

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

Tuesday, June 26, 1990

- 9:00 a.m. - 10:00 a.m. Board of Health:
- 1) Discussion - Setback of Wells From Landfills.
  - 2) Discussion - Drinking Water Legislation and County Impacts.
- 10:00 a.m. - 11:00 a.m. Presentation - Emergency 911 Study.
- 11:00 a.m. - 11:30 a.m. Deliberation and Decision on Ray Melton Request for Special Use Permit #SP-89-042.
- 1:30 p.m. - 2:00 p.m.
- 1) Public Hearing - Intent to Lease County Property Located at 103 Broadway Street, Mount Vernon.
  - 2) Bid Opening - Re-Roofing of Administration Building.
  - 3) Bid Opening - New Propulsion Units for Guemes Ferry.
- 2:00 p.m. - 3:30 p.m. Planning Commission Referred Items:
- 1) Approval with Conditions: San Juan Fidalgo Holding Company Preliminary Plat.
  - 2) Approval with Conditions: William Lenz Rezone.
- 3:30 p.m. - 4:00 p.m. Deliberation and Decision on Bud Norris Variance Request #V-89-062.
- 4:00 p.m. - 4:30 p.m. Public Comment Period.

The Skagit County Board of Commissioners met in regular session on Tuesday, June 26, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

**BOARD OF HEALTH:**

1) Discussion - Setback of Wells from Landfills.

Ken Willis, Environmental Health Specialist, reviewed the number of old landfills operated by both the County and Cities up until the mid-70's. He stated that presently Inman Landfill, operated by the County, is the only operable landfill. Mr. Willis stated that it has been the past practice, when abandoning landfills, to cap the sites and leave them; however, the Health Department has an obligation to monitor the wells for groundwater contamination far past the useful date of the landfills.

Mr. Willis stated that Judith Meadows of the Health Department has mapped all of the abandoned landfills within Skagit County, and is planning to distribute this information to all those who can benefit from it.

Mr. Willis stated that the State regulations for construction of wells states that, "wells shall not be located within 1,000 feet of a currently operating or abandoned landfill". Mr. Willis indicated that most people are unaware of where abandoned landfills are located, therefore, the Health Department would like to provide landfill locations and a warning of the 1,000 foot requirement to all entities involved in well placement.

Mr. Willis asked that the Board adopt a resolution stating the County's policy to refuse permits to those building sites having wells located within 1,000 feet of operating or abandoned landfills, and to adopt the map compiled by the Health Department showing the locations of over 24 abandoned landfills.

Discussion ensued on the placement of wells closer than 1,000 feet if they are located in an unaffected area, i.e., above groundwater flow. Mr. Willis was unaware of a variance process to the State regulation. He stated that the law is enforced by the Department of Ecology (DOE).

Commissioner Vaux asked who would be found responsible if a well is allowed within the 1,000 foot setback and is found to be contaminated.

John Moffat, Chief Civil Deputy Prosecutor, indicated that reparations would most likely be sought from DOE and the entity that caused the contamination.

Regarding grandfathering of old wells, Mr. Moffat stated that the law was not in effect until 1988.

Mr. Moffat asked what internal mechanism allows the staff to know of potential well drilling.

Mr. Willis explained that only systems intending to serve two or more connections are required to obtain a well drilling permit. The Health Department is not made aware of the drilling of most private wells.

Esther Fowler of Dahlman Pump and Well Drilling and Dean Hayes of Hayes Well Drilling were present to join in the discussion.

Mr. Willis explained that the Health Department has been required, since 1985, to place four monitoring wells at all abandoned dump sites.

Mr. Hayes indicated that if the County's well drillers were provided with a good map of abandoned landfills, the majority of well drillers would heed the regulation.

Mr. Willis volunteered to research the existence of a variance procedure to the State regulations and return with a report.

2) Discussion - Drinking Water Legislation and County Impacts.

Lorna Haycox, Environmental Health Specialist, stated that Skagit County has had a joint plan of operation with the State Department of Health since the early 1970's. She stated that current legislation has increased the County's role and responsibility to ensure safe drinking water for the public; therefore, the joint plan is outmoded and needs to be updated.

Ms. Haycox reviewed water system legislation passed in 1989-1990, highlighted as follows:

- SSB 6447 - County will be responsible for failing water systems. A receivership may be set up by contract with another agency to manage the failing system.
- SSB 6446 - The Department of Health must develop a consumer's rights booklet.
- SSB 5566 - The Department of Health may declare a public health emergency and impose fines.
- SHB 1857 - In the case of continued customer complaints, the Department of Health may refer a system to the Utilities and Transportation Commission, which would oversee the system.

Proposed 1991 legislation would require permitting of all public water systems.

Ms. Haycox reviewed Section 63 of ESHB 2929, the Growth Management Act, which requires that each building permit applicant provide evidence of adequate,

potable water for the building site. The evidence may be in the form of a water rights permit, a water availability letter from a public system, or another form sufficient to verify the existence of an adequate water supply.

Scott Kirkpatrick, Planning Department Director, noted that the language of the law states "each applicant", so the County must see the applicant's evidence even before application can be made. This may cause some applications to be delayed because of a backlog of water rights for systems requiring greater than 5,000 gallons per day.

Discussion ensued. Ms. Haycox provided draft guidelines for what the Department of Health feels is "another form sufficient to verify the existence of an adequate water supply", as required in Section 63. She stated that the original guidelines had been only one page long; however, she had received just yesterday a much expanded version of the guidelines.

Dean Hayes of Hayes Well Drilling, agreed that the documentation he received from Ms. Haycox yesterday was substantially different than what had been proposed at a meeting with DOE he had attended.

Ms. Haycox indicated that it is DOE's intention to use the guidelines for approximately a two month test period and refine the policy afterward.

Discussion ensued on the ability of the DOE, Department of Health and Department of Community Development to implement this section of ESHB 2929 by July 1, as ordered.

Chairman Wylie directed Ms. Haycox to arrange a work session with the DOE and anyone interested regarding this matter.

Ms. Haycox's recommendations were then reviewed as follows:

1. Approach the PUD to be the receiver for failing systems.
2. Health Department to provide documenting letter to Planning Department regarding water availability prior to building permit issuance.
3. Creation of Skagit county Drinking Water Code.
4. Creation of a list of troubled water systems.
5. Consider administration of additional water tests by Skagit County Health Department lab.

Commissioner Vaux disagreed with Ms. Haycox's first recommendation, stating that it would be a conflict for the PUD, as a competing water system, to administrate a failing system. No decisions were made on the other recommendations.

#### PRESENTATION - EMERGENCY 911 STUDY.

Gary Frazier, Skagit County Sheriff, introduced Dave Zehrung and Pamela Knott, the consultants who have compiled a design and feasibility study relating to the development of a County-wide 911 emergency telephone communications system.

Mr. Zehrung stated that the primary conclusion and recommendation of the study is that a 911 emergency system is affordable and feasible for Skagit County, and to suggest that the Board proceed to a ballot issue which would allow voters to consider the imposition of a \$0.50 per month charge for each phone line to support the system. Mr. Zehrung stated that most services can be paid for from the voter approved tax. Other recommendations were that the Skagit County Emergency Management Council form a committee that would be charged with the establishment of a budget for the system, the establishment of procedures and hiring of staff or contracting for operations, the purchase of services and equipment, and the appropriate decision making to operate the system.

Mr. Zehrung explained the concept of a "PSAP", or Public Services Answering Point. He stated that Plan A, which was brought before the Board in August, called for answering of 911 calls at Anacortes, Sedro Woolley, and Mount Vernon, with no change in the existing answering points. Additional study has revealed that a more efficient mode of emergency management is to perform pre-screening of calls for emergency status as a separate function from dispatching. Plan B was then developed, which calls for PSAP's at Anacortes and Mount Vernon where all calls will be screened and forwarded to appropriate agencies, and records will be kept. Anacom, the dispatch center at the City of Anacortes, would use their present system. The City of Mount Vernon would have a system separate from their police and fire dispatch. Only a small area in Darrington would be served by SnoPac in Snohomish County.

Within the last few weeks, Plans C and D have also be proposed. Continental Telephone has offered the possibility of a system which would identify the phone number of the emergency calling party on a computer screen to the PSAP. Plan D would offer dedicated access trunk lines, not subject to any interference from public lines, to each PSAP. Mr. Zehrung stated that these additional services would be an added cost to the system, but a specific time schedule and costs will not be confirmed until sometime in August.

Mr. Zehrung reviewed the system's budget, showing the amount anticipated from the \$0.50 phone line surcharge revenues, and the system's start up and monthly expenditures. He stated that several months of the surcharge will accrue while the system is being developed, but that tax revenues will not fully support Plans C and D.

Chairman Wylie then invited audience comments.

Several questions were asked of Mr. Zehrung by Mayor Walley and Police Chief Ron John from the City of Sedro Woolley, and Burlington Police Chief Ed Goodman. Mr. Zehrung indicated that:

- the 911 system will have no effect on existing dispatching agreements between emergency services and dispatching centers.
- a large community emergency wherein greater than three calls at one time are received from a local community would overload the dedicated line system. An emergency occurring on a holiday when the public lines are overloaded with holiday phone traffic, would cause an inability to reach the PSAP.
- 911 operators would not be permitted to handle routine business calls.
- there will be an initial public training period during which the public will become oriented to the use of 911.
- The software package that would allow 911 to bump another call from the public lines is very expensive.
- The present Sedro Woolley 911 system calls would be re-routed to the PSAP.

Ron John made a statement for the benefit of the Board. He indicated that he felt that only Plan D would provide the level of service that the City of Sedro Woolley currently receives at no charge. He indicated that he could not ask his city's voters to support a system which would not provide a greater level of service than that which they presently receive for free.

Mr. Zehrung stated that he felt Plan B by itself would be a service enhancement over Sedro Woolley's present system.

Stan Sass, Mount Vernon Police Chief, pointed out that in a medical emergency, time is critical. The Mount Vernon PSAP will operate side-by-side with the ambulance dispatcher to more efficiently meet the medical emergency needs of the community.

Ron John pointed out that local dispatch centers will still have to dispatch aid units, which generally can arrive on the scene before the ambulance.

Mr. Zehrung and Dan Cain, County Fire Marshall, suggested that all fire and aid dispatch could be done at Central Dispatch, where ambulances are dispatched. However, Mr. Zehrung stated, the ability to utilize a computer to determine jurisdiction by address will be available so that each individual call could be correctly routed to the dispatch center that contracts for fire and aid dispatching.

Ed Goodman, Burlington Police Chief, argued that the technology exists to transfer any call to any number when 911 is dialed, therefore it would be more efficient to simply transfer calls to the correct dispatch center, bypassing the PSAP's.

Mr. Zehrung argued that the technology is not available to differentiate between police, fire, and ambulance calls and to correctly route them.

More discussion ensued regarding the benefits of Plan D over Plan B and C.

Sheriff Frazier pointed out that if Plan B were adopted and later expanded to Plan C or D, \$45,000 in equipment would be unusable. If Plan C is adopted, no equipment would be sacrificed. Sheriff Frazier asked that the Board adopt a resolution ordering the placement of the issue on the September ballot, and the Board agreed to consider such a resolution at a later date.

DELIBERATION AND DECISION ON RAY MELTON REQUEST FOR SPECIAL USE PERMIT #SP-89-042.

Betsy Stevenson, Assistant Planning Department Director, gave a brief review of the proposal.

Commissioner Vaux stated that he cast his vote to hold a public hearing on the matter because of the allegations by Mr. Nielsen, Mr. Melton's legal representative, that an unfair hearing was held by the Hearing Examiner, and not for any error in judgement on the part of the Hearing Examiner. Commissioner Vaux stated that it is his opinion that a fair hearing was held and proper and just process was served. Commissioner Vaux stated that he still finds no error on the part of the Hearing Examiner. He agreed that the request does not conform with the area's planned use, that it is industrial rather than commercial in nature, that the proposal is not agriculturally related, and that the request would have potential effects on the region and neighborhood. Commissioner Vaux motioned to deny the Special Use Permit request of Mr. Ray Melton.

Commissioner Rohrer felt that the I-5 corridor should be commercial, and that one day it eventually will be. He felt that there is enough agricultural benefit to the project to allow approval of the request. Commissioner Rohrer refused to second Commissioner Vaux's motion.

Chairman Wylie seconded Commissioner Vaux's motion, stating that the area is agricultural, as well as located in the flood plain. She agreed that a time may come when highway-oriented businesses are allowed near I-5, but that industrial concerns should not be allowed.

A vote was called and the motion carried with votes from Chairman Wylie and Commissioner Vaux. Commissioner Rohrer cast a dissenting vote.

Chairman Wylie's absence was excused for the following item:

**PUBLIC HEARING - INTENT TO LEASE COUNTY PROPERTY LOCATED AT 103 BROADWAY STREET, MOUNT VERNON.**

Commissioner Vaux waived the reading of the Notice of Intent to Lease County Property, as published in The Skagit Argus on June 5, 12, and 19, 1990.

Roger Howard, Facilities Manager, stated that the County's building at 103 Broadway in Mount Vernon is currently leased to Skagit Rape Relief and Battered Women's Service. The current lease will expire in July. A letter has been received from this entity requesting the continuance of the lease at the current cost of \$1 per year. Mr. Howard stated that no other interest has been indicated in the building.

Pam Crume, Acting Director of Skagit Rape Relief and Battered Women's Service, affirmed her request for a lease continuance.

There being no further public comment, Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion, which carried and was so ordered.

Commissioner Rohrer then motioned to continue the lease of 103 Broadway, Mount Vernon, to Skagit Rape Relief and Battered Women's Service for a period of 5 years. Commissioner Vaux seconded the motion, which carried and was so ordered. (Resolution #12546)

**BID OPENING - RE-ROOFING OF ADMINISTRATION BUILDING.**

Commissioner Vaux waived the reading of the Notice of call for Bids, as published in The Skagit Argus on June 5, 12, and 19, 1990, and in The Daily Journal of Commerce on June 6, 13, and 20, 1990.

The following bids were received and opened:

Scholten Roofing, Inc.  
7157 Guide Meridian  
Lynden, WA 98264

Bid Price: \$189,595.00

Western Roofing Company  
2200 Iowa Street  
Bellingham, WA 98226

Bid Price: \$205,300.00

The bids will be reviewed and a recommendation for award returned at a later date.

**BID OPENING - NEW PROPULSION UNITS FOR GUEMES FERRY.**

Commissioner Vaux waived the reading of the Notice of Call for Bids, as published in The Skagit Argus.

The following bid was received and opened:

Ulstein Maritime, Ltd.  
#96 North Bend Street  
Coquitlam, B.C. Canada

Total Bid: \$418,445.00  
Additional Per Day Charge: \$566  
No trade-in or salvage.  
Cashier's check enclosed.

PLANNING COMMISSION REFERRED ITEMS.

Gary Christensen, Associate Planner, requested that item number one of the Planning Commission referred agenda items be heard after item number two. The Board agreed.

Mr. Christensen reported to the board there could be no new testimony or evidence presented and only information which was made a part of the record at the Planning Commission's public hearing is to be considered by the Board of County Commissioners. He reviewed with the Board the options that are available to them in making a decision as follows:

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

1) Approval with Conditions: William Lenz Rezone.

Gary Christensen, Associate Planner, reported that this request is for a zoning reclassification for an approximate 1 acre parcel from Agriculture to Commercial Limited Industrial, to be utilized along with the contiguous, approximate 3 acre parcel already zoned Commercial-Limited Industrial for the purpose of constructing and operating a freezer storage and meat grinding and packing business.

Mr. Christensen reviewed with the Board photographs, including an aerial photograph, of the property located south of the City of Mount Vernon, north of Hickox Road.

Mr. Christensen read the motion of the Planning Commission. He indicated that it is the recommendation of the Planning Commission that the application for rezone be approved with conditions. Mr. Christensen reviewed those conditions.

After some discussion Commissioner Vaux motioned to approve the Planning Commission recommendation for approval with conditions regarding Rezone #R-90-002 as presented by the Planning Commission staff. Commissioner Rohrer seconded the motion, which was unanimously approved.

2) Approval with Conditions: San Juan Fidalgo Hold Company Preliminary Plat.

Betsy Stevenson, Assistant Director, Planning and Community Development, presented to the Board maps showing the location of the site in question. Ms. Stevenson explained that the San Juan Fidalgo Holding Company, Inc., has requested permission to create 18 residential lots on an approximate 20 acre parcel located adjacent to and north of the Point 2.

Ms. Stevenson reviewed the recorded motion of the Planning Commission to approve the request with conditions.

Commissioner Vaux advised the applicant that it would be realistic to expect that sewers would be required in the future. Some agreement has been made with the

cities relative to sewers. No decisions have been made at this time but there has been some conversation relative to this need.

The applicant indicated that he agreed this would probably become necessary in the future.

Commissioner Vaux motioned to approve the Planning Commission recommendation for approval with conditions regarding Preliminary Plat by San Juan Fidalgo Holding Company, Application #P-90-004. Commissioner Rohrer seconded the motion, which was unanimously approved.

DELIBERATION AND DECISION ON BUD NORRIS VARIANCE REQUEST #V-89-062.

Dave Hough, Senior Planner, briefly reviewed the variance request.

Commissioner Vaux indicated a concern for the hole depth that, according to public testimony, would be required to perform footings work. Commissioner Vaux stated that to anchor the footings, as suggested by W.D. Purnell and required by the Hearing Examiner, a large hole that would undermine a large portion of the bank would be required. This would further degrade the stability of the bank. He also questioned whether Mr. Norris would have a buildable site, even with a septic variance, if he changed his site plan.

Mr. Hough was unable to answer Commissioner Vaux's question. He stated that the review and the geoengineer's report were to address a specific project. It is unknown whether alternative methods exist that would allow construction on the Norris lot.

Commissioner Vaux stated that the Hearing Examiner made specific statements that the reason Mr. Norris needs the variance is because of the topography of the lot, a geological feature that is not caused by the applicant. Yet, Commissioner Vaux pointed out, traveling further along the same road, one can find many lots that have the same geologic features, some even more critical, as Mr. Norris' lot. He asked if topographic impossibilities are not a basis for denial.

Mr. Hough stated that geological features, by themselves, do not limit the reviewer to denial or approval. Rather, the Hearing Examiner must look at all of the criteria for granting a variance.

Commissioner Vaux then stated that he felt it did not make good sense to hang a house on a cliff, and to depend upon a moveable house in case of erosion. Further, he stated, a precedence would be set which would allow more of the same homes on the other lots on the south side of the road.

Chairman Wylie agreed with Commissioner Vaux.

Commissioner Vaux motioned to deny Mr. Norris' request for a variance to construct a home on his lot on Samish Island with a substandard front setback. Commissioner Rohrer seconded the motion, and the motion passed unanimously.

PUBLIC COMMENT PERIOD.

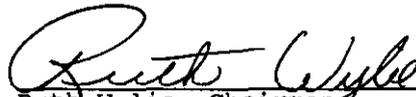
No members of the public were present for the public comment period.

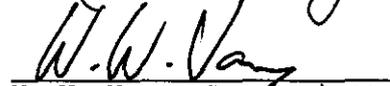
ADJOURNMENT:

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

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

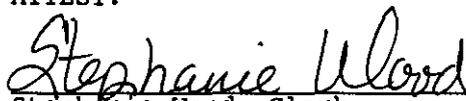


  
Ruth Wylie, Chairman

  
W. W. Vaux, Commissioner

  
Dave Rohrer, Commissioner

ATTEST:

  
Stephanie Wood, Clerk  
Skagit County Board of Commissioners