

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

Tuesday, February 12, 1991

- 8:30 a.m. - 9:00 a.m. Work Session - Operations Superintendent and Road Supervisors.

 Flag Salute.
- 9:00 a.m. - 10:30 a.m. Department of Planning and Community Development - Scott Kirkpatrick,
 Director:
- 1) Report - Town of Hamilton Relocation.
 - 2) Planning Commission Update.
 - 3) Enforcement Report.
 - 4) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Referral from Skagit County Planning Commission:
- 1) Recommendation to Approve Amendments to Skagit County Code 14.04.110 and 14.04.115 Regarding Siting Criteria and Dimensional Requirements for Buildings in the Agricultural Zone.
- 11:00 a.m. - 11:30 a.m. Recognition of Flooding Disaster Recovery Support Groups.
- 11:30 a.m. - 11:45 a.m. Introduction of New Employees - Prosecuting Attorney's Office.
- MISCELLANEOUS ITEMS.
- 3:30 p.m. - 4:00 p.m. Public Comment Period.

The Skagit County Board of Commissioners met in regular session on Tuesday, February 12, 1991, with Commissioners W. W. Vaux, Ruth Wylie, and Robby Robinson present.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - SCOTTKIRKPATRICK, DIRECTOR:

1) Report - Town of Hamilton Relocation.

Mr. Kirkpatrick reported that the Boundary Review Board has received an application from the Town of Hamilton for the property being offered by the Nortep Company, whose owners are Ronald Schultz and Peter Poeschel, as an alternate building site for those who are able to relocate their homes away from the floodplain on which the town currently sits. Mr. Kirkpatrick stated that he has made a determination that the Boundary Review Board will be responsible for the SEPA determination. An application has been made by the Skagit Council of Governments on behalf of the Town of Hamilton for Hazard Mitigation Assistance from FEMA for funds to employ a technical planning expert to administer the annexation and ensuing development of the property. Mr. Kirkpatrick stated that Nancy Noe, Sedro Woolley City Planner, has been mentioned as a candidate for the position, but she indicates she has not been approached.

Mr. Kirkpatrick asked Henry Campbell, Nortep Resource Manager, to discuss the annexation.

Mr. Campbell reported that at the Hamilton Town Council meeting last night, the Council voted unanimously to annex the 240 acres of property offered by Nortep located north of SR 20 at Hamilton Cemetery Road and east off of Walders County Road. The property is currently zoned agriculture and forestry, and 110 to 130 residential sites will be developed there.

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Mr. Campbell stated that a "panhandle" annexation will be required, as the parcel is not contiguous with the Town. Access will be via an 80 foot wide access corridor encompassing some County Roads, a portion of SR 20, and an abandoned railroad right-of-way. Mr. Campbell stated that this is being called the "Centennial Annexation to Hamilton" to commemorate the Town's 100 year anniversary on March 17, 1991. Mr. Campbell stressed that this is not a relocation of the Town, but rather is an annexation of safe building lots for those who are able to relocate from the flood plain.

Mr. Campbell then discussed how the property will be developed, stating that they will be meeting the Town's specifications. He indicated that Mayor Bates informed the Hamilton Town Council last night that 27 applications have been submitted to FEMA for the buyout program. There are a total of 94 homes in Hamilton. He was uncertain how many of those remaining will opt to move to the new area, but stated that there are also outlying areas that may have interested buyers.

Mr. Kirkpatrick noted that, since there is no contract for planning assistance with the Town of Hamilton, Skagit County will have no involvement with the development of the property.

Answering a question from Chairman Vaux, Mr. Campbell stated that the property is treed with 5 year old timber, and one stand of substantially older timber.

Mr. Kirkpatrick explained that, were the land use application to be submitted to the County prior to the annexation, the application would have to undergo a comprehensive plan amendment, which would take six to eight months, a rezone, which takes several months, as well as preliminary plat approval. Clearly, this would not conform to Nortep timelines, therefore they have opted to request the annexation of their property into the Town of Hamilton, which will have jurisdiction for the ensuing land use applications.

In a statement of complaint about the timeliness with which the Skagit Council of Governments made their Hazard Mitigation Assistance Request, Mr. Campbell stated that Mr. Ruby, SCOG Executive Director, "has not been very responsive" to Nortep plans.

2) Planning Commission Update.

Since a Planning Commission item was scheduled to follow the Planning Department agenda, Mr. Kirkpatrick gave only a brief Planning Commission update.

3) Enforcement Report.

No enforcement report was given at this time.

4) Miscellaneous.

- A. Mr. Kirkpatrick reported that the State Department of Transportation met with representatives of Island County, Skagit County, and the Skagit Council of Governments last week regarding the Regional Transportation Planning Agency which is to include all of these parties. In deference to the wishes of the State DOT, an agreement was reached that SCOG would be designated as "Lead Planning Agency", while Skagit County and Island County would be "Lead Technical Agencies". The DOT was pleased that Mr. Kirkpatrick indicated an interest in including San Juan County in the RTPO; however, was not agreeable with Island County's notion that they would "go their own way". With Mr. Kirkpatrick's recommendation, the Board approved for signature an Interlocal Agreement between Skagit County, Island County and SCOG forming a Regional Transportation Planning Organization. (Contract #00842)

RECOMMENDATION TO APPROVE AMENDMENTS TO SKAGIT COUNTY CODE 14.04.110 AND 14.04.115 REGARDING SITING CRITERIA AND DIMENSIONAL REQUIREMENTS FOR BUILDINGS IN THE AGRICULTURAL ZONE.

Gary Christensen, Associate Planner, explained that the Planning Commission has held nine study sessions and two public hearings on the issue of preservation of the agricultural land in Skagit County through changes in the County's land use rules. The recommendation being considered by the Board today was recommended for approval on a 6-2 vote of the Planning Commission. Mr. Christensen had earlier provided a packet of information to each Board member containing the Planning Commission's recorded motion, along with a copy of the proposed ordinance change, and a copy of the Staff Findings of the Planning Department.

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

- 1) To adopt the findings 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 and adopt the Board's own findings.

Mr. Christensen reminded the Board that no new testimony should be received on the matter, and that only testimony pertaining to the Board's options should be accepted.

A videotape was reviewed by the Board and audience which contained highlights of documentaries shown on television Channels 9 and 5. The first clip dealt mainly with the Trillium Corporation's bid to build Hollyhock Farms, a farming theme park, on a parcel of agricultural land in Skagit County. The second clip featured the citizen interest group "Skagitonians to Preserve Farmlands", and gave a more general overview of farmland preservation issues.

Kraig Olason, Associate Planner, reviewed the Recorded Motion. He read points #21 and #22 into the record. Briefly, the changes to the ordinance would accomplish the following on Agriculture and Agriculture Reserve zoned land:

- 1) amend the maximum rear setback from 150 to 200 feet,
- 2) amend the minimum lot width to length ratio to at least 1/5 lot length,
- 3) add siting criteria for construction which requires that new structures be located:
 - a) adjacent to existing compatible structures, sharing a common access road,
 - b) where a) is not possible, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road,
 - c) where a) or b) is not practical, site to achieve minimum distance between structures, and minimize the length of access from the nearest existing public road.
- 4) add language stating that buildings such as barns, stables or farm outbuildings be at least 20 feet from any dwelling unit, and
- 5) allow the Planning Department Director to grant a variance if he feels the site constraints constitute a hardship on the land.

Mr. Olason explained that in the event the applicant has a condition which precludes siting his structure within the 200 foot rear setback, the Planning Administrator has the option to adjust the setback requirements, thereby abolishing the need for a public hearing in front of the Hearing Examiner.

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Chairman Vaux pointed out that no distinction is made between the Agriculture and Agriculture Reserve land. He pointed out that most good lowland soil is zoned Agriculture.

Mr. Olason stated that the Planning Commission determined to deal with the difference in the future in conjunction with resource lands planning.

Chairman Vaux clarified that the administrator's decision could be appealed to the Hearing Examiner, and the Hearing Examiner's decision appealed to the Board.

Discussion ensued on the removal of the Board from the approval process by empowering the administrator with the ability to grant variances.

Discussion was held on the new width to length ratio. Mr. Christensen stated that the new language makes the chapter consistent with other areas of the code. He stated that the intent is to preclude the creation of long, skinny lots, and encourage rectangular lots.

Chairman Vaux, at this point, again reviewed the Board's options and warned the audience to keep those options in mind as they give their comments.

Greg Nelson questioned what is gained by changing the width to length ratio.

Mr. Christensen answered that the total acreage must always equal 40 acres no matter what the width.

Mr. Nelson then stated that he is totally opposed to the setback requirements and requested that the Board hold their own public hearing.

Dan Peth, Chairman of the Planning Commission, asked what the Board hoped to achieve by receiving comment from the audience, and on what a decision would be based to hold a new public hearing.

Chairman Vaux responded that he would be looking to the audience for evidence that there was an absence of thorough discussion of the subject, or that someone was treated unfairly.

Commissioner Wylie stated that she would judge whether there had been ample opportunity for public input, and whether the public hearings had been appropriately conducted.

Bill Ruhl asked a question pertaining to his personal property.

Mr. Christensen indicated that in the absence of a road running along the property, the setback will be measured from the front property line.

Mr. Ruhl argued with Mr. Christensen regarding the ability of the administrator to grant variances.

John Sandell requested that the Board hold their own public hearing because the Planning Commission did not receive enough information from "real farmers".

An audience member named Chris was unhappy about having to build a road to County standards to access his 40 acre parcels within his 400 acre holdings that he intends to subdivide. He also requested a new public hearing.

Tom Solberg pointed out that the 150 foot setback was an interim measure, and that adding another 50 feet

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to the setback is simply "throwing a bone" to the farmers. He wanted to be allowed to build anywhere he wished on his agricultural parcels.

Don Balsler approved of the recommendation of the Planning Commission and felt that they had made reasonable suggestions.

Bill Nielsen, an attorney representing an unnamed group of audience members, requested that the Board hold its own public hearing. He stated that as much input as possible should be gathered, and that adequate review of the siting requirements was not made by the Planning Commission. He stated that members of the Skagitonians to Preserve Farmlands misled the Planning Commission to believe that they represented more farmers than they actually do. He stated that the Planning Administrator will not give approval to the administrative variance requests, therefore it will just add more time to the process.

An audience member named Floyd was unhappy that he will be unable to bequeath one acre of his land to each of his five children in contiguous lots along the front of a large parcel he owns. He wanted a new public hearing.

Lisa Nielsen, Director of Skagitonians to Preserve Farmlands, stated that she and a number of STPF members sat through a number of Planning Commission meetings beginning in August that sometimes lasted until 11:00 p.m. Many farmers were present at those meetings and the Planning Commission made their decision based upon those farmers' comments. However, Ms. Nielsen stated, a new public hearing should be held on the basis that people feel that their rights are being challenged.

John Sandell felt that the farmers need to be saved, not the farmlands.

Commissioner Wylie noted that there are two factions within the farming industry - farmers who want their land to be saved for farming, and farmers who need to profit from the subdivision and sale of their land.

Further discussion was held between Chairman Vaux and Planning Staff regarding the differentiation between Agriculture and Agriculture Reserve lands. Mr. Christensen indicated that the Planning Commission felt that at some point it might be prudent to abolish the Agriculture Reserve designation, but that this issue will be discussed in depth at a later date.

Chairman Vaux stated his belief that the Board of Commissioners should continue to review agriculture variances as recommendations from the Hearing Examiner. He stated that he would like to remand the issue back to the Planning Commission for further study of this point, but with no objection to the rest of the ordinance.

Commissioner Wylie felt that the reason for the administrative variance component was to speed the process. She stated that if the application must go to a public hearing of the Hearing Examiner, the process will be lengthened. She, however, was concerned that the siting criteria would preclude the siting of barns and outbuildings necessary to farming. She felt that for good reason, a barn should be allowed at a distance from the main residence, and motioned to remand the matter to the Planning Commission to study Sections 5d. i.-v. in light of this opinion.

Commissioner Robinson established that remanding the matter back to the Planning Commission would afford another opportunity for public input.

Chairman Vaux clarified that only the subject for which the matter is remanded can be discussed.

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Mr. Christensen stated that, although other issues could be raised, the Chairman of the Planning Commission would be empowered to decide whether they pertain to the matter at hand.

Commissioner Robinson seconded Commissioner Wylie's motion at this time.

Chairman Vaux then motioned to amend Commissioner Wylie's motion to state that at the same time, the Planning Commission revisit the administrative variance process.

Commissioner Wylie, after questioning Chairman Vaux briefly, seconded his motion.

Mr. Christensen asked whether it is Chairman Vaux's intent that the administrator's variance decisions be subject to Board approval, and Chairman Vaux stated that although it will be up to the Planning Commission to make that decision, he would be amenable to that process.

The Board then made a unanimous vote to accept the amendment to the motion, following by a unanimous vote to approve the original motion with the amendment.

Bill Nielsen was given another opportunity to speak, and clarified that the balance of the Planning Commission recommendation is held in abeyance until the remanded items are resolved.

RECOGNITION OF FLOODING DISASTER RECOVERY SUPPORT GROUPS.

The Board issued a Certificate of Commendation to the Church of God of Christ, Mennonites, for their involvement in the recovery from the November, 1990, flooding. Claude Freeson accepted the award and gave information on the Mennonite group.

INTRODUCTION OF NEW EMPLOYEES, PROSECUTING ATTORNEY'S OFFICE.

This item was deferred to another date.

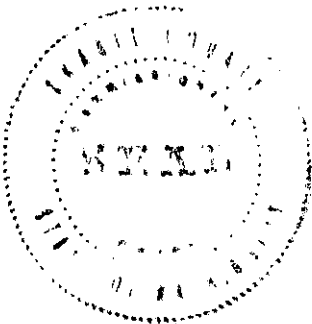
MISCELLANEOUS ITEMS.

- A. Commissioner Robinson motioned to adopt a resolution designating Commissioner Wylie as the Board's authorized signator on matters pertaining to the North Sound Regional Mental Health Network. (Resolution #12849)

ADJOURNMENT:

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Robinson seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON





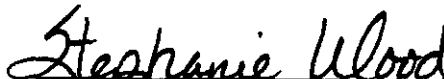
W. W. Vaux, Chairman



Robby Robinson, Commissioner

Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners