

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, November 28, 2000**

TUESDAY, NOVEMBER 28, 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. |
| *T 9:00 a.m. – 10:00 a.m. | <u>Public Works Department – Chal Martin, Director.</u>
1) Public Hearing – To Consider Testimony regarding the vacation of County Right-of-Way known as Rockport Park Road, #97530.
2) Public Hearing – To Consider Testimony regarding the renaming of Swinomish Street, #40610, to Beach Road, #40610.
3) Miscellaneous. |
| *T 11:00 a.m. – Noon | Public Hearing – To Consider Testimony regarding the proposed formation of Skagit County Lake Management District No. 3 for Lakes Erie and Campbell. |
| 1:00 p.m. – 2:00 p.m. | Celebration of Skagit County's 117th Birthday (Skagit County Historical Museum, 501 So. First Street, LaConner). |

The Skagit County Board of Commissioners met in regular session on Tuesday, November 28, 2000 with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

- 1) **Public Hearing – To Consider Testimony regarding the vacation of County Right-of-Way known as Rockport Park Road, #97530.**

Steve Flude, Assistant Director, Public Works Department, explained that the right-of-way known as Rockport Park Road is being recommended for vacation for the following reasons: the road traverses through the park and non-park users drive through the park; the park environment could be improved by Parks and Recreation if it were vacated; and the right-of-way is of no benefit to the public. It is also being recommended that the fees for the road vacation be waived.

Chairman Wolden opened the hearing for public testimony.

Dwight Foster, 52862 Railroad Avenue, Sedro Woolley spoke. Mr. Foster stated that he opposes the vacation of the county right-of-way. He owns a property, the rear of which faces the park. He said he believes the road vacation would lower the value of his property as he would no longer have off street parking.

Mr. Foster said his second objection relates to the public safety, general health, morals and welfare of the community. This road is the only road in and out of Rockport in the wintertime, because Alfred Street

and Railroad Avenue are too dangerous at this time of year. This would increase traffic on those roads and there could be a very dangerous situation relative to the campers and truckers that travel that way.

Mr. Foster presented a petition from the residents to the Board of Commissioners requesting that the county not vacate the right-of-way.

One more concern is accessibility to the park for the people who live in the community. Several Rockport residents are disabled, with one in a motorized wheelchair. Barricades that would prevent him access to the park could be a hardship for him.

Ann Schwartz, 12179 State Route 530, Rockport, said she is representing the Rockport Fire Department. The fire department is concerned about this road being vacated, as it would shift where emergency vehicles would have to drive. The roads they would be shifted to are very dangerous. The fire department made a decision, after driving those roads, to use the park road as often as possible because it is the safest road in bad weather conditions. All the other roads are so steep that the park road is used when necessary. There is a serious concern about their access through gates. They understand the vandalism problem but don't think prohibiting people from the park will slow it down. It is mostly Rockport people who use the park. Also, having a presence of people who are committed to the showers functioning is a good thing. Sometimes the phone booth at the Rockport store is not working and 911 calls have been received from the phone booth in the park area. Rockport residents should be able to get in and out without paying a fee. They also need water out of the river if there is no water available in Rockport, which does happen. There is definitely a need for fire trucks to have access to the park.

Jamie Wait, 9183 Fruitdale Road, Sedro Woolley, spoke. She indicated that she is the Seattle PI and Times newspaper lady and delivers newspapers in the Rockport area. She said she is unable to make it over the speed bumps without tearing off the exhaust system on her car. No one is going to speed on that road. In summer she can use Alfred Street, but is unable to do that in the winter. The only street that is safe throughout the winter is the park road.

Patrik Dylan of the Skagit County Parks and Recreation Department spoke. He provided a drawing of the area. He explained that this road vacation would provide more safety, less vandalism, and convenience for park users. He described the area and the services that are available.

The main entrance to the camping area comes from Rockport Park Road. The kind of users attracted there are people who stay for a couple of days. The number of families and children using the park has increased dramatically. There are also lots of children from Rockport. The department is attempting to fill this need by putting in a couple of extra play structures and play areas. Also, a reduction of the volume of traffic on the road would reduce the possibility of any type of accident. He noted that there are no plans to install a gate or fencing.

In terms of vandalism, on an average there is about \$1,000 of damage a year to the park facility. This does not include the cost of staff time to deal with it. Another vandalism problem is people who drive off the road and do donuts in the grass. There have been approximately five accidents in the last few years caused, primarily, from speeding. There are speed bumps, but there is still speeding and accidents.

Another benefit to road vacation is increased customer service. He pointed out that Rockport Park is a model for state parks. There will be a staff person placed in an entrance booth, which should reduce speeding and, in turn, will provide more customer service benefits. If there is a need for emergency vehicle access, the required width will be accommodated for those emergency vehicles.

Commissioner Anderson said the problems faced in the winter, as described by the people present, is a reality. There is a definite safety concern. Booths could be in place whether the road is closed or not. There is work to do before making a decision to vacate the road. When you have a park located in a community, the best thing you can have going for it is support from the community. The public might be better served with better enforcement of the rules and if the road was left open. Also, it doesn't appear that driving conditions up and down those hills in the winter has been considered.

Mr. Dylan said they do appreciate the property owners. They are the eyes and ears of the park. If there were people who needed access from this road there is no reason not to grant an easement.

Scott Green, Park Ranger at Howard Miller, said he lives on site and understands some of the comments. Although there are speed bumps, he has witnessed people going through the park at 40 to 50 miles per hour. The road is wide enough and most of time they avoid the speed bumps. A lot of vandalism and thefts occur in the park. The main concern of Parks is to provide a park for residents and park users for recreational opportunities.

Barbara Miller spoke, indicating that she owns the Fish In Café. Everyone has driveways down to the road and they are all displeased with the way this potential road vacation was handled. Only fifteen people were notified of the hearing and those people were only notified about 2 ½ weeks ago. There was no time to prepare for the hearing.

Richard Watson, co-owner of the Fish In Cafe, said that no one has even spoken of a possible easement. If the road were vacated there should be some sort of guarantee on the title of the properties guaranteeing this. Fifteen to 20% of the population showers at the park or at Clark's Cabins in Marblemount. He said there is no doubt if this continues the list of people on the petition will expand at least 100 times. The community would like to see more law enforcement there. If they knew what some of the safety issues were, they might be able to take care of some of them.

Robin Adair, who works for the post office as a mail carrier, spoke. There are definitely safety issues. He has lived on Railroad Avenue all of his life and would like to see more law enforcement. The problems with the park occur at just about closing time for the bar. There are no Sheriff's deputies to be seen at that time.

Ms. Miller added that there is a bad speeding problem in the early hours of the morning.

Marty Wicks, who owns a business at the end of the park, reported that his concern is that they maintain access to the property on the end, which holds a Rockport Park Road address.

A gentleman from Friday Harbor read a letter to the Commissioners in which he expressed concern that the governing body evaluate all possible impacts on the community, and that they hear responses from any other community members prior to taking any action to vacate Rockport Park Road.

As there were no further comments, Commissioner Wolden motioned to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously.

Commissioner Wolden said it is clear there needs to be more of a partnership between the Parks Department and the people of Rockport.

Commissioner Anderson suggested that Mr. Dylan and Mr. Green work with the Sheriff's Department to extend the speed bumps across the road. He also suggested that there be increased enforcement of speed laws. The Sheriff's Department now has motorcycle police on staff. If the County works with the

community and there is increased enforcement, maybe Parks can come up with a plan that does not include road vacation. A lot of people do use that road in the wintertime.

Chairman Wolden agreed, "this is a great park and we would not want to jeopardize it".

Commissioner Anderson motioned to not vacate the Rockport Park road at this time. Commissioner Hart seconded the motion, which passed unanimously.

Public Hearing – To Consider Testimony regarding the renaming of Swinomish Street, #40610, to Beach Road, #40610.

Steve Flude, Assistant Director, Public Works Department, explained that the renaming of Swinomish Street #40610 to Beach Road, #40610, has been requested by property owners who live along the road. A petition has been received from the property owners with 7 signatures. There are 9 property owners who live along the road. Two telephone calls were received yesterday from one of the petitioners requesting that her name be removed from the petition. Subsequently, a call was received from the petitioner's husband saying he was in favor of the name change.

Commissioner Wolden opened the public hearing.

Since there was no public comment, Commissioner Hart motioned to close the public hearing. Commissioner Wolden seconded the motion, which passed unanimously.

Commissioner Hart motioned to approve a resolution Authorizing the Road Name Change of a County Road known as Swinomish Street #40610 to Beach Road, #40610. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution #18083)**

MISCELLANEOUS

Kendra Smith presented a resolution to establish a Science Advisory Panel to the board for signature. She explained that the resolution was being signed today because of modifications requested at the meeting on November 27.

Commissioner Hart motioned to approve A Resolution Establishing a Science Advisory Panel (SAP) to Provide Scientific Review on Agricultural Buffer Zone Management Pursuant to SCC 14.24.120. Commissioner Wolden seconded the motion. The motion was carried 2 -1, with Commissioner Anderson opposed. **(Resolution #18082)**

LAKE MANAGEMENT DISTRICT PUBLIC HEARING

Commissioner Wolden was excused. Commissioner Anderson expressed apologies for Commissioner Wolden, who had another meeting to attend. Commissioner Anderson then opened the public hearing.

Ric Boge, Surface Water Division, Public Works Department, provided background information.

In the 1970's both Lake Erie and Lake Campbell started undergoing water quality problems. In the 1980's water milfoil started showing up in Lake Campbell and some corrective measures were taken. In 1998 a petition was circulated and signed by a majority of the lakeside residents to begin the process of forming a lake management district. In August through October the advisory committee was formed. Five meetings and one joint meeting with Lake McMurray and Big Lake were held.

The Commissioners signed a resolution of intention to form Lake Management District No. 3 on October 31 of this year. In November an integrated Aquatic Lake Management Plan for Erie and Campbell was completed, with some of the criteria community directed. Mr. Boge described some of the criteria, indicating that it is a realistic approach and the best solution for now for water quality and usage. There is an emphasis on biological solutions rather than chemical and it is financially feasible. A grant has been submitted to the Department of Ecology for 2001 for this project.

A proposed tax rate was adopted by the committee and presented at a community meeting. The tax rate formula is for all properties having lake front footage and includes four categories of frontage. This is a preliminary proposal as there is still investigation going on with regard to some of the lake front properties. Also, continued development may create some changes. The proposal per unit is 3.50 annually for a ten-year period. The total collection would be \$29,304.00

The purpose of the public hearing is to take public comments and consider a resolution submitting the question of creating a lake management district for Lakes Erie and Campbell. Ballots would be mailed December 1 to property owners, with the final ballots returned by December 29. The final ballot would be published by January 8, 2001. The measure requires a yes vote majority from both Lake Erie and Campbell Lake affected property owners. If the vote passes in January, the Commissioners will sign an ordinance creating Lake Management District No. 3. At that time, there will be an advertisement for consultants to be interviewed to implement the activities.

Commissioner Anderson opened the meeting for public testimony.

Diane Ramerman, Chair of the Citizens Advisory Committee, 13154 Hart Lake Road, presented a letter to the Commissioners for the record. She indicated that they are hopeful of a favorable result.

Conrad Kurp, property owner at Lake Erie, stated that the lake problem is an old one. The problems are in the drainage basin of the lakes. This would be an unbalanced approach as it would be addressing results and effects, but not causes. Runoff from properties has caused the problems. It can only be addressed through education. He said he would like to see the County in the future realize the lakes need more attention. Not the least is density of population, septic systems, and industrial activities.

Lyle Nelson, Department of Fish and Wildlife, indicated that his department just received notice of this meeting yesterday afternoon at 2:30 p.m. Fish and Wildlife is certainly not opposed to formulation of a lake management district. They are in favor of anything that will improve a lake. The concern they have is the process that has been used to assess the amount each unit will be paying. Because of the cost to the Department of Fish and Wildlife, it will have a serious impact on the access program. They hope to have some input in any discussion on assessment rates to see if there is some alternative. The department would be expected to pay \$82,000 out of the \$293,000 over a ten-year period, and they feel it is not equitable. It would be a substantial increase in the amount budgeted for this.

Mrs. Ramerman said they are not dealing with assessments at this hearing, but are aware that Fish and Wildlife pays a higher assessment at other lake management districts and that what they are proposing is lower. Public access is one of the biggest problems brought to the lake.

Commissioner Hart motioned to close the public hearing. Commissioner Anderson seconded the motion, which was carried.

Commissioner Hart motioned to approve A Resolution Submitting the Question of Creating Skagit County Lake Management District No. 3 for Lakes Erie and Campbell. Commissioner Anderson seconded the motion, which was carried. **(Resolution #18084)**

ADJOURNMENT.

Commissioner Anderson motioned to adjourn the proceedings. Commissioner Hart seconded the motion, which was carried.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Harvey Wolden, Chairman

Robert Hart, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

Jean Terry, Acting Clerk of the Board
Skagit County Board of Commissioners