

PUBLIC HEARING - WINSTON ANDERSON COMPREHENSIVE PLAN AMENDMENT PROPOSAL, CPA-92-006.

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

Gary Christensen, Senior Planner, reviewed the order of events of Mr. Anderson's proposal. In February, 1992, Mr. Anderson submitted a comprehensive plan amendment application and environmental checklist to the County requesting to reclassify 3 acres on Guemes Island from Rural to Commercial. June, 1992, the County issued a Mitigated Determination of Non-Significance (MDNS) on the proposal. August, 1992, the Hearing Examiner considered an appeal on the County's SEPA threshold determination. The Hearing Examiner upheld the County's original MDNS. November 1992, the Planning Commission held a public hearing and voted to recommend approval of the proposal. December, 1992, the Board reviewed the recommendation and remanded the matter to the Planning Commission for additional consideration, and to address due process issues. January, 1993, the Planning Commissioner conducted a public hearing and voted to recommend approval of the proposal. February 1, 1993, The Board reviewed the proposal, findings, and recommendations, and unanimously approved the proposal. February 11, 1993, a writ of review was filed with Skagit County Superior Court regarding the approved Winston Anderson Comprehensive plan amendment. March, 1993, Superior Court issued an order remanding the matter to Skagit County for further proceedings due to an incomplete record of the January 11, 1993, Planning Commission public hearing. April 13, 1993, the Board remanded the matter back to the Planning Commission. April 26, 1993, the Planning Commission conducted a public hearing and voted 3 to 4 to recommend approval of the proposal. However, there was not a majority vote of the total members of the commission, thus no recommendation was forwarded to the Board.

The options available to the Board upon completion of the public hearing are:

- 1) Approve.
- 2) Deny.
- 3) Remand the matter back to the Planning Commission.

Chairman Hart opened the public hearing for comment and called speakers in the order they signed in on a speakers list.

1. Lou Gillette, 682 Guemes Island Road, Guemes Island, addressed the Board. Mr. Gillette read a letter he had written to the Board into the record. Mr. Gillette attending the hearings regarding the subject proposal, and felt that a new store on the island would not be necessary. He said that the existing store on the island is sufficient for the resident's needs, and felt it would be an adverse addition to the serenity of the island. He stated opposition to the proposed comprehensive plan amendment.

2. Rena Gillette, 682 Guemes Island Road, Guemes Island, addressed the Board. Ms. Gillette stated that the property where a store used to be at the ferry landing is now the parking lot. She said there had been a residence on the property prior to the parking lot, a store had not been there for a long time. She voiced strong opposition to Mr. Anderson's proposal.

3. George Geneuleas, 438 W. Shore Road, Guemes Island, addressed the Board. Mr. Geneuleas stated that the survey conducted showed that the majority of residents and property owners did not want commercial growth on the island. He felt that the existing store, which is already accepted by the

community, is sufficient. He said that he had spoken to Ross Vaughn, the owner of the store, and he would be open to the possibility of cooperatively running the store to more fully serve the community year-round.

4. Steve Orsini, 397 Guemes Island Road, Guemes Island, addressed the Board. Mr. Orsini said that he lived on the island since 1954. When he developed the survey he attempted to be as objective as possible. He said that he was criticized from opponents and proponents of the proposal when he distributed the survey. It was felt that only resident voters should have been surveyed.

5. Tim Rosenhan, 490 Lervick Avenue, Anacortes, addressed the Board. He said that 361 of 801 survey cards mailed were returned. This made for a 45.1 percent return, which is a substantial response. Out of the 361 cards returned 161 were from registered voters. He said that the registered voters responses were basically the same as the property owners.

6. Bob Ellis, 349 S. Shore Drive, Guemes Island, addressed the Board. Mr. Ellis said that he lives directly across from the Anderson property, his well is 60 feet from Mr. Anderson's property, and feels he will be the most impacted by the project. South Shore Drive is only 14 feet wide, and it would be expensive for the County to upgrade it. Mr. Ellis stated that he is opposed to Mr. Anderson's proposal.

7. Marianne Kooiman, 650 Sq. Harbor Lane, Guemes Island, addressed the Board. Ms. Kooiman expressed concern regarding a commercial development potentially affecting the wells in the area. She also expressed concerns regarding long term changes if the Comprehensive Plan Amendment is approved. She felt that the opinion of the community should be seriously considered.

8. Gail Nichols, 678 W. Shore Drive, Guemes Island, addressed the Board. Ms. Nichols stated that she and her husband were opposed to the proposed Comprehensive Plan Amendment. She felt that population growth should not be the determining factor for justifying an amendment. She said that the ferry runs every 15 minutes giving access to the mainland and the amenities there. She felt that the surrounding property owners would have no protection from commercialism should the amendment to the comprehensive plan map be approved.

9. Jim Bertilino, 533 Section, Guemes Island, questioned the 4 - 3 vote of the Planning Commission.

Mr. Christianson clarified that the motion for approval was 3 - 4 in favor, meaning that three votes opposed, and 4 votes favored.

Chairman Hart stated that since the time was running short, Mr. Anderson would be allowed to speak next.

10. Winston Anderson, 465 S. Shore Road, Guemes Island, addressed the Board. Mr. Anderson stated that there was no information given at the Planning Commission meetings to support the denial of his proposal. He has followed the necessary procedures. He felt that the survey conducted by the opponents destroys their opposition to the proposal by showing a fairly even opinion. He said that the commercial development is not defined, upon completion it will be a small local store. He felt that the survey should have been more specific. It was designed, received, and tallied by those opposing the proposal. He said that the first store on Guemes Island was on the subject property. There is no similar precedents for further commercial development being set. He believed that the other property owners at the ferry landing site were not opposed to the proposal.

Chairman Hart noted that it was time for the next agenda item scheduled, and motioned to continue the public hearing at 4:30 p.m. Commissioner Wolden seconded the motion which carried unanimously.

An unidentified member of the audience stated that the last ferry run to Guemes Island would be at 6:00 p.m., and wondered if special arrangements would be made for those who would like to attend the continuance.

Chairman Hart assured the audience that arrangements would be made.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:

1) Introduction of New Public Works Administrative Services Employee.

The Board was introduced to and welcomed Marsha Jaeger, Public Works Controller.

2) Public Hearing - Opening of Unopened Right-of-Way - Old School Trail Road.

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

Linda Leonhart, Records Clerk, displayed a vicinity map pointing out the Old School Trail Road right-of-way being requested to be opened. Trillium Corporation intends to use the road for access to their property to perform logging. The right-of-way has been opened a short distance at each end. When the logging is completed the road is to be blocked off, erosion control performed if the County deems it necessary, current agreements for hauling over Wood Road will remain in force and effect during the logging project, and the Trillium Corporation will be fully responsible for maintenance on the constructed road. Ms. Leonhart stated that the recommendation is for approval of opening the right-of-way. Logging has occurred adjacent to the subject property, and Wood Road will be used for travel to Barrel Springs Road.

Chairman Hart opened the public hearing for comment.

- Terese Spaude, 1512 Lily Lake Road, Bow, Washington, addressed the Board. Ms. Spaude provided a document to the Board from Habitat Watch showing a chronological list of monitoring of the Trillium Corporation's practices in the Colony Creek Watershed. She also provided for the record letters sent to the State Departments of Ecology, Fisheries, Wildlife, and Natural Resources; Skagit County Planning & Community Development, Skagit System Cooperative, Audubon Society, and Trillium Corporation. She felt the opening of the right-of-way would set a precedent that will cost the County extra money for road improvements and repairs. Ms. Spaude submitted two panels of photos and a survey map of the subject area for the record. The photos depicted slide events on the main, east, and west branches of Colony Creek, as well as drained beaver ponds.

Belinda Chambers, Lily Lake Road, read a letter of opposition from Habitat Watch into the record. She felt that it was unnecessary to open the right-of-way. The views expressed in the letter were as follows:

1. It was felt that the public notice in The Skagit Argus on May 12, 1993, did not provide sufficient information regarding the proposed right-of-way opening.
2. Habitat Watch requested that the following information be provided by the applicant for the Board's consideration, and to the public: Trillium Corporation's subdivision maps as submitted with their

original Class IV Forest Practice Application; Trillium Corporation's Water Rights Applications; and a map of the proposed logging road construction included in the forest practice application for this site.

Ms. Chambers stated that Habitat Watch members felt that Trillium will not just be using this road for a temporary logging road. They felt it will be used for a development. They felt that due to the steep and unstable road, a full SEPA review should be required. She said it appears that Trillium has already begun improvements on about one-third of the road without approval. She suggested that the Board make a site visit before making a decision on opening the right-of-way. She said that Habitat Watch would like the Board to deny the opening of a 60 foot right-of-way, and grant no more than a 20 foot temporary easement after a complete SEPA review is performed.

- Diane Berg, 423 Colony Mountain Drive, addressed the Board. Ms. Berg provided a letter from the Colony Mountain Community Club for the record. The Colony Mountain Community Club Board of Directors unanimously voted against the opening of the right-of-way on the Old School Trail Road at their May 17, 1993, meeting. The State has recommended that the Community find a second well site. The Community is located northwest and west of the proposed road area. Some of the property adjoins the area proposed for logging. Ms. Berg said that the Community is concerned that development will adversely affect the aquifer, and additional traffic would create a hazard for the residents. Ms. Berg said that the Old School Trail Road goes through her property. The adjacent land was logged to the south of hers in the past, and logging debris was left on her property. The property was then sold to Tony Berry, who continued logging. The logging created water runoff problems from the clearing, and there was no buffer remaining to provide protection from high winds. She felt that the previous logging project of 40 acres causing problems was an indication that the larger logging operation would create larger problems. She said the residents of the area are concerned about the effects that a development would have on the Colony Creek watershed. Ms. Berg felt that Trillium will be developing the property to be logged. She said that she and the Colony Mountain Community Club members are opposed to Old School Road being used for logging traffic.

Pete Jepsen, 231 Barrel Springs Road, stated that he would like to know the future intent of Trillium Corporation in regards to the property proposed to be logged. Colony Creek is a critical salmon habitat area that needs to be protected. The development of the area needs to be performed delicately to maintain the Colony Creek habitat.

Jeff Langlow, Colony Creek Road, said that he is an adjacent land owner to the Trillium property. The subject property is zoned for five acre lots. Mr. Langlow said that the Beaver ponds on the Trillium property were drained. They withdrew the class IV permit request and applied for class three. He felt that the opening of the road is a prelude to opening a road for a residential development. He felt that the area should be reviewed further.

Janet McKinney, 1576 Wood Road, requested that the Board not make a decision until Trillium provided further information for future use of the subject property.

Truman Harrison, 431 Colony Mt. Road, stated that he is opposed to the opening of the right-of-way. He said that Trillium is not a logging/timber company, they are a development company.

Michelle Robbins, addressed the Board. Ms. Robbins said that she holds an interest in property in the subject area. She voiced concerns regarding the direct impact allowing the use of this road would have on

the surrounding properties. She felt caution should be used in considering opening the road for logging use, and felt that it will be used for more than a temporary access for logging.

Chick Prentice, Blanchard Drainage Commissioner, stated that the Blanchard Drainage Commissioners recommended that the Board deny the opening of the right-of-way as requested.

Tim Raschko, Trillium Corporation, stated that a class IV, General Application was submitted to develop the land. An approved fill and grade permit was issued. They pulled their Class IV application and submitted a Class III. The County right-of-way is 60 feet wide, but Trillium is not planning to put in a 60 foot wide road.

Commissioner Wolden asked whether a road was already being started, and if so, why the County was not consulted earlier.

Mr. Raschko said they made a mistake, and are now trying to resolve it.

Chairman Hart asked why a water rights application was submitted if they only have a Class III timber application. He said he assumed it was applied for when the Class IV application was submitted. He wondered why the water rights application was not rescinded.

Mr. Medved said that the County ordered the building of the road to be stopped and required Trillium to comply with the procedures for opening the right-of-way. He said that it will only be a temporary opening, if approved, and Trillium would have to apply again if they wanted it opened for any other purpose.

Commissioner Wolden asked what remains to be done to comply with the requirements the Public Works Department request.

Steve Winter said that there is drainage work that still needs to be performed.

Chairman Hart felt that temporarily opening the right-of-way for logging would be appropriate, but emphasized that it would be only for that purpose.

Ms. Leonhart stated that County has to provide access to land-locked properties. She said that the County can allow the use of a right-of-way and impose restrictions to protect the land and surrounding properties.

Ms. Chambers asked what restrictions would be placed on the logging trucks, and who would be responsible for accidents that may occur.

Chairman Hart asked whether Ms. Chambers felt that she had more rights as a property owner than Trillium does as a property owner.

Ms. Chambers said that she has been a resident in the area for 15 years and Trillium is a Whatcom County based company.

Chairman Hart stated that there is a need for coexistence.

Doug Barnet, County Engineer, stated that the opening of the right-of-way for access would cause the least negative impact on the surrounding sensitive areas. The logging will take place, however the area is accessed.

Mr. Raschko offered to provide a flagger on the road for additional traffic safety.

Mr. Harrison suggested that the Trillium Corporation instruct the subcontracted log truck drivers to use extreme caution on these residential roads.

Mr. Raschko concurred.

Ms. Berg felt there was no protection to the residents when runoff from logging projects occur.

Ms. Robbins stated that she will be in touch with DNR throughout the logging operation.

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

Chairman Hart motioned to grant the temporary opening as recommended by the Public Works Department including the restrictions recommended. Also, the road will be closed off 60 days after the completion of the logging project. Commissioner Wolden seconded, the motion, which carried unanimously. (Resolution #14872).

5) Signature - Flood Control Assistance Account Program Grant Agreement with the State Department of Ecology.

This item was taken out of order for time convenience.

Dave Brookings, Flood and Drainage Engineer, presented an agreement for the Board's approval and signature with the State Department of Ecology (DOE). The agreement will provided funding to Dike District 22 to perform a Fir Island levee elevation and alignment survey. The total project cost is estimated to be \$32,000. The DOE Flood Control Funds will pay 75% of the amount, and Dike District 22 will pay the remaining 25%.

Commissioner Robinson motioned to approve the Flood Control Assistance Account Program Grant Agreement as presented. Commissioner Wolden seconded the motion, which carried unanimously. (Contract #01653).

3) Discussion - Submittal of 1993 County Bridge Report.

Doug Barnet, County Engineer, presented the 1993 County Bridge Report to the Board. This annual report is prepared by the Special Operations Engineer, Doug Argo. The County, to date, has 99 bridges, which hold an approximate 40 million dollar replacement cost. The Marblemount Bridge is the oldest, and the Alger/Cain Lake is the newest. Total anticipated 1993 maintenance of County bridges is \$537,500.00. Lookout Creek and South Fork bridges, which are weathering steel bridges, will be painted this year. A new feature was added to the report this year - seismic analysis. This portion of the report classifies the lifeline routes into three levels based on the importance of the bridge to the integrity of the lifeline. The most critical

bridges were prioritized according to replacement cost, consequence to lifelines, age and original design; and apparent seismic susceptibility. The top two bridges on the seismic analysis list are budgeted to be retrofitted this year.

In summary, the report outlines the following recommendations: 1) Continue bridge maintenance budgets at current levels with annual inflation increases; 2) Program additional funds to all inspections as required by Federal Law and those contracted to the Washington State Department of Transportation; 3) Develop and implement a program upgrading County bridges to continue to carry legal loads should these levels be raised by State legislation; 4) Consider additional funding for bridge and rail upgrades, evaluate obsolete bridges, perform needs assessments for additional major river crossings, and upgrade major bridges for earthquake tolerance.

4) Discussion - Submittal of 1993 - 1995 Road Priority Array.

Mr. Barnet briefly reviewed the 1995 Road Priority Array with the Board. Those listed in priority order 1 through 153 are the worst segments of non-gravel roads in the County. These roads are still in good shape, but they are the worst in the County. A segment is one arbitrarily selected mile post to another. The report contains road segment definition, specific rating values, ranking by Commissioner Districts, map locations of the top five road segments, and a ranking of the major and minor collectors.

Mr. Medved stated that the roads ranking high on the Road Priority Array may not be the high ranking roads in the 6 year Transportation Improvement Program.

6) Signature - Short-Term Contract for Ash Transportation and Disposal.

Don King, Operations Manager, Resource Recovery Facility, stated that he conducted an information session to inform those parties interested in the County's need for a short term contract for the long-haul of ash. He said that legal council informed him that since the informational meeting was not recorded, a Resolution declaring a condition of emergency is required in order to award the short term contract. The Request For Proposals did not state an interim time frame, therefore necessitating an emergency situation. It is not necessary to call for a competitive bid for the short-term contract. Mr. King presented a resolution to the Board for approval and signature.

Chairman Hart motioned to approve the resolution declaring the existence of a condition of emergency. Commissioner Robinson seconded the motion, which carried unanimously. (Resolution #14874).

Mr. King presented a contract for signature for a 90 day contract with Klickitat County for short-term long haul and disposal of ash from the incinerator. No future obligations exist.

Commissioner Robinson motioned to approve the Contract as presented.

Commissioner Wolden seconded the motion, which carried unanimously. (Contract #04652).

Mr. Ray Sizemore asked what the cost and breakdown was going to be.

Mr. Medved stated that the cost is \$46.22 per ton, no breakdown was given.

Mr. Sizemore said that he would like to know the breakdown, and will be sending a letter requesting the information to the Board and Mr. Medved.

Mr. Medved stated that Waste Management of America and RDC did not give a breakdown. He asked Mr. Sizemore whether either company told him their fees.

Mr. Sizemore said they did not, and thanked the Board for their time.

7) Miscellaneous.

There were no Public Works Miscellaneous items presented at this time.

CONSENT AGENDA.

Commissioner Robinson motioned to approve the Consent Agenda of May 24, 1993. Commissioner Wolden seconded the motion, which carried unanimously.

* COMMISSIONER'S OFFICE:

1. Record of the Proceedings for the week of May 17, 1993.

* FACILITIES:

2. Signature - Contract with SRV Construction, Inc., P.O. Box 481, Oak Harbor, Washington 98277, for the removal of six, County-owned, wood houses. Term of contract ends 120 days from Notice to Proceed. Contract amount - \$49,908.00. (Contract #01650).

• PARKS, RECREATION, AND FAIR:

3. Signature - Professional Services Contract with Skagit Softball Umpires Association (ASA) to provide Amateur Softball Association certified umpires to officiate various softball league games as request by the County for the 1993 league season. All ASA registered umpires are covered by ASA insurance. Fees for service are as follows: \$12.50 per game for Girls 12/Under league games; \$13.00 per game for Girls 15/Under league games and \$16.50 per game for all adult league games. (Contract #01651).

* PUBLIC WORKS:

4. Signature - Resolution awarding the bid for Pioneer Highway asphalt overlay project to Associated Sand and Gravel Company, the lowest bidder, at a bid price of \$232,269.89. (Resolution #14865).
5. Signature - Resolution authorizing funding for the construction of a bus turn around for Taylor Road, CRP No. 0605-2, in the amount of \$7,500.00. (Resolution #14866).
6. Signature - Resolution authorizing funding for the construction of a bus turn around on Rose Road, CRP 8301-1, in the amount of \$10,000.00. (Resolution #14867).

7. Signature - Resolution authorizing funding for the construction of a bus turn around on Trumpeter Lane, CRP 7701-1, in the amount of \$7,500.00. (Resolution #14868).
8. Signature - Out-of-State Travel Request for Ed Hawes and Marvin Koop to attend an IMSA training in Vancouver, BC, June 4 - 24, 1993. Training will provide staff with updated knowledge/certification in signs, signal systems and pavement markings. Travel expense of \$640.00 in Canadian funds includes: registration, hotel, and meals. Travel expense for Marvin Koop of \$782.00 in Canadian funds includes: registration, hotel, meals, and certification fee. Mr. Koop's expenses are higher due to a higher registration fee for non-members and the certification fee.
9. Signature - Resolution denying a request to open an unopened County Right-of-Way on West Big Lake Boulevard. (Resolution #14869).
10. Signature - Retirement Certificate of Commendation for Harvey Anderson for thirty-eight years of employment with Skagit County.

* **SENIOR SERVICES:**

11. Signature - Resolution - Call for Bids for Senior Catered Meals for the January 1, 1994 through December 31, 1994 period. Bids to be received at the Commissioner's office and opened at 1:30 p.m., June 16, 1993. (Resolution #14870).

* **ADMINISTRATIVE SERVICES:**

12. Signature - Letter of Understanding amending current Collective Bargaining Agreement between Skagit County and Local No. 176, Council No. 2, AFSCME, (Skagit County Public Works Department) dated January 1, 1991, through December 31, 1993. (Contract #00802).

PLANNING AND COMMUNITY DEVELOPMENT:

13. Signature - Resolution denying Valley Farms, Inc., Variance Request VAR-93-004. (Resolution #14871).

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, May 24, 1993, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #97019 through #97555 (Vouchers #3006360 through #3007149) in the amount of \$500,292.20. Transmittal #C20-93.

- B) George Ridgeway, Environmental Health Specialist, briefly reviewed Mr. Thomas Noland's resume with the Board. Mr. Noland was hired to implement the watershed grant.

PRESENTATION - RETIREMENT RECOGNITION - CAROLYN MILAT, DIRECTOR, PUBLIC HEALTH.

The Board presented a placque to Ms. Milat in recognition of her 19 years of service with Skagit County. Ms. Milat's will retire from the County at the end of May, 1993.

Ms. Milat thanked the Board for the placque, and commented that she has enjoyed working for the County.

Bob Taylor, Administrative Officer, let Ms. Milat know that she would be able to see her name in lights if she went by Blade Chevrolet's reader board today. He expressed appreciation to Ms. Milat for her length of employment with the County, and that he was happy to have worked with her.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT - DAVE HOUGH DIRECTOR:

- 1) Signature - Addendum No. 1 with Herrera Environmental Consultants on Chuckanut Crest Golf Course.

Mr. Hough presented an addendum for the Board's signature to the Herrera Environmental Consultant Contract. The addendum will extend the time length of the contract with Herrera Environmental Consultants and Skagit County in order to receive final invoices for the project.

Commissioner Robinson motioned to approve the addendum as presented. Commissioner Wolden seconded the motion, which carried unanimously. (Contract #001396).

- 2) Signature - Resolution Establishing the Agricultural Land Mitigation/Preservation Fund.

Mr. Hough presented a resolution for approval and signature establishing the Agricultural Land Mitigation/Preservation Fund. This fund is for the receipt of monies to mitigate the conversion of agricultural land for commercial development, or for the preservation of agricultural land.

Chairman Hart motioned to approve the resolution as presented. Commissioner Robinson seconded the motion, which carried unanimously. (Resolution #14873).

- 3) Review of May 22, 1993, Skagit River Task Force Meeting.

Oscar Graham, Senior Planner, addressed the Board. Mr. Graham stated that the Washington State Forest Service has a person who conducts studies on Eagle disturbance in the Marblemount and Rockport area. These studies have concluded that the boat and pedestrian usage of the river disturbs the nesting birds. Now the State has to take action on the findings of the study. The State has delegated the responsibility of acting upon the findings of the study to the Skagit River Task Force. The migrating eagles are of concern to the upriver community. Alternatives need to be developed to resolve the problem. Mr. Graham felt that the Forest Service, Department of Wildlife, and Department of Fisheries should not use County shoreline committees to protect resources.

Chairman Hart asked whether the nesting area is on a recreational portion of the river.

Mr. Graham stated that it is.

Commissioner Wolden stated that he has run hunting boats under eagle roosts over the years and never disturbed the birds.

Bill Vaux, Port Gardner Timber, asked whether the survey numbers show an increase in the eagle population.

Mr. Graham stated that the survey shows that the eagle population has increased.

Mr. Vaux asked whether there is case law that Forest Service has jurisdiction over state-owned land.

Mr. Graham felt that there apparently is.

Commissioner Robinson asked whether a solution would be found by the end of September.

Mr. Graham said that there would be. He felt that people who visit the nesting areas deliberately scare the birds in order to view them in flight.

The Board thanked Mr. Graham for his participation on the task force and requested that he continue to represent the County and keep them informed.

4) Discussion - Permit Activity.

Mr. Hough stated that there is a continued increase in land use applications, and as of May 1, 1993, there have been over 100 new land use permit applications received. These applications include variances, special uses, long and short subdivisions, open space, and shoreline permits. At the current rate of increase, it is estimated that 1993 permit applications will exceed 1992's total by more than 20 percent.

5) Code Enforcement Report.

The Code Enforcement Report was presented to the Board.

6) Miscellaneous.

Mr. Hough presented an Ordinance to the Board for approval and signature which would adopt a temporary interim zoning map for unincorporated areas of Skagit County. Mr. Hough said that the population is rapidly increasing in Skagit County and the Growth Management Act (GMA) encourages development where appropriate, and encourages reduction in inappropriate conversion of undeveloped land. Further residential development under the existing Skagit County Code (SCC) for Multi-Family Residential, Residential, Residential Reserve, and Rural Intermediate, would be contrary to the provisions and requirements of the Growth Management Act; allow development patterns which would not be in the public interest, be inconsistent with county-wide, regional planning policies and the current public process to update the County Comprehensive sub-area plans. An interim zoning for unincorporated areas would serve as a temporary emergency measure to protect the public welfare pending County/City agreements designating urban growth areas.

Chairman Hart stated that rural designations should remain so until the comprehensive plan is finished and development rights are in place.

Chairman Hart asked whether the Comprehensive Plan will be completed by the end of the year.

Mr. Hough said that it would be.

Chairman Hart motioned to approve the Ordinance as presented. Commissioner Robinson seconded the motion, which carried unanimously. (Ordinance #14864).

**HEARING EXAMINER RECOMMENDATION - DENIAL - RONALD HAWKINS AND ANITA JOHNSON
AGRICULTURAL VARIANCE, #AGV-93-006, 1824 BEAVER MARSH ROAD, MOUNT VERNON,
WASHINGTON.**

Jeff Morgan, Associate Planner, stated that the Hearing Examiner, recommended denial of the subject variance request. The Hearing Examiner found no special circumstances to warrant approving the variance request, and approval would allow four homesites to exist where only three would be allowed under the current zoning. The applicants wish to subdivide 2.2 acres of property from the entire parcel of 157.98 acres, retain the 2.2 acres which has a home on it, and sell the remaining agriculturally productive land.

The options for consideration are:

- a) to summarily approve the Hearing Examiner's recommendation; or
- b) to remand it back to the Hearing Examiner for further discussion; or
- c) hold a public hearing and adopt findings of fact if the Board deems a change in the Hearing Examiner's recommendation.

Chairman Hart asked whether the property could be divided so that only three building sites exist, including the existing home.

Mr. Morgan felt that it would be granting a special privilege to do so. He suggested allowing the suggested 2.2 split with a condition that the remaining property be split in two equal portions.

Commissioner Wolden stated that the intent is to keep this as agricultural property. He felt that a variance should be conditioned for allowing only one other building on the remaining acreage.

Mr. Morgan recommended allowing the 2.2 acre division with the condition that Mr. Hawkins and Ms. Johnson develop protective language regarding the division of the two properties. The applicant can legally divide the property into 3 - 40 acre parcels.

Chairman Hart stated that after reviewing the criteria for approving a variance, he saw no way to approve it as requested.

Mr. Hawkins, stated that the property would not be of interest to farmers unless it was without the residence. He would like to segregate the property and retain the agricultural aspects of the remaining property. He said that he was looking for a reversal of the Hearing Examiner's recommendation.

Chairman Hart felt that a workable solution could be found.

Commissioner Wolden felt that it would be allowable to divide the 2.2 acres from the remaining property, with the condition that nothing be constructed on the remaining property while under the current ownership. Should the remaining property be sold, it could be restricted to building only one residence on it.

Mr. Hawkins and Ms. Johnson stated that it is their intention and desire for the remaining property to stay agriculturally productive.

Commissioner Wolden motioned that the Board hold a public hearing to determine their own findings on Tuesday, July 20, 1993, at the hour of 10:00 a.m. or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, Skagit County Administration Building, 700 S. Second, Mount Vernon, Washington. Commissioner Robinson seconded the motion, which carried unanimously.

Commissioner Robinson suggested that the applicants and Mr. Morgan develop language to present for the board to consider at the public hearing.

WINSTON ANDERSON COMPREHENSIVE PLAN AMENDMENT PROPOSAL, CPA-92-006 - CONTINUATION.

The Board of Commissioners reconvened the public hearing at 4:30 p.m.

Chairman Hart announced to the audience that the Guemes Island Ferry would have a 7:00 p.m. run and an 11:00 p.m. run, for those at this meeting needing to return to the island. He also informed the audience that oral testimony would be closed at the end of this days' hearing when all those desiring to had spoken. Written testimony will be received in the Commissioner's Office until 4:30 p.m., Thursday, May 27, 1993. The public hearing will continue to Friday, May 28, 1993, at 10:00 a.m., or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, Skagit County Administration Building, 700 S. Second, Mount Vernon, Washington, for deliberation.

Chairman Hart resumed the hearing by calling the next speaker from the sign in list.

- Dave Davelaar, 327 So. Shore Drive, Guemes Island, addressed the Board. Mr. Davelaar felt that the survey submitted was not accurate as it was developed by the opponents of the proposal.

- Murray Read - not present.

- Howard Pellett, 10417 NE 197th, Bothell, Washington, addressed the Board. Mr. Pellet stated that he is not a full-time resident, but is planning to retire to Guemes Island in about a year. He said that 70 percent of the property owners were surveyed and 45 percent of those surveyed responded in opposition of the proposal. The Planning Commission voted 4 to 3 against the amendment. He felt that a country store is not the issue, a Comprehensive Plan Amendment to Commercial designation is. If the store doesn't succeed, the designation will still be commercial. A new owner could place a different commercial business there that would not be compatible to the Island lifestyle. He voiced opposition to the proposed comprehensive plan amendment.

- Robert McCracken - not present.

- Jean McCracken - not present.

- Jim Bertilino, 533 Section Avenue, Guemes Island, addressed the Board. Mr. Bertilino expressed concern that the commercial designation could expand to uses other than a small store. He felt it possible that the half of the property that will not be required for the store project could be sold for other commercial purposes. He felt that no supportive information, research, or plan had been provided for a commercial venture. He urged the Board to deny Mr. Anderson's proposal.

- Dale LaCross, not present.
- Bill Warner, not present.
- George Meekins, not present.
- Patricia Schultz, not present.
- Helen Trefethen, not present.
- Regina Notson, not present.
- Mildred Notson, not present.

- Tom Moser, 709 S. First Street, Mount Vernon, Attorney for the opponents, addressed the Board. He stated that he hoped the Board would come to a decision on this matter at this day's meeting. Mr. Moser reviewed the information he was submitting for the record. He said that a group of Guemes Island residents and property owners who organized themselves as No Guemes Variance developed proposed findings of fact for the Board's consideration. In summary:

1. The Island is a quiet, peaceful, area in which to reside, with beaches, open fields, and woodlands.
2. The application to amend the comprehensive plan is based upon the desire of one property owner.
3. Population growth has been minimal, averaging 6.5 persons over the past thirty five years.
4. There has not been substantial change in circumstances or conditions to support the proposed amendment.
5. There is another Commercial-Limited Industrial designated area on the island, some of which is not utilized and has not been developed for commercial use.
6. There is a new comprehensive plan in progress for Skagit County. The preliminary determination was that the applicant's land would be designated as Rural.
7. The applicant was a member of the Guemes Island Planning Advisory Committee and signed a report prepared and submitted to the County which states that commercial activities will not be encouraged, and the rural character of Guemes Island will be preserved.
8. There is strong public opposition to the proposal and stronger to the plan of commercial development on the island.
9. There is public concern regarding fresh water aquifers on the island. Further development or Commercial/Limited Industrial activities will have an impact the availability of fresh water wells.

Mr. Moser felt that it would be difficult for the Board to oppose other Commercial/Light Industrial amendment requests if Mr. Anderson's is approved. He said that changes in circumstances would include: new public facilities, hospitals, schools, multi-purpose use facilities, residential growth, residential development, major transportation, multi-family dwellings, resort attractions, golf courses, fairgrounds, theme parks, environmental changes, and utility expansion. He voiced understanding that a Comprehensive Plan Amendment was the issue, but if it is approved, a rezone request will be next. He requested that the Board deny the amendment request and adopt all or part of the findings of fact that he submitted from the No Guemes Variance group.

- Michael Gwost, 397 Edens Road, Guemes Island, addressed the Board. Mr. Gwost stated that the proposed amendment is a sensitive issue. Mr. Gwost drew a picture of the island and showed where the ferry waiting area is located. He said that the Church and Community Hall is a short distance up the road from the landing, and the other commercial land mentioned is beyond that. He said that the existing store is a new building and they sell gas, various other items, and are willing to expand their services. He felt that the comprehensive plan amendment was a bad idea and requested the Board to deny the request.

- Mark Caputo, 530 S. Shore Road, Guemes Island addressed the Board. He stated that he has lived in Skagit Valley for 25 years, and recognizes the need to preserve the land. He said that Mr. Anderson has been a good neighbor to him and been of personal assistance when needed. He said that he reflected on this proposal for a long time, and would like to see decisions based on the betterment of the County for our children and their children. He said that personally, he would not walk through the doors of the store, should it be built.

Michael
- Bob Anderson, land use planner for Mr. Win Anderson, addressed the Board. Mr. Anderson displayed an artist's rendering of the proposed store. He said that the outside dimensions of the store will be the same size as a single family house. He said that he recommended that Mr. Win Anderson request an amendment of a 2 or 3 acre piece of land due to unknown site plan and requirements. It was felt that 3 acres would allow for accommodation of possible requirements for the proposed project. He stated that he felt it important to include previous meetings and hearings' records to be included as part of this hearings' records. He said that Mr. Win Anderson desires to create a neighborhood business, and there is testimony in the record reflecting the need. Mr. Anderson submitted photocopies of a book cover from "The Isle of Guemes" depicting the old store near the ferry landing site that is no longer there. He felt that no longer having a store where there once was one created a change of condition. He felt that substantial changes have occurred to warrant the approval of the proposal. He said that remaining rural, a house much larger than the proposed store could be built. Rural designation would also allow for a Bed and Breakfast business, golf course, riding club, travel trailer park, hotels, and resorts. These businesses would be more detrimental to the island than what Mr. Win Anderson is proposing.

- Donna Turner, 9802 N.E. 31st Street, Bellevue, Washington, addressed the Board. Ms. Turner stated that she is not a full time resident of the island, but she is a property owner and has been coming to the island for 30 years. She felt that the existence of a store at the proposed site would bring a lot of non-residents to the island and cause an inconvenience to the ferry traffic. She felt that the Board should make a site visit on a Saturday.

- Joan Palmer, 428 S. Shore Road, Guemes Island, addressed the Board. Ms. Palmer said that she is a neighbor to Mr. Win Anderson. She expressed respect for Mr. Anderson but is opposed to the comprehensive plan amendment proposal.

- Rena Gillett, 682 Guemes Island Road, addressed the Board. Ms. Gillett stated that she lives directly across from the proposed area. She felt that many items were represented at past hearings and meetings and would continue to be misrepresented. Ms. Gillett stated opposition to the proposed amendment.

- Michael Gwost stated that the existing store on the island is very similar to the artist rendering displayed earlier. He felt the Board should make a site visit.

- Jim Bertilino, 533 Section Avenue, Guemes Island, readdressed the Board. He felt that the modest population increase should not be considered as a significant change in conditions. The people who chose to move to the island did so because of the simpler lifestyle.

- Win Anderson, 465 S. Shore Road, Guemes Island, addressed the Board. Mr. Anderson stated that the Guemes Island Planning Document recommendation 5.1 has been cited at every hearing held for this proposal. He said that the entirety of the item was not quoted. What it says in full is: "There will be no new industrial or commercial development on Guemes Island or in its surrounding waters, including, but not limited to: large-scale, obtrusive manufacturing; floating net aquaculture; hotel, resort, or other commercial overnight accommodation facilities." He said that when the prohibition against gasoline being transported on the ferry went into effect, he began the comprehensive plan amendment request process. The existing store's gas tanks are single walled, and 30 year old. They are situated within the water table and 10 feet from the ordinary high water mark. He said that during hunting season, the other commercial land mentioned is posted with "No Hunting - Residential Area" signs. He said that when someone has to travel by ferry to town, they must start and stop their auto engine 6 times. If the store was there, only two times would be necessary. He felt that it would be less destructive to the vehicles and the atmosphere to lessen the ferry traffic. He said that what he develops will be comparable to the personality of island.

Mr. Anderson stated that the traffic at the ferry landing has increased, the waiting line extends beyond the Community Club, which is beyond the ferry lane. He said that part of his recommendation is to work with the County to provide another 10 feet or more of right-of-way for ferry traffic, and a turn around.

Commissioner Wolden stated that he would be interested in the population growth on the island just in the last 5 and 10 years. The County has figures showing a 65% growth in car traffic to the island from 1980 to 1990.

- Howard Pellett, 10417 NE 197th, Bothell, addressed the Board. Referring to the Guemes Island Planning Advisory Committee's (GIAC) recommendations, anyone could select portions of the information and interpret it how they choose. He felt that the following items were important to be mentioned also:

2. Sprawl Reduction

2.1 High density development, industrial, manufacturing, and commercial activities will not be encouraged. However, cottage industry will be allowed subject to the review of the GIAC and appropriate County governing boards and commissions.

2.2 Urban density growth will not be allowed beyond those areas already zoned.

- Anne Geanuleas, 438 W. Shore Road, Guemes Island, addressed the Board. She stated that she like the field that Mr. Anderson is proposing the amendment on, and is glad that the rumors of a warehouse or barn being planned for the site are not true. She said that the ferry lines are long, but there are services on the island and the resident want to solve their own problems on the island. She said that the residents are not there for the convenience, they are there for the lifestyle. They are willing to solve the inconveniences in their own way. She said that she will try to get further information regarding what needs to be done to update the gas tanks at the existing store.

- Richard Petrick, 291 S. Shore Drive, Guemes Island, addressed the Board. He asked Mr. Anderson what the cost would be to install gas tanks.

Mr. Anderson replied that it would cost approximately \$20,000.

Mr. Petrick felt that it could be more costly. He said that the present store charges between \$1.80 and \$2.00 per gallon, and only sells between two and five gallons at a time. The owner is losing money on his gas sales, and felt that Mr. Anderson would also. He felt that doubling up ferry lines would create dangerous situations, possibly trapping emergency services personnel on inside lanes when an emergency call is issued. He requested that the County consider public transportation for Guemes Island, and the entire County.

- Margaret Stubrod, 688 Guemes Island Road, addressed the Board. She stated that she has lived on the island since 1980 and is opposed to the proposed amendment.

Seeing and hearing no further comment from the audience, Commissioner Wolden motioned to close the oral portion of the public hearing. Written testimony will continue to be received until 4:30 p.m. Thursday, May 27, 1993, and the hearing will be continued Friday, May 28, 1993, at the hour of 10:00 a.m., or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, Skagit County Administration Building, 700 S. Second, Mount Vernon, Washington. Commissioner Robinson seconded the motion, which carried unanimously.

ADJOURNMENT

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

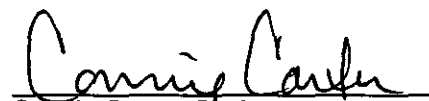
BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Robert Hart, Chairman


Harvey Wolden, Commissioner


Robby Robinson, Commissioner

ATTEST:


Connie Carter, Clerk
Skagit County Board of Commissioners

