 OF THE SKAGIT COUNTY DEVELOPMENT CORPORATION.

Steve Wood, of the Permit Center, presented a site plan and aerial photo of the site. He read the staff findings and explained that the special

use request was to allow the extraction of gravel and rock for commercial sale. He stated that the Planning Commission recommended denial, and on July 17, 1984, the Board of Commissioners upheld the Planning Commission's recommendation.

John Moffat, Assistant Prosecuting Attorney, explained that Snohomish County Superior Court remanded the matter back to the Board of Commissioners because there appeared to be an appearance of fairness conflict when Commissioner Rohrer made a comment prior to voting at the July 17, 1984, meeting.

Commissioner Walberg had been involved with the preparation of staff findings, etc., prior to his taking office as County Commissioner. In answer to questions from John Moffat, the applicants, Margaret Maxwell and Bill Thrasher of Skagit County Development Corporation (SCDC), stated they had no objections to Commissioners Rohrer and Walberg participating in the decision to be made today.

Margaret Maxwell asked that a letter from their attorney be entered into the record, and she presented it to the Board. She disagreed with several items previously mentioned in the recorded motion made by the Planning Commission from their June 11, 1984, public hearing. She stated that SCDC pays taxes which are used for maintenance of roads. Regarding the concern for wells, she stated that there is no evidence that wells would be disturbed by the activity. She also noted that the increased potential for soil erosion was addressed during the SEPA process and found to be non-significant; and the approved drainage plan would mitigate any soil erosion. Regarding warning signs around the perimeter of the property, she claimed the signs are being stolen as fast as they can replace them. Mrs. Maxwell stated that there were no findings of fact to support the Planning Commission's recommendation of denial, as the findings of fact appear to have been written after the motion was made. She questioned the possibility of a quorum at the Planning Commission's public hearing because different members were absent at the three meetings held on the matter. In conclusion, Mrs. Maxwell requested that the Board of County Commissioners hold their own public hearing.

Steve Nissley, of Soil Conservation Service (SCS), pointed out that individuals from his office did visit the site and found the potential for soil erosion to be present. He presented a map of the area to further explain.

John Moffat pointed out that this meeting is to decide whether the Board should hold their own public meeting.

Natalie Hunskor, 1449 W. Gunderson Road, Mount Vernon, was concerned about the quality of their neighborhood, and against another public hearing.

Esther Engstrom, 1472 Gunderson Road, and Geneva Nilson, 1461A W. Gunderson Road, were also against the Board conducting their own public hearing.

Vivian Vaughan, 1597 W. Gunderson Road, stated that the truck traffic is very noisy and development of the SCDC property causes drainage problems on her property.

Arlemay Freeman, 1522 Gunderson Road, was also opposed to another public hearing, and she stated they will continue to fight against this as long as it takes.

Marilee Johnson, 1407 Gunderson Road, felt the increased traffic was a hazard.

Bill Thrumer, of SCDC, stated that he, too, was anxious to see the matter come to a conclusion, but felt another public hearing would be the best way to address the facts. He pointed out the employment aspect of SCDC.

Mrs. Maxwell noted her concern that the Planning Commission was possibly also in contact with the opposition prior to voting.

John Moffat stated that the above comment should not be a factor to be considered.

Commissioner Walberg motioned to uphold the Planning Commission's recommendation of denial, because he felt there was no new information which could be considered at a public hearing.

Chairman Vaux stated that he felt access from the property appeared to be the major problem.

Mrs. Maxwell stated that the County has recommended and then denied each access solution proposed.

Vivian Vaughan suggested that they use a south access across their own property.

Mrs. Maxwell asked what is the problem with the commercial sale of existing material?

Commissioner Rohrer seconded the motion made by Commissioner Walberg to deny the request. The motion was carried unanimously.

MISCELLANEOUS ITEMS

The following miscellaneous items were addressed:

1. Commissioner Walberg motioned to approve the Record of the Proceedings for Tuesday, January 8, 1985. Commissioner Rohrer seconded the motion. The motion was carried unanimously.
2. Commissioner Rohrer motioned to approve Warrants #58001 through #58039 in the amount of \$7,440.00. Commissioner Walberg seconded the motion. The motion was carried unanimously. (P/R-1)

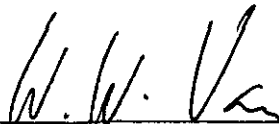
3. Commissioner Walberg motioned to elect Commissioner Rohrer to the Northwest Air Pollution Authority Advisory Board, with Chairman Vaux serving as alternate. Chairman Vaux seconded the motion. The motion was carried unanimously.

ADJOURNMENT

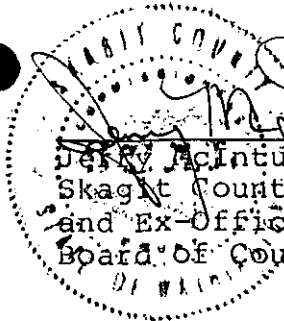
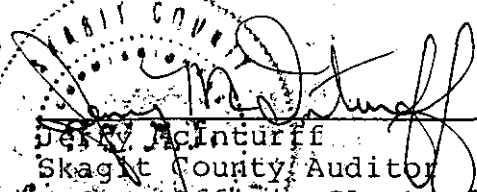
Commissioner Rohrer motioned to adjourn the proceedings. Commissioner Walberg seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

ATTEST:




W. W. Vaux, Chairman

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



Otto M. Walberg, Jr., Commissioner



Dave Rohrer, Commissioner