

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS**

**Monday, September 11, 1989**

- 8:00 a.m. Introduction - Scott Kirkpatrick - Director, Planning and Community Development.
- 9:00 a.m. Board of Health:
- 1) Request to Place a Sand Filter On-Site Sewage System Within 30 Feet of a Stream - Plat of Lake Cavanaugh Park.
  - 2) Short Plat/Drinking Water Study.
- 10:00 a.m. Parks and Recreation Department:
- 1) Review of Clear Lake Septic System.
  - 2) Review of Projects for Wildlife and Recreation Coalition.
  - 3) Miscellaneous.
- 10:30 a.m. Public Works Department - Mark Spahr, Director:
- 1) Bid Award Recommendation - Household Hazardous Waste Collection Day Contractor.
  - 2) Call for Public Hearing - Speed Reduction Shaw Road #2525.
  - 3) Discussion - Establishment of Brookings Road Extension.
  - 4) Discussion - Long Range Ferry Plan.
  - 5) Miscellaneous.
- MISCELLANEOUS ITEMS.
- 1:30 p.m. Bid Opening - Landscaping at Incinerator.
- MISCELLANEOUS ITEMS.
- 2:00 p.m. Proclamation - Emergency Medical Services Week.
- 2:30 p.m. Introduction of New District Court Employees.
- 3:00 p.m. Presentation of Petition - Citizens Alert.

The Skagit County Board of Commissioners met on Monday, September 11, 1989, in regular session, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

**INTRODUCTION - SCOTT KIRKPATRICK - DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT.**

The Board welcomed new Department of Planning and Community Development Director Scott Kirkpatrick, and introduced him to the members of the Planning and Community Development Department. The Board thanked Betsy Stevenson, Assistant Director, for serving as Acting Director in the period prior to Mr. Kirkpatrick's employment.

BOARD OF HEALTH:

1) Request to Place a Sand Filter On-Site Sewage System Within 30 Feet of a Stream - Plat of Lake Cavanaugh Park.

Tom Karsh, Environmental Health Specialist, stated that an application has been received from Mr. John O'Kelley for an on-site sewage system waiver to locate his septic system at his property at Lake Cavanaugh Park closer to an existing creek than the required setback. Mr. Karsh explained that the Skagit County Code requires a horizontal separation between a drainfield and any year-round surface water of at least 100 feet, and a minimum 50 foot separation between year-round surface water and the septic tank, pump chamber and sand filter containment vessel.

Mr. Karsh explained that Mr. O'Kelley has consulted with Lou Ankney of Ankney Septic Service, who has suggested a sand filter system be installed after the septic tank and before the waste water enters the ground. In this way, Mr. Ankney feels the drainfield setback could be reduced to 50 feet. Mr. Karsh stated that this is by far the most significant reduction ever requested, and he was unsure whether the State Health Department will allow it; however, he stated that the technology suggested is well established and will provide for protection of the public health. Mr. Karsh recommended that the request be granted to allow construction of a septic system, with the reduction of the ordinary setback, for a single family residence with the conditions added by Mr. Ankney's septic system plan, and further delineated in Mr. Karsh and Ridgeway's waiver review.

Lou Ankney agreed with Mr. Karsh's recommendation. He stated that Mr. O'Kelley's lot contains excellent soil, and that he intends to build a water tight system.

Mr. Karsh indicated that the pump chamber will be located at 30 feet from the creek, rather than the 50 foot setback, the pressure line will be 40 feet from the creek rather than 50, and the drainfield will be 50 feet from the creek, rather than 100. Mr. Karsh stated that Mr. O'Kelley will not be able to continue with construction of his home if he cannot get a sewage system approved.

George Ridgeway, Environmental Health Specialist, stated that in the last few years there has been a significant increase in the number of sophisticated pressurized septic systems in the Lake Cavanaugh area. He stated that the proposed plan is a similar sophisticated system.

Mr. O'Kelley stated that the adjacent lots beside his house have no sewage systems.

Commissioner Wylie motioned to approve Mr. O'Kelley's request for an on-site sewage system waiver, with the stated conditions, and contingent on approval by the State Department of Health. Commissioner Vaux seconded the motion, which was unanimously approved.

2) Short Plat/Drinking Water Study.

John Thayer, Environmental Health Supervisor, stated that the health department has received good cooperation from the Lake Cavanaugh area residents regarding the sampling of swimming beach water quality. The Health Department has now submitted a letter to the president of the local water association offering to work with the residents to improve the quality of their drinking water systems. Commissioner Wylie stated that a number of letters have been received from the residents of the Lake Cavanaugh area on another matter that mention water quality as a concern of the residents.

Mr. Thayer stated that, in conjunction with studies of public water supply systems being performed by the State Department of Health, the Skagit County Health Department has endeavored to study small public water supply systems in Skagit County. The Class 4 water system has been the focus of recent activity in the Health Department through loan reports, complaints and inquiries. This type of system is designated when ever a system provides service to 2 to 9 households. Homeowners are sometimes unaware that they are subject to regulations pertaining to public water supply systems when they allow their neighbor(s) access to their water systems. Mr. Thayer introduced Jeff King, a W.W.U. summer intern, who performed a study of Class 4 water systems in Skagit County for the Health Department

Mr. King reported that he approached the study with the questions in mind, "is there a problem in Skagit County with unapproved Class 4 water systems, and if so, what can be done". He stated that he used a study period of from 1980 to 1985 and a target study group of short plat developments allowed during that period. Mr. King stated that 364 short plats were allowed during that time period, and from that group he randomly chose 70 for a telephone survey, in which he inquired as to the type of water system each short plat utilizes. Mr. King reported that 6 of the 70 surveyed, or 9%, were utilizing unapproved Class 4 systems, which when applied to the total group, is 31 of 364 short plats having unapproved Class 4 water systems. Mr. King stated that this led him to the conclusion that there is a problem with unapproved systems. His recommendation for solutions was to focus on future systems, rather than retrospectively try to make corrections. He recommended having the Planning Department incorporate information about public water supply systems into their short plat system via a brochure or other informational handout. He also recommended some type of verification procedure for ensuring that water is being obtained from an approved source.

Mr. Thayer stated that representatives from the Health Department and Planning Department met to discuss ways to ensure approval of public water systems. He stated that they will meet again later this month to continue the discussion.

The Board then discussed with Lorna Haycox and other members of the Health Department the actions of the State Water Coordinating Committee, as well as the liability of the County for public water systems. Further discussion was held on ways to keep the public informed.

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

**PARKS AND RECREATION DEPARTMENT:**

1) **Review of Clear Lake Septic System.**

Jon Aarstad, Parks and Recreation Department Director, reviewed the occurrences regarding the Clear Lake swimming park septic system since the spring. He stated that, after failure of the system, it was estimated that rebuilding of the system would cost approximately \$12,000. Now, because of the need for a sand filtered system, a structural engineer's services are required for design of the system, and to ensure sufficient support of adjacent buildings. The Public Works Department has appropriately chosen a contractor for Skagit County structural engineering, and Mr. Aarstad requested to be allowed to negotiate a contract with that firm for the needed work at Clear Lake. He stated that an additional approximately \$8,000 will be needed, bringing the new estimate to \$28,000 to \$30,000. Mr. Aarstad stated that \$19,000 is available in his current budget for the project by taking funding from other projects, but an additional \$12,000 will still be needed.

Mike Woodmansee stated that the additional money could be paid out of Fund #340, the Land Acquisition and Facilities Improvement Fund.

Commissioner Wylie motioned to permit the Parks and Recreation Department Director to negotiate a contract with ABAN Engineering for design of the Clear Lake swimming park septic system. Chairman Rohrer seconded the motion, which carried and was so ordered.

2) **Review of Projects for Wildlife and Recreation Coalition.**

Mr. Aarstad stated that, regarding last week's discussion on possible projects to be submitted to the Wildlife and Recreation Coalition for consideration of funding, he met with the Parks and Recreation Advisory Board to compile the following list of suggested projects. Mr. Aarstad stated that the focus of the requests is for land acquisitions, as directed by the Coalition.

- 1) Adjacent Summit Timber property at Howard Miller Steelhead Park.
- 2) Tidelands in front of Young's Park.
- 3) Southern portion of Hwy. 20 near Swinomish Channel for boaters.
- 4) Clear Lake next to talc mill.
- 5) Sharp Park. (The Board made an additional suggestion for acquisition in this area)
- 6) South end of Big Lake for an interpretive type facility.

Commissioner Wylie recommended additional research on sites for camping in southern Skagit County near the Skagit River.

The Board approved Mr. Aarstad's list.

3) **Miscellaneous.**

- A. The Board approved for signature an Access Agreement with the Department of Fisheries for temporary use of lands at the Howard Miller Steelhead Park to excavate an area for marine enhancement at an unnamed stream adjacent to the abandoned railroad grade.

- B. The Board approved for signature a Professional Services Contract with Willard Lyon for display of two miniature horses from August 10-13, 1989, at the Skagit County Fair, at a rate of \$50.00 per four days.
- C. The Board approved for signature an Instructional Services Contract with Dave Rindal to conduct a Rhythm and Fitness Program at Burlington Edison High School, beginning September 11, 1989.

PUBLIC WORKS DEPARTMENT - MARK SPAHR, DIRECTOR:

1) Bid Award Recommendation - Household Hazardous Waste Collection Day Contractor.

Mr. Spahr again explained the purpose of the Household Hazardous Waste Collection Day, as well as the duties required of the successful applicant for contractor. He again explained the funding of the services of the contractor, and recommended that the bid be awarded to Northwest Enviro Service, Inc., at the bid price of \$50,638.00.

Bill Ness, Solid Waste/Environmental Engineer, pointed out that the contractor will be furnishing 39 employees to facilitate the event, so only 7 County employees will be required for traffic control.

Mr. Spahr noted that the Public Works Department budget for 1990 will contain a request for funds to purchase containers for continuous hazardous waste collection at each transfer station, and periodic disposal by a specified contractor.

Commissioner Wylie motioned to adopt the recommendation of the Public Works Department and award the bid for Household Hazardous Waste Collection Day contractor to Northwest Enviro Service, Inc., for \$50,638.00. Chairman Rohrer seconded the motion, which carried and was so ordered. (Resolution #12206)

2) Call for Public Hearing - Speed Reduction Shaw Road #2525.

Mr. Spahr explained that a petition has been received from the residents of Shaw Road in the Alger area, requesting the reduction of the speed limit on Shaw Road from 35 m.p.h. to 25 m.p.h. for safety reasons.

Commissioner Wylie motioned to adopt the resolution calling for a public hearing on September 25, 1989, at 10:30 a.m., to consider the reduction of the posted speed limit on Shaw Road #2525. Chairman Rohrer seconded the motion, which carried and was so ordered. (Resolution #12207)

3) Discussion - Establishment of Brookings Road Extension.

Jeff Monsen, Assistant Public Works Director, presented copies of three pieces of correspondence; a letter from Attorney Tom Moser to Chief Civil Deputy John Moffat regarding the legality of establishing an extended portion of Brookings Road, a letter from Mr. Moser to Mr. Monsen confirming his client, Mrs. Proctor's, willingness to donate property for a cul de sac, and a letter from Attorney Gary Jones to the Public Works Department stating his client's, the

McNab's, intention of suing Skagit County, should Skagit County claim more than the 50 foot extension of Brookings Road previously discussed.

Mr. Monsen provided a vicinity map of the area, and summarized the past occurrences up to the rescinding of the Board's last call for public hearing to consider establishment of a turn-around or cul de sac in addition to the 50 foot extension of Brookings Road.

Mr. Monsen explained that John Moffat has counseled the Board to first pursue the property ownership issues involved before attempting establishment of further sections of roadway. After reviewing the letters received, Mr. Moffat recommended allowing the property owners to negotiate the land ownership question before the County becomes involved. Mr. Monsen recommended that, since the original request of 50 feet, that would provide access to Mrs. Proctor's property, was approved and agreed upon by the neighbors, the County should proceed with the establishment of that section, and deal with the issue of a cul de sac as property owners resolve their differences.

Gary Jones, attorney for the McNab's, reaffirmed the McNab's willingness to donate a 40 x 50 foot strip to the County for the establishment of a County Road, but no property beyond.

Mrs. Proctor indicated that her attorney could not be present, and requested postponement of the discussion to a later date.

The Board directed the postponement of the discussion of establishment of an extended portion of Brookings Road until such time as both parties are represented by their respective attorneys.

Chairman Rohrer made a comment regarding his feelings of responsibility for the construction of Brookings Road. Mr. Jones stated his wish to reserve the right to question Chairman Rohrer regarding this statement at any subsequent discussions.

4) Discussion - Long Range Ferry Plan.

Mr. Spahr stated that he attended a meeting with a citizen's group on Guemes Island during which a question was posed regarding the 15 year plan for Guemes Ferry operation. Mr. Spahr stated that a 14 year plan is required by the State Department of Transportation, and on reviewing Skagit County's plan, he found that it deals mainly with capital improvements and depreciation plans. He stated that he felt the plan was not a comprehensive one.

Mr. Spahr indicated that he has identified several issues, both by personal observation and by the observations of a WISHA inspector, that require addressing in a comprehensive ferry operation plan. They are as follows:

- 1) The major issue identified by WISHA was the need to separate the workshop area from the employee break/food preparation room. Mr. Spahr stated that his first choice for solving the problem of a separate maintenance facility would be to expand the existing facility. Purchase or lease of an off-site warehouse would be his second choice, and the last option would be relocation of the

maintenance facility to the Guemes Island terminal side. Mr. Spahr stated that the relatively unprotected dock on the Guemes side would prove an unnecessary risk, as well as a hardship, for a maintenance site.

- 2) Mr. Spahr used a vicinity map to identify the area allotted for hazardous chemical storage, and described the storage containment system, which could be subject to accidental spills.
- 3) Mr. Spahr stated that at a rate of growth of 3% per year, ridership demands will need to be addressed through expansion of service.
- 4) Mr. Spahr demonstrated the area of an abandoned railroad right-of-way which could be a solution to a queuing problem, which causes those vehicles waiting to board the ferry to line up along an adjacent street.

Mr. Spahr stated that he felt that a study and report should be done on ferry operations within the next two to three years, but felt that for now, if the Board wishes, an estimated \$6,000 to \$10,000 would be needed to compile plans and specifications for an addition to the existing terminal building as a temporary solution to the most pressing problems of separating the workshop area and storage of chemicals.

Commissioner Wylie questioned whether an additional concern of the State Auditor had not been the area allotted for the handling of money, to which Mr. Spahr stated that it was. Commissioner Wylie further suggested that chemicals could be stored at a remote site and transported by a special self-contained van when needed. Mr. Spahr agreed that this would be possible, with the purchase of a new van for that purpose.

Chairman Rohrer then brought up that Commissioner Vaux had asked him to discuss with Mr. Spahr the possibility of adding a 12:30 p.m. run to the ferry schedule. Mr. Spahr stated that it may be possible to drop the 8:30 a.m. run to add a 12:30 p.m. run on school days, but that this would curtail the 2-1/2 hour daily maintenance period by one half hour. He stated that he would report back regarding this request.

Robert W. Taylor, Administrative Officer, asked, regarding the separation of the shop and lunchroom facilities, what the time frame would be for completion. Mr. Spahr stated that it will be included in the budget proposal of the Public Works Department for next year.

Brief discussion ensued on the use of the railroad right-of-way, and the discussion ended without action by the Board.

5) Miscellaneous.

- A. Mr. Monsen reported that, regarding the removal of part of the Public Works Department staff to a remote location to solve space needs, an adequate space has been identified at the Condensary Mall, at a reasonable price. He stated that the amount of space that will be leased will depend on the number and function of the employees moved. He stated that currently the Design and Construction department has been identified for the relocation. The added space will be used for some upgrading of the reception and conference areas, the use of some space by the

Commissioners' Office, and return of the some office space to the Planning Department. In order to accomplish this, additional sections will need to be moved. Mr. Monsen suggested moving Ed Hawes of the Traffic Safety division and the Solid Waste division to the Condensary building. The Board was opposed to the relocation of the Solid Waste division.

The Board then clarified that no major remodeling was being planned, just redefining of space for a temporary solution until the facilities management study has been completed and a long-term facilities plan compiled.

Further discussion was held on who should be moved and how much space was to be leased. The Board directed Mr. Monsen to submit a letter of intent to the lessor of the Condensary Mall, requesting the option to lease additional space, and to arrange for the Board to tour the office space next week.

- B. Mr. Spahr updated the Board on his trip to Spokane last week for the 13th Annual Transportation Conference sponsored by the Washington Stated Department of Transportation. The Board thanked Mr. Spahr for his attendance.

**MISCELLANEOUS ITEMS.**

- A. Commissioner Wylie motioned to adopt the resolution presented by the Budget/Finance Director to authorize a Request for Proposals for Guardian Ad Litem Services for 1990, the preceding contract with Northwest Family and Children's Services being due to expire on December 31, 1989. Chairman Rohrer seconded the motion, which carried and was so ordered. (Resolution #12208)

Commissioner Vaux was present for the following items.

**BID OPENING - LANDSCAPING AT INCINERATOR.**

Chairman Rohrer waived the reading of the Notice of Call for Bids, as published in The Skagit Argus on August 22 and 29, 1989, and in The Daily Journal of Commerce on August 18 and 25, 1989.

The following bids were received and opened:

- 1) Frontier Landscaping, Inc.  
14911 257th Ave. S.E.  
Monroe, WA 98272

Project Total: \$93,412.12  
Bid Bond Enclosed.

- 2) Matia Contractors, Inc.  
P.O. Box 595  
Ferndale, WA 98248



Project Total: \$138,512.68  
Bid Bond Enclosed

- 3) Pacific Earth Works, Inc.  
12515 Wagner Rd.  
Monroe, WA 98272

Project Total: \$126,301.00  
Bid Bond Enclosed

A fourth bid was received from Landscaping Specialists, Inc., and was clocked by the Auditor's Office at 1:35 p.m. The bid was rejected as being late.

The Public Works Department will review the bids and return at a later date with a recommendation for award.

MISCELLANEOUS ITEMS.

- A. Commissioner Vaux motioned to adopt the Records of the Proceedings from Tuesday, September 5, 1989, and Wednesday, September 6, 1989, as submitted. Commissioner Wylie seconded the motion, which was unanimously approved.
- B. The Board approved for signature the following Petitions for Property Tax Refunds:
- 1) Reider Tynes, 1212 N.W. Culdertson Drive, Seattle, WA 98177, in the amount of \$34.10, due to a directive by the Department of Revenue to cancel the taxes, the petitioner is paying excise tax. (009389)
  - 2) Beverly L. Ingersoll, 3997 Challenger Road, Concrete, WA 98237, in the amount of \$3.54, due to the destruction of her mobile home by fire on 7/27/89. (008589)
  - 3) Salem Luthern Church, 208 Snoqualmie, Mount Vernon, WA 98273, in the amount of \$258.96, due to a churches and cemeteries exemption. (009689)
  - 4) Wallace Dowdle, 3147 Cemetery Road, Sedro Woolley, WA 98284, in the amount of \$105.92, due to a senior citizen exemption. (009889)
  - 5) Keeler Family Ltd. Partnership, 222 Yale Ave. No., Seattle, WA 98109, in the amount of \$686.31, due to the inadvertant payment of first half taxes on property previously sold. (010089)
- C. The Board signed an acknowledgement letter regarding the assessment results of a survey of the Skagit Senior Health Screening by the Northwest Regional Council.
- D. The Board approved for signature a Guest Speaker Contract with Michael Putnam for a talk on "Personal Perspectives", sponsored by the Skagit County Health Department, for the sum of \$30.00.
- E. In accordance with action previously taken, the Board approved for signature a resolution calling for a public hearing on September 26, 1989, at 2:00 p.m., at the site of 2174 Old Day Creek Road, Clear Lake, to consider the request of Dorothy L. Tenderholt for a Special Use

Permit.

**PROCLAMATION - EMERGENCY MEDICAL SERVICES WEEK.**

Dr. Ronald J. Richeson, President of the Skagit-Camano Island Emergency Medical Services Council, gave information on Emergency Medical Services Week, an event planned to nationally recognize emergency services workers.

Commissioner Vaux read the proclamation and motioned to declare September 17 through 23, 1989, Emergency Medical Services Week in Skagit County. Commissioner Wylie seconded the motion, which passed unanimously.

**MISCELLANEOUS ITEMS.**

A. As of this date, September 11, 1989, the Board, by unanimous vote, did approve for signature Warrants #47276 through 47641 (Vouchers #908351 through #908785) in the amount of \$433,873.48 (C-39-89)

**INTRODUCTION OF NEW DISTRICT COURT EMPLOYEES.**

Pam Terwilliger, District Court Administrator, introduced Joan Sheahan, who replaces Julie Bjorn-Fisher as a Court Services Assistant, and Sandra Grant, who fills a new position as a Court Services Assistant. The Board welcomed the new employees.

**PRESENTATION OF PETITION - CITIZENS ALERT.**

Bekky Love of Mount Vernon, representing the Citizens Alert special interest group, presented a petition containing 7,190 signatures of individuals who are requesting Skagit County to enact an ordinance prohibiting the importation of any solid waste or toxic material that may be hazardous to the air, water or environment. She stated that approximately 300 of those signatures are from non-residents who have recreational interests in Skagit County.

Chairman Rohrer thanked Ms. Love and stated that the Board would like to review the petition and request with County specialists and legal council before issuing any statement.

Don Bockelman of Day Creek asked for a commitment for another meeting or hearing to follow up on the adoption of the requested ordinance.

Commissioner Wylie stated that the Board would like to have time to review the issue before setting a meeting date.

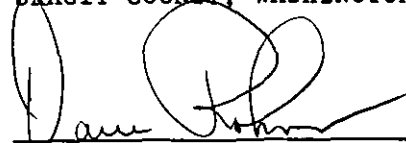
Ms. Love requested that the meeting be scheduled for a time in the evening.

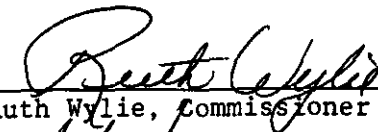
Mr. Bockelman gave a brief statement on two attempts to pass similar ordinances in other counties. He stated that ordinances of a discretionary nature have been overturned.

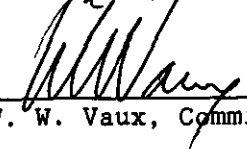
ADJOURNMENT

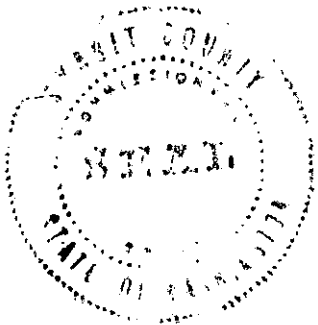
Commissioner Wylie motioned to adjourn the proceedings. Chairman Rohrer seconded the motion. The motion carried and was so ordered.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON


  
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Dave Rohrer, Chairman

  
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Ruth Wylie, Commissioner

  
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W. W. Vaux, Commissioner



ATTEST:

  
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Stephanie Wood, Clerk  
Skagit County Board of Commissioners