

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

Monday, May 17, 1993:

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

Public Works Department - Rich Medved, Director:

- 1) Introduction of New Solid Waste Division Employees.
- 2) Public Hearing - Opening of Unopened Right-of-Way on West Big Lake Boulevard.
- 3) Public Hearing - Consideration of Speed Limit Reduction on the following County Roads:
 - a) Fonk Road, No. 0630.
 - b) Fox Road, No. 0649.
 - c) Richards Place, No. 9093.
 - d) Richards Road, No. 9095.
 - e) Ranger Station Road, No. 9770.
- 4) Bill of Sale - Transferring County-Owned Street Lights on Conway Bridge to Puget Power.
- 5) Resolution - Bid Award for Dry Docking of M.V. Guemes Ferry.
- 6) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

The Skagit County Board of Commissioners met in regular session on Monday, May 17, 1993, with Commissioners Robert Hart, Harvey Wolden, and Robby Robinson present.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

- 1) Introduction of New Solid Waste Division Employees.

The Board was introduced to and welcomed James Jennings, Instrument Electrical Specialist.

The Board was introduced to and welcomed Young Soo Kim, Engineering Tech III - Flood Control.

- 2) Public Hearing - Opening of Unopened Right-of-Way on West Big Lake Boulevard.

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

Linda Leonhart, Records Clerk, stated that an application was submitted by Mr. Michael Perry regarding opening the subject right-of-way. The access point is south of Carousel Apartments and north of the public boat launch. Mr. Perry would like access to his property, on which he intends to build two residences. There is an existing road coming from West Big Lake Blvd., which follows the right of way but is not directly on it. The Engineer's Report contains the recommendation for approval of a permit for Mr. Perry to open the unused West Big Lake Blvd. right-of-way for access purposes. Approval of a permit would be only after the conditions listed in the Engineers report were met. Ms. Leonhart read the engineers report into the record. The conditions are as follows:

1. Use of the right-of-way is for the proposed two residences only. Further development or use in the future shall require additional Board approval and roadway upgrading.

**Record of the Proceedings
Monday, May 17, 1993
Page 2**

2. The roadway shall be re-located onto the legally surveyed right-of-way, at its intersection with the existing West Big Lake Boulevard.
3. The new access driveway shall be built to Fire Code Standards, and a plan and profile of the proposed driveway shall be submitted to the Public Works Department for review and approval prior to a permit being issued or any construction commencing.
4. A drainage plan must be submitted, reviewed and approved by the County prior to a permit being issued or any construction commencing.
5. The County will assume no maintenance obligation to any part of the constructed road, culverts or drainage ditches. Any and all maintenance shall be the responsibility of the private property owners.

Commissioner Wolden clarified that a fire standard road has a 60 foot right-of-way and 20 foot surface.

Chairman Hart noted for the record that a letter was received from Ken and Nancy Benson, 1813C West Big Lake Blvd., Mount Vernon, Washington 98273, requesting that the Board not issue any permits until a thorough engineering study of the area is performed.

Chairman Hart opened the public hearing for comment.

- Tom Studebaker, a neighboring property owner below the subject plat, addressed the Board. He stated that he was concerned about this whole project and felt that it had been handled poorly from the beginning. He said that when Mr. Perry and Mr. Dietz applied for a Department of Natural Resources (DNR) logging permit, it was issued on the basis that Mr. Perry and Mr. Dietz would log 60 percent of the timber and leave 40 percent. Mr. Studebaker said that 95 percent of the timber has been logged, the operation was ordered to shut down twice, and it continued anyway. When an industrial timber area is converted to residential, the County may place a six year moratorium on developing the property. He said that Mr. Perry cleared and graded the property without the required permits, and has created drainage problems for the surrounding properties.

Mr. Medved stated that the request before the Board was only to open a right of way, not issue building permits.

Mr. Studebaker asked why a development would be allowed to take place before a six year period has passed.

Chairman Hart stated that the Board is only determining whether to open the right of way.

Mr. Studebaker said that the neighboring property owners are angry, drainage is bad, and Mr. Dietz and Mr. Perry violated every permit they requested. He requested that the Board consider this matter very seriously.

- Norma Johnson Switz, Arlington resident, and property owner adjacent to the right-of-way, submitted a letter and a vicinity map to the Board. Ms. Switz read her letter into the record. Ms. Switz's letter reflected that there was no authorized access through her property to the right-of-way as shown on the engineer's map. A title search was performed for her by Land Title Company on May 10, 1993, which shows no access through her property. She also stated that the survey done by Gwynne D. Legro, Registered Professional Engineer and Land Surveyor, dated April 28, 1971, showed no indication of access over her property. She

said that all tracts, 37 through 44 had access other than from the right-of-way. She stated that she would like it understood that there was never permission given for any access across her property during her ownership, nor was permission given for access by the previous owner, Mr. C. Gil Johnson.

- Don Minor, representing his wife, Marge Cleve, addressed the Board. Mr. Minor stated that his wife's property is adjacent to the applicant's property. He urged the Board to turn down the proposal. His wife's lots would be left 15 feet below the road grade if the opening of the right-of way was permitted. He felt that a compromise could be reached by using the soil as fill that would be removed from the right-of-way as fill. Mr. Minor requested that the Board either deny the request, or not make a decision at this time, in order to give Mr. Dietz and Mr. Perry a chance to meet with the neighboring property owners to find an acceptable solution.

Ms. Leonhart restated the conditions that will need to be met prior to a permit being issued.

Mr. Minor felt the Engineers report and requirements should have reference to protecting the surrounding properties.

Commissioner Wolden clarified that the applicants must meet the requirements before a permit is issued. The County is requesting a planned profile through the requirements on the Engineers report.

Jim Burress, 1825 W. Big Lake Blvd., Mount Vernon, Washington, addressed the Board. Mr. Burress stated that he owns lots 48 and 49 on Tract 7. Mr. Burress felt it unnecessary to build a road to property that is supposed to be reforested. They were issued a permit to log 60% of the timber and then replant. He felt it was obvious that Mr. Perry and Mr. Dietz had no intention to abide by the original permit issued by DNR. There should be no allowances until the property is reforested as stipulated by the original permit. He felt that the applicants will not comply with rules and regulations based on their prior non-compliant activities. He also felt that if the County is not going to take responsibility for the road maintenance or drainage issues, that a permit shouldn't be issued.

Louie Requa, Skagit Surveyors, addressed the Board. He stated that the application submitted is for opening a right-of-way. He felt that the right-of-way would provide the best, and least environmentally impacting, access to the subject property. Mr. Requa provided a copy of a survey map showing where the road currently is, which is not where the access road will be built. The proposed access road will be on the right-of-way. He felt that bringing the grade of the road down, as required by the Engineer's report would improve the situation of the adjacent lots. He said that some of the lots are currently 15 feet below the road.

Commissioner Wolden asked what the grade of the terrain above and below the road is.

Mr. Requa said that the side slopes are not of a grade to adversely impact the properties.

Steve Winter, stated that the 12 percent road grade would match for the surrounding terrain.

Mr. Requa stated that the roadway would have to meet the minimum 12 foot surface requirement, and must have turn outs for emergency vehicles. He said that the applicants' property fronts on West Big Lake Blvd., but it is too steep to put a road in from West Big Lake Blvd.

Commissioner Wolden stated that anything of 15 percent grade or more is considered to be an unstable slope. He wondered how homes will be built on such a grade if it is too steep to build a road.

Mr. Requa provided an assessors map to the Board to show the where the steep portion of the property is and where the proposed residences are planned to be placed.

Tom Studebaker asked how a private driveway can be built on a County right-of-way.

Ms. Leonhart stated that the road will be privately built and maintained even though it will be on County property. If the road was brought to County road standards, the property owners could petition for the County to take possession and maintenance of the road.

Mr. Ron Swirtz, stated that, a culvert was washed out of the road by his property. He felt that the drainage could not be properly maintained, and this would create problems on his property.

Jack Drummond, 1226 Denny Place, Mount Vernon, Washington, addressed the Board. He stated that he and his brother own the acreage to the west of the subject property. He said that his property was logged in 1983, 1953, and twice prior to 1953. The road has been in existence for a long time. He said that he agrees with upgrading the road. The culvert that was washed out was a timber culvert, which washed out 2 years ago. He didn't want it replaced due to the garbage dumping occurring on his property. He voiced agreement with the road being improved, and the right-of-way being opened. He said that he would not agree with a future vacation of the right-of-way, should it become an issue.

Mr. Requa said that the proposed roadway improvement will improve the drainage situation. He said that the applicants have worked with the Public Works Department to find access to the two lots with minimal impact to West Big Lake Blvd, and environmentally. He stated that the applicants cannot proceed with the expense of a fill and grade permit request without knowing whether they have access to the property.

Seeing and hearing no further comment from the public, Commissioner Robinson motioned to close the public hearing.

Commissioner Wolden seconded the motion, which carried unanimously.

Commissioner Wolden stated that he didn't agree with the road being improved to driveway standards. He felt that where unstable slopes exist, roads should be improved to County road standards.

Mr. Medved stated that the only difference in the driveway standard and County road standard is the width and paved surface.

Commissioner Robinson stated that he had the same concerns as Commissioner Wolden. He felt that a drainage study must be completed before considering opening the right-of-way. Commissioner Robinson motioned to deny the request of Mr. Perry and Mr. Dietz to open the unopened County right-of-way.

Chairman Hart seconded the motion, which carried unanimously.

- 3) Public Hearing - Consideration of Speed Limit Reduction on the following County Roads:
- a) Fonk Road, No. 0630.
 - b) Fox Road, No. 0649.
 - c) Richards Place, No. 9093.
 - d) Richards Road, No. 9095.
 - e) Ranger Station Road, No. 9770.

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

Ed Hawes, Traffic Safety Technician, stated that the roads being proposed for reduced speed limits are either short dead end roads, or County roads that end and continue as logging roads. The unmarked speed of 35 mph is non-sustainable on all their lengths. He recommended that the speed be reduced to 25 mph on all the listed roads. Richards Place and Richards Lane are residential roads and need to have the reduced speed due to housing density.

Chairman Hart opened the hearing for public comment.

Charmaine Nerger, 2248 A Richards Road, Sedro-Woolley, Washington, addressed the Board. She said that there are 25 to 30 children that live on Richards Road, and there are no sidewalks on which to play or ride bikes. Rainbow Lane, which is in close proximity to Richards Road, is designated 20 mph and there are fewer children on it. She would like to have the speed limit on Richards Road reduced to 20 mph also.

Mr. Hawes said that there have been exceptions to the 25 mph lowest limit in residential areas, depending on housing density, but usually 20 mph is for school zones. The attempt is to maintain conformity in the County residential areas by setting the limit at 25 mph.

Heather Trithal, 2246B Richards Road, Sedro-Woolley, Washington, addressed the Board. She said that Rainbow Lane is a shorter road than Richards Road and there are fewer children living on it. She felt it would be best to reduce Richards Road speed limit to 20 mph.

Seeing and hearing no further comment from the public, Commissioner Robinson motioned to close the public hearing. Commissioner Wolden seconded the motion, which carried unanimously.

Commissioner Robinson motioned to accept the recommendations of the Traffic Engineer to reduce the speed limit on Fonk Road, No. 0630; Fox Road, No. 0649.; Richards Place, No. 9093; Richards Road, No. 9095; and Ranger Station Road, No. 9770; to 25 mph.

Commissioner Wolden seconded the motion, which carried unanimously.

Ms. Trithal asked if it would be possible to get a Children at Play sign for Richards Road.

The Board directed Mr. Hawes to research Ms. Trithal's request and respond to it.

4) Bill of Sale - Transferring County-Owned Street Lights on Conway Bridge to Puget Power.

Robin LaRue, Assistant Public Works Director, presented a Bill of Sale to the Board for approval and signature transferring ownership and maintenance responsibility of the lights on the Conway Bridge to Puget Sound Power and Light. The County will continue paying for the electricity used.

Commissioner Wolden motioned to approve the Bill of Sale as presented.

Commissioner Robinson seconded the motion, which carried unanimously. (Contract #01649).

5) Resolution - Bid Award for Dry Docking of M.V. Guemes Ferry.

Charlie Tewalt, E R & R Coordinator, presented a resolution for approval and acceptance awarding the bid for the dry docking of the M.V. Guemes Ferry to Dakota Creek Industries, Inc. Dakota Creek was the only bidder for this project and the \$139,529.00 dollar bid submitted was acceptable.

Commissioner Robinson motioned to approve the resolution awarding the bid as recommended. Commissioner Wolden seconded the motion, which carried unanimously. (Resolution #14850).

6) Miscellaneous.

A) Mr. Medved stated that RDC, a company the County is preparing to negotiate a contract with for long-hauling ash, has been represented in the past by Preston, Thorgrimson, Shidler, Gates & Ellis, Attorneys at Law (Preston, Thorgrimson). Preston, Thorgrimson has been requested to representing Skagit County in negotiations with Regional Disposal Company (RDC). RDC is willing to consent to Preston, Thorgrimson representing Skagit County with respect to the long-haul and disposal contract. It is necessary for the County to sign in agreement to this as well. This action will waive conflict of interest.

The Board agreed to the Waiver of Conflict of Interest and will sign the form consenting to be represented by Preston Thorgrimson in connection with the award of a long-haul and disposal solid waste disposal bid and any ensuing contract negotiations with RDC as soon as it is forwarded from the Public Works Department.

B) The Board presented Mr. Medved with a Certificate of Good Practice awarded to the Public Works Department by the County Road Administration Board. This action will assure the continued distribution of monthly state gas tax allotment to the County from the Office of the State Treasurer.

CONSENT AGENDA.

• COMMISSIONER'S OFFICE:

Commissioner Wolden motioned to approve the Consent Agenda for May 17, 1993. Commissioner Robinson seconded the motion, which carried unanimously.

1. Record of the Proceedings for the week of May 10, 1993.

* **PARKS, RECREATION, AND FAIR:**

2. Signature - Resolution - Increasing Change Fund #114 from \$50.00 to \$100.00 for the Skagit County Parks, Recreation and Fair Department. (Resolution # 14851).
3. Signature - Resolution - Establishing a Revolving Fund for Skagit County Fair in the amount of \$100.00. (Resolution #14852).
4. Signature - Resolution - Increasing the Change Fund for the Howard Miller Steelhead Park from \$50.00 to \$100.00. (Resolution #14853).
5. Signature - Resolution - Increasing the Petty Cash Fund for the Howard Miller Steelhead Park from \$50.00 to \$100.00. (Resolution #14854).
6. Signature - Resolution - Revising the Parks and Recreation Department Revolving Fund decreasing the amount from \$5,000.00 to \$2,000.00. (Resolution #14855).

• **PUBLIC WORKS DEPARTMENT:**

7. Signature - Resolution - Call for Bids for Two New 1993 One Ton Cab and Chassis. (Resolution #14856).
8. Signature - Resolution - Call for Bids One New 1993 Truck with Mounted Hydraulic Digger Derrick. (Resolution #14857).
9. Signature - Resolution - Establishing an eligibility List for Temporary Replacement Vessels for the M.V. Guemes Ferry. (Resolution #14858).
10. Signature - Final Records Book for LaConner-Whitney Road.
11. Signature - Ordinance Establishing Parking Restrictions on a Portion of Pease Road, No. 6035. (Resolution #14859).
12. Signature - Ordinance Reducing the Speed Limit on Gages Lane, No. 6130, Gina Marie Lane, No. 6133, Hillvue Lane, No. 6134, Hillvue Place, No 6132, and Lei Garde Drive, No. 6135. (Resolution #14860).
13. Signature - Bid Award Resolution for Reconstruction of Josh Wilson Road. (Resolution #14861).
14. Signature - Bid Award Resolution for Reconstruction of Old Highway 99 North. (Resolution #14862).
15. Signature - Bid Award Resolution for Lake Cavanaugh Road Reconstruction. (Resolution #14863).

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.

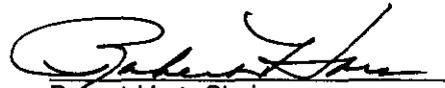
As of this date, May 17, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #MW97017-07 through #MW97018-08 (Vouchers #MW97017-07 through #MW97018-08) in the amount of \$136,415.14. Transmittal # C19-93.

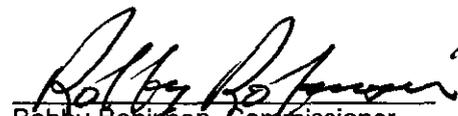
ADJOURNMENT

Commissioner Wolden motioned to adjourn the proceedings. Commissioner Robinson seconded the motion which carried unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

 5/24/93
Robert Hart, Chairman


Harvey Wolden, Commissioner


Robby Robinson, Commissioner

ATTEST:


Connie Carter, Clerk of the Board

