

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Wednesday, January 10, 1990

- 9:00 a.m. Lowell Engberg Appeal of Hearing Examiner's Decision Regarding Shoreline Permit Application #12-89.
- 10:00 a.m. Public Hearing - Request to Expand Existing Contractual Rezone #R79-017 of Food Services, Inc.

The Skagit County Board of Commissioners met in regular session on Wednesday, January 10, 1990, with Commissioners Ruth Wylie and W. W. Vaux present. Commissioner Rohrer's absence was excused.

LOWELL ENGBERG APPEAL OF HEARING EXAMINER'S DECISION REGARDING SHORELINE PERMIT APPLICATION #12-89.

Chairman Wylie announced that the hearing of this appeal has been delayed due to the absence of Commissioner Rohrer, at the request of the applicant/appellant's legal council, who was contacted on January 4, 1990, and notified of Commissioner Rohrer's impending absence.

PUBLIC HEARING - REQUEST TO EXPAND EXISTING CONTRACTUAL REZONE #R-79-017 OF FOOD SERVICES, INC.

Chairman Wylie noted the absence of Commissioner Rohrer, and explained that the appellant has the option to allow the matter to be heard, having the absent commissioner review the tape recordings of the hearing prior to deliberation by the Board, or to postpone the hearing of the matter until such time as the entire Board is present. Mr. Crawford, the appellant and applicant, agreed to proceed.

Chairman Wylie waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on December 26, 1989.

Gary Christensen, Associate Planner, provided 35 mm and aerial photographs of the site. He explained that on November 13, 1989, the Planning Commission held a public hearing to consider the application of Mr. Crawford to allow the reclassification of a one acre parcel to the north of his existing business to allow expansion. Mr. Christensen noted that the recommendation of the Planning Commission following the public hearing was 8 to 0 in favor of denial of the request. Mr. Christensen stated that the recommendation was brought before the Board of Commissioners in December, and at that time their decision was to hold their own public hearing, which is the reason for today's meeting.

Mr. Christensen stated that the Board may exercise any of the following options:

- 1) To uphold the decision of the Planning Commission.
- 2) To remand the matter back to the Planning Commission for further consideration.
- 3) To call for the Board's own public hearing to consider testimony on the matter.

Mr. Christensen stated that, on hearing that the Board had called for their own public hearing, the Planning Commission wished to make note that, should the Board wish to approve the application of Mr. Crawford, the Planning Commission would recommend that the County and the applicant enter into a concomitant agreement.

Mr. Christensen then reviewed the recorded motion of the Planning Commission. The following chronological account was given:

- 1966 - A portion of a parcel located about 1/2 mile west of Mount Vernon on McClean Road, at 1587 McClean Road, was zoned commercial to accommodate an existing meat packing business, the rest being zoned residential.
- 1975 - A request was granted with conditions for a contractual rezone to the south to accommodate wholesale foods distribution.
- 1979 - Approval was granted for expansion of the freezer facility with conditions.
- 1981 - Contractual rezone modifications were allowed for an office addition with conditions.
 - A request to remove the conditions of the contractual rezone and reclassify a 2.93 acre parcel was denied.
- 1987 - Approval was granted to amend the contractual rezone to allow construction of an addition to the west and east sides of the existing building for dry storage and equipment repair.
- 1989 - The Planning Department noted an infraction of the previously placed conditions regarding landscaping barriers and the parking of vehicles on the property.

The recommendation for denial by the Planning Department was based on the following facts:

- The request is for a 35,000 square foot building, but no specific plans were submitted for construction.
- The business is located on a 100 year flood plain.
- The granting of the request may encourage similar requests, leading to strip development of the area.
- There is an inadequate buffer between commercial and residential property in the area.
- The soil on the property is suitable for crops.
- There is some question that the granting of this request constitutes spot zoning.
- Traffic problems would be magnified, especially around the area of Washington Elementary School.
- There is no public sewer to the business.
- The request is not in conformance with the South Central District Comprehensive Plan.

Mr. Christensen read letters from the following individuals:

- Jim Scott, Windemere Real Estate - supportive of request.
- Swanson Brothers - supportive of request.
- Thomas and Joanne Lynn - opposed to request.

Joe VonMoos, National Foods Corporation - supportive of request.
Fred Rozema - opposed to request.
Mike and Sandy Holmstrom - opposed to request.
Dan Nelson - opposed to request.
Doug and Susan Rindal - opposed to request
Marion Meyer - opposed to request.
Ed and Fran Wall - opposed to request.
Robert McMullen - opposed to request.
Dave Schink of Brown and McMillen Realtors - supportive of request.
Jerry Kaufman and Don Wick of EDASC - supportive of request.

Mr. Crawford was then invited to speak. He provided an aerial photograph of his site, as well as general plans in blueprint form of his proposed addition.

Mr. Crawford gave an overview of the events leading up to his purchase of the business. He stated that Everett Hall established the original meat packing business in 1945. The business was later purchased by Joe Trembly in 1972, who converted it to a wholesale foods operation. Mr. Crawford purchased the business in 1979, and since has raised the business to support 50 employees with a 1.5 million dollar payroll and 12 million dollars in revenues last year. Mr. Crawford stated that his business spends approximately 6 million dollars in Skagit County annually in the form of payroll, taxes and purchases of goods and services. Mr. Crawford supported his request with the following reasons:

- The parcel is economically infeasible to farm due to its small size and poor soil quality. The present business is agriculturally related, thereby satisfying the compatibility with the zoning ordinance.
- The complaints from the neighbors regarding noise were unknown to the business until the expansion request was made. Since receiving the complaints, steps have been taken to facilitate noise abatement. Mr. Crawford listed these steps, and provided "before" and "after" noise meter readings to the Board.
- Approximately 2,400 cars travel McClean Road daily. Food Services, Inc., vehicles were responsible for only about 48 trips daily in 1989, and it is estimated will be responsible for about 82 trips daily by 1995. Therefore traffic will not be appreciably impacted. Additionally, increased safety regulations and the safe driving habits of Food Services, Inc., drivers was noted by Mr. Crawford.
- McClean Road would not be the first choice of Mr. Crawford for location of his business, if there was a choice; however, there is danger of losing accounts if the business does not expand. Mr. Crawford has invested \$1,200,000 into the existing business.
- Alternatives have not been located, even after meeting with the Port of Skagit County, EDASC, the Planning Department, and area realtors.

The audience was then invited to comment.

Harry Anderson supported Mr. Crawford's remarks regarding the noise abatement procedures.

Chuck Dynes, 750 Highland Drive, Mount Vernon, owner of Dynes Poultry Farm and a business associate of Food Services, Inc., stated that Food Services, Inc., provides local revenues by utilizing local services and goods. He stated that, while the food wholesaler does impact the farmland to some degree, so do the houses built adjacent to the site. He emphasized that commercial truck drivers are among the safest drivers on the roads, and that the McClean Road is a regular truck route for many businesses anyway.

Don Nevitt, 1523 Sunset Lane, Mount Vernon, and owner of property behind the business at 1539 Sunset Lane, voiced his concern about the possibility of unlimited expansion of Food Services, Inc. He noted that marginal farmland in Skagit County is better than what is known as good farmland elsewhere.

Harvey Moyer, 1584 McClean Road, Mount Vernon, discussed the parking of trucks on the Food Services, Inc., property, and the warning of the Planning Department of the violation of the conditions of the contract rezone. He noted that there are large fuel tanks located behind the existing buildings. He questioned the veracity of Food Services, Inc., in light of the violations of the previous conditions set on the contract rezone. He discussed the noise of the business and of the trucks, the truck speed and lights shining in his windows. He felt that farmers who were unsuccessful at farming the land behind the business were not good farmers. He made further unsupported statements regarding Food Services, Inc., business policies.

Danny Miller, 1439 Peterson Road, Mount Vernon, corrected Mr. Moyer's unsupported statements regarding the inability to farm the Food Services, Inc., land, stating that because of insurance and equipment costs, it is not financially feasible to farm the land.

Lois Young, 2034 Gunn Road, Mount Vernon, remarked on the continued expansion of the facility, its proximity to the elementary school and the truck noises from the business.

Bob Jolly, 1531 Sunset Lane, Mount Vernon, questioned whether further expansion of the business would finally allow it to hook up with the commercial zone to the north, encompassing all of the agricultural land behind it.

Don Wick, Executive Director of EDASC, the Economic Development Association of Skagit County, stated that, although Food Services, Inc., has not threatened to leave Skagit County, there is a likelihood that it would, causing a hardship to the County in terms of lost jobs and revenues. He reiterated statements made in his support letter, stating that the EDASC Board's position is to support the expansion of Food Services, Inc., either by a modification to the contract rezone or by changes to the Comprehensive Plan.

Dale Smiley of Smiley's, Inc., on Memorial Highway in Mount Vernon, supported the request of Food Services, Inc., on the grounds that it is a clean, sound business.

Liz Murray, 1545 Sunset Lane, Mount Vernon, noted the very small size of the original business in comparison to the present business. She noted noisy truck traffic late at night. She also questioned Food Service, Inc., compliance to their promises if they are not part of a written contract. She also questioned why, since Mr. Crawford presently leases the property on which his business is sited, he has stated his opposal to leasing property from the Port of Skagit County.

William Ben Dixon, 1586 McClean Road, Mount Vernon, stated that if the request is granted, he will ask the Planning Department for a variance to build his home further away from Food Services, Inc.

Jerry Murray, 1545 Sunset Lane, Mount Vernon, also was opposed to the request.

Ray Moseby, 1541 Sunset Lane, Mount Vernon, reminded the Board that neighbors of the business have made lifetime investments in their homes.

Sandy Holmstrom, 1596 McClean Road, Mount Vernon, stated her appreciation of the noise abatement efforts made by Mr. Crawford. She suggested the possibility that one day the Food Services, Inc., expansion may include the large agricultural parcel beside the business as well. She opposes the expansion, but stated that if the Board chooses to allow it, a proper driveway, policing of truck traffic, and proper landscaping should be made a part of the conditions of approval.

Seeing no further public comment, Commissioner Vaux motioned to close the public hearing. Chairman Wylie seconded the motion, which carried and was so ordered. The Board announced that deliberations on the matter will occur on Wednesday, January 17, 1990, at 1:30 p.m.

MISCELLANEOUS ITEMS.

A. As of this date, January 10, 1990, the Board, by majority vote, did approve for signature the following warrants and vouchers:

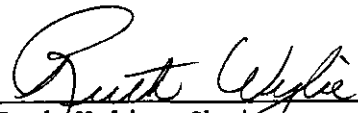
- 1) MW003-51314 in the amount of \$110,851.66 (C-4-89).

ADJOURNMENT


Commissioner Vaux motioned to adjourn the proceedings. Chairman Wylie seconded the motion. The motion carried and was so ordered.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON






Ruth Wylie, Chairman

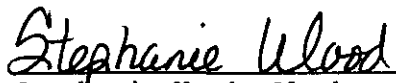


W. W. Vaux, Commissioner



Dave Rohrer, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners