

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

Tuesday, May 14, 1991

- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick, Director:
- 1) Planning Commission Agenda Report.
 - 2) Discussion - Wellhead Protection Program.
 - 3) Day Care/Elder Care Fee Proposal.
 - 4) Enforcement Report Update.
 - 5) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Planning Commission Recommendation - Changes and Additions to Skagit County Code 14.04 Regarding Siting Criteria for Buildings in the Agriculture District.
- 11:00 a.m. - 11:30 p.m. Consideration of Skagit County Auditor to Modify and Add Precincts Due to Annexation and Growth of Cities of Mount Vernon and Anacortes.
- 1:30 p.m. - 2:00 p.m. Bid Opening - Reconstruction of Lyman-Hamilton Road.
- 2:00 p.m. - 2:15 p.m. Safety Program Awards - Skagit County Sheriff's Office.

The Skagit County Board of Commissioners met in regular session on Tuesday, May 14, 1991, with Commissioners W. W. Vaux, Ruth Wylie and Robby Robinson present.

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

1) Planning Commission Agenda Report.

Scott Kirkpatrick presented to the Board a recommendation for the 1991 Planning Commission schedule.

Commissioner Vaux advised that he had received a telephone call from Dan Peth who advised that he supports the Planning Commission proposed schedule.

Mr. Kirkpatrick reviewed the Planning Commission potential activities with the Board and stated that the Planning Commission continues to respond to a wide variety of issues generated by a wide variety of clients. He described to the Board some of the issues that the Planning Commission will be dealing with, their priority and the amount of staff time that will be needed. He indicated that the comp plan amendments need to be scheduled as soon as possible. The big issues are policy agenda items. Mr. Kirkpatrick concluded that they are trying to find a balance with an agreed upon work plan and comprehensive plan update but at the same time have the Planning Commission schedule be as responsive as possible to applicants.

In response to a question from Commissioner Wylie, Mr. Kirkpatrick advised that the interim agreements with the cities are simply "interim", with the deadline for the urban growth boundaries occurring in 1993.

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Commissioner Vaux stated that he felt the proposed schedule was fine as long as the Planning Commission feels it is workable.

Carol Ehlers, Planning Commission member, made some comments to the Board regarding the Planning Commission relative to drainage issues, the need for an ordinance, and other concerns. She also indicated that the Planning Commission had not yet officially approved of the schedule and noted that priorities can change after they are made.

Commissioner Vaux agreed that priorities do change and, therefore, there is a built-in need for flexibility. Commissioner Wylie requested that the Board of Commissioners be kept informed and given the opportunity to provide input when priorities change.

There was some discussion about the Hearing Examiner handling preliminary plats. Commissioner Vaux suggested that the Planning Department needs to look at what is happening in other high growth counties.

After further discussion Commissioner Vaux suggested that the Board give tentative approval to Mr. Kirkpatrick's recommendations regarding the proposed 1991 Planning Commission schedule starting with item #2, and gathering a little more information on item #1 prior to final approval. Commissioner Wylie stated she felt that item #1 was a good idea but agreed that more information should be obtained. Commissioner Robinson agreed and emphasized the need for continued flexibility.

The Board requested that the other Planning Department agenda items be heard during the 2:15 to 2:45 p.m. public comment period.

- 2) Discussion - Wellhead Protection Program.
- 3) Day Care/Elder Care Fee Proposal.
- 4) Enforcement Report Update.
- 5) Miscellaneous.

Planning Department items #2, 3, 4, and 5 were continued to the afternoon session.

PLANNING COMMISSION RECOMMENDATION - CHANGES AND ADDITIONS TO SKAGIT COUNTY CODE 14.04 REGARDING SITING CRITERIA FOR BUILDINGS IN THE AGRICULTURE DISTRICT.

Chairman Vaux summarized the last action taken on this item. He stated that the last Planning Commission recommendation was remanded back to the Planning Commission to address whether the ruling applies to accessory buildings, and to address the administrative variance procedure.

Kraig Olason, Assistant Director, read the new additions to the recorded motion of the Planning Commission following an additional study session and public hearing. He stated that the Planning Commission has decided to recommend a maximum 200 foot rear setback on agriculturally zoned land that would apply to residences only. The Planning Commission decided that the administrative variance procedure should be allowed to remain in the recommendation but, with the help of legal counsel, described it in greater detail, including an appeal process through the Board of County Commissioners, and adding requirements for proper public notification.

The audience was then given an opportunity to comment.

John Sandell reported that his attorney was unable to be present, suggesting that a scheduling error had occurred on the Commissioners' agenda. He stated that the many, many farmers who would like to have attended the meeting are presently planting crops and are unable to get away, but that they were present at the Planning Commission meetings and the testimony they gave opposing the recommendations was overwhelming; however, the Planning Commission did not heed it. He requested that the Board hold their own public hearing or at least a meeting with these farmers. He stated that normally the opposition could fill the room, but only he was present today.

Carol Ehlers, a Planning Commission member, stated that the Planning Commission decision actually increased the provisions of the original code from a 100 foot setback to 200 feet. Kraig Olason corrected Ms. Ehlers, stating that previously there was no limit on the rear setback. Ms. Ehlers defended the decision, stating that the variance procedure will help the real farmers, while those who view 40 acres of farmland as a large building lot will be discouraged.

Commissioner Wylie remarked that after 10 study sessions and 3 public hearings of the Planning Commission, everyone has had ample opportunity to speak.

Mr. Sandell, however, disagreed with Commissioner Wylie, challenging that the Planning Commission recommendation does not reflect the testimony that was given at those sessions.

An unidentified audience member named Linda asked what percentage of applicants are non-farmers. Mr. Olason stated that it is not possible to collect that data, but that houses have been appearing to move further back on agricultural lots in the past years.

Lloyd Brown stated that if the homesite is situated far back into a 40 acre farmed lot, it is difficult to split off an existing home from the larger parcel.

Mr. Cutler stated that his purchase of 20 acres on Gunderson Ridge is agricultural reserve zoned. Although it is not intensively farmed due to its topography, he must still comply with the agriculture zoning requirements and obtain a variance in order to build a home.

Chairman Vaux stated that it is the Board's understanding that as a part of the completion of the comprehensive plan update, the agricultural reserve zoning will be eliminated.

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Chairman Vaux stated that he felt his reasons for remanding the matter back to the Planning Commission had not been satisfied. He stated that he still feels that elected officials should have the final say over agricultural variances, as opposed to administrative granting of variances.

Mr. Olason explained to Chairman Vaux that the administrative avenue will render a decision on a request without the lengthy public hearing process required for a Hearing Examiner consideration, but that, through an appeal, the public hearing process is available.

Commissioner Wylie motioned that the Board call for its own public hearing to consider only the administrative variance procedure in the recommendations for amendments to Skagit County Code #14.04.110(5)(v), and Chairman Vaux seconded the motion.

After consultation on procedure with Mr. Olason, Commissioner Wylie withdrew her motion, and Chairman Vaux withdrew his second.

Commissioner Wylie then motioned to hold the Board's own public hearing on the entire recommendation of the Planning Commission for amendments to Skagit County Code Chapters 14.04.110 and 14.04.115. Commissioner Robinson seconded the motion, which passed unanimously.

Ms. Ehlers explained that her interest is to assure that proper notification is given to the public. She claimed that there have been a number of times when the audience complains of a lack of notification, and she attributed this lack to deficiencies within the Code.

CONSIDERATION OF RECOMMENDATION OF SKAGIT COUNTY AUDITOR TO MODIFY AND ADD PRECINCTS DUE TO ANNEXATION AND GROWTH OF CITIES OF MOUNT VERNON AND ANACORTES.

After explanations by Skagit County Auditor Jerry McInturff regarding annexations performed by the cities of Mount Vernon and Anacortes, Commissioner Wylie motioned the following:

- Include new territory annexed by the City of Anacortes in Anacortes 9 Precinct.
- Split Mount Vernon #19 at Waugh Road and create a new Precinct called Mount Vernon #22.
- Split Mount Vernon #14 at Waugh Road and add part to Digby, create a new Precinct called Mount Vernon #16 from the remainder.
- Divide Digby and Cedardale at I-5. Create Skyridge Precinct on the east side and make the west side Cedardale Precinct.

Commissioner Robinson seconded this motion and the motion passed unanimously.

MISCELLANEOUS ITEMS.

- A. Commissioner Wylie motioned to adopt the resolution calling for a meeting of the Public Transportation Improvement Conference on Thursday, May 30, 1991, at 7:30 p.m. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 12969)

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BID OPENING - RECONSTRUCTION OF LYMAN-HAMILTON ROAD.

Chairman Vaux waived the reading of the call for bids.

The following bids were received and opened:

- 1) Associated Sand and Gravel
6300 Glenwood Avenue
Everett, WA 98203

Total Bid Amount: \$229,366.71

- 2) Valley Paving and Construction, Inc.
624 So. Spruce
Burlington, WA 98233

Total Bid Amount: \$308,774.00

- 3) Lakeside Industries
P.O. Box 729
Anacortes, WA 98221

Total Bid Amount: \$268,806.31

Bid bonds were enclosed with each respective bid. The Public Works Department was allowed to review the bids received and to return at a later date with a recommendation for award.

SAFETY PROGRAM A WARDS - SKAGIT COUNTY SHERIFF'S OFFICE.

Certificates of Commendation and t-shirts were awarded to each employee of the Skagit County Sheriff's Office to celebrate one year of time-loss-accident-free service during the year 1990.

PUBLIC COMMENT PERIOD.

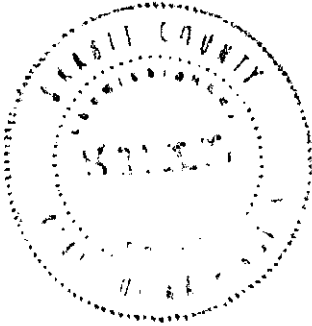
During the public comment period, the Board gave permission for Chris Tobey, Intervention Specialist, to approach the Anacortes School District to participate in funding a counselor for ARIS program participants.


Due to the expiration of available time, the additional Planning Department items were continued to Wednesday, May 15, 1991, at 11:00 a.m.

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

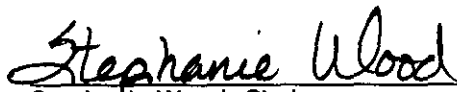


Robby Robinson, Commissioner



Ruth Wylie, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners