

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

Tuesday, January 8, 1991

- 9:00 a.m. - 10:00 a.m. Board of Health:
- 1) Public Hearing - Consideration of Revisions to the Skagit County Health Department schedule of Charges.
 - 2) Discussion - Proposed Revision to the Skagit County Code Regulating Camping Vehicle Parks.
 - 3) Request of John Kajfas for Septic System Waiver to Install Temporary Holding Tanks.
- 10:00 a.m. - 10:15 a.m. Signature - Change Order - Ferry Maintenance Contract.
- 1:30 p.m. - 2:00 p.m. Public Hearing - Request of Deanne Crooke for Agricultural Lot Variance.
- 2:00 p.m. - 3:30 p.m. Department of Planning and Community Development -Scott Kirkpatrick, Director:
- 1) Referral from Skagit County Planning Commission - Right to Farm Ordinance.
- 3:30 p.m. -4:00 p.m. Discussion - Flood Control Program Possibilities.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 8, 1991, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

BOARD OF HEALTH

1) Public Hearing - Consideration of Revisions to the Skagit County Health Department Schedule of Charges.

Carolyn Milat, Health Department Director, and John Thayer, Director of Environmental Health, were present.

Mr. Thayer reviewed with the Board of Health a discussion that took place on October 12, 1990, regarding expectations and unmet needs in the Environmental Health Section's Solid Waste Program. The recommendation to the Board was that an additional 1-1/2 FTE's be hired in 1991 to meet the program needs. Methods for funding the positions included: a) spending additional funds in the sludge utilization program (applying the current \$35.00 per hour fee established by the Board in the mid-1980's), and b) increasing the portion of the Solid Waste Tipping fee set aside for Health department activities to 50 cents per ton (the rate is currently 36 cents per ton).

Mr. Thayer advised that more time will be spent with the sludge program. They expect approximately an additional \$12,000 for 1991 on behalf of the sludge program. Mr. Thayer indicated that one full-time person will begin work on the 28th and will be dedicated to the solid waste program.

After further discussion Commissioner Wylie motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Commissioner Wylie motioned to approve the proposed revisions to the Skagit County Health Department

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Schedule of Charges effective January 1, 1991. Commissioner Robinson seconded the motion, which passed unanimously.

A final resolution will be prepared for the Boards' signature.

2) Request of John Kajfas for Septic System Waiver to Install Temporary Holding Tanks.

George Ridgeway, Health Inspector, Permit Center, reviewed with the Board a request for a septic system waiver to install a temporary holding tank until a mound system can be installed. Mr. Kajfas, who was present, advised that he had built the house in question to sell, and is not building it to live in.

Mr. Ridgeway stated that Mr. Kajfas wishes to use a temporary holding tank until the weather improves. Mr. Ridgeway said that a mound system cannot be installed in wet weather. He noted that there is also a provision in the request for a waiver of fees. He indicated that he is not in agreement with waiving of fees.

Mr. Kajfas explained that the request for refund of the waiver fee of \$195 is because this is an extreme situation resulting from unusual weather and the workload of the installer.

There was discussion with the Board regarding the request for the waiver of fees and the amount of work the County would be doing with regard to the request and whether it would merit the waiving of fees.

Commissioner Robinson asked if the pumping would be monitored. Mr. Ridgeway advised that they would probably not do that as the way the resolution is set up they have to have a contract with a certified pumper, providing for pumping as often as necessary, until the remainder of the sewage system can be legally and safely installed and/or put into use. This contract requires the pumper to notify the Health Officer if there are any changes to this agreement. He noted that an application has to be submitted for the holding tank but they don't charge for the permit on that.

After further discussion Commissioner Wylie motioned to approve a resolution approving the request of John Kajfas regarding the temporary installation and use of an on-site sewage system holding tank. (Resolution # 12787)

Commissioner Robinson asked about the request for refund of the waiver fee and whether it would be included in the resolution. This was further discussed with the Board.

The costs to the County were reviewed and Commissioner Vaux suggested that the fee be lowered to \$100.00 instead of \$195.00.

Commissioner Wylie withdrew her earlier motion.

Commissioner Wylie then motioned to approve a resolution approving the request of John Kajfas for a septic system waiver to install temporary holding tanks at 1784 Pamela and that the fee be set at \$100.00 rather than \$195.00. Commissioner Robinson seconded the motion, which passed unanimously.

3) Discussion - Proposed Revision to the Skagit County Code Regulating Camping Vehicle Parks.

John Hadman, Environmental Health Specialist I, Skagit County Health Department, presented a proposal to the Board to convene an Ad Hoc committee comprised of Health Department personnel, other County department personnel, and representatives of the camping vehicle park industry in Skagit County for the purpose of updating the current code to better reflect the needs and concerns of the department and

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industry in protection of the health of the public using these facilities.

Commissioner Vaux asked if it is anticipated that many septage and water problems in the camping parks will be found. John Thayer said that typically most of the camping vehicle parks do not have on-site problems. The Health Department works closely with Planning to ensure that those systems work.

Commissioner Wylie asked how many parks are currently licensed in Skagit County. Mr. Hadman advised that there are currently 28 with a fairly steady increase occurring. These regulations apply to all private and public parks, except for state and federal.

The Board was in favor of Mr. Hadman's proposal and Commissioner Robinson agreed to serve on the ad hoc committee.

Signature - Change Order - Ferry Maintenance Contract

Mark Spahr, Director of the Public Works Department, and Fred Biederman, Supervisor at the Guemes Ferry, were present.

Mr. Spahr advised that since there were problems with the engines, outdrives and intermittent loss of steering, the decision was made to purchase three complete sets of engines and outdrives and put a new steering system on the vessel at the same time. The original contract for the haulout, including installation of the engines, outdrives and steering, was \$128,138. Hence, the total value of the improvements to the ferry was in the neighborhood of \$600,000 to \$700,000. This is the second change order for the haulout, and it will bring the total cost of the haulout to about \$178,000.

Commissioner Vaux requested that Mr. Biederman check on the hours that were on the engines and report back to the Board with this information. Mr. Biederman said there are engineering logs and that he would provide this information to the Board.

Mr. Spahr also reported that John Moffat has advised that the old engines must be sold through a separate public auction.

Commissioner Wylie motioned to approve Change Order No. 3 in the amount of \$25,318.00 on the contract with Marine Industries Northwest, bringing the total contract to approximately \$178,347.20. Commissioner Robinson seconded the motion, which passed unanimously. (Contract #00565)

PUBLIC HEARING - REQUEST OF DEANNE CROOKE FOR AGRICULTURAL LOT VARIANCE.

Chairman Vaux waived the reading of the notice of public hearing, as published in The Skagit Argus on December 18 and 25, 1990.

Grace Roeder, Planning Department Senior Planner, submitted an assessor's map and site plan of the subject property. She explained that the applicant proposes to subdivide an 18 acre agriculturally zoned parcel into two substandard parcels, one of approximately 1/2 acre containing an existing residence, and one of approximately 17-1/2 acres. Ms. Roeder explained that the property originally belonged to her parents, who have died and bequeathed the property to the applicant. Ms. Crook does not live in Skagit County, but desires to continue to have the land farmed, leasing it to a local farmer. She must sell the house in order to be able to lease the remaining acreage.

Ms. Roeder explained that since the Board rescinded the Skagit County Policies and Guidelines for the

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Division of Agricultural Land, the Hearing Examiner felt that he could not approve the variance, based on the application of the Skagit County Zoning Code.

Ms. Roeder read correspondence from Duane Melcher of 1361 Avon Allen Road to Scott Kirkpatrick, Director of the Planning Department, in which Mr. Melcher states his opposition to the Crook variance because he feels Ms. Crook could then opt to place a second home on the remaining large agricultural parcel.

Ms. Roeder stated that the Planning Department staff had recommended to the Hearing Examiner that he approve the variance, with the stipulation that no residence could ever be constructed on the remaining 17-1/2 acres.

Ms. Roeder explained that variance requests which were made prior to the elimination of the Skagit County Policies and Guidelines for the Division of Agricultural Land were considered by the Hearing Examiner based on those policies; however, those that were submitted following the elimination of the policies, such as Ms. Crook's, were considered only on the basis of the provisions of the Skagit County Zoning Code.

Commissioner Wylie stated that the original purpose of the variance procedure was so that farmers would not find themselves in the "landlord business" because surplus residences were located on their agricultural land.

Chairman Vaux asked Ms. Roeder on what the Planning Department staff based its approval.

Ms. Roeder replied that the Staff felt that the applicant did not intend to remove land from the agriculture base, and did not intend to undertake any construction; therefore, the applicant complied with the intent of the Zoning Code.

Chairman Vaux remarked that the issue appears to be the allowing of the owner/applicant to retain ownership by removing the existing home from the property.

Commissioner Wylie added that another issue is the allowance of non-farmers to purchase and reside in homes located in the agricultural area.

Chairman Vaux the opened the floor for public comment.

Joan Melcher asked what assurance there will be that no other construction will occur on the remaining 17-1/2 acres.

Chairman Vaux replied that the stipulation that no further construction be allowed would become part of the permanent record of the property, which is difficult to change in the future.

Ms. Roeder added that there have been only three requests to challenge the "agricultural purposes only" stipulation in her time with the County, and all have been denied.

There being no further public comment, Commissioner Wylie motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

After brief discussion, Commissioner Wylie motioned to approve the variance request #V-90-035 of Deanne Crook, with the conditions listed by the Planning Department staff, and the stipulation that no construction occur on the remaining 17-1/2 acreage. Commissioner Robinson seconded the motion.

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Chairman Vaux clarified that the intent of Commissioner Wylie's motion was that no residential construction occur, but that agriculturally related construction could occur, such as the construction of a barn.

A vote was then called and the motion passed unanimously.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

1) Referral From Skagit County Planning Commission - Right to Farm Ordinance.

Gary Christiansen, Associate Planner, explained that after holding a number of study sessions at which issues surrounding the agricultural community came up, the Planning Commission wished to look into a Right to Farm ordinance for Skagit County. Planning Department staff worked to compile such an ordinance, using ordinances currently in place in other Washington counties as guidelines, and the Planning Commission held a public hearing at which the ordinance was considered. The Planning Commission, following corrections and redrafts of the ordinance, did vote to recommend its adoption by the Board of Commissioners in a 7-0 vote.

Mr. Christiansen stated that the Board may exercise any of the following options in considering the Planning Commission's recommendation:

- 1) To approve the recommendation of the Planning Commission and adopt the ordinance.
- 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.

Mr. Christiansen had previously provided to the Board copies of the Planning Department's staff report, the recorded motion of the Planning Commission, and a copy of the Right-to-Farm Ordinance.

Craig Olason, Associate Planner, explained that the recommended ordinance had been requested by a number of individuals in the agricultural community. He stated that the ordinance has a number of functions:

- 1) To encourage and enhance agricultural operations.
- 2) To encourage conservation of productive agricultural lands.
- 3) To inform the public of the inconveniences that may be encountered in living near agricultural lands.
- 4) To provide a framework for determining what will not be considered a nuisance with respect to agricultural practices.

Mr. Olason stated that the recommended ordinance is similar to several now in place in Eastern Washington counties. It is not intended to provide an opportunity to bypass laws or ignore the complaints of neighbors, but to assure that if best practices are followed, there will be no danger of nuisance suits and complaints.

Mr. Olason then reviewed the ordinance. The first section contained definitions, including those of "good management practices" and "nuisance". Other sections set forth a procedure for disclosure of the inconveniences that may be experienced by neighbors of agricultural operations. This disclosure would occur at sale of the property, and would be the responsibility of the seller. Information about this process would be mailed out with each property owner's tax statement on a yearly basis. The final two sections dealt with severability and precedence.

Mr. Olason discussed with Commissioner Wylie the addition of the disclosure information in tax statements.

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Mr. Olason admitted that he had not received confirmation from the Treasurer that this could be done. Commissioner Wylie stated that the information should also be made available to special groups such as realtors and title companies. Mr. Olason stated that the staff understands that information distribution will be necessary.

The Board then discussed the definition of "good management practices" with Mr. Olason, who indicated that the intent of the definition is that the majority of expert farming organizations would have to be in agreement on a practice for it to be considered a good practice.

Answering a question from Commissioner Wylie, Mr. Olason stated that complaints from neighbors would be referred to the code compliance officer, who would determine whether further investigation should be conducted and if the farmer should provide verification that he is engaged in reasonable activities.

Discussion ensued on the monitoring of the signing of the disclosure statements. Commissioner Wylie suggested that the presence of a disclosure statement should be incorporated into the necessary documentation for recording of deeds at the Auditor's Office.

Finally, the Board discussed with Mr. Olason the provision that a disclosure statement must be present with deeds for property within a one mile radius of farmland. Mr. Olason indicated that this distance had been chosen by the Planning Commission, the staff having recommended 1/2 mile.

At this point, Commissioner Wylie stated that she is in favor of a Right-to-Farm Ordinance; however wished to take time to consider and to inquire about the enforcement of the disclosure section. The item was scheduled for further discussion on January 15, 1991, at 2:00 p.m.

2) Miscellaneous.

- A. Dave Hough, Senior Planner, presented for signature a letter to FEMA which expresses interest in the County's participation in a FEMA buy out program for those homes which were located within the floodway, sustained greater than 50% damage, and were currently flood insured. He reviewed yesterday's discussion with Chairman Vaux. Commissioner Wylie motioned to approve the letter for signature, with Commissioner Robinson seconding. The motion passed unanimously.
- B. Mr. Kirkpatrick gave an update on the workshops being held in conjunction with the Comprehensive Plan update.
- C. A report on the Planning Department's enforcement activities was submitted to the Board.
- D. In accordance with action previously taken, the Board approved for signature the resolution rejecting the bids for fabricated ash conveyor chain links, and again calling for bids for the purchase of the fabricated chain links to be held on January 22, 1991, at 1:30 p.m. (Resolution # 12786)
- E. The Board approved for signature the annual Memorandum of Agreement with the Washington State University Cooperative Extension. There were no changes in the agreement from last year. (Contract #00796)

DISCUSSION - FLOOD CONTROL PROGRAM POSSIBILITIES.

Chairman Vaux indicated to those present that this discussion had been requested by Representative Jim Youngsman, who had mentioned that he would be traveling to Washington D.C. this month and wished to

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discuss how that might aid the County's flood program.

Mr. Youngsman stated that after January 14, 1991, he will no longer serve the 40th district at its representative; however, he would like to continue to help Skagit County as a private citizen. Mr. Youngsman stated that a number of possibilities have been suggested for controlling flooding in Skagit County. He asked what approach the Board wished to take in the matter.

Commissioner Wylie agreed that there are various suggestions, some of them costly and unpopular, and all of them involving a number of State, Federal and County agencies. She stated that she has suggested, and Congressman Al Swift has agreed, that all parties involved should be brought to the table to discuss the various solutions.

Mr. Youngsman then proceeded to discuss the possibility of dredging the Skagit River as a solution to flooding in Skagit County. After the discussion, the Board thanked Mr. Youngsman for his concern.

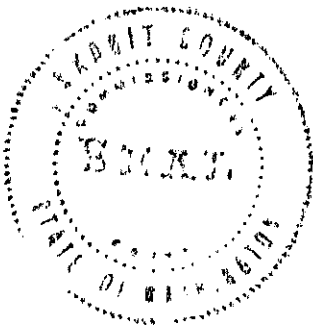
PUBLIC COMMENT PERIOD.

No members of the public were present for the Public Comment Period.

ADJOURNMENT:

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Robinson seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux

W. W. Vaux, Chairman

Robby Robinson

Robby Robinson, Commissioner

Ruth Wylie

Ruth Wylie, Commissioner

ATTEST:

Stephanie Wood

Stephanie Wood, Clerk
Skagit County Board of Commissioners