

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

**Tuesday, November 24, 1992:**

- 8:30 a.m. - 9:00 a.m.                    Work Session - Operations Division Manager and Road Supervisors.
- 10:00 a.m. - 10:30 a.m.                Planning Commission Recommendation - Approval - Northwest Farm Food  
Coop Comprehensive Plan Amendment, CPA-92-007.
- 10:30 a.m. - 11:00 a.m.                Discussion - Kwonesum Water System.

The Skagit County Commissioner's met on Tuesday, November 24, 1992, with Commissioners Robinson, Wylie, and Vaux present.

**PLANNING COMMISSION RECOMMENDATION - APPROVAL - NORTHWEST FARM FOOD COOP  
COMPREHENSIVE PLAN AMENDMENT, CPA-92-007.**

Jim Cahill, Assistant Planner, presented to the Board a Planning Commission recommendation approving Comprehensive Plan Amendment, CPA-92-007 of Northwest Farm Food Coop.

The proponent requested a reclassification of approximately 2 acres from Agriculture to Commercial. The subject property is located east of the railroad tracks, and south of where Pease Road becomes Anacortes Street in Burlington. It is designated Agriculture on the Comprehensive Map and is zoned Agriculture. Directly to the south of the subject property is a portion of land that was contract rezoned to Commercial-Limited Industrial in May, 1973. This portion of land is designated Agriculture on the Comp Plan. There is a cold storage unit and commercial ice producing machine on the contract rezoned property.

The remaining surrounding property is zoned Agriculture and designated Agriculture and Residential on the Comprehensive Plan Map to the north; zoned Agriculture and designated Agriculture to the east; zoned Industrial and designated Industrial on the Comprehensive Plan Map to the west.

The Planning Commission recommended approval of the Comprehensive Plan Map Amendment with a 6-0 vote.

It was determined that the subject property did not meet either Primary or Secondary agricultural land rating. Reclassifying the subject property to commercial would be compatible with the Commercial-Light Industrial and Industrial zoning designation to the immediate south and west.

Commissioner Vaux motioned to adopt the Planning Commission's findings as presented in their recorded motion. Commissioner Wylie seconded the motion, which carried unanimously.

**DISCUSSION - KWONESUM WATER SYSTEM.**

Commissioner Vaux stated that he had met and spoken with Mr. Kirby Johnson over the last couple weeks regarding the Kwonesum Water System, at which time Mr. Johnson requested time to speak with the entire Board on the matter.

Mr. Johnson, 1848 Chilberg Road, Mount Vernon, Washington, addressed the Board. Mr. Johnson provided a chronological summary of events regarding the Kwonesum Plat beginning August 12, 1974, and continuing through June 24, 1992. Mr. Johnson stated that he, Pam Johnson, and Darrell Sisson own the Kwonesum Plat. He felt that the Swinomish Tribe should have considered the Kwonesum Plat existence when they were

adopting their Comprehensive Plan and Zoning Map in July of 1976. The subject property had been purchased with the understanding that the final plat would be approved by the County without a water system in place. In May of 1979, a well was drilled that provided 5.8 billion cubic feet in the aquifer. A water permit application was submitted to the Department of Ecology (DOE) in November, 1979. All the necessary publications and protest periods passed without event. Mr. Johnson said there was no reason to believe any problem with the application existed. In December of 1984, the statute of limitations for Tribal objection to the Kwonesum Plat expired, as well as the statute of limitations for Tribal objection to the water permit application. Building permits were issued for Lot 15 in 1986, and for Lots 2 and 16 in 1987. In 1987, it was discovered that DOE had sent a letter to the applicants in 1981, requesting a change of title, a manganese per sand report, and an iron report. This letter was never received by the applicant, and DOE had never made contact with them in any other way regarding this request. In January of 1990, DOE determined that Kwonesum was an existing water purveyor and was not subject to the Anacortes-Fidalgo water system coordinating plan. Twenty-four additional hook-ups were granted. In June of 1990, the State Health Department approved the water system except for the source above 5,000 gallons per day (gpd). In August of 1990, the Skagit County Board of Commissioners passed Resolution No. 12632 granting usage of the water system up to 5,000 gpd. Lorna Haycox of the Skagit County Health Department claimed that 800 gpd per hook-up was a State requirement. That would have limited Kwonesum to seven hook-ups. In a conversation with Erin Guthrie of DOE in November, 1992, Mr. Johnson found that the correct number for Kwonesum is 450 gpd per hook-up. This would allow Kwonesum 11 hook-ups.

Resolution No. 12632 allows for additional hook-ups at a rate of one per year if records are kept showing there is no risk of exceeding the 5,000 gpd. Mr. Johnson stated that the records show that over the last two years there has been less than 58% usage with no watering restrictions, and less than 40% usage when there was self-imposed watering restrictions. In May of 1992, DOE issued a report allowing Kwonesum 20 gallons per minute, which would not create harm to the aquifer. The tribe had 30 days to appeal to the Pollution Control Hearings Board and DOE. An appeal was filed with DOE 31 days after notification, one day late. The tribe requested a 10 day hearing. They are to be allowed five days in July, 1993. Tom McDonald, DOE, stated that the State will never concede water jurisdiction on fee simple land. The State would like the Tribe and Kwonesum Association to settle the issue before the hearing date. There are, at present, seven homes on the Kwonesum plat. No building permits were issued for 1990, 1991, or 1992. Mr. Johnson felt that the issue at hand is not a water issue, but a jurisdictional issue. He requested that the Board allow the issuance of building permits to continue. He would like to see the allowance of permits for the years none were issued (1990, 1991, 1992).

Commissioner Vaux stated that he believed Mr. Johnson's paperwork showed that he was complying with the terms of Skagit County Resolution No. 12632, and with the information given from DOE, saw no reason to disallow further building on Kwonesum.

Commissioner Vaux motioned to allow three building permits to be issued on the Kwonesum plat. Commissioner Wylie seconded the motion, which carried unanimously.

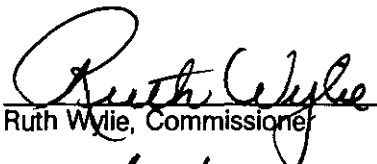
The Clerk of the Board will prepare a resolution for the Board's signature.

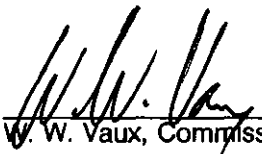
**ADJOURNMENT**

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion, which carried unanimously.


BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
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Robby Robinson, Chairman

  
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Ruth Wylie, Commissioner

  
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W. W. Vaux, Commissioner

ATTEST:

  
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Connie Carter, Clerk  
Skagit County Board of Commissioners

