



Skagit County Public Health

Keith Higman, Director
Howard Leibrand, M.D., Health Officer

BEFORE THE SKAGIT COUNTY HEALTH OFFICER FINDINGS OF FACT, CONCLUSIONS AND DECISION

REVIEWING AUTHORITY: Dr. Howard Leibrand, Skagit County Health Officer

PUBLIC HEARING DATE: N/A

PUBLIC HEALTH ACTION: Decision of Appeal pertaining to civil penalty and notice of violation

APPELLANTS: Tulip Time LLC., Attn Larry Jensen

PROPERTY ADDRESS: 12637 Pulver Road Parcel No. P23643

MAILING ADDRESS: 15356 Produce Lane, Mount Vernon

FINDINGS OF FACT

Skagit County Public Health issued a notice of failure order, dated September 10, 2024, which determined the on-site sewage system was in failure and required the appellant to apply for and complete a permitted repair of the on-site sewage system by an approved on-site sewage system provider. The unpermitted modifications were made by the appellant after receiving the notice of failure order.

On February 26, 2025, Skagit County Public Health issued a notice of violation to Tulip Time, LLC for violating Skagit County Code (SCC) 12.05, including the modification of an on-site sewage system without prior permit approval, inspection, and final approval from Skagit County Public Health.

Skagit County Public Health provided the appellant until March 28, 2025, to obtain the necessary permits and complete the permitted repairs. When no applications were received and no permitted repairs were completed, the civil penalties of \$250 per day were assessed. As of May 2, 2025, the thirty-day civil penalty was assessed at \$7,500.

Skagit County Public Health received the appeal to the Health Officer of the notice of violation and of the civil penalty on May 27, 2025.

The appellant requested an in-person hearing. The Health Officer proposed multiple hearing dates and times, but the appellant did not agree to attend any of the offered hearing dates. Per SCC 12.05.285(1), the Health Officer may rule on the request for reconsideration without a hearing.

APPLICABLE REGULATIONS and ENFORCEMENT AUTHORITY

Applicable Regulations:

Revised Code of Washington (RCW) 43.20.050, *Powers and Duties of the Board of Health* provides statutory authority.

Revised Code of Washington (RCW) 70.05.070 Local health officer- powers and duties provides statutory authority.

Washington Administrative Code (WAC) 246-272A, *On-Site Sewage Systems*

Skagit County Code (SCC 12.05), On-Site Sewage Code- Rules and Regulations

DISCUSSION

The existing on-site sewage system was determined to be failing and Public Health required that the system be repaired by an approved on-site sewage system designer via the required permitting process detailed in SCC 12.05. The permitted repairs need to be accomplished to alleviate a public health risk and need to be completed in the summer months and before going into the fall and winter wet seasons.

CONCLUSIONS

The failing on-site sewage system had alterations made to the system without an approved on-site sewage system repair permit. The alleged repair work was not done under the direction of an approved on-site sewage system designer. This is a violation of WAC 246-272A and of Skagit County Code 12.05. The repair work needs to be completed by an approved on-site sewage system designer per the required repair permitting process.

DECISION

After reviewing Skagit County Code 12.05, on-site sewage code, and the staff report including attachments, and the letters and additional submittals received from Mr. Jensen regarding the appeal, the Health Officer upholds the notice of violation issued on February 26, 2025 concerning the failure identified in September 2024 which was not addressed with the required permitting and professional repair leading to the Notice of Violation on February 26, 2025.

The Health Officer agrees to conditionally reduce the civil penalties for the notice of violation, if the following conditions are met:

- The appellant shall have a licensed on-site septic designer develop an on-site septic design which meets WAC 246-272A and SCC 12.05.
- The design must be submitted as a SEPTIC permit and the permit fees must be paid for by September 19, 2025.
- Any upgrades identified in the approved septic design must be installed within 30 days of permit issuance.
- An as-built record drawing for the permitted installation must be completed and submitted to Public Health within 30 days of the final construction inspection.

Once the above conditions are met, then the civil penalties will be reduced to an assessment of 7 days (\$1,750).

If the above conditions are not met, then the existing civil penalties will not be reduced. Additional enforcement action will continue which may include additional civil penalties and other enforcement action.

You have the right to appeal this decision to the Board of Health within 10 working days of receipt of this notice. See the attached appeal form and SCC 12.05.285


Howard Lebrand, M.D.
Skagit County Health Officer

Date of Health Officer Decision: August 28, 2025

Date Transmitted to Parties: August 28, 2025