

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

**Tuesday, November 17, 1992:**

- 9:00 a.m. - 9:30 a.m.                    Planning Commission Recommendation - Approval - Comprehensive Plan Map Amendment for Clark's Skagit River Cabins, West of Marblemount.
- 10:00 a.m. - 11:00 a.m.                Public Hearing - Fred Carlson Agricultural Variance Request #AGV-92-044, 1474 Baker Heights Road, Mount Vernon, Washington 98273.

The Skagit County Board of Commissioners met on Tuesday, November 17, 1992, with Commissioner's Robinson, Vaux, and Wylie present.

**PLANNING COMMISSION RECOMMENDATION - APPROVAL - COMPREHENSIVE PLAN MAP AMENDMENT FOR CLARK'S SKAGIT RIVER CABINS, WEST OF MARBLEMOUNT.**

Scott Kirkpatrick, Planning Director, briefly reviewed for the Board the recorded motion from the Planning Commission. The Board had opportunity to review the recorded motion prior to the day's proceedings. The Planning Commission voted 5-1 for approval of the Comprehensive Plan Map Amendment, and recommended that the Board approve the request.

A request was made to reclassify approximately 16 acres from Rural Open Space and Rural Residential to Commercial. It was decided that the present comprehensive plan map designations were not warranted and that a commercial designation was reasonable.

Commissioner Vaux motioned to approve the Comprehensive Plan Map Amendment for Clark's Skagit River Cabins as recommended by the Planning Commission.

Commissioner Wylie seconded the motion, which carried unanimously.

**PUBLIC HEARING - FRED CARLSON AGRICULTURAL VARIANCE REQUEST #AGV-92-044, 1474 BAKER HEIGHTS ROAD, MOUNT VERNON, WASHINGTON 98273.**

Chairman Robinson waived reading the notice of public hearing, as published in The Skagit Argus.

Mr. Carlson's property is zoned Agricultural Reserve, having a 20 acre minimum lot size, and is 20 acres in size. Mr. Carlson's home is on the property, as well as a mobile home that his granddaughter and her husband live in. A special use permit was granted in 1988, allowing the temporary mobile home on the property for his granddaughter to care for him. The mobile home is to be removed when the need for her care is no longer necessary.

Grace Roeder, Associate Planner, submitted the following exhibits into the record:

- Exhibit A            Photographs of the subject property.
- Exhibit B            Assessors map with the subject property highlighted in yellow and other substandard properties highlighted in orange.
- Exhibit C            Assessors map with petition signers highlighted in blue.
- Exhibit D            Memo from Grace Roeder to the Board clarifying statements made at the Public Meeting on October 19, 1992, regarding Fred Carlson Agricultural Variance Request #AGV-92-004.

Ms. Roeder read the Planning Staff's findings into the record. It was found that the subject property is relatively flat with no topographic hardships. This would not constitute a special condition or circumstance.

Also, the Agricultural Reserve zoning of this area requires a minimum lot size of 20 acres. The subject property would need to be 40 acres in order to subdivide and it is just 20 acres. The Zoning Ordinance allows exceptions to the minimum lot size only for a physical feature unique to a given parcel of property. It was found that a special privilege toward the applicant would be existing should the variance be approved. The Planning Department recommended denial of the Variance Request.

The Hearing Examiner also recommended denial. At the public meeting on October 19, 1992, the Board chose to hold a public hearing to determine their own findings.

Ms. Roeder read into the record her memo (Exhibit D) to the Board clarifying statements that were made

at the October 19, 1992, public meeting. A synopsis highlighting the major points made in the memo follows:

- At the time of the applicant's original Special Use Application, the Guidelines for the Division of Agricultural Land were in effect, and they were told that an application could be submitted for either a Special Use or a lot-size Variance and subsequent short plat. It was not known that the Guidelines would no longer be in effect two years later.
- The applicant interpreted the condition requiring the temporary mobile home to be removed when the granddaughter no longer lived there to be at the time of her death. The intent on Special Use Permits for temporary living units for care givers or receivers has always been that the unit shall be removed when the need for care is no longer present, not when the care giver is deceased.
- The subject property is zoned Agricultural Reserve which required a 20 acre minimum parcel size. Surrounding substandard parcels does not justify creating another one.
- When considering a lot-size Variance Request the following are to be considered:
  - \* minimum multiple necessary to create two standard sized parcels;
  - \* if there is a minimum multiple, a physical hardship must exist preventing the creation of two standard sized parcels;
  - \* the basis for a Variance must be other than what an applicant has influenced.

These conditions do not exist in this instance.

Chairman Robinson opened the public hearing for comment.

- Steve Christofferson, husband to the Carlson's granddaughter, 1474 Baker Heights Road, Mount Vernon, addressed the Board. Mr. Christofferson stated that the only new evidence he had to submit for the record was additional signatures from the neighbors on Gunderson and Baker Heights Roads in support of the Variance Request. He submitted a list of signatures from the October 19, 1992, public meeting marked Exhibit "E" and the additional list mentioned marked Exhibit "F." Mr. Christofferson also submitted an assessors map outlining the properties owned by the signatories of the list supporting the Variance Request.

Mr. Christofferson stated that there is a high percentage of substandard parcels in the surrounding area. Other Variances that had been approved in the past were for parcels of five and 10 acres in size. He said that the only conditions of the Special Use Permit were to obtain the necessary permits for construction and onsite sewage; and to remove the mobile when the granddaughter no longer lived there. He stated that they intend to remain on the property.

He said that the property is not prime farmland. There is approximately 10 inches of topsoil with clay underneath. The property did not perk, and it was necessary to install a pressurized mound system. He

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felt that it would be better to allow a home to be built at this location rather than on prime agricultural land. He felt that the subject property was better suited for raising a family than for raising crops.

Mr. Christofferson stated that there had been no negative response from the surrounding community. Usually in an Agricultural Variance situation there are people on both sides of the argument. In this case, the neighbors are in agreement. He said that the acre where the homes are located is no longer farmed, and the Engstrom's are allowed to farm and graze cattle on the remaining land. The intent is to allow this

use to continue. He requested that the Board approve the Variance Request so that he may build a permanent residence on Agricultural Reserve land that had already been impacted by the presence of a residence.

- Paul Bluhm, 1490 Baker Heights Road, Mount Vernon, addressed the Board. Mr. Bluhm stated that he is involved in most environmental organizations and causes in the County, and has been actively involved in the Growth Management Act (GMA) process. He stated that he understood how the Planning Department drew their findings, but felt that exceptions needed to be made in circumstances such as the Carlson's. He felt that allowing a permanent home for the Christofferson's would have no negative impact on the neighborhood. The family is already living there, and felt that a permanent home, landscaping and proposed planting of trees would enhance the area. He said that the surrounding neighbors understand the Planning Department's findings also, and wish to preserve farmland where possible, but they also want the Christofferson's to be a permanent part of their community.

- Morris Nielsen, 1453 Gunderson Road, Mount Vernon, addressed the Board. Mr. Morris stated that he was in favor of the Variance Request. He said that the Carlson's are trying to economically provide a home to their granddaughter and her family. He felt that this would be a classic case for a Variance approval as there is no adverse impact on the area. He said that the community requested the 20 acre minimum parcel size at the time of rezoning. They also believed that variances would be possible should it be acceptable to the community. He said that the Cheeks and the Stewarts were able to get variances for substandard parcels for family members.

Seeing and hearing no further comment from the public, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion, which carried unanimously.

Chairman Robinson stated that he felt approval of the variance would be proper in this case, but wanted the applicants to be aware that other requests that come in may not be viewed in the same way. Chairman Robinson motioned to approve the Agricultural Variance Request of Fred Carlson, #AGV-92-044, 1474 Baker Heights Road, Mount Vernon, Washington.

Commissioner Vaux stated that recommendations such as this come from the Planning Department and Hearing Examiner to the Board for final decision. He said that the Board has to mix the County Code and recommendations to come to a reasonable decision. The County Code doesn't allow neighborhood popularity to determine whether a variance request is approved. Common sense must be used in making these decisions. He said that in the future, the GMA may not allow for the Board of Commissioners to do land use recommendations other than strictly by the County Code. The Planning Department and Hearing Examiner have to follow the Code. He felt that the only way that a Variance Request such as this could be approved is by putting a premium on Agricultural land, and disagreeing with the 20 acre minimum in Agricultural Reserve lands. Commissioner Vaux stated that the approval of the Carlson's Agricultural Variance Request made good sense to him, and seconded Chairman Robinson's motion.

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Commissioner Wylie stated that at the time the application was made the variance could have been allowed. It makes a difference on the Board's decision by the precedence that has been set.

The Board voted unanimously to approve the Agricultural Variance Request #AGV-92-044 of Fred Carlson.

MISCELLANEOUS

- 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, November 17, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #28031 through 28178 (Vouchers #PDRAWNO2677 through PDRAWNO2824) in the amount of \$53,028.28. Transmittal #P-23-92.

ADJOURNMENT

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

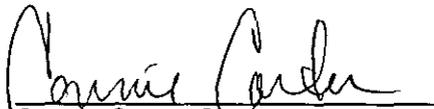
BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
Robby Robinson, Chairman

  
Ruth Wylie, Commissioner

  
W. W. Vaux, Commissioner

ATTEST:

  
Connie Carter, Clerk  
Skagit County Board of Commissioners

