

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

Monday, June 22, 1992

Flag Salute.

9:00 a.m. - 10:00 a.m.

Board of Health.

- 1) Introduction of New Staff.
- 2) Request by Phil Burton, Dahlman Well Drilling - to Allow Reduced Set-Back Between a New Drilled Well and Adjacent Property Line (Waiver of SCC 12.48.140(5)) on Bob Schmid Property, Guemes Island.
- 3) Proposed Revisions to the Schedule of Charges - Skagit County Health Department.

10:00 a.m. - 11:00 a.m.

Public Works Department - Rich Medved, Director.

- 1) Discussion - Signature of Intergovernmental Construction Agreement - Bureau of Indian Affairs.
- 2) Acknowledgement - Donation from Shell Oil Company Foundation to Skagit County Household Used Motor Oil Collection Program.
- 3) Signature - Supplement No. 2, Professional Services Contract With Pacific Western Industrial Maintenance, Inc.
- 4) Signature - Engineering Services Agreement for Inman Study and Remediation Project.
- 5) Miscellaneous.

CONSENT AGENDA

MISCELLANEOUS

1:30 p.m. - 2:00 p.m.

Public Hearing - Amending Skagit County Code 10.12 - County Parking Lots.

2:00 p.m. - 3:00 p.m.

Work Session - Update Skagit River Reconnaissance Study - Army Corps of Engineers.

3:00 p.m. - 3:15 p.m.

Decision - Maurice Beck Appeal, 581 Highway 9, Sedro-Woolley, Washington, (Located 3.5 Miles North of Sedro-Woolley on Highway 9) of Skagit County Health Officer's Determination to Disallow Use of a Dug Well for a New Subdivision.

3:15 p.m. - 3:30 p.m.

Decision - Administrative Appeal - Short Plat Applications SPT-92-006 (Milnor), SPT 92-007 (Campbell), and SPT 92-008 (Johnson), Cascade Ridge.

3:30 p.m. - 4:30 p.m.

Executive Session - Personnel.

The Skagit County Board of Commissioners met in regular session on Monday, June 22, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

BOARD OF HEALTH.

1) Introduction of New Staff.

The Board was introduced to and welcomed Christina Violante who is a summer intern with the County Health Department.

2) Request by Phil Burton, - to Allow Reduced Set-Back Between a New Drilled Well and Adjacent Property Line (Waiver of SCC 12.48.140(5)) on Bob Schmid Property, Guemes Island.

Commissioner Vaux disqualified himself from this agenda item as his wife has worked for the Burton's for the past nine years. Commissioner Vaux's absence was excused.

Lorna Haycox discussed with the Board that Mr. Burton came into the Health Department on April 16, 1992, stating that he had followed County Code and drilled a well on Mr. Schmid's property. The set-back from the property line to the well was 27 feet rather than the required 100 feet. This would require concurrence from the neighboring property owner Mr. Kager. Mr. Burton attempted to acquire concurrence from Mr. Kager, who was not willing to sign a covenant. Mr. Burton then attempted to have Mr. Kager sell a portion of his property to Mr. Schmid to provide the 100 foot radius. Mr. Kager was also unwilling to do this. Ms. Haycox then received a letter from Mr. Ken Fowler the well driller, stating that he was unaware that the well was being drilled for a subdivision. Therefore, Ms. Haycox felt that the new ordinance was overlooked in this case. The well dug is 166 feet in depth in blue clay which would provide good containment for drinking water.

Ms. Haycox stated that Mr. Kager is knowledgeable of the situation. Ms. Haycox suggested that an appropriate plat note be made on the final plat and that Mr. Schmid approach any new owner of Mr. Kager's property and again make attempts to gain covenants, easements, or purchase the 73' for a 100' well-protection zone.

Commissioner Wylie motioned to approve Phil Burton's request to waive SCC 12.48.140(5) on the Bob Schmid Property, Guemes Island with the conditions that an appropriate plat note be provided on the final plat and that Mr. Schmid approach any new owner of Mr. Kager's property and again make attempts to gain covenants, easements, or purchase the 73' for a 100' radius well-protection zone.

Chairman Robinson seconded the motion. The motion carried and was so ordered.

3) Proposed Revisions to the Schedule of Charges - Skagit County Health Department.

John Thayer, Environmental Health Specialist addressed the Board, requesting the Board to call for a public hearing as the Skagit County Board of Health to determine proposed fee category changes. The categories for proposed change would be:

- a) Increase the Food & Beverage Worker Permit fee from the current \$5.00 up to \$8.00.
- b) Water Code appeal or waiver has no set fee currently, implement a fee of \$200.00.

Mr. Thayer stated that there is currently a fee charged after a Water Code appeal at the rate of \$35.00 per hour for staff time, but it is not always possible to collect. The proposal is to charge \$200.00 to file the appeal or waiver at the onset.

Commissioner Wylie motioned that the Board of Health call for a public hearing on Monday, July 13, 1992, at the hour of 9:00 a.m., or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, 700 S. Second, Mount Vernon, Washington.

Commissioner Vaux seconded the motion, which carried unanimously.

PUBLIC WORKS DEPARTMENT - RICH Medved, Director.

1) **Discussion - Signature of Intergovernmental Construction Agreement - Bureau of Indian Affairs (BIA).**

Steve Winter, Office Engineer, addressed the Board stating that the BIA has approached the County requesting to reconstruct a portion of county rights-of-way known as Cokedale Road. Cokedale Road is located just south of the Upper Skagit Tribal Center off Helmick Road and has never been maintained by the County on a regular basis.

Mr. Winter stated that Red Creek flows across the main road to tribal land and creates flooding which makes the only access to the reservation impassible. The BIA has contacted the County regarding this situation to open discussion regarding the possibility of opening the right-of-way to the BIA for building an alternate route into the tribal residential area. Mr. Winter stated that the plans meet County Code Road Standards. The homeowners have concerns regarding the speed of vehicles on the area roads. The BIA is on a time schedule and is awaiting the Board's decision. Mr. Winter requested that the Board open the floor to public comment.

Chairman Robinson opened the floor for public comment.

- Tom Higgins, 779 Alpine Lane, addressed the Board. Mr. Higgins stated that he moved onto Alpine Lane three weeks prior to the meeting, after having purchased the property three years ago. He felt that the Helmick Road should be referred to as the "Helmick 500" due to the speed that vehicles travel on the road. He said that Alpine Lane was paved a couple weeks ago and now it is used as a freeway. There is nothing to slow down the traffic, which goes 50 to 70 miles per hour. Mr. Higgins felt traffic would travel just as fast on a new, nicely maintained alternate road.

Mr. Higgins felt that the native Indians were abusing the speed limit the most and have ended up in Mr. Johnson's field. Mr. Higgins stated that he lives in a nice area with good neighbors and wants it to stay that way.

- Frank Gernandt, 765 Alpine Lane, addressed the Board. Mr. Gernandt stated that if the County opens up the right-of-way adjacent to Alpine lane people or property will be hurt. Continuing to use the reservation road would damage a field, car or the driver.

- Merle Granberg, Helmick Road resident, addressed the Board. Mr. Granberg stated that there have been enough incidents of cars not stopping and having to be tracted out of the field. In 10 years of living on Helmick Road he has awakened up to cars needing pulled out of the ditch. Mr. Granberg felt that there would be too much traffic on the right-of-way should it be opened.

- Joanne Huxhold, 2363 Helmick Road, addressed the Board. Ms. Huxhold distributed a letter to the Board regarding concerns and opposition to the proposed road plan. She felt that there were alternatives on

Cokedale that would not impact the future Skagit County Fairgrounds and property for the Sedro-Woolley High School, as well as the residents.

- Allan Fair, Alpine Lane, addressed the Board. Mr. Fair stated that he is a new property owner on Alpine Lane and is shocked at the speed of traffic. He is concerned with the BIA tactics to purchase a corner of his property at an intersection for visibility purposes. Mr. Fair stated that he intends to build on his property soon and the traffic problems are a concern to him.

- Jim Huxhold, 2363 Helmick Road, addressed the Board. Mr. Huxhold stated that a lot of land and trees will need to be taken to go into a small road and can get speeds higher. The Helmick and Cokedale Roads have flooded once in 20 years by his memory. Mr. Huxhold felt that the BIA is wanting the land for some other purpose.

- Saul Cardoni, Road Engineer representing the BIA, addressed the Board. Mr. Cardoni stated that the Upper Skagit Tribal Community has had problems with the road several times. It was impassible to the housing area this past year, and there was no emergency access. The BIA recommended funding due to the public safety issues and the childrens' safety. From Helmick Road the BIA will provide all the safety features including stop signs and speed limit signs. Mr. Cardoni didn't see how it was possible to drive 60 to 70 miles per hour on the reservation road. The Right-of-way is 60 feet in width, but the paved area of road will only be 28 feet wide. There will be better visibility and the intersection will be widened. Mr. Cardoni stated that it was his understanding that the Helmick Road was being scheduled for reconstruction. He felt that the accidents feared by residents could happen anywhere. Mr. Cardoni stated that he would like to see a record of the accidents that the area residents referred to. He said that there would not be an increase of traffic on the roads. He stated that some trees would have to be removed for visibility purposes, but the total 60 foot right-of-way would not be cleared.

Mr. Cardoni stated that the reason that the reservation road flooded was due to the culverts never having been cleaned out. The reservation road will be maintained by BIA. County property will be maintained by the County.

- Mr. Higgins asked Mr. Cardoni if the new road would be for emergency use only.

- Mr. Cardoni assured the residents that the new road would be used only for emergencies and, because it will be less convenient, will probably not be used at all otherwise. The Tribal Police will enforce the 25 mile per hour speed.

- Mr. Gernandt stated that he had been present when vehicles had to be pulled out of the field and the drivers admitted to driving 35 or 45 miles per hour.

Mr. Winter stated that he is still communicating with the BIA and will discuss the situation further. He has contacted Mr. Black from BIA and will address questions in further communications.

2) Acknowledgement - Donation from Shell Oil Company Foundation to Skagit County Household Used Motor Oil Collection Program.

Rick Boge, Waste Reduction/Recycling Coordinator, introduced Mr. Bud Anderson from Shell Oil Company to present the donation to the Board.

Mr. Anderson presented a check for \$2,500.00 to the Board for the Skagit County Household Used Motor

Oil Collection Project. Mr. Anderson stated that he had worked for Shell Oil 23 years and had been given the opportunity to work on a committee to work on environmental issues. He met Mr. Boge almost two years ago and has worked with, and asked questions of, Mr. Boge that he has been patient in providing information for.

The Board thanked Mr. Anderson for the generous donation and requested him to extend their thanks to Mr. Tom Moody, the Anacortes Shell Refinery Manager.

3) Signature - Supplement No. 2, Professional Services Contract With Pacific Western Industrial Maintenance, Inc.

The Board, by unanimous decision, signed a Supplement to a Professional Services Contract with Pacific Western Industrial Maintenance, Inc. extending the terms of the contract to June 30, 1993. The contract amount will not exceed \$30,000. This NOT TO EXCEED amount is to cover any unanticipated maintenance costs that could occur at the Skagit County Inman Landfill due to the potential failure of the well pumps located at the leachate pond. (Contract #01092).

4) Signature - Engineering Services Agreement for Inman Study and Remediation Project.

The Board signed a contract for remediation work at Inman Landfill with Parametrix in the amount of \$193,212.00. Work will begin on June 23, 1992, and shall be completed November 20, 1992. (Contract #01344).

5) Miscellaneous.

- A) Mr. Medved stated that Lexus Automobiles will be doing a photo shoot on the Guemes Ferry next month. The shoot will be at the end of the last run of the day. The ferry will not be moved, they will drive a vehicle on and do the shoot, and drive the vehicle off.
- B) Mr. Medved stated that he will present length of service pins at the next full Public Works Department meeting, August 8, 1992. The pins will be produced in 5-year increments for recognition of service.

CONSENT AGENDA

* **Emergency Services:**

- 1) Out-of-State Travel Request for Mark Watkinson to attend Professional Development Series Class - Emergency Planning Course July 13 through 17, 1992 in Bend, Oregon. The State Division of Emergency Management is paying the lodging and mileage costs. Estimated cost of meals, \$180.00.

* **Health Department:**

- 2) Signature - Guest Speaker Contract - Dick Eddington, 4144 N. 155th E. #F, Oak Harbor, Washington 98277, to provide Personal Perspectives on HIV/AIDS through the 1992 year at the rate of \$25.00 per presentation. (Contract #01345).

* Human Services:

- 3) Signature - Contract Amendment 2490-084776(3) with DSHS - Division of Developmental Disabilities for the current 1991-93 biennium. This amendment adds legislated inflationary increases for vendors to the contract, new monies for children's services and a decrease in transition funds, for students ages 18-21. The decrease is a result of 1992 legislative action which transferred some of the previously available monies to Division of Vocational Rehabilitation. (Contract #01022).

* Planning and Community Development:

- 4) Signature - Resolution approving Max and Pearle Jensen Comprehensive Plan Map Amendment, CPA-92-011. (Resolution #14361).

MISCELLANEOUS

- A) The Board signed an Out-of-State Travel Request for Dean Miller to attend polygraph school in Bend, Oregon, June 22, through 26, 1992. Total amount of expenses for lodging and meals estimated at \$480.00.
- B) The Board signed a resolution establishing a revolving fund for Skagit County Human Services' Area Resource Coordinator Emergency Fund in the amount of \$1,500.00. (Resolution #14362).
- C) The Board signed a resolution for a budget line item change in the amount of \$3,700.00 for the Senior Services Fund #118 for the acquisition of telephone systems at two different senior centers to replace aging systems. (Resolution #14363).
- D) 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, June 22, 1992, 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 #91315 through 91483 (Vouchers #91315 through 91483) in the amount of \$254,542.67. Transmittal #R12-92.
 - 2) Payroll Warrants #22756 through 22921 (Vouchers #PDRAWJU01895 through PDRAWJU02060) in the amount of \$55,623.07. Transmittal #P-12-92.
- E) Jerry McInturff, County Auditor, addressed the Board. Mr. McInturff stated that the State Auditor has requested a larger office space. They are willing to pay the County for a larger office, or will go off-site and lease elsewhere.
 - F) Mr. McInturff discussed with the Board the status of the wall he had requested to be built in his department.

Commissioner Vaux stated that the estimated of \$20,000 that was presented to the Board was too high, therefore the Board did not approve the construction of the wall.

Mr. McInturff felt that the estimated price was too high, that he just wanted a simple wall put in. The estimate that was drawn up was including features that he could do without. A basic wall for privacy would be sufficient.

The Board directed him to speak with Mr. Howard, Facilities Manager, to clarify exactly what he wants constructed, and have another estimate done.

PUBLIC HEARING - AMENDING SKAGIT COUNTY CODE 10.12 - COUNTY PARKING LOTS.

Stephanie Wood, Administrative Coordinator, addressed the Board regarding the proposed amendments to Chapter 10.12 of the Skagit County Code relating to Skagit County Parking Lots. Ms. Wood stated that the ordinance defines all County owned parking lots and allows the County to prohibit others, under the law, from parking in those lots. The proposed amendments would add the following lots: Briskey, EDASC, the temporary Blade lot, District Court/Mobile, and the County-owned property on Broadway.

Ms. Wood stated that there are 13 County parking lots total. The public hearing is to determine adding all the lots into the ordinance and authorize County regulation of the lots.

Seeing and hearing no comment from the public, Commissioner Vaux motioned to close the Public Hearing.

Commissioner Wylie seconded the motion, which carried unanimously.

Commissioner Vaux motioned to approve the ordinance amending Chapter 10.12 Skagit county Code relating to Skagit County parking lots.

Commissioner Wylie seconded the motion, which carried unanimously.

DECISION - MAURICE BECK APPEAL, 581 HIGHWAY 9, SEDRO-WOOLLEY, WASHINGTON, (LOCATED 3.5 MILES NORTH OF SEDRO-WOOLLEY ON HIGHWAY 9) OF SKAGIT COUNTY HEALTH OFFICER'S DETERMINATION TO DISALLOW USE OF A DUG WELL FOR A NEW SUBDIVISION.

Commissioner Vaux asked for clarification regarding an option for the Board to hold their own public hearing should they wish to overrule the Health Departments decision.

Ms. Haycox responded that Mr. Moffat, Chief Civil Deputy Prosecuting Attorney, determined that the Board did not need their own public hearing to make a decision on the matter.

Chairman Robinson motioned to approve Mr. Beck's appeal. Chairman Robinson stated that Mr. Beck attempted to get the well done back in August of 1991, and that in September there was still no regulations in place to prohibit him from doing so. The problem that Mr. Beck had was the engineer unable to get to the project, otherwise it would have been completed before the new ordinance had gone into effect.

Commissioner Vaux thanked Mr. Beck for the presentation he made at the time of the public hearing. He stated that there were parts of the presentation that he did not agree with. He did not believe that there had been an erroneous application of the ordinance. There were engineer problems not County problems. Commissioner Vaux stated that he would favor the motion with a clause that the use of the well be permitted as long as Mr. Beck's daughter was living there. If the property is sold, then it would no longer be an appropriate water source.

Commissioner Vaux stated that he worked for a long time on the Water Utilities Coordinating Committee

(WUCC) to make laws effective to guarantee water quality now and in the future. He felt that the Board was bending the Ordinance to allow Mr. Beck's request.

Commissioner Vaux stated that the approval would be conditional, that upon sale of the property there must be a drilled well.

Commissioner Wylie asked if there were a recorded contract between Mr. Beck and his daughter for the property.

Mr. Beck responded that there would not be one unless he died.

Ms. Haycox stated that the Department of Ecology (DOE) was aware of the Beck situation not being to code and the well would have to be brought up to standards.

Mr. Beck stated that if the engineer had been done on time, his situation would have had nothing to do with the County's new ordinance.

Ms. Haycox stated that because the County had been lax in past compliance with state law was no reason to continue to do so.

Mr. Beck felt that Lorna had a vendetta against him.

Chairman Robinson stated that there was no vendetta, the Advisory Water Committee and the County Health Department had spent two to three years struggling to come up with a good water ordinance.

Chairman Robinson amended his motion to approve the appeal of Mr. Maurice Beck's request for alternative water source with the condition that should the land be sold, the well will not be considered a proper water source.

Commissioner Vaux seconded the motion, which carried unanimously.

DECISION - ADMINISTRATIVE APPEAL - SHORT PLAT APPLICATIONS SPT 92-006 (MILNOR), SPT 92-007 (CAMPBELL), AND SPT 92-008 (JOHNSON), CASCADE RIDGE.

Commissioner Wylie stated that a lot of information was received and had been reviewed by the Board. Commissioner Wylie motioned to uphold the Planning Department's decision to deny the Short Plat applications SPT 92-006 (Milnor), SPT 92-007 (Campbell), and SPT 92-008 (Johnson) at Cascade Ridge. She stated that the properties are contiguous, and should be under the Long Plat ordinance.

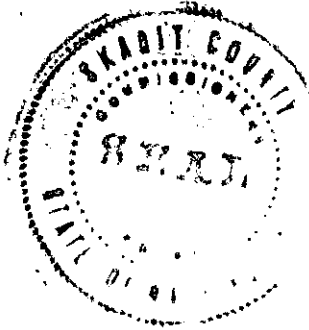
Commissioner Vaux declined the second.

Chairman Robinson seconded the motion, agreeing that the properties should be long platted.

The motion carried with two affirming votes from Chairman Robinson and Commissioner Wylie. Commissioner Vaux cast a dissenting vote.

ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion, which carried unanimously.



ATTEST:

Corrie Carter
Corrie Carter, Clerk of the Board
Skagit County Commissioners

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Robby Robinson
Robby Robinson, Chairman

Ruth Wylie
Ruth Wylie, Commissioner

W. W. Vaux
W. W. Vaux, Commissioner