

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

Tuesday, November 12, 1991:

- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Aquaculture Update.
 - 2) Lower Skagit Project Review.
 - 3) Enforcement Report Update.
- 10:00 a.m. - 10:30 a.m. Public Works Department - Rich Medved, Director:
- 1) Resolution - Establishing Eligibility List for Ferry Replacement Vessels.
 - 2) Miscellaneous.
- CONSENT AGENDA.
- MISCELLANEOUS ITEMS.
- 1:30 p.m. - 2:00 p.m. 1) Bid Opening - Hausle House Demolition and/or Removal.
2) Presentation - Tribal Mental Health Manual - Robert Joe, Sr., Chairman, Swinomish Tribal Community, and Jere LaFollette, Skagit Community Mental Health.
- 2:00 p.m. - 2:30 p.m. Board of Health:
- 1) 1992 Proposed Schedule of Charges.
 - 2) Current Goals for Environmental Health School Program.
- 2:30 p.m. - 3:00 p.m. Riverside Bridge Feasibility Study - Alpha Engineering.
- 4:00 p.m. - 5:00 p.m. Continuation of Public Hearing - Special Use Permit Application #SP-90-023 of Gloria Beckstrom and John Sheahan - Construction of a Duplex at 1060 "C" Street, Bayview.

The Skagit County Board of Commissioners met in regular session on Tuesday, November 12, 1991, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR:

1) Aquaculture Update.

Oscar Graham, Shoreline Administrator, gave information. He stated that although we associate coastal zone disasters with last years flooding, they are actually an ongoing phenomenon, mostly associated with shoreline erosion problems.

Mr. Graham gave the Board a brief demonstration on bluff erosion. He then gave a slide presentation on the types of residential construction that have been and are occurring on coastal lots. Slides of bluff types and bulkhead types were shown. Mr. Graham demonstrated that shoreline erosion problems are common, and that some erosion results in the redepositing of material into beautiful shoreline forms.

Finally, Mr. Graham submitted a list of potential candidates for a citizens advisory committee on aquaculture,

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to be consulted in conjunction with the Coastal Zone Management Grant authorized to the County.

2) Lower Skagit Project Review.

Jim Freeman, Watershed Planner, informed the Board that the purpose of the Lower Skagit Project is the characterization of water quality in the lower Skagit River Basin from Skiyou Slough upstream of Sedro Woolley to the mouths of the north and south forks of the Skagit River, plus all the land that drains into it.

Mr. Freeman stated that a technical advisory committee, the Planning Department, Entranco (a private consultant retained by Skagit County), and the State Department of Ecology will all have roles in the project development.

Three elements will be studied:

- A water quality assessment will be made using sampling done in a physical "run" of the river.
- The suitability of water quality for fish rearing habitat in the Skagit River Estuary.
- Assessment of the water quality of the Nookachamps Watershed and factors limiting fish passage of the Nookachamps Creek.

3) Enforcement Report Update.

Provided for review.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

1) Resolution - Establishing Eligibility List for Ferry Replacement Vessels.

Commissioner Wylie motioned to adopt the resolution establishing an eligibility list for temporary replacement vessels for the Guernes Ferry. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14122)

2) Miscellaneous.

- A. Robin LaRue, Design/Construction Engineer, reported that Gibraltar Road was temporarily paved last week.

CONSENT AGENDA.

Commissioner Wylie motioned to accept the consent agenda of November 12, 1991, as submitted. Commissioner Robinson seconded the motion, which passed unanimously.

* Health Department:

1. Guest Speaker Contract with Jane Conquest to provide the presentation "Personal Perspectives on HIV/AIDS for \$25 for each presentation. (Contract #01150)

• Parks and Recreation Department:

2. School Facility Use Agreement with Burlington School District to use the Fieldhouse on November 1, 1991, for adult volleyball league, at a cost of \$30.00.

• Auditor's Office:

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3. Official Bond and Oath of Office for Jerry McInturff, Skagit County Auditor, for 1992.

* Emergency Management:

4. Out-of-State Travel Request for Mark Watkinson, Emergency Management Coordinator, to travel to Salem, Oregon, November 18-22, 1991, to attend the "Introduction to Emergency Management" training course (first of five courses). Accommodations and travel paid by State Division of Emergency Management. \$200 required for meals.

* Commissioners' Office:

5. Resolution - revising term dates for three members of Skagit County Fair Advisory Board, on request of Director of Parks and Recreation Department. (Resolution # 14123)

6. Resolution - reappointing Geneva Sasnett, Jim Futrelle, and Gene Johnson to Parks and Recreation Advisory Board. (Resolution # 14124)

MISCELLANEOUS ITEMS.

A. Commissioner Wylie motioned to adopt the resolution amending the Skagit County Personnel Policies and Procedures Manual, Section 8-Employee Recruitment and Selection, to allow the Board of County Commissioners to waive recruitment and selection procedures when filling any department head vacancy. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14125)

B. Commissioner Wylie motioned to adopt the resolution establishing a fax service fee schedule for the Upriver Services Office to allow the public the use of a fax machine for a fee. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14126)

C. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, November 12, 1991, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

1) Warrants #82917 through #83039 (Vouchers #82917 through #83039) in the amount of \$438,455.54. Transmittal #R-26-91.

2) Warrants #74576 through #74584 (Vouchers #114244 through #114253) in the amount of \$256,462.26. Transmittal #C-45-91.

D. On recommendation from Jon Aarstad, Parks and Recreation Department Director, Commissioner Wylie motioned to adopt the resolution approving an interagency agreement whereby the State Department of Wildlife will provide cement prefabricated restroom structures at a cost of \$4,800 each to Skagit County for installation at park and fairground facilities over the next 18 months. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14127) (Contract #01151)

E. On recommendation from Mr. Aarstad, Commissioner Wylie motioned to adopt the resolution authorizing a request for proposals to provide off-season food concessions at the Skagit County Fairgrounds. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14128)

- F. Commissioner Wylie motioned to adopt the resolution authorizing a budget line item change in the amount of \$295,550 for the Current Expense Fund #001, the majority of which will go toward salaries or benefits to pay for last years salary increases, and \$2,000 of which will go towards payment for Civil Service Commission activities and Planning Department professional services. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14129)

BID OPENING - HAUSLE HOUSE DEMOLITION AND/OR REMOVAL.

Chairman Vaux waived the reading of the notice of call for bids, as published in The Skagit Argus.

The following bids were received and opened:

- 1) Randy Martin Construction
P.O. Box 64
Marblemount, WA

Total Bid: \$9,500.00
- 2) Jim Clark and Son Construction
3455 Hwy. 20
Sedro Woolley, WA 98284

Total Bid: 3,506.65.

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

PRESENTATION - TRIBAL MENTAL HEALTH MANUAL - ROBERT JOE, SR., CHAIRMAN, SWINOMISH TRIBAL COMMUNITY, AND JERE LAFOLLETTE, SKAGIT COMMUNITY MENTAL HEALTH.

Jere LaFollette, Executive Director of the Skagit Community Mental Health, and Robert Joe, Sr., Chairman of the Swinomish Tribal Community, presented a copy of the book "A Gathering of Wisdoms" to each of the members of the Board. They explained that several years ago, the Tribe received a grant from the Division of Mental Health and Administration on Native Americans to give information meetings regarding tribal mental health. Eight training manuals were developed in conjunction with the educational program. More recently, these materials have been used with another grant to refine "A Gathering of Wisdoms" and the book is the final outcome of that project.

BOARD OF HEALTH:

- 1) 1992 Proposed Schedule of Charges.

John Thayer, Supervisor of the Environmental Health Section of the Health Department, explained that past practice has been to revise the Health Department's Schedule of Charges every couple of years. The last revision took place in 1990. It will now be necessary to refine the Schedule for 1992 because of:

- An increase in the costs to provide services.
- Major changes have occurred in the processing of water samples required by the EPA and State Department of Health, which have resulted in increased lab costs.
- New food services trends have resulted in new classifications of food service establishments.
- The adoption of revisions to the Skagit County Code call for civil penalties contained in the Schedule for illegal dumping and mis-handling of sludge.
- An additional amount will be added to the solid waste tipping fee to account for matching monies necessary to receive Department of Ecology Enforcement Grants.

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- Compliance with the Growth Management Act to evaluate water potability for building permits will require new fees.

Among those fees recommended for revision are:

- Many food establishment fees will be increased from \$5 to \$10.
- Some living environment fees will be increased from \$10 to \$25.
- Water samples for large utilities, private samples, and swimming beaches will increase.
- Sanitary surveys and migrant labor camp licensing will increase.
- Temporary food booths, delicatessens, supermarkets, seafood markets, and mobile food booths will increase.
- Solid waste tipping fee surcharge will increase.
- New fees will be added for canteen trucks and espresso carts; for private landfills; for transfer stations; and for public and private water system evaluation.
- Fines and penalties will be established for illegal dumping violations and sludge site violations.

On recommendation from Mr. Thayer, Commissioner Wylie motioned to call for a public hearing on December 9, 1991, at 9:00 a.m., to consider changes to the Health Department's Schedule of Charges. Commissioner Robinson seconded the motion, which passed unanimously.

Barb Meler, Public Health Nurse, explained that some Schedule changes will be required in the public health section as well to make up for increases in costs to provide services, to bring some charges up to a level which covers the costs of services, and to bring charges up to a sufficient level to recoup the maximum amount allowable by DSHS.

Those charges which will increase will be travel consultation, gamma globulin, VDRL, HIV testing, blood draws, TB sputum specimens and TB medication.

2) Current Goals for Environmental Health School Program.

Corrine Story, Environmental Health Specialist, explained that local health departments must administer State Board of Health regulations for environmental sanitation in primary and secondary schools through periodic inspections of school facilities. The Skagit County Health Department has not performed periodic inspections since the early 1970's. The program as it exists consists mainly of site and plan reviews, lunchroom inspections and complaint investigation.

With the encouragement of several local school superintendents, the Health Department is proposing to increase their school inspection program. Ms. Story requested an additional half-time staff person to provide from 146 to 230 hours of inspection time throughout the 1992-1992 school year. This request had also been provided to the Budget Director and Administrative Officer, and the Board deferred to their advice before making a decision.

RIVERSIDE BRIDGE FEASIBILITY STUDY - ALPHA ENGINEERING.

Robin LaRue, Design/Construction Engineer, explained that \$125,000 was appropriated by the Department of Transportation for a feasibility study of the Riverside Bridge on Old Hwy. 99, which provides transportation across the Skagit River between and within the cities of Mount Vernon and Burlington. Skagit County was the lead agency for this grant, with Mount Vernon and Burlington participating actively. A consultant, Alpha Engineering, was chosen to perform the study, the purpose of which was to provide alternative methods for increasing the traffic flow over the Skagit River.

Gary Barnett and Al Grieve of Alpha Engineering were introduced to the Board. Mr. Barnett gave a presentation on the alternatives, cost estimates and funding sources for traffic capacity increases. The study

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will be finalized in early December. A total of eight options were explored. Five of the options explored were bridges connecting with: Urban Avenue, Continental Place, old railroad grade, and Laventure Road. Because of traffic improvements to the Riverside corridor, it was decided to focus on an alternative using Riverside Drive as follows:

- #2 Addition of bridge beside and to the west of the existing bridge.
- #3 Construction of a new bridge on top of the old bridge.
- #4 Addition of bridge beside and to the east of existing bridge.

Mr. Barnett noted that the old bridge is in good shape, but recommended that it be tied to its girders to provide safety during seismic activity, and that the pedestrian walkway size be increased.

The cost of the alternatives were estimated as:

- #2 & #4 \$7.9 million (least cost alternative-concrete)
- #3 \$13.4 million (least cost alternative-concrete)
- #2 \$11.2 million (truss structure)
- #3 \$19.4 million (truss structure)
- #4 \$11.2 million (truss structure)

Funding alternatives that should be explored are grants from the Transportation Improvement Board or Bridge Improvement Board; and an LID consisting of the approach roads; the State Legislature.

CONTINUATION OF PUBLIC HEARING - SPECIAL USE PERMIT APPLICATION #SP-90-023 OF GLORIA BECKSTROM AND JOHN SHEAHAN - CONSTRUCTION OF A DUPLEX AT 1060 "C" STREET, BAYVIEW.

Commissioner Wylie disclosed that she had been late for the previous public hearing, but had listened to the tape recorded portion of the meeting that she had missed.

Gary Jones, attorney for Beckstrom/Sheahan, was invited to recap his position. He reviewed the history of the construction and argued for its appropriateness.

Brad Furlong, attorney for Dale and Eunice Jenkins, the appellants, deferred his comments to the period after the audience members had been given an opportunity to speak.

Chairman Vaux announced that the Board will accept letters after the close of the public hearing up until one week before the date of the Board's decision, a date that will be announced at the end of the meeting.

Dale Jenkins, 1064 C Street, Bayview, stated that the Beckstrom property is too small to support a wastewater disposal system for a duplex. The Beckstrom system, as installed, does not conform to the dictates contained in the U.S. Environmental Protection Agency manual distributed by the Department of Planning and Community Development. Mr. Jenkins provided a chart showing septic system failures in the Bayview area over the past 10 to 12 years. He stated that the Beckstrom curtain drain, as installed, extends 6 inches into C Street, according to a survey post located on the Jenkins property. He provided a signed statement by Tom Granger indicating that neither surveyor taking measurements three weeks ago was Mr. Sweet, although Mr. Sweet indicated at the last meeting that he had performed the survey. Mr. Jenkins testified that there are 33 owner-occupied homes and 6 rental homes in the immediate vicinity of the Beckstrom construction. He stated that granting this variance would set a precedent for development of duplexes on the many small lots in Bayview.

Barbara Bond-Howard, 1061 Josh Wilson Road, urged denial of the request. She stated that the soil is poor in Bayview, and Mrs. Beckstrom had to have a quantity of topsoil hauled in to make the soil percolate.

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The following witnesses opposed the granting of the special use permit and urged denial:

- Molly Miller, 1129 North Second, Bayview.
- Norma Shanin, 1110 Josh Wilson Road, Bayview.
- Don Hoare, 1129 North Second, Bayview.
- Carol Whiteside, 1107 C Street, Bayview.
- Harley Ramer, South Fourth Street, Bayview.
- Al Wright, non-resident of Bayview.

Phyllis Coole-McKeehen, 1121 Third Street, Bayview, was also opposed to the project. She questioned the legality of allowing Mrs. Beckstrom to vent her curtain drain into a County drainage ditch. Mrs. McKeehen stated that claiming the process to obtain a special use permit was bypassed due to a "backlog" in the Planning Department is not a good excuse for practically completing the structure before the permit is obtained. Mrs. McKeehen stated that the Appearance of Fairness Doctrine has been violated because members of the Board of Commissioners on two occasions indicated that they favor duplexes in Bayview.

Douglas Ramey, 1116 North Third, Bayview, was in favor of the Beckstrom proposal. He felt that to deny the request would be to deny Mrs. Beckstrom her rights to develop her land in an attempt to keep a certain class of people from living in Bayview.

Ms. Beckstrom at this point asked Tom Karsh, Environmental Engineer, to comment on the septic system approval. Mr. Karsh confined his comments to stating that the system had been approved.

John Sheahan made a loud statement from the back of the room regarding the comments of Carol Whiteside, and Chairman Vaux warned Mr. Sheahan against further outbursts.

While the next speaker, Harley Ramer, was speaking, Mr. Sheahan again made a loud statement from the back of the room and was given a second warning by Chairman Vaux.

Brad Furlong read excerpts from the U.S. Environmental Protection Agency Onsite Waste Water Treatment and Disposal System Design Manual, which is provided to the public by the Department of Planning and Community Development. Mr. Furlong stated that in refusing Mrs. Beckstrom a special use permit she is not being denied any rights because what she is asking for is considered a special privilege. The excuse that the rental of one unit of the duplex will supplement Mrs. Beckstrom's income should not be considered because the duplex will exist long after Mrs. Beckstrom is gone. Also, there is a good likelihood of having to go to a backup septic system should the primary system fail, and there is not adequate area for a back up system. Mr. Furlong pointed out that the Hearing Examiner, in his first Findings of Fact gave "considerable weight" to the testimony of neighbors regarding poor soil percolation. He also noted that the project does not meet the criteria for a special use permit, as it is incompatible with the area. But after the matter was remanded back to the Hearing Examiner and he issued a second Findings of Fact upon submittal of new drawings by the applicant, the Hearing Examiner agreed that the project was appropriate, although it still apparently failed to show a compatibility with the area.

In Mr. Jones' closing remarks he stated that much testimony on the septic system was given by audience members acting as "junior ecologists"; however, Mrs. Beckstrom paid real experts to design the septic system which expert testimony has indicated will work. The runoff characteristics of this duplex would be much the same as that of a single family residence. Finally, Mr. Jones stated that a duplex does not have to be compatible with the people, but with the area.

Mrs. Beckstrom made a final statement, stating that she was unhappy with her neighbors' testimony as she thought she had been fair to them.

John Sheahan made a final statement, advocating the fact that he is a life-long Skagit County resident and

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an honest man.

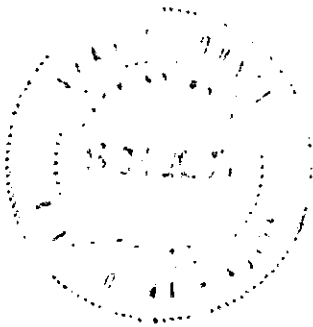
There being no further public comment, Chairman Vaux motioned to close the public hearing to verbal testimony, but leave the record open to written testimony through Wednesday, November 20, 1991, and to set Tuesday, November 26, 1991, at 10:00 a.m. for a decision on this matter. Commissioner Robinson seconded the motion, which passed unanimously.

The Board promised to send copies of any items received to both Mr. Furlong and Mr. Jones.

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, Chairman




Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners