

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

**Monday, June 21, 1993**

9:00 a.m. - 10:00 a.m.                      Discussion - Lake 16 Residents - Petition to Ban Combustible Fuel Motors.

10:00 a.m. - 11:00 a.m.                      Public Works Department - Rich Medved, Director:

- 1)        Signature - Resolution - Flood Control Improvement Grants.
- 2)        Signature - Resolution - Appointment of Designated Official to Issue Statements of Intent in Compliance with U.S. Treasury Regulation Section 1.103-18.
- 3)        Signature - Contract - Skagit Surveyors for the Provision of Property Surveys on Lake Cavanaugh Road and at the Eagle Hill Gravel Pit.
- 4)        Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS ITEMS.

1:30 p.m. - 4:30 p.m.                      Public Hearing - Regarding Ordinance No. 14864 - Temporary Interim Zoning Map for Unincorporated Skagit County.  
(Hearing Rooms A, B, and C, Skagit County Administration Building.)

The Skagit County Board of Commissioners met in regular session on Monday, June 21, 1993, with Commissioners Robert Hart, Harvey Wolden, and Robby Robinson present.

**DISCUSSION - LAKE 16 RESIDENTS - PETITION TO BAN COMBUSTIBLE FUEL MOTORS.**

Ms. Jodee Hoare, 2081 Lake 16 Road, Mount Vernon, addressed the Board and reviewed the petition previously submitted. She stated that although the lake is posted at five miles per hour, the speed limit is often exceeded. There has been a history of young people partying on the lake, and this activity is increasing. Lake 16 is the smallest lake in the County that still allows combustible fuel motors to be operated on it. Lake Padden in Whatcom County is 152 acres in size and allows electric motors only. The residents do not want to eliminate the use of boats or motors on the lake, just limit the use to row boats and electric motors. The YMCA camp is on the opposite site of the lake from the residential area, and the campers are endangered by the motor boat users. Ms. Hoare said that Ms. Carol Morton from the YMCA is in support of the petition. An incident occurred on opening day of fishing, where the Conway Fire Department had a difficult time reaching a heart attack victim due to traffic congestion. Vehicles were parked on both sides of the road making it difficult to access. Ms. Hoare also expressed concern regarding the added gas and oil pollution on the lake from the combustible fuel motors. Even the remote control hobbyists with gas powered boats run them in excess of the 5 mph limit. She said that the residents of the lake enjoy the quiet surroundings and the wildlife around the lake. Ms. Hoare said that the residents would like to retain the five mile per hour speed limit sign and add a sign prohibiting the use of combustible fuel motors.

Commissioner Robinson asked whether there was a no parking sign posted on either side of the road.

Commissioner Wolden stated that there was not. He said the road is adequate for traffic, but on opening day of fishing season vehicles were parked on both sides of the road. Traffic congestion is the worst on opening day.

She felt it would help the traffic and congestion if combustible motors are disallowed because they will go to another lake. There has been no opposition to the petition, although some summer residents were not able to be reached. She said the residents would like to see parking restricted to one side of the road only, and enforcement of the restriction would be appreciated.

Commissioner Wolden stated that there seemed to be a lot of support from the residents. It will be necessary to call for a public hearing.

Commissioner Robinson stated that he would be willing to have a public hearing regarding banning combustible fuel motors on Lake Sixteen.

Commissioner Wolden motioned to call for a public hearing regarding banning combustible fuel motors on Lake Sixteen Tuesday, July 13, 1993, at the hour of 1:30 p.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.

**PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR:**

1) Signature - Resolution - Flood Control Improvement Grants.

Dave Brookings, Flood and Drainage Control Engineer, presented slides for the Board to view regarding the Flood Control grant program. The slides depict the area of the proposed projects. Mr. Brookings also displayed a map indicating by project number where the projects are located in the County. The funds available this year total \$200,000. The Flood Control Committee received applications for assistance in excess of \$244,000. After reviewing and prioritizing the applications according to urgency, District budget, and other possible funding, the Committee established the following list of projects to be funded to recommend to the Board:

<u>Applicant</u>	<u>Project</u>	<u>Estimate</u>	<u>Requested</u>	<u>Recommended</u>
1. Dike District #3	Levee Improvements	\$27,500	\$13,750	\$13,750.00
2. Dike District #22	Levee Restoration	\$42,000	\$21,000	\$21,000.00
3. Dike District #22	Saltwater Rip-Rap	\$18,000	\$9,000	\$ 9,000.00
4. Drainage Dist. #15	Tide Gate Erosion Control	\$80,000	\$30,000	\$17,375.00
5. Drainage Dist. #15	Culvert Installation	\$7,500	\$3,500	\$ 0.00
6. Drainage Dist. #19	Swinomish Channel Erosion Control	\$9,000	\$4,500	\$ 0.00
7. Dike District #8	Pump Station	\$60,000	\$30,000	\$25,000.00
8. Dike District #25	Samish River Bank Protection	\$120,000	\$30,000	\$25,000.00
9. Dike District #5	Levee Improvement and Tide Gate	\$20,000	\$10,000	\$ 7,500.00

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10. Dike District #4	Saltwater Erosion Control	\$20,000	\$10,000	\$10,000.00
11. Blanchard SFCZ	Dredging	\$10,000	\$ 5,000	\$ 4,000.00
12. Hansen Ck. SFCZ	Dredging	\$15,000	\$ 7,500	\$6,000.00
13. Town of Lyman	Levee Improvement	\$10,000	\$ 5,000	\$ 4,000.00
14. Drainage Dist. #21	Overtopping Levee	\$10,000	\$ 5,000	\$ 5,000.00
15. Dike District #12	BNRR Bar Removal	\$60,000	\$30,000	\$25,000.00
16. Dike District #1	Keyway Project	\$85,000	\$30,000	\$27,375.00

The request for \$3,500 for the culvert replacement in Sullivan Slough for Drainage District #15 was not recommended for funding. The District has recently submitted another grant for the same project and it appears as though they will be receiving the funding.

The request for \$4,500 by Drainage District #19 for Swinomish Channel erosion control was not recommended for funding as the Committee felt other projects were more critical.

Commissioner Robinson motioned to approve the resolution recommending the 1993 Flood Control Projects as presented. Commissioner Wolden seconded the motion which carried unanimously. (Resolution #14908).

2) Signature - Resolution - Appointment of Designated Official to Issue Statements of Intent in Compliance with U.S. Treasury Regulation Section 1.103-18.

Don King, Operations Manager, Resource Recovery Facility, presented a resolution to the Board for approval and signature appointing the Skagit County Public Works Director as the responsible person to identify and qualify capital projects for reimbursement purposes. This action is permitted by the United States Department of the Treasury Regulation Section 1.103-18. Mr. King stated that Cynthia Weed, the County's bond council prepared the resolution.

Chairman Hart motioned to approve the resolution as presented. Commissioner Wolden seconded the motion which carried unanimously. (Resolution #14909).

3) Signature - Contract - Skagit Surveyors for the Provision of Property Surveys on Lake Cavanaugh Road and at the Eagle Hill Gravel Pit.

Dave Sheridan, Assistant Division Manager - Engineering, presented an agreement for the Board's approval and signature for property surveys to be conducted on right-of-way property on Lake Cavanaugh Road, and the Three Rivers Timber property South of Eagle Hill Gravel Pit.

Commissioner Robinson asked why these properties are to be surveyed.

Mr. Medved stated that the County is attempting to purchase these properties and surveys are necessary for accurate property descriptions.

Commissioner Robinson motioned to approve the contract as presented. Commissioner Wolden seconded the motion which carried unanimously. (Contract #01682).

4) Miscellaneous.

- A) Robin LaRue, Assistant Public Works Director, presented a change order for the Board's approval and signature to the Contract with Dakota Creek for the MV Guemes Ferry haul-out. A crack was found on the Number 2 end of the outboard bracket. It is necessary to cut it out and have it rewelded. The repair cost is \$6,860.00. This was the only problem found during the Coast Guard inspection. Mr. LaRue said that the haul-out is going well, and it is planned to refloat the ferry Thursday, June 24, 1993, during the evening high tide.

Commissioner Wolden motioned to approve the Change Order as presented. Commissioner Robinson seconded the motion which carried unanimously. (Contract #01667).

CONSENT AGENDA.

Commissioner Robinson motioned to approve the Consent Agenda of Monday, June 21, 1993. Commissioner Wolden seconded the motion which carried unanimously.

\* COMMISSIONER'S:

1. Record of the Proceedings for the week of June 14, 1993.

• HUMAN SERVICES:

2. Signature - Contract with DSHS providing a cash advance to counties for the coming biennium July 1, 1993, through June 30, 1995, in the total amounts of \$85,699.00 for Developmental Disabilities services, and \$68,042.00 for Substance Abuse services. (Contract #01683).
3. Signature - Contract for Professional Services with Sharon Robinson for program monitoring services for the period July 1, 1993, through June 30, 1994. Total amount of contract is \$6,750.00. Ms. Robinson has been conducting annual on-site contract monitoring visits to all Human Services sub-contractors for the past three years. This contract will renew her services for the coming year. (Contract #01684).
4. Signature - Contract with DSHS - Division of Developmental Disabilities for the biennial period July 1, 1993, through June 30, 1995. The total amount of contract funds is \$1,037,803.00, a 5% reduction from the 1991 - 1993 biennial fund level. (Contract #01685).

\* PARKS, RECREATION, AND FAIR:

5. Signature - Resolution establishing a change fund for the Clear Lake Park Swim Beach in the amount of \$50.00. This change fund is established each year. (Resolution #14910).
6. Signature - School Facility Rental Application and Agreement with Mount vernon School District for the use of the Mount Vernon High School Fieldhouse and Gym on June 21, 22, 23, 24, and 25, 1993, between the hours of 6:00 p.m. and 8:30 p.m. No fee is being charged. (Contract #01292).

\* PUBLIC DEFENDER:

7. Signature - Personal Services Agreement with Dr. Phillip Russell, Commencing May 18, 1993, and terminating December 31, 1993, for the provision of client evaluation at the rate of \$75.00 per hour. (Contract #01686).

\* PUBLIC WORKS:

8. Signature - Resolution - Revision No. 2 CRP No. 0020-6, Lake Cavanaugh Road. (Resolution #14911).
9. Signature - Resolution - Revision No. 1 CRP No. 8009-1 Pioneer Highway. (Resolution #14912).
10. Signature - Resolution - Bid Award for the purchase of one new 1993 truck with digger derrick to Pacific Utility Equipment, the lowest bidder, for a 1994 Ford LNT 8000 and 1993 Simon/Telelect Comm 6000, at the bid price of \$162,269.70. (Resolution #14913).

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, June 21, 1993, 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 #34902 through #35071 (Vouchers #PDRAWJU03762 through PDRAWJU03931) in the amount of \$63,738.40. Transmittal #P-12-93.
- 2) Warrants #97962 through #98730 (Vouchers #3007663 through #3008744) in the amount of \$552,610.75. Transmittal No. C25-93.

- B) The Board signed a letter to the Interagency Committee for Outdoor Recreation verifying that Skagit County has committed to providing matched funds for the Northern State Recreation Area Grant project. This was a retroactive project, the property has been acquired and the funds have been committed to the purchase of the property.

- C) Connie Carter, Clerk of the Board, presented a resolution for the Board's approval and signature transferring the dance hall license at Winky's Tavern in Rockport to the new owner Martha J. Mercer, 3593 Cape Horn Road, Concrete, who is renaming the establishment Pleasant View Inn Tavern. Ms. Mercer is aware that when the existing dance hall license expires on September 1, 1993, she will be required to apply for a license annually.

Commissioner Robinson motioned to approve the resolution as presented. Commissioner Wolden seconded the motion, which carried unanimously.

- C) Ms. Carter presented a resolution for the Board's approval and signature appointing Patricia Pearce, 217 Edgebrook Drive, Bloomingdale, Illinois, to the position of Director - Public Health effective July 1, 1993.

Commissioner Wolden motioned to approve the resolution as presented. Commissioner Robinson seconded the motion which carried unanimously. (Resolution #14915).

**PUBLIC HEARING - REGARDING ORDINANCE NO. 14864 - TEMPORARY INTERIM ZONING MAP FOR UNINCORPORATED SKAGIT COUNTY.**

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

Chairman Hart informed the audience that Dave Hough, Skagit County Planning and Community Development Director, would give opening comments before opening the hearing to public comment. He informed the audience that a sign-in sheet was available for those wishing to speak, and requested that speakers attempt to limit their time to three minutes or less in order to accommodate all those desiring to address the Board/audience. He requested that should anyone have corrections or technical language to be considered, to present it in writing for the Board to review.

Mr. Hough read his report to the Commissioners relating to the adoption of a temporary interim zoning map into the record. (Exhibit #1). On May 24, 1993, the Board adopted a temporary interim zoning map for unincorporated Skagit County as provided within the Growth Management Act (GMA) (RCW 36.70A.390) and the Planning Enabling Act (RCW 36.70.790). The Planning Enabling Act requires that a public hearing be held within 60 days of the adoption. This hearing is being held in compliance with State Statutes and to provide an opportunity for public comment. The adoption of a temporary interim zoning map is a temporary emergency measure pending city/county agreements designating urban growth areas and development standards; and pending the adoption of an updated county comprehensive plan and implementing land use regulations. The County and Cities are required by the State to develop comprehensive plans and regulations under GMA criteria. This requirement stems from the population growth over the past 10 years. The GMA encourages development in urban areas when adequate public facilities and services exist or can efficiently be provided; and to reduce inappropriate conversion of undeveloped land into sprawling low density development. One goal of the County-wide Regional Comprehensive Plan Policies is for the cities and towns and urban growth areas to accommodate 80% of the county's 20 year projected population. In 1992, the County received 55 short plat applications and 9 long plat applications. This year, as of May 24, 1993, the County received 28 short plats. During the less than two week open period between the adoption of the temporary zoning map and the effective date of June 14, 1993, the County received 32 short plat applications and 5 long plat applications. This totals 163 lots with 146 lots below five acres in size. Also, 92% of the short plat applications submitted this year are outside of the interim growth boundaries of the

cities and towns, and only one of the long plats is located within an interim growth boundary. Without proper management, rapid growth in County population could cause urban and suburban sprawl, damage to environmentally sensitive areas; and loss of natural resource lands and open space. This could result in the need for urban services and utilities in areas without the necessary population density to support the extension without a significant cost to tax payers. The Temporary Interim Zoning Map will allow for the completion of the current community planning process.

Mr. Hough explained that the temporary zoning map changes the zoning of residential, residential reserve, and residential intermediate areas to five acre minimums. Any lot created during the interim would have to be 5 acres in size. Mr. Hough emphasized that this interim zoning is not a moratorium. Whether large or small tracts are submitted for subdivision, they could be allowed as long as they meet the minimum five acre requirement.

Chairman Hart opened the public hearing for comment.

- Kathryn Alexander, 415 Campbell Lake Road, Anacortes, addressed the Board. Ms. Alexander felt that the County was remiss in complying with zoning regulations and the GMA. She expressed appreciation of the County for controlling growth until the GMA is in place. Ms. Alexander would hate to see over encroachment occur in the County.

- Joseph Meagher, attorney for Dr. Powers, presented a vicinity map (Exhibit #2) outlining Dr. Powers' property location north of Josh Wilson Road in Burlington. He said that the property is served by a County road and close to sewer service. He requested that the subject property be removed from the interim controls. It is within walking distance of the Bay View School, and possible places of employment. He felt that it would be appropriate for Dr. Powers' property to be zoned for one acre parcels. He felt that this property complies with the GMA's desire for growth to occur where services are available as there are some services available and it is in a unique location.

- Dr. Powers stated that he has been a land owner and raised his family in the County over the past 40 years. He said that he held on to this property in order to develop it when it became needed. He said that the Bay View School was built on a portion of what was once his family's property. It is adjacent to the airport. He said that he envisioned home sites close to the school, and work places, and utilities are present. There is Fire and Police protection. He said that he has deeded property to his children who do not want 5 acres. They just want a lot for a home that is one acre or less in size. Dr. Powers stated that he didn't disagree with the 5 acre minimum in rural areas, but felt that his property is not rural.

- Joseph Meagher readdressed the Board requesting to direct a question to Margaret Fleek. He stated that he would like Ms. Fleek to address sewer issues.

- Ms. Fleek stated that she would prefer to direct comments regarding sewer issues after she has made her public comments.

- Patsy Hammerstram, 2002 38th Street, Anacortes, addressed the Board. She said that she understood Dr. Powers' situation, but is aware that with the GMA in place an individual can apply for zoning variances.

- Judy Montoya, 224 Stewart Road, Mount Vernon, Piazza Construction, addressed the Board. Ms. Montoya read a letter from John Piazza into the record. (Exhibit #3) Mr. Piazza indicated in his letter that

he felt the GMA was the worst piece of legislation the State had ever passed, and that it was a no-growth document. He felt that property rights were being violated, and that sensible growth is important for the survival of the State and the County. He felt that when barriers were placed on where and when building can take place, it creates a false inflation. He stated that normal growth keeps prices and taxes down. He felt that the Board acted too quickly in stopping all new plats, and that doing so created a false appearance of high platting activity. He felt that some of the plat applications would not have been submitted if the interim zoning map had not been approved. He requested that the Board reconsider their action.

Ms. Montoya stated that she had been serving on the Housing Element Citizens Advisory Committee for the GMA and had no knowledge that the interim zoning was going to happen. She felt that the Committee had been making decision for the needs and benefits of all Skagit County residents. She felt that waiting and holding public hearings prior to passing the ordinance for interim zoning controls would have been the fair and honest thing to do.

- Bob Bell, 392 Campbell Lake Road, Anacortes, addressed the Board. Mr. Bell stated that he has been active in the GMA committees, and that the group he is involved in recommended 5 acre zoning. He originally agreed with the recommendation, but felt differently after he received his tax statement for 1993. His taxes for 6 acres of land was \$5,000. He felt that he would have to sell a portion of the land in order to relieve the tax burden. Mr. Bell expressed the need to preserve open space land, and he could place his property in open space, but there is a 20% penalty for back taxes. He cannot afford this expense either. He felt that the European countries are the models to follow. They do not take rural areas and divide it for urban development. The rural land is retained, and growth is in the cities. He felt that land use must be restricted in some way. He felt that the 5 acre zoning should be incorporated permanently in order to retain the land for our children.

- Stephanie Mast, Coldwell Banker, Piazza Realty, addressed the Board. Ms. Mast read a letter from David A. Brady, 748 Fruitdale Road, Sedro-Woolley, into the record. (Exhibit #4). Mr. Brady has been preparing for a short plat of his property, and complied with County requirements by completing the checklist of requirements for application of a subdivision. He paid a lot of money for soils testing, preliminary title search, and surveying. He stated in his letter that it is an extreme hardship on him not being able to apply for the subdivision. Mr. Brady requested in his letter for a reversal of what he termed an illegal action by the Board.

- Margaret Fleek, City of Burlington Planning Director, 900 E. Fairhaven Avenue, Burlington, addressed the Board. Ms. Fleek stated that the City is in favor of taking the time to plan and implement effective solutions to long term problems through interim controls. She felt that interim controls help to invite the public to participate in planning processes. Interim controls will assist maintaining unincorporated areas at a rural density as well as allow for higher density growth in appropriate areas. Ms. Fleek stated that the City is looking forward to working with the County to develop a sub-area plan involving the extensive sanitary sewer system. She stated that the Bayview Ridge, Port of Skagit County, area is unique due to the provision of partial urban services. She said that sewer service boundaries will need to be extended in cases such as that of Dr. Powers. The City has a comprehensive sewer service plan to increase service to the area only if zoning densities are high enough to support the expansion. This would encourage development outside the 100 year floodplain and agricultural resource areas.

- Matt Lazarri, 716 Joy Place, Burlington, addressed the Board. Mr. Lazarri felt that the plan is vague and general. He felt the need for specific plans and conditions, and that some rural areas may be too small to



accommodate 5 acre zoning. He said that 5 acre zoning would be too large in the area where he lives. He suggested the possibility of individual review of plat applications in order to serve all fairly.

- Elsa Gruber, Box 21, LaConner, addressed the Board. Ms. Gruber thanked The Board and Mr. Hough for the courageous stand made by implementing the interim zoning. Ms. Gruber stated that HB 2929 and 1025 are in effect, the GMA is in place, and the interim controls are just that - interim controls. There is an expiration date. The needs of all the citizens are being considered. The Planning staff met with members of the public and the major response was that they like the County as it is, and would like to see it remain as it is, even though it must grow. What the law chooses to support is the good of the community as a whole. Ms. Gruber said that she applauds the Board for taking a stand. Those who will not benefit by "galloping growth" would like to keep it from becoming like the Lynnwood and Everett areas. Money will still be made in the County. The citizens must recognize that the Board is working for the good of the County.

- Randy Martin, Marblemount, addressed the Board. Mr. Martin said that he was strongly opposed to the interim zoning controls. He felt that the Board broke the word and assurances of previous administrators. He said that in the past, Bob Taylor and Otto Walberg told him that he must rezone his property. He didn't want to. His mother, who is in her 70's has owned her property for 50 years. She has held on to it in order to sell lots to support her in her retirement. He said that he is continuing with the long plat application. The property is surrounded by agricultural, State, and Federal Timber lands. Mr. Martin said that he purchased a piece of property two years ago specifically for development purposes. Mr. Martin stated that he had a letter from his attorney regarding short plat application 22-81. The property was zoned to develop into two and one-half acre parcels. His attorney felt that the interim zoning was an illegal action. Mr. Martin asked the Board to reverse their action.

- Charles Pruett, Box 1180 LaConner, addressed the Board. Mr. Pruett thanked the Board for their courageous attempt to proceed with the plans of the GMA. He said that many citizens of the County attended the early GMA meetings and when they were questioned regarding their desires for the County, it was expressed that they did not want to spoil it. The citizens of the County wish to maintain the quality of life without jeopardizing the profit of those in the land business. He felt that if integrity and intelligence was put to positive use over the next six months, then future meetings could solve the differences. He emphasized that it is an interim six month control.

- Dewey Hyatt, addressed the Board. Mr. Hyatt stated that he is in opposition of the interim controls. He felt that the interim controls do not protect property owner rights. He felt that further consideration should be given to property owners.

- Dan Peck, 1199 Bayview-Edison Road, Mount Vernon, addressed the Board. Mr. Peck stated that he owns 10 acres in a one acre minimum zoning area. He said that there is no problem if property is already zoned. He felt that problems are created where variances to the zoning are being allowed. He said that the City folk live in small lots but want to keep the rest of the County in large lots to preserve their view. He felt that if zoning rights are taking rights away, then the property owners should be compensated. He felt that the County should roll taxes back, or buy the property rights.

- John Milnor, 920 Nez Perce, Mount Vernon, addressed the Board. He said that some of the smaller problems that could occur by changing zoning to rural would affect set-back requirements. In residential and residential reserve zoning setbacks are 25 feet; in rural zoning setbacks are 35 feet. Minimum lot width

in residential zoning is 75 feet, 200 feet in rural, and 100 feet in residential reserve. He said that an action by the board granting two, legal, 75 foot lots before the ordinance was passed, would have to be aggregated into one lot to accomodate the setback requirements.

A rural zoning problem to consider is that there is no size restriction on barns or hen houses adjoining residential properties. Residential zoning expresses limited sizes for these structures. Residential zoning allows day care facilities, rural residential allows for the construction of hazardous waste facilities. Five acre zoning would create a possibility for these facilities to be on adjoining properties. Mr. Milnor suggested changing lot size requirements to 5 acres, instead of zoning 5 acres, then the setback requirements would not change. He felt that it would be better to change lot sizes to one acre in size. He said that City/County agreements are to effect changes in zoning. He felt that setting and holding public hearings after the passage of an ordinance didn't seem correct. Mr. Milnor urged the Board to reverse their action.

- Suzanna Steel, Marblemount, addressed the Board. Ms. Steel thanked the Board for taking action and showing compliance with the GMA. She said that the GMA encourages growth in urban areas when urban facilities can be provided for. When there is sprawling development the taxes will be raised to support the facilities. She said that all County residents are paying a total of \$80,000 a year to keep a road clear in Clear Lake for access to four homes. She said that the law mandates that laws and ordinances uphold the good of the county, not just economic gain.

- Tom Swett, 1832-A Highway 9, Mount Vernon, addressed the Board. Mr. Swett presented a vicinity map to the Board (Exhibit #5) of a platted area in the vicinity of Division and Alder Streets, Mount Vernon.

- Gerald Steel, Marblemount, addressed the Board. Mr. Steel stated that on May 24, 1993, the Board made a tough and courageous decision to implement an ordinance for interim zoning in unincorporated Skagit County. He said that he supports the control of urban sprawl. He also said that he supports the goal 80 percent of growth to occur in urban areas of the County and 20 percent in unincorporated areas. Mr. Steel said that 200 new homes, and less than 200 new lots each year would meet the 20% growth. This year the 20% growth has already been reached. He felt it important to keep the interim zoning in place. He felt it would be wise to have reasoned discussions with all entities involved, without a subdivision rush while the discussions are occurring. Mr. Steel stated that if a property has already been approved for subdivision under the zoning at the time of the application that is suitable for a single dwelling, the dwelling will be able to be built. If a subdivision has not been approved, it will not be able to be divided. It is not a given property right to subdivide. The County has the right to change zoning for the good of the people. Mr. Steel stated that allowing suburban sprawl with urban services would cause taxes to increase in order to provide community services. This kind of subdivision will only benefit a few, not the whole of the County. He thanked the Board for the implementation of the interim zoning.

- Brian McGuinness, Executive Director, Skagit Island Builders Association, addressed the Board. Mr. McGuinness questioned who may have advised the Board to pass an ordinance without any public notification. He said that there are 72 subdivisions which would allow for 280 lots, housing 79,555 people. These lots would account for 9/10 of 1% of the total population. He said that the Building Association feels the Board acted on a wrongful recommendation. Mr. McGuinness read the following petition into the record:

"We the undersigned residents of Skagit County deplore the Skagit County Board of commissioners action on May 24 without prior public notice or debate to institute an interim zoning map affecting existing land use within the unincorporated area.

We believe the interim ordinance is an overreaction under the guise of an emergency to preclude what must have been anticipated as a lengthy public debate. We deplore the commission action as ill-advised. Facts and figures show no large-scale movement to deny the public the loss of future planning alternatives in the unincorporated area.

Thus, we urge that the board of county commissioners totally rescind its interim zoning action of May 24 and begin the process anew and up front with prior notice, and with the decorum we would expect from those elected to represent us."

There were over 300 signatures on the petition.

- Imogene Baldwin, Box 1434, Mount Vernon, addressed the Board. Ms. Baldwin said that she applauded the Board for the interim zoning. She said that the people of Mount Vernon have spoken and turned down the school bonds. It is not education they are against, it is unplanned growth. She felt the Board was taking the appropriate action.

- Willard Hendrickson, no address given, addressed the Board. Mr. Hendrickson said that he believed that the zoning is the responsibility of the GMA, and it is not officially adopted. He felt that the interim zoning created the increase in plat applications.

- Howard Armstrong, 836 Walden Road, Bow, addressed the Board. Mr. Armstrong stated that he was glad to have a Board that is standing up for the community. He said that the citizens of Skagit County want to keep the County rural. He felt that the five acre zoning is the only way to do so.

- John Abenroth, 962 Green Road, Burlington, addressed the Board. Mr. Abenroth stated that he had a problem with the interim zoning map. He felt that the public hearing rules were backwards. He felt that the best interest of the community was not being served. Mr. Abenroth stated that the Attorney General established a checklist to evaluate proposals of changes and to avoid the unconstitutional taking of land. The checklist asks if regulations have significant impact on individuals. He felt the interim controls continuing past the six month time-frame would be objectionable. Mr. Abenroth felt that implementing the interim controls and lifting them in six months didn't accomplish anything. He felt that no emergency exists. He said that if fewer lots are developed it will raise other property values.

- Mark Backman, 1423 Gibraltar Road, Anacortes, addressed the Board. Mr. Backman felt that the interim zoning was needed, and that Mr. Hough's figures were evidence of how the trend is flowing. He felt that land was being treated as a commodity. Capital should not be mixed with income. When land is confused as income people will forget there are limits to the availability of land. Mr. Backman stated that he didn't believe the County residents wish Skagit Valley to be like Kent and Seattle. He said that he strongly supports the interim zoning, and would support it's continuance should it be necessary.

- Bill Vaux, Anacortes, addressed the Board. Mr. Vaux stated that land use issues are the most difficult for the Board to deal with. He felt that there was never a middle ground found in land use issues. He said that The Board asked to be in the deciding positions when they filed to run for the office. Mr. Vaux stated that he does not believe in decision by initiative, he believes in due process. He said that he has no use for the GMA. He wanted to know where the community participation was when the decision was made to establish a temporary zoning map. He said that he happened to be at the Commissioners' meeting by chance, and there were no other community members present. Mr. Vaux stated that the GMA requires a hearing to be

held within 60 days of the decision. People at this hearing have been referring to the action as a moratorium even though it is interim controls. Mr. Vaux stated that Mr. Hough has said there is a problem with rapid urban growth, but he had material from a responsible person who says there is no problem. He said that he was not pointing out whether the decision made was right or wrong. He felt that Mr. Hough is the finest person in the County Offices. Every time property is eliminated from being built on, it pushes the remaining property prices up.

- Jaye Stover, property owner and business owner in Skagit County, addressed the Board. Ms. Stover thanked the Board for implementing the interim controls. She said that she is not in the building or real estate business. The major topic of discussion among her peers is regarding diminishing farmland. The farmland is becoming Commercial and limited industrial land. Streams and sloughs are disappearing and becoming polluted. Ms. Stover stated: "As is it no longer rational to procreate to populate the earth as in biblical times, neither is it rational to deem growth as progress." She felt that those who are developing the land will not be remembered and thanked for doing so 50 years from now, but those preserving and conserving the land will be remembered and thanked.

- Ron Erickson, Prairie Road, Sedro-Woolley, addressed the Board. Mr. Erickson expressed concern whether the interim zoning action will help the population density problem.

- Zell Young, no address given, addressed the Board. Mr. Young stated that Skagit County is the most productive area of seed in the world. The benefit of 5 acre zoning benefits the seed growth. He said that Skagit Valley should be maintained for the seed production for other areas in the world. If the valley is divided it will take away the economic basis. When a community builds over the income of area, the area dies.

- Bruce Johnson, no address given, addressed the Board. Mr. Johnson stated that he was born and raised in Skagit County, and is a builder. He said that affordable housing is extinct due to State, County, and City government passing laws to make it further extinct. He felt that with the interim zoning in place future development will not happen. He felt that due process was not followed in a reasonable fashion. He requested the Board to reconsider their decision.

- Mayor Doyle Geer, City of Anacortes, reviewed a resolution from the City of Anacortes that had been submitted to the Board previously supporting the temporary interim zoning map for unincorporated areas of the County. He said that the cities are prepared to work with the County for the best situation for Fidalgo Island. He said that the City wants to be involved in the land use planning for Fidalgo Island. He felt that after listening to the comments made today, there is a problem, and the Commissioners should be commended for taking time to review the planning that will be occurring in the County in the future. Mayor Geer felt that interim zoning was a preparation for the growth of the County in the future.

- Jamie Lanning, 1312 Highway 9, Mount Vernon, addressed the Board. Mr. Lanning stated that he has owned 20 acres on Dukes Hill in Sedro-Woolley for 45 years and would like to leave the land to his children, grandchildren, and great grandchildren. He felt that if the ground perks he should be able to divide into one acre parcels. If the ground does not perk, then 5 acre parcels would be necessary. He felt that those people who have migrated to the County and want 5 acre minimum lot size should go to Montana or Wyoming.

- Debbie Aldrich, no address given, addressed the Board. Ms. Aldrich stated that she was in favor of the interim zoning map. She said she had been attending meetings where the public was requesting zoning

control. She said that in the Bow area there is a stampede happening with people submitting plat applications. Bow is a farming area and it is disappearing. The areas of Bow and Allen will be unincorporated towns soon, not farm lands. In the recently passed growth management, and comprehensive plan policies, 20% of growth will be development in urban areas, 80% in cities. The 20% will be used up soon. She said that this 20% of growth in urban areas is over the rest of time, not each year. Ms. Aldrich said she understood why the action was taken, felt it was constitutional, was done for the good of the people of the County, and that the Board was performing their job. She felt that special interests were being represented that did not represent the people of the County.

- Bob Gent, Executive Vice President, Skagit County Association of Realtors, addressed the Board. He stated that his firm was opposed to the ordinance adopting the interim zoning. He said that the GMA was intended to be a tool for development. He felt there was no emergency situation, and that there was not going to be a flood of plat requests. Mr. Gent presented a letter to the Board (Exhibit #7) reflecting the Skagit County Association of Realtors opinion regarding the temporary interim zoning map for unincorporated Skagit County.

- John Perrin, address not provided, thanked the Board for planning comprehensively.

- An unidentified member of the audience addressed the Board. The gentleman stated that he owned 12 acres of land in Birdsviw that he purchased with the intent to fund his retirement. The property is zoned one acre, and has a water supply nearby. He said that if he was not able to sell the tracts it will create a hardship on him. He felt that land already zoned should be able to be used at it's existing zoning. He asked the Board to reconsider their action.

- Lisa Nielson, 901 North Beach, Bow, Washington 98232, addressed the Board. Ms. Nielson stated that she was in favor of the interim zoning and commended the Board. She said that it is not just land use, quality of life, and environmental issues being considered. She said that growth management was necessary to keep property prices and taxes down. Sprawling development does not pay its way, planned growth does. The City of Mount Vernon cannot afford schools, and cannot afford to continue subsidizing unplanned growth. The GMA provides for growing wisely, not the stoppage of growth.

- Doyle McClure, 777 Parker Road, Sedro-Woolley addressed the Board. Mr. McClure said he applauded the Board for implementing the temporary interim control. He felt that the GMA is good legislature, and it is being implemented at city and county levels. He said that planned growth is needed to prevent adverse growth as has happened in other counties. Mr. McClure stated that unplanned growth causes higher costs for all the residents. He said that interim control is prudent, the GMA takes a long time to put in place and can have the opposite effect of the intention. The interim control will prevent that from happening. He said that the ultimate zoning regulations requirement to be consistent with comprehensive plan could be different from requirements in the past due to interim controls. Mr. McClure stated that property rights were not being violated. All courts, up to, and including the supreme court upheld zoning. There would be no question of takings with interim measures. Mr. McClure congratulated the Board for their action.

- Carolyn Kelly, Skagit Conservation District, addressed the Board. Ms. Kelly felt that the interim control will support a stronger growth management act. She also felt that the final plan will promote better growth, and protect the farmland in the County.

- Rhonda Hill-Conway, 1117 Whistle Lake Road, Anacortes, addressed the Board. Ms. Hill-Conway stated that she was in favor and support of the interim growth. She said that she is in one acre zoning currently, and her property will change from 13 sites to two, but she will live with that because it will be a benefit to the County in the future.
  
- Woody Derycx, Friends of Skagit County, addressed the Board. Mr. Derycx read a letter from the Friends of Skagit County supporting the implementation of interim zoning control into the record (Exhibit #8). He applauded the Board for their action and thanked them for the interim zoning controls. He said that he loves the community he lives in. The land is being cut up and unplanned growth will be detrimental to the County. He said that he would like to see a reasonable amount of growth, but felt it needs to be coordinated in order to have communities instead of sprawl.
  
- Ken Osborn - no longer present.
  
- Gary Jones, P.O. Box 1245, Mount Vernon, addressed the Board. Mr. Jones stated that he was serving as a member of the Citizens Advisory Committee for the Rural Element. He said he was interested to learn of this interim growth. The Committee had met for months to define ways to develop and accommodate growth in the rural areas. He said that he didn't regard the adoption of controls as a cut off of development at lower densities for all time. Mr. Jones felt it will environmentally and housing-wise create good a good GMA process to implement the interim controls. He said that as an attorney, he felt there could be a refinement of the interim controls. He said that divorce, death, litigation, and dissolution of partnerships, could be heavily impacted. A prudent amendment would be to allow for division of property between spouses or because of death, and co-tenancy for the settlement of disputes. He felt it would be wise to take into account these special considerations to determine whether an injustice was performed.
  
- Keith Wiggers, District Line Road, Burlington, addressed the Board. Mr. Wiggers thanked the Board and stated that he agreed with the interim controls. He said that anyone residing in the County more than five years would be aware of the dramatic changes that are happening. He felt that if a public hearing had been held prior to implementing the interim zoning map, there would have been a larger number of applications trying to be pushed through. Mr. Wiggers stated that it is not a no-growth control, but is a controlled growth plan. He said that land development does not gain economy as some speakers have presented. He said that he spoke to realtors that could not justify the premise that more housing creates less expensive housing.
  
- Jones Atterbury, no address provided, addressed the Board. Mr. Atterbury felt that the implementation of the interim zoning was a disservice to the property owners and public entities who service the areas where developments will go. He asked the Board to rescind their decision and readdress the issue when the need arises.
  
- Helen Day, no address provided, addressed the Board. She felt that the only needed growth is that of appreciation of the Skagit Valley and County. Ms. Day felt that if put to a vote, the people of Skagit County would vote for interim zoning.

Chairman Hart stated that all those who had signed up to speak had been called, and asked if anyone else who had not yet spoken wished to.

- Mary Cherberg, 1901 Big Lake Blvd., Mount Vernon, addressed the Board. Ms. Cherberg stated that she went through the May, 1992, to May, 1993, plat maps and counted what plats are final. Seven long plats were recorded, 72 lots, 3 that are replats that had been consolidated. 62 short plats were recorded. Ms. Cherberg stated that out of all the lots added, the average lots size is 4.96 acres. Why change what is essentially already in effect.
- Ross Wood, 2129 171st Place SE, Bothell, addressed the Board. Mr. Wood felt that the ordinance did not address the aggregation of lots. There is no guidelines for aggregation, it will cost additional money, and will necessitate the removal of the green belts (cedar trees).
- Wes Haggen, 633 Swanson Road, Mount Vernon, addressed the Board. Mr. Haggen stated that he is a real estate appraiser, and claimed exemption from the Uniform Residential Appraisal Standards of Practice as he was speaking as an individual, concerned County resident. Mr. Haggen stated that he was concerned regarding the interim zoning because it impacts the cost of housing. He said that the GMA was intended to put land use control in the hands of the local community. It was not intended to tell the community how to control land use. He felt that if the zoning remains in effect as currently constituted, under the new ordinance new values are now representative of assessed values. Many land owners owning two contiguous parcels in an approved plat in the County are now one plat if they own less than 10 acres combined. This affects many land owners in the County who may not be aware of it. Mr. Haggen said that he is partially no-growth oriented. Those people who say they want to preserve farm-land need to realize that the farmers have to be able to make a living off the farmland to make it worth preserving.
- George Theodoratus, 3393 Highway 20, Birdsvie, addressed the Board. Mr. Theodoratus stated that the five acre zoning will create hardships when pieces of property are separated by natural boundaries. Other areas are divided by County roads. He said that a piece of his property on one side of the County road is worthless based on the interim controls in those areas.
- Dr. Robert Smith, 518 W. Lake Samish, Bellingham, addressed the Board. Dr. Smith stated that he is a physician in the County and own property in the Alger area. He felt that the interim zoning may be necessary, but also felt that the 5 acre minimum may not be appropriate for all areas of the County. He said that the major growth industry in the County is population growth. There is a need for people to come into the community to continue the quality of life. He said that he has a two and one-half acre residential homesite, and is preparing a three acre site for his daughter. He felt that three acres was too large even for a rural residential area. Dr. Smith stated that if a person has 7, 9 acre lots and cannot divide them, they will be too large for one homesite. He said that he surveyed property renters, and two and one-half acres was what was wanted. They didn't need any more than that.
- Becky Peck, 1199 Bayview Edison Road, Mount Vernon, addressed the Board. Ms. Peck stated that she does not want to pay higher taxes on her property so that others can enjoy looking at it. She has no desire to develop her land or subdivide it.
- Cindy Jacobsen, 2001-B Big Lake Road, Mount Vernon, addressed the Board. Ms. Jacobson, stated that she is not a homeowner, or developer. She cannot afford to purchase property and would like to own her own home.
- Don Van Etten, 517 Fidalgo, Sedro-Woolley, addressed the Board. Mr. Van Etten stated that he has fought for property rights for a long time. He said that he has a friend who owns 1500 acres on Lyman Hill

for 50 years. He felt it was not right that he can't do what he wants with his land. Mr. Van Etten served two years on the Nookachamps Watershed Committee, and one year on the Forest Resources Committee. He expressed disappointed in the interim zoning controls.

- Margaret Yeoman, 1620 11th, Anacortes, addressed the Board. Ms. Yeoman congratulated the Board for looking at how to retail rural areas. She said that there is the availability to upsize water lines and utility lines where anticipated growth is to occur. She thanked the Board for issuing the interim zoning controls.

- Shirley Viscalla, 202 S. 4th, Mount Vernon, addressed the Board. Ms. Viscalla felt the Board was doing a good job, and voiced her support of the interim controls and the GMA. She said that affordable housing doesn't exist because the development of the housing industry refuses to take less profit.

- Mary, 1818 McRory Road, Mount Vernon, addressed the Board. She stated that she has a client who owns four acres of property divided by a stream, plus another nine acres. These properties were originally zoned one acre, and her client planned to use them for retirement income. She said that it will be a hardship on her client.

- Jim Youngsman, 1669 Hickox Road, Mount Vernon, addressed the Board. Mr. Youngsman thanked the board for the opportunity to speak. He said that he struggled with HB2929 regarding the GMA. He said that the first three times it was presented, he voted against it. The fourth time he voted in favor. He felt that the issue of preserving farmland may be addressed, but the preservation of the farmer is not. He felt that there is not a lot of farmland being given up for residential development. He said that if the farmland was profiting from it's use, actively used farmland will not be readily sold. He felt it important when making this type of decision, that the community be involved. Mr. Youngsman said that the final vote on HB2929 only had 20 negative votes, but he regretted his yes vote most of all over any other bill he voted on.

- Al Carlson, Lake McMurray, addressed the Board. Mr Carlson stated that people do not want to live in the city, but they also do not want to have five acres to take care of. He said that Mr. Hough gave statistics, that indicated where most people want to live. He said that most people do not want to live in the cities, but out in the rural areas, but they still don't want 5 acres.

Chairman Hart asked if there was any one who had not spoken who would like the opportunity to do so. Seeing and hearing non, he called for anyone who had already spoken to speak again.

- John Milnor, 1920 Nez Perce, Mount Vernon, readdressed the Board. Mr. Milnor stated that he had a possible compromise that he felt no one would like, but was logical. He said that if 5 acre minimums were desired, don't the change zoning. Change the lot size requirements in the zoning of residential, residential reserve, rural, and rural intermediate. If the lot sizes are changed, it will eliminate conflicting businesses in adjoining zoning. It won't make the realtors happy, but the older property owners will be able to do what they wish to do with their property. He suggested recognizing any legal lot prior to the interim zoning. He asked that the Board rescind the interim zoning controls, or at least consider the option suggested.

- Gerald Steel, Marblemount, readdressed the Board. Mr. Steel felt that the ideas presented by Mr. Milnor should be considered. He also felt that the interim controls should be continued to July of 1994.

- Matt Lazarri, readdressed the Board. He stated that the interim zoning is having varying effects on those present. There are those relying on current zoning laws for use of their land for retirement income. He said



that he didn't realize the interim controls would have such an impact. Mr. Lazarri suggested that those lots already smaller than 5 acres be left as they are.

- Tom Swett, Big Lake, readdressed the Board. He said that when he purchased his property it was large enough for 13 homesites. He questioned why he could not proceed with the development of the property when PUD is now available.

- Jones Atterbury asked when a final decision would be made by the Board.

Commissioner Robinson stated that no decision would be made today. The Board will be consider the issue for a time before making a decision.

Chairman Hart stated that the Board will review the comments and suggestions made and the deliberation date will be listed on the agenda. He expressed a appreciation for the concern and interest of all those attending the meeting.

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

**ADJOURNMENT**

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

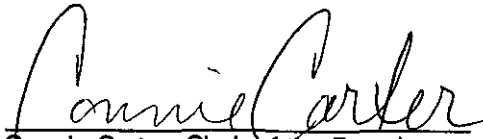
BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

  
\_\_\_\_\_  
Robert Hart, Chairman

  
\_\_\_\_\_  
Harvey Wolden, Commissioner

  
\_\_\_\_\_  
Robby Robinson, Commissioner

ATTEST:

  
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Connie Carter, Clerk of the Board

