

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

Monday, August 29, 1994

- 10:00 a.m. - 11:00 a.m. Public Works Department - Rich Medved, Director.
- 1) Signature - County Road Administration Board (CRAB) 1995-1999 Rural Arterial Program (RAP) Funding Applications/Prospectuses for:
 - A) Campbell Lake Road
 - B) Cook Road
 - C) Bennett Road
 - D) West Bow Hill Road
 - E) Prairie Road
 - F) Starbird Road
 - 2) Signature - Contract with Coonc Construction for Hansen Tributary Culvert Replacement Project.
 - 3) Signature - Contract with Coonc Construction for "X" Tributary Debris Removal.
 - 4) Customer Service Update.
 - 5) Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS.

- 2:00 p.m. - 2:30 p.m. Public Hearing - Budget Amendments for Current Expense Fund, Public Health and Park Acquisition.
- 2:30 p.m. - 3:30 p.m. Appeal by Richard Swihart of Preliminary Plat of Rivers Court (Kendall Gentry) PPT-93-001, Bennett Road, 1/4 Mile West of Pulver Road.
- 3:30 p.m. - 4:30 p.m. Executive Session - Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, August 29, 1994, with Commissioners Harvey Wolden, Robert Hart and Robby Robinson present.

PUBLIC WORKS DEPARTMENT - Rich Medved, Director.

1. Signature - County Road Administration Board (CRAB) 1995-1999 Rural Arterial Program (RAP) Funding Applications/Prospectuses for Campbell Lake Road, Cook Road, Bennett Road, West Bow Hill Road, Prairie Road, and Starbird Road.

Robin LaRue, Assistant Director of the Public Works Department, introduced Doug Argo, Interim County Engineer, who reviewed the prioritization of the projects recommended for submission to the County Road Administration Board (CRAB) for the 1995-1999 Rural Arterial Program (RAP). Mr. Argo advised that the CRAB Board had imposed a \$2.9 million dollar ceiling and in order to fall below this level, the previous discussed project on Alger-Cain Lake Road has been removed from the projects for submission. Consequently, the six projects proposed for submission total \$2.7 million dollars.

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Commissioner Hart noted that these are not cast in stone due to possible improvements/changes to Highway 20. Commissioner Robinson indicated that all of these projects will not be funded, but the application process should proceed as any monies received would be beneficial to the County.

Chairman Wolden queried Staff on discussions with the State for improvements to the Cook Road and/or Highway 20. Mr. LaRue confirmed that discussions are on-going.

Commissioner Robinson moved to approve the RAP project prospectuses for 1995-1999 as presented by Staff. Chairman Wolden seconded the motion, which was unanimously approved. (Contract Nos. 02125, 02126, 02127, 02128, 02129, 02130)

2. Signature - Contract with Coonc Construction for Hansen Tributary Culvert Replacement Project.

Dave Brookings, Public Works Department Staff, advised that this contract pertains to the "Jobs for the Environment" program. Specifics of the project were briefly discussed. The total amount of the contract is \$5,190.82. Commissioner Hart moved to approve the contract with Coonc Construction for the Hansen Tributary Culvert Replacement Project. Commissioner Robinson seconded the motion, which was unanimously approved. (Contract #02131)

3. Signature - Contract with Coonc Construction for "X" Tributary Debris Removal.

Mr. Brookings advised that this contract also pertains to the "Jobs for Environment" program. The total amount of the contract is for \$2,940 and is for debris removal in the "X" Tributary. Commissioner Hart moved to approve the contract with Coonc Construction as presented by Staff. Commissioner Robinson seconded the motion, which was unanimously passed. (Contract #02132)

4. Customer Service Update.

Mr. LaRue reviewed progress made to date on several specific customer service strategies. These included the continued posting of signage at roadway projects, the establishment of a designated person in the Planning Department to assist with fill and grade and shoreline permits, and that on-going newspaper advertisements advising of the 6-year road projects and oiling projects have generated increased public interest.

Mr. LaRue further advised that customer service training is continuing and Staff will participate in such classes through the end of the year.

5. Miscellaneous.

A. Chairman Wolden queried Staff on the progress being made in moving the Public Works Department to its new facilities on Cleveland Street. Mr. LaRue advised that the necessary telephone and data processing installations are in progress, and that the entire Staff is scheduled to move September 16, 17 and 18. Specifics of the move and the possible inconvenience to the public were discussed. The Board indicated the need for a smooth transition.

B. The progress of the Chilberg Road project was briefly discussed.

C. Mr. Sheridan briefly reviewed with the Board additional work required on Josh Wilson Road to remedy problems and stabilize a portion of the roadway. Repairs are estimated to cost approximately \$29,000. Mr. Sheridan advised that the roadway would remain open, and that repairs

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will be effected within 2-3 days.

- D. The request by a Mr. Grandberg for the installation of guardrail along Helmick Road was discussed. After brief discussion, the Board indicated that 190 feet of guardrail seems excessive, and directed Staff to further investigate and report back to the Board.

CONSENT AGENDA.

Commissioner Robinson moved to approve the Consent Agenda for August 29, 1994, as presented by Staff. Commissioner Hart seconded the motion which was unanimously approved.

* Commissioners' Office:

1. Record of the Proceedings from Monday, August 22, 1994.
2. Record of the Proceedings from Tuesday, August 23, 1994.
3. Personal Services Agreement with Linda Jordan to provide individual or family therapy in conjunction with the ARIS program for the period August 1, 1994 through December 31, 1994 at a rate of \$65 per hour. (Contract #02133)
4. Contract with Skagit County Medical Bureau, Skagit Islands Preferred Care Contract, Endorsement #2, intended to modify Definitions, General Provisions, Exclusions, Limitations and Waiting Periods, effective 7/1/94. (Contract #01855)

* Public Works Department:

5. Resolution Establishing Moen Road as a County Road Project - C.R.P. #9732-1 - for a total appropriation of \$21,500. (Resolution #15469)
6. Resolution Establishing Stackpole Road as a Railway Road Project - R.R.P. #8900-1 - for a total appropriation of \$5,000. (Resolution #15470)
7. Contract with Long Painting Company for painting the South Fork and Lookout Creek weathering steel bridges for a total contract amount of \$76,242. (Contract #02134)
8. Resolution concerning Notice of Intent to Sell County Surplus Equipment, calling for a public hearing on September 12, 1994. (Resolution #15471)
9. Resolution Calling for Bids for Rental of Ferry Passenger Vessel, with bids scheduled to be opened on September 19, 1994. (Resolution #15472)

* Health:

10. Resolution - Waiver of Chapter 12.48.240(1)(c)(i) of the Skagit County Code for Madden, Munsell and Nelson (Guemes Island). (Resolution #15473)

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MISCELLANEOUS.

1. 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 29, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Voucher Nos. 4010-436 through 4010-480, 4014-44 through 4014-66, PW4-1656 through PW-1795 (Warrant Nos. 117461 through 118234) in the total amount of \$922,391.96 (Transmittal #P-17-94).

2. Bob Taylor, Administrative Officer, presented to the Board a Resolution which would rescind the lease/sale agreement between Skagit County and Skagit County Search and Rescue which was entered into last December. Mr. Taylor advised the Board that Staff has discovered irregularities with the process and procedures involving this lease/sale agreement. Mr. Taylor explained that the Resolution will rescind the agreement, refund the \$40,000 rental payment, and call for a public hearing regarding the lease of this surplus County property. Commissioner Hart expressed his agreement with this proposal, and stated that the intent and purpose is still correct in that Search & Rescue provides a valuable service to the County and needs a base of operation. Commissioner Robinson moved to approve the Resolution as presented by Mr. Taylor. Chairman Wolden seconded the motion, which unanimously carried. (Resolution #15474)

PUBLIC HEARING - BUDGET AMENDMENTS FOR CURRENT EXPENSE FUND, PUBLIC HEALTH AND PARKS ACQUISITION.

Mike Woodmansee, Budget/Finance Director, reviewed the Resolution Authorizing Supplemental Budget. Mr. Woodmansee stated that additional monies to the current expense fund consist of funding received for support enforcement of approximately \$18,000, \$13,050 was received from an energy code assistance grant, and the balance allocates a portion of the criminal justice, program fees and donations to Best SELF for a total \$355,974 (\$325,000 pertains to Best SELF).

Mr. Woodmansee further explained that the Public Health Fund will be supplemented by \$209,222 which represents a carry-over of grant monies not spent last year. These monies consist of supplemental monies the Health Department has received on 9 grants and the Health Kids program.

Mr. Woodmansee indicated the Parks Acquisition & Development Fund #352 will be supplemented by \$106,450 which represents donations for the purpose of establishing the "Dream Field." It was indicated that not all of these funds will be spent this year. Mr. Woodmansee advised that the dream field account is budgeted under the Parks Acquisition Fund, subdivision "D", and that the cost of this project is segregated from everything else in this fund. Chairman Wolden advised that approximately \$52,000 in donations has been collected to date.

Randy Goode, 2346 Minkler Road, Sedro Woolley, asked questions concerning the specifics of the Health Department budget amendment. Mr. Goode confirmed with the Board that the Dream Field monies are all donated.

A brief discussion ensued on railroad line acquisitions and the process of adjacent property owners

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obtaining such property.

There being no further public comment forthcoming, Chairman Wolden moved to close the public hearing. The motion was seconded by Commissioner Robinson, and passed unanimously.

Commissioner Robinson moved to approve the Resolution Authorizing Supplemental Budget as presented by Mr. Woodmansee. Commissioner Hart seconded the motion, which was unanimously approved. (Resolution #15475)

**APPEAL BY RICHARD SWIHART OF PRELIMINARY PLAT OF RIVERS COURT (KENDALL GENTRY)
PPT-93-001, BENNETT ROAD, 1/4 MILE WEST OF PULVER ROAD.**

Brad Furlong, an attorney representing appellants Richard and Betty Swihart, stated that this matter has been before the County since early 1991. Mr. Furlong queried the Board on whether or not they have reviewed the complete file on this matter. The Board confirmed they have reviewed the entire file.

Grace Roeder, Planning Department Staff, clarified that the items submitted by Mr. Furlong to the Board were not the same items submitted to the Hearing Examiner. Ms. Roeder indicated that the Board needs to consider only the information presented to the Hearing Examiner.

Oscar Graham, Senior Planner, noted that there is a long history involved with this project. Appellant has relied on submission of the Hearing Examiner's decision rendered by Mr. Nielsen on an application which was subsequently withdrawn. Reliance on that withdrawn decision deserves notice, but such information was rendered moot by the fact that Mr. Gentry withdrew that application.

Staff explained that the Board has the following three options. These are:

- 1) To approve and adopt the decision of the Hearing Examiner.
- 2) To remand the matter back to the Hearing Examiner for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter, after which a revised decision may be adopted

Mr. Graham confirmed after questioning by the Board that the project being considered today is an approved short plat.

Mr. Furlong reviewed the history of this development and noted that issues raised and adjudicated in front of Mr. Nielsen have not been adequately addressed by Mr. Schofield. Mr. Furlong stated that levels of review have not been performed by the Staff or reviewed by the Hearing Examiner.

Commissioner Robinson reiterated that the Board needs to consider the evidence that was before Hearing Examiner Schofield.

Mr. Furlong noted that the propensity for flooding and high water is still prevalent.

Commissioner Robinson again stated that the Board can only listen to evidence that was presented to Hearing Examiner Schofield.

The matter of Mr. Furlong serving as a Hearing Examiner Pro-Tem was mentioned by Mr. Graham, and Mr. Furlong stated that this fact is not relevant to the proceedings.

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Mr. Furlong expressed his client's concerns for the impact of further residential development along the river and the resulting impacts of seepage and water intrusion, the lack of a shoreline review in conjunction with the Shoreline Master Program, and the questions of density for this area.

Mr. Furlong urged the Board to deny the preliminary plat of Rivers Court, or, in the alternative, remand the matter back to the Hearing Examiner for further consideration.

John Meyer, an attorney representing Mr. Gentry, stated that a seasoned Hearing Examiner has reviewed the information in great detail and has made the proper decision in granting this preliminary plat. Mr. Meyer asked the Board to affirm the Hearing Examiner's decision.

Mr. Meyer further indicated that this project has had a great deal of review including review by John Moffat, Chief Civil Deputy, and the Planning Department. The shoreline review was deemed unnecessary by Zoe Pfahl, the Shoreline Administrator.

Mr. Furlong stated that Mr. Moffat was commenting on the substantial development permit, however, the Shoreline Master Program still requires that there be a review of the plat by the Shorelines Administrator.

Commissioner Hart indicated that there is a not enough reason to overturn the opinion of the Hearing Examiner. Commissioner Hart further indicated that there is every reason to believe that if this matter was not turned down by Mr. Nielsen, the Board would not be considering this matter today. Commissioner Robinson concurred with Commissioner Hart's comments.

Due to the Planning Staff recommendation for approval plus the Hearing Examiner's decision to approve the preliminary plat, Commissioner Robinson moved to uphold the Hearing Examiner's decision.

Commissioner Hart clarified with Staff that single family houses are exempt from the substantial development provisions of the pertinent shoreline regulations. Mr. Graham clarified that the single family residence is exempt if it meets the requirements of use as the primary residence for the owner or member of the family. Mr. Graham indicated that Mr. Gentry has signed an affidavit that a family member will live in the home for the next three years.

Mr. Meyer stated that there will not be any substantial development within the shoreline area and normal high water mark.

Mr. Furlong indicated that the development has been split up into pieces to avoid a shoreline or SEPA review.

Chairman Wolden indicated that there are four lots in the short plat and he is not in favor of such a development in an area such as this.

Kendall Gentry stated that shortplattng and replattng is standard development procedure.

It was determined that potential buyers of the residences are notified on the plat map that this property is located within a flood hazard area.

Commissioner Robinson noted that his motion is still on the floor to reaffirm the Hearing Examiner's decision.

Commissioner Hart stated that he sees no reason not to approve the Hearing Examiner's decision. Therefore, Commissioner Hart seconded the motion as stated by Commissioner Robinson. The motion carried with Commissioners Hart and Robinson voting for the motion; Chairman Wolden was opposed. (Resolution to be provided by Staff at a later date).

ADJOURNMENT.

Commissioner Robinson motioned to adjourn the proceedings. Commissioner Hart seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

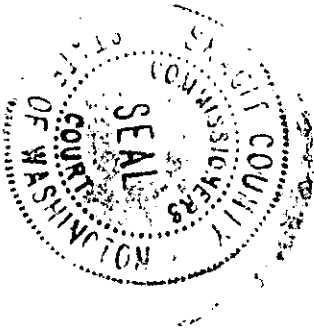


Harvey Wolden, Chairman

Robby Robinson, Commissioner



Robert Hart, Commissioner



ATTEST:



Patti J. Owen, Clerk
Skagit County Board of Commissioners