

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MARCH 23, 2010**

The Skagit County Board of Commissioners met in regular session on Tuesday, March 23, 2010, with Commissioners Sharon D. Dillon, Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 8:00 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dillon led the gallery in the salute to the flag.

III. AGENDA:

- a) 8:00 a.m. - 9:00 a.m. Planning and Development Services Department - Gary Christensen, Director

Gary Christiansen, Director, was present to introduce Tim DeVries, Building Official, to discuss the code enforcement activities. Mr. Christiansen also wanted to let the Commissioners know that there would be two miscellaneous items to discuss afterwards. The first is the Community Assistance Visit (CAV) by the Department of Ecology regarding the National Flood Insurance Program. The second is a status report of the department's proposal to amend the Skagit County sub-division ordinance regarding conservation sub-division exemptions.

1. Discussion: Code Enforcement Activities

Tim DeVries, Building Official, briefed the Board on the code compliance activities to date. First, Mr. DeVries discussed the sequence of events which takes place once a complaint is received from the public. When a complaint is received, and if a violation is confirmed, documentation of the violation is performed and contact is made with the property owner to correct the situation. Depending on the violation and promptness of the response from the property owner, cases can be resolved within two to three weeks or they can take several months. If the property owner neglects to respond to the letters sent by the department, a certificate of non-compliance is recorded on the title to the property and an invoice is sent for \$100 per day per violation. If the property owner fails to contact the department or pay the invoice, the invoice is forwarded to a collection agency.

Mr. DeVries acknowledged the employees who work on the code enforcement cases. He shared the 2009 caseload statistics with the Commissioners. 166 complaints were received in 2009. Of these 166 complaints, 72 cases were closed after the investigation was performed and no violation was found. 54 cases were closed after the violation was remedied. 2 cases are pending remedy of the violation. 8 cases are currently being pursued. 23 cases are still being investigated. 7 cases were severe and certificates were recorded on the title and fees were assessed. Mr. DeVries stated that they have a 96%

success rate in resolving the violations reported in 2009.

Commissioner Dahlstedt stated that Skagit County does not use this process to make money. This is about being a good neighbor and steward and monetary incentives are sometimes needed to correct non-compliance behavior. He also stated that there are many programs in place to help property owners comply with the code when problems are found. Commissioner Dahlstedt asked Mr. DeVries what the most common complaint was.

Mr. DeVries stated that the complaints were spread pretty evenly across the board: land use, critical land areas, building compliance.

Commissioner Wesen wondered what the 2007 and 2008 statistics were and if the department was out looking for violations or if they were called into the department by the public.

Mr. DeVries did not have the 2007 and 2008 statistics with him but he knows that the numbers have improved over the last few years. Mr. DeVries stated that over 90% of the complaints received are reported by the public. Planning and Development Services is not staffed with employees who are out in the field looking for problems. Mr. Christiansen stated that when a complaint is reported, a Request for Investigation form is filled out by the reporter which starts the case process.

Chair Dillon thanked the staff at Planning and Development Services as they are doing more with less funds. The code is in place to keep people safe. Skagit County does not want to dictate how people live. Chair Dillon thanked Mr. DeVries for sharing with them the process involved when a complaint is received.

Commissioner Dahlstedt stated that if someone is building without a permit, it is not fair to your neighbor.

Mr. Christiansen summarized that the goal is to keep Skagit County as a nice place to work and live and play. Skagit County has spent time and money planning the community. The Skagit County Codes are enforced fairly, firmly, and consistently.

## 2. Miscellaneous

In September 2009 the Department of Ecology conducted a Community Assistance Visit for the National Flood Insurance Program. After the visit, a letter was sent to the County which concluded that the County was in compliance. Additional documentation was requested for 11 of 36 cases that were listed in their report. All cases have been taken care of. The Department of Ecology gave the county excellent marks for their regulatory efforts. This process translates into giving Skagit County residents lower flood insurance rates.

The Commissioners thanked the department for doing a great job for the county. Our high score gets our residents better flood insurance rates and keeps people out of harms way.

The second miscellaneous item is an update on the department's proposal to amend the Skagit County sub-division ordinance regarding conservation sub-division exemptions. Planning and Development drafted a proposal to the land division code and sent the proposed change to various agencies including the Agricultural Advisory Board, Friends of Skagit County, Skagit Land Trust, Conservation Futures, and the Forest Advisory Board. After several meetings, the original drafted proposal underwent five revisions. Many questions have been asked and many concerns and issues have been brought up. They have decided to halt this proposal at this time in order to address the concerns and issues brought up during this process. A workshop will probably be planned to discuss the proposal. This was a well intended idea that needs to be properly reviewed before it comes to the Commissioners.

The Commissioners thanked the department for listening to the feedback received on the proposal and continuing to work through the concerns raised.

Mr. Christiansen was asked to share some exciting news. A press release will be sent out regarding word received from the Environmental Protection Agency that Skagit County is the recipient of a \$815,000 grant for the Alternative Futures Project. Another grant was also approved for the Public Works department for funding in the amount of \$961,980 for the "Clean Samish Initiative" from the Environmental Protection Agency Puget Sound Watershed Management Assistance Program.

The Commissioners were very pleased with this news and congratulated the county for its environmental responsibility.

Chair Dillon recessed the proceedings at 8:44 a.m.

- b) 9:00 a.m. - 9:45 a.m. Public Hearing to Consider an Ordinance Amending Skagit County Code Chapter 9.50

Chair Dillon reconvened the proceedings at 9:00 a.m.

Will Honea, Chief Civil Deputy Skagit County Prosecuting Attorney, was present to discuss the proposed change to Skagit County Code amending section 9.50, Noise Control. The current code enforcing noise control relies on Washington State noise standards set by WAC 173.60. A problem arose from this code in that it created an extra burden on the Sheriff's Office. Special equipment and training was needed in order to enforce the noise standards and it created an obligation for the Sheriff's Office to sit and monitor noise situations. A few years ago there was an amendment to the code which gave the Sheriff's Office the ability to tell business and property owners that the noise was a public nuisance and to stop. This amendment works well for some situations but then a problem arose from business owners who needed certainty as to when they were in compliance or violation of the code.

The Prosecuting Attorney's Office worked with Sheriff's Office and they looked at other jurisdictions and it was decided to keep the current code as it is but also create an affirmative defense for business and property owners to show, affirmatively, that they are in compliance with the State Ecology level WACS. When businesses take the standards set by the State Ecology rules, they can set up noise monitoring

equipment to prove to law enforcement that they are in compliance with the code. This protects the public and gives certainty to business owners. It creates balanced code.

Chair Dillon opened the public hearing.

Phyllis McKeehen of 12576 Josh Wilson Road in Mount Vernon wanted to know how this would affect our local law enforcement. She wanted to know, specifically, if all patrol cars would need to have decibel meters. Ms. McKeehen asked if this would create a financial impact for law enforcement. She thanked the Board for having a noise ordinance in the county. She stated that health problems can be affected by loud noises.

Mr. Honea answered Ms. McKeehen's questions. No extra financial burden is put on the Sheriff's Office. The cost goes to the land owner who can set up noise monitoring equipment to prove they are in compliance with the code.

Dix Felker of 20909 Starbird Road in Mount Vernon was present for informational purposes. He stated that this sounded like a good plan of action for the county. He requested that the county investigate other nuisance noises out in the county and ways to consider reducing them. (Mr. Felker was asked by Commissioner Dahlstedt to clarify the other nuisance noises he was wanting the county to explore further). Mr. Felker stated that he has neighbors who are running a gun range. It is a repetitive situation that is difficult to live by. Mr. Felker was hoping for some clarity on this issue so that they know when they can make calls to the Sheriff's Office for help enforcing the noise ordinance.

Commissioner Dahlstedt asked Mr. Honea who Mr. Felker could talk to regarding this issue. Mr. Honea read part of the current Skagit County Code regarding noise from the discharge of firearms. He stated that noise from permitted gun ranges, in the course of a lawful activity, or lawful hunting is exempt from the noise ordinance. It depends on if they are hunting or at a permitted lawful shooting range. Regarding the permitting part of this, Planning and Development would be able to help Mr. Felker but enforcement of the noise ordinance is a matter for the Sheriff's Office.

Steve Mains of 4949 Samish Terrace Road in Bow was present to let the Commissioners know that he is looking forward to the adoption of this code amendment. He owns the Longhorn Saloon in Edison and he has had a few noise violations. He purchased a decibel meter to monitor the noise from his business after his first violation. He stated that he wants to be a good neighbor first and foremost and he appreciates having guidelines to follow regarding noise levels and staying compliant with the code.

Seeing no further public testimony forthcoming, Commissioner Dahlstedt made a motion to close the public hearing, which was seconded by Commissioner Wesen. The motion passed unanimously.

The Commissioners said that the Ordinance to amend the code would be put on the consent agenda for next Monday, the 29th of March to vote on. They thanked everyone for their comments.

Chair Dillon recessed the proceedings at 9:24 a.m.

c) 10:00 a.m. - 11:00 a.m. Skagit County Board of Health

Peter Browning, Director of Public Health, wanted to start off by thanking Omar Tanamly, a Vista Americore Engineer from Egypt, for getting the department's medical reserve corps going. Mr. Tanamly has been a tremendous help to the department. His parents also work in the field of health with U.S. Aid.

1. Changing Fees Charged for Out-of-County Residents

Mr. Browning wanted to inform the Commissioners that Snohomish and Whatcom Counties have discontinued their STD and Tuberculosis services. Whatcom County states that Planned Parenthood offers this service. Snohomish County stated that their local private providers offer the service. Mr. Browning has found, however, that people more often look to the public health departments for these STD and Tuberculosis services.

Serving out-of-county Snohomish and Whatcom County residents is becoming a burden. Snohomish and Whatcom Counties are referring clients to our department for treatment. Mr. Browning would like to bring forward a resolution for the Commissioners to sign to require that out-of-county clients are charged the full \$52 fee. Treating out-of-county individuals costs Skagit County tax payers approximately \$1,000 a week.

After discussion by the Commissioners, it was asked that Mr. Browning prepare the resolution and bring it forward for their signature. The Commissioners also wondered if interlocal agreements with Snohomish and Whatcom Counties could be put in place to compensate our department for treating their residents. It is not fair to Skagit County tax payers to pay for services provided to other counties. The Commissioners thought that perhaps they could talk to the council members of these other counties.

2. Biosolids Land Agreement, Renewal with Department of Ecology

Corinne Story, Environmental Public Health Manager, briefed the Board on biosolids in Skagit County. A contract which was in place with the Department of Ecology has expired. They are hoping to renew the contract.

Corrina Morote, Environmental Health Specialist, explained that the biosolids are a semi-solid material which comes from waste water treatment plants. There are two classes of biosolids, class A and class B. The biosolids undergo a process to remove pathogens and heavy metals. The class A end product is suitable for many uses including composting. Class B biosolids are partially treated (95% treated) and can be applied on agricultural land and forested land. There are rules in place for using biosolids. The Department of Ecology permits biosolids application on land. There is an agreement in place for biosolids use on pasture land. When applied to the land, the land has restricted access for 30 days. The Department of Ecology has approved the use of Class B biosolids by farmers. It is a free resource which improves the

health of the soil. A farmer on Downy Road, north of La Conner uses biosolids.

The options for the Commissioners when it comes to renewing the contract are 1) Not renewing the contract and let the Department of Ecology handle all aspects of this. 2) Renew the contract and take an active role. 3) Renew the contract and take an intermediate role.

Based on feedback received from treatment plants and staff, option 3) may be the best option for Skagit County. Skagit County is a main point of contact for many people's questions about biosolids. We are the Department of Ecology's eyes and ears.

The Commissioners asked why not choose option 1) since the Department of Ecology seems to have the funds for such a project. Or, if we gave this up all together, would we be losing Skagit County staff?

Ms. Story stated that the health department believed option 3) would suit them best since the health department fields calls and answers questions on this matter anyway. Having a contract in place with the Department of Ecology allows the health department to bill hourly for the time spent on each case.

Ms. Morote stated that Washington State enforces the nutrient levels in the soil. They may not always be able to check that the signage is correct when biosolids are being applied, that biosolids are being applied in the right place, and that the correct buffers are in place. Mr. Browning is confident that the health department would keep better tabs on the situation than the Department of Ecology. He stated that the health department will be doing a lot of the work with the public, they want to help, and they want to be able to make sure everything is in order. With a contract in place with the Department of Ecology, the health department would be able to receive compensation for work performed.

Chair Dillon asked for some more information regarding the cost of the permit, the time involved on each case and the expected amount of compensation for work performed. After the Commissioners have this information, they will be able to make a decision.

### **3. Legislative Public Health Funding Update**

**Mr. Browning shared some legislative updates with the Commissioners.**

**Many programs will receive cuts from the state or will be cancelled all together. Reductions and/or cuts include the oral health care program, HIV treatment, maternity support services, and the Department of Early**

## Learning.

The 59-30 dollars look untouched at this point. They are used for communicable disease. The I-695 backfill dollars look good. The local capacity funds (\$170,000) are untouched. These funds are used to enhance treatment services in the TB population and they help with the nurse family partnership program. The department has received an increase in Medicaid funding reimbursement due to the fact that the nurses are reporting time spent with Medicaid clients correctly for applicable reimbursement. The department will be able to continue the Septics 101 and 201 classes. The health department is working on assigning a GPS number to each septic system and well head within the next ten years.

### 4. 2009 Communicable Disease Report

Maryl Skjei, Public Health Nurse, works with Sandi Paciotti on reporting communicable diseases. Hepatitis C is Ms. Skjei's primary reportable disease. She went over the list of communicable diseases from 2007 to 2009. The cases discussed are only Skagit County residents. The health department is required by state law to report certain conditions/diseases. Information is gathered from lab centers and health care providers. Treatment options are discussed with clients as well as ways to prevent spreading the disease. The health department received a grant for Hepatitis C testing. Free vaccinations are also available through the grant. H1N1 influenza had 20 hospitalized cases in 2009 and 3 cases which did not require hospitalization. There were some unusual cases to report in 2009 including 2 cases of Listeria (contracted by unpasteurized milk or soil contamination) and one death occurred. Listeria has a 50% mortality rate. Q Fever was another rare case to report to the state (contracted by a bacterial infection from goat placentas). It happened that the person worked in helping birth baby goats. The health department worked closely with the State of Washington Department of Health and the University of Washington. There were also two cases of Tuberculosis.

### 5. Environmental Health Statistics Update

Corinne Story wanted to update the Board on Environmental Health statistics within the health department.

Activities performed include permitting, inspecting, investigating and looking into inquiries. Many graphs were shown to the Commissioners regarding food safety information, on site sewage permits and information, solid and hazardous waste information, drinking water permitting, living environment permitting, animal bite follow-ups, and general complaint information.

The Commissioners thanked them for their work. Commissioner Dahlstedt wanted to comment on food safety. He wanted to remind everyone that a lot of the food consumed in this country is imported from other countries and that 1% or less of this food is inspected for food borne illnesses. Chair Dillon reminded everyone that food handling permits are important to obtain, it's in the best interest of the public.

Mr. Browning wanted to remind the Commissioners that they may be getting calls from non-profits to waive the food handling permit fees. They come across this year after year and it simply cannot be done.

Chair Dillon recessed the proceedings.

- d) 11:00 a.m. - 11:15 a.m. Consideration of the Hearing Examiner's Recommendation for Approval of:

Chair Dillon reconvened the proceedings at 11:15 a.m. Karie Storle, Current Use Specialist, from the Assessor's Office was present to brief the Commissioners on the two applications.

1. Current Use Timber Application of Kask Properties, LLC for property located south of Lake Cavanaugh Road(C/UTMB #08-2009)

This application includes parcel numbers P18183 and P18184. The properties are comprised of two pie shaped parcels which have been harvested several times in the past and currently features red alder, western hemlock, black cottonwood and several remnant groups of western red cedar and Douglas fir. Understory species are predominantly vine maple, sword ferns, and devils club. Bordering the property to the South are industrial forest lands and to the east and northwest are other secondary forest properties in private ownership. The parcels are not currently in a current use program, therefore, the applicant is requesting inclusion of these parcels in the Current Use Timber Program.

A motion was made by Commissioner Wesen to approve the Resolution concerning the application of Kask Properties, LLC, C/UTMB #08-2009. **(Resolution No. R20100110)** Commissioner Dahlstedt seconded the motion.  
The vote passed unanimously.

2. Current Use Timber Application of Humphrey Hills, LLC for property located east of Humphrey Hills Road (C/UTRTMB #09-2009)

This application includes parcel numbers P50186, P50191, P50264 and P50320. The property consists of 83 acres, it has two timber types. Stocked Douglas fir is the dominant species with scattered red cedar and red alder. Big leaf maple has also become established. The old growth timber was harvested in the 1950's and a natural stand of second growth was established and has grown on this property until 2003 when the property was harvested. The harvest activities were even-aged in nature and the harvest areas were reforested with Douglas fir seedlings within one year after the harvesting was complete. In addition to the reforestation, there were approximately 65 mature conifer trees left per acre to assist in natural reforestation and wildlife habitat trees. The parcels are not currently in a current use program,



therefore, the owner is requesting inclusion into Current Use Timber program.

A motion was made by Commissioner Wesen to approve the Resolution concerning the application of Humphrey Hills, LLC, C/UTRTMB #09-2009. **(Resolution No. R20100111)** Commissioner Dahlstedt seconded the motion.  
The vote passed unanimously.

- e) 11:30 a.m. - 11:45 a.m. Public Comment Period

Chair Dillon reconvened the proceedings at 11:30 a.m.

Seeing no one present, Commissioner Wesen made a motion to close the public comment period, which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

IV. VOUCHERS AND WARRANTS:

- 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, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:
- a) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$13,278.45 (Transmittal No. C-34-10).

A motion was made by Commissioner Dahlstedt to approve ACH Transfer Form to Trusteed Service Plans Corporation from Clearing Fund 696 in the total dollar amount of \$13,278.45 (Transmittal No. C-34-10) Commissioner Wesen seconded the motion.  
The vote passed unanimously.

V. ADJOURNMENT:

Chair Dillon adjourned the proceedings.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Sharon D. Dillon, Chair

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Ron Wesen, Commissioner

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**Kenneth A. Dahlstedt, Commissioner**

**ATTEST:**

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**Linda Hammons, Clerk of the Board  
Skagit County Board of Commissioners**