

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

Tuesday, August 25, 1992

- 8:00 a.m. - 9:00 a.m. Discussion - Blanchard Sub-Flood Control Zone.
- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick, Director.
- 1) Signature - Starbird Golf and Country Club EIS Consultant Services Agreement with David Evans and Associates, Inc.
 - 2) Signature - Letter to Department of Community Development (DCD) applying for a Grant for Housing Resource Team Technical Assistance.
 - 3) Code Enforcement Report.
 - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Planning Commission Recommendations:
- 1) Approval - Guemes Island Community Club Comprehensive Plan Map Amendment - East of Guemes Island Road, South of Edens Road.
 - 2) Approval - Max and Pearle Jensen Rezone - North and West of the Town of LaConner.
- 11:00 a.m. - 5:00 p.m. Executive Session - Litigation. (Cancelled)

The Skagit County Board of Commissioners met in regular session on Tuesday, August 25, 1992, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

DISCUSSION - BLANCHARD SUB-FLOOD CONTROL ZONE.

Dave Brookings, Flood Control Engineer, opened the discussion. He explained that there have been a number of problems within the sub-flood control zone in receiving permits to perform maintenance along Colony Creek. Colony Creek is the main outlet for drainage in the area, but is also a stream containing fish, and therefore comes under jurisdiction of the State Department of Fisheries. Earlier this year, Mr. Brookings met with representatives from the sub-flood control zone to lay out this year's drainage maintenance projects. At that time, meetings were held with the Department of Fisheries representative, Kurt Buchanan, to discuss the granting of Fisheries permits. Mr. Buchanan subsequently scaled the projects back to a point where they were almost useless for the purposes of maintaining drainage. Mr. Brookings gave two examples of projects that have been substantially altered. Residents of the sub-flood control zone have asked to be heard by the Board today to discuss their concerns.

Chick Prentice stated that last night the residents met at their community club, and a list of concerns and projects was drawn up. They were:

1. Mow the grass near Colony Creek from the crossing on Colony Road to the flood gate. Approximately 40% of the flow of the water in Colony Creek is prohibited by grass at this time, the residents believe.
2. Dredge Colony Creek following the mowing. Several years ago, a permit was allowed for this, but it was never performed, and this year dredging has been denied.
3. The culverts currently in the creek should be removed and replaced with bridge structures. Bridges

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would not impede water flow as a culvert does.

4. 5,000 to 7,000 acres drains via Colony Creek. Uphill development is not taking responsibility for their drainage. Make these properties responsible for their drainage.
5. What will the Fisheries Department allow? What will they prohibit? Specifically, Kurt Buchanan has refused to allow cutting of the grass in Colony Creek because it destroys shade needed for salmon to spawn. What can be done about this?

Dave Brookings added that last month he and Rich Medved, Public Works Director, met with Ed Maneri of the Fisheries Department to discuss the concerns of Blanchard and Sedro Woolley sub-flood control zones, suggesting that Fisheries meet with representatives of these zones to hear their concerns. Mr. Maneri agreed to consider this suggestion.

Mr. Prentice provided photographs of Colony Creek and Whitehall Creek, which drains Colony Creek. Mr. Buchanan refused to allow dredging of Colony Creek from the toe of the hill to the mouth of Whitehall Creek. He would allow only 300 yards upstream from the mouth of Whitehall Creek to be dredged. Mr. Buchanan rationalized that Colony Creek would naturally flush itself out over time.

Mr. Brookings stated that JoAnn Prentice has provided maps showing the manner in which the sub-flood control zone drains the entire watershed. He suggested that perhaps the zone should be expanded to reflect the actual land area that is being drained.

In summary, Mr. Brookings stated that Skagit County is having County-wide problems with Mr. Buchanan of the Fisheries Department, but the County is trying very diligently to correct these problems.

Discussion continued on the shortcomings of the Fisheries Department review.

Jim Schols discussed a previous permit for dredging issued by Mr. Buchanan's predecessor, a Mr. Shuler, who had for many years allowed the dredging of Colony Creek to occur.

Mr. Brookings again revisited the suggestion of expanding the zone's boundaries. He also suggested that a list of annual, recurring projects be developed for the zone, and a five-year one-time permit be sought.

An unidentified woman asked about the qualifications and appointment process for membership on the sub-flood control zone advisory board. She was in favor of a recommendation to the Board of Commissioners by the advisory board to expand the boundaries of the zone, forcing properties which enjoy the benefits of the zone to participate in the tax assessment to support the zone.

Mr. Brookings explained that the advisory board is made up of five members. Gay Houser, Chick Prentice and Al Werkentine serve as the advisory board for the Blanchard sub-flood control zone. The advisory board provides recommendations to the Board of County Commissioners on the zone's budget, projects and policies. The operation of the advisory board is governed by Washington State Law.

Bob Gilcrest explained that Blanchard property owners have learned that the Trillium Corporation has purchased a number of acres above Colony Creek on the south side of Wood Road. The property owners would like to assure that the Trillium Corporation be required to annex into the zone and pay for drainage improvements to offset their planned developments.

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Jim Freeman, Watershed Planner, explained that Trillium has purchased approximately 400 acres in the area identified by Mr. Gilcrest. It is timbered land, but it is currently unknown whether Trillium plans to convert the land to residential development.

Another unidentified audience member complained that the County should not pay a consultant to study County-wide drainage under the recently formed County-wide flood control zone district, when there are so many experienced advisory board members available to provide information.

Commissioner Wylie agreed with suggestions that the Blanchard sub-flood control zone be expanded. She directed Mr. Brookings to look into this possibility and report to the Board.

Mr. Prentice asked if the railroad is responsible for a swamp area located on the railroad property in Blanchard. Mr. Brookings explained that the railroad is responsible for their own properties; however, is traditionally very slow in responding to complaints.

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

1) Signature - Starbird Golf and Country Club EIS - Consultant Services Agreement with David Evans and Associates, Inc.

Mr. Kirkpatrick explained that an Environmental Impact Statement has been required for the development of the golf and country club planned near Starbird Road by Richard Bertelsen. This EIS is being performed on a voluntary basis by the applicant. A consultant selection process has been completed involving the applicant and county representatives. The consultant will be employed by the County, but paid via a three-party agreement with the applicant. A consultant has been chosen, and a contract negotiated. The consultant is ready to begin, and it is anticipated that the EIS will be completed in about nine months. Mr. Kirkpatrick recommended that the Board approve the contract so that work can begin.

The Board approved for signature a consultant services agreement with David Evans and Associates, Inc., of Bellevue to provide consultant services in preparing an Environmental Impact Statement for the Starbird Golf and Country Club. The term of the agreement is from August 17, 1992, through June 30, 1993, and the total compensation under the agreement is \$74,395. (Contract #001398)

2) Signature - Letter to Department of Community Development Applying for Grant for Housing Resource Team Technical Assistance.

Mr. Kirkpatrick explained that his department, through Planner Edwyna Fong, is in constant contact with the State Department of Community Development to find out what is expected of the County with respect to compliance with the Growth Management Act's dictates regarding housing studies. As a result, the County has been invited to apply for Housing Resource Team technical assistance to perform a housing needs assessment in Skagit County. This will assist the County in completing the housing element in the Comprehensive Plan Update required by the Growth Management Act. There is no shared cost to be provided by the County, and the State will pay a consultant to provide the services required. Once the consultant's task is complete, a citizens' advisory committee will assist in the element development.

Commissioner Wylie expressed interest in a focus on seasonal and farmworker housing, and this was briefly discussed.

The Board approved for signature a letter introducing an application for Housing Resource Team technical assistance from the State Department of Community Development.

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3) Code Enforcement Report.

Provided for review.

4) Miscellaneous.

A. A brief report was given on the results of the previous night's Planning Commission meeting.

PLANNING COMMISSION RECOMMENDATIONS:

1) Approval - Guemes Island Community Club Comprehensive Plan Map Amendment - East of Guemes Island Road, South of Edens Road.

This item was a request by the Guemes Island Community Club and Skagit County Parks and Recreation to reclassify approximately 5 acres of property owned by the Community Club from Rural zoning to Public Use. The property is located east of Guemes Island Road and south of Edens Road on Guemes Island, in an L-shaped parcel surrounding the County's schoolhouse park. The Community Club is planning to raise money and, in conjunction with County Parks, develop a recreational area. Findings of the Planning Commission were contained within the recorded motion, which was provided to the Board.

Gary Christensen, Associate Planner, reported that this item received an 8-0 vote for approval from the Planning Commission. All testimony received was in favor of the approval of the request.

Commissioner Vaux motioned approval of the Comprehensive Plan Map Amendment #CPA-92-012, as recommended by the Planning Commission. Commissioner Wylie seconded the motion, which received unanimous approval.

2) Approval - Max and Pearle Jensen Rezone - North and West of the Town of LaConner.

This item concerned a request to consider a rezone proposal by Max and Pearle Jensen to reclassify approximately 1.5 acres from Agricultural zoning to Commercial-Limited Industrial zoning. No specific on-site upland use of the property has been proposed, but under separate application and review, the applicants are seeking a shoreline development permit for the construction of a pier and floating dock on the property. The property is located along the east side of the Swinomish Channel, and is north and west of the Town of LaConner and the Port of Skagit County property.

Mr. Christensen explained that a Planning Commission public hearing on this proposal was held on August 10, 1992. No testimony was given in opposition to the proposal at that time. The applicant testified in favor of the proposal at the public hearing. Findings of the Planning Commission were contained within the recorded motion, which was provided to the Board. A unanimous recommendation to approve the proposal was tendered by the Planning Commission. Two months previous, a Comprehensive Plan Map Amendment was completed and approved by the Planning Commission and Board of Commissioners. A joint environmental review has previously been completed in conjunction with the Town of Laconner.

Commissioner Vaux motioned to approve the Max and Pearle Jensen rezone application #REZ-92-001, as recommended by the Planning Commission. Commissioner Wylie seconded the motion, which passed unanimously.

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.

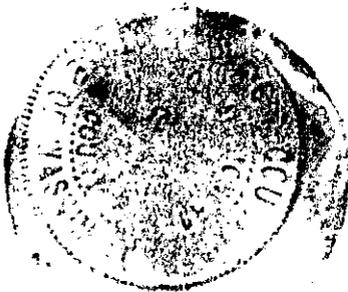
As of this date, August 25, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Warrants #92045 through #92211 (Vouchers #92045 through #92211) in the amount of \$332,315.19. Transmittal #R-17-92.

ADJOURNMENT.

There being no further business, Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion, which passed unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

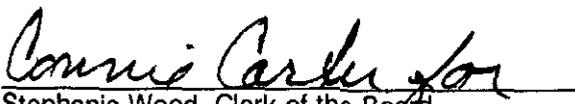



Robby Robinson, Chairman

Ruth Wylie, Commissioner


W. W. Vaux, Commissioner

ATTEST:


Stephanie Wood, Clerk of the Board
of Skagit County Commissioners