

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

Monday, October 28, 1991

10:00 a.m. - 11:00 a.m.

Public Works Department - Rich Medved, Director:

- 1) Public Hearing - Establishment of Rose Road as a County Road.
- 2) Public Hearing - Proposed \$10/parcel/year Charge for All Parcels of Land Within the Existing Skagit County Flood Control Zone District.
- 3) Signature - Update C.R.P. Cedardale Road.
- 4) Discussion/Resolution - Road Closure - Portion of Cascade River Road.
- 5) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

2:00 p.m. - 2:30 p.m.

Parks and Recreation Department - Jon Aarstad, Director:

- 1) FEMA Projects: a) Hausle House - Call for Bids.
 b) Conway Property.
- 2) Request for Proposals - Survey of Young's Park.

2:30 p.m. - 3:30 p.m.

Public Hearing - Special Use Permit Application #SP-90-023 of Gloria Beckstrom and John Sheahan - Construction of a Duplex at 1060 "C" Street, Bayview.

3:30 p.m. - 4:30 p.m.

Executive Session - Personnel.

The Skagit County Board of Commissioners met in regular session on Monday, October 28, 1991, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

- 1) Public Hearing - Establishment of Rose Road as a County Road.

Chairman Vaux waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on October 8 and 15, 1991.

Linda Johnson, Records Clerk, located Rose Road off of Tyee Road near Bulson Road on a vicinity map. She explained that the County has desired to establish Rose Road as a County road for the purpose of maintaining it for some time; however, the County has only owned scattered right-of-way. Staff has now completed the acquisition of a full 60 foot right-of-way, with the exception of the Trainer property. Mr. Trainer is also willing to provide right-of-way, but would prefer to trade for the vacation of Holmes Road to himself and his neighbor to the north, Mr. Raught. Additionally, Mr. Talley and Mr. Grimm, at the end the road, are willing to negotiation for right-of-way to create a cul-de-sac.

Chairman Vaux opened the floor for public comment.

Craig Barta, a property owner on Rose Road, stated that a June 13, 1991, letter from the Public Works Department to himself states that he is a party who owns property on Rose Road, therefore, he inferred, the Public Works Department should be dealing with him to acquire right-of-way. He cited portions of SCC

RECORD OF THE PROCEEDINGS

Monday, October 28, 1991

Page #2

14.08, the subdivision standards. He made many comparisons of Rose Road to the subdivision standards, among them 1) road should be looped (i.e. through Holmes Road), 2) road should run east to west (Rose Road does not), 3) Rose Road does not measure up to standards for right-of-way clearing and ditching. Mr. Barta stated that the proposed road encroaches more than 30 feet onto his property, but the County did not discover it because they did not perform a survey.

Mrs. Johnson pointed out that there were no short plat road standards when the property along Rose Road was divided by Compound Investments, the original property owners. Compound Investments still owns the property on which Mr. Barta's barn sits and which the County is receiving as part of the right-of-way acquisition. There was no need to deal with Mr. Barta, since he does not own the required right-of-way. Mrs. Johnson also stated that the Public Works Department is aware that Rose Road is substandard, that is why they would like to establish it as a County Road -- so it can be fixed.

Mr. Grimm, a Rose Road property owner, discussed the drainage ditching now present and how it can be improved.

Mr. Barta complained of standing water on his property. He pointed out that Compound Investments almost lost their property to back taxes before another party paid them. He produced an Order of Vacation for Rose Road dated June 1, 1967.

Mr. Grimm pointed out that R.C.W. 36.75.070 states that highways worked for 7 years by the County are County roads.

There being no further public comment, Commissioner Wylie motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Mrs. Johnson explained that indeed Rose Road was vacated in 1967. Five years later, the property owners wished to establish the road as a County road and Public Works was able to acquire back some of the right-of-way. In 1974 the attempt to acquire the necessary right-of-way was abandoned and only after Compound Investments bought the property was Mr. Grimm able to again petition for the road establishment and Public Works was able to obtain the necessary right-of-way.

Satisfied with the explanation, Commissioner Wylie motioned to establish the Rose Road as a County road, contingent upon the vacation of the Holmes Road to the adjoining property owners, Trainer and Raught, and the assurance of the ability to build a cul de sac at the end of Rose Road. Commissioner Robinson seconded the motion, which passed unanimously.

2) Public Hearing - Proposed \$10/parcel/year Charge for All Parcels of Land Within the Existing Skagit County Flood Control Zone District.

Chairman Vaux waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on October 15 and 22, 1991.

Dave Brookings, Flood Control Engineer, stated that this public hearing is the culmination of one year of work, including five public meetings, two of which were work sessions with local mayors and dike and drainage district commissioners.

Mr. Brookings reviewed a list of county-wide drainage issues, and a list of available county resources.

Mr. Brookings explained that to manage the flooding and drainage difficulties Skagit County has and will be

RECORD OF THE PROCEEDINGS

Monday, October 28, 1991

Page #3

experiencing, it is necessary to examine and deal with issues on a county-wide basis. In 1970, a County-wide sub-flood control zone district was formed. It is the recommendation of Flood Control Division staff that this district be used as a vehicle for imposing fees to finance a flood and drainage study, and later to finance improvements. A \$10 per parcel assessment on 1992 and 1993 property taxes is recommended to finance the study and begin some immediate capital improvements. This method will raise \$1.2 million, which will be used roughly equally for the study and improvements. Additionally, the study will determine how much each area or activity should pay in taxes to support major improvement identified in the study according to how much each will benefit.

Public comment was then invited by Chairman Vaux.

Kurt Johnson, a commissioner of Drainage District #22, stated that many drainage districts are not happy about the per parcel method of assessment. He suggested two alternative methods - either using assessed valuation or based on acreage. He also felt that drainage districts should not have to contribute in the same amount that non-district property owners do.

Jim Morrow, 1228 Del Mar Place, stated that since the Flood Control Division must review the drainage systems and impacts of each development based solely on the merits of the development and not upon its effects on the watershed, the ordinances that dictate this policy should be changed. He stated that the method of generating revenue is acceptable, but that the burden for major improvements should fall on those who create the problem.

Don Bockelman, a Day Creek citizen, stated that he is personally opposed to the \$10 per parcel assessment method because it is inequitable. He stated that he prefers a method of assessment using assessed valuation.

Elsa Gruber of LaConner stated that she has no opinion on the \$10 per parcel assessment, but wondered why people are allowed to build on unstable slopes.

Charles Pruitt of LaConner wondered how the assessment will catch up when one parcel has been subdivided into four.

Margaret Yeoman, 1620 11th, Anacortes, stated that the emphasis of the study should not be only on capital improvements, but on what people are doing that cause the land to flood. She pointed out that city sewers and flow through drainage are piped into the river and allowed to contribute to flooding problems during flooding times. She suggested "deliberate overflow" as a solution to flooding difficulties.

John Roozen, 1784 Chilberg Road, Mount Vernon, stated that the complexity of the County's flooding and drainage issues necessitates a study, but that it is very important to tap the "grass roots knowledge pool" available in the County. He also asked that the County not spend money how to equitably fund a study, but to go ahead with the \$10 per parcel assessment instead. Mr. Roozen asked that the County not continue the inequality of the system by spending part of the study money on capital improvements. Those improvement may benefit some of the population and be paid for by everyone.

Carol Ehlers, 1356 Windcrest Lane, Fidalgo Island, stated that Fidalgo Island residents will pay their share as long as they know that upland development is being studied, too. She also wished that the ordinances could be changed so that regional drainage can be a component of development review.

Kirby Johnson, 1848 Chilberg Road, Mount Vernon, also requested that the \$10 per parcel assessment be used only for the study and not for capital improvements. He felt that to use some of the money to benefit

RECORD OF THE PROCEEDINGS

Monday, October 28, 1991

Page #4

only a portion of the public will undermine the confidence of the people who do not receive any benefit. He also wants to see upland development of timber lands pay for drainage improvements below.

There being no further public comment, Commissioner Wylie motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Chairman Vaux agreed that the \$10 per parcel assessment should not be used for capital improvements and further, that it should be imposed for one year only. He stated that if consultants know how much money the County has to spend on a study, their proposals will come in at just that amount. If there is less to spend, they will make do with less.

Commissioner Wylie stated that this is the first time in the five meetings that have been held that she has heard any objections to use of some of the funds for capital improvements and to the length of the assessment. On the contrary, some were adamant that some improvements be made immediately instead of waiting for the outcome of the study. She suggested that the improvement funds could be apportioned to the diking and drainage districts to supplement their programs. She also pointed out that it would be impossible to assess based on property acreage because the data the County has on acreage is inaccurate.

Mr. Brookings agreed that in previous public meetings the Board heard interest in getting some projects started before the study ends. He suggested that any funds earmarked for improvements would be apportioned on the recommendation of a citizens' advisory committee.

Chairman Vaux stated that he is not opposed to the total duration of the study being two years, but that funding should be voted on one year at a time.

Commissioner Robinson was also willing to decide on funding one year at a time.

Chairman Vaux suggested that perhaps at the end of the first year we will know whether or not to spend any of the money on improvements.

Commissioner Wylie pointed out that she thought she understood at previous meetings that the public wished to have some of the money used for immediate capital improvements. If this use of the money was to be an issue, it should have been brought up before.

More discussion was held and finally Chairman Vaux motioned to authorize a \$10 per parcel assessment on all parcels within Skagit County on a one year basis, with the proceeds used to complete a County-wide drainage study, and that the possibility exists of continuing the \$10 per parcel assessment for a second year, if it becomes necessary, and that the money for completing any capital improvement project developed during this first year will be augmented through other County funds.

Commissioner Wylie seconded Chairman Vaux's motion, and the motion passed unanimously.

3) Signature - Update C.R.P. Cedardale Road.

Commissioner Wylie motioned to adopt the resolution authorizing construction funds in the amount of \$155,088.00 for constructing an asphalt overlay on the Cedardale Road #7055 from milepost 1'.55 to milepost 2.31, and from milepost 4.53 to milepost 4.72. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14100)

4) Discussion/Resolution - Road Closure - Portion of Cascade River Road.

RECORD OF THE PROCEEDINGS

Monday, October 28, 1991

Page #5

Robin LaRue, Design Construction Engineer, explained that approximately 4.5 miles east of Marblemount on Cascade River Road, the Federal Highway Administration has hired contractors to install a multiplate pipe arch. In order to complete the work, which will take approximately three days, it will be necessary to close the road. The fire district, Parks Service and Forest Service have all be notified, and the two residents that the road serves are presently unoccupied.

Commissioner Wylie motioned to adopt the resolution authorizing a closure of Cascade River Road #9795 at milepost 4.0 from 6:00 a.m. Tuesday, November 5, to 8:00 p.m. Thursday, November 7, 1991. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14101)

5) Miscellaneous.

There were no miscellaneous items from the Public Works Department.

CONSENT AGENDA.

Commissioner Wylie motioned to adopt the consent agenda of October 28, 1991, as presented. Commissioner Robinson seconded the motion, which passed unanimously.

• Planning Department:

1. Resolution - Approval of an Agricultural Variance #V-91-023 for Jim Schols. (Resolution # 14102)
2. Resolution - Approval of an Agricultural Variance #AGV-91-030 for Nadine Watkinson. (Resolution # 14103)
3. Contract for consultant services with Henderson and Young, consultants, to provide a seminar on capital facilities planning and impact fees for Skagit County municipal governments and school districts in November for the sum of \$3,000. (Contract #01141)

* Sheriff's Office:

4. Out of State Travel Request for John Hunter, Chief, to travel to Northwestern University in Chicago, Illinois for 12 days from November 3-15, 1991, to attend a course on managing small and medium sized police departments. Request indicates \$660 for lodging, \$390 for food, \$398 for plane fare, and \$400 for course fees. A total appropriation of \$1200 is requested. The original amount of the Sheriff's Office administrative travel budget is \$2000.

* Treasurer's Office:

5. Resolution - Award of banking services bid. (Resolution # 14104)
6. Resolution - Award of custody/safekeeping services bid. (Resolution # 14105)

• Public Works Department:

7. Resolution - Waiver of fee charged to City of Mount Vernon by Skagit County Resource Recovery Facility for county-wide garage sale. (Resolution # 14106)

RECORD OF THE PROCEEDINGS

Monday, October 28, 1991

Page #6

8. Final cost records for railroad crossing work on Grip Road #6600. Final costs are within limits of authorized funds.

* Commissioners' Office:

9. Record of the Proceedings from Monday, October 21, 1991.

10. Record of the Proceedings from Tuesday, October 22, 1991.

MISCELLANEOUS ITEMS.

A. The Board declined to invoke the jurisdiction of the Boundary Review Board with respect to the Notice of Intention to annex new territory #91-5 of Fire Protection District #10.

PARKS AND RECREATION DEPARTMENT - JON AARSTAD, DIRECTOR:

1) FEMA Projects: a) Hausle House - Call for Bids, b) Conway Property.

Mr. Aarstad explained that two properties were turned over to the County this year in a FEMA flood damaged property buy-out. One is the Hausle property located in Marblemount, the other is located in Conway just off the Mann Road. Mr. Aarstad requested authorization to accept bids for demolition or removal of the house located on the Hausle property, to comply with one of the stipulations of the FEMA buy-out.

Commissioner Robinson motioned to adopt the resolution authorizing a request for bids for removal of the Hausle House. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution # 14017)

Mr. Aarstad then explained that the property owner adjacent to the south of the Conway property, Ivan Daves, has expressed an interest in a trade of this property for property Mr. Daves will purchase located between the Marblemount community park and the County's Pressentin Park. This will provide for a contiguous parcel of public property in Marblemount, while ridding the County of a small, isolated parcel which can be accessed only by crossing Mr. Daves' property.

Mr. Aarstad explained that the property may be conveyed to Mr. Daves only with the approval and consent of the FEMA. The Board directed Mr. Aarstad to proceed with the trade, and with obtaining the FEMA consent.

2) Request for Proposals - Survey of Young's Park.

Commissioner Robinson motioned to authorize a request for qualification for a licensed professional land surveyor to perform a survey of the north and south boundary lines, and a topographical survey, of Youngs Parks to assist in future land acquisition plans. Commissioner Vaux seconded the motion, which passed unanimously. (Resolution # 14108)

PUBLIC HEARING - SPECIAL USE PERMIT APPLICATION #SP-90-023 OF GLORIA BECKSTROM AND JOHN SHEAHAN - CONSTRUCTION OF A DUPLEX AT 1060 "C" STREET, BAYVIEW.

Chairman Vaux waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on October 15, and 22, 1991.

RECORD OF THE PROCEEDINGS

Monday, October 28, 1991

Page #7

Commissioner Wylie was absent at this point.

Chairman Vaux asked if the attorney for Mrs. Beckstrom wished to continue with the hearing. Gayle Smith explained that his partner, Gary Jones, is the attorney of record for Mrs. Beckstrom, however, he has been called away on a personal matter and Mr. Smith has been retained in Mr. Jones' absence.

Chairman Vaux noted the absence of Commissioner Wylie and gave Mr. Smith the option of postponing the hearing until a full Board is present. Mr. Smith declined to continue the hearing.

Grace Roeder, Associate Planner, provided assessor's maps and photographs of the subject property. She gave the following history:

- On February 5, 1991, the Hearing Examiner held a public hearing to consider a special use permit request to construct a duplex at 1060 "C" Street in Bayview.
- The Hearing Examiner reopened the written record between March 6th and 12th.
- The Hearing Examiner denied the special use permit request.
- On April 10, 1991, Mrs. Beckstrom appealed the Hearing Examiner's decision.
- On April 28, 1991, the Board of Commissioners heard Mrs. Beckstrom's appeal and chose to remand the matter back to the Hearing Examiner for further consideration.
- On August 9, 1991, the Hearing Examiner reversed his original decision.
- On August 14, 1991, Mr. and Mrs. Dale Jenkins appealed the second decision of the Hearing Examiner.
- On hearing the appeal, the Board of Commissioners chose to hold their own public hearing.

Mrs. Roeder read excerpts from her Staff Findings. The property is zoned residential and the applicant is proposing to construct a duplex containing one bedroom each, on a lot of approximately 13,200 square feet. Mrs. Roeder submitted an as-built drawing. She explained that the Staff Report found that there was adequate area for sewage disposal and parking, and that there will be minimal negative effects on the neighborhood. Mrs. Beckstrom plans to live in half of the duplex and rent the other half. She is presently living with her brother at 1056 "C" Street. It should be noted that the applicant had already begun the construction of a single family residence, with the intention of making some structural adjustments if and when the special use permit for the duplex is approved.

Staff recommended approval of the request with two conditions:

- 1) That the building permit be modified to reflect the construction of a duplex.
- 2) That the duplex be connected to P.U.D. water, and a proposed well be used for irrigation purposes only.

Commissioner Wylie returned during Mr. Smith's oratory.

Gary Smith, attorney for Mrs. Beckstrom, was given the first opportunity to speak. He stated that all of the plans, specifications and the design of the structure is known. Only whether or not a wall between the two portions of the duplex will be installed needs to be decided. Mr. Smith provided a packet of 20 different documents for each Commissioner and the appellant's attorney containing such things as official and unofficial correspondence, Findings of Fact, permits, designs and other records. Mr. Smith compared Mrs. Beckstrom's request to SCC 14.04.150, Unclassified Special Uses, and indicated that it met each criterion. He noted that there are multiple family residences located in the immediate vicinity of the subject property, and there are a great number of rental properties located in the immediate vicinity. Parking and noise will be negligible. Regarding the unopened 5th Street bordering the Beckstrom property, there are competing lawsuits pertaining to the ownership of the vacated right-of-way, but the resolution of these suits is immaterial to the granting of the request, because the construction of the duplex does not rely on the

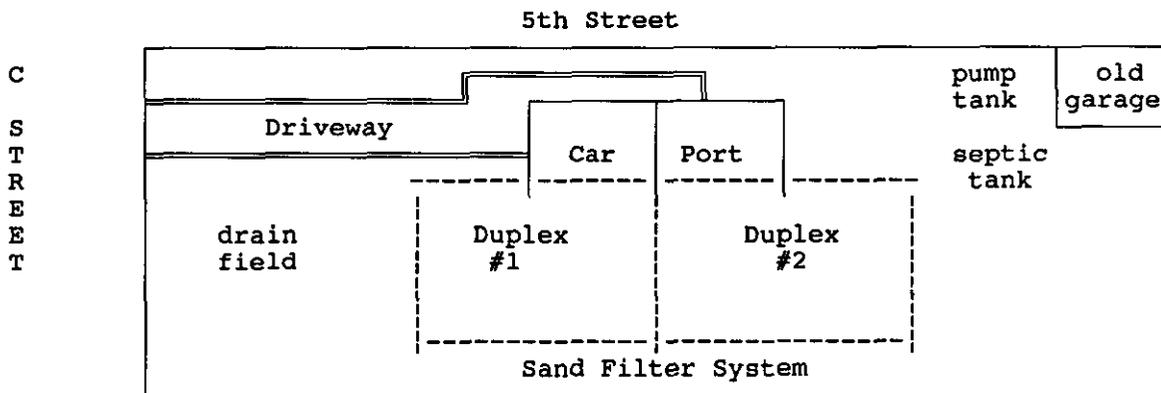
RECORD OF THE PROCEEDINGS
Monday, October 28, 1991
Page #8

additional footage from the vacation of 5th Street.

Mrs. Beckstrom then spoke. She stated that in 1990 when she first began to plan the duplex, she approached Mr. Jenkins and he approved of her plans. Another neighbor disagreed.

Cary Sweet, Mrs. Beckstrom's engineer, stated that the septic system is more than adequate for the duplex. Curtain drains have been installed, and parking meeting the permit requirements. No additional property is required for parking.

Mr. Furlong requested a sketch of the property, which Mr. Sweet drew on the Hearing Room white board.



Mr. Smith showed a videotaped tour of the Beckstrom property, which included the parking area. Cars could be see entering and exiting the carport.

Answering a question from Mr. Furlong, Mr. Sweet stated that the original survey of Front Street was used as a starting measurement for the dimensions of Mrs. Beckstrom's lot. Stakes used to survey the Plat of Seigfried's Addition to Bayview were excavated and used also.

Brad Furlong, attorney for Mr. and Mrs. Dale Jenkins, began his speech. He submitted letters written by Peter Shainin, P.E., of Josh Wilson Road; Mr. and Mrs. Miceli and Connie Casciato of Bayview-Edison Road; Mary Hall of Josh Wilson Road; Eunice Jenkins of C Street; Dale Jenkins of C Street; Hazel Hodge of Josh Wilson Road; and Norma Jenkins, no address listed; all opposed to the duplex. In addition, Mr. Furlong submitted a petition containing the signatures of 64 people requesting that the Skagit County Commissioners deny the application for special use permit to construct a duplex by Gloria Beckstrom.

Mr. Furlong stated that there is much undeveloped property in the Bayview community, and once one duplex is allowed there, no similar applications can be denied. Mr. Furlong stated that not enough room has been left on the eastern boundary of the Beckstrom property to accommodate the parking of the number of vehicles the applicant claims can be parked there. Also, the property boundaries are not accurate enough for the County inspectors to verify that the septic setbacks have been met. Also there is not enough room for an alternate drainfield.

Mr. Furlong stated that he still believes that the County acted "illegally" when they remanded the matter back to Hearing Examiner on the first appeal, because the appeal period had actually expired. The County, however, chose to count the

RECORD OF THE PROCEEDINGS

Monday, October 28, 1991

Page #9

appeal period from the date of transmittal of the Findings instead of as the date of the Hearing Examiner decision.

Finally, Mr. Furlong submitted photographs of the Beckstrom property and of "representative housing" in the Bayview community.

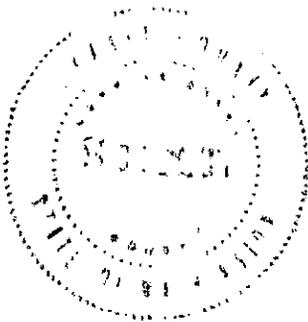
The hour for the meeting having expired, Commissioner Wylie motioned at this time to continue the hearing at 11:00 a.m. on Wednesday, November 6, 1991. Commissioner Robinson seconded the motion.

Mr. Jenkins asked that the Board hold the next meeting in the evening in the Bayview area so that more people can attend. The Board declined to do so, and the motion passed unanimously.

ADJOURNMENT:

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux

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