

RECORD OF THE PROCEEDINGS  
Skagit County Board of Commissioners  
Tuesday, November 10, 1981

A G E N D A

8:30 a.m.....Work Session, 1982 Road Construction Program

9:00 a.m.....Public Works Department

11:00 a.m.....Budget Work Session, Juvenile Probation Department

Miscellaneous Items

The Skagit County Board of Commissioners met in regular session with all members present. Routine matters were handled, and the following items of business were transacted:

PUBLIC WORKS DEPARTMENT

Skagit River Flood Control Executive Committee Discussion

Members of the Flood Control Executive Committee and Flood Control Engineer, Don Nelson, met with the Board to discuss their report and recommendation for Lower Skagit River Basin Floodway Designation. The report and recommendation was submitted in response to the request of the Board of County Commissioners. The Federal Emergency Management Agency (FEMA) informed the Board that for Skagit County to be eligible for National Flood Insurance it would be necessary to designate a floodway for the lower delta of the Skagit River (Sedro Woolley downstream to the mouth of both forks). Today the prepared report was presented and discussed.

Chairman Miller called upon Bob Hulbert, Vice-Chairman of the Committee for comments. Bob stated the Committee is asking for direction as to how to proceed with the FEMA proposal for designation of the flood way. He called upon Don Nelson for comments related to the endorsement received from the cities. Don reported that the report was sent to the cities and all endorsements received back indicated they are in favor of the approach and recommendation by the committee. He noted that Hamilton and Lyman had not responded since they are not involved in this designation as it is from Sedro Woolley downstream. Don stated he had contacted FEMA regarding the next procedure to follow and was informed if this report reflected the recommendation of the Board of County Commissioners, that the Board should pass a Resolution so stating and forward it to FEMA. Don stated it will also be necessary for the cities to adopt it by formal action, or the recommendation could be a joint action. The resolutions would be forwarded to FEMA, FEMA will contact the Corps of Engineers to do a study and analysis and make a recommendation to FEMA. FEMA has indicated they have no funds at the present time. Don inquired if an Environmental Impact Statement would be required and was informed that when enacted in Washington D.C. an overall EIS was written for the United States and it has not been challenged and that an EIS would therefore not be required. A discussion followed.

Commissioner Norris asked if Don was addressing only the relationship between Skagit County and FEMA. Don replied he was stating what FEMA had said would have to be done - to adopt a Resolution making a recommendation by the Board and the cities. Commissioner Norris asked if Don was addressing the overall recommenda-

tion now, or just the proposal on limited density floodway from Sedro Woolley downstream. He asked what the philosophy was behind not addressing the area East of Sedro Woolley.

Arnold Hanson commented that the Committee was not asked to get involved in that area, that the original message from the Board was for a recommendation for the area of Sedro Woolley downstream as it was understood FEMA and the cities had reached an agreement for the area East of Sedro Woolley. Bob Hulbert agreed, stating the Committee thought the FEMA proposal was of paramount importance and wrote that part of the study first. Now they wish to know if the Board wants the Committee to act further, or if it is time for action by the Board of County Commissioners. Louie Parker stated there is an agreement with FEMA for the area East of Sedro Woolley, for Hamilton and Lyman, but there is a void between Sedro Woolley and the West limits of Lyman.

Commissioner Norris felt since the report had just been presented to the Board, that the Board should have an opportunity to review it. He stated he did not remember limiting the report from Sedro Woolley down stream. Arnold Hanson didn't know if it was formally announced to the Committee, but it was the understanding as the study was approached.

Don Nelson informed the Board that when FEMA first presented the County with the floodway maps, they were designated both 100 year and 500 year floodway and flood plain from Sedro Woolley up from the Skagit River. These were reviewed and sent to FEMA with input from Skagit County, and that delta area from Sedro Woolley down still did not have a floodway designation. FEMA indicated four or five years ago there possibly would not be a floodway designation due to the topography. Then they changed their minds and said they would require the floodway designation from Sedro Woolley on down and they requested that the local people designate where it should be. The recently-formed Skagit River Flood Control Committee, although formed to study flood control alternatives, with its broad countywide representation of diverse interests, was asked to assume this task and did accept this responsibility. Commissioner Norris asked when the Board took that action. He recalled reference to the limited density floodway, but not when the action was taken.

Commissioner Mansfield stated concern over the gap referred to that is not covered by a study. Louie Parker felt the problem arose because of the Wild and Scenic Rivers Act, and FEMA wanted to handle all that area. Bob Schofield stated the Equal Conveyance Maps are from Sedro Woolley East and he knew of no such gap.

Commissioner Norris inquired as to the permanence of a floodway designation, and if it would have periodic review or remain as designated. Don Nelson understood that as new studies come forth and the profile changes, that a change would be made to the designation to accommodate the new findings. He felt once a designation is made it does not mean it will always stay the same.

Commissioner Miller inquired if the committee had contacted Seattle City Light regarding flood control from the dams. Arnold Hanson replied they did not contact City Light but had talked to Puget Power and were told that on the Baker River there is 100-year flood protection. He didn't not know if the same were true of City Light but suspected there is close to 100 year protection on the Skagit River, and felt all the wanter possible could be held and there would not be any more protection. He felt the only solution is control of the Sauk River, then there would be 100-year protection without designation of a floodway. Commissioner Miller agreed, but felt the only chance for that to happen is if a tremendous disaster would

occur. That just the idea of going back and asking Congress to renig on a decision made is almost impossible.

Commissioner Norris asked Arnold Hanson what frequency of flood was experienced last year on the system, if there is the capability of holding a 100-year flood on the Skagit and Baker, and there is a 100+ on the Sauk. Arnold stated he didn't know how to answer that question, but felt when you get below where the Sauk comes in you can forget where the water comes from and should just be concerned about the water coming by Sedro Woolley. Commissioner Norris felt Arnold was stating there was a high frequency flood last year because the flood on the continual stream. Arnold replied that Commissioner Norris was talking about the stream and not the effect on the river and when the 100-year flood gets into the river, you no longer have a 100-year flood.

Bob Hulbert felt those issues should be discussed when the finished report is submitted. He again asked for direction from the Board since the report has been submitted and endorsement received from the cities.

Larry Kunzler took issue with the recommendation of the Committee as presented as a citizen of the County. He requested two copies of the minutes of this meeting be forwarded to him by mail, and requested that his name be removed from the recommendation because he was not in favor of it. He took issue with the statement in the recommendation that an estimated 25% of the land not be built upon and that may accommodate the flood flow. He felt before estimates can be made there have to be facts and figures. He stated everyone was told in the Flood Control Committee meetings that 25% was a figure to get the ball rolling, but when it went before the city councils it became a statement of policy. Larry referred to several articles that appeared in the Skagit Valley Herald and in the Mount Vernon Argus during the months of September and October, 1981 which indicated the 25% figure and he felt that is what the cities were told and that is what the report says. Larry felt one word in the report made the difference, it says "may" accommodate those flood flows. He felt when the Crops made their study, that 75%/25% ratio figure may not be used in Skagit County, that it may be reversed once the hydrologic analysis is done. He felt it was not a statement of fact. Larry commented that during the Burlington Mall study the man who wrote the EIS came up with 13,500 CSF will make it across the freeway, and if he is right and Larry felt it had to be assumed it was right because he is the only one who has ever done the study, that means 85% of the potential flow of water will make a lake out of the City of Burlington. He asked how much the freeway has hurt the City of Burlington. and if the Board thought 25% of the land left undeveloped will accommodate 85% of the water. He felt if the County had had a floodway designation when the freeway was built, there would not be the problems that are faced today.

Larry requested that the Board seek an opinion for a definition in Resolution 7947 executed on May 23, 1978. He referred to Section 1.4.(5) of that Resolution which states "preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas". He asked for the Prosecutor's opinion on how that relates to the Federal Register which the County filed, section 60 3C (10) which states you can't raise the water more than one foot. He stated he has been told that the "long knives" are coming, that Skagit County has not lived up to the agreements signed with the Federal Government, and he requested that Prosecutor Moser look into the matter. Larry asked the Board to consider how much development can take place before the water levels are raised one more foot over what they are now. If they have already been raised one foot, he stated the people are not going to tolerate it being raised

one more inch by the acts of man. He knew they could not stop mother nature, but felt they could stop the man, and will not tolerate one more inch of water. He agreed one way was to bring a designated floodway to the valley, and felt that would be the message that comes back to the Board once there has been a study done.

Commissioner Norris asked Larry if he endorsed the approach, but not the density as it is now and Larry stated that was correct. He felt the newspaper articles he mentioned showed that the city councils were told and believe 75% will be developed and 25% will be left undeveloped. Commissioner Norris replied that according to the reports, the cities are in accord.

Betty Anderson who lives East of Sedro Woolley, wondered if the elevations were correct. She stated that they found them to be four feet lower from Don Nelson's figures and stated the figures used by the Corps are based on one river in the United States and they don't take the heights into consideration. Commissioner Norris asked Betty if she was referring to a general area or just one lot and Betty replied a general area, or two sections. She also felt areas were being utilized that are not in the Federal Register or in the County Ordinances, and felt an "area" is a site, a lot, or whatever. She asked that Prosecutor Moser look into that fact. She referred to the Shoreline Management Act and the SEPA process which state 200 feet are restricted in a certain way, and adjustments thereto. She wondered what the adjustments were and felt that is not realistic for Skagit County.

Dennis LaGro stated that to his knowledge the action of the flood control committee was unanimous with the exception of one or two people, and that the cities' responses were in response to the motion as before the Board. If the Board would deviate from that motion, he felt the cities would deviate from the action.

Ron Maynock commented that Title 24 of HUD states once the County has adopted an Ordinance it can be adjusted without coming back to the County. He was concerned because all the of maps he has seen have been adjusted from 100 to 500 year levels. He wished to see the wording such so it can not be adjusted in that manner. Louie Parker agreed and stated they have an agreement with FEMA and it does show 500 year level.

John Sandell lives in Allen, and he felt that area has not been represented. If adopted, he could see Burlington filling in areas and Allen will get the water. He stated the people of Allen were not in favor of it. Don Nelson pointed out that an Allen representative was elected by the people of Allen in a meeting. In that meeting only twelve people attended and Mr. Knutzen was selected as their representated. He added that the committee was designed in such a manner that the commissioners had an at-large representative to fill in any gaps and that Commissioner Mansfield diappoint a representative from that area who has been active on the committee. Don felt Allen was represented. John Sandell felt there were no guidelines that said a person has to live in an area to represent it. Jess Knutsen does not live in Allen and he objected to his representing Allen for that reason.

Arnold Hanson commented there have been studies in the past related to the floodways. The Committee estimated 25% left undeveloped since they are not in a position to do a study. The Committee felt there should be some mention as to what would be a realistic amount of land to be left undeveloped. It is not a fast and hard statement. The Committee realizes a study will be made by FEMA, and if they come back and tell the County 100% of the land will have to be reserved, that is not an



acceptable solution. If they say 75%, that decision may not be acceptable. The 25% figure was put into the report so they know the County will not just accept anything as an amount of flood density. He added the Committee felt that figure should stay there.

Larry Kunzler felt when the study is done it will be a statement of fact and he felt Arnold was saying if it comes back 75% should not be built on, they would look to other alternative plans for the economic development of Burlington. He felt the only thing that will be acceptable to the people of Skagit Valley is if they are all treated as equals, they all live in the valley, and all accept the responsibility of living in the flood way.

Commissioner Miller pointed out an observation he has made over the years, that the rivers bottom has been filling in for years. He felt buildings don't cause too much of a problem compared to the amount of fill coming down with the river. Commissioner Norris wondered what the ramification of that would be, will the river overflow and the whole valley will become a flood plain. He stated that is why he likes the density concept. Larry Kunzler felt the topography of the land is changed with every truck load of dirt that is brought in, the fill is what is causing problems.

Commissioner Norris asked for an explanation of the 25%/75% concept. Arnold Hanson stated that 25% of the land would be left at its current elevation, but that does not mean you can't do anything with it. 25% of it left to let the water pass by in a mini floodway. If 25% is left between Sedro Woolley and Mount Vernong it will take the 90,000 CFS of water that comes through that area.

Commissioner Norris wondered how that 25% would be controlled and Arnold felt management control would have to be devised, and commented that the freeway has put a dam across the delta. Commissioner Norris felt that would be an enforcement problem that would be paramount and Arnold agreed it is not an easy problem, but stated the Committee is trying to recommend what is the most possible. Larry Kunzler agreed the freeway is a dam, and that 85% of the water will be left behind. Arnold felt that was a different subject matter than being discussed today.

Commissioner Norris inquired about the time line for approval of the report. Don Nelson stated he had talked with FEMA about a week ago and they indicated the County is ahead of everyone else and ahead of FEMA, and since there are no available funds at the present time he didn't think it was necessary for the Board to rush into a decision.

Ron Maynock wished to see an EIS prepared to address the social and economic problems. He felt there would be some farm people impacted if they are told they can't grow crops. He felt that should be addressed.

Commissioner Mansfield wished to have time to consider the report since there is a question the 25% is valid. He felt it is a solution found by the Committee that may not be the ultimate solution once the Corps and everyone gets involved. At the moment it is an equitable way of establishing something to protect the area. The report has been sent to the cities and has been endorsed and he felt the concerns expressed should be looked into, but that the Board should take a long look at any chances because of the endorsement.

Commissioner Norris recalled a 30% figure used previously. He wondered how it got to the 25/75% split, and if it was based on the 90,000 CSF. Arnold Hanson

did not recall the 30% being addressed by the Committee, that a figure can not be arrived at without a study and it was an estimate. Commissioner Norris asked what other designations of floodway studies Arnold had illuded to previously and Arnold replied the Avon Bypass and Levee Improvement Project.

At this point in the discussion, Bob Schofield suggested that the Board accept the report and not adopt it, and look into some of the issues such as the preparation of the Environmental Impact Statement. Commissioner Norris moved to accept the report, to express the appreciation of the Committee for the work done, and to ask for an interpretation from the Prosecutor on water level controls and the EIS designation, and consideration of a public hearing. Motion seconded by Commissioner Mansfield and carried by unanimous vote of the Board.

#### Fir Island Road/Maupin Road Intersection Discussion

John Rumsey, Safety Engineer, informed the Board that on October 23rd, 1981 a vehicle went out of control off of a curve going South on Fir Island Road and missed a section of guardrail, landing into the Jack Larson home. John stated this is the twelfth accident there in the last five years, the second highest accident rate in the County. Only Cook Road and Highway 99 intersection has a higher rate. John explained the type of accidents occuring, relating the factors he felt contributed to the accidents. He pointed out they were single-car, run-off the road type accidents and that eight were at night, one at twilight, and three during the daytime. He felt the area is well signed and has flashing lights, arrows and chevrons displayed. In review of the accident pattern John reported several facts that became apparant: (1) the accidents are related to the curve and not the intersection; (2) there is a high night-to-day ratio; (3) drivers are not adjusting speed to the safe speed posted on the curve warning signs.

John offered the following countermeasures to call greater attention to the curve and increase visibility of it: (1) extending the guardrail along the west edge of Mr. Larson's driveway. The cost would be approximately \$750.; (2) illumination of the intersection at a cost of \$3,000 to \$10,000. with the lower figure being based on use of existing utility poles for light standards; (3) Delineation, or use of reflectorized bottoms around the curve to define it. The cost of this option should not exceed \$1,000.; (4) realignment of the road. John estimated realignment of the road to a 30 mile per hour design would cost \$32,500 and require 1/3 acre of land; 35 miles per hour would cost \$42,500 and require one half acre of land; and a 40 mile design would cost \$57,000 and require one acre of land.

A discussion was held and based on John's report the Board authorized the first three options be utilized, and that the situation be evaluated after a period of time.

#### Resolution, CRP for Knapp Road

Resolution 9073 was executed establishing CRP No. 0413-1 to widen, ballast, and pave Knapp Road 0413. Approval by motion of Commissioner Norris, second by Commissioner Mansfield. Motion carried by unanimous vote of the Board.

#### Miscellaneous Public Works-Related Items

1. Resolution 9075 was executed instructing the County Auditor to call for public hearing related to changing names of certain county roads.  
Approval by motion of Commissioner Norris, second by Commissioner Mansfield and carried by unanimous vote of the Board.