

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

Tuesday, September 24, 1991:

- 8:30 a.m. - 9:00 a.m. Work Session - Assistant Director Operations/Road Supervisors.
- 9:00 a.m. - 10:00 a.m. Department of Planning and Community Development - Scott Kirkpatrick,
Director:
- 1) Comprehensive Plan, County-Wide Policy Program Update, Public Meeting Program.
 - 2) Comprehensive Plan Map Amendment Request Status Report.
 - 3) Enforcement Report Update.
 - 4) Miscellaneous.
- 10:00 a.m. - 10:30 a.m. Planning Commission Recommendation - Approval - Preliminary Plat of Sunrise Estates #2.
- 10:30 a.m. - 11:30 a.m. Budget Work Session - County Fair.
- 1:15 p.m. - 1:30 p.m. Signature - Interlocal Agreement with School Districts for Counseling Services.
- 1:30 p.m. - 3:00 p.m. Hearing Examiner Recommendations - Agricultural Variances:
- 1) Janice Vandegrift, 1061 Jordon Road, Burlington - Approval.
 - 2) Jim Schols, 1336 Colony Road, Bow - Denial.
 - 3) Richard Martin, 1495 Nilson Road, Mount Vernon - Approval.
- 3:00 p.m. - 4:00 p.m. Budget Work Session - Auditor's Office.
- 4:00 p.m. - 5:00 p.m. Budget Work Session - Solid Waste Budget.

The Skagit County Board of Commissioners met in regular session on Tuesday, September 24, 1991, with Commissioners W. W. Vaux, Robby Robinson and Ruth Wylie present.

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

1) Comprehensive Plan, County-Wide Policy Program Update, Public Meeting Program.

Mr. Kirkpatrick reported that eight meetings have been held in various locations and communities to solicit public comment on what perceptions people have about the future of their area and how those perceptions can be preserved through the comprehensive plan. Mr. Kirkpatrick stated that a second round of meetings is impending to introduce the draft policies that have been constructed using the information obtained at the first meetings.

Edwyna Fong, Assistant Planner, reviewed the mailing of the draft comprehensive plan policies summary to a number of agencies, city and state governments, and private groups. She stated that the second set of meetings will educate the public as to how the policies were formed. Approximately three weeks after the meetings, on October 28, at a public hearing of the Planning Commission, the public will have an opportunity to comment on the draft. Ms. Fong stated that she hopes to have the Board of Commissioners adopt the policies as an interim policy document by January 1, 1992.

RECORD OF THE PROCEEDINGS

Tuesday, September 24, 1991

Page #2

2) Comprehensive Plan Map Amendment Request Status Report.

Mr. Kirkpatrick explained that since the Board approved a new policy for accepting comprehensive plan map amendment requests, effective January 1, 1991, 11 requests have been received. Under the new policy, five have withdrawn, two have received Declarations of Non-Significance, and three others have been given Declarations of Significance. The final amendment request is County-initiated, that being the rezoning of existing community halls, churches, and other public use properties to Public Use zoning.

Mr. Kirkpatrick reviewed the main elements of non-project reviews:

1. Search for policy support.
2. Look for changes in circumstances.
3. Look for environmental impacts.
4. Accept that the zoning and comprehensive plan designations have been applied in a responsible manner.
5. Any deviation from defined Department rationale must support Department policies and mitigate environmental impacts.

3) Enforcement Report Update.

Provided for review.

Chairman Vaux reported a complaint he received of a raw sewage smell at a location where the creek dumps into Dewey Beach from Lake Campbell near Harold's Market.

4) Miscellaneous.

- A. Dave Hough announced that the Cedar Ridge Planned Unit Development and related Shoreline Substantial Development/Conditional Use/Variance Permit were approved by the Planning Commission last night.

PLANNING COMMISSION RECOMMENDATION - APPROVAL - PRELIMINARY PLAT OF SUNRISE ESTATES #2.

Jeff Morgan, Assistant Planner, provided copies of the Staff Report, Recorded motion, and plat map for the proposal. He located the property west and north of Gibraltar Road. The proponent, Marvin Portis, was not present.

Mr. Morgan explained that the original division of the 36 acre parcel occurred in 1989. Eight lots were created at that time. Mr. Portis, the proponent, now wishes to divide the remaining 12.8 acres into 14 lots. The smallest lot will be 15,000 square feet.

Mr. Morgan explained that the Public Works Department has made a review of the drainage and roads plans, and has recommended approval with conditions. Additionally, lot #14 is a very large lot, containing the remainder of Mr. Portis' holdings. It is required that Mr. Portis amend his plat map to reflect the exact size of lot #14.

RECORD OF THE PROCEEDINGS

Tuesday, September 24, 1991

Page #3

Mr. Morgan stated that the Planning Department staff recommended approval of the Preliminary Plat with conditions, and the Planning Commission also chose to approve the request, adding additional conditions.

The Board discussed with Mr. Morgan the drainage plans for the plat. Mr. Morgan stated that a detention pond is planned on Lot #3. Some of the water from the detention pond will be channeled down Gibraltar Road, while the rest will be tightlined to a ravine near Jura Way. Mr. Morgan was unable to say whether or not the water going to Jura Way would be pumped, as it lies uphill from the plat, but he was able to state that the drainage plan exceeds current County standards. Mr. Morgan stated that the plat is not in the designated slide area that exists at Salmon Beach.

Ross Barnes, a Jura Way landowner, stated that preliminarily in his opinion, the Jura Way area appears to be an ancient landslide complex like that at Salmon Beach. Mr. Portis' 80 acres lies to the west. Mr. Barnes stated that it appears that Mr. Portis will "piecemeal" the division of the entire rest of his holdings without ever declaring his overall intentions.

Mr. Barnes stated that in 1989 when the first division took place, the Hearing Examiner required that an environmental checklist be completed for any more development on the property. The Planning Department has allowed this division to be approved without an environmental checklist, but has required that a checklist be completed for the next division. Mr. Barnes provided a copy of the 1989 Hearing Examiner decision.

Chairman Vaux asked Mr. Morgan why the Planning Department chose not to honor condition #6 of the 1989 decision.

Mr. Morgan stated that in 1989 a threshold determination was done for 22 lots, although only 9 lots were developed. For this latest division, the SEPA official has decided that the original Declaration of Non-Significance would suffice.

Mr. Barnes objected, stating that the previous determination does not encompass the entire 80 acres held by Mr. Portis.

Mr. Morgan stated that the original determination assumes that the rest of the acreage will remain undeveloped. There is no reason to require a checklist if no project is planned.

Mr. Barnes disagreed.

Mr. Morgan stated that if further division requires an Environmental Impact Statement, the EIS will be reviewed with the first development taken into consideration.

Next, discussion between the Board and Mr. Morgan and Mr. Barnes ensued regarding the effect of septic system loading on the possibility of slide activity.

Cathy Sayre, a resident of Jura Way, asked that something be done about the standing water and eroding banks near her house.

Mr. Barnes stated that since the Planning Commission did not know how to address the effects of groundwater increases on slide conditions, they ignored it.

RECORD OF THE PROCEEDINGS

Tuesday, September 24, 1991

Page #4

Chairman Vaux asked why the Planning Commission did not include a condition that any future development would require a groundwater study.

Mr. Morgan stated that the Planning Commission accepted the opinion of the applicant's expert engineer that the septic systems would have no significant impact on the groundwater levels.

Further discussion ensued, and Chairman Vaux indicated that he felt that groundwater loading should be addressed in this and any future development of the property. He directed the Planning Department to develop a policy to address this issue for the entire Gibraltar area.

Commissioner Wylie motioned to remand the matter back to the Planning Commission to study the effects of septic system loading on the surrounding slide area. Commissioner Robinson seconded the motion, which passed unanimously.

SIGNATURE - INTERLOCAL AGREEMENT WITH SCHOOL DISTRICTS FOR COUNSELING SERVICES.

The Board approved for signature an agreement between the County, the local school districts of Concrete, Mount Vernon, Burlington, and Sedro Woolley, and the Skagit Community Mental Health Center to jointly fund a full time therapist for family and individual counseling for clients of the At-Risk Intervention Specialist Program. (Contract #01114)

MISCELLANEOUS ITEMS.

- A. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, September 23, 1991, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

- 1) Warrants #82421 through #82592 (Vouchers #82421 through #82592) in the amount of \$466,439.85. Transmittal #R-22-91.
- B. In accordance with action previously taken, the Board approved for signature a resolution establishing a moratorium on connections to the Double Creek water system pending improvements to the system to bring it into compliance with State Board of Health drinking water regulations. (Resolution # 14066)
- C. The Board approved for signature an agreement with the Cascade Mall for the free use of their premises from September 26, through 29, 1991, for the Household Hazardous Waste Collection Day and Paint Swap Event. (Contract #01113)

HEARING EXAMINER RECOMMENDATIONS - AGRICULTURAL VARIANCES:

- 1) Janice Vandegrift, 1061 Jordon Road, Burlington - Approval.

Jeff Morgan, Assistant Planner, provided photographs of the subject property, located at 1061 Jordon Road

RECORD OF THE PROCEEDINGS

Tuesday, September 24, 1991

Page #5

in Burlington. Mr. Morgan explained that this application involves the division of a 9 acre agricultural parcel into two lots, one with an existing house, and one to be sold to pay an existing mortgage. While the Planning Department Staff have recommended that the application be denied, the Hearing Examiner chose to recommend approval of the request with six conditions.

Chairman Vaux affirmed that Mrs. Vandegrift understood the six conditions recommended. All present assisted in explaining the need for her to comply with short plat standards for her driveway.

Commissioner Wylie motioned to adopt the recommendation of the Hearing Examiner and approve an agricultural lot variance #V-91-018 for Janice Vandegrift. Commissioner Robinson seconded the motion, which passed unanimously. (Resolution # 14067)

2) Jim Schols, 1336 Colony Road, Bow - Denial.

Mr. Morgan provided photographs of the subject property, a 40 acre parcel located at 1336 Colony Road in Bow. Mr. Schols wishes to divide his 40 acre parcel into two 20 acre parcels. Mr. Morgan explained that the Planning Department Staff and the Hearing Examiner have recommended denial of the request.

Mr. Schols stated that many easement traverse his property. He wishes to sell 20 of the 40 acres to raise the money to buy 60 acres held in his grandfather's trust. He stated that in the process of buying contiguous properties, his property has been aggregated into one undividable parcel. He stated that although the 20 acres he intends to sell has not been crop farmed, he has had cows on the property for the past two to three years. A swale in the acreage makes it difficult to farm.

Chairman Vaux felt that the aggregation of property has prevented Mr. Schols from doing what he wishes with his property. He motioned to call for a public hearing on October 22, 1991, at 10:00 a.m., to discuss the issue further. Commissioner Robinson seconded the motion.

Commissioner Wylie objected. She stated that the entire 40 acres is tillable land. The aggregation of the lots is desired as it eliminates substandard parcels and makes them farmable again. She did agree, however, to discuss this at a public hearing, and the motion passed unanimously.

3) Richard Martin, 1495 Nilson Road, Mount Vernon - Approval.

Mr. Morgan provided an assessor's map and photographs of the subject property, which is located at 1495 Nilson Road, in Mount Vernon. The applicant wishes to construct a pole building within 3 feet of the rear property line instead of the required 25 feet, and within 3 feet of the side property line instead of the required 8 feet.

Mr. Morgan stated that the Staff at first recommended denial of the request; however, the applicant and his consultant submitted a new site plan showing the lot as it actually exists, and it was then clear that the applicant had sited his pole building on the only available area left to him. Mr. Morgan stated that had the new information been available at the time, the Planning Staff Report would have recommended approval of the request. The Hearing Examiner has recommended approval, and several letters were sent to him from neighbors who are unopposed to the project.

Commissioner Robinson motioned to adopt the recommendation of the Hearing Examiner and approve the

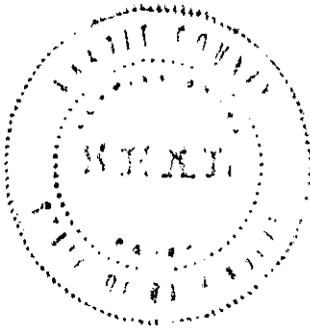
RECORD OF THE PROCEEDINGS
Tuesday, September 24, 1991
Page #6

agricultural variance request #V-91-022 of Richard Martin. (Resolution # 14068)

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
W. W. Vaux, Chairman

Robby Robinson
Robby Robinson, Commissioner

Ruth Wylie
Ruth Wylie, Commissioner

ATTEST:

Stephanie Wood
Stephanie Wood, Clerk
Skagit County Board of Commissioners