

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Tuesday, May 22, 1990

- 10:00 a.m. - 11:00 a.m. Leonard Lee Appeal of Hearing Examiner's Decision Regarding Variance Request #V-89-056.
- 11:00 a.m. - 11:30 a.m. Work Session - Personnel Policy and Procedure Manual Amendments.
- 1:30 p.m. - 2:00 p.m. Work Session - Real Estate Excise Tax.
- 2:00 p.m. - 3:00 p.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Report on Fire Protection Response in the Forestry Zone - Planning Commission Recommendation.
 - 2) Enforcement Update.
 - 3) Staffing Update.
 - 4) Miscellaneous.
- MISCELLANEOUS ITEMS.
- 3:30 p.m. - 4:00 p.m. Public Comment Period.

The Skagit County Board of Commissioners met on Tuesday, May 22, 1990, in regular session, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

LEONARD LEE APPEAL OF HEARING EXAMINER'S DECISION REGARDING VARIANCE REQUEST #V-89-056.

Grace Roeder, Senior Planner, provided the Board with an Assessor's map of the Leonard Lee property, as well as a full scale site plan submitted by Mr. Lee, and photographs taken by the Planning Department staff.

Ms. Roeder explained that the Lee property is located on the west side of Chuckanut Drive, approximately 1/4 mile south of the intersection of Chuckanut Drive and SR 237. She gave a brief history of Mr. Lee's request. Ms. Roeder stated that in December of 1989, Mr. Lee applied for and was granted an agricultural variance to subdivide a 20 acre parcel from a 70 acre parcel for agricultural purposes. In January of 1990, Mr. Lee made application for a modification of the previously granted agricultural variance on behalf of a Mr. Steven Anderson, a prospective purchaser of the newly divided 20 acre parcel. The purpose of the modification was to locate a home, garage, barn and an arena for 4-H functions on the 20 acre parcel. A portion of the property, to include the arena, would also be planted in hay. Current zoning codes require a 40 acres parcel for establishment of a home site.

Ms. Roeder explained that the Hearing Examiner held a public hearing on the matter in March of 1990. During his deliberation, the Hearing Examiner considered the criteria contained in the Guidelines for the Division of Agriculture Land adopted by Skagit County. These Guidelines state that subdivision of agricultural land may be allowed in cases where the land has been sold to an adjacent property owner, where the land is being sold for agricultural purposes only, to dispose of an existing house or an extra existing house, as a property settlement, or as a gift or sale to a family member. He subsequently denied Mr. Lee's modification request because the request did not meet the criteria contained in the Guidelines for the Division of Agriculture Land, and because no reason was given for this property being exempt from the requirement to obtain a short plat.

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Ms. Roeder reviewed a letter from Mr. Anderson, in which he explained his plans to seed 15 acres of the property in grass for the purpose of hay production, operate a small nursery for deciduous trees, and operate a cross country jumping course and horse facility for local 4-H groups, in addition to living on the property.

Ms. Roeder read excerpts from the Staff Findings, which recommend denial of Mr. Lee's request, also because of the inability to meet the criteria contained in the Guidelines.

Ms. Roeder reviewed Mr. Lee's written appeal. The reasons stated for appeal of the decision include Mr. Lee's inability to farm the land for a reasonable profit, and that sale of a portion of the land would help Mr. Lee financially in his retirement.

Mr. Lee was then invited to comment. He reiterated that the parcel is not profitable. He stated that he is growing peas there presently, and usually trades the ground with others who want to grow potatoes on his land. Potato crops, however, must be rotated annually so that the land remains fertile.

Mr. Anderson again described his intentions for the property, emphasizing that it has always been his hope to establish a small farm for 4-H use.

Commissioner Vaux asked if the Board has a vehicle by which the Mr. Anderson's residence can be granted for the 20 acres, and the remaining 50 acres be designated non-buildable. Mr. Lee and Mr. Hough explained that there is already a home site that Mr. Lee leases to a family for a mobile home on the 50 acres parcel, which is part of a life-time estate.

Mr. Hough explained that the Guidelines indicate that a lot can be given or sold to a family member who is working on the farm for a building site, none of which applies to Mr. Lee's request.

It was established that if 40 acres containing the present home site were split off and sold to Mr. Anderson, a disclaimer could be applied to the remaining 30 which would prohibit establishment of another home site.

Discussion ensued on the topic of "illegal segregation" which occurs if Mr. Lee allows the Federal Land Bank to take over the property.

Mrs. Anderson made a statement. She felt that by granting the request, the Board could solve both the Anderson's problem of finding an affordable farm site and helping Mr. Lee in his retirement.

Commissioner Vaux, after a full discussion of the criteria contained in the Guidelines, motioned to uphold the decision of the Hearing Examiner. Commissioner Rohrer seconded the motion, which passed unanimously.

Commissioner Vaux's absence was excused for the following items:

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTT KIRKPATRICK, DIRECTOR:

1) Report on Fire Protection Response in the Forestry Zone.

Mr. Kirkpatrick stated that the Board's request for the Planning Commission to recommend to the Board interim controls to address the difficulties encountered because of conversion of Forestry lands to building lots of 40 acres each, specifically difficulties in providing fire protection, was discussed at last night's Planning Commission meeting. Representatives of Fire Protection District #8, the Fire Marshall and a DNR representative were present at the meeting.

Gary Christensen stated that after considerable discussion two motions were made, one of which was seconded and approved, and comes as a recommendation today. Mr. Christensen stated that the Board, today, has the option to modify or edit the recommendation in any way they wish without holding a public hearing.

Mr. Christensen read the first recorded motion of the Planning Commission, which makes changes to the Skagit County Code to increase the minimum lot size for Forestry Zoned lands to 160 acres, and to require that a 200 foot radius slash abatement be established around a residence in order to obtain a building permit. This motion died for lack of a majority vote.

The second motion, which received a 7-0 approval, increased the minimum lot size for Forestry Zoned lands to 80 acres, and requires that a 200 foot radius slash abatement be established around each residence in order to obtain a building permit. This is the motion that is presented to the Board as the Planning Commissioner's recommendation for adoption.

Mr. Kirkpatrick remarked that under the recently passed ESHB 2929, the County will be required to implement plans for preserving forested lands. The Planning Commission is currently working on a recommendation for a Forest Practices Application moratorium policy, and will have it ready to present to the Board within the next 90 days.

Don VanEtten, a Skagit County realtor, complained that a lot of property in Skagit County is currently zoned Forestry and is technically not.

Dan Cain, Skagit County Fire Marshall, blamed the developer for changing Forestry land in an area known as Bacus Hill to a residential area by logging and minimally reseeding the land so that it would be unprofitable for immediate future forestry practices. The interim controls recommended are for the purpose of ensuring that the same thing does not happen in other areas before the Comprehensive Plan update can be completed.

Brian McGuiness of the Skagit-Island County Buildings Association stated that the Planning Commission's motion misses the point made by the fire department. The fire departments were concerned that they would be unable to protect inaccessible homes, but the motion does not preclude development on Forestry lands. Instead it does nothing to preclude development on 80 acre tracts. Mr. McGuiness felt development should be stopped altogether unless accessibility is available.

Mr. Cain stated that the representatives of Fire Protection District #8 were satisfied that the recommendation of the Planning Commission would be of help to them.

Mr. Kirkpatrick indicated that the issue is whether or not people should live in the forest; however, he stated, there is not sufficient time to draft and legislate the kind of controls defined by Mr. McGuiness right now. Interim controls such as those proposed should give the County enough time to update the Comprehensive Plan to better reflect the growth boundaries of the County and provide solutions to the problem of Forestry development.

Following further discussion with several realtors present, Chairman Wylie declared that no decision will be made on the Planning Commission's recommendation until Commissioner Vaux is available to share in the discussion. Further discussion was scheduled during the next Planning Department agenda on Wednesday, May 30, 1990.

2) Enforcement Update.

Mr. Kirkpatrick reviewed the May enforcement statistics with the Board.

3) Staffing Update.

Mr. Kirkpatrick introduced Al Youngsma to the Board, who joins the Planning Department staff this week as a Plans Examiner.

4) Miscellaneous.

There were no miscellaneous items from the Planning Department.

PUBLIC COMMENT PERIOD.

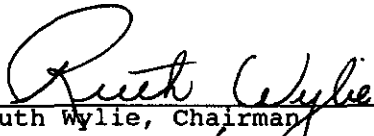
No members of the public were present for the public comment period.

ADJOURNMENT:

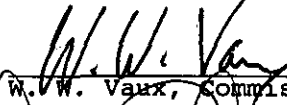
Commissioner Vaux motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON





Ruth Wylie, Chairman

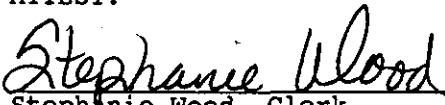


W.W. Vaux, Commissioner



Dave Rohrer, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners