

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, July 25, 2000**

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| 7:30 a.m. – 8:00 a.m. | Commissioners' Staff Meeting. |
| 8:00 a.m. – 8:30 a.m. | Executive Session – Personnel, Litigation and Land Acquisition. |
| 8:30 a.m. – 9:00 a.m. | Work Session – Operations Division Manager/ District Maintenance Supervisors. |
| 9:00 a.m. – 10:00 a.m. | <u>Public Works Department – Chal Martin, Director.</u> <ol style="list-style-type: none">1. Public Hearing – To Consider Testimony regarding the Vacation of County Right-of-Way Known as Collins Road, No. 63310.2. Miscellaneous. |
| *T 10:00 a.m. – 11:00 a.m. | <u>Planning & Permit Center – Tom Karsh, Director.</u> <ol style="list-style-type: none">1. Discussion – Mass Public Notification and Mailings.2. Overview – Proposed Shoreline Master Program Guidelines.3. Discussion – Proposed City and Special Purpose District Annexation Requests.4. Update – Bayview Ridge Urban Growth Area (UGA) Planning Progress.5. Discussion and Possible Action – Amendment No. 1 to Personal Services Agreement with Reid Middleton, Inc.6. Miscellaneous. |
| 11:00 a.m. – 11:30 a.m. | Discussion – Annual Insurance Renewals. |
| 2:00 p.m. – 4:00 p.m. | Executive Session – Personnel, Litigation and Land Acquisition. |

The Skagit County Board of Commissioners met in regular session on Tuesday, July 25, 2000, with Commissioners Harvey Wolden and Ted W. Anderson present. Commissioner Robert Hart's absence was excused.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. Public Hearing – To Consider Testimony regarding the Vacation of County Right-of-Way Known as Collins Road, No. 63310.

Steve Flude, Skagit County Public Works, reviewed the exact location of the proposed vacation of Collins Road between Highway 20 and Lafayette Road. He explained how the Cook Road Improvement Project required several mitigating measures with WSDOT for areas along Highway 20, which assisted in alleviating traffic difficulties during the period needed for detours. One of these measures was a temporary signal on Collins Road at the subject intersection. Through discussions with WSDOT, Mr. Flude indicated that the only way to settle this issue was to promise at some point in the future to make signalization permanent. He stated that in order to meet the timelines of the Cook Road project, the County closed the south leg of that intersection, Collins Road, to leave a staging area for construction equipment. An engineering study was conducted, weighing the costs of signalization of a three-leg intersection versus a four-leg intersection. He reviewed particular statistics in this regard as to the number of vehicles utilizing the various legs of the subject roadway.

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Mr. Flude stated that the Department worked in conjunction with WSDOT to come up with a cost for the improvements to the intersection. The estimated cost for a 3-legged signalization at the intersection totaled \$775,000, while a four-legged intersection is estimated at \$1,074,000, for a difference of \$299,000.

Commissioner Anderson indicated that another caveat to this signalization plan is not dealing with the railroad, which is a long drawn-out process.

Mr. Flude reviewed the daily average traffic on the subject roadways. After a brief discussion on the closure of the railroad crossing and the south lane, the Department recommended the vacation of the section of Collins Road as proposed, primarily because it would be essentially a dead-end road. He spoke regarding some property owners' concern regarding the possibility of landlocking some of the adjacent properties. He further advised that he had conversations with representatives from the P.U.D. regarding the waterline along the road and concern for the status of the waterline if the roadway were closed.

Commissioner Anderson stated that it would make no sense to abandon an existing roadway and landlock property owners. He indicated that this vacation would cause more problems than it would solve any.

Mr. Flude indicated that Mr. Mason, a property owner along the roadway, has concerns for emergency response during a flood event, and for maintaining the ability to vacate his property during emergency situations, as well as provide for a staging area for sandbagging efforts. He indicated that Mr. Mason is present to testify and strongly objects to closing this south leg of Collins Road.

Commissioner Anderson stated that he had participated in the SR-20 Highway Safety Corridor meetings, and that that committee has worked for two years looking at every possibility in working these issues out with the State. He indicated that trying to deal with the railroad in this regard is absolutely impossible, especially when trying to utilize and justify traffic counts. He stated that the committee tried to have a light installed at the Sterling Road intersections and the traffic counts would not justify installation to the railroad. He reiterated that a four-way light is not going to happen at the subject intersection. He suggested that perhaps movable barriers could be installed if the road is vacated. He stated that it was his position that the County should not give up the signal, even if it must only be a three-way signal.

A discussion ensued on the possibilities for movable barriers to allow for flood fighting, and other optional gating.

Commissioner Wolden opened the public hearing for testimony.

John Abenroth, property owner along Collins Road, reviewed the history of his family's ownership of their property in the area. He stated that he and his family oppose both the closing of the intersection and the vacation of the roadway. He spoke to the need for emergency ingress and egress during emergencies. He stated that he had submitted written comments to the Public Works Department in this regard. He informed the Board that school districts use this roadway as part of their bus route. He stated that it is obvious that the Board is not taking the proposed vacation of this roadway as serious as was first thought. He suggested that perhaps a cul-de-sac could be constructed at the end of the roadway to improve safety and allow for a bus turnaround. He reviewed the need for an emergency exit during a flood event, and detailed the exact flow of floodwaters in the area. He stated that Collins Road becomes a highly-utilized road during a flood event.

Ed Mason, 10614 Collins Road, stated that he had several concerns regarding the proposed closing of the intersection. He stated that other than the convenience issue, this change would add a mile to his commute. He asked that the road closure be reconsidered. He suggested that perhaps there is the possibility of installing a caution light on the dead-end leg of Collins Road, which may help mitigate the

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need for railroad crossing lights. He spoke to the issues of school bus safety and emergency exit in a flood event. Mr. Mason stated that he hoped that the cost savings is not the only consideration in choosing whether to vacate the roadway or not

Commissioner Anderson spoke to the dramatic improvement made to those citizens living along Sterling Road after the traffic light was installed.

Mr. Mason stated that it is a moot issue to vacate the road, according to the comments of the Board. He strongly urged the Board to take another serious look at bringing public comment to the issue of four-way or three-way traffic lights.

Commissioner Anderson stated that this decision was not one, but that the biggest issue was in dealing with Burlington Northern. This is combined with the issues of WSDOT and school busses. He stated that there would have to be a pretty dramatic change to allow this to become a four-way intersection.

Mr. Mason pointed out that population increases should also be considered.

Commissioner Anderson responded that no matter what the considerations, the State does not have the money to fund this lighted intersection, and it would be the County's responsibility.

Mr. Mason stated that denying this access to his property would increase the time of response by emergency vehicles to his home. He stated that the lesser of all evils would be to allow for an emergency access by the residents along the proposed vacation.

Chairman Wolden stated that there might be liability issues in allowing private citizens access to an emergency.

Elsie Summers, Gripp Road, Sedro Woolley, stated that she was totally against the road vacation as it makes the Mason property landlocked and makes it impossible to make any improvements to the property. She stated that the flood issue is the very most important issue in this whole thing. She indicated that the County cannot block a road just because it is economically feasible for the most part, because the Skagit River can be dangerous and unpredictable.

Charlotte Mason, property owner along Collins Road, addressed the imminent need in keeping the egress open for during flooding situations. She stated that denying access and exit would be wrong just to save money. She spoke to the increased response time by emergency vehicles if the roadway were closed. She further spoke to the safety issues involving school busses and small children.

There being no further public testimony forthcoming, Commissioner Anderson moved to close the public hearing, and Chairman Wolden seconded the motion. The vote was unanimous and the public hearing was closed.

Commissioner Anderson moved to deny the vacation of the south portion of Collins Road as recommended by the Public Works Department. The motion was seconded by Commissioner Wolden and passed unanimously. **(Resolution to be provided by Staff at a later date).**

A discussion ensued regarding the installation of cul-de-sac at the south end of Collins Road to allow for a school bus turnaround.

Mr. Abenroth stated that this is the first opportunity the residents have had to have input on this matter.

Commissioner Anderson indicated that all property owners in the area have been invited to attend the Highway 20 Corridor Safety Meetings from the beginning, and that perhaps some of the individuals in attendance would like to come to the next meeting.

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2. Miscellaneous.

There were no Miscellaneous Public Works items for discussion.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Discussion – Mass Public Notification and Mailings.

Tom Karsh, Director, reviewed the history of this matter, noting that the Board had asked for cost estimates for notification to property owners regarding zoning changes and other land use matters. The Board had a number of specific questions after previous agenda items, so Mr. Karsh had invited local businesses specializing in such mailings, to this session to answer the questions the Board may have. He introduced Juanita Anderson of Speedy Automated Mailers, Inc., Bellingham, and Wes Price, owner of CMI, Bow. Mr. Karsh reported that the information gathered at these meetings, would be the subject of a public hearing pursuant to a settlement with the Association of Skagit County Landowners.

Commissioner Anderson reviewed his concerns of duplicate mailers being sent to a single household, as well as the need to sort by both the legal owner and the physical address, to make sure the property owner gets notified rather than the “legal owner” such as a bank. He next asked whether once this data is accumulated, can a program be compiled so that the County could utilize such mailings on a regular basis, sorting by certain designated criteria.

Juanita Anderson explained that mailings are generally designated by carrier route, so there would be no duplication. As far as legal owner versus physical address, she stated that the legal owner could be added to the list to assure that such notices were received by the proper individuals.

Wes Price from CMI, advised that duplications would only exist if utilizing a voter's registration list or a physical property list. He stated that if carrier route saturation was utilized, there would not be a problem. He reviewed the details of this type of mailing.

Upon query from Chairman Wolden, Mr. Karsh explained the difference between project notification and rezone notifications. He stated that the concern had been notification of legislative actions that were far-reaching across the County.

Commissioner Anderson commented on the difficulties of notifying certain pockets of the County, such as areas that are only accessible through Snohomish County. To further complicate this situation, these citizens cannot avail themselves of the Skagit Valley Herald, which is the legal newspaper for Skagit County.

A lengthy discussion ensued regarding the ways to reach those individuals being targeted and the expense of the various options available to the Board.

Mr. Karsh indicated that the Department would work with the two companies represented and would be back to the Board with a specific proposal.

2. Overview – Proposed Shoreline Master Program Guidelines.

This item was tabled for further discussion with the Board at a work session scheduled for Monday, July 31, at 2:30 p.m.

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3. Discussion – Proposed City and Special Purpose District Annexation Requests.

Gary Christensen, Assistant Director, reviewed that this agenda item pertained to petitions which have been submitted to the Washington State Boundary Review Board for Skagit County regarding three annexations. He proceeded to review the details of the specific proposals.

Mr. Christensen reported that the first annexation request was submitted by the City of Burlington for the Lacey property. He reviewed the exact location of the property and the specifics of the annexation request. The Board indicated that they did not have any problem with this requested annexation, as long as the issue of fire service is adequately addressed.

Mr. Christensen next reviewed the annexation request by the City of Burlington for the Farrell Property to annex three lots at 205, 207 and 333 South Norris Street. Mr. Christensen discussed the exact location of the property, explaining that the entire parcel would be included in this annexation. The Board indicated they had no problem with this annexation request.

Mr. Christensen discussed the annexation request of Fire Protection District No. 9. the subject parcel is located near Finn Settlement and is bisected by Lake Cavanaugh Road. The property is 165 acres in size, and the current land use designation is Industrial Forest-NRL. He stated that the reason for including this property in the Fire District would allow the landowner to have 1 house per 20 acres. If the property is not included within the Fire District, it would be difficult to obtain the necessary permits to build any single family residences. Mr. Christensen reported that there is a Countywide Planning Policy which discourages fire protection districts from expanding into commercial forest resource lands, due to the increased likelihood of fire.

Commissioner Anderson indicated that he had no problem with either of Burlington's request, and that the Boundary Review Board could determine the appropriateness of the Fire District's annexation request.

Mr. Christensen suggested that perhaps a decision should be delayed on the Fire District item until the Department could have the benefit of Commissioner Hart's discussion with regard to their request. Commissioner Anderson concurred with the need for Commissioner Hart's input.

4. Update – Bayview Ridge Urban Growth Area (UGA) Planning Progress.

Mr. Christensen stated that the Bayview Ridge Urban Growth Area 2000 Subarea Plan and Development Regulations had been forwarded to the Washington State Department of Community, Trade and Economic Development ("CTED"). These documents were prepared in response to the Western Washington Growth Management Hearings Board ("WWGMHB") order to address compliance issues. He reported that the draft plan seeks to look at a mixed use component at Bayview Ridge, and tries to assess or determine whether the existing designations and some additional designations can co-exist or be compatible with the general aviation airport and their related operations. He spoke to the desire of the County to have long-term viability for Skagit Regional Airport, and to preserve the Port of Skagit County's considerable acreage for commercial and industrial development as well as private landownership.

Mr. Christensen stated that the studies lead not only to retainage of those industrial properties initially designated as part of the interim Bayview Ridge Ordinance, but would also include additional acreage. He reviewed that the Board adopted an interim ordinance approximately a year ago which detailed those boundaries. Under that designation, the County was successful in having the WWGMHB rescind their order of invalidity, and granted industrial development within the current UGA. He reviewed the specifics of those boundaries. He advised that the preliminary draft plan indicated that the County would be able to retain that proposed boundary. He stated that the plan also looks at the entire subarea, and whether or not the County should have any other industrial development or residential development. He stated that the plan has suggested another 100 acres of industrial property. He reviewed the exact location of the proposed additional property. He spoke briefly to the concept of "community business" designation,

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which is a designation to provide for a community center and a likely location for a future fire station. This area would provide support services in a central business location. He reviewed the specific location of this property, which would add about 143 acres to the commercial mix.

The plan also looks at a residential component to Bayview Ridge, based on the airport study and Countywide Planning Policy that there can be a residential component. However, it appears that this component will be about 170 acres less than first thought. Mr. Christensen stated that the County may be looking at a smaller residential area at Bayview Ridge, but that the residential population levels would remain the same. Consequently, the silver lining is that the Skagit Regional Airport Compatibility Study has made a case for going back to four units per acre in the residential areas. Mr. Christensen reviewed that the WSDOT Aviation Division was suggesting much lower densities, and that simply was not going to work for an urban growth area. So, the preliminary plan and airport study have come together and now allow an industrial designation of Bayview Ridge, but there is a recommendation for some commercial property and a residential component. This is all part of planning process to address compliance issues. Infrastructure planning remains to be done as well as fire service area issues. Mr. Christensen stated that there might be additional issues that emerge as part of the community planning process.

Mr. Christensen reported that next month the Department has a meeting scheduled with the fire district commissioners, fire marshal, and other stakeholders to discuss further issues regarding fire service in the UGA. In September, it is envisioned that a community meeting be held to advise these stakeholders and landowners about the planning process and have a vested interest in plans as proposed to date. Public service announcements would be run seeking interest from those willing to serve on a Citizen Advisory Committee. The document generated by this committee would eventually be transmitted to the Planning Commission early next year. He stated that sometime next Spring the Board would have a recommendation from the Planning Commission for action.

Commissioner Anderson asked about the possibility of appeals on this work. Mr. Christensen responded that it is difficult to predict, and there had been no formal response yet from CTED or the WSDOT Aviation Division. He stated that the early informal response is that these state departments like what they see, making it clear that the County is proceeding down the right path. He indicated that if the County has state agency and department support, that would go a long way in enhancing our efforts in his regard. He stressed that what is critical is having a valid UGA in compliance with the provisions of the Growth Management Act, and making sure that the infrastructure can be provided at an urban level of service.

Upon query from Commissioner Wolden regarding the commercial intersection at Highway 20 and Avon-Allen Road, Mr. Christensen stated that some of the heartburn in the past has been over whether there would be any commercial or retail business at that location. He indicated that with the residential acreage and industrial acreage, the County will essentially have a new city and there would need to be full services for the workforce ensconced there.

Patsy Martin, Port of Skagit County, also noted that the proposed Skagit County Parks plan in this UGA would also eat up a substantial number of acres.

Mr. Karsh acknowledged the assistance of the City of Burlington, Port of Skagit County, property owners, land use consultants, and great cooperation from CTED and WSDOT.

Mr. Christensen stated that this is only a preliminary draft, and that several months will be spent working with the City of Burlington and all of the stakeholders to produce a good public record and sound recommendations for this UGA.

5. Discussion and Possible Action – Amendment No. 1 to Personal Services Agreement with Reid Middleton, Inc.

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Mr. Christensen asked the Board to approve Amendment No. 1 to a Personal Services Agreement with Reid Middleton, Inc. to add compensation for expanded assignments and supplemental analysis required to complete the scope of work included in the original contract. Additional compensation is sought in the amount of \$2,288. Commissioner Anderson moved to approve the Amendment as presented by Staff, and Chairman Wolden seconded the motion. The motion passed unanimously. **(Contract No. 04771)**

6. Miscellaneous.

Mr. Christensen presented an Interim Ordinance relating to the Implementation of the Town of Concrete Development Standards within the Unincorporated Portion of the Urban Growth Area. He explained that this interim ordinance was a part of the entire Growth Management Act compliance package adopted yesterday. Commissioner Anderson moved to approve the Interim Ordinance as presented by Mr. Christensen. Chairman Wolden seconded the motion, which passed unanimously. **(Resolution No. 17945)**

DISCUSSION – ANNUAL INSURANCE RENEWALS.

Vince Clay, County Risk Manager, advised that around August 1 the County renews its annual commercial insurance policies. He reviewed the process for the renewal for such coverages. He stated that this year was fraught with apprehension because of the changing nature of the insurance market due to stock market fluctuations. He stated that the County was successful in ending up with a strong program, as it has been for close to 10 years. He reviewed the particulars of the general liability, property, marine and employee blanket bond.

After a brief discussion, Commissioner Anderson moved to approve a resolution memorializing the rates for the County's annual insurance renewals. Chairman Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17946)**

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, July 25, 2000, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Payroll warrants numbered 953485 through 953578 in the total dollar amount of \$78,801.69 (Transmittal No. P-28-00); and

Payroll warrants numbered 56235 through 57338 in the total dollar amount of \$921,217.33 (Transmittal No. P-29-00).

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ADJOURNMENT.

Chairman Wolden made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Harvey Wolden, Chairman

Robert Hart, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners