

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, February 23, 1988

Flag Salute

- 9:00 a.m. Public Hearing - Proposed Amendments to Dangerous Dog Ordinance.
- 10:00 a.m. Discussion - County-Wide Transit (Location: Hearing Rooms B and C, Skagit County Administration Building).
- 1:30 p.m. Consideration of Appeal of Hearing Examiner Decision on the Harry Worley Shoreline Permit Request.

MISCELLANEOUS ITEMS

- 3:00 p.m. Continuation of Public Hearing - Preliminary Plat of Sunrise Ridge.

MISCELLANEOUS ITEMS

The Skagit County Board of Commissioners met in regular session on Tuesday, January 23, 1988, with Commissioners Vaux, Walberg and Rohrer present.

PUBLIC HEARING - PROPOSED AMENDMENTS TO DANGEROUS DOG ORDINANCE.

Chairman Vaux waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on February 9, 1988.

John Moffat, Chief Civil Deputy Prosecuting Attorney, explained the proposed amendments to the dangerous dog ordinance as follows:

1. S.C.C. 7.06.030. Adds new subsections (2) through (6), and renumbers old subsections (2), (3) and (4) as (7), (8) and (9);
2. S.C.C. 7.06.040. Amends "complete" in last line of subsection (1) to "completed"; and
3. S.C.C. 7.06.040. Adds, at the end of subsection (2), additional language relating to appeals.

Mr. Moffat explained the main amendment was with regard to declaring dangerous dogs and setting forth appeals procedures for the animal owner. Other amendments were housekeeping matters and correction of gramatical errors.

District Court Judge Gene Anderson noted the statute provided a hearing procedure for potentially dangerous dogs, but no hearing procedure was provided for dangerous dogs. He approved of the proposed amendments.

Judge Anderson also noted the following concerns:

1. The potentially dangerous dog is not required to be leashed. The owner of a potentially dangerous dog is only required to pay a \$250 registration fee. Those dog owners with money can comply and let their dogs run loose, but those owners without, must forfeit their dogs.
2. The ordinance does not address the dog who goes on someone else's private property and menaces them. He noted the cities have been using leash law ordinances to address the problem of how to control dogs.
3. There is a provision in the law for the judge to impose additional restrictions on the dog. However, there is no penalty provision for failure to comply with additional restrictions imposed by the judge.
4. The County's penalty for the owner of a dangerous dog who allows the the dog outside of the enclosure is a civil penalty of \$250 for each violation. However, under state law, it's a gross misdemeanor punishable by a \$5,000 fine and a year in jail.

Chairman Vaux thanked Judge Anderson for presenting the above listed concerns.

Sandy Nelson, Shelter Manager of the Humane Society of Skagit Valley, agreed there needs to be provision in the law for enclosure of potentially dangerous dogs.

George Folger, a retired veterinarian from La Conner, informed the Board of an incident last summer where his nine year old grandson was bitten by a trained guard dog on the street. Mr. Folger explained that the dog is now considered a potentially dangerous dog and is restrained on the owner's property by a chain.

Ms. Nelson explained the confusing circumstances surrounding that incident, which led to the declaration of the dog as potentially dangerous.

Mr. Moffat again briefly summarized the proposed amendments before the Board at this time.

Barbara Lee, of Pleasant Ridge, stated the public needs to be educated. She and her dog were attacked by a neighbor's dog. She also felt dogs should be kept under control to protect wildlife. Ms. Lee supported a leash law.

Tom Dinan, of Mount Vernon, stated he was threatened by a dog on his own property. In response to a question from Chairman Vaux, Mr. Dinan stated he had not yet filed a complaint with the Humane Society regarding this incident.

Chairman Vaux encouraged Ms. Lee and Mr. Dinan to report these incidents to

the Humane Society so the matters could be investigated.

As there were no additional public comments, Commissioner Rohrer motioned to close the public hearing. Commissioner Walberg seconded the motion. The motion was carried unanimously.

Commissioner Walberg motioned to adopt the ordinance amending Sections 7.06.030 and 7.06.040 of the Skagit County Code relating to dangerous dogs, as proposed. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Ordinance #11502)

Chairman Vaux explained that when additional changes are proposed to the dangerous dog law, another public hearing will be held to accept comments.

Ms. Nelson noted that the Folger's complaint will be retried as a dangerous dog.

DISCUSSION - COUNTY-WIDE TRANSIT.

Jim Slakey, Manager of the Office of Public Transportation, with the Washington State Department of Transportation (D.O.T.), explained the purpose of this meeting. Informational packets were provided for those present. Mr. Slakey presented a historical summary of the development of public transportation in Washington.

Mr. Slakey explained the various types of transit systems:

1. Metropolitan municipal corporation;
2. City system;
3. County transportation authority;
4. Public transportation benefit area (P.T.B.A.); and
5. Unincorporated transportation benefit area.

Mr. Slakey explained the various methods of funding a public transit system, including the following: fares, federal grants, local taxes, motor vehicle excise tax and other (advertising, charter, freight and interest income). He noted the sales tax option is most popular. Additionally, residents of Washington pay a motor vehicle excise tax, which goes into the State General Fund. A portion of this tax may be available on a dollar for dollar match with the locally generated public transportation taxes.

Mr. Slakey explained that specialized transportation services (for the elderly, handicapped, etc.) have increased dramatically in recent years. However, a stable funding base for specialized transportation does not exist,

as most of the funding comes from the federal government, Department of Social and Health Services, etc.

Mr. Slakey outlined the process to be used in the formation of a public transportation benefit area, beginning with the County Commissioners' call for a Public Transportation Improvement Conference (P.T.I.C.)

Discussion followed regarding a feasibility study to be conducted by either the Department of Transportation or the community to determine if public transportation was of benefit to Skagit County.

Mr. Slakey concluded that there must be a wide basis of support for public transportation to be effective.

Norma Dillon asked how this area would receive back tax dollars.

Mr. Slakey explained the area would have to designate a project and levy a tax.

Robert Green asked which systems in the state are breaking even.

Mr. Slakey responded that all of the transit systems in the state receive a subsidy.

Mr. Green felt a public transit system should be operated privately.

Mr. Slakey noted most people wouldn't pay the \$2, \$3 or \$4 per ride it would cost a private company to operate.

Mr. Green noted the citizens are paying for the transit through taxes.

Dero Forslund felt a transit system should be established for those who need the system. He advocated the use of vans, rather than large buses, to service the areas in need.

Mr. Slakey explained the citizens of Skagit County would determine the type of system to establish.

Chairman Vaux asked if the establishment of a public transit system would determine a minimum level of service to be reached.

Mr. Slakey explained the comprehensive plan developed by the citizens would determine the level of service needed. One possibility would be the addition of vans to the existing Skagit Council on Aging system of transportation.

Dale Miller, of Samish Island, questioned a possible household tax.

Mr. Slakey explained with such a tax, each homeowner would receive a bill for up to \$1 per month.

Chris Metzger, of Concrete, asked where the motor vehicle excise tax goes at the present time.

Mr. Slakey explained for communities without a public transit system, the motor vehicle excise tax goes into the State General Fund.

Leif Burkland, stated that before he came to this meeting, he had heard how unsuccessful public transit systems are; however, now he is hearing a different story.

Mr. Slakey noted the newest public transit system in the state is in Island County. He stated he does not consider public transit a failure.

Bob Green stated it is a proven fact that a private company can operate any venture cheaper than government can.

Mr. Slakey explained that the public (government) transit systems have expenses that private systems don't.

John Clark stated he served on the Mount Vernon City Council from 1978 to 1985. In 1979 he served on the Mass Transit Committee for Skagit County. This committee spent one entire year forming a complete comprehensive plan, and the voters turned the proposed system down.

Mr. Slakey noted he has a copy of that comprehensive plan.

Harry Roller, of Mount Vernon, felt the existing comprehensive plan would not necessarily have to be used for any proposed system.

Mr. Slakey noted the existing plan could be improved.

Mr. Clark explained in 1979, the committee proposed buses be leased for one year.

Mr. Roller calculated that a 3/10 of one percent sales tax would generate approximately \$1,800,000, which when added to a \$1,800,000 match, would equal \$3,600,000 in funding. Mr. Roller also noted the number of jobs which would be created by the transit system.

Dale Miller, of Samish Island, feared the small communities, such as Samish Island and Concrete, might be left out.

Mr. Slakey explained that was why the County Commissioners are involved in the formation of the system. They would be interested in the communities in their districts.

Barbara Edwards, representing the Insight Group for the visually impaired, asked if small buses could travel to outlying areas, while larger buses could

provide service as needed. She noted that Bremerton has a successful transit system.

Mr. Green asked what advantage private operators would have over public operators.

Mr. Slakey noted that private operators could offer lower wages and less benefits for their employees, for one thing.

Mr. Green offered to obtain information from Phoenix, Arizona, regarding their successful private transit systems.

John Lee, of Burlington, asked who would pay for the cost of forming the benefit area until the matter was approved by a vote of the people.

Mr. Slakey explained the comprehensive plan is really the only cost up to that point. Traditionally, the Department of Transportation has assisted with that cost. Until the tax is levied, no real expenses are incurred, with the exception of certain incidental costs, such as the cost of a public hearing.

Clee Richardson, of Anacortes, noted that San Juan County is very interested in connecting transportation with their ferries.

Dan Snow, Executive Director of the Island Transit System, noted Camano Island is currently trying to be included in Island Transit. He emphasized the need for good information dissemination to the voters. He explained Camano Island citizens were offered the opportunity to participate prior to the formation of the system, but they were confused at the time of election. Mr. Snow also commended Mr. Slakey and his staff for their competence and helpfulness.

Chairman Vaux thanked everyone for attending this discussion. He noted they will be forming an ad hoc committee to further investigate the matter. Chairman Vaux invited anyone interested in serving on the committee to call the Commissioners' Office.

CONSIDERATION OF APPEAL OF HEARING EXAMINER DECISION ON THE HARRY WORLEY SHORELINE PERMIT REQUEST.

Betsy Stevenson, Assistant Director of the Department of Planning and Community Development, informed the Board that Richard and Margaret Dunnington had withdrawn their appeal of the Hearing Examiner's decision on the Harry Worley Shoreline Permit Request.

MISCELLANEOUS ITEMS

1. A brief discussion was held regarding an Application for Resale of Tax Title Property. An application had been received from Olive and Lanny

Routon, who had agreed to bid a minimum of \$250 for an abandoned railroad right-of-way known as Parcel #073604-4-011-0006 and located in Section 7, Township 36 North, Range 4 East, W.M.

Commissioner Rohrer motioned to set the minimum bid at \$1,000. Commissioner Walberg seconded the motion. The motion was carried with votes from Commissioners Rohrer and Walberg. Chairman Vaux voted against the motion.

2. Jay Ensley, Director of the Public Works Department, was present for the award of bid for the purchase of five four-door sedans.

Following discussion, Commissioner Walberg motioned to adopt the resolution awarding the bid to Blade Chevrolet, Inc., for the purchase of five new 1988 Chevrolet Cavalier four-door sedans for the total bid price of \$44,095.42. Commissioner Rohrer seconded the motion. The motion was carried unanimously. (Resolution #11503)

3. Following discussion regarding the bid opening for one new truck with a 15-cubic yard vacuum/flushing tank installed, John Moffat, Chief Civil Deputy of the Prosecutor's Office, was consulted. As advised by Mr. Moffat, the following additional bid was read into the record:

Utility Equipment, Inc.
P.O. Box 24387
Seattle, WA 98124

Bid deposit enclosed.

Truck: 1988 International F-2574
Tank: Camel Super 200M
Total Out-of-Pocket Cost to Skagit County: \$134,167.71

The above listed bid was withdrawn by a letter from Motor Trucks, Inc., prior to the bid opening on February 22, 1988. Since only the bidder may withdraw a bid prior to the bid opening, this action was unauthorized.

The Public Works Department will review all bids received, and make a recommendation for award of bid at a later date.

CONTINUATION OF PUBLIC HEARING - PRELIMINARY PLAT OF SUNRISE RIDGE.

Grace Roeder, Associate Planner, entered into the record the entire file, the preliminary plat as submitted, a copy of the storm system design, and an Assessor's map. She entered staff findings #1 through #10 into the record. Ms. Roeder explained the property in question is zoned Residential and the South Central District Comprehensive Plan designates the area as Residential as well. The proposed subdivision would consist of nine lots ranging in size

from approximately 17,000 square feet to one acre. The Department of Planning and Community Development staff recommended approval of the proposed subdivision with the following conditions:

1. All standard notes and signature blocks shall be on the face of the final plat.
2. The preliminary plat shall be valid for a period of three years from date of approval by the Hearing Examiner.
3. The applicant, his engineer and road contractor shall meet with the Department of Public Works for a pre-construction meeting prior to completion of the road.
4. The road shall be built or bonded prior to final plat approval.
5. A 50-foot buffer of natural vegetation shall be maintained on the southeast side (adjacent to Swan Road) of Lots #9 and #10. This buffer may be maintained by keeping the understory reduced and by selective logging to manage the timber resource. No buildings or other structures shall be erected within this buffer area. This buffer shall be shown on the final plat with an appropriate note explaining the restrictions applying to Lots #9 and #10.

Don Semrau, surveyor and engineer for the applicants, explained the lot sizes ranged from 17,300 square feet to over one acre, exclusive of road right-of-way. This proposal has received approval from all of the necessary County departments.

Keith Bridge, 1942 Swan Drive, submitted and read aloud a letter dated January 29, 1988, from Larry West, Associate Geologist from the firm of Sweet-Edwards/EMCON, Inc. Mr. West expressed concern for ground water contamination in high density areas using the septic tank/drainfield system.

Mr. Bridge also read aloud R.C.W. 36.70.450, Planning agency--Relating projects to comprehensive plan.

Mike Sloan, 1976 Swan Road, read a letter dated December 1987, which he wrote to Bob Schofield, Hearing Examiner, with regard to density, drainage and septic systems. He also stated he had obtained a certified letter from the Department of Planning and Community Development (specifically from the Hearing Examiner), signed by Grace Roeder, which contained the Hearing Examiner's decision to approve the preliminary plat proposed to consist of two one-acre lots and seven 17,000-square foot lots.

Clark Moore, 1989 Swan Road, expressed concern regarding drainage runoff which he felt needed to be understood.

Mr. Semrau referenced the drainage report dated September 23, 1987. He also noted the following lot sizes:

Lot #8	29,200 square feet
Lot #9	43,600 square feet
Lot #10	26,000 square feet
Lot #11	17,000 square feet
Lot #12	29,000 square feet
Lot #13	49,900 square feet
Lot #14	50,000 square feet
Lot #15	30,000 square feet
Lot #16	21,900 square feet

Regarding the proximity of the neighboring wells to any proposed lots, Mr. Semrau noted the proposed lots were at least 900 feet from any existing well. Mr. Semrau felt Mr. West's letter was very generalized and not specific to this particular site.

Dick Moore, 1987 Swan Road, questioned the flow of water under West Sherman Lane, under Swan Road and onto private property.

Mr. Semrau noted they have not changed any existing drainage patterns.

Commissioner Rohrer felt existing drainage problems with regard to County roads were the County's problem, and not the responsibility of the applicant.

Gloria Moore, 1987 Swan Road, felt the Board should consider the people who will be living in the area and the problems which will come from too many residences with on-site septic systems.

As there were no further comments, Commissioner Walberg motioned to close the public hearing. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

Commissioner Rohrer stated he felt the plat would have to be approved, but he favored the placement of a condition requiring the septic systems to be tested periodically, or the installation of a curtain drain.

Discussion followed regarding the 50-foot buffer recommended on the southeast side of Lots #9 and #10 (adjacent to Swan Road).

Commissioner Walberg suggested limiting access to Lots #9 and #10 to Sherman Lane.

Chairman Vaux expressed a concern with the water problem in the northeast corner also.

Commissioner Walberg pointed out that the Hearing Examiner's Condition #5 would have required the applicant to submit written evidence of compliance

with the requirements of the drainage plan to the Skagit County Department of Planning and Community Development prior to approval of the final plat.

Chairman Vaux felt the biggest problem was the threat of ground water contamination to Lots #8, #9, #10 and #11.

Dick Goodmanson, of Northwest Septic, stated all lots will have 100 percent replacement area available for septic systems.

Commissioner Walberg motioned to approve the Preliminary Plat of Sunrise Ridge, with the following conditions:

1. The applicant or his assigns shall comply with all requirements pertaining to Preliminary Plats contained in Chapter 14.12 of the Skagit County Code.
2. The approval of this preliminary plat shall be effective three years unless extended by the Hearing Examiner. After a one-year extension, the Hearing Examiner can require additional or altered conditions and requirements.
3. A 50-foot buffer of natural vegetation shall be maintained on the southeast side (adjacent to Swan Road) of Lots #9 and #10. This buffer may be maintained by keeping the understory reduced and by selective logging to manage the timber resource. No buildings or other structures shall be erected within this buffer area. This buffer shall be shown on the final plat with an appropriate note explaining the restrictions applying to Lots #9 and #10.
4. The applicant, the applicant's engineer, and the applicant's road contractor shall meet with the appropriate representatives of the Skagit County Public Works Department prior to the construction of the road for a pre-construction meeting. The road shall be built and approved by the Public Works Department, or bonded prior to the approval of the final plat.
5. The applicant shall submit written evidence of compliance with the requirements of the drainage plan to the Skagit County Department of Planning and Community Development before approval of the final plat.
6. Ingress and egress access shall be limited to Sherman Lane for Lots #9 and #10.
7. Lots #8, #9, #10 and #11 shall have a septic system inspection annually by a certified licensed designer, to assure of their proper function.

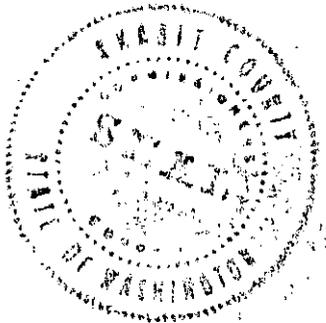
Commissioner Rohrer seconded the motion to approve the Preliminary Plat of Sunrise Ridge, subject to the above listed conditions. The motion was carried unanimously.

Commissioner Rohrer agreed to contact the Public Works Department regarding the culvert and ditches at the intersection of Swan Road and West Sherman Lane.

ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux, Chairman

Otto M. Walberg, Jr.
Otto M. Walberg, Jr., Commissioner

Dave Rohrer
Dave Rohrer, Commissioner

ATTEST:

Megan Cheney
Megan Cheney, Clerk
Skagit County Board of Commissioners