

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Wednesday, September 6, 2000**

8:00 a.m. – 8:30 a.m.	Work Session – Public Works Projects (Sauk Conference Room, 1111 Cleveland, Mount Vernon).
8:30 a.m. – 9:00 a.m.	Work Session – Surface Water Management Division Projects (Sauk Conference Room, 1111 Cleveland, Mount Vernon).
9:30 a.m. – 10:00 a.m.	Discussion – Cascade River Park Flood Repair Work.
10:00 a.m. – 11:00 a.m.	Decision – Appeal by Ruby Monteith of the Hearing Examiner’s Decision Denying a Variance to Allow the Creation of a Substandard Sized Lot (7.4 Acres) in an Area Designated as Rural Resource (40 Acre Minimum) (VA 99-0706).
11:00 a.m. – Noon	Work Session – Policy on Rural Sewers

The Skagit County Board of Commissioners met in regular session on Wednesday, September 6, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

DISCUSSION – CASCADE RIVER PARK FLOOD REPAIR WORK.

Tom Sheahan, Director of Emergency Management, described three possible projects in the Cascade River Park area of Marblemount. He advised that landowners had contacted him regarding the possibility of doing work on the property to prevent flood damage in the future. Mr. Sheahan stated that an Emergency would need to be declared based on possible imminent danger to the surrounding property and County roadways. He described in detail the situation at each of the three properties under consideration, i.e., the properties of K. Lester, Theo Denny, and Gerald Fowler. Mr. Sheahan indicated that the Forest Service had planted trees and done some restoration work above K. Lester’s home. He reviewed in detail the proposed work that would need to be done at each of the properties.

After Mr. Sheahan’s review of the proposed work to be done, Commissioner Anderson confirmed that none of these projects are large in nature.

Mr. Sheahan suggested that Skagit County partner with the landowners for these three projects by processing the necessary permits and declaring imminent danger emergencies, together with cost-sharing in the completion of the projects. He suggested a 50% cost share since the work would benefit County roads.

Commissioner Hart confirmed that this portion of the Cascade River is classified as a Wild and Scenic River.

Commissioner Anderson indicated that precedence has been set because similar work was done on the Benjamin property.

Commissioner Hart asked for further clarification on why it would be necessary for an emergency declaration.

Sky Miller, Surface Water Management Division, spoke to the fact that the Public Works Department has worked for many years implementing a program for private/public partnerships for erosion projects. He indicated that often when a problem begins, work can be done to avoid damage to County roads. This work can be done so that it is “fish friendly” and lasts for some time. During times of floods, the priority

RECORD OF THE PROCEEDINGS

Wednesday, September 6, 2000

Page #2

shifts to public structures. He commented on the difficulties of finding local matches from private property owners once a project has been determined. He stated that the County is often "left at the altar," with no local match to complete the work after expending funds for the initial work. He explained that as you move farther and farther upstream, the energy in the creeks and rivers is much more costly to dissipate, and the economic betterment is difficult to determine. He commented on the difficulties knowing where the river will next move and that, consequently, money may not be well spent. He discussed various programs in the neighboring counties of King, Snohomish and Whatcom.

Commissioner Anderson spoke to the history of water slamming into Theo Denny's property, and expressed his interest in declaring imminent danger in order to proceed with the permitting process. He further commented that Mr. Denny is without funds to proceed in this regard.

Mr. Miller indicated that it would be necessary to make a policy call to determine which areas to fix and how much the County is willing to pay and where the funding will come from. He reviewed each of the proposed projects, indicating that none pose imminent danger to County roadways. He reviewed what would be needed for the dumping of rock in this regard.

Commissioner Anderson disagreed, stating that Clark road is in imminent danger with the force of the Cascade River.

Commissioner Wolden asked once the imminent danger is declared, what is the timeframe for the projects to be completed.

Mr. Miller explained that once imminent danger is declared an exemption from Shorelines would be obtained, together with a letter from the Corps. Mitigating impacts to the project would be explored next summer. He stated that this is a difficult situation, but is a policy call on where people have the right to choose to live and do they accommodate the risk that is associated with that choice. Does the County protect them from inherent risk taken at their choice? Consequently, if the risk is too expensive, does the County draw the lines where people can and cannot live?

Commissioner Hart indicated that Jim Hunter was the contractor chosen by Mr. Fowler for his project, and questioned why a declaration of emergency would be required for Mr. Hunter to complete the work, which is similar to work recently performed on Boulder Creek.

Mr. Sheahan stated that, based on conversations with Surface Water Management, projects like these could take 8 months to 2-1/2 years to get a permit, so without the declaration, work could not proceed until a permit was obtained.

Mr. Fowler spoke about the specifics of the work to be done by Mr. Hunter as approved by the Board of Directors of Cascade River Park.

Upon query from Commissioner Wolden, Daniel Downs, Skagit County Planning & Permit Center, indicated that the Skagit County Planning & Permit Center as defense works permitted the projects referred to by Mr. Fowler. Commissioner Wolden then asked why these new projects could not be completed the same way? He asked if this would not be a better route than declaring an emergency.

Mr. Downs indicated that he had not been made aware of the three projects brought forward today by Mr. Sheahan, but that he was well aware of the situation at Boulder Creek. He further cautioned about using emergencies too loosely.

Commissioner Hart commented that if the County is going to fix this situation, it needs to be done right.

RECORD OF THE PROCEEDINGS

Wednesday, September 6, 2000

Page #3

A lengthy discussion ensued regarding the merits of the projects, the concerns of Surface Water Management, the declaration of an emergency, and the total costs associated with completing the projects.

Mr. Downs clarified that for Boulder Creek, a Critical Areas Ordinance (CAO) review would be required unless fish enhancement signoff is obtained, therefore an emergency declaration would be required.

Mr. Sheahan estimated that the cost for the Denny property would be around \$3,000, and that Mr. Denny is not financially able to contribute. .

After a brief discussion on the parameters of the projects, Mr. Miller indicated that permitting would never be received this year. Mr. Miller suggested that perhaps funding could come from the Drainage Utility, much like the project on Day Creek.

Commissioner Wolden stated that these people are paying into the drainage utility tax and have an emergency situation that needs to be addressed. He indicated that the money for these repairs could come from the drainage utility fund.

Commissioner Hart acknowledged that the problem is getting the necessary permitting, and agreed that perhaps the Drainage Utility should be looked to for funding.

Mr. Sheahan confirmed with Mr. Miller that it would be necessary to go out for bid, but that Mr. Miller would check on the process for such activity.

After further discussion, it was decided to omit the Lester property from the process.

DECISION - APPEAL BY RUBY MONTEITH OF THE HEARING EXAMINER'S DECISION DENYING A VARIANCE TO ALLOW THE CREATION OF A SUBSTANDARD SIZED LOT (7.4 ACRES) IN AN AREA DESIGNATED AS RURAL RESOURCE (40 ACRE MINIMUM (VA99-0706)).

Commissioner Hart stated that he had asked to have time to contact John Moffat, Chief Civil Deputy, regarding the notification issues in this matter. Mr. Moffat had advised that the Abenroth case had upheld the county's notice and information process. Consequently, Commissioner Hart indicated that he could not find any justification to overturn the Hearing Examiner's decision.

Chairman Wolden discussed the lack of a short-plat process done by the appellants. He further discussed the "disconnect" regarding this property with the Auditor's Office, title company, and surveyor.

Marge Swint, Planning & Permit Center Staff, indicated that somewhere along the line the appellant received wrong information.

Chairman Wolden indicated that he could not find exception to the Hearing Examiner's decision, as overturning such a decision would be a violation of the law.

Chairman Wolden moved to uphold the Hearing Examiner's decision in this regard. Commissioner Hart seconded the motion. Upon call for the question, Commissioners Hart and Wolden voted for the motion, and Commissioner Anderson voted "nay." The motion passed.

(Resolution to be provided by Staff at a later date)

ADJOURNMENT.

Chairman Wolden made a motion to adjourn the proceedings. Commissioner Hart 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