

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

Tuesday, October 8, 1991:

- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/Road Supervisors.

 Flag Salute.
- 9:00 a.m. - 9:15 a.m. Department of Planning and Community Development - Scott Kirkpatrick,
 Director:
- 1) **Enforcement Report Update.**
- 9:15 a.m. - 10:00 a.m. Planning Commission Recommendations:
- 1) Approval - Cedar Ridge Estates, Conway.
 2) Approval - Interim Procedure for Review of Preliminary Plats.
- 10:00 a.m. - 11:00 a.m. Pre-Study Discussion with Noel Gilbrough of the U.S. Army Corps of
 Engineers Regarding Reconnaissance Study of the Skagit River Flooding.
- 12:00 p.m. - 12:30 p.m. Northwest Outdoor Leadership School (NOLS) Ground Breaking Ceremony.
 (Corner of Bulson and Conway-Lake McMurray Road, Conway)
- 1:00 p.m. - 2:00 p.m. Washington State Association of Counties Yearly Update Report.

The Skagit County Board of Commissioners met in regular session on Tuesday, October 8, 1991, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR:

1) Enforcement Report Update.

The report was provided for review. A status report on the health of the Code Compliance Officer, Tim Hoffman, was given.

2) Miscellaneous.

The Board approved a letter to be sent to the mayors of each city and town in Skagit County regarding the Regional Transportation Planning Organization. The letter formalized the County's position that the WSDOT should act as lead planning agency in the RTPO.

PLANNING COMMISSION RECOMMENDATIONS:

1) Approval - Cedar Ridge Estates, Conway.

Dave Hough, Senior Planner, explained that two requests are to be considered. The first is a Planned Unit Development approval, and the second is a Shoreline Substantial Development/Conditional Use/Variance Permit (#SHL 91-003). Mr. Hough provided vicinity and plat maps of the proposal. Each Commissioner had previously received copies of the Staff Report and Planning Commission Recorded Motion pertaining to each item.

Mr. Hough explained that the proponents, Vern Sims and Warren Gilbert, Jr., are proposing to create a 37

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lot planned unit development on 150 acres east of the community of Conway, with access to the southeast corner of Lake 16. The development will provide a community facility for lot owners to access Lake 16. A number of acres of wetlands within the development will be placed in Open Space, and the developers will donate 37 acres for the purposes of creating a community park for the Conway area. In addition, the developers will donate 6% of their total lots sales for the first 18 lots, and 2% of the total sales for the remainder of the development to be used for the advancement of the park. The average lot price will be \$75,000.

Mr. Hough reviewed the following conditions placed upon the approval of the Planned Unit Development which are summarized below:

1. Start within 12 months of approval, finish within 5 years.
2. Undergo preliminary plat review by the Hearing Examiner.
3. Obtain Corps of Engineers permit for work on the wetlands.
4. Perform a traffic study and obtain a WSDOT access permit.
5. Extend shoulders for pedestrians on Lake View Drive.
6. Submit a drainage/erosion plan.
7. Sets forth park donation procedure.
8. Obey all construction regulations.
9. Disclose on final plat the possibility of forestry operations nearby.
10. Obey a 100 foot building setback on the eastern property line of the development.

The Planning Commission recommended approval of the P.U.D. with a 6-0 vote.

Regarding the shoreline application, the Planning Commission recommended the following conditions summarized below:

1. Obtain a Corps of Engineers permit for work on the wetlands.
2. Obtain a hydraulics permit.
3. Cannot create uplands by backfilling.
4. Obey Shoreline Master Management Program and other regulations.
5. Produce a landscape plan.
6. Submit a drainage/erosion plan.
7. Re-vegetate any disturbed shoreline area.
8. Use no petroleum products near the water.
9. Work only in dry weather when the lake level is low.
10. Allow no damaging chemicals to come in contact with the area.
11. Construct no structural shoreline defense works.
12. Obtain a building permit for any retaining wall construction.
13. Submit a site plan.
14. Vehicles are not to park on the access road.

The Planning Commission recommended approval of the Shoreline Substantial Development permit with a 6-0 vote.

At this point, Commissioner Wylie motioned to adopt the recommendation of the Planning Commission regarding the Cedar Ridge Estates P.U.D. and Shoreline Substantial Development Permit and approve both items. Commissioner Robinson seconded the motion.

Mr. Warren Gilbert and Mr. Hough explained that because it takes six to 18 months to get a permit from the

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Corps of Engineers, Mr. Gilbert is concerned that he may not be able to begin the plat within 12 months, as the conditions stipulate. Mr. Hough submitted that the Planning Department will do all they can to facilitate the start of the plat within 12 months, but that the language regarding the start and finish of the plat is taken directly from the County Code and is not subject to change.

Mr. Gilbert also wished to clarify that the donation fund will be for the development of the Conway park only, and will not be used elsewhere in the County. He stated that he prefers that the park development begin as soon as possible.

Commissioner Wylie assured Mr. Gilbert that the donation fund will benefit only the Conway park, and that the interest earned by the fund will remain in the fund.

A vote was called, and a unanimous vote was received.

2) Approval - Interim Procedure for Review of Preliminary Plats.

Mr. Hough explained that the current County policy states that preliminary plats of 9 lots or fewer will be reviewed by the Hearing Examiner, and those with 10 lots or greater will be reviewed by the Planning Commission. Since the Planning Commission has been unable to keep up with the press of work for the past year, a new procedure has been recommended to alleviate some of the work load from the Planning Commission.

The Recorded Motion of the Planning Commission read as follows:

"Preliminary plats containing 25 or more lots or the potential to create 25 or more lots on land under contiguous ownership shall be heard by the Planning commission, and that smaller subdivisions or potentially smaller subdivisions be heard by the Hearing Examiner, unless he/she refers said subdivision to the Planning Commission.

Preliminary plats included in developments that have had overall approval by the Planning Commission may be heard by the Hearing Examiner even though they may exceed 25 lots."

After Mr. Hough's explanation of the procedure, Commissioner Wylie motioned to adopt the recommendation of the Planning Commission and to approve the new policy. Commissioner Robinson seconded the motion, which passed unanimously. The Board confirmed that the policy is effective immediately.

PRE-STUDY DISCUSSION WITH NOEL GILBROUGH OF THE U.S. ARMY CORPS OF ENGINEERS REGARDING RECONNAISSANCE STUDY OF THE SKAGIT RIVER FLOODING.

Dave Brookings, Flood Control Engineer, introduced Noel Gilbrough, Project Manager for the Skagit River Reconnaissance Study, U.S. Army Corps of Engineers.

Mr. Gilbrough explained the following points about the process that will be followed with respect to the Federal Government's involvement with the study.

- The Corps has 12 months to submit the initial reconnaissance report.
- The study will be initiated in February, 1992.
- Between now and the beginning of the study, the Corps will work with the County to determine what alternatives should be studied.

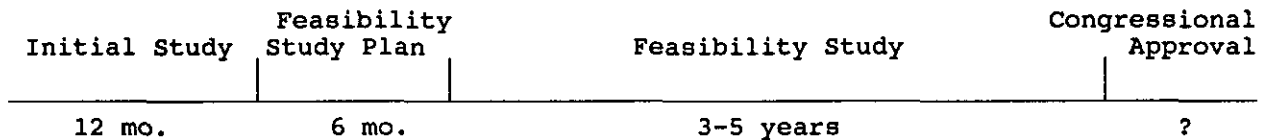
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- The purpose of the reconnaissance is to determine at least one alternative for a flooding solution that has federal interest.
- The alternative(s) should have a cost/benefit ratio above "1".
- Following the submittal of the reconnaissance report, six months will be spent completing a feasibility study plan that will include an IPMP (Initial Project Management Plan) which will specify what will be done in the actual feasibility study and how much it will cost.
- Finally, the feasibility study commences, and the alternatives are actually studied. The cost for this study is shared by the County and the Federal Government. The County is responsible for 50% of the study costs, half of which can be in-kind services. The cost for the study may be amortized over the study period, which is usually three to five years. FCAAP monies can be used for some of the funds. Mr. Gilbrough used Snohomish County as an example, where the feasibility study will cost \$2 million. He urged that the County be aware of the costs now, and be prepared in 18 months to begin sharing in a costly project.
- Following the completion of the feasibility study, a request is made to Congress for approval to build whatever project has been identified. The project funding is also shared by the County. Congress provides 75% of the funding, and the local matching share is 25%. In addition, the County must provide all property necessary and pay all acquisition costs. This sum may not exceed 50% of the project. Five percent of the matching funds must be paid up front and in cash.

Mr. Gilbrough illustrated with the following drawing:



During an open discussion with Mr. Gilbrough, he stated that 80% of the projects that reach the feasibility study phase are approved by Congress. He estimated that, if all goes well, the construction of the project will begin 10 years from 1992. Small projects can be addressed through a Section 205 program, which funds projects of \$5 million or less, but he felt that Skagit County's solution could not be completed for \$5 million.

To save money during the feasibility phase, Skagit County should narrow down their list of alternatives identified during the initial study phase.

A discussion ensued regarding possible alternatives. The Avon Bypass was mentioned, and Don Bockelman, a Day Creek resident, brought up the possibility of dredging.

Mr. Gilbrough was reluctant to investigate dredging, as he stated it has the following drawbacks:

- Difficult to dispose of dredge spoils.
- Must perform dredging all the way downstream from the point flood control begins.
- After the initial dredging project funded by the Federal Government, the County must sign a maintenance agreement which requires that if flooding causes the river to fill in again, the County must dredge the river at their own expense, or the Government will dredge the river and charge the County.
- It has never been found to be feasible anywhere else.
- It is an attempt to try to remove material the river has been depositing for aeons.

Regarding the Wild and Scenic River designation on the Sauk River, Mr. Gilbrough stated that even if the

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County mounted a 20-year campaign to get Congress to change the designation, it would probably fail, partly because the Sauk was one of the first rivers to be designated, and many agencies would oppose the change in designation.

State Representative Rob Johnson and Larry Kuntzler were also present for the discussion.

MISCELLANEOUS ITEMS.

- a. 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, October 8, 1991, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Warrants #82593 through #82720 (Vouchers #82593 through #82720) in the amount of \$546,768.47. Transmittal #R-23-91.

WASHINGTON STATE ASSOCIATION OF COUNTIES YEARLY UPDATE REPORT.

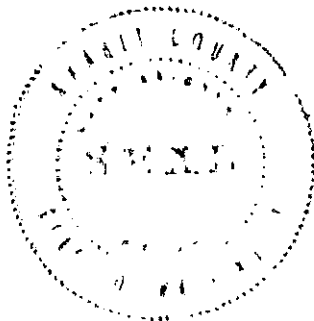
This was an opportunity for local representatives to meet with a delegate from the Washington Association of Counties to learn about WASAC activities during the past year, and to discuss how WASAC should focus their efforts for the following year.

Chairman Vaux, Prosecuting Attorney Mike Rickert, and Treasurer Judy Menish were present.

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