

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Tuesday, August 27, 1991:

- 8:30 a.m. - 9:00 a.m. Work Session - Assistant Director of Operations/Road Supervisors.
- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick,
Director:
- 1) Discussion - Administrative Variance to Siting Criteria.
 - 2) Discussion - Lot Division as They Are Affected by County Road.
 - 3) Enforcement Report Update.
 - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Various Budget and Finance Related Matters.
- MISCELLANEOUS ITEMS.
- 1:30 p.m. - 1:45 p.m. Bid Opening - Coal Creek Sediment Basin Cleaning Project.
- 2:00 p.m. - 3:00 p.m. Planning Commission Recommendation - Approval - Skyridge V Preliminary
Plat.
- 3:00 p.m. - 4:00 p.m. Executive Session - Personnel.
- 7:00 p.m. - 8:00 p.m. Public Meeting - Gibraltar Landslide.
(Fidalgo School, 1360 Gibraltar Road, Anacortes)

The Skagit County Board of Commissioners met in regular session on Tuesday, August 27, 1991, with Commissioners Ruth Wylie and Robby Robinson present. Chairman Vaux 's absence was excused.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

1) Discussion - Administrative Variance to Siting Criteria.

Kraig Olason, Assistant Director, provided a packet of materials that will be distributed to those requesting an administrative variance to the County's siting criteria in the Agricultural Zone. The packet was briefly reviewed.

2) Discussion - Lot Division as They Are Affected by County Road.

Mr. Olason explained that past policy has dictated that a County Road passing through property divides it into two separate lots. The opinion of the Prosecuting Attorney, however, now suggests that this is legally not the case. Never the less, during the time the policy was in effect, a number of parcels were divided and sold based on this policy, and parcels exist which are not legal lots of record.

Mr. Olason clarified that those roads that were built on a fee simple purchase do technically constitute a division of property. Mr. Olason stated, however, that the Public Works Department feels that the majority of roads are built on right-of-way.

Mr. Olason stated that some property owners who had previously planned to sell the portion of their property separated by a road right-of-way must now obtain a short plat and sometimes request a variance to divide their land. Staff has been made aware of this policy change, and is instructing the public

accordingly.

3) Enforcement Report Update.

Provided for review. The Enforcement Officer's illness continues, although complaints regarding the dumping of fill from AT&T's fiberoptic line placement on Highway 9 North are being investigated by other staff. Mr. Olason reported that MBI, the contractor for the job, submitted an initial checklist which indicated that there would be no excess fill; however, 45 dump sites have been reported, and MBI has been asked to visit each site to determine the extent of the fill, if it is theirs.

4) Miscellaneous.

- A. Mr. Olason reported that the building inspections staff has experienced some significant problems with BSI, the County's contractor for plan checking of residential structures, because BSI plan checkers have been sending numerous of letters to applicants requesting additional information.

Kraig Stevenson explained that of the 34 plans sent to BSI for review, only 5 have been returned completed. After experiencing the difficulties with BSI, a request was made for the unchecked plans to be returned, and 10 were received back. The letters that BSI has sent to applicants have asked for a multitude of information that would not ordinarily be required by in-house plan checkers, thereby causing an unnecessary delay in permit processing. Mr. Stevenson provided an example of a plan for which BSI required that pencil markings be changed to ink, and that a guardrail be required where a guardrail was questionably necessary. A review of the copies of letters BSI has sent to other applicants has revealed that 1/3 to 1/2 of the items being requested by BSI are unnecessary. A call to BSI has not been helpful in correcting the situation, as BSI has insisted on a strict interpretation of the building codes, local policies and procedures. With the number of permits being held up by these additional, unnecessary BSI requirements, and with the uncooperative attitude adopted by BSI, Mr. Stevenson recommended that the County invoke the contract's termination clause and give 10 days written notice to BSI that their contract is being terminated.

The Board agreed with Mr. Stevenson, and directed him to terminate the contract immediately.

- B. Mr. Olason reported that a letter has been sent to the State Department of Community Development to request an time extension for submittal of the Critical Lands Assessment required by the Growth Management Act.

VARIOUS BUDGET AND FINANCE RELATED MATTERS.

- A. Mike Woodmansee, Budget/Finance Director, presented a resolution establishing the 1991 cost allocations to the County Road Fund. He explained that annually the Road Fund is charged for services that the Public Works Department requires of other County Departments. This year's assessments have been calculated in the same manner as the previous year.

Commissioner Robinson motioned to adopt the resolution establishing a cost allocation of \$416,000 from the County Road Fund for 1991 to the Assessor, Treasurer, Auditor, Prosecutor, General Maintenance, Records Management, and Administrative Services budgets. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #14040)

- B. Mr. Woodmansee explained that the Board approved six months of a \$31,000 budget for the Boundary Review Board. The approval of the second six months was contingent upon an assessment of the

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Boundary Review Board activities. Mr. Woodmansee stated that it now appears necessary to put the second half of that budget into place, the majority of which will supplement the salaries and benefits line items of the budget.

Commissioner Wylie motioned to adopt the resolution authorizing a budget line item change in the amount of \$15,574.00 within the Current Expense Fund for the salaries and benefits of the Boundary Review Board staff. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution #14041)

- C. Mr. Woodmansee explained that as part of a treatment program for an A.R.I.S. client, Chris Tobey, Intervention Specialist approved guitar lessons for a client. The Auditor's office processed the bill for the lessons, but Mr. Woodmansee felt that a policy is necessary to formalize the interventions specialists' ability to authorize similar actions. Mr. Woodmansee presented a resolution establishing a policy which authorizes expenditures for programs for which the need has been documented in the client file.

The Board directed Mr. Woodmansee to include in the policy a dollar limit on the amount of funding that may be allocated for each client, and to require pre-approval for each program from the Budget Director.

- D. Mr. Woodmansee explained that Skagit Community Action Agency has received an approval from DSHS for \$88,000 in assistance to be distributed to displaced timber workers. A 1/2-time Private Industry Council worker has been hired to advertise the availability of these funds, but Bill Shuler, Director of Skagit Community Action Agency, has requested a grant of \$5,000 from Skagit County to increase the worker to full time and to publish a special newspaper to advertise the availability of the resources.

The Board agreed to fund Mr. Shuler's request.

MISCELLANEOUS ITEMS.

There were no miscellaneous items for consideration at this time.

BID OPENING - COAL CREEK SEDIMENT BASIN CLEANING PROJECT.

Chairman Vaux waived the reading of the notice of call for bids, as published in The Skagit Argus.

The following bids were received and opened:

- 1) Rains Contracting, Inc.
P.O. Box 340
Malott, WA 98829

Total Bid: \$113,562.00
Proposal bond enclosed.

- 2) One Way Construction
215 North Reed Street
Sedro Woolley, WA 98284

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Total Bid: \$152,568.00
Proposal bond enclosed.

- 3) Collins Corporation
3326 Smokey Point Dr. #204
Arlington, WA 98233

Total Bid: \$140,675.00
Proposal bond enclosed.

- 4) CM Trucking & Construction, Inc.
2062 F&S Grade Road
Sedro Woolley, WA 98284

Total Bid: \$135,089.63
Proposal bond enclosed.

- 5) Janicki Logging Co., Inc.
821 Garden of Eden Road
Sedro Woolley, WA 98284

Total Bid: \$124,464.00
Cashier's check enclosed.

- 6) IMCO General Construction, Inc.
4509 Guide Meridian
Bellingham, WA 98226

Total Bid: \$97,600.00
Proposal bond enclosed.

- 7) Waterworks, Inc.
2123 E. Bakerview Road
Bellingham, WA 98226

Total Bid: \$172,825.00
Proposal bond enclosed.

- 8) Hilltop Construction Co.
12420 88th Place N.E.
Kirkland, WA 98034

Total Bid: \$259,875.00
Proposal bond enclosed.

- 9) Lovco Construction, Inc.
1015 Goldenrod
Burlington, WA 98233

Total Bid: \$116,139.00

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Cashier's check enclosed.

- 10) Callen Construction Co., Inc.
P.O. Box 498
Custer, WA 98240

Total Bid: \$112,750.00
Proposal bond enclosed.

- 11) Diamaco, Inc.
1597 W. Links Way
Oak Harbor, WA 98277

Total Bid: \$193,300.00
Proposal bond enclosed.

The bids will be reviewed and a recommendation for award made at a later date.

PLANNING COMMISSION RECOMMENDATION - APPROVAL - SKYRIDGE V PRELIMINARY PLAT.

Jeff Morgan, Associate Planner, provided a site map and staff photos of the subject property, which is located East of Blodgett Road on Skyridge Drive, southeast of the City of Mount Vernon. The proposal asks to divide 9.58 acres of Residential Zoned land into 14 lots for residential development. Mr. Morgan stated that both the Planning Department and Planning Commission have recommended approval, attaching a number of conditions to the plat approval. Mr. Morgan noted that a large area of wetland on the property was donated to the future owners as a community park area to mitigate for other smaller wetlands that will be developed. Mr. Morgan noted that an 800 foot road will be constructed to County standards, but will not impact any of the wetlands. Although there were some concerns regarding drainage, these were answered by the applicant's engineer, and a path for students walking to school was added following requests from local residents. A wider turning radius is planned for the new roadway where it intersects with Blodgett Road to provide safe entrance onto Blodgett Road.

Commissioner Wylie motioned to adopt the recommendation of the Planning Commission and approve the Preliminary Plat of Skyridge V, application #PP 90-014, including each of the conditions given by the Planning Department and Planning Commission. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14042)

PUBLIC MEETING - GIBRALTER LANDSLIDE.

The Board convened at Fidalgo School, 1360 Gibraltar Road, Anacortes, to hold a public meeting regarding the findings and recommendations contained in a geotechnical study performed on the Gibraltar landslide of December, 1990.

Chairman Vaux opened the meeting with introductions.

Doug Argo, Project Engineer for GeoEngineers, a firm engaged to perform the study, gave a brief summary of the slide movement. He stated that his firm made test hole borings, conducted testing and issued a final report to the County on June 21, 1991. He stated that the slide is an old feature which began with soil erosion and has resulted in a series of relatively intact masses moving down the hill. The time intervals between major block movement has probably been about every 200 years. Small movements have been

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occurring about every two decades. The small movement which occurred in December was triggered by a severe rainfall, and it is expected that similar small movements will continue to occur about every second decade henceforth.

Mr. Argo reviewed the five options identified by the study for protection against future damage from recurrent slides. They were as follows:

- 1) Take no action and allow the slides to continue.
- 2) Place a buttress at the shoreline. This would be constructed of a large amount of fill along the full width of the slide plane. This would be a very expensive option, and one for which it would be difficult to obtain permits.
- 3) Construct a deep retaining wall at the toe of the bluff that would penetrate to a depth of about 100 to 150 feet. Again, an expensive option.
- 4) Lower the groundwater table on the bluff by lining the existing drainage ditches, constructing a storm sewer system, tightlining roof and driveway drains, and installing sanitary sewers.
- 5) Install seawalls the full length of the slide which will stop erosion of the bluff over time.

Robin LaRue, Design/Construction Engineer, then reported that the staff, after analyzing the report and considering all options, recommends that the following options be favored:

- 1) Install a rip-rap seawall at the toe of the bluff, using and/or repairing existing seawall wherever it is available.
- 2) Install storm drains and surface drains.
- 3) Line the existing drainage ditches.

The following funding options were discussed by Mr. LaRue:

- 1) FEMA has declined to provide any funding based on the project's apparent inapplicability.
- 2) The State Department of Emergency Management has some emergency mitigation funds available, but the deadline for applying for the funding has passed. Funding will be available again in 1992, but the project will compete with many other projects statewide, and the award would probably not be large.
- 3) A Local Improvement District (LID) could be formed as described by Washington Law within the benefit area.
- 4) The landowners in the area could form their own association and assess themselves for improvements.

Mr. LaRue stated that the Public Works Department is willing to act as lead agency for an association or an LID, providing engineering support and participating with their share of costs according to the amount of the assessment for the roadways.

Mr. LaRue quoted very preliminary estimates for the items recommended by the Public Works Department. Construction of a seawall would cost at least \$300,000, drain work at \$200,000 and ditch work would cost from \$20,000 to \$60,000. Additional costs would be incurred for the formation of the LID. Mr. LaRue did note that FEMA funded about 87% of the costs for the consultant's report.

At this point, Chairman Vaux invited the audience to comment.

Ray Wicks, representing Keith Eide, Salmon Beach Landowners Association (SBLA) President, read a letter prepared by Mr. Eide, who was unable to be present. Mr. Eide's letter recommended the following:

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- Monitoring should continue using existing borings.
- Reduce groundwater level. Reroute all ditches and line to the beach. Landscape with trees and shrubs and eliminate lawns which require watering. Ask the Public Utility District to monitor local water usage. Increase development only when adequate assurances are present. Inspect existing properties.
- Assist with seawall construction.
- Repair local roads.
- Provide tax relief to local residents.
- Begin improvements soon and allow review of plans by landowners.

Ross Barnes provided the Board with a report he had composed which critically reviewed the GeoEngineers study. He found the following faults with the study:

- The stated parameters of the water budget in table C-1 are too low for septic tank loading.
- The water budget deals only with the slide area and no factor for the upslope area is included.
- Stormwater runoff from Gibraltar Drive was being directed toward the slide area, but the GeoEngineers report shows it was being directed away to the northeast.
- The report does not document how a finding of a 5 foot increase in groundwater was made.
- The toe of the landslide is further out than the report shows.
- The report does not recognize the influence of the unusual low tide on the slide movement.

Mr. Barnes suggested that the entire water budget should be redone, and that two more stability computer runs should be made, one of the Gibraltar Heights headwall area and a model with the toe approximately 450 feet offshore. While Mr. Barnes did not disagree with the recommendations made, he suggested that different methods could be used to load the beach and intertidal area. Mr. Barnes also felt that the slip recurrence interval of 10 to 40 years should be supported with additional documentation, and that a 200 year block movement interval is a bit frequent.

Dick Threet, 2801 17th, Anacortes, a geologist, agreed that Mr. Barnes' septic loading theory is correct. He questioned whether there would be continuous monitoring of the test holes. Mr. LaRue indicated a willingness to continue to monitor the borings with the help of neighbors. Mr. Threet then gave advice on the monitoring process.

Cheryl Haugland, 145 Gibraltar Road, asked that the area just below here home be investigated.

Konrad Kurp stated that he would appreciate any information on projects being circulated to the landowners in advance. He recommended that staff "get a handle" on upland development, monitor imported (PUD) water, and look into forest practice management of the upland forested areas. He also recommended that vegetation removal be stopped and that detailed mapping of the slide block be done.

Bob Knorr, 510 Gibraltar Road, stated that 9:15 p.m. on December 29, was the exact time of the slide event. The report indicates only that it occurred "in the early morning hours". Mr. Knorr also felt that the unusual low tides were down played. Mr. Knorr referred to a memo dated January 11, 1991, in which the County's Department of Emergency Management advised homeowners not to inhabit their homes. He asked if it was now safe to return to their homes.

Chairman Vaux stated that Tom Sheahan, Director of the County's Department of Emergency Management, had issued the memorandum following consultation with State emergency management organizations. Only through the decision of Mr. Sheahan should the edict be removed.

There being no further comment, Chairman Vaux announced that another meeting would be held at Fidalgo

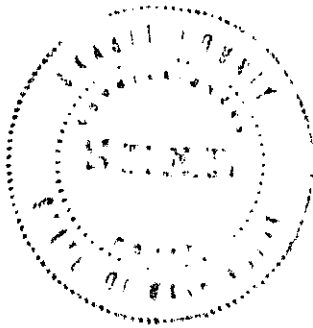
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School in two to three weeks at which program decisions would be announced.

ADJOURNMENT:

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Robinson seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux, Chairman

Robby Robinson
Robby Robinson, Commissioner

Ruth Wylie
Ruth Wylie, Commissioner

ATTEST:

Stephanie Wood
Stephanie Wood, Clerk
Skagit County Board of Commissioners