

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Wednesday, August 12, 1987

7:30 p.m. Public Hearing - Consideration of Establishment of Warner-Prairie Sub-Flood Control Zone. (This hearing will be held at the Prairie Fire Hall.)

The Skagit County Board of Commissioners met in regular session on Wednesday, August 12, 1987, with Commissioners Walberg, Vaux and Rohrer present.

PUBLIC HEARING - CONSIDERATION OF ESTABLISHMENT OF WARNER-PRAIRIE SUB-FLOOD CONTROL ZONE.

Chairman Walberg waived the reading of the Notice of Public Hearing, as published in the Skagit Argus on July 28, and August 4, 1987.

Don Nelson, Flood Control Engineer, gave a brief overview of the proposed sub-flood control zone. He explained that formation of a sub-flood control zone was much easier and less costly than formation of a drainage district. The Board of Commissioners would act as ex-officio commissioners for the zone, while the Public Works Department would perform administrative duties. A petition was received from at least 25 percent of the property owners within the boundaries of the proposed zone.

Mr. Nelson explained that the proposed boundaries of the zone were established on a watershed basis with reference to a U.S.G.S. contour map, along with input from the property owners. He explained that he had named the creek in the problem area Warner Creek for further reference. Properties within the boundaries of the zone would be assessed for the project and annual maintenance.

Tony Nederveen felt the entire zone should moved one mile to the west to include Dry Creek.

Tom Galbreath, who owns 40 acres within the proposed boundaries, felt the County should pay for the solution to the problem, because the County issued building permits to people who built in the lowlands.

Mr. Nelson offered to explain at a later time to Mr. Nederveen how the contour map indicated the direction water would flow.

Mr. Nelson explained the proposed project which consists of constructing a 50-foot by 150-foot holding pond in the northeast corner of Marvin Orestad's property. This holding pond would serve to trap the gravel and sand carried by the stream and would require periodic cleaning. A channel would be excavated south from the holding pond to the north side of Prairie Road. The channel would then continue westerly along the north side of Prairie Road on an easement to the east side of Mr. Orestad's driveway. Two 48-inch culvert

field accesses would be installed along this channel. The easement would also be fenced. At the east side of Mr. Orestad's driveway, a 48-inch culvert would be installed diagonally across the Prairie Road in a southwesterly direction to the west boundary of Al Morgan's property. A channel would be excavated along the west boundary of Mr. Morgan's property in a southerly direction on an easement to an existing ditch which leads to the Samish River.

Mr. Nelson noted that Mr. Richland has agreed to grant an easement for accepting the water into his private ditch. Easements will also be required from Mr. Orestad and Mr. Morgan.

Mr. Nelson estimated the total project cost to be about \$24,500. He assumed that the installation of the 48-inch culvert across Prairie Road would be the responsibility of Skagit County at a cost of about \$9,750. The U. S. Soil Conservation Service will pay 60 percent of the holding pond construction, or about \$3,200. The remaining project cost to be born by the property owners within the zone would then be about \$13,685.

Since the proposed zone consisted of 270 acres, the remaining costs on a per acre basis would be \$50.69. Mr. Nelson proposed a maintenance assessment to pay for cleaning the pond, mowing the ditches and cleaning the ditches from time to time. He felt a total annual assessment of \$1,000 would be sufficient.

Mr. Galbreath stated that he had 40 acres within the proposed zone.

Mr. Nelson noted that since Mr. Orestad and Mr. Morgan are granting easements, they asked to be exempted from the annual assessments. The remaining 225 acres would be assessed annually at \$4.44 per acre.

Discussion followed regarding the intended purpose of the project.

Discussion followed regarding the easements. The approximate value of the easements would be \$4,000 per acre. Mr. Orestad's easement amounted to approximately 1.5 acres, while Mr. Morgan's easement amounted to approximately 0.89 acre.

Mr. Nelson explained how Warner Creek loses its boundaries and flows everywhere over the lowlands.

Mr. Morgan, 409 Sage Lane, read a statement on behalf of the petitioners, which requested the County pay for the initial project costs and the property owners would pay for the annual maintenance.

Mr. Nelson explained that his proposal included Mr. Orestad and Mr. Morgan in the initial project assessment.

Mr. Morgan stated that he and Mr. Orestad were under the impression that they would also be exempt from initial project assessments.

Betty Ullom, 2034 Prairie Road, pointed out all the money the County would save each year in maintenance costs alone if the project were completed.

Commissioner Rohrer stated that he felt the County had to be careful not to set a precedent. However, he felt the County's benefit from the project would easily pay for the initial project costs.

Mr. Nelson clarified for Commissioner Vaux that the Board of Commissioners would authorize the Public Works Department to administer the sub-flood control zone. He explained that any change in maintenance assessments would require a public hearing.

Bill Frost, 2030 Prairie Road, asked if property owners cleaned the ditches and the holding pond, could those costs be reduced?

Mr. Nelson explained that State law has established that any one person withing a drainage district can be hired and receive no more than \$600 payment per year. However, since there was no State law to address the matter with regard to sub-flood control zones, Mr. Nelson felt that statute would apply.

Dana Jones, 450 Prairie Lane, asked if the County has considered the future impact the project would have on Mr. Richland's ditch.

Mr. Nelson explained that any problems caused by the sub-flood control zone will be corrected at the zone's expense.

In answer to another question, Mr. Nelson explained that owners of the proposed easements would have use of the property, so long as the owner's use didn't interfere with the zone's purpose (ditch).

At this time, the hearing was recessed to give property owners time to review the project and contour map.

Chairman Walberg called the meeting to order once again.

Commissioner Vaux asked for a legal definition of the proposed sub-flood control zone.

Mr. Nelson explained that the Board of Commissioners would act as ex-officio commissioners of the zone. The zone's assets would be County assets held in trust.

Commissioner Vaux suggested the proposed easements from Mr. Orestad and Mr. Morgan be purchased as assets for the zone. This would eliminate any future neighborhood squabbles regarding annual assessments.

Mr. Morgan noted that his easement would divide his property into two parcels. He asked if the zone would pay for fencing of his property.

Jim Hume, 2040 Prairie Road, noted that the zone's purchase of the easements would raise everybody's assessment. He favored Mr. Morgan's and Mr. Orestad's donation of the easements in exchange for exemption from the annual assessments.

Mr. Orestad noted that the holding pond will have to be built to the U.S. Soil Conservation Service's specifications.

Roy Donaldson, 450 Sage Lane, asked what costs the County would incur in maintenance if this project isn't accomplished this year. He felt the County would be liable for any accidents caused by the unsafe road.

Commissioner Rohrer noted that the Public Works Department flags the roads that aren't safe for travel due to high water.

Mr. Orestad noted that the Soil Conservation Service is working on the holding pond engineering.

Mr. Frost felt everyone should get together to build a fence and reduce the project cost by \$1,080.

Mr. Orestad and Mr. Morgan stated that they didn't care if their easements were purchased outright or donated in exchange for their exemption from the assessments.

Mr. Frost noted that the purchase of Mr. Richardson's ditch would be quite expensive. He preferred accepting donation of the easements.

Commissioner Rohrer proposed the County pay all of the initial project costs, with the exception of the 60 percent of the holding pond costs, which the Soil Conservation Service would pay.

In answer to a question from Commissioner Vaux, it was determined that an overwhelming majority of property owners involved were present at this hearing.

As there were no additional comments from the public, Commissioner Rohrer motioned to close the public hearing. Commissioner Vaux seconded the motion. The motion was carried unanimously.

Commissioner Rohrer motioned to:

1. Establish the Warner Prairie Sub-Flood Control Zone as proposed;
2. Authorize the Director of the Skagit County Department of Public Works to undertake the completion of the proposed project (funded by Skagit County, with the Soil Conservation Service assisting in 60 percent of the cost of the settling pond), to acquire easements and

permits in the name of the zone, and to take whatever other steps necessary for the timely completion of said project;

3. Establish a maintenance assessment not to exceed \$1,000 per year, on a per acre basis, with each acre of land lying within the zone boundary being assessed the prorated sum necessary to accomplish \$1,000 revenue each year, with the exception of property owned by Marvin Orestad and Al Morgan, which property shall be exempt from all assessments; and
4. Authorize the Director of the Skagit County Department of Public Works to supervise future maintenance activities and assure that the capital improvements made to the zone are kept in proper working order.

Jay Ensley, Acting Director of the Public Works Department, stated that the County's River Improvement Fund could provide the funding for the County's remaining portion.

Commissioner Vaux seconded the motion made by Commissioner Rohrer. The motion was carried unanimously.

Discussion followed regarding appointment of a Citizens' Advisory Committee for the zone. A Citizen's Advisory Committee was proposed as follows:

1. Jim Hume, Chairman
2. Al Morgan
3. Marvin Orestad
4. M. L. Ullom
5. Bill Frost

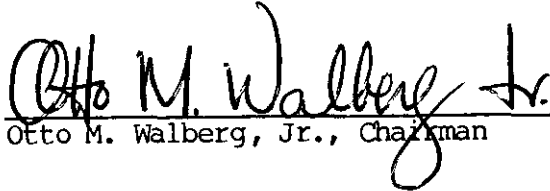
Chairman Walberg suggested that the State should have a representative on the committee. If the State wants to appoint a representative from the Department of Natural Resources, then Mr. Ullom will withdraw.

Mr. Nelson explained that the zone will have at least one meeting per year, and additional meetings if problems arise.

ADJOURNMENT


Commissioner Vaux motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Otto M. Walberg, Jr., Chairman

W. W. Vaux, Commissioner



Dave Rohrer, Commissioner





Megan Cheney, Clerk
Skagit County Board of Commissioners