

**SKAGIT COUNTY BOARD OF COMMISSIONERS
RECORD OF THE PROCEEDINGS
MAY 15, 2001**

- 8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/District Maintenance Supervisors.
- 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director
- 1) Public Hearing – To Consider Testimony regarding Consideration of Vacating Unopened County Right-of-Way in the Plat of Cavanawood Subdivision No. 1.
 - 2) Signature – Quit Claim Deed from Skagit County to the City of Mount Vernon for a Portion of 30th Street north of Division Street and South of Iroquois Drive.
 - 3) Miscellaneous.
- 10:00 a.m. – 11:00 a.m. Planning and Permit Center – Tom Karsh, Director
- 1) Establish Date and Time to Review Planning Commission Recommendation on Adoption of City Concurrency Ordinances for Urban Growth Areas.
 - 2) Consideration and Possible Action – Approval of Sewer Service Connection to Whatcom County Water District #12 for Freeway Gas and Restaurant pursuant to Interlocal Agreement.
 - 3) Discussion – Sauk Suiattle Indian Tribe Requested Petition of the Sauk River as “Outstanding Resource” Water.
 - 4) Miscellaneous.
- 11:00 a.m. – 11:15 a.m. Commendation to Nick Petrish for 21 Years of Service on the Civil Service Commission.
- 11:15 a.m. – 11:30 a.m. Presentation of Award of Excellence to Detective Paul Arroyos.

The Skagit County Board of Commissioners met in regular session on Tuesday, May 15, 2001 with Commissioners Ted W. Anderson, Don Munks, and Kenneth A. Dahlstedt present.

Public Works Department – Chal Martin, Director

- 1) Public Hearing – To Consider Testimony regarding Consideration of Vacating Unopened County Right-of-Way in the Plat of Cavanawood Subdivision No. 1

Chairman Anderson opened the public hearing.

Steve Flude, County Engineer, Public Works Department, explained that the purpose of the public hearing is to consider testimony regarding consideration of vacating an unopened County right-of-way in the Plat of Cavanawood, Subdivision No. 1. Mr. Flude reviews some of the comments the Public Works Department has received about the proposed vacation. The Public Works Department is basing their recommendation on the fact that the right-of-way is of no benefit to the public as a County road. Also, there is another road whereby the landowners can access their property.

Chairman Anderson opened the hearing for public comment.

Rob Nielson of Nielson Brothers said they are the lien holder and have sold the property in question.

John McClure, 6717 127th Place S.E., Bellevue, Washington, stated that he is the property owner directly below the vacation and is concerned about water runoff. He then reviewed a map of the property with the Commissioners and pointed out some of his concerns relating to water drainage. He wondered, when the road is vacated, who will be responsible for diverting the water.

Ursula Mass of SneeOosh Road, La Conner, said that she owns the property right below that parcel. When this piece of property was logged about four years ago there was an over amount of surface water running across North Shore Drive and onto their properties. She said that her lot borders a seasonal creek that has run onto her land and flooded it. There are a lot of problems with surface water runoff. The property is quite steep and the surface water comes from way up on the mountain. The road to be vacated has good drainage on both sides, but if is vacated, who will be responsible for making sure it has good drainage on both sides.

Since there was no further public comment, Commissioner Munks motioned to close the public hearing. Commissioner Dahlstedt seconded the motion, which was passed unanimously.

Chairman Anderson asked Mr. Flude, if the County vacates this road back to the property owner does that exclude him in any way from the observance of the drainage ordinances?

Mr. Flude stated that to the best of his knowledge that has no effect. The owner would be responsible for observing the drainage ordinance. If any runoff hit the County road, theoretically, the Public Works Department would be notified.

Chairman Anderson asked Mr. Flude what the motivation was for vacating the road.

Mr. Martin and Mr. Flude stated that the vacation is at the request of the property owner.

Chairman Anderson said that it doesn't make much sense to move forward with this because of the testimony received today. It would be better to wait until the ownership of the property is determined.

Commissioner Munks asked why the County had a road there to begin with.

Mr. Martin said that some of these roads were platted a long time ago and often don't make any sense.

Commissioner Dahlstedt agreed with Commissioner Anderson that there would need to be clarification from the owner of the property relative to maintenance of the road and the drainage issues.

Chairman Anderson stated that he is not against vacating the right-of-[way, but wants to make sure there are some conditions relative to the drainage problem. He said he thinks this should be tabled until the ownership issues are sorted out.

Mr. Nielsen stated that the property is supposed to come up for Sheriff's sale on the 18th.

Commissioner Munks motioned to table the issue and revisit it when ownership of the property is established so that the adjacent property owners can express their concerns.

- 2) Signature – Quit Claim Deed from Skagit County to the City of Mount Vernon for a Portion of 30th Street north of Division Street and South of Iroquois Drive.

Steve Flude described the property, indicating that it is soon to be in the annexation process.

Commissioner Munks motioned to quit claim from Skagit County to the City of Mount Vernon that portion of 30th Street north of Division Street and South of Iroquois Drive. Commissioner Dahlstedt seconded the motion, which passed unanimously.

- 3) Miscellaneous

- a) Mr. Martin said there are rural arterial prospectuses that need to be signed by the Chairman. Mr. Flude reported that one project is Peterson Road, in the amount of \$500,000, which would go along with the improvements that have been made with the City of Burlington as they try to move ahead with the Bayview Ridge area. These funds will not be available until about 2007.

Commissioner Munks motioned to accept the rural arterial program project for Peterson Road in the amount of \$500,000 as outlined by Mr. Flude. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #005366)**

- b) The addition of funding on Farm to Market Road brings the total funding up to \$824,000 in RATA (Rural Arterial Trust Account) funding. These funds are not available until 2005.

Commissioner Munks motioned to accept the rural arterial program project for Farm to Market road in the amount of \$824,000. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract #005365)**

- c) Chal Martin and Steve Flude presented an Engineers Report to the Commissioners on the Ershig Road #23210 and Lake Cavanaugh Road #00200 relative to the speed limit on both roads. He requested feedback from the Commissioners as to their opinion on these matters.

The Commissioners emphasized the public hearing is the best process so the public can express their concerns for or against a change in speed limit.

- d) Mr. Martin stated that Mr. Flude is on the Bridge Advisory Committee and was able to bring in \$1½ million because of his membership on that committee. The Rainbow Bridge in La Conner needs to be painted and these funds will go toward that project. The Commissioners felt that the current color of the bridge should be maintained.

Mr. Dahlstedt ask about the bridges in the event of seismic activity. Mr. Flude said they are in good shape.

- e) Mr. Martin talked about software that demonstrates level of service, which measures traffic between 7:00 a.m. and 8:00 a.m. and 4:00 p.m. and 5:00 p.m.

Mr. Flude said that they recognize that as development continues in the County and concurrency becomes a bigger part of it, there needs to be a way to look at the County roads and meet requirements without going out to every road. In working with the consultant relative to this matter, it became apparent that Cook Road is the road that has the most traffic. The traffic techs have done an extensive count on portions of Cook Road and have plugged that data into the software, which can be used as a tool to educate people on the differences in level of services on different roads. The levels of service, which measure the capacity of the roadway, run from A to F. The levels of service will begin at C, where actual data will be gathered, and provided to the Commissioners so they can get a feel of traffic streams that exist today.

Given Kutz, Traffic Engineer, talked about the Cook Road and the busiest portion of Cook Road. He demonstrated the software they are using to provide the traffic count.

Planning and Permit Center – Tom Karsh, Director

- 1) Establish Date and Time to Review Planning Commission Recommendation on Adoption of City Concurrency Ordinances for Urban Growth Areas.

Gary Christiansen reported. He reviewed with the Commissioners the interim ordinance adopting City Concurrency Ordinances. He suggested that after the Planning Commission meeting this evening that the Commissioners meet after Memorial Day on this.

- 2) Consideration and Possible Action – Approval of Sewer Service Connection to Whatcom County Water District #12 for Freeway Gas and Restaurant pursuant to Interlocal Agreement.

Tom Karsh, Director, Planning and Permit Center reported. He stated that the Commissioners have not been presented with a resolution of this nature for a long time. He then described some of the history relative to this matter.

There are three kinds of connections contemplated in this Interlocal Agreement. There is the Bow Hill extension, where certain property owners have paid money to the district to reserve capacity for their use. There are also some businesses that had on-site sewer and, as they failed, there was agreement that they would be able to connect to correct a health problem. This Interlocal Agreement has been in effect since 1979. Since that time a number of property owners have come forward to request approval to connect.

This project is for a gas station restaurant. There was a pre-application meeting with the Planning and Permit Center and traffic impacts are being studied.

Commissioner Anderson expressed concern about the traffic impact in that area, and agreed that this is something that needs to be studied. He asked if the County has a mechanism to deal with this. Mr. Karsh said there is no agreement with the City of Burlington about that. The only thing that could be brought into play is the SEPA requirements.

Commissioner Anderson emphasized the fact that there is an excessive amount of traffic coming from the City road onto the County road. If they are allowing a business that fronts a County road, the County should be receiving some cooperation in terms of how it impacts the County road.

Mr. Karsh said the applicant has provided a site plan, and this is the second of a three-phase process.

Commissioner Munks motioned to approve a resolution to approve the sewer service connection for compliance and forwards to the City of Burlington for further review and approval. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18248)**

Commissioner Munks wondered if the County is in conflict with a law relative to DOE requirements. The matter will be reviewed further.

3) Discussion – Sauk Suiattle Indian Tribe Requested Petition of the Sauk River as “Outstanding Resource” Water.

Kendra Smith, Assistant Director, Planning and Permit Center, presented a request by the Sauk-Suiattle Indian Tribe that the Sauk River be listed as and “outstanding resource” water.

She stated that the request from SSIT would probably list the Sauk River as a separate river rather than a tributary to the Skagit River. There should not be any additional impacts or changes to buffers from what are in place now.

Commissioner Anderson said that he would like a letter prepared stating that the standards are accurate. Commissioner Munks agreed. Commissioner Dahlstedt said, it is important to make sure that with Ecology, the water rights issues are clarified and be made aware of any ramifications arising from this.

Planning and Permit Center will develop a letter for the Commissioners’ signatures for the Consent Agenda.

4) Miscellaneous.

Tom Karsh introduced Carolyn Spies, the new Code Enforcement Officer, to the Commissioners.

MISCELLANEOUS.

Ted Anderson presented Nathan Salseina from Concrete High School who is the Associated Student Body President. Nathan is job shadowing Commissioner Anderson for the day to give him an idea of what politics are all about.

COMMENDATION TO NICK PETRISH FOR 21 YEARS OF SERVICE ON THE CIVIL SERVICE COMMISSION.

Nick J. Petrish, Jr. is being honored this morning to commend him for the 21 years he has spent on the Civil Service Commission. Commissioner Anderson opened up the presentation ceremony by welcoming Mr. Petrish. Dennis Wyatt, Skagit County’s Civil Service Examiner spoke of the inspiration Mr. Petrish has been to the community. And how he will be greatly missed. Mr. Petrish was asked to come forward for his commendation.

Mr. Petrish then spoke of some of his background. His mother graduated from Concrete High School in 1911 and his father became an Anacortes police officer and ultimately retired as Chief Civil Deputy of Skagit County. He referred to the area as “God’s little green acre” and finds it a wonderful place to live. Mr. Petrish has enjoyed his time on the Civil Service Commission Board and has worked with some fine Sheriffs, including Sheriff Boynton and Sheriff Ed Goodman. After 21 years, he feels it is time to let someone else do the job.

The Commissioners gave special thanks to Mr. Petrish for all of his years of dedication with the Civil Service Commission.

PRESENTATION OF AWARD OF EXCELLENCE TO DETECTIVE PAUL ARROYOS.

Ted Anderson welcomed the audience to the presentation of the Award of Excellence to Detective Paul Arroyos for his courageous and selfless actions displayed on March 27, 2001 at Deception Pass Bridge.

Sheriff Ed Goodman thanked everyone for taking the time to recognize this event. Detective Arroyos was on his way to work and sitting in an unmarked police car that was stopped in the construction zone on the bridge's south span. A woman passed by his car and walked up to the edge of the bridge. She stopped, took off her shoes, and climbed over the railing. Detective Arroyos called for help and jumped out of his car. Also on the bridge that morning was Rob Hardcastle, an Island County Sheriff's deputy, who reached out and grabbed the woman's wrist as she began to go off the bridge. Deputy Hardcastle held on, yanking her out of the air and halfway onto the railing. Detective Arroyos and Chris Ellis, Island County Sheriff's Chief Criminal Deputy, raced to Deputy Hardcastle's side, grabbing the woman and helping to pull her back onto the bridge walkway thereby saving her life. Sheriff Goodman remarked that Detective Arroyos is an exemplary officer who reacted quickly in a time of need. He is a credit to the Sheriff's office and deserves recognition for what he did for the people of Skagit County.

Commissioner Anderson commented that when he first read about this harrowing experience, he thought of the bravery this action took by Detective Paul Arroyos. It goes without saying that when someone is going to jump from a bridge and you reach out and grab them, you are definitely putting yourself in a dangerous situation. He said he has a lot of pride in this officer.

Detective Paul Arroyos then spoke to his friends and family who came to show their support for him. He feels that God was with him that day and when he called him up to help him, he came. He feels that he did, basically, what any law officer would do given the same situation.

Commissioner Don Munks said it was a pleasure to meet Paul and it is truly tremendous to have people step forward in a dangerous situation and take charge. What he did was above and beyond the call of duty. A special thanks was also given by Commissioner Ken Dahlstedt.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Kenneth A. Dahlstedt, Commissioner

Don Munks, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners