

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, May 18, 1992:**

Flag Salute.

8:30 a.m. - 9:00 a.m. Decision - Jess Webb Short Plat Application #91-061 for Property at Chuckanut Drive and Sam Bell Road.

10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director:

- 1) Discussion - Curran Place in Plat of Hermway Heights.
- 2) Resolution - Time Extension, Interfund Loan to Solid Waste Operating Fund.
- 3) Signature - Supplement No. 1, County/State Agreement Construction Funds, Indian Slough Bridge.
- 4) Signature - Amendment WSDOT Communications Site Lease Agreement at Rockport Solid Waste Site.
- 5) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 2:30 p.m. Public Hearing - Kendall Gentry Short Plat Application #SPT-90-055 Located South of Sam Bell Road and North of Chuckanut Drive.

2:30 p.m. - 3:00 p.m. Presentation - 1992 Revenue Forecast for State Forest Board Timberland - Greg Ariss, Department of Natural Resources Cascade District Manager.

3:00 p.m. - 3:30 p.m. Approval - Interlocal Cooperative Purchasing Agreement with Spokane County for ARC/MFO Software.

3:30 p.m. - 5:00 p.m. Executive Session - Personnel and Litigation.

The Skagit County Board of Commissioners met in regular session on Monday, May 18, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

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

Commissioner Vaux stated that the Board heard at the public hearing on May 12, 1992, Mr. Webb's engineering assessment of when water is where it should not be. Commissioner Vaux felt that the Planning Department and Mr. Kirkpatrick were protecting the human element of the issue when they demanded the Corps study. Commissioner Vaux stated that when he was sand bagging during the 1990 flood event, he could not pass Avon Allen, Sam Bell or Chuckanut Drive in his pickup. Commissioner Vaux could not understand why Mr. Webb was wanting to build on the property knowing that it floods. He felt that it would be like building in the middle of a river. Commissioner Vaux stated that the water will eventually be over Mr. Webb's property. He felt that the flooding exceeds the information that Mr. Webb had previously submitted, because he had personally been in the area during two different flood events in two different years.

Commissioner Wylie asked Mr. Hough if at any time, when Mr. Webb's first applications were submitted, the requirement for a flood control study was waived.

RECORD OF THE PROCEEDINGS

Monday, May 18, 1992

Page #2

Mr. Hough stated that he had reviewed the application process in a discussion with Mr. Webb, that initially the problems were not known and that on the initial determination it was not required.

Commissioner Wylie stated that she agreed with Commissioner Vaux that there is a history of flooding in the area of Mr. Webb's property.

Commissioner Vaux motioned to deny the Short Plat Application #91-061 of Jess Webb. Commissioner Wylie seconded the motion, which carried unanimously.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

1) Discussion - Curran Place in Plat of Hermway Heights.

Mr. Robin LaRue, Assistant Public Works Director, presented vicinity maps of the Hermway Heights area. Mr. LaRue stated that the Nevitts of 1835 Curran Place, Mount Vernon, asked the Public Works department to research the legal status of a portion of Curran Place that crosses a portion of their lot in the plat of Hermway Heights. It was then discovered that the County owns no right-of-way where the road lies, but the road has existed and the County has maintained the road since 1979. The Nevitts expressed concerns regarding the roadway. Mrs. Nevitt feels that traffic utilizing the roadway is a hazard as she has a small child who plays in the yard. Mr. LaRue stated that the Nevitts wish to add on to their house, as well as construct a new garage/workshop. The location of the roadway bisects their property, and this will make it difficult to remodel their home.

Mr. LaRue read a letter from Michael and Judy Boling, 1846 Curran Place, into the record. The letter requested the Board to allow the road to remain an open and through road. Mr. LaRue then read a memo from the Skagit County Fire Marshall into the record which addressed the negative impact of closing the road on fire response in the Curran Place area. Mr. LaRue stated that he had received a phone call from Nancy Dickerson, 1837 Curran Place regarding concerns on the lower portion of the road.

Mr. LaRue stated that he contacted US Postal Officer, Rudy Johnston, who said there would be no mail delivery problem for the area if the road was vacated as all mail boxes are at a central location on an upper road. He also contacted Rural Sanitation and an office worker stated that there would be no problem for their pick-up route if there were a turn around at the end of the hill.

Mr. LaRue stated that the Public Works Department is looking for direction from the Board on whether to abandon and close the road, or to establish the road as a county road.

Commissioner Vaux questioned the geology of the area, and why the road couldn't be moved to County dedicated land.

Mr. LaRue stated that there is 6 - 7 % grade and that the road could be relocated to County property, but it would be very difficult.

Commissioner Wylie asked how much of the road was on the Nevitts property.

Mr. LaRue responded that it is about 80 feet.

Chairman Robinson questioned how many residents are above the Nevitts.

Mr. LaRue stated that there are five lots above them.

RECORD OF THE PROCEEDINGS

Monday, May 18, 1992

Page #3

Commissioner Wylie asked about the traffic flow on the roadway.

Mr. LaRue stated that there had been no count done, that the main traffic concern was due to the Nevitts' small child.

- Mr. Nevitt addressed the Board stating that it was not their intent to make enemies. The road is not wide enough for two way traffic, his garage is on the other side of the roadway from his house, and the road is through his property.

- Colleen Gubrud, 2098 Hermway Heights, addressed the Board. Mrs. Gubrud stated that the visibility from the upper road is bad. Curran Place is much clearer. She said that she has a circular driveway, but is not willing to share it with public vehicles for use as a turnaround. Mrs. Gubrud felt that the traffic issue on the roadway by the Nevitts was not that big of a concern because due to the slope, cars travel down the hill at a slow pace.

- Judy Boling, 1836 Curran Place, addressed the Board. She stated that she believes that the grade of Hermway Drive is more than 6%, and that she cannot drive up the hill in snow or rain. She felt that it would impact emergency vehicle access to the area to close Curran Place.

- Bob Lien, 1838 Curran Place, addressed the Board. Mr. Lien stated that he had lived in the area for 30 years and used the roadway every day due to the safety factor. Mr. Lien would like to see the roadway stay as it is. He stated that there had been three families before the Nevitts in their house, and they had no problems with the traffic.

- Mark Wolden, Conway Fire Chief, addressed the Board. Chief Wolden stated that he is concerned with accessing the area by way of Hermway Heights and Hermway Drive, which is a one-way route. Chief Wolden said that the hill is steeper than Lincoln Hill, which has an 11% grade. He felt that Hermway probably has a 15 to 16% grade. He felt that closing Curran Place would hamper fire service to the area.

Commissioner Wylie stated that the access on the east does not have good visibility, and that the upper road is steep.

The Board determined to do a site visit of the Hermway Heights/Curran Place area, Wednesday, May 27, 1992, between 1:30 p.m. and 2:30 p.m. The discussion will be back on the agenda in two weeks.

2) Resolution - Time Extension, Interfund Loan to Solid Waste Operating Fund.

Greg Thrumer, Public Works Accountant, presented to the Board a resolution to extend the repayment of an interfund loan to the Solid Waste Operating fund to December 31, 1992.

Commissioner Wylie motioned to approve the resolution. Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #14326).

3) Signature - Supplement No. 1, County/State Agreement Construction Funds, Indian Slough Bridge.

The Board signed a supplement to the City/County Agreement covering the Bayview Edison project #3121-3. This supplement is a request for funding of the construction phase of the project. (Contract #00435).

RECORD OF THE PROCEEDINGS

Monday, May 18, 1992

Page #4

4) Signature - Amendment WSDOT Communications Site Lease Agreement at Rockport Solid Waste Site.

The Board signed an amendment to the Washington State Department of Transportation Communications site Lease Agreement at the Rockport Solid Waste Site, clarifying the State's right to sublease its tower for compatible radio transmission equipment. (Contract #06464).

5) Miscellaneous.

Mr. LaRue presented to the Board a request from the City of Sedro-Woolley for the County to administer a Federal Aid Project. The project is an FAUS Project for the improvement of "West State Street From The Centerline Of Maple Street Westerly To A New B.N.R.R. Crossing And A New Right Angle Intersection With S.R.No. 20 At The Trail Road." Mr. LaRue stated that the other option would be for the City of Sedro-Woolley to deal with the State directly. A proposed agreement would need to be drawn up with the City and State for the Board's approval.

The Board directed Mr. LaRue to draw up a proposed agreement as suggested for their review.

CONSENT AGENDA.

* Commissioners' Office:

1. Resolution - Amending Skagit County Personnel Policies and Procedures Manual Section 6.8.1 - Paid Leave for Training, adding the following sentence to the end of the existing section:

Regular part-time and part-time employees on such leave shall be compensated by the County on a pro-rated basis consistent with the number of hours normally worked by the employee during the week for his/her military pay. (Resolution #14327).

2. Resolution - Establishing Fee Service for Microfilm Products. The sale of duplicate rolls of microfilm shall be made available through the Skagit County Records Management Department subject to the following fee schedule: \$15.00 per 35mm diazo duplicate, and \$12.00 per 16 mm diazo duplicate. (Resolution #14328).
3. Record of the Proceedings - Week of April 27, 1992.
4. Record of the Proceedings - Week of May 4, 1992.

• Senior Services:

5. Contract - Use Agreement with Concrete Chamber of Commerce, P.O. Box 743, Concrete, Washington 98237. The Chamber will utilize the office area and restrooms at 153 Railroad Avenue, Concrete, Washington 98237, each weekend (Saturday, Sunday and Monday Holidays) from the fourth weekend of May (May 23, 1992) through Labor Day weekend (September 7, 1992). There will be no rent charged for the use of the facilities. (Contract #01318).

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

RECORD OF THE PROCEEDINGS

Monday, May 18, 1992

Page #5

listing which has been made available to the Board.

As of this date, May 18, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #81671 through 82128 (Vouchers #2005467 through 2006144) in the amount of \$656,744.41. Transmittal #C18-92.

- B) The Board approved a request from the Emergency Management Department to purchase refreshments out of their operating supplies budget. Refreshments are to be served at three wildland fire sites and the Emergency Operations Center by the Skagit Valley Chapter and Anacortes Chapter of the American Red Cross, Saturday, June 6, 1992, at a County-wide Wildland Fire Exercise.
- C) Stephanie Wood, Administrative Coordinator presented to the Board, a Coordinated Prevention Grant Agreement No. G9200241. The agreement had been discussed at the April 27, 1992 Board of Health meeting. It has been reviewed by John Moffat. (Contract #01319).
- D) Ms. Wood presented a proposal for creating a brochure on factual information on the Public Transportation Benefit Area. She stated that the City of Mount Vernon voted to pay a portion of the costs, but the City of Burlington had not decided as yet.

Commissioner Wylie motioned to contribute 1/3 of the total cost of creating the proposed brochure. Total cost of the brochure creation shall not exceed \$8,490.00.

PUBLIC HEARING - KENDALL GENTRY SHORT PLAT APPLICATION #SPT-90-055 LOCATED SOUTH OF SAM BELL ROAD AND NORTH OF CHUCKANUT DRIVE.

Commissioner Vaux advised the audience that he is the President of Skagit Self Help Housing, and has been involved in one-half million dollars in business deals in the last year with Mr. Gentry. He asked that if anyone had a problem with his association with Mr. Gentry to please state so, and he would remove himself from the decision making process on Mr. Gentry's hearing.

There was no objection from the audience.

Jeff Morgan, Assistant Planner, reviewed the staff findings and latest short plat of Mr. Gentry's property with the Board. Mr. Morgan stated that the Webb property is zoned Rural Intermediate and is designated as Zone B in the Flood Insurance Rate Maps, 500 year flood plain. Mr. Gentry has 11.7 acres, and is requesting to divide into four lots for residential development. The applicant was requested to supply additional information regarding drainage, and it was not provided. Based on lack of information, his application was denied by the Department of Planning and Community Development.

Steve Winter addressed the Board. Mr. Winter stated that in the past flooding, a low swale was created, presenting two problems. The first is a low area in the corner of Mr. Gentry's property. Mr. Semrau was asked to design a retention system for the drainage problem, and he did so. The second is the main flooding problem. Mr. Winter stated that Mr. Brookings calculated from the USGS River Gauge that the capacity in the Samish River is 2400 CFS at flood stage, indicating a 33% chance that the area would be inundated each year or every three years. Mr. Winter stated that there is a high portion of land on Lot 4, that was not inundated during the 1990 flood, which has a house on it.

Mr. Hough reviewed a brief summary of Skagit County Codes addressing the issue of flood Damage

RECORD OF THE PROCEEDINGS

Monday, May 18, 1992

Page #6

Prevention as they relate to Mr. Gentry's Short Plat. 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 to 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 floodplains, 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.

- Mr. Kendall Gentry addressed the Board. Mr. Gentry stated that in August of 1990, he applied for his Short Plat. His property was determined to be a high water area. These staff findings were done one month after the 1990 flood. Mr. Gentry submitted into evidence the Planning Departments' review of his application indicating additional information was needed and that the application was held inactive until such information was provided. Mr. Gentry also submitted various correspondence between he and the Planning Department, Attorney Richard M. McMenamin and the Planning Department, Mr. Gentry and the Hearing Examiner, an addendum to a drainage report from Semrau and Lisser, and the Hearing Examiner's findings on the Administrative Appeal of Mr. Jess Webb.

Mr. Gentry stated that in February, 1991, he had the soil tested for sewage and septic on his property. Two of the lots will require an alternate sewage system, and two will accommodate a conventional system. The drainage review requested was completed March 7, 1991. Mr. Gentry stated that at that point, Mr. Morgan told him that his application should be approved any day.

Mr. Gentry said that the flood issue came up again. He was required to do a 100 year flood study before the process could proceed. He said that the 1990 flood was only six inches deep on his property where his house is. Mr. Gentry presented photos and a map. He had Mr. Lisser shoot a marked elevation of the November 1990, flood. The marked elevation was 23.52 MSL. It was agreed that a 26' elevation at nearly 2.5' above said flood level was an abundance of caution and the condition was waived. A building permit was issued on lot 4, where his house is now.

Mr. Gentry stated that at this point, he thought the 100 year flood issue was solved. Mr. Gentry felt that assuming the report was requested based on the river being out of its banks every three years, that the Corps of Engineers should have to do the report, not the property owners. He felt that if he could build on his property with an estimated 6 inches of water during flooding, that the remainder of his land could be built on with the drainage plan from Semrau and Lisser which would not affect the flood plain.

John Semrau, Civil Engineer for Semrau and Lisser, addressed the Board. Mr. Semrau presented various reports and vicinity maps for the record. Mr. Semrau stated that Chuckanut Drive is a controlling factor on the flood way.

Commissioner Vaux asked whether cutting the swale deeper when creating an alternate route for the flood water as represented in Mr. Semrau's report, would increase the velocity of the water.

Mr. Semrau stated that any constriction would cause an increase in velocity. The fill could increase a small amount of constriction in a larger flood event.

Commissioner Vaux asked if the proposed fill and grade in an event like the 1990 flood event would increase the velocity of the water.

Mr. Semrau stated that it would.

RECORD OF THE PROCEEDINGS

Monday, May 18, 1992

Page #7

Commissioner Wylie asked if by deepening the swale more water would be diverted over the road. If it was not deepened would it sheet more. She said that Mr. Semrau was really proposing digging a channel.

Mr. Semrau stated that a high velocity of water would not be seen until the water goes over the road.

Commissioner Wylie asked how much material would be removed by creating the proposed channel.

Mr. Semrau stated that it would be about 565 cubic yards.

- Gail Smith, Attorney for Dike District #25, addressed the Board. He stated that he received communication regarding Mr. Gentry's application from the Planning Department asking him to relate any concerns that the diking district may have. Mr. Smith stated that there is no doubt that there is a flooding problem. The flow of the Samish River is increasing each year and will continue to do so. Mr. Smith stated that during the 1983 flood the river was out of its boundaries and flooded not only the Gentry property, but others as well. The Dike District is concerned anytime there is a drainage plan required. Mr. Smith stated that when drainage plans are required, downstream needs to be looked at for the discharge point and the impact considered. The request by the county is not an unusual process to take to see if this request should be approved. Mr. Smith stated that the impact on other properties north hadn't been addressed. The Dike and Drainage District has concerns about the impact of this short plat request, and feels it doesn't make sense to approve it.

Don Semrau, Semrau and Lisser, addressed the Board. Mr. Semrau said regarding the velocity issue that at the time the water reaches the top of the road, there is no velocity, only elevation. The road acts as a weir when the water crosses it, the amount of water over the roadway is the same. The project will not increase the amount of water.

Commissioner Wylie motioned to continue the public hearing to Wednesday, May 27, 1992, at the hour of 10:30 a.m., in the Commissioners' Hearing Room, 202A, County Administration Building, 700 S. Second, Mount Vernon, Washington. Commissioner Vaux seconded the motion, which carried unanimously.

PRESENTATION - 1992 REVENUE FORECAST FOR STATE FOREST BOARD TIMBERLAND - GREG ARISS, DEPARTMENT OF NATURAL RESOURCES CASCADE DISTRICT MANAGER.

Mr. Greg Ariss, Department of Natural Resources Cascade District Manger, presented a projection of income from state forest board lands to the Board.

Mr. Ariss stated that the Revenue for Skagit County will be \$5,000 to \$6,000 less this year over what has been received in the past. The figures in the report were based on a survey of purchasers with timber sales under contract as of March 31, 1992. This region shows a substantial reduction in sales. Mr. Ariss stated that projected 1993 sales look no better.

Mr. Ariss stated that the State is having to survey areas that the private growers do not, and they are taking two years to do the surveys instead of one which hampers the sales preparation. Preparation time takes three years now if there are no challenges.

Commissioner Wylie asked how many board feet are not being cut due to the spotted owl surveys.

Mr. Ariss stated that sales levels have been cut in half due to timber lands not yet survey for spotted owl inhabitation.

RECORD OF THE PROCEEDINGS

Monday, May 18, 1992

Page #8

Mr. Ariss stated that there are few lands known that would not require surveys, such as Walker Valley and Nookachamps.

Mike Woodmansee stated that Skagit County is budgeted for 7.5 million rather than 9.2 as forecast in January for 1992. The projected value of harvest for after 1992 at the 4.4 million level hasn't been seen since 1986.

Commissioner Vaux asked why the surveys are now two years instead of one, as before.

Mr. Ariss stated that a one year survey is no longer accepted, that it must be a two year survey. The one year surveys are conducted from March to August and are good until the following March. Then another survey must be done. The two year surveys will be good for 3 years.

Commissioner Vaux stated that five or six sales were withdrawn due to surveys over one year old. The Fish and Wildlife Department has said that it would be risky selling a stand with a survey over one year old.

Mr. Ariss stated that it is a regulatory procedure not a required one to survey on private property, and is waiting for guidelines from the Fish and Wildlife department. He stated that presently, surveying is being done 5 miles out from the 1.8 mile radius of known site centers.

Commissioner Vaux stated that he did not recall setting these procedures at the DNR meeting he had attended the week prior.

Chairman Robinson asked why the surveys are being done further out than the 1.8 miles.

Mr. Ariss stated that there have been more owls found, and the desire is to reduce the risk of taking further. He also stated that there has only been one spotted owl found in Skagit Forest Board.

Commissioner Vaux asked how much the owl surveys are costing.

Mr. Ariss stated that the cost will be about three million. He stated that DNR is cutting permanent employees in the timber sales program, seven in the northwest region.

Commissioner Vaux asked if the total DNR employees is less than it was one year ago.

Mr. Ariss stated that the employment number is about the same due to necessary increases in other areas.

Mr. Woodmansee felt that the Fish and Wildlife Department is taking the advised possible rules to the extreme.

APPROVAL - INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH SPOKANE COUNTY FOR ARC/MFO SOFTWARE.

Mike Woodmansee, Budget/Finance Director, presented to the Board an Intergovernmental Cooperative Agreement for the purchase of G.I.S. software contract with Spokane County. This will enable the County to purchase ARC/INFO software at a secondary price of \$9,900 saving approximately \$3,500 on the first software license. Each additional license will cost \$9,900.

Commissioner Wylie motioned to approve the Intergovernmental Cooperative Agreement with Spokane County. Commissioner Vaux seconded the motion, which carried unanimously. (Contract #01320).

RECORD OF THE PROCEEDINGS

Monday, May 18, 1992

Page #9

MISCELLANEOUS

- 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, May 18, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #91024 through 91224 (Vouchers #91024 through 91224) in the amount of \$447,605.47.
Transmittal R10-92.

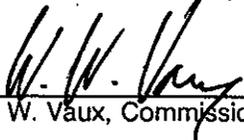
ADJOURNMENT

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Robby Robinson, Chairman



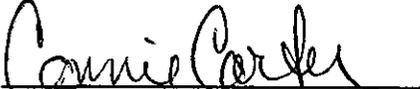
Ruth Wylie, Commissioner



W. W. Vaux, Commissioner



ATTEST:



Connie Carter, Clerk

Skagit County Board of Commissioners