

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, August 29, 1989 .

- 9:00 a.m. Adkinson/Lake Appeal of Hearing Examiner's Decision Regarding Shoreline Substantial Use Development/Variance Permit #24-88 and Special Use Permit for the Expansion of Existing Campground of Leisure Time Resorts.
- 10:00 a.m. 1) Public Hearing - Sewer District #3 Inactivity.
MISCELLANEOUS ITEMS.
- 10:30 a.m. Discussion - Skagit County "911".
- 1:30 p.m. MISCELLANEOUS ITEMS.
- 2:00 p.m. Dorothy L. Tenderholt Appeal of Hearing Examiner's Decision Regarding Special Use Permit #SP-89-014.

The Skagit County Board of Commissioners met in regular session on Tuesday, August 29, 1989, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

ADKINSON/LAKE APPEAL OF HEARING EXAMINER'S DECISION REGARDING SHORELINE SUBSTANTIAL USE DEVELOPMENT/VARIANCE PERMIT #24-88 AND SPECIAL USE PERMIT FOR THE EXPANSION OF EXISTING CAMPGROUND OF LEISURE TIME RESORTS.

Chairman Rohrer announced that David Day, attorney for the appellants, had contacted the Board by telephone to advise of the withdrawal of their appeal, with no further action requested. A written confirmation is pending.

PUBLIC HEARING - SEWER DISTRICT #3 INACTIVITY.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on August 8, 15 and 22, 1989.

Jerry McInturff, Skagit County Auditor, related that RCW 36.96.020 requires the County Auditor to research the records of his county and notify the Board of Commissioners if any special district appears to be inactive. He stated that he has researched the records of Sewer District #3 and has found that the district retains a 0 cash balance and has never performed any sewer district functions, having no financial or clerical records during the preceding five years.

John Moffat, Skagit County Chief Civil Deputy, stated that the statutes define a special purpose district as inactive if it meets either of the following criteria:

- 1) If the district has not carried out any of the special purposes for which it was formed during the preceding five year period; or
- 2) If no members of the governing body have been elected or appointed within the previous seven year period.

Mr. Moffat stated that according to RCW 36.96.020, the County Auditor must notify the County legislative authority of these inactivites, and a public hearing must be held to determine whether the district satisfies either of the stated criteria, and additionally, if it is within the public interest to dissolve the district. If either is true, Mr. Moffat stated the Board is then bound to sign an ordinance dissolving the district.

Glen Strebe, 1428 Gibraltar Road, Anacortes, a Sewer District #3 Commissioner, presented a petition containing signatures from 56 citizens who state they wish to keep Sewer District #3 in their area. Mr. Strebe asserted that Sewer District #3 has been active, holding numerous meetings, although he admitted that sometimes he was the only commissioner present. He stated that upon the death of a commissioner two years ago, Jim Merritt was appointed to the Board.

Commissioner Vaux then requested that Tom Karsh, Environmental Health Specialist, review the study performed by R.W. Beck. Mr. Karsh stated that Skagit County contracted with R.W. Beck to compile a waste water facility plan for Sewer District #3. The scope of the plan was later reduced to include only the shoreline area. Mr. Karsh stated that during the past few months, all concerned with the study, including the Department of Ecology, realized that it would not be cost effective to build a waste water facility, so approximately one month ago, the contract with R.W. Beck was allowed to expire. Mr. Karsh stated that changes in the laws governing sewer repairs are expected to occur at the State Department of Health meeting on September 13, and will allow the County to require repairs to individual septic systems. He stated that the County is no longer involved in any study in Sewer District #3.

Answering further questions, Mr. Karsh stated that the grant received for the study was to the County from the State of Washington; that Sewer District #3 was not involved financially. He stated that Sewer District #3 was contacted in 1985 at the start of the study to obtain their concurrence. Mr. Karsh stated that the reason the study was instigated was that the County felt there would be legislation requiring improvements to the Sewer District, and that the 1976 sewer plan for the community should be updated prior to that time. Mr. Karsh stated that the results of the study showed that it would cost at least \$13,000 per residence to build a new sewer treatment facility, and the County determined that the less expensive route would be to implement individual repair. Mr. Karsh stated that there are failing systems within Sewer District #3.

Clee Richardson, 427 Gibraltar Road, Anacortes, stated that, in addition to never having served the purpose for which it was formed, Sewer District #3 acts as an impediment to the upgrading of the sewer system in the district. He stated that it was created in 1974 to solve a specific problem, and was revived four years ago to help with an update to the sewer system in western Skagit County. Mr. Richardson discussed the quality of the soil in that area, which, he stated, has a negative impact on proper sewage disposal. He recommended the dissolving of the district.

Conrad Korp, 486B Salmon Beach Road, and Max Stern, 432 3rd, Anacortes, asked questions regarding the dissolution. Mr. McInturff answered that the district has a 0 cash balance, has never levied any fees for operation of the district,

has never paid any bills, and has never formulated a plan for the sewer district. He stated that neither the district or the County has received any state funds for the district, and that the County has never taxed the district for any sewer fees, as only the sewer district board can do this to pay for their operations.

Mr. McInturff addressed more questions from Mr. Strebe, stating that the last activity he has on record for the district was in the late 70's, and that he has recommended a public hearing be held on the inactivity for three consecutive years. He stated he has corresponded with the district frequently regarding this. Mr. Strebe said he had not received any information from the County prior to this. Mr. McInturff stated that the district currently owes Skagit County \$1,600 for the election, and that they have been repeatedly notified of their outstanding balance.

Commissioner Vaux pointed out that two positions will be open on the Sewer District #3 Board this year; that of Mr. Merritt and Mr. Dennis Caron.

Jim Merritt, 392 Yokeko Drive, Anacortes, stated that although the citizens voted in the sewer district commissioners, they have repeatedly voted down any sewer assessments, demonstrating their lack of interest in a sewer district. He stated that the district has served no purpose other than to block improvements to the sewer system, and he would recommend its dissolution. He discussed the differences in interests between beach property owners and upland property owners.

Mr. McInturff and Emmett Owen, 1151 Deception Road, Anacortes, noted the following levy activities of Sewer District #3: 1) November 4, 1975: Operation and Maintenance levy attempted and failed. 2) 1976: Maintenance levy and sewer revenue bond attempted and failed.

Mr. Strebe, Mr. Korp and Tom Litzinger of Yokeko Point made further points regarding the failure of the levies. Mr. Richardson and Mr. Karsh clarified that whether there is a sewer district or not, the Planning Department will be involved in sewer system enforcement.

June Martin of Dewey Beach made a statement regarding the community's fear of developers pushing the other property owners into construction of a sewage treatment facility.

Seeing no further public comment, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion, which passed unanimously. Commissioner Vaux then stated he felt it would be short-sighted to disband Sewer District #3 in view of possible future development, and motioned to allow Sewer District #3 to continue to exist. He did, however, caution the district to clear up their bill with Skagit County for conducting their election. Commissioner Wylie seconded the motion, warning the district to set goals for themselves and take their duties more seriously. The motion passed unanimously.

MISCELLANEOUS ITEMS.

There were no miscellaneous items for discussion at this time.

Commissioner Vaux's absence was excused for the following items.

DISCUSSION - SKAGIT COUNTY "911".

Sheriff Gary Frazier introduced Dave Zehrunge and Pam Knott, consultants for a study of the feasibility of a "911" emergency call system in Skagit County.

Mr. Zehrunge presented his study. He stated that he has found affirmatively on both issues presented to him; 1) is "911" feasible for Skagit County, and 2) can it be implemented without too much impact to the current dispatch system. Mr. Zehrunge explained his concept of an "extension network" which would allow the ability to transfer calls that come in to the wrong dispatch center to the correct center, and would allow implementation of the 911 system without moving all dispatch centers to a central location.

Mr. Zehrunge explained the two current 911 concepts. He stated that "basic" 911 has the ability to force someone off the line, to know the caller's phone number so the call can be redialed, and to keep a line open that has been hung up. He stated that "enhanced" 911 has the same features, but also provides a display screen of information that includes the caller's telephone number, and other information contained in the agency's files, such as address and case history. Mr. Zehrunge stated that the three dispatch centers that currently utilize the 911 phone number are neither of these systems, in that they do not have the capabilities of either basic or enhanced 911. Mr. Zehrunge stated that enhanced 911 is not possible in Skagit County because of the number of party lines still in use in the county, as well as the expense and the need to centralize all centers.

Mr. Zehrunge explained that Central Dispatch would receive all calls for Mount Vernon, as well as most of the unincorporated areas, and would have the ability to access the Sheriff's Office via a private cable to transfer calls to that agency. Washington State Patrol, Burlington Police, Sedro Woolley Police and Ana-Comm would receive calls from their own cities, as well as unincorporated areas where the phone number prefix is the same as within the city, and would have the capability to transfer calls to the appropriate center, with an 8 to 15 second delay for patching. Mr. Zehrunge stated that there would be a slight additional workload for Sedro Woolley and Anacortes, and a significant increase for Central Dispatch, who would receive all of the Sheriff's Office calls in addition to their own.

Mr. Zehrunge explained the draw backs to the plan:

- 1) It is not a full blown 911 system, so basic capabilities are not possible.
- 2) It will run on a public network and would compete with the regular phone service.
- 3) Some remote areas in Alger and Darrington will be impossible to attach.

However, some positive aspects of the system are:

- 1) The ability to extend calls beyond the centers to other offices, jurisdictions and counties.
- 2) Retaining of the general phone numbers for radio relay, mobile telephones and calls from outside the area.

Mr. Zehrung broke down the costs of his recommendations as follows:

- 1) \$128,000 to enhance the communications capabilities of the upriver communities to provide more reliable dispatching.
- 2) \$89,000 for the initial start-up costs.
- 3) \$2,785 per month for system support.

Mr. Zehrung stated that state law allows a surcharge of \$.50 per month on each telephone access line and would produce approximately \$186,000 annually.

Following Mr. Zehrung's presentation, Sheriff Frazier stated that a committee of emergency services representatives will meet to discuss management issues and generate a report and recommendation to the Board within the next few months.

Mayor Walley from Sedro Woolley then asked if the existing 911 system users will be expected to pay for county-wide 911. Mr. Zehrung stated that a surcharge would not be necessary if funds are available elsewhere, but in any event, the proceeds of the surcharge would be returned to city dispatch centers for operations and maintenance costs. Ron John, Sedro Woolley Chief of Police, asked whether the County would fund the upgrade to the 911 system if the surcharge is not available. He suggested that if a tax is levied, it could be used for the the present Sedro Woolley system, and the County could take care of its own. Mr. Zehrung stated that the law does not permit taxation on a parcel basis.

Mayor Rice of Anacortes pointed out that his city will experience increases in their rates for garbage, water and sewer within the next four months.

In answer to a question by Pete Walker, Mike Woodmansee, Budget/Finance Director, stated that presently the cities fund their own 911 systems, although the EMS Council does donate some monies. Mr. Woodmansee pointed out that city residents cannot always expect emergencies to occur in their home towns, and that they may have a need to utilize 911 when in the County's jurisdiction. Chief John again requested to know if the County would fund improvements to 911 if a surcharge should fail, to which Mr. Woodmansee replied that it is unknown whether that would be possible until recommendations are received from the committee Sheriff Frazier is formulating. Chief John insisted that the total cost of the system will not be known until it is operating, and Mayor Walley stated that he needs to know facts in advance to answer questions from his citizens.

Stan Sass, Mount Vernon Chief of Police, asked whether the figures proposed are above and beyond what is presently being spent on 911. Mr. Zehrung stated that the figures presently relate to the actual facilities, and that the

telecommunications costs for the City of Mount would actually decrease. Mr. Zehrung was unable to speak to the costs for personnel.

The Board then authorized Sheriff Frazier to call a meeting of a technical subcommittee to review the study presented today and make recommendations for systems improvements and utilization of funds.

MISCELLANEOUS ITEMS.

The Board approved for signature the following Skagit County Fair contracts:

- 1) Dan Saunders, 568 Ershig Road, Bow, WA 98232, as a night herdsman in the cattle barns from August 9-13, 1989, for the sum of \$3.85 per hour for 36 hours.
- 2) Gary Gasho, 2180 Hathaway Road, Sedro Woolley, WA 98284, as a night herdsman in the cattle barns from August 9-13, 1989, for the sum of \$3.85 per hour for 36 hours.

DOROTHY L. TENDERHOLT APPEAL OF HEARING EXAMINER'S DECISION REGARDING SPECIAL USE PERMIT #SP-89-014.

Chairman Rohrer opened the discussion by giving the appellant, Dr. Tenderholt, the option of rescheduling the hearing of her appeal due to the fact that one Board member is absent. Chairman Rohrer explained that, should the two commissioners present vote in opposition to each other, the Hearing Examiner's decision will stand. Dr. Tenderholt agreed to proceed.

Grace Roeder, Associate Planner, presented assessor's maps of the subject property located at South Skagit Highway and Mill Street. She presented staff photos of the subject property. Ms. Roeder stated that on July 19, 1989, the Hearing Examiner held a public hearing to consider an application by Dr. Tenderholt for a special use permit to locate a chiropractic clinic at 2174 Old Day Creek Road. Ms. Roeder stated that all medical and dental clinics are required to obtain special use permits when locating a clinic in a residentially zoned area. Mr. Roeder stated that the staff recommendations from the Planning Department were to approve the permit. It was further recommended that the clients of the clinic be encouraged to utilize Old Day Creek Road to enter and exit the clinic. Also of note was that some remodeling was to occur and Dr. Tenderholt would need to obtain appropriate permits, including a change of occupancy permit. An existing on-site sewage system was reviewed and it was recommended that no radiographic fluid be disposed of via the sewage system. Security lighting was also recommended for the clinic.

The Hearing Examiner made a site visit on July 24, and on August 7 denied Dr. Tenderholt's request on the basis of its detrimental effect to the public welfare and the inadequacy of the parking and impact on the traffic.

Dr. Tenderholt appealed the decision of the Hearing Examiner on August 16, 1989, requesting a reversal of the decision based on the following facts:

- 1) Parking space is adequate (as per RCW 14.04.200).

- 2) Traffic would be impacted by only approximately 2 to 4 automobiles per hour.
- 3) The Hearing Examiner makes a statement that, since Dr. Tenderholt will not be living in the clinic, the clinic would be better located in a commercial locale because of the security factor. Dr. Tenderholt disagrees with that statement.
- 4) Correspondence from proponents of the clinic was not accepted, even though it was understood that it would be accepted through August 4, 1989.

Ms. Roeder stated that the Board may exercise any of the following options:

- 1) To uphold the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

Supportive statements for Dr. Tenderholt's claims were made by the following persons:

1. Don Ringhouse, 713 Orth Way, Sedro Woolley, who stated that a clinic in Clear Lake would be more convenient to local residents than one in Mount Vernon.
2. Dan Taylor, 2322 Old Day Creek Road, Sedro Woolley, who pointed out that the property has been used for commercial ventures in the past, i.e., a meat locker.
3. Joan Downing, 2461 North Woodland.
4. Melody Lang, Skagit County Clerk's Office employee.
5. Al Taylor, 2203 Old Day Creek Road, Sedro Woolley, who pointed out that Mill Street would act as a traffic buffer.

Dr. Tenderholt stated that her clinic would be used only three times per week, with herself and possibly a receptionist as the only employees. She stated that initially she will not have an x-ray unit, but that when she installs one later, all radiographic chemicals will be recycled. She demonstrated her plans for parking and access.

Chairman Rohrer then motioned to call for a public hearing on Tuesday, September 26, 1989, at 2:00 p.m. to consider testimony regarding Dr. Tenderholt's request for a special use permit. Commissioner Wylie seconded the motion, which carried and was so ordered.

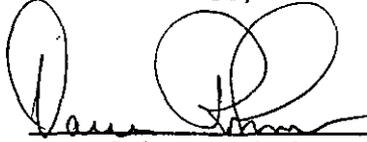
DISCUSSION - SOLID WASTE TIPPING FEES FOR CITY OF CONCRETE. (AT CONCRETE CITY HALL)

The Board attended a public meeting of the Concrete Town Council, at the request of Mayor Harold Strand, in order to be present for a discussion on solid waste tipping fees.

ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

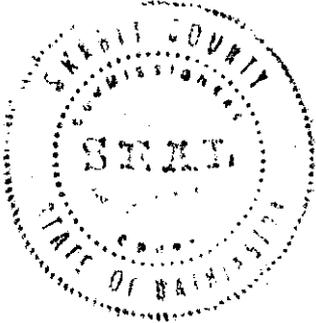


Dave Rohrer, Chairman

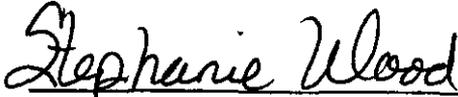


Ruth Wylie, Commissioner

W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners