

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, May 12, 1992

- 8:30 a.m. - 9:00 a.m. Work Session - Division Manager Operations Division/Road Supervisors.
Flag Salute.
- 9:00 a.m. - 10:00 a.m. Planning and Community Development - Scott Kirkpatrick, Director.
- 1) Discussion - GMA Staffing/Budget.
 - 2) Code Enforcement Activity Report.
 - 3) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Hearing Examiner Recommendation - Denial - Jim Walters Agricultural Variance, #V-91-053, 1772 Blodgett Road, Mount Vernon, Washington.
- 11:00 a.m. - 11:30 a.m. Hearing Examiner Recommendation - Approval - Bush and Russ Dalton Agriculture Variance #AGV-92-01) 1177 Martin Road, Rockport.
- 1:30 p.m. - 2:00 p.m. Funding Request - "Hands on History" Exhibit - Skagit County Historical Museum.
- 2:00 p.m. - 3:00 p.m. Public Hearing - Jess Webb Short Plat Application #91-061 for Property at Chuckanut Drive and Sam Bell Road.

The Skagit County Board of Commissioners met in regular session on Tuesday, May 12, 1992, with Commissioners Robby Robinson, and W. W. Vaux present. Commissioner Wylie's absence was excused for the Planning and Community Development agenda items.

PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR.

1) Discussion - GMA Staffing/Budget.

This item was removed from the agenda.

2) Code Enforcement Activity Report.

The Code Enforcement Report was presented to the Board.

3) Miscellaneous.

Kraig Olason, Assistant Planning Director, held a discussion with the Board regarding variance options for non-conforming buildings.

Commissioner Vaux felt that if an existing home is out of compliance on one side, but the owner wants to add on to the side that is in compliance, he should not have to go through the variance process.

Dave Hough distributed copies of the SCC 14.04.270 (1), (2), and (3) Nonconforming Uses, Structures, Lots for the Board to review. The language in (3) states that "An existing legal building or structure that does not comply with zoning and building code requirements shall not be enlarged, altered or extended.

Mr. Hough suggested that there could be an administrative variance process that would take 30 days rather than the standard 60 day variance process.

Commissioner Vaux stated that the County doesn't treat non-conforming use situations properly. A lot of non-conforming situations were conforming at one time but due to the creation of zoning, are now non-complying. If an addition to a home complies with all current set backs, it should be allowed. Pre-existing, non-conforming uses should have special consideration.

The Planning Department has been directed to restructure the language in 14.04.270 (3) to address the non-conforming concerns as expressed by Commissioner Vaux.

MISCELLANEOUS

- (A) The Board approved an out-of-state travel request for Michael Whal to attend National Criminal Defense College Trial Practice Institutes 1992, in Macon, Georgia June 14 through 27, 1992, at the expense of \$389.00.

HEARING EXAMINER RECOMMENDATION - DENIAL - JIM WALTERS AGRICULTURAL VARIANCE, #V-91-053, 1772 BLODGETT ROAD, MOUNT VERNON, WASHINGTON.

Grace Roeder, Associate Planner, submitted Assessor's maps, vicinity maps, photos taken by the applicant, and staff photos of the subject property area. The applicant's photos showed the drainage pattern on the property. The staff photos showed the subject building from a different view.

Ms. Roeder stated that the Board's options for consideration are:

- a) to summarily approve the Hearing Examiner's recommendation; or
- b) to remand it back to the Hearing Examiner for further consideration; or
- c) hold a public hearing and adopt findings of fact if the Board deems a change in the Hearing Examiner's recommendation is necessary.

Ms. Roeder read the previously submitted staff findings into the record. The Walters' had built a 14' x 50' lean-to onto the side of the existing barn within two feet of their south property line in 1985, without a permit. The Walters' must now acquire a variance in order for the lean-to to remain as side yard setback requirement is 15 feet. Ms. Roeder stated that Mr. Walters has a 20 foot easement to access his buildings which is a portion of a 60 foot total easement between his property and the Georges'.

Chairman Robinson waived reading the Hearing Examiner's findings.

The Planning Department and the Hearing Examiner recommended denial of the variance request.

- Paul Taylor, attorney for the Walters' addressed the Board. Mr. Taylor stated that he was there to request that the Board hold their own public hearing. Regarding the staff report and Hearing Examiner's recommendation, he felt that all the facts were not present. Mr. Taylor stated that the existing building of 30' x 50' was applied for and the permit adjusted to reflect a larger structure, but the building permit files were never updated. There was not a request for a permit for the lean-to, and they admit such.

Mr. Taylor stated that the lean-to had to be built where it is. The Walters' have the right of first refusal to purchase the two acres adjacent to the barn across the easement. Mr. Taylor stated that the Walters' own the easement, of which 22 feet cannot be built on. If the two acres across the easement from the barn is purchased, there will be no set back problem, and the Walters' intend to buy that property. He said that the Walters' have maintained the easement which fulfills the setback requirements.

Mr. Taylor stated that the only party objecting to the lean-to is the Georges. The building has been there for seven years with no complaint, and now they want it torn down. It cannot be built elsewhere due to standing water from the development uphill on Blodgett. He did not build with a permit, and admits that. The only protestors are neighbors who themselves have a side setback violation. Mr. Taylor again requested that the Board hold a public hearing.

- Martin Lind, attorney for the George's, addressed the Board. Mr. Lind stated that the variance request did not meet the criteria required. He felt that the Walters' were asking the Board to disregard the criteria, which was not fair to his client. Mr. Lind stated that the request does not meet the criteria and does create a special privilege. The barn is larger than 35 x 50, the Walters' did not apply for a permit, and now are asking the Board to ignore those facts.

- Mr. Taylor readdressed the Board, stating that there is no special privilege. He said that if the Walters' did not own the easement then there would be, but since they do, they have property rights.

Mr. Lind stated that if his client's side set back violation is to be used as a reason to give the Walters' the variance for their lean-to, then they will remove their building.

Commissioner Wylie asked what the original building permit stated for the building size for the Walters'.

Ms. Roeder submitted a copy of the permit, the only one on file, showing a 30' x 40' building.

Commissioner Wylie asked if the barn is within the setback without the lean-to.

Ms. Roeder stated that the barn is correct for the applicable setback.

Chairman Robinson requested that the options be restated.

Ms. Roeder restated the options for consideration to be:

- a) to summarily approve the Hearing Examiner's recommendation; or
- b) to remand it back to the Hearing Examiner for further review; or
- c) hold a public hearing and adopt findings of fact if the Board deems a change in the Hearing Examiner's recommendation is necessary.

Commissioner Wylie stated that the fact is that the setback does not refer to easements in the ordinances. She asked whether the Walters' can buy the adjacent two acres.

Mr. Taylor stated that if it comes up for sale the Walters' intend to buy it. However, the Georges own the property.

Commissioner Wylie stated that even though there is an easement, the lean-to is too close to the property line at two feet rather than 15, and there could eventually be a road on that easement. Commissioner Wylie stated that there is no reason for the lean-to to remain.

Commissioner Wylie motioned to uphold the Hearing Examiners decision to deny Jim Walters Agricultural Variance, #V-91-053, 1772 Blodgett Road, Mount Vernon, Washington.

Commissioner Vaux stated that there was a recent situation on Salmon Beach regarding the use of an easement. An easement cannot be used as part of a setback. Commissioner Vaux felt that the Board was caught in the middle of a neighborhood dispute. He stated that there is no area in the Code where a variance can be granted in this situation.

Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #14324).

HEARING EXAMINER RECOMMENDATION - APPROVAL - KELLY BUSH AND RUSS DALTON AGRICULTURE VARIANCE #AGV-92-01) 1177 MARTIN ROAD, ROCKPORT.

Ms. Roeder submitted Assessor Maps, Site plans, and copies of a survey recorded and done in 1974 or 1975, for the record. Ms. Roeder stated that the applicant's property is 15 acres, and the homesite is on the front five acres. The survey shows that the original total property was 40 acres divided into various sizes of parcels, the smallest being 5 acres.

The Record of Survey establishing six 5 acre tracts, three of which were purchased by the applicants in 1991, was recorded in 1975. A year earlier the County had adopted new requirements for Medium plats, which this subdivision would have fallen under, and the person subdividing the lots did not follow the ordinance. Had the person subdividing the lots followed the rules, he could have subdivided the land. Since the zoning has now been changed to Agricultural Reserve and there is a 20 acre minimum, the subdivision would not be allowed. Legal lots of record were not established, the owner proceeded to sell lots and at least one has a residence on it.

The applicants are requesting a variance to build a residence on an illegally segregated, substandard parcel. If recognized as a legal lot of record, the applicant could short plat, or survey this single parcel. The applicant indicates that a new survey would be costly and that the markers are still on the property from the survey recorded in 1975.

The Planning Department has recommended denial. The Hearing Examiner has found the information to be sufficient to grant the variance, and has recommended approval of the application.

The options for consideration are:

- a) to summarily approve the Hearing Examiner's recommendation; or
- b) to remand it back to the Hearing Examiner for further review; or
- c) hold a public hearing and adopt findings of fact if the Board deems a change in the Hearing Examiner's recommendation is necessary.

Chairman Robinson motioned to uphold the Hearing Examiner's recommendation to approve the Kelly Bush and Russ Dalton Agriculture Variance #AGV-92-01) 1177 Martin Road, Rockport, Washington. Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #14325).

FUNDING REQUEST - "HANDS ON HISTORY" EXHIBIT - SKAGIT COUNTY HISTORICAL MUSEUM.

Mike Woodmansee, Budget/Finance Director, presented the Board with a Memorandum of Agreement between Skagit County and the Skagit County Historical Society. With this Agreement, the County would provide \$3,600.00 in 1992, to the Historical Society for Tourism Promotion. Specifically, the Tourism Promotion shall include the completion of a hands-on history exhibit "People at work in Skagit County."

The exhibit will be open to the public June 6, 1992. An open house and reception has been tentatively scheduled for June 18, 1992.

Commissioner Wylie motioned to approved the Agreement with the Skagit County Historical Society for Tourism Promotion in the amount of \$3,600.00 beginning January 1, 1992 and terminating December 31, 1992. Commissioner Vaux seconded the motion, which carried unanimously. (Contract #01317).

MISCELLANEOUS

- A) The Board was introduced to and welcomed Mr. Herb Larson as a new member of the Board of Equalization.

PUBLIC HEARING - JESS WEBB SHORT PLAT APPLICATION #91-061 FOR PROPERTY AT CHUCKANUT DRIVE AND SAM BELL ROAD.

Scott Kirkpatrick, Planning Director, addressed the Board, stating that the item presented to the Board was an appeal of his decision as Planning Director to deny the Short Plat application of Jess Webb. Mr. Kirkpatrick stated that the options for consideration are:

- a) to summarily approve the Planning Director's recommendation; or
- b) adopt all or portions of the Planning Director's recommendations; or
- c) to remand it back to the Planning Director for further review.

Dave Hough, Senior Planner, read into the record a report relating to the legal authority as outlined in SCC 14.08, Short Subdivision Ordinance and SCC 15.20, Flood Damage Prevention Ordinance as they relate to Short Plat Application #91-061 of Jess Webb. The Short Subdivision Ordinance provides for review of short subdivisions in accordance with all other codes, statutes, or ordinances of the State and County.

The Flood Damage Prevention Ordinance outlines the specific requirements for development within the floodplain. The general stated purpose of the ordinance is to protect human life, minimize expenditure of public monies relating flood control projects and rescue and relief efforts.

Methods for reducing flood losses include restricting or prohibiting uses vulnerable to flood damage, controlling the alteration of natural flood plains, and filling, grading or other development which may increase flood damage. The Ordinance also provides that the Director shall make interpretations where needed, as to exact location of the areas of special flood hazards, such as when a mapped boundary and actual field condition conflict.

The Flood Damage Prevention Ordinance specifically outlines standards for subdivisions. Subdivision proposals must be consistent with the need to minimize flood damage including the construction of public utilities. Facilities must have adequate drainage provided to reduce exposure to flood damage and must provide base flood elevation data when the information is not available.

The conclusions of Mr. Hough's report were as follows:

The Short Subdivision Ordinance is clear in that all proposed subdivisions must be reviewed in accordance with all other local and state regulations and ordinances. The Flood Damage Prevention Ordinance provides standards for subdivisions and outlines when the Director shall interpret the boundaries of the special flood hazard areas.

Jeff Morgan, Assistant Planner, presented an historical review of the Short Plat. The subject property is zoned Rural Intermediate and the Northwest District Comprehensive Plan designates the area as Agricultural. The subject property is located within the Samish Drainage Basin; is located within Diking and Drainage District #25; and is designated as Zone B (500 year flood plain) on the Flood Insurance Rate maps, effective January 3, 1985. Due to historical flooding in the area, building permits in the area shall be required to elevate to 26 feet unless engineering studies substantiate lower elevation.

Pursuant to SSC 14.08.050 (4), the Skagit County Planning and Community Development Department reviewed the subject short plat and determined that the requested division did not conform to the minimum requirements of Sections 14.08 and 15.20 of the Skagit County Code. The applicant was informed on September 10, 1991, that the following information was required prior to any further review of the proposal:

1. Current year taxes shall be paid in full.
2. A study prepared by a Professional Engineer to determine the 100 year frequency flood elevation for the subject lots. Said study shall also consider the impact of drainage flow and storage during flooding of the Samish River of any development on site. It must be determined that development on site will not increase flood hazards in other areas. Also, development on site must be adequate to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

This information was requested by October 10, 1991, or the application would be disapproved. At the time staff findings were prepared (February 14, 1992) the 100 year frequency flood elevation had not been provided by the applicant. As of April 14, 1992 they still had not been received.

Based on the above findings, specifically, failure to provide a study prepared by a Professional Engineer to determine the 100 year frequency flood elevation, as required by Skagit County Code 15.20.140 (2), the Department of Planning and Community Development denied Short Plat Application SPT #91-061.

Dave Brookings, Flood Control Engineer, addressed the Board, and presented photos of the subject area. Mr. Brookings stated that he was asked to review the application and comment to Planning any concerns he may have had. Mr. Brookings stated that the County does not have a lot of data on the Samish River. After reviewing the files of the Soil Conservation District's watershed study done in 1988, Mr. Brookings found that the capacity of the Samish River upstream of the Webb property was estimated at 2400 cubic feet per second (CFS), which it exceeded 24 times during a period from 1944 to 1983. In 1983, which has been the worst flood of record, it crested at 8440 CFS. Mr. Brookings, by statistical formulation, determined that the area in question has a 33% chance of being inundated with water during any one year, which he felt was a conservative estimate.

Concluding, Mr. Brookings felt that it was clear that this area is subject to frequent flooding and the County needs to pursue more detailed information on the Samish River to resolve this flooding problem. The Samish River near the Jess Webb Plat has a long history of flooding problems. A branch of the Samish River leaves its main channel in this vicinity and flows in a southwesterly direction, overtopping the Sam Bell Road, Chuckanut Drive, and then tries to re-enter the Samish below

Allen. This area would be inaccessible to emergency vehicles during a flood event and this raises a strong concern regarding the safety of future property owners of this proposed short plat.

- Tom Sheahan, Emergency Management, addressed the Board. He stated that RCW 38.52 states that the County must be prepared to respond to mitigate natural or man made disasters. Several times in this area of the County there are closures at Cook Road and Cook Road Extension by the State Highway Department denying access unless the vehicle is a fire truck or has four wheel drive. In the 1990 flooding, Sam Bell Road was not accessible by four wheel drive vehicles.

- Doug Barnet, County Engineer, addressed the Board. Mr. Barnet stated that he was asked to review and sign, if approved, the Webb Short Plat Mylars. This matter was brought to his attention due to the flooding concerns. Mr. Barnet presented the current FEMA map, indicating that the Webb property is designated Zone B, which is outside the 100 year flood plain. Mr. Barnet displayed aerial photos of the vicinity from the November, 1990 flood which was a 25 year event. Mr. Barnet stated that without the engineering data that had been required of the proponent to submit he was unable to make a determination and could not sign-off on the Mylars. Based on his refusal to sign, the Planning Department denied the short plat.

- Mr. Jess Webb addressed the Board. Mr. Webb presented various vicinity maps, charts and graphs throughout his presentation.

Mr. Webb stated that one year ago he decided to divide his property so that his son and daughter-in-law could build a house. An adjacent property had previously been subdivided without any problem. Mr. Webb stated that he had received instruction from Dave Hough on how to apply for a subdivision and submitted his paperwork. He said that he received no further information on how to proceed.

Mr. Webb stated that he wrote to and called the Planning Department asking what to do next and why he could not get his application process completed. He stated that his calls and letters were not answered. After four months he received a letter from Jeff Morgan stating that the Public Works Department had some problems with the application. Mr. Webb stated that on December 16, 1991, there was a meeting with Scott Kirkpatrick, Doug Barnet, David Day, and Public Works staff members. He was told that the Public Works Department would provide a complete list of concerns within two weeks. Two months passed and he received a letter from Mr. Morgan denying his request for a short plat.

Mr. Webb stated that this was a simple process, either his application met the criteria, or it didn't. It should not have taken six months to make a decision.

Mr. Webb said that the property is zoned as Subdivided Residential Intermediate, which allows 2.5 acre lots.

Mr. Webb stated that his objections to the reasons for the denial are that they are opinions, unsupported by evidence.

Mr. Webb said that he knows it floods but it was less than one foot deep on his property in the November 1990 flood. He said that 5/100 of the time it is flooded, the other 99.95% of the time it is not. He presented two photos, one of a flood time and one of a non-flood time.

Mr. Webb stated that he was in private practice as a registered professional engineer for 20 years and had worked on many drainage designs, including FEMA studies; and major dam work.

Mr. Webb stated that the Samish River floods in a shallow lake-like fashion with average depths of less than one foot. He felt that the flooding was more of an inconvenience, not a disaster.

Mr. Webb addressed the objections previously presented by Mr. Sandell. He stated that Mr. Sandell's concern regarding septic tanks polluting the river is a small issue in comparison to the 500 cows next door. He stated that the effects of sewage on groundwater don't migrate more than a few feet in the worst of conditions.

Mr. Webb presented a diagram of the vicinity displaying the worst flood of record in 1983. He said that three events would occur in the flooded area by the placement of a new house: 1) displace water, 2) increase velocity, and 3) increase runoff. He felt that these three events would be minimal, and that should the maximum allowable number of houses in the area be built, it would not create a significant impact.

Mr. Webb stated that the issue of emergency vehicles not being able to have access to the area is unsupported. He felt that there must be a major flood and an emergency requiring aid at the same time to present a problem and that the odds of that happening are low.

In conclusion, Mr. Webb stated that the property was zoned to be subdivided, and meets all the normal requirements to do so. The objections submitted to deny his request have no valid engineering basis. Mr. Webb requested that the Board approve the short plat.

- David Day, attorney for Mr. Webb, addressed the Board. Mr. Day submitted a letter into evidence from Mr. Morgan dated December 12, 1991, which stated that the Planning Department was satisfied that the proposed development is consistent with Section 15.20 of the Skagit County Code. The letter also stated that the Public Works Department recommended denial after reviewing the information supplied to them. The letter confirmed Mr. Webb's meeting with Mr. Kirkpatrick to be December 16, 1992, at 2:00 p.m. to discuss his application, and the Public Works Department was invited to attend to explaining their requirements of Mr. Webb.

Mr. Day stated that he felt the denial of Mr. Webb's short plat application was arbitrary and capricious. Mr. Day stated that Mr. Webb had shown that recent flooding was in excess of the 100 year event, and that most of the water was less than one foot deep.

Mr. Day stated that the issue of emergency access in flooding could be addressed by the letter from the Allen Fire Chief that was submitted into evidence. The letter stated that he was able to drive the pumper truck down to approximately 1513 Sam Bell Road (the approximate area of the proposed short plat) to pull a car out that had run off the road. It was stated in the letter that if a driveway was built to the same height as Sam Bell Road or higher with clear markings of where the road is during high water, that the Allen Fire Department could respond to an emergency in that location.

Mr. Day stated that the final basis of the Planning Department's denial was that a 100 year study was required of Mr. Webb, who had been told on two occasions that it would not be required. The basis of the denial did not occur. The \$35,000 expense to provide the data was not justified.

In summary, Mr. Day stated that the decision was based on looking at the data in SCC 15.20 and FEMA and saying that it floods; to deny on the basis of emergency instances is faulty, the area can be accessed; and the requirement for a 100 year flood study was waived.

- Mr. Webb readdressed the Board, stating that when he received the first letter from Mr. Morgan requiring him to submit a 100 year flood study he knew it would cost too much, he had done one before. When he met with Mr. Hough, Mr. Hough told him that he did not need the study. He said that Mr. Hough informed him that other arrangements could be made.

Mr. Webb referred to letters he sent to Scott Kirkpatrick, Rich Medved, and Doug Barnet: a letter to Mr. Medved asking for detailed specific reasoning for any objections on the project; a letter to Mr. Kirkpatrick confirming a phone call; a letter to Mr. Morgan confirming that there were no further requirements, and to notify if that was incorrect; and a letter to Mr. Kirkpatrick, requesting a list of requirements necessary to file the application.

- Mr. Sheahan readdressed the Board, stating that Fire Service supplies basic life support and fire suppression. Advanced Life Support could and cannot access in situations like the 1979 and other years' floods. Without Advanced Life Support, and the occurrence of a code call, a person's life would be at risk.

- Mr. Barnet readdressed the Board and stated that he was not satisfied with the flood & drainage issues, and that Mr. Webb had not complied with what had been requested of him. He said that he wasn't saying that Mr. Webb cannot build, just that it would be increasing the density in an area having a lack of information on flood and drainage. Mr. Barnet felt that the cost of doing the study should not have been an issue when public safety was involved.

Mr. Gail Smith, John Sandell's attorney, addressed the Board. Mr. Smith stated that Mr. Sandell resides in the area located on Ershig and Sam Bell Roads. The Samish River flows through some of his property upstream from the Webb's.

Mr. Smith stated that the Planning Department clearly had the authority to take the steps that they did. He said that the arguments made by Mr. Webb and Mr. Day were undoing the provisions of SCC 15.20. The provisions were adopted to address specific conditions. The area in question falls within the flood plain of the Samish River.

Mr. Smith stated that the FEMA map was updated in 1989. The process in SCC 15.20 is a "check the map" procedure. Mr. Smith felt that it needs to be looked beyond to the intent of why the map was originally established. He said that historically, the area in question floods once a year. It had exceeded the 1,000 cubic foot per second 97 times in recorded history. Studies have shown that the Samish River floods 2.5 times per year, and the severity and frequency of the flooding is increasing. The studies pertaining to the Samish River show that the 1982 flood was a 45 to 50 year event; the 1986 flood was a 10 year event; and the 1975 flood was a 25 year event. Mr. Smith stated that the Webb property flooded in each of these events.

Mr. Smith stated that the figures of 1,000 cubic feet per second could easily be exceeded. The Webb property would be flooded to a significant degree every three years.

Mr. Smith stated that emergency vehicle access issues addressed was regarding access to the road, not the back of the Webb property. In order to access the back of the property, a road or driveway would be necessary. An issue not addressed is the diversion of water and the impact on adjacent parcels. A road and two houses on the Webb property would affect the discharge of water onto other properties. Mr. Smith felt that the basis to deny this application could be on SCC 14.36 dealing with drainage plans. A drainage plan has to be in place establishing that there will not be a discharge of water onto other properties.

Mr. Smith stated that it would be fine if Mr. Webb and his son wanted their homes on the property, but if the property was subdivided and then sold, the prospective buyers would have expectations of building more homes on the property. Mr. Smith stated that there have been for sale signs posted on the property.

Mr. Smith felt that the proponent has the obligation to protect adjacent properties. The impact of the cost to provide the 100 year flooding frequency study should not be the only determining factor. When the burden is on the proponent to supply the facts, it should be done. Mr. Smith stated that the proponent was trying to use individual components of his plans to minimize the overall neighborhood impact. He felt that the Planning staff should address the cumulative effect on the area.

- Mr. Marv Waldren, 1510 Sam Bell Road addressed the Board. Mr. Waldren stated that emergency vehicles and high suspension four wheel drive vehicles could not pass the subject property in the last two floods. He said that he had to wear chest waders in order to get into his house during the last two floods. He felt that the current was in excess of 5 mph during flooding.

Mr. Waldren stated that he is not against the Webbs building one home on their property, but does object to a subdivision. He would object to any driveways above the level of the ground.

- Jane Henry, 1546 Sam Bell Road addressed the Board. Ms. Henry stated that some statistics and figures presented were incorrect. During flooding, emergency vehicles cannot get through the area. Ms. Henry stated that she was angry due to nothing being done regarding the Samish River flooding problems. She said that there was over 6 inches of water in her market during the 1990 flood; the first time ever in the 40 years the market has been in existence. She requested the Board to do something soon about the flooding problems.

- Mr. Bob Lee, 918 Avon Allen Road, addressed the Board. Mr. Lee stated that he owns 12 acres across Avon Allen Road from Ms. Henry. He said that the flow of flood water came south of the market and across to his property so fast and with such a velocity that it displaced about 40 yards of road gravel onto his property. Mr. Lee stated that he didn't know if additional construction in the area would affect the river flooding problem, but feels that something is. He does not want the flow of the river diverted by anything.

- Mr. John Sandell, 835 Ershig Road, addressed the Board. Mr. Sandell owns property at 1555 Sam Bell Road. Mr. Sandell stated that in the 1975, 1983, 1986, and 1990 floods he was led to believe that the water rushed through the area at speeds of 6 to 12 knots. The Allen Fire Department had to move their trucks out of the fire hall.

Mr. Sandell stated that if the Webbs build where they are proposing, the flood waters will be diverted. He stated that there have been For Sale signs on the property. Mr. Sandell stated that the Samish River drains onto 88 acres of land. With more houses in the floodway it can make the river die, and can contaminate all the way to the shellfish. He does not want this to be allowed to happen.

- Mrs. Pat Dobbs, 1571 Sam Bell Road, addressed the Board. Mrs. Dobbs stated that her property is east of the Webbs. Mrs. Dobbs stated that she moved to her present address in 1964, and there was no flooding problems then. Since the construction of the freeway and the raising of the roads, the flooding has become a problem and continues to get worse. She said that if the County hadn't brought in rock during the 1990 flood event, they would have lost their home. Mrs. Dobbs stated that she does not have anything against the Webbs, but the growth that is creating the flooding needs to be stopped.

- Mr. Webb readdressed the Board. Mr. Webb stated that he senses that the people are unhappy with the flooding, and his plans won't change the flooding as he has shown by facts and figures. Mr. Webb said that the construction of two houses will have no depreciative effect on the neighborhood.

- Mr. Day readdressed the Board. Mr. Day felt that the process and application requirements were met, and the Planning Department was satisfied. Mr. Day felt that there was no hard data on which to base the denial of Mr. Webb's Short Plat.

Hearing no further comment from the public, Commissioner Vaux motioned to close the public hearing.

Commissioner Wylie seconded the motion, which carried unanimously.

Commissioner Vaux motioned to deliberate on Monday, May 18, 1992, at the hour of 8:30 a.m., in the Commissioners' Hearing Room, 202A, County Administration Building, 700 S. Second, Mount Vernon, Washington.

Commissioner Wylie seconded the motion, which carried unanimously.

ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion, which carried unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Robby Robinson

Robby Robinson, Chairman

Ruth Wylie, Commissioner

W. W. Vaux

W. W. Vaux, Commissioner

ATTEST:

Cornie Carter

Cornie Carter, Clerk
Skagit County Board of Commissioners