

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

**Tuesday, May 11, 1993:**

Flag Salute.

- 9:00 a.m. - 10:00 a.m.            Department of Planning and Community Development -Dave Hough, Director:
- 1)     Pre-Annexation Agreement with the City of Burlington.
  - 2)     Code Enforcement Report.
  - 3)     Miscellaneous.
- 10:00 a.m. - 11:00 a.m.        Public Hearing - Agricultural Variance Request #AGV-93-004 of Valley Farms, Inc., 1771 Cook Road, Burlington.
- 1:30 p.m. - 2:00 p.m.          Presentation - Forest Board Lands, Department of Natural Resources.
- 2:00 p.m. - 2:30 p.m.          Introduction of District Court Probation Program - Rich Ward, Director.

The Skagit County Board of Commissioners met in regular session on Tuesday, May 11, 1993, with Commissioners Robert Hart, Harvey Wolden, and Robby Robinson present.

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1)     Pre-Annexation Agreement with the City of Burlington

Dave Hough, Director, Planning and Community Development, reported. He explained that when annexation issues were discussed, several of the cities wanted to have a process whereby they could consider minor annexations prior to general approval. This process was an attempt to establish some kind of agreement on the type of information needed from the cities. The most important section, on the first page, outlines what kind of information needs to be provided from the city relative to the proposed annexation. He noted that this has been reviewed and approved of by John Moffat.

Mr. Hough reviewed a map of the proposed annexation areas with the Board. He noted that all of the items in yellow are pending annexations to the City of Burlington.

In response to a question from Commissioner Robinson, Mr. Hough noted that the County zoning code allows the consideration of churches as a special use and they could be considered without going through a Comprehensive Plan amendment.

Mr. Hough said that they are trying to get this matter on the Planning Commission agenda within the next several months. He also noted that there was a request from the City of Burlington for the County to sign a petition for annexation of the property in back of the County Road Maintenance Shop. Commissioner Hart said that he had no objection to that request and that it should be part of the City. He said he was not going to give up on Knutzen West though. Commissioner Wolden agreed, adding that the one below there should not be given up either.

Mr. Hough said he did not wish to deal with anything west of the freeway or south of Gages Slough at this point. He said he would just like to tell the City to proceed to put together the information for this agreement, then annexation and services, etc. will be negotiated.

Mr. Hough concluded that he would recommend approval of the annexation agreement at this point and they would then proceed with the City of Burlington.

Commissioner Robinson asked if there was any recourse for the County in the event the City was unable to meet the terms of the agreement. Mr. Hough replied that in the event there are any difficulties in this regard the County could go to the Boundary Review Board.

Commissioner Robinson motioned to approve the Pre-Annexation Agreement with the City of Burlington. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution #14849).

2) Code Enforcement Report

David Hough reported. Commissioner Hart noted that the code enforcement statistics had increased quite a bit. Mr. Hough agreed that they had.

Mr. Hough explained that the Planning Department is working with the Permit Center to develop a package to take to the Lake Tyee Company and the property owners there. They are planning on setting up a couple of Saturdays for staff to be up there a couple of hours to distribute information about the permit process. This will save a tremendous amount of man hours for all parties concerned. It is expected that a large volume of permits will be received from the Lake Tyee area.

3) Miscellaneous

A) Kraig Olason reviewed a proposed fire annexation request into Fire District #3 with the Board. This property is next to the Cascade Ridge PUD development just south of town. The request has been made to bring in a hundred acres of very steep terrain. Comments were submitted to the Secretary of the Boundary Review Board on a previous annexation request on this same property. Mr. Olason turned the matter over to Jim Cahill to review with the Board.

Mr. Cahill reported that the issues have not changed in this location. The terrain is very steep and there is a very high fire danger - it is a hazardous area. He added that a letter had been received from DNR commenting on the road grade.

Commissioner Wolden said the reason he does not totally agree with the Fire Department accepting this annexation is that the property does not allow any way out. Before this is finalized a road out of the property needs to be put in. He emphasized what happened in California with the wild fires and the fact that this property is scary in terms of how it is laid out.

Kraig noted that another issue Jim mentioned in his response is that this proposed annexation allows for development there. The property is high quality forest ground and not good development property. There is some real concern about this as it is a very inappropriate development site.

There was further discussion regarding this matter and about some of the other problems with the property. Jim noted that one of the concerns with the BRB is a logical service boundary.

Kraig said that one of the things he talked about with Dan Cain relative to this site is that perhaps the fire districts don't realize the liability they are taking on by extending these service boundaries.

Commissioner Wolden responded, and again emphasized the need to look at putting in a road in that area. Mr. Hough noted that the County's maximum standards for dead end roads is 600 feet maximum before you have to loop. Commissioner Wolden said that is something to look at and to let them know that this needs to be done.

There was discussion about whether or not the Commissioners wished to invoke the Boundary Review Board jurisdiction. Gary Christensen noted that this would allow an opportunity for a number of issues to be raised and public hearings to be held. It will be possible to discuss these issues before the BRB and look at what kind of options are available and whether or not it is in the best interest of the County to allow annexation to occur or whether there should be stipulations made as part of the approval.

Mr. Cahill reviewed the map with the Board and there was some discussion about the steepness of the property.

Mr. Christensen noted that when the County was going through it's original planning policies the issue of major conversion of long term forested parcels was discussed with the Planning Commission. In an effort to protect some of the County's natural resources, a public policy was developed that discouraged these types of things.

After further discussion, Commissioner Wolden motioned to invoke the Boundary Review Board relative to the annexation of this property into Fire District #3. Commissioner Robinson seconded the motion, which passed unanimously.

Commissioner Robinson noted that he had recently attended a professional development conference put on by WSAC in Yakima. At that meeting he learned of some decisions and a lawsuit relative to pre-annexation agreements in two other counties. He asked Mr. Hough to check into this. Mr. Hough advised that he was aware of this and would look into it further. Commissioner Robinson added that he felt these matters could have some bearing on what Skagit County does in the future.

- B) Mr. Hough presented a resolution for the signature of the Board for a public hearing relative to a proposal by Winston Anderson to reclassify approximately 3 acres from Rural to Commercial. He explained that the Planning Commission did not attain enough votes to forward a recommendation to the Board and, therefore, it will be an opportunity for the Board to make a decision in the matter.

Commissioner Hart motioned to call for a public hearing to be held on Monday, May 24, 1993, in Hearing Room "C" of the Skagit County Administration Building, Mount Vernon, Washington, at the hour of 9:00 a.m. or as soon thereafter as possible, for the purpose of considering testimony on whether the Board should approve or deny the Winston Anderson comprehensive plan amendment request CPA-92-006. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution #14844).

- D) Mr. Hough reviewed two Planning Commission items from the May 10, 1993 meeting: Clarks' Cabin Rezone Request, and Cedar Ridge PURD Modification. Both of these items were approved of by the Planning Commission by a vote of 9-0. These items will be brought before the Board for recommendation at a later date.

**PUBLIC HEARING - AGRICULTURAL VARIANCE REQUEST #AGV-93-004 OF VALLEY FARMS, INC.  
1771 COOK ROAD, BURLINGTON**

Jeff Morgan of the Planning and Community Development Department reported. He advised the Board that this is a public hearing and they have an option to approve or deny the agricultural variance request of Valley Farms. The Planning Department recommended denial to the Hearing Examiner and the Hearing Examiner recommended approval to the Board.

Commissioner Hart opened up the hearing for public testimony. Since there were no comments from the public at this point, Commissioner Hart noted that this matter had been discussed previously by the Board and asked if the Board had any further questions. Commissioner Wolden said he had no further questions.

Commissioner Hart reviewed the letter received from Bob Schofield, the Hearing Examiner, dated April 9, concerning the request for an Agricultural Variance for Valley Farms, Inc. This letter was in response to a request from the Board of County Commissioners for clarification of Mr. Schofield's findings.

Mr. Visser, Sr. was present and asked for further clarification regarding the fact that the County had indicated they could sell the 25 acres but not the house alone. He said he felt there were some discrepancies in the information provided by the County in terms of what they could do with the property.

Commissioner Hart explained that if you have a 25 acre parcel with a house on it, it is a pre-existing parcel and can be sold with the building on it.

Mr. Visser said he still did not know why the corporation can sell the 25 acres but can't sell less than 40. Commissioner Hart said if there is an existing lot that is 25 acres as one unit, that one lot is already a legal division that could be sold. Commissioner Robinson explained further that once you buy the 25 acres and it is agricultural zoned it has to be aggregated to other parts of the property that were side by side. Mr. Olason further explained that if there is a house on the property it can't be aggregated because you can't aggregate the property with another lot with another dwelling on it. That is why the house and lot go together; it is grandfathered in.

Commissioner Wolden explained that this policy is to keep the land together and to keep from breaking up sections of farmland. Commissioner Hart added that this law is due to public hearings and it is the will of the public and the way it is written doesn't allow this type of division.

Commissioner Robinson suggested to Mr. Visser the possibility of a contractual lease with his son which would revert back to the corporation after he is gone or the property is sold. He added that although the Board sympathizes with Mr. Visser, they are required to operate under the guidelines that are in the ordinances.

Commissioner Wolden motioned to close the public hearing. Commissioner Robinson seconded the motion, which passed unanimously.

Commissioner Robinson motioned to deny Agricultural Variance #AGV-93-004 for Valley Farms, Inc. Commissioner Hart seconded the motion, which passed unanimously.

**PRESENTATION - FOREST BOARD LANDS, DEPARTMENT OF NATURAL RESOURCES.**

George Shelton, San Juan District Manager and Growth Management Coordinator, introduced Bill Wallace, Northwest Region Manager, and John Osborn, Proprietary Manager.

Mr. Osborn gave information on the lands that the DNR manages in Washington State and in Skagit County. The DNR manages 347,000 acres of trust land (lands granted at statehood), and protects 2 million acres of state and private forest lands from wildfire. Approximately 82,000 acres of forest board land is located in Skagit County.

Mr. Osborn explained that Skagit County receives revenues from timber cuts on all forest board lands within Skagit County. Mr. Osborn gave the Board the DNR's prediction for forest board revenues for 1993. The DNR is predicting approximately \$9.8 million in timber revenues for 1993. The Board discussed with DNR staff the impact of the spotted owl protection legislation on timber revenues.

Mr. Shelton provided a map which identified the location of forest board and trust lands within Skagit County. He stated that because the DNR's management of forest board lands has a direct impact on the timber revenues Skagit County receives, the DNR is endeavoring to develop better communication with Skagit County. Mr. Shelton offered to take the Board on a tour of DNR holdings in Skagit County, and the Board accepted.

Ruth Adamantz of the Ten Lake Conservancy and Lisa Nielson of Skagit Land Trust were present. They, along with Commissioner Wolden, discussed with Mr. Osborn how the DNR could assist in the County and the Ten Lake Conservancy's efforts to acquire an old growth stand of timber surrounding Ten Lake to be preserved perpetually. Mr. Osborn stated that if the DNR designated the property as a Natural Resources Conservation Area (NRCA), it would be virtually unusable for any recreational purpose. Mr. Osborn did agree to look into ways the DNR could assist.

**INTRODUCTION OF DISTRICT COURT PROBATION PROGRAM.**

Rich Ward, District Court Probation Director, introduced his staff. Marie McCutchin, Compliance Officer, Rose Gonzales, Office Assistant, and Linda Eiford, Compliance Officer, were introduced to the Board and their backgrounds reviewed.

Mr. Ward explained that the Program's objective is to hold convicted offenders accountable for the restrictions placed upon them at sentencing. He stated that the District Court Judges are the administrators of the District Court Probation Program, and that they subscribe to the belief that they should remain involved in assuring that convicted individuals carry out their obligations. Because of this, only about 35% of the compliance cases are referred to the Program, and the rest are administered by District Court Clerks.

Statistics about the Program were provided.

ADJOURNMENT

Commissioner Wolden motioned to adjourn the proceedings. Commissioner Robinson seconded the motion which carried unanimously.


BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
Robert Hart, Chairman

  
Harvey Wolden, Commissioner

  
Robby Robinson, Commissioner

ATTEST:

  
Connie Carter, Clerk of the Board  
Skagit County Commissioners

