

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, July 6, 1999**

|                          |  |
|--------------------------|--|
| 7:30 a.m. – 8:30 a.m.    | Commissioners' Staff Meeting.  |
| 8:30 a.m. – 9:00 a.m.    | Work Session – Planning & Permit Center Work Program.  |
| 9:00 a.m. – 10:00 a.m.   | <u>Board of Health – Peter Browning, Director.</u><br>1) Appeal of the Health Officer's Decision regarding On-Site Sewage Permit #S99-0016 (Jerry & Virginia Scheffer, d/b/a Anaco Beach Guest Suites Inn).<br>2) Miscellaneous. |
| 10:00 a.m. – 10:30 a.m.  | Parks Projects Update.   |
|                          | <b>CONSENT AGENDA.<br/>MISCELLANEOUS.</b>  |
| 1:30 p.m. – 2:00 p.m.    | Bid Opening – Senior Nutrition Catered Meals.  |
| *T 2:00 p.m. – 2:30 p.m. | Quarterly Human Services Department Presentation.  |
| 3:00 p.m. – 4:00 p.m.    | Executive Session – Personnel, Litigation and Land Acquisition.  |

The Skagit County Board of Commissioners met in regular session on Tuesday, July 6, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

**BOARD OF HEALTH – Peter Browning, Director.**

**1. Appeal of the Health Officer's Decision regarding On-Site Sewage Permit #S99-0016 (Jerry & Virginia Scheffer, d/b/a Anaco Beach Guest Suites Inn).**

Tom Mosher, 411 Main Street, Mount Vernon, stated that he is an attorney representing 27 families in the Marine Drive area on the West Side of Fidalgo Island. He reviewed a drawing of the area showing where his clients live and where the site at issue is located. He stated that a packet of materials had been presented to the Board on Friday, and added additional items consisting of an attachment to a report from Transportation Solutions, Inc. containing technical detail about Marine Drive, and a resume from James Carr, a hydrogeologist who would be testifying later in the proceedings.

Mr. Mosher explained that the decision of the Skagit County Health Officer was appealed because the appellants feel the conditions of the permit were not sufficient. The issues in question consist of a failure to determine whether this is a commercial or residential application, failure to find that the aerobic treatment system will produce odors, and the failure to require the applicant to meet existing hydraulic loading requirements, and additional concerns. He stated that of primary importance for the Board's consideration is that the applicant is not intending a single family residence at the site, but rather a bed and breakfast facility. Mr. Mosher stated that this is a commercial establishment, as evidenced by an application for a special use permit, website, toll free phone number, and on-site manager. Mr. Mosher indicated that the Health Officer did not consider these facts, as he felt these are zoning issues, not septic permit issues. Mr. Mosher stated that this is important as size of the septic system would have impact on the drainfield and adjacent property owners.

Jim Carr, AGI Technologies, stated that he is a hydrogeologist, who has worked professionally in the field of water supply for 30 years, and has done a number of projects along Marine Drive. He stated that he

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was retained by Mr. Mosher to review effluent issues raised by this proposed bed and breakfast. Mr. Carr indicated that the site was reviewed in April, as well as documents provided by the applicant and Skagit County. He stated that the Environmental Protection Agency estimates that 30% of drainfields and effluent disposal systems fail because existing regulations are not followed precisely. Mr. Carr stated that Skagit County has a good set of codes for septic tank and effluent disposal, and, if followed, would not pose a problem. He indicated, however, that there could be problems due to the lack of conditions placed on the septic permit.

First, Mr. Carr explained that the existing drainfield is not of adequate size and needs to be at least 750-900 square feet to accommodate the number of bedrooms and people in the bed and breakfast. He commented on the Health Officer's letter being incorrect in that the aerobic treatment unit allowed the doubling of the disposal rate. He noted the wet season issue, stating that no evaluation had been performed during the wet season and that most failures are caused by drainfields becoming saturated, which allows effluent and nutrients to flow to the subsurface and cause odors. He noted that the site is on a steep slope, and he reviewed photographs of the proposed drainfield area. Mr. Carr questioned the appropriate setback for a drainfield, and noted that there is no provision in the application for a reserve area drainfield. He stated that, in his opinion, effluent will discharge downhill into the neighboring interceptor drain.

Duane Knapp, 11168 Marine Drive, an adjacent property owner, spoke on behalf of 32 neighbors who have signed petitions against this development. He stated that he and the neighbors are mystified as to why they should have to come before the Board when the regulations that the County has are not being followed. He stated that the septic permit should not have been issued. He commented on the need for a wet season review, together with consideration of the steep slopes in the area. He indicated that the driveway of the subject home is so steep that it was been deemed to be unsafe by the local fire chief should there be a fire. Mr. Knapp stated that the State Health Department says they do not recommend these types of devices. He questioned if the Health Officer had in fact visited the site and reviewed the unusual situation there. He summarized by saying that to conditionally approve this when there has been no wet season review is significantly deficient.

Al McCrary, 11064 Marine Drive, a neighbor to the project located two lots north, stated that he is an engineer. He commented on the need to consider the amount of laundry a bed and breakfast would be processing, and noted that the daily load for the septic system would be greatly impacted compared to a residential load.

Joel Haggard, 1200 IBM Building, Seattle, stated that he is an attorney representing the applicants, Jerry and Virginia Scheffer. He emphasized that the appeal before the Board is of the septic permit for residential use as reviewed by the Skagit County Health Officer. This is the only issue before the Board, not the potential for a bed and breakfast establishment. He stated that the applicants firmly disagree with the appellants in their characterization that the Health Officer did not look at his own regulations and visit the site. He stated that Staff was not arbitrary and capricious but carefully considered the facts. Mr. Haggard indicated that there was a concern throughout the proceeding about the bed and breakfast, which is a land use matter. He stated that he objected to the exhibits lettered A, B, F, G, H, L, N, O, R, S, and T, because they have either unsworn facts, incompetent facts, or are not material or relevant to this appeal. Mr. Haggard stated that he received appellant's packet of materials at about 8:50 a.m. this morning, and is therefore raising objections to the exhibits as stated. He expressed his concern in not being able to cross-examine the technical expert of the appellants, but indicated that his expert, Mr. Smith, would address the primary concerns of setback, wet season review, and a provision for a reserve area. Mr. Haggard stated that if a bed and breakfast use were being proposed in the future, it would require further Health Department review as this permit is for residential use only. He presented a letter to the Board from the applicants withdrawing their special use application.

Gary Smith, Septic Design Services, Anacortes, a certified septic designer in Skagit County, addressed the points of the appellants. Mr. Smith reviewed his memorandum given to the Board, noting that the

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County Code does not require a wet season review, and that a soils evaluation was done and showed there is far more adequate soil than required. He next discussed that there are adequate setbacks as show in the as-built drawing. He indicated that physical examination of the property clearly shows where the drainfield is located due to the disturbance of the natural vegetation. Mr. Smith indicated that the Health Department did visit the site, reviewing for setback adherence and slope consideration. He also commented that soil log holes were dug and that a reserve drainfield area was specified. Mr. Smith indicated that the plans were approved by the Health Department after appropriate review, adjustments and conditions. Such plans were reviewed with Greg Geleynse of the Planning Department on-site.

Mr. Smith indicated that the septic permit was issued for purposes of residential use.

Mr. Smith next commented on the remarks concerning the effluent running down hill. He stated that the unit proposed meets the standards of a sand filter system, and justifies the doubling of the hydraulic loading rate. He stated that all septic systems have a susceptibility for failure. He commented on the system's maintenance requirements and that the possibility of untreated effluent flowing on the neighbor's property is not probable. He stated that based upon the requirements of County Code, the review and approval of the Health Department, he did not see a problem with this system for residential use.

Mr. Mosher objected to the introduction of a new reserve drainfield area, stating that this information was not given to the Health Officer. Consequently, he did not think this information should be a part of this appeal.

Mr. Mosher reviewed a memo from Mr. Carr dated May 13, 1999.

John Caraba, 11602 North Del Mar, commented on the need for the applicants to follow the same rules he was subject o in the replacement of his home.

Mr. Mosher stated that it is important to identify whether this project is for residential or commercial use. He stated that the applicants have announced their intentions, which are for a congregate living facility. He noted the need to avoid piecemealing the permit process. He stated that the applicants have invested in a commercial establishment, and once they receive this septic permit they will most likely begin operating the bed and breakfast establishment. Consequently, he stated that this septic system will be used for commercial purposes and should be viewed as such.

Mr. Haggard questioned Mr. Smith on whether he submitted the existing drainfield and a reserve area plan. Mr. Smith responded that he submitted a site evaluation plan on May 12, which shows both the existing drainfield and the 100% reserve area, despite the appellants' allegation to the contrary.

Mr. Haggard summarized that this is a narrow issue as to whether Dr. Leibrand, the Health Officer, was arbitrary and capricious in approving the septic tank permit for residential use. He urged the Board to deny the appeal.

Chairman Anderson indicated that the Board would render a decision regarding this matter on July 12, 1999, at 1:30 p.m.

**2. Miscellaneous.**

There were no miscellaneous items for discussion.

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### PARKS PROJECTS UPDATE.

David Fair, new Parks & Recreation Department Director, was welcomed by the Board.

A meeting with Jim Chu of the U.S. Forest Service regarding Steelhead Park and Interpretative Study Sites for eagle viewing on Highway 20 was reviewed.

Dennis Lind, Interim Co-Director, gave an update on the progress at the Skagit Valley Dreamfield and the upcoming Grand Opening scheduled for July 31<sup>st</sup>. He further reviewed the various recreation activities for the month of July including softball leagues, Clear Lake Triathlon, Fastpitch tournaments, Slowpitch tournaments, various camp activities, and the Clear Lake Swim Beach.

Pete Mayer, Operations Manager, discussed the new two-way radio system being activated, and the cost savings to the County. He also spoke regarding the activities of summer interns roving County Parks on Saturdays to check on the condition of the facilities, garbage accumulation, etc.

Mr. Mayer next reviewed recent discussions with the Northern State Recreation Area Task Force, indicating also that a crew has been at the site mowing and chopping tall grass. He stated that such work is being accomplished pursuant to a noxious weed control plan.

Mr. Mayer reviewed activities at the Fair Grounds, and the work being done in preparation for the 1999 County Fair. He stated that the proposal for an indoor soccer facility at the Fair Grounds is awaiting feedback from the proposer, Dennis Sobchuk. He stated that the Sherman Anderson Ballfield acquisition is still a possibility.

Mr. Mayer next reviewed the progress on the updating of the Swinomish Channel Boat Launch. He stated that permit applications are being reviewed by various government entities.

Mr. Mayer spoke regarding the upcoming Northwest Washington Snowmobile Grooming Grant and the efforts of the Department to enhance the grant in cooperation with Whatcom County Parks.

Mr. Mayer discussed the Centennial Trail Highway 9 bridge debris removal and demolition. He also noted that the Public Works Department has been working on developing an environmental response to the Department of Ecology regarding the Cascade Trail. This response will contain an erosion sedimentation plan.

Pressentin Park was briefly discussed, in particular the receipt of plans from Semrau & Lisser and the road prism in relation to archeological issues.

Commissioner Hart commented on the need to hire a Special Projects Manager as discussed previously, to get the person working on many of these "special projects."

### CONSENT AGENDA.

Commissioner Wolden moved to approve the Consent Agenda for Tuesday, July 6, 1999, items 1-18. Commissioner Hart seconded the motion, which passed with a unanimous vote.

### COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Monday, June 28, 1999.
2. Record of the Proceedings of Tuesday, June 29, 1999.

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**INFORMATION SERVICES:**

3. Agreement for Computer Access with First American Title Company for the period January 1, 1999 through December 31, 1999, for a monthly fee payable to the County of \$70. **(Contract No. 04475)**

**PUBLIC WORKS DEPARTMENT:**

4. Cook Road Improvement Project Summary of Offer. **(Approved)**
5. Resolution Awarding Bid for purchase of One New Latest Model Three-Axle Truck with Bin Rolloff System to Motor Trucks, Inc. of Mount Vernon, for the total bid price of \$112,111.54. **(Resolution No. 17497)**
6. Resolution calling for bids for the improvement of approximately 0.8 miles of Farm-to-Market Road, No. 31010. **(Resolution No. 17498)**
7. Professional Services Agreement with Harkness Contracting, Inc. for work regarding the drainage improvement, restoration and enhancement work for Brickyard Creek through the Gateway Golf Course property. The total project will cost \$20,000, and this contract amount is \$8,000 for excavation work which will be paid by the Sedro Woolley Sub-Flood Control Zone. The contract begins June 15, 1999 and will expire December 31, 1999. **(Contract No. 04476)**

**SHERIFF'S OFFICE:**

8. Resolution and Interlocal Agreement with the Upper Skagit Indian Tribe for jail services effective the date of signature and renewable year to year thereafter unless terminated by either party. Effective the date of signature, the Tribe shall pay the County \$50 per detention day for the year 1999. The fee for subsequent years shall be as established by the County for each subsequent year. **(Resolution No. 17499, Contract No. 04477)**

**EMERGENCY MANAGEMENT:**

9. Resolution allowing reimbursement of costs to private residents for County addressing errors. **(Resolution No. 17500)**

**HUMAN SERVICES DEPARTMENT:**

10. Interagency Agreement with High Intensity Drug Trafficking Area (HIDTA) Division of Alcohol & Substance Abuse (DSHS/DASA) for the period January 1, 1999 through December 31, 1999, for a total amount of \$30,000 for continuance of Federal money for support of the County Prevention North 26<sup>th</sup> Street Neighborhood Outreach project. **(Contract No. 04478)**

**PEST CONTROL (APPLE MAGGOT PROGRAM):**

11. Vendor Services Agreement with Farm & Forest Helicopter Service, Inc. for the application of pesticide/insecticide to trees, shrubs and/or plants, for a not-to-exceed amount of \$5,000. The contract begins on June 30, 1999 and continues through December 31, 1999. **(Contract No. 04479)**

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FACILITIES MANAGEMENT:

12. Professional Services Agreement with Chinook Enterprises for the installation of perennial and annual flowers and shrubs around the perimeter of the Skagit County Courthouse complex, and maintenance thereof for the period July 10, 1999 through August 1, 1999. Installation of plants will be \$4,300 plus tax, and maintenance will be \$4,500 plus tax. Billing will be done in 12 months installments of \$735 plus Washington State Sales Tax. **(Contract No. 04480)**

HEALTH DEPARTMENT:

13. Contract with Community Mental Health for therapeutic childcare services for the period July 1, 1999 to June 30, 2000 for a maximum total amount of \$6,510. **(Contract No. 04481)**
14. Personal Services Agreement with Linda Kathleen Wigal to provide Maternity Support Services case management beginning July 1, 1999 and continuing until terminated at a per client rate ranging from \$35 to \$65. **(Contract No. 04482)**
15. Amendment No. 1 to grant agreement with the State Department of Health regarding the drinking water program. The amendment will extend the date of the contract from June 30, 1999 to September 30, 1999. **(Contract No. 04277)**
16. Interagency Work Order with DSHS for foster care passport services for the period July 1, 1999 through December 31, 1999, for maximum consideration of \$14,172. **(Contract No. 04483)**
17. Interagency Work Order with DSHS for alternative response system services for the period July 1, 1999 through December 31, 1999 for maximum consideration of \$9,180. **(Contract No. 04484)**
18. Interagency Work Order with DSHS for CPS/PHN services for the period July 1, 1999 through December 31, 1999 for maximum consideration of \$11,100. **(Contract No. 04485)**

MISCELLANEOUS.

1. 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, July 6, 1999, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 47913 through 48232 from Clearing Fund 696 in the total dollar amount of \$705,258.84 (Transmittal No. C-48-99).

2. Staff presented Amendment "D" to a Personal Services Agreement with Bill Winter extending the provision of janitorial services for County facilities until an expiration date of July 1, 2000, with the contract dollar amount not to exceed \$7,000. Commissioner Wolden moved to approve the Contract Amendment as presented by Staff, and Commissioner Hart seconded the motion. The motion passed unanimously. **(Contract no. 03629)**
3. Staff presented a Resolution to re-appoint Richard Kannely to the Skagit County Fair Advisory Board for the period January 1, 1999 through December 31, 2003. Commissioner Wolden moved to approve the reappointment as presented. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Resolution No. 17501)**

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4. Staff presented a Resolution to appoint Ginger Houston to the Skagit County Fair Advisory Board for the period July 1, 1999 through June 30, 2003. Commissioner Hart moved to approve the appointment as presented by Staff, and Commissioner Wolden seconded the motion. The motion passed unanimously. **(Resolution No. 17502)**
5. Staff presented a Resolution to re-appoint June Van Grimbergen to the Skagit County Fair Advisory Board for the period January 1, 1999 through December 31, 2003. Chairman Anderson moved to approve the reappointment as presented by Staff, and Commissioner Hart seconded the motion. The motion passed with a unanimous vote. **(Resolution No. 17503)**.

**BID OPENING – SENIOR NUTRITION CATERED MEALS.**

Wendy Weyer, Nutrition Coordinator for Senior Services, opened the following bids:

Airline Catering Co., Inc.  
PO Box 117  
Spanaway, WA 98387  
Frozen meals - \$1.72 dual ovenable tray, and \$.10 per dinner roll

Correctional Industries  
Airway Heights Corrections Center  
PO Box 1959  
Airway Heights, WA 99001-1959  
Frozen meals – dual ovenable tray - \$1.60, and \$.07 per dinner roll.

Ms. Weyer advised that she would review the bids and make a bid award recommendation within the next week or so.

**QUARTERLY HUMAN SERVICES DEPARTMENT PRESENTATION.**

JoAnne Angevine, Human Services Department Director, spoke regarding Developmental Disabilities, noting that the County had received notice of a 9% increase in funding from the State for the next biennium. She stated that the caseload has stabilized. Currently there are stakeholders within the State who are working as a result of legislation, keeping the institutions with people with disabilities open, while a group of citizens debates the future of such institutions. She indicated that by the end of this biennium there would be a radical change in how we deal with individuals with disabilities.

She reviewed the status of the mental health community, explaining the Regional Support Network with four other counties and the Associated Providers Network. She stated that the contract is secure with APN and RSN for the next year, and for the next two years services will be stabilized. She stated that Community Mental Health has been having difficulties with issues related to union negotiations, and that the possibility of a strike is rather imminent. If a strike occurs, Ms. Angevine indicated that the APN organization will bring in support staff from other communities to handle the day-to-day case management. She briefly discussed the lack of case managers and frontline staff and caseloads growing to unacceptable levels. She stated that the RSN has undertaken a critical urgent review and will look at that question and report back through the Board.

Ms. Angevine indicated that the jail mental health liaison position began in June through County Human Services, working with that person through an oversight committee. She advised that the jail personnel are very pleased that someone is there. She briefly spoke regarding the Children's Crisis Respite Center.

She stated that in February a local oversight committee was initiated for emergency services with people from law enforcement and DSHS for discussing and pulling together to determine what is wrong with emergency services in Skagit County.

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Pioneer Center North is adding 50 new beds for involuntary alcoholic treatment to assist with the chronic publicly inebriated individuals.

Vera Sullivan, Substance Abuse Specialist, shared with the Board information about the substance abuse prevention programs, and various funding sources for the 1999-2001. She reviewed the funding streams available to Skagit County including the Office of Public Instruction, CTED, Department of Health, Northwest High intensity Drug Trafficking Area, and the Division of Alcohol and Substance Abuse.

She reviewed the 1997-99 Human Services Prevention Activities. She spoke regarding the SKADU Program and the involvement of 4,000 students in Skagit County. She stated that all of the schools in Skagit County have surveyed their students, with a large enough sample to rely on data received as a result of that survey.

Ms. Sullivan reviewed the 1999-2001 Prevention Plan, commenting on assisting parents during their children's middle school years when children are the most susceptible to drugs.

**BID OPENING – 1999 MILLER CREEK FISH PASSAGE PROJECT, C.R.P. NO. 08000-03.**

John Abenroth, Surface Water Management Division, opened the following bids:

Premium Construction Group, Inc.  
12014 20<sup>th</sup> Street, S.E.  
Everett, WA 98205  
Bid Bond Enclosed.  
\$426,160.50

Strider Construction Company  
2430 E. Bakerview Road  
Bellingham, WA 98226  
Bid Bond Enclosed  
\$429,033.56

Harkness Timber & Development, Inc.  
2530 Applejack Lane  
Bellingham, WA 98226  
Bid Bond Enclosed  
\$310,905.00

BBG Group  
Bow, WA 98232  
Bid Bond Enclosed  
\$391,625.80

Paragon Construction Company  
575 Montgomery Road  
Bellingham, WA 98226  
Bid Bond Enclosed  
\$351,883.52



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Harkness Contracting, Inc.  
PO Box 41  
Acme, WA 98220  
Bid Bond Enclosed  
\$370,374.59

Steve Sauer Trucking & Construction, Inc.  
4015 Astrea Place  
Anacortes, WA 98221  
Bid Bond Enclosed  
\$427,436.70

Wilson General Contracting (WGC)  
28332 Old 99 No.  
Stanwood, WA 98292  
Bid Bond Enclosed  
\$411,212.00

Larry Brown Construction, Inc.  
1825 Mount Baker Hwy.  
Bellingham, WA 98226  
Bid Bond Enclosed  
\$392,450.18

Mr. Abenroth indicated that the bids would be reviewed and a bid award recommendation would be forthcoming.

**ADJOURNMENT.**

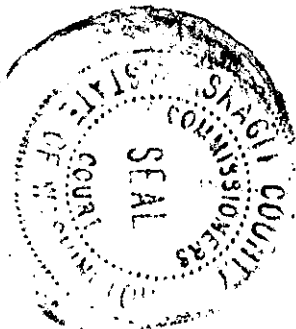
Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

  
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Ted W. Anderson, Chairman

  
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Harvey Wolden, Commissioner

  
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Robert Hart, Commissioner



ATTEST:

  
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Patti J. Chambers, Clerk of the Board  
Skagit County Board of Commissioners