

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Monday, May 6, 1985

Flag Salute

- 10:30 a.m. Review of Appeal of Hearing Examiner Decision Regarding Special Use Request #SP-85-002 to Allow Construction of a Duplex in a Residential Zone.
- 2:00 p.m. Public Hearing - Request for Modification of Contractual Agreement dated April 25, 1977, #R-77-002, issued to H. L. and D. C. Pierson, located at the northwest corner of the Cook Road/I-5/Old Highway 99 Interchange.

The Skagit County Board of Commissioners met in regular session on Monday, May 6, 1985, with Commissioners Vaux, Walberg and Rohrer present.

REVIEW OF APPEAL OF HEARING EXAMINER DECISION REGARDING SPECIAL USE REQUEST #SP-85-002 TO ALLOW CONSTRUCTION OF A DUPLEX IN A RESIDENTIAL ZONE.

Grace Roeder, of the Permit Center, entered the entire file, various maps and photos into the record. She stated that the subject property is zoned Residential and the North Central District Comprehensive Plan designates the area as Agricultural. The applicant, Ulane Finn, is requesting a Special Use Permit to allow construction of a duplex in a Residential Zone. The Permit Center recommended approval of the request, subject to the following conditions:

1. All applicable land use permits shall be obtained.
2. The applicant shall submit a screening plan for approval by the Skagit County Permit Center. This plan shall be submitted within six months of occupancy of the structure.

Ms. Roeder reported that the Hearing Examiner approved the request, subject to the above stated conditions. James A. Kallio, a neighboring property owner, submitted an Appeal for Reconsideration of the Hearing Examiner's decision on February 25, 1985. A public meeting with the Hearing Examiner followed this appeal, and no change of decision was made. Mr. Kallio submitted a Request for Review on April 23, 1985, which was before the Board at this time.

Ms. Roeder stated that the City of Sedro Woolley was contacted regarding this request, but had no comment.

The following items of correspondence were read and entered into the record:

1. Letter dated February 3, 1985, from Don F. Hice, in which he stated the Duncans, Kallios, Hildes and Dietrichs were against the request.

2. Record of a telephone call from Sally Duncan stating she was not opposed to the request.
3. Letter dated February 10, 1985, from Don F. Hice, requesting that Sally Duncan's name be removed from his previous letter opposing the request.
4. Letter from Dean and Lois Dietrich, 985 Collins Road, Sedro Woolley, stating opposition.
5. Letter from Louise Hilde-Clasing, 1003 Collins Road, Sedro Woolley, stating opposition.
6. Letter from Dr. and Mrs. Jack L. Hilde, 1950-A Hospital Drive, Sedro Woolley, stating opposition. (Ms. Roeder stated that this letter appeared to be signed by Mrs. Hilde, and the Permit Center was not in receipt of any opposition stated by Dr. Hilde.)

Mr. Finn stated that he had not heard any opposition from neighbors when he began researching the possibility of the Special Use Permit. He stated that he plans to spend approximately \$100,000 on the construction of the duplex, and he and his wife will occupy one of the units. He wants to rent the other unit to people of similar age to them.

Mr. Kallio pointed out that he is not against Mr. Finn building a house on that property, only a duplex. He stated that he spoke with several realtors and bankers who told him location of a duplex in the area would devalue neighboring properties substantially.

Steve Wood, Zoning Administrator, provided members of the Board with a list of items to be considered in such a decision.

Commissioner Walberg stated that in 1982 the property was rezoned to Residential (Rezone #82-005). In light of this new information, Commissioner Walberg motioned to remand Special Use Request #SP-85-002 back to the Hearing Examiner for reconsideration. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

MISCELLANEOUS ITEMS

Commissioner Rohrer motioned to approve Warrants #2652 through #2870 in the amount of \$157,905.81. Commissioner Walberg seconded the motion. The motion was carried unanimously. (C-20)

PUBLIC HEARING - REQUEST FOR MODIFICATION OF CONTRACTUAL AGREEMENT DATED APRIL 25, 1977, #R-77-002, ISSUED TO H. L. AND D. C. PIERSON, LOCATED AT THE NORTHWEST CORNER OF THE COOK ROAD/I-5/OLD HIGHWAY 99 INTERCHANGE.

Megan Cheney, on behalf of Jerry McInturff, Skagit County Auditor and Ex-Officio Clerk of the Board, read the Notice of Public Hearing, as published in the Skagit Valley Herald on April 26, 1985.

Steve Wood, Zoning Administrator, entered various maps, photos and the entire file from the 1977 rezone into the record, as well as the staff findings. Mr. Wood stated that Regency Investment Corporation, the applicant, proposed to modify the conditions of Contract Rezone #R-77-002 as follows:

1. Substitute a legal description for Parcel "A" and Parcel "B" for the one contained in the contractual agreement.
2. Delete paragraph 1 of the contractual agreement which limits the rezone to 1,000 feet from the intersection of I-5 and Cook Road (thus adding approximately 6.67 acres of Commercial zoning).
3. Modify paragraph 3 of the contractual agreement to allow a septic system for a real estate or similar office on an interim basis until the connection to the public sewer is made.

Mr. Wood stated that the Planning Department recommended denial of the request to zone additional property Commercial; however, the Planning Department had no objections to allowing a modification to condition #3 to allow a septic system for a real estate or similar office on an interim basis on the land currently zoned Commercial, providing that a system could be designed for the site that would meet the standards of the Health Unit of the Skagit County Permit Center.

Mr. Wood read a letter dated April 8, 1985, from Skagit Conservation District Supervisors, in which they objected to: (1) drainage and surface water which would result from development; and (2) the absence of a buffer zone between Commercial property and Agricultural property.

Mr. Wood also read a letter from Dale C. Pierson, one of the former owners of the property, in which it was stated that they have no objection to the applicant's requests, as long as the natural drainage path is not obstructed.

Bill Stiles III, of the Regency Investment Corporation, further explained their proposed request. He stated that the contract rezone was very specific and only allows for highway oriented commercial ventures to be located on that property. He stated they plan to create a tourist-oriented facility which will attract people to stop and find out about other tourist facilities in the area. He stated that the proposal is to construct a motel.

Mr. Stiles felt the following three points justified his request:

1. According to the staff findings, this property is designated as Commercial on the Comprehensive Plan.
2. Mr. Stiles read the Zoning Ordinance definition of agricultural land, which found this parcel to be too small and not economically feasible for farming.
3. He felt the highest and best use for this property was highway-oriented commercial business.

Rich Royston, of Sedro Woolley, endorsed the proposed project. He pointed out the need for business in the area to relieve the high unemployment rate.

Susan Mortensen, Director of the Economic Development Association of Skagit County (EDASC), spoke on behalf of the Skagit County Tourism Task Force in supporting the proposed modification.

In answer to a question from Commissioner Walberg, Ms. Mortensen stated that Expo '86 has been off the drawing board for approximately two years now.

Robert P. Farrell, of Sedro Woolley, stated that he owns 4.7 acres across Cook Road from the proposed project. He felt Skagit County should encourage tourism whenever possible, because tourism is a steady industry, while logging and farming have their ups and downs.

Bill Thrasher, of Burlington, endorsed the project and the employment opportunities it would bring to Skagit County.

Ty Clark, of Skagit Conservation District, made two comments. He felt this property was prime agricultural land, and stated that it could be a very economically feasible farm to someone else.

John Rumsey, Traffic Safety Engineer of the Skagit County Public Works Department, expressed a concern for increased traffic as a result of the proposal. He requested that if the rezone is granted, any mitigating factors with regard to traffic be presented to the Public Works Department for review.

Oscar Lagerlund, of Burlington, stated that he is a Planning Commission member, although he was not a participating member in the recommendation of this item. He stated he was also speaking on behalf of Gary Koops, a property owner in the area. With regard to the Shorelines Management Act defining a floodway (R.C.W. 90.58.030), he stated that the Samish River is a major problem in that area. He expressed concern regarding protection of the natural drainage paths in the area. Mr. Lagerlund presented the Board with a plan which was prepared in 1977 of a motel proposal. Mr. Lagerlund felt there is plenty of Commercial property available elsewhere in the County.

Norm Dahl, of Bow, stated that his only concern with the request was with regard to the drainage path.

John Sandell, of Bow, felt the increased traffic congestion would have a considerable impact on the farm and truck traffic in the area.

Art Schreifels, of Mount Vernon, stated that he is one of the owners of the property. He stated that their plans for the property include improvements to the drainage paths. He felt the issue of drainage has been adequately addressed.

Mr. Stiles responded to Commissioner Walberg's earlier question regarding Expo '86. He stated that interest rates are low and building materials are less expensive than several years ago. Construction of such a facility has only recently become economically feasible.

With regard to traffic, Mr. Stiles stated that they are very willing to work with the Public Works Department on this matter. Mr. Stiles stated that the subject property is only adjacent to one other property owner, which is Mr. Koops. Its other boundaries are I-5, Cook Road, Highway 99 and the railroad tracks.

Mr. Royston, as a member of the Skagit County Tourism Task Force, pointed out that this proposal would be a year around tourist facility, while the tulips provide only a few short weeks of tourists per year.

As there were no additional comments, Commissioner Rohrer motioned to close the public hearing. Commissioner Walberg seconded the motion. The motion was carried unanimously.

Commissioner Walberg motioned to continue deliberation on the matter until 11:00 a.m., Tuesday, May 14, 1985. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

MISCELLANEOUS ITEMS

The following miscellaneous items were addressed:

1. Steve Wood, Zoning Administrator, informed the Board that one of the conditions of the Lynn Davis Hoy Rezone #R-85-003 was as follows:

The proponents shall obtain approval from the Skagit County Permit Center for utilization of the existing septic system. If this system is not adequate and cannot be enlarged to meet the standards of the Permit Center, the proponent shall be required to utilize the Water District 12 sewer line which will require the approval of the Water District and the Board of County Commissioners.

Mr. Wood informed the Board that the proponents want to hook up to the sewer line at this time, without the expense of checking into the existing septic system. The estimated cost of hooking up to the sewer line is \$6,000 to \$7,000.

Commissioner Rohrer stated that he favored hooking up to the sewer system whenever possible.

Commissioner Walberg suggested Tom Karsh, Environmental Health Specialist III investigate the site and offer an opinion as to the feasibility of using the existing system.

Mr. Wood pointed out that there is no record of the septic system which is presently on the property, so it would be difficult to give an opinion on the feasibility of it. He stated that the reason the condition was placed on the rezone was to ensure that availability of sewer was not used as a reason for locating such a facility in that area.


Chairman Vaux suggested the church retain services to investigate the system that is on the site prior to the Board granting approval to hook up to the sewer line. Commissioners Walberg and Rohrer concurred with this suggestion.

2. Commissioner Rohrer motioned to approve Warrants #37650 through #37687 in the amount of \$107,184.14. Commissioner Walberg seconded the motion. The motion was carried unanimously. (R-15)
3. The Board approved for signature a Certificate of Commendation in recognition of dedicated public service by the volunteers of the Anacortes American Red Cross.


ADJOURNMENT

Commissioner Walberg motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



W. W. Vaux, Chairman




Otto M. Walberg, Jr., Commissioner



Dave Rohrer, Commissioner





Jerry McInturff, Skagit County
Auditor and Ex-Officio Clerk of
the Board of Commissioners