

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

Monday, November 4, 1991:

- 10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director:
- 1) Public Hearing - Regarding Establishment of 1992 Solid Waste Disposal Rates.
 - 2) Public Hearing - Intent to Sell County Surplus Property (Concrete Block Forms).
 - 3) Call for Bids - One New Track Loader.
 - 4) Signature - County/State Agreement - Silver Creek Bridge.
 - 5) Signature - Letter of Request for Flood Warning System for Skagit and Samish Rivers.
 - 6) Signature - F.C.A.A.P. Grants:
 - a) Marsh Road Rip-Rap Project "A".
 - b) Mann Road Dike Improvement.
 - c) Lower Beaver Marsh Road Project "B".
 - d) Lower Hopper Road Keyway Project "A".
 - e) Lower Hopper Road Dike Project "B".
 - f) Drainage Pump Station.
 - 7) Bid Award Recommendation - One New Chip Spreader.
 - 8) Resolution - Rejecting Bid Proposals for One New Lowboy Trailer.
 - 9) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

- 1:30 p.m. - 2:00 p.m. Work Session - Facilities Construction.
- 2:00 p.m. - 3:00 p.m. Appeal - Hearing Examiner's Decision Regarding Application #V-91-028 of William Crawford for a Variance to Allow the Subdivision of a Parcel of Property into Two Parcels Exceeding the 5:1 Length to Width Ratio.
- 3:30 p.m. - 4:30 p.m. Executive Session - Personnel.
- 7:00 p.m. - 8:00 p.m. Public Meeting - Gibraltar Road Landslide.
(Fidalgo School Cafeteria, 1380 Gibraltar Road, Anacortes)

The Skagit County Board of Commissioners met in regular session on Monday, November 4, 1991, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

- 1) Public Hearing - Regarding Establishment of 1992 Solid Waste Disposal Rates.

Chairman Vaux waived the reading of the notice of public hearing, as published in The Skagit Argus.

Mr. Medved provided a proposed resolution which would set forth 1992 rates for solid waste disposal at County solid waste handling facilities. He related that the rate for commercial (exempt) waste disposal is proposed at \$80.00 per ton, an increase of \$20 per ton over last year. He stated that the fee is projected to remain at that amount through the year 1995, even counting the closure of Inman Landfill by 1995. Work

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sessions were held with the mayors of the local cities, and they have agreed with the raise. Other changes include a new policy for asbestos material. Skagit County is one of only a few entities that handle commercial quantities of asbestos material. Mr. Medved proposed to handle asbestos as others do; quantities accepted will not exceed one cubic yard, and no commercial quantities will be accepted. It is expected that commercial quantities will be shipped out-of-county by the generator to a professional handling facility.

Public comment was then invited.

Don Bockelman, a Day Creek citizen, read a prepared statement, which proposed a fee waiver for "the disposal of municipal wastes applicable at all collection facilities for individual or family use only". Waiver would be allowed upon request of a resident, and should include household wastes, white goods and up to four passenger tires per year. Mr. Bockelman supported his proposal by stating that, "fees are exorbitant for the poor of our county". He requested a public hearing at which this proposal could be discussed. Mr. Bockelman indicated that he felt that poor people who cannot afford disposal fees illegally dispose of their garbage along back roads and hidden dumping sites.

Chairman Vaux stated that he was not convinced that it is the poor of our county who are responsible for illegal dumping of garbage.

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

Commissioner Wylie then motioned to adopt the resolution setting the 1992 solid waste disposal rates for Skagit County-owned solid waste disposal facilities. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14110)

2) Public Hearing - Intent to Sell County Surplus Property (Concrete Block Forms).

Chairman Vaux waived the reading of the notice of public hearing, as published in The Skagit Argus.

Robin LaRue, Design/Construction Engineer, explained that since the county is no longer required to cast fly ash into concrete block forms, there is no longer a use for the county-owned concrete block forms which are now located at the Inman Landfill. Since there has been some interest in the purchase of the forms, Mr. LaRue recommended that they be declared surplus, and that the county accept bids for their purchase.

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

Commissioner Wylie motioned to accept the resolution declaring the surplus of 17 sets of concrete block forms used for casting the ecology blocks at the Resource Recovery Facility., and disposal of those forms through sealed bids. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14111)

3) Call for Bids - One New Track Loader.

Commissioner Robinson motioned to adopt the resolution calling for bids for the purchase of one new track loader for Inman Landfill. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution #14112)

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4) Signature - County/State Agreement - Silver Creek Bridge.

The Board approved for signature the County-State Agreement for construction funds to complete the reconstruction of the Silver Creek Bridge. A total of \$327,755 in funding is authorized, with the County's share being \$55,292, and the Federal share being \$272,463.

5) Signature - Letter of Request for Flood Warning System for Skagit and Samish Rivers.

The Board approved for signature a letter to the U.S. Army Corps of Engineers requesting assistance from the Corps in establishing a flood warning system for the Skagit and Samish Rivers.

6) Signature - F.C.A.A.P. Grants:

The Board approved for signature the following F.C.A.A.P. grant allocations:

- a) Marsh Road Rip-Rap Project "A" - \$143,375 (State share: \$50,000, Local share: \$93,375) (Contract #01142)
- b) Mann Road Dike Improvement - \$84,337 (State share: \$30,000, Local share: \$54,337) (Contract #01143)
- c) Lower Beaver Marsh Road Project "B" - \$140,681 (State share: \$50,000, Local share: \$90,681) (Contract #01144)
- d) Lower Hopper Road Keyway Project "A" - \$49,462 (State share: \$20,000, Local share: \$29,462) (Contract #01145)
- e) Lower Hopper Road Dike Project "B" - \$69,345 (State share: \$25,000, Local share: \$44,345) (Contract #01146)
- f) Drainage Pump Station - \$31,717 (State share: \$15,858, Local share: \$15,859) (Contract #01147)

7) Bid Award Recommendation - One New Chip Spreader.

Chairman Vaux motioned to adopt the resolution awarding the bid for the purchase of a new variable-width, hydrostatically driven four-wheel drive chip spreader to Sahlberg Equipment, Incorporated, for the bid price of \$139,415.70. Commissioner Wylie seconded the motion, which passed unanimously. (Resolution # 14113)

8) Resolution - Rejecting Bid Proposals for One New Lowboy Trailer.

On the recommendation of the Public Works Department, Commissioner Wylie motioned to reject all bids for the purchase of a new 50-ton, three axle, gooseneck lowboy trailer for the Public Works Department due to the fact that this type of trailer has been shown to be too large for the County's needs. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14114)

9) Miscellaneous.

A. Robin LaRue reviewed with the Board a synopsis of the answers he will be delivering at tonight's Gibraltar Landslide meeting to questions raised at the last meeting. Discussion ensued on the temporary paving of the damaged portions of Gibraltar Road, and Mr. LaRue was directed to solicit quotes for the paving.

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CONSENT AGENDA.

Commissioner Wylie motioned to approve the consent agenda of November 4, 1991, as presented. Commissioner Robinson seconded the motion, which passed unanimously.

* Public Works Department:

1. Resolution - Implementing \$10 per parcel charge upon all parcels within Skagit County Flood Control Zone District. (Resolution # 14115)
2. Final Cost Record - North Legg Road project #2083-2.
3. Final Cost Record - Colony Road project #2400-3.
4. Final Cost Record - Old 99 North Road project #5051-5.

* Senior Services:

5. Contract amendment #91-3110-06(2) with Northwest Regional Council. Award of an additional \$1,850 in Respite Case Management funds, one time only. Adjusts unit rates for COPES, Title 19 and Blue Cross Case Management Services.

• Commissioners' Office:

6. Record of the Proceedings from Monday, October 28, 1991.
7. Record of the Proceedings from Tuesday, October 29, 1991.
8. Record of the Proceedings from Thursday, October 29, 1991.

• Planning Department:

9. Resolution - Approving an amendment to the Skagit County Code 14.04.030, Definitions, and 14.04.150, Unclassified Special Uses. (Resolution # 14116)
10. Resolution - Approving a revised development schedule for Wilderness Village Planned Unit Development. (Resolution # 14117)
11. Resolution - Approving an agricultural variance for Paul Jay. (Resolution # 14118)
12. Resolution - Approving an agricultural variance for Leslie and Karla Lillquist. (Resolution # 14119)
13. Resolution - Upholding Hearing Examiner's decision regarding Special Use Permit #SP-90-038 of Ib Knoblauch. (Resolution # 14120)

* Sheriff's Office:

14. Out-of-State Travel Request for Dave Willard, Detective, to travel to Salem Oregon from 11/3/91 to 11/4/91 to attend a seminar on Fluorescent Print Development. Seminar Fee: \$50, Room: \$45, Food: \$70. Total request: \$165. Original amount of Investigation Travel Budget: \$5,500.

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, November 4, 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 #74192 through #74575 (Vouchers #113717 through #114223) in the amount of \$498,469.14. Transmittal #C-44-91.
- 2) Warrants #87030 through #87185 (Vouchers #87030 through #87185) in the amount of \$335,510.21. Transmittal #PR-20-91.
- 3) Warrants #15908 through #16623 (Vouchers #105584 through #106214) in the amount of \$1,001,341.45. Transmittal #P-23-91.

APPEAL - HEARING EXAMINER'S DECISION REGARDING APPLICATION #V-91-028 OF WILLIAM CRAWFORD FOR A VARIANCE TO ALLOW THE SUBDIVISION OF A PARCEL OF PROPERTY INTO TWO PARCELS EXCEEDING THE 5:1 LENGTH TO WIDTH RATIO.

Grace Roeder, Associate Planner, provided a short plat map and assessor's map of the subject property, located at 398 Campbell Lake Road. Ms. Roeder reviewed the Staff Report, which said the subject property is zoned rural intermediate, and has a Rural Shoreline Designation. The subject property has approximately 280 feet of frontage on Campbell Lake Road and Lake Campbell. The west property line is approximately 1,000 feet long and the east property line is approximately 874 feet. There is a mobile home and a large accessory building located in a flat area on the property nearest to the lake and easterly portion of the property. Mr. Crawford's request was to allow the subdivision of his parcel into two parcels, each being a long, thin lot, one with dimensions of approximately 110 feet by 1000 feet, and one of approximately 170 feet by 874 feet. These dimensions exceed the required 5:1 length to width ratio contained in the Skagit County Code. Mr. Crawford has given as justification of the variance request the suggestion that the existing driveway down the middle of the property is the natural division of the property, and that in order for both lots to have both road and lake frontage, it is necessary to divide the property in this configuration. The Planning Department recommended denial of the request, and the Hearing Examiner concurred.

Ms. Roeder stated that the Board may exercise any of the following options:

- 1) To uphold the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

Ms. Roeder read Mr. Crawford's appeal letter into the record, and stated that attachments received with the letter have been removed and will not be made a part of the appeal record, as they were not part of the Hearing Examiner's record. These included a map, a letter from his wife, and a petition.

Chairman Vaux inquired of Mr. Crawford which option he is requesting of the Board, and Mr. Crawford stated he wished to Board to hold their own public hearing.

Mr. Crawford was then given an opportunity to speak. He expressed a strong belief that his two "distinguished neighbors from California" to the east and west of his property have opposed all his attempts to do anything with his property and are responsible for the denial of his variance request. He believes he

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is the victim of pressure on government for a "zero development" policy. He stated that there is no reason to deny his request, and that he should be allowed to develop his property as he pleases to achieve the "highest and best use of the property". His only stated reason to justify the request was that the driveway bisects the property down the middle.

Other audience members then spoke.

Kathryn Alexandra, Campbell Lake Road resident, asked that the Board uphold the decision. She stated that he does not now meet the requirements for a variance, and that he has broken the County's land use rules before by widening his boat launch without benefit of a permit.

Bob Bell identified himself as Mr. Crawford's unnamed neighbor to the west, and stated that he is not "from California". He stated that his property is identical to Mr. Crawford's. He agreed that he is opposed to additional development, and stated that South Fidalgo Islanders would like to see zoning change from 2.5 acres minimums to 5 acre minimums. He stated that he is unopposed to a north-south division of Mr. Crawford's property, but does oppose an east-west division. Mr. Bell stated that Mr. Crawford has consistently deviated from the County's rules, and has asked on several occasions for variances to more greatly develop his property with a bigger dock, boat launch and boat ramp.

Mark Backlund also encouraged the upholding of the Hearing Examiner's decision, stating that Mr. Crawford has not presented any substantive reasons to support the granting of the variance.

Chairman Vaux asked Ms. Roeder when the 5:1 lot ratio law went into effect, and she replied that it occurred in 1979.

Commissioner Wylie asked if there are other existing lots that do not meet the 5:1 ratio, and Ms. Roeder replied that there are a number of substandard lots created many years ago.

Mrs. Crawford argued that the Ira Allen property is a substandard lot created in 1981.

Chairman Vaux then motioned to uphold the decision of the Hearing Examiner in this matter. Commissioner Wylie seconded the motion, which passed unanimously.

Chairman Vaux advised the Crawfords of their appeal rights through Superior Court.

PUBLIC MEETING - GIBRALTER ROAD LANDSLIDE. (FIDALGO SCHOOL CAFETERIA, 1380 GIBRALTER ROAD, ANACORTES)

In addition to the Board of County Commissioners, the following County staff were present: Rich Medved, Public Works Director; Robin LaRue, Design/Construction Engineer; Oscar Graham, Shorelines Administrator; and Craig Olason, Assistant Planning Department Director.

Mr. LaRue provided the following responses to questions asked at the last meeting:

- In response to Dick Threet's suggestion of an error in the geotechnical study's water budget, Mr. LaRue stated that the water budget portion of the study has been revised. Corrected documents will be made available.
- A monitoring system schedule has been created and well monitoring readings for movement are being taken quarterly. A schedule has been established for monitoring precipitation.
- Those questions submitted by Mr. Ross Barnes were technical in nature and are being answered by

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separate letter by GeoEngineers and provided to Mr. Barnes. Copies of that letter will be available.

- Regarding Keith Eide's questions, groundwater and inclinometer monitoring is being performed. The County is in the process of finalizing an easement with Puget Power to reroute surface water and improve drainage ditches. The P.U.D. is monitoring water consumption, and has been contacted regarding the installation of an emergency shut-off valve. A repair timeline is unsure for the P.U.D.'s water line that runs along the Gibraltar Road, which is the reason for the delay in the repair of Gibraltar Road.

Mr. LaRue deferred to Oscar Graham to answer Mr. Eide's questions about the curbing of upland and forestland development and the institution of strict landscaping requirements which would conserve water. Mr. Graham stated that with the exception of the review of new subdivisions, nothing in local or State laws allows the County to regulate landscaping of private homes or stop upland and forest development.

- If a Local Improvement District is formed to construct a seawall, those who have already contributed to the seawall with their own construction or by other means may receive a credit against a future levy.
- Salmon Beach Road is a private road and its repair is the responsibility of the property owners, however, the County will agree to perform some minimal road work there.
- Temporary stabilizing material will be removed from the damaged portions of Gibraltar Road and a temporary surface installed to last the winter or until P.U.D. completes its water line repairs.
- The Assessor's Office is accomplishing a re-evaluation on those homes that sustained slide damage.

Asked if the County intends to line the drainage ditch along the north side of Gibraltar Road, Mr. LaRue replied that the County hopes to re-route the water that travels through that drainage ditch.

Keith Eide, representative of Salmon Beach Landowners Association (SBLA), stated that the Salmon Beach property owners are concerned with upland water that enters the groundwater table and does not enter the drainage ditch system. He submitted a letter outlining the landowners' concerns.

Ross Barnes stated that he still requires some "quantitative numbers" from GeoEngineers, which he will get from Mr. LaRue. He stated that a stability model is required for the slide headwall, although GeoEngineers has not indicated they can provide this model.

Mr. Barnes went on about the water budget, making no particular point. He then turned to the notion of a local improvement district. Mr. Barnes suggested that a steering committee be chosen to examine the creation of an LID. Mr. Barnes suggested that the LID would need the services of a geotechnical engineer, and suggested that the County make a request for qualifications.

Mr. Barnes suggested that the County needs to address uncontrolled activities such as subsurface drainage through regulations. Land use regulations that are applied to new proposals to balance water loads are also required. Mr. Barnes submitted a list of suggestions, which Chairman Vaux read into the record. Mr. Barnes indicated that these regulations should apply to the entire drainage basin, or the area within the LID.

Answering a question from Konrad Kurp, Oscar Graham explained that the Growth Management Act will compel counties to address critical areas, such as unstable slopes, but retroactive subdivision review will not be required.

Mr. Barnes suggested that a geotechnical report be required for all future developments. Perhaps, he suggested, this could be accomplished without undergoing the long ordinance adoption procedure.

Keith Eide asked if the County's edict is still in effect regarding the recommended vacation of Salmon Beach Road homes. Several audience members made the point that the three uninhabitable homes belonging to

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the Knorr, Kennedy and Forsyth families may be a potential hideout for young children and transients.

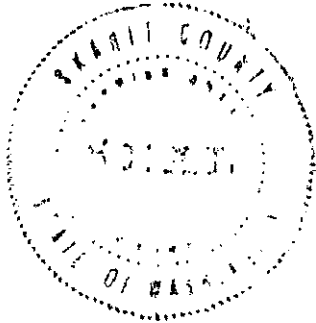
At the close of discussion, Robin LaRue again reviewed the steps the County will be taking to assist Gibraltar Road area residents.

Chairman Vaux promised that a steering committee will be formed to consider such matters as an LID and a groundwater study.

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

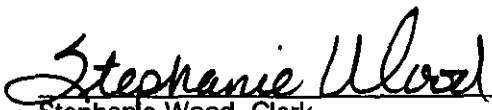


Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners