

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 12, 2016**

The Skagit County Board of Commissioners met in regular session on Tuesday, January 12, 2016, with Chair Lisa Janicki, Commissioner Ron Wesen, and Commissioner Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Janicki called the proceedings to order at 9:30 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

a) *8:30 a.m. - 9:30 a.m. Executive Session (Litigation RCW 42.30.110(1)(i))

The Commissioners attended an executive session on Tuesday, January 12, 2016, from 8:30 a.m. to 8:50 a.m., the purpose of the executive session was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorneys were present and provided legal advice to the Board of County Commissioners: Chief Civil Deputy Prosecuting Attorney Melinda Miller and Civil Deputy Prosecuting Attorney Stephen Fallquist. Other attendees included: Skagit County Administrator Tim Holloran, Sheriff Will Reichardt, Public Works Director Dan Berentson, and County Engineer Paul Randall-Grutter.

b) 9:30 a.m. - 10:30 a.m. Board of Health:

Chair Janicki introduced Corinne Story, Environmental Public Health Manager.

1. Public Hearing/Possible Action: To Consider Testimony Regarding Amendments to Skagit County Code 12.05, On-Site Sewage Systems

Environmental Public Health Manager Corinne Story reviewed the proposed changes to Skagit County Code 12.05, for septic systems, informing the Commissioners that revisions were last made in 2011.

Proposed changes included actions to be taken when a septic tank would no longer be in use, updates to the enforcement and appeals sections, permit expiration dates, property sale inspection exceptions, installation inspections, on-site professional certification, and the removal of Similk beach LAMIRD and Operations and maintenance employee sections.

Commissioner Wesen asked about making sure property and permit information was linked together for demolished homes and abandoned septic tanks.

Chair Janicki opened public hearing at 9:49 a.m.

Ed Stauffer of Bow commented that his septic system worked very well and he asked that the Commissioners and Skagit County staff continue to assist rural landowners, saying that the septic programs worked well. He shared that a blog which noted sewage failures mostly contained municipal systems, and he talked about a concern he noted as he read the proposed code: violation of the precautionary principal, saying that some of the enforcement matters were difficult for homeowners to understand and he advised that staff from Planning, Public Works, and Environmental health work together on problem systems.

Roger Pederson of Mount Vernon stated concerns about enforcement and reminded the Board about the Constitution and said that government derived its power from the people and that the Board needed to protect and maintain individual rights.

Seeing no further public testimony forthcoming, Commissioner Wesen moved to close the public hearing at 9:56 a.m. Commissioner Dahlstedt seconded the motion which passed unanimously.

The Commissioners thanked Mr. Stauffer and Mr. Pederson for their comments, and they thanked the Health Department for maintaining a successful septic program. It was clarified that Skagit County tracked septic system maintenance in the city limits, and, that companies providing septic tank certifications had until their next renewal to provide the increased bond for pumping septic tanks.

A motion was made by Commissioner Wesen to approve approve the Resolution amending Skagit County Code 12.05, On-Site Sewage Systems (**Ordinance No. O20160001**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

2. Miscellaneous

There were no additional miscellaneous items to discuss.

Chair Janicki recessed the proceedings at 10:15 a.m.

c) *10:30 a.m. - 11:30 a.m. Code Enforcement Update from Planning and Development Services

Director of Planning and Development Services Dale Pernula, Code Compliance Officer Sandra Perkins, and Building Official Jack Moore were present to review current policies regarding code enforcement processes and procedures with the Commissioners.

The information provided and discussed with the Commissioners can be found at this link:
<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/O1112016> and include:

1. A sheet documenting code compliance overview and current priorities
2. Code Compliance Process
3. Procedures
4. Form: Administrative Order to Abate Violation
5. Form: Administrative Order to Pay Civil Penalties
6. Voluntary Compliance Agreement

Floodway enforcement was discussed and the current status of property owners in Janicki Cove and Cape Horn coming into compliance with local, state, and federal laws. Mr. Moore discussed the importance of achieving compliance. He said that Skagit County residents would be at risk of losing their lower-cost federally backed flood insurance policies if the properties in the floodway failed to comply. Code Compliance Officer Sandra Perkins informed the Board that most code enforcement cases were resolved relatively quickly and did not go through the entire compliance process. She said that she collaborated with Mr. Moore and an attorney from the Prosecuting Attorney's Office on compliance cases and also shared that fines assessed for violations were often reduced or waived if the property owner signed a Voluntary Compliance Agreement. Commissioner Wesen thanked staff for the information.

Commissioner Dahlstedt clarified that fines were not imposed to help Skagit County generate revenue, but, instead it was a tool to help offset the public cost of enforcing compliance, and, to help inspire compliance.

Chair Janicki and staff discussed the enforcement procedures for the properties in the floodway at Janicki Cove and Cape Horn and the importance of solving the problem with the lowest impact to the property owners. Mr. Moore said that the Washington State Department of Ecology and the Federal Emergency Management Agency provided a three-year timeframe for compliance.

Mr. Moore and the Commissioners discussed the procedure being put in place to help protect against a buyer unknowingly purchasing property that had Skagit County Code violations. Added to the Code Compliance Process was a step which recorded a Certificate of Noncompliance on the property at the Auditor's Office. Chair Janicki asked for additional information on the 3 – 5 new Requests for Investigation received each week and asked what the majority of the calls were about. Ms. Perkins said that the majority of the calls started off as an inquiry from an individual asking why they needed a permit for something that their neighbor did not. In those cases these were individuals who decided to build something without first applying for a permit. The other frequently Request for Investigation was to report an abundance of junk vehicles on properties, and, reports of home businesses operating without a Special Use Permit. Also discussed was the possible addition of a Nuisance Code which would help enforce graffiti clean-up, and other smaller violations.

Building Official Jack Moore informed the Commissioners that a new work group had been formed which included staff from Planning and Development, the Sheriff's Office, and the Public Health Department to work together on properties that often had violations which included code from chapters in all three of those departments.

Commissioner Dahlstedt asked where most of the code violations occurred. Ms. Perkins answered that compliance cases were mostly concentrated in Mount Vernon and Burlington and had to do with building something without a permit. She further reported that half of the property owners who built without a permit were not aware one needed to be applied for, and the other half of the property owners built knowing they needed a permit but hoped that they would not ever be caught.

Chair Janicki asked if Planning and Development would perform public outreach and share information and stories on some of the code enforcement cases they have been working towards solving.

The update concluded at 11:19 a.m. Audio of the meeting can be obtained from the Commissioner's Office.

d) 11:30 a.m. - 11:45 a.m. Board of County Commissioners:

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

1. County and Individual Success Stories

No success stories were shared.

2. Public Comment Period

Carol Ehlers of Fidalgo Island discussed the importance of record keeping, documenting the date of origin of a permit, and public access to shorelines. She shared a newspaper article about beach use and harassment happening in Southern California, and, encouraged readers of the Skagit Valley Herald to look for their regular articles on opportunities for public access throughout Skagit County.

Connie Munsey of Anacortes was present to voice her support for appointing Ed Stauffer to the Skagit County Planning Commission.

Jack Aarington of Anacortes was present to endorse the appointment of Ed Stauffer to the Skagit County Planning Commission.

Mike Newman of Mount Vernon was present to support the appointment of Ed Stauffer to the Skagit County Planning Commission.

Reece Williams a local provider of EMS services commented on EMS data, possible discrepancies, the lack of a long-term plan or vision for EMS restructuring, and maintaining current staffing levels to meet standard response times. He also invited the Commissioners to attend a leadership and teambuilding workshop.

3. Miscellaneous Announcements

Commissioner Wesen briefly discussed earthquake preparedness.

Commissioner Dahlstedt briefly discussed the two vacancies on the Skagit County Planning Commission in the 1st and 3rd districts.

Chair Janicki commented that the Planning Commission would benefit from an individual with a background in real estate and by a frequent user of Planning and Development's permit system.

Carol Ehlers of Fidalgo Island spoke again to support the appointment of Ed Stauffer to the Skagit County Planning Commission.

- e) *12:30 p.m. - 6:00 p.m. UniEnergy Technologies Tour for Electric Ferry Battery Technology (4333 Harbour Pointe Blvd. SW, Mukilteo, WA 98275)

IV. ADJOURNMENT:

Chair Janicki adjourned the proceedings for the day.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chair

Lisa Janicki, Commissioner

Ron Wesen, Commissioner

ATTEST:

Clerk of the Board