

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, March 13, 2001**

8:45 a.m. – 9:00 a.m.	Public Comment Period.
*T 9:00 a.m. – 10:00 a.m.	<u>Board of Health – Peter Browning, Director.</u> <ol style="list-style-type: none">1) Report on “Blue Ribbon Healthcare Panel”.2) Communicable Disease Report for 2000.3) Local Measles Outbreak.4) Similk Beach Septic Update.5) Operations and Maintenance of Septic System Program Update.6) Drinking Water Joint Plan of Operation.
10:00 a.m. – 10:30 a.m.	Parks Projects Update.
11:00 a.m. – 11:45 a.m.	Public Hearing – To Consider Testimony regarding the Issuance of a Dance Hall License for Salon Mexico, 17910 Memorial Highway, Mount Vernon.
1:30 p.m. – 2:00 p.m.	Bid Opening – Two Latest Model 4-Axle Dump Trucks.
2:00 p.m. – 3:00 p.m.	Work Session – Skagit River Feasibility Study.
3:00 p.m. – 3:30 p.m.	Consideration and Possible Action – Draft Interim Ordinance Responding to Western Washington Growth Management Hearings Board Compliance Orders to: <ol style="list-style-type: none">1) Repeal all Rural Marine Industrial designations and return those sites to their previous designations;2) Repeal all changes made to the Big Lake Rural Village in the 2000 Comprehensive Plan and Unified Development Code; and3) Adopt all City regulations relating to concurrency, which the County has not yet adopted.
7:00 p.m. – 8:00 p.m.	Fair Board Meeting, 4H Building, Skagit County Fairgrounds, Mount Vernon.

The Skagit County Board of Commissioners met in regular session on Tuesday, March 13, 2001, with Commissioners Ted W. Anderson, Don Munks, and Kenneth A. Dahlstedt present.

PUBLIC COMMENT PERIOD.

Marianne Manville-Ailes, Skagit Surveyors, 806 Metcalf, discussed low flow stream designation issues in the Big Lake area. She explained that when the Board adopted the new Comprehensive Plan and Development Regulations, they included a map folio of fire districts, dike districts, low flow streams, among others. The low flow stream map was the same one that had been used since 1996 and included Nookachamps Creek. After the most recent round of adoptions, the Department of Ecology called the County’s Planning Department and indicated that there was a mapping error that involved Nookachamps Creek. Skagit Surveyors had submitted projects, and were advised that there were low flow stream issues pursuant to DOE’s notification of mapping errors. Ms. Manville-Ailes advised the Board that such mapping errors cannot be arbitrarily corrected without going through a Comprehensive Plan Amendment. She stated that Chal Martin, Public Works Director, is working with DOE to try to remedy this situation as

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the purported mapping area was perpetuated by the Department of Natural Resources and may not be accurate. In the interim, Skagit Surveyors would like the Board to talk to Planning Department Staff to remind them of the process that must be gone through to make map corrections, and that the map adopted is the one still in effect until the formal process is completed.

Chairman Anderson stated that he had reviewed this situation with Chal Martin and was well aware of it. He stated that he would advise the Planning Department that there is an administrative process that needs to be followed.

BOARD OF HEALTH – Peter Browning, Director.

Peter Browning, Director, advised that Dr. Naomi Morris of University of Chicago was visiting local health departments and was present at the meeting today.

1. Report on “Blue Ribbon Healthcare Panel.”

Mr. Browning reviewed the situation of local senior citizens complaining to the Health Department that they are unable to find a doctor in the area to treat them. He explained that an attempt was made to bring the various parties together through Senator Mary Margaret Haugen. Out of this gathering came the suggestion to try to put together a Blue Ribbon Healthcare Panel similar to the one designed for transportation within Washington State. He reported on the progress of this legislation.

Mr. Browning reported that the role of public health is to assure that there is access to healthcare for all population groups, and that such healthcare is affordable. He reviewed that at one time public health saw many of these clients and it was an inefficient way to serve their needs. He discussed the difficulties of funding such a health service department. He added that many local health care providers have had to stop taking new additions to Medicare because they simply cannot afford to take more Medicare clients. Mr. Browning stated that only 50-60% of Medicare costs are reimbursed by the Federal government. He briefly discussed the need for supplemental insurance by senior citizens in this regard.

Mr. Browning next reviewed another facet of the underinsured, which is the low-income population. He stated that Skagit Valley Medical Center has had to reduce Medicaid increases by only providing services to pregnant women and children. Consequently, this leaves many people unprotected. The alternative is to use the Emergency Room for such care, and the costs of providing these services come back to the community. In addition, by the time people go to the Emergency Room they have progressed past a simple solution to something much more significant. Mr. Browning stated that a higher use of the emergency room is the indication of a failing system, and there has been a 22% increase in the past year.

Chairman Anderson stated that one of the Board's concerns that problems never really go away, the funding just gets reduced at the local level. He commented that the Blue Ribbon Healthcare Panel is a wonderful idea to address these continuing problems.

Mr. Browning indicated that the Department would aggressively pursue our Legislators in this regard.

Commissioner Dahlstedt indicated that there are a number of clinics having financial difficulties that are repositioning their staff. Mr. Browning added that they are also burdened with administrative reports required by the federal government. Clinics are getting less dollars and more pressure for administrative reports. Mr. Browning stated that there are more articles in medical publications on how to keep a practice afloat than on how to give good quality care.

Chairman Anderson commented briefly on the emerging elderly population that does not have the resources for adequate medical insurance.

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2. Communicable Disease Report for 2000.

Maryl Skjei, Public Health Nurse, reviewed the Communicable Disease Report for 2000 and the role of the Health Department in compiling statistics on reportable illnesses mandated by law. She reviewed the particulars of this report and the notable increases and decreases of such diseases.

3. Local Measles Outbreak.

Ms. Skjei reported that several cases of measles had been reported in Seattle and King County. She reviewed the particulars of these cases and how the diseases were brought into the country.

Ms. Skjei reviewed the symptoms of the disease including cough, watery eyes, runny nose, and light sensitivity, followed by 3-4 days of body rash that starts on the head and neck and extends to the rest of the body. There is a high fever in the early part of the disease, and it is very contagious. She discussed the people most needing to be immunized including those who have not been immunized in the past or were improperly immunized. Ms. Skjei discussed the department's efforts in this regard.

4. Similk Beach Septic Update.

Due to Corrine Story's absence due to a death in the family, this item will be delayed until a later time.

5. Operations and Maintenance of Septic System Program Update.

Steve Olson, Health Department Staff, stated that his goal has been to teach people to deal with their sewage. There have been great public health achievements in the area of the treatment of wastewater. He advised that the Department is trying to give people information on how septic systems operate. He reviewed the distribution of a flyer, 30,000 of them via local newspapers. The flyer is an integral part of the Department's Septics 101 Class. Clinics have been designed for homeowners, food service establishments and realtors. He stated that the fundamentals of the program include how septic systems operate, the what, why, where of monitoring critical points of the system, maintenance requirements, and water quality improvement funds available for repairs.

He reviewed the successes of the Septics 101 Clinics, noting that 13 clinics have been provided with 258 attendees to date. Participants have been very positive and supportive of the program. Clinics will be provided through the remainder of the year in all regions of the County. He reviewed a schedule of upcoming clinics.

Mr. Olson reported that the Department is now establishing a database of all permitted systems in the county since 1958, so that the information can be retrieved through archives and the data made accessible. He commented briefly on the need to establish "Areas of Special Concern" for further concentrated study.

The goal of the program is to keep Skagit waterways clean to prevent the spread of disease from wastewater and to have homeowners and businesses money. Maintenance is a much less expensive than repair or replacement.

Chairman Anderson indicated that he has received much positive feedback from the clinics held in Concrete.

6. Drinking Water Joint Plan of Operation.

Ken Willis, Environmental Health Supervisor, wanted to introduce the concept of a Joint Plan of Operation with the Department of Health (DOH) for drinking water. Activities are coordinated with DOH and divided up between the two departments for the most effective coordination. Mr. Willis reported that the County's

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Joint Plan of Operation dates back to 1986, and is in need of updating to include salmon issues and related water concerns. The Health Department has a long and successful history of working in cooperation with DOH. He stated that the drinking water program within DOH is its largest program within the environmental health division. Mr. Willis stated that the Department is proud of their role in obtaining safe drinking water in Skagit County with the cooperation of DOH. He commented on the positive relationship the County has with local water purveyors.

Mr. Willis indicated that having a good Joint Plan of Operations gives DOH a good understanding the role of the local Health Department. He stated that now is a good time to update the plan, especially since an item in the Governor's budget would direct monies that are already being paid to the State through a water utility to support local water programs.

7. Miscellaneous.

There were no miscellaneous items for discussion.

PARKS PROJECTS UPDATE.

Bob Vaux, Interim Director, updated the Board on some of the Department's projects.

1. Howard Miller Steelhead Park. Mr. Vaux stated that the form work had been completed for the fish-shaped playground area. The playground equipment has not yet been received, and is the next phase of the project. He advised that on April 14, there will be a community work party to install the smaller playground located just east of the clubhouse.

Commissioner Anderson suggested having an opening ceremony at the Park once the work has been completed. Mr. Vaux agreed that such a ceremony would be appropriate with all of the positive involvement of the local community.

2. Northern State Recreation Area. Mr. Vaux reported that the second advisory committee meeting was held recently at the Burlington Fire Hall. He stated that a nice mix of professionals, county representatives, and active citizens from across the County are participating. He indicated that a county-wide survey is being finalized by the Parks Board to be sent out to all residential addresses to help guide the planning process for the facility. The first newsletter will be going out shortly. An open house and facility tour is scheduled for June 16.
3. Swinomish Channel Boat Launch. Mr. Vaux stated that in the last two weeks the Department has received notice from NMFS that their comments are "shortly coming." He warned that the situation the Department is running into may force the dividing of the project into in-water work and out-of-water work, as the IAC funding may be jeopardized if work does not proceed.
4. Skagit Playfields. Mr. Vaux reviewed the progress being made on an improved drainage system. He also stated that the playfield parking lot has advanced to the next stage with trees being planted and curbs installed.
5. Dreamfield. Dennis Lind, Recreation Director, reported that the grandstands have been ordered to seat approximately 200 people, with the total cost of \$59,000 being picked up by the Seattle Mariners' Grant and Boeing. He stated that new scoreboards will also be installed, however there is no power to the site, so the scoreboards will be lit using generators for large tournaments. It is estimated that to run power to the site would cost \$30,000.

Mr. Lind presented Spring Recreation Guides to the Board. He briefly reviewed the successful winter program activities.

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Scott Green, Howard Miller Steelhead Park Manager and Ranger, reviewed his 16 years of experience in the field, together with his educational background. He stated that his main responsibilities, in addition to Howard Miller Steelhead Park, include Grandy Lake, Sauk, and the Cascade Trail. He reviewed the improvements being made at the Howard Miller Steelhead Park. He discussed the upgrades being completed at Grandy Lake to get that park on-line as a small fee park with designated camping sites.

PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING THE ISSUANCE OF A DANCE HALL LICENSE FOR SALON MEXICO, 17910 MEMORIAL HIGHWAY, MOUNT VERNON.

Chairman Anderson reviewed that those wishing to testify should try to limit their comments to 3 minutes, and urged those assembled to be considerate of every speaker.

Sheriff Ed Goodman explained that the public hearing was scheduled due to a request for a Dance Hall License for property situated at 17910 Memorial Highway. The original premises were started in July of 2000, with a building permit being issued. There were 16 complaints received from July to October of that year. The Dance Hall License was denied due to the numerous complaints received. In November, reconsideration was requested by the attorney representing the operator of Salon Mexico, Angelica Cruz. In December, the Sheriff met with Angela Cruz for a discussion of hours of operation, schedule of events, parking, alcohol, and other security concerns. There were numerous building code violations at the time and a letter was sent from the Planning Department regarding such violations. Another meeting was held on December 19, a joint meeting with the Sheriff, Fire Marshall, and Planning Department, and the various issues were discussed. In January 2001, the Sheriff was advised that Salon Mexico was in compliance with the pertinent building codes. The Sheriff agreed to allow two events to occur to test the noise levels and other associated problems. Prior to this time, the Sheriff and Board of Commissioners had received a complaint in the form of a petition from the surrounding residential neighborhood. For the events held in February, one noise complaint was received for each event.

Ron Palmer, Health Department Environmental Health Specialist, presented a letter to the Board regarding the noise levels he had recorded at the various events of Salon Mexico. In the beginning, there were definite noise violations of the State WAC regarding acceptable levels. The most recent survey was done February 10, following further mitigation to the building. He reviewed the previous condition of the building, where garage doors on the west side of the building had been uninsulated. He stated that the occupants had ceased ingress and egress through the side door to try to avoid loud surges of music. On the night of the 10th, the readings were 47 or 48 decibels with slight exceedences. The maximum code allowed is 47 decibels. He stated that this reading shows that there are some improvements in the mitigation of the noise, but there are still concerns since they are so close to the threshold. He commented that environmental conditions cause different noise levels and there are always the factors of background noises, differing band equipment, and songs utilizing low frequencies. He stated that the utilization of heavy base is the biggest problem.

Chairman Anderson confirmed that at the last event, the noise levels were within acceptable levels.

Commissioner Dahlstedt asked about noise level regulations within the City of Mount Vernon. Mr. Palmer responded that Mount Vernon has general nuisance noise ordinances, but that he had not seen any noise ordinance listing decibel levels for the City. Commissioner Dahlstedt said that it would be helpful to have that information if it exists.

Mr. Palmer added that even at the acceptable level of 47 decibels, the noise would still interfere with sleep in the surrounding residential area.

Chairman Anderson opened the public hearing.

Angelica Cruz, 315 No. Barker, Mount Vernon, owner of Salon Mexico, stated that they opened the dance club for a place of Hispanic youth to gather in a safe atmosphere. She indicated that they have put much

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effort and money into the Salon Mexico, spending almost \$30,000. She admitted that they started off on a bad foot with the noise levels and resultant complaints. However, they have received approval for occupancy and have tried to soundproof the building as much as possible. She indicated that they planned to do even more work in this regard. She stated that they do not serve alcohol or sell drugs, and just wanted a place for teenagers to go for a family gathering place. She stated that they live just down the road and are trying hard to fix any problems to the neighborhood. Ms. Cruz indicated that they have hired off-duty Sheriff's deputies to attend their functions to help alleviate security and traffic problems.

Joan Miland, 1563 Sunset Lane, resident of 10-1/2 years, indicated that more people would be present at this hearing, but they are working. She stated that she has reported the noise to authorities, and is quite concerned about the increased traffic on Sunset Lane. Even though alcohol may not be served, she reported that individuals are going out to their cars and drinking and then leaving the garbage behind. She expressed concern about fights and criminal activities. She asked the Board to help keep their neighborhood a rural area, even though they are in the urban growth area of Mount Vernon.

Rosemarie Stinimates, 15185 Sunset Lane, stated that she and her family have been bothered by the noise since the operation started. She expressed the difficulties of having to go to work early when not able to get to sleep until 3:00 a.m. because of the noise. She stated that the noise is not tolerable or acceptable. Ms. Stinimates empathized with Ms. Cruz and her investment in a business, but stated that she likewise has an investment in her home and mortgage. She urged the Board to keep their neighborhood peaceful and quiet, and said that she is worried about increased traffic and crime. She stated that the operation is not located in an appropriate building or appropriate location.

Charles Spink, 15457 Sunset Lane, stated that he had lived in the area for 31 years and it is a nice quiet retirement street. He said the neighborhood does not need this type of establishment located there.

Roy Griffin, 15143 Sunset Lane, reported that he lives just west of the Salon Mexico and that the noise is booming to his bed. His yard and the area have been littered with beer cans and trash, causing neighbors to have to lock up their garbage cans as they have been filled with beer cans and the like following events at Salon Mexico.

Molly Swensen, 15159 Sunset Lane, stated that she has lived in the neighborhood since 1958, and it has always been peaceful and quiet. She complained about the load thumping that lasts all night long. She suggested shortening the hours of operation, if nothing else is done. She also reported on a business behind her home that is unsightly.

Leon Cleat, 15218 Sunset Lane, stated "it is loud!"

Nancy Ivarinen, attorney for Ms. Cruz, stated that she was reluctant to take on this case at the outset as most often a liquor license is sought within a short time. Her office address is 816 Fairhaven in Burlington. She stated that Ms. Cruz assured her there would be no liquor license pursued, that she simply wanted to provide Hispanic youth with a place to have some kind of socializing where the parents could be there and supervise. She stated that this is not an exclusive club and is directed primarily at Hispanic youth with a family friendly environment. She stated that she does not dispute that there were problems to begin with, but that the Cruz's have put in \$30,000 worth of improvements to close the bay doors, insulate the walls and maintain the noise at reasonable levels. She admitted that there has been excessive noise and inadequate security. However, the Cruz's have increased security by utilizing off-duty Sheriff's deputies. She stated that they do not want alcohol or drugs on the premises and they will insure that people be removed and excluded should they do so. She reiterated that the sole purpose is to provide a family friendly entertainment environment. Ms. Ivarinen stated that these events happen only on Saturday nights, and that the Cruz's would be willing to mitigate their closing time to midnight. She asked that the Board grant the Cruz's a one-time or three-month permit wherein they would shut down by midnight and improve the noise mitigation and security.

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Commissioner Munks described a situation when he went by the location and encountered traffic difficulties and unsafe activities. He stated that besides noise abatement, the focus needs to be on safety. He asked that, since the Salon Mexico is located off of a State Highway, did the Cruz's have any kind of mitigated traffic plan to deal with traffic getting off and on the Highway. He stated that during his experience, there were almost two wrecks during the time that he was stopped on the Highway

Ms. Ivarinen indicated that there was no mitigated plan from the State, but that the Cruz's are complying one step at a time as they learn what is required of them. She asked Commissioner Munks if the problem was the directing of the traffic.

Commissioner Munks responded that it was the amount of time it took to get the vehicles off of the highway that was the problem.

Ms. Ivarinen indicated that the Cruz's are hiring individuals to assist in traffic flow, utilizing off-duty deputies in this regard.

John Stinemates, 15185 Sunset Lane, stated that he took off work to testify that the noise exceeds construction zone level noise. He urged the Board to see if there is a City code that might be applicable. He stated that the noise is so loud that it basically bounces his family out of their beds at night. There is trash and beer bottles not only in the parking lot, but in the neighboring yards. He further testified that the traffic has increased with cars racing 40-45 miles per hour in a 25 mile-per hour zone. He spoke to the lack of consideration to those in the neighborhood. He stated that there are activities in the parking lot including sex in parked cars, drinking of alcohol, and prowling around neighborhood fence lines. He stated that his family can still hear and feel the noise since the modifications were made. He questioned the accuracy of the noise levels, and asked why they cannot have the city acceptable levels in this residential area. He expressed concern for bringing this type of business to his residential neighborhood.

Melissa Berringer, 15192 Sunset Lane, a 7-year resident of the area, stated that what affects her family is the banging and the windows rattling, making it hard to sleep. She stated that lack of sleep affects her family's activities. She noted that with summer coming and windows being open, it would be almost impossible to get away from the sound. She commented that her family would virtually be a prisoner in their own home.

Commissioner Dahlstedt reiterated the need to get noise level information from the City of Mount Vernon, if it so exists.

Commissioner Munks commented that the traffic is an important issue to him, together with the aggravation of the loud music. He stated that he certainly understands the concerns of the local residents. He indicated that he realizes that the Cruz's are new to this business, but that all of the issues need to be addressed.

Chairman Anderson reported that one piece of correspondence had been received complaining about the noise and traffic in the neighborhood.

There being no further public testimony forthcoming, Commissioner Dahlstedt moved to close the public hearing. Commissioner Munks seconded the motion, which passed unanimously. The public hearing was closed.

Chairman Anderson announced that the Board would render their decision in this matter on Wednesday, March 21, 2001, at 11:30 a.m.

BID OPENING – TWO LATEST MODEL 4-AXLE DUMP TRUCKS

Steve Cox, ER&R Coordinator, opened the following bids:

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Mack Trucks, Inc.
Box C-34500
2025 Airport Way South
Seattle, WA 98124
Bid Bond Enclosed
Base Bid: \$101,620 each

Motor Trucks, Inc.
2501 Henson Road
Mount Vernon, WA 98273
Bid Bond Enclosed
Base Bid: \$209,927.10 (for both trucks)
Option 2: \$209,600 (\$97,397.77 for each)
Option 3: \$208,642.36 (\$96,952.77 for each)

Valley Freightliner, Inc.
524 Jack's Lane
Mount Vernon, WA 98273
Bid Bond Enclosed
Base Bid: \$109,470.90
Second Option: \$109,950.61

Kenworth Northwest, Inc.
11300 31st Drive N.E.
Marysville, WA 98271
Bid Bond Enclosed
Base Bid: \$137,075 with a \$1,000 additional freight charge

Mr. Cox stated he would evaluate the bids and would be back to the Board with a recommendation within two weeks.

CONSIDERATION AND POSSIBLE ACTION – DRAFT INTERIM ORDINANCE RESPONDING TO WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD COMPLIANCE ORDERS TO:

1. **Repeal all Rural Marine Industrial Designations and return those Sites to their Previous Designations.**
2. **Repeal all Changes made to the Big Lake Rural Village in the 2000 Comprehensive Plan and Unified Development Code; and**
3. **Adopt all City Regulations relating to Concurrency, which the County has not yet adopted.**

Gary Christensen, Assistant Director, stated that there are three matters which are before the Board for consideration and possible action. These are what we have commonly referred to our "30-Day Compliance Issues" under WWGMHB Order that came out in February. A number of requests for reconsideration were received by the WWGMHB following this Order, and the Hearings Board had to consider those requests, so the 30-day clock does not start until they make a decision. Their decision denied all of the reconsideration requests, and was issued on March 6. Consequently, the County has until April 6 to take action on this matter. These could be deferred to some later date should the Board so desire.

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Mr. Christensen distributed a copy of the proposed ordinance pertaining to these items with revisions. He reviewed the specific changes that had occurred, and the inclusion of updated information from the Town of Concrete.

It was decided to address this interim ordinance on April 3, at 3:00 p.m.

MISCELLANEOUS.

On behalf of the Prosecuting Attorney's Office, Staff presented a Resolution providing for a defense to Ed Goodman and Dan Slattery in a lawsuit brought by Richard (Dickie) Oppen. Commissioner Munks moved to approve the Resolution as presented, and Commissioner Dahlstedt seconded the motion. The motion passed with a unanimous vote. **(Resolution No. 18189)**

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Kenneth A. Dahlstedt, Commissioner

Don Munks, Commissioner

ATTEST:

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