

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

Wednesday, September 21, 1994

8:30 a.m. - 9:30 a.m.	Executive Session - Personnel, Litigation and Land Acquisition.
10:00 a.m. - 11:00 a.m.	Public Hearing - Formation of Starbird Sewer District.
6:00 p.m. - 7:00 p.m.	Regional Transportation Planning Organization Meeting (Port of Skagit County).
7:00 p.m. - 8:00 p.m.	Skagit Council of Governments Meeting (Port of Skagit County).

The Skagit County Board of Commissioners met in regular session on Wednesday, September 21, 1994, with Commissioners Harvey Wolden, Robby Robinson and Robert Hart present.

PUBLIC HEARING - FORMATION OF STARBIRD SEWER DISTRICT.

Chairman Wolden opened the public hearing.

Dr. Richard Bertelsen, Petitioner, stated that the purpose for the formation of the sewer district is due to the impermeability of the ground in the area, that drainfields are not feasible, and that it is essential to have a sewage treatment system for the proposed development. Dr. Bertelsen advised that this sewer system will adhere to all of the requirements of the State Department of Ecology, State Health Department and other regulatory agencies. Dr. Bertelsen further stated that water from the effluent will be treated so that it will be similar to drinking water, and will be placed back on the golf course to effectuate water conservation.

John Thayer, Director of Environmental Health, indicated that the Health Department is very much in favor of a community collection treatment procedure. However, there is concern on the issue of starting up a quasi-government in an area where currently there are so few citizens. The second concern is the possible lack of leadership due to the lack of citizens in the area. It is important, stressed Mr. Thayer, to assure that leadership remains in perpetuity to maintain continuity over the life of the treatment facilities. In this regard, financial viability is also a concern. In summary, Mr. Thayer stated that the Health Department is very supportive of the concept of a community sewer district.

Commissioner Hart expressed his concern of a sewer district being established before the homes are built.

Mr. Thayer indicated that developers have the financial viability to set up the sewer districts, then pass responsibility to the homeowners or owners of the property.

Chairman Wolden ascertained that there will be a sewer board to govern this district, and that the burden is on the applicant/petitioner to make sure the proper steps take place and responsibility is assured.

Chairman Wolden further indicated that the petitioner will not get required permits from the Department of Ecology until the appropriate standards and criteria have been met.

A brief discussion ensued on RCW 56.02.060 governing the formation of sewer districts.

Stephanie Wood, Administrative Coordinator, indicated that the criteria listed in the RCW fall into the realm of the Health and Planning Departments, therefore said departments are in attendance at this hearing to answer specific questions. Ms. Wood reiterated Chairman Wolden's comments that the burden in proving

that the proposal meets the criteria lies with the applicant/petitioner.

Dave Hough, Director of Planning, stated that this proposal is unusual in its timing. Dr. Bertelsen has applied for approval for a development on his property that is currently in the environmental review process. Mr. Hough likened this action to the chicken and egg - which should come first? Mr. Hough briefly reviewed the procedure of hearings which will have to take place, and that the Planning Commission will make a recommendation to Board. Statutes relating to formation of sewage districts do not allow much flexibility relating to the timing of decision, which puts the Board in a difficult position, according to Mr. Hough. Specifically, RCW 56.02.060 outlines the criteria for the County legislative authority as follows:

- (1) Whether the proposed action in the area under consideration is in compliance with the development program which is outlined in the county comprehensive plan and its supporting documents; and/or
- (2) Whether the proposed action in the area under consideration is in compliance with the basinwide water and/or sewage plan as approved by the state department of ecology and the state department of social and health services; and/or
- (3) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

Mr. Hough explained that the statute provides that if the proposed action is inconsistent with any of the above, the county legislative authority shall not approve it.

Mr. Hough further advised that the project is going through the evaluation process. The Planning Department is in a difficult position as the formation of the sewer district is premature prior to the environmental review and review and decision by the Planning Commission. Mr. Hough further explained that the Planning Department will make a recommendation to the Planning Commission after the final EIS is prepared. This recommendation will be considered during the public hearing process.

Chairman Wolden indicated that perhaps action by the Board at this time is not appropriate and should be delayed until after the Planning Commission recommendation.

Mr. Hough clarified that the statutes do not allow for a delay of 2-3 months during the project review. Due to this limitation, a denial without prejudice and allowance of re-submission after such time as a project review has been accomplished would be recommended.

Ms. Wood indicated there is the option of Dr. Bertelsen simply withdrawing his petition at this point and re-submitting it in the future.

Chairman Wolden indicated that Mr. Hough is correct, that this petition is untimely, and that it may be in the best interests of all concerned for Dr. Bertelsen to withdraw his petition.

A discussion ensued on the timelines for the EIS and project review.

Lyle Craner, 2374 Bulson Road, stated that his property adjoins the proposed sewer district property. Mr. Craner expressed his belief that it is premature to consider the formation of the sewer district at this time.

Regina Black, property owner west of the freeway, stated that zoning on this property was still 5 acres for

each parcel and urged the need for the EIS to be completed.

There being no further public comment forthcoming, Commissioner Robinson moved to close the public hearing. The motion was seconded by Commissioner Hart and passed unanimously.

Commissioner Hart stated that he does not feel he has enough information at this point to form a new sewer district.

Commissioner Robinson concurred with Commissioner Hart's comments.

Dr. Bertelsen indicated that he did not realize the timeliness issue, and had simply been told that it was necessary for him to create a sewer district.

After brief discussion Dr. Bertelsen stated that he would like to withdraw his petition and resubmit it at a later date.

Staff indicated that a written notice of Dr. Bertelsen's withdrawal will be required.

MISCELLANEOUS.

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.

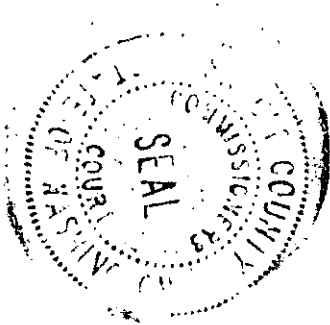
As of this date, September 21, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Voucher numbers MW118877-35 through MW118877-35 and claims warrants numbered MW118877-35 through MW118877-35 in the total amount of \$18,918.97 (Transmittal #C48-94).


ADJOURNMENT.

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON




Harvey Wolden, Chairman


Robby Robinson, Commissioner


Robert Hart, Commissioner

ATTEST:


Patti J. Owen, Clerk
Skagit County Board of Commissioners