

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

**Tuesday, July 13, 1993**

- 9:00 a.m. - 10:00 a.m.            Planning and Community Development, Dave Hough, Director:
- 1)     Discussion of Citizen Advisory Committee Draft Policy Recommendations.
  - 2)     Code Enforcement Report.
  - 3)     Miscellaneous.
- 10:00 a.m. - 10:30 a.m.        Auditor's Presentation of Financial Statements.
- 10:30 a.m. - 11:30 a.m.        Hearing Examiner Recommendation - Denial - Milton Egbers Agricultural Variance #AGV-92-006, 1414 McLean Road, Mount Vernon.
- 1:30 p.m. - 2:00 p.m.         Public Hearing - Limiting Boating on Lake Sixteen to Non-Combustible Fuel Motors Only.
- 2:00 p.m. - 2:30 p.m.         Appeal of the Hearing Examiner's Reconsideration Decision in Regards to a Determination of Non-Significance for Administrative Appeal #AAP-93-007/008 of William Youngsman for the Plat of Skyridge West and I-5 Business Park.

The Skagit County Board of Commissioners met in regular session on Tuesday, July 14, 1993, with Commissioners Robert Hart, Harvey Wolden, and Robby Robinson present.

**PLANNING AND COMMUNITY DEVELOPMENT, DAVE HOUGH, DIRECTOR:**

- 1)     Discussion of Citizen Advisory Committee Draft Policy Recommendations.

Kraig Olason, Assistant Director - Planning and Community Development, addressed the Board. He said that staff wished to provide an opportunity to the Board to discuss the draft policy recommendations for the Comprehensive Plan Element Citizen Advisory Committees submitted to the Board for review prior to this meeting.

Commissioner Robinson asked whether there were conflicting policies between the elements.

Mr. Olason stated that there will be a staff report developed concurrently with the Comprehensive Plan Map development addressing comments provided by the CAC members during the review period. The staff report will be critical to identifying any conflicts between the element policies. The staff report will provide alternative approaches to identify problems or conflicts.

Gary Christensen, Senior Planner, stated that the documents provided previously to the Board are the same documents that the CAC's are reviewing for approval. Over the summer an internal staff review of the draft policies will be made for consistencies and inconsistencies in the draft policies, and the result will be in the staff report. Mr. Christensen said that the draft policy documents have two objectives, how to map the land, and how to protect the land.

Chairman Hart stated that was concerned regarding the elements being completed by the year-end. He also emphasized that the CAC's and citizens of the County are the one's creating the policies with staff coordination and review.

Planning staff, even though knowledgeable, are not telling the CAC members what to do, they are assisting in making the citizens ideas work.

Chairman Hart stated that he had discussed with Mr. Hough, the possibility of clustering rural villages in the County. He said that it is anticipated that there will be 60,000 or more people in Skagit County over the next 25 years. If so, and if resource lands will be identified and conserved, there needs to be more home sites outside of resources lands. He suggested the possibility of making it easier to be permitted for construction in cluster areas.

Chairman Hart stated that there needs to be more affordable housing in the County. Blue collar workers cannot afford to purchase a home.

Commissioner Wolden stated that land and housing never came back down after past inflation, due to the regulations and restrictions placed on land use.

Mr. Hough stated that in looking at 20 year planning and development, the focus needs to be on planning appropriately in the beginning, identifying areas not to be developed.

Chairman Hart stated that it was exciting that Skagit County has the potential opportunity to channel growth, preserve lifestyle, provide a desirable place to live, and improve the community.

Mr. Olason stated that the goal of the policies is to provide predictability. Unknown factors scare people. He said that staff want perform proactive, rather than reactive, planning. The planning goal is to show the public the reality of our County's situation, make suggestions and make it work.

2) Code Enforcement Report.

Mr. Hough stated that the report provided was a mid-year/biennial code enforcement report. He said that complaints are down, but there is still a backlog of complaints to deal with. He said that the amount of complaints required to go to the Prosecutors Office is increasing, there are 40 cases there now. Mr. Hough said that shorelines cases are increasing considerably, including bank protection and forest practices violations. Mr. Hough said that the incoming complaints are dropping so Tim Hoffman, Code Compliance Officer, is cleaning up the backlog.

Commissioner Wolden questioned how to tell the difference between those code enforcement cases that have been resolved and the number of new cases coming in.

Chairman Hart suggested adding a "pending" category on the report to assist the Board in knowing what the workload is like.

3) Miscellaneous.

There were no miscellaneous Planning items presented at this time.

**MISCELLANEOUS**

- A) Connie Carter, Clerk of the Board, presented version "A" draft of an Interlocal Agreement between Northwest Regional Council and Skagit County dated 06/24/93 as amended for 1993 to the Board for approval and signature. Commissioner Wolden motioned to approve, Commissioner Robinson seconded the motion, which carried unanimously. This is only a draft, therefore will not yet bear a County contract number.
- B) Ms. Carter presented a Memorandum of Agreement between Skagit County and Skagit Community Mental Health Center for the provision of funds in the amount of \$12,500 for facility improvements necessary to consolidate children's services.

Commissioner Wolden motioned to approve the Memorandum of Agreement as presented. Commissioner Robinson seconded the motion which carried unanimously. (Contract #01710).

**AUDITOR'S PRESENTATION OF FINANCIAL STATEMENTS:**

Mr. McInturff, County Auditor, stated that RCW 36.22.01 Section (5) requires to make public the County Financial Statements for public review at the beginning of July each year. He presented the document to the Board for review. Mr. McInturff stated that the County chose six years ago to publish a comprehensive financial report, which is more than is required by the State Auditor.

Mr. McInturff said that King, Clark and Skagit Counties received Certificates of Excellence the second year that comprehensive financial reports were submitted to the State. He said that a comprehensive report may not provide a higher bond rating, but there have been counties denied a higher bond rating because they could not provide a comprehensive financial report.

A summarized version of the financial report will also be provided to the Board.

**HEARING EXAMINER RECOMMENDATION - DENIAL - MILTON EGBERS AGRICULTURAL VARIANCE #AGV-92-006-1414 MCLEAN ROAD, MOUNT VERNON**

Grace Roeder, Associate Planner, presented a map for the record and reviewed the staff report with the Board. Ms. Roeder explained that the applicant is requesting a variance to be allowed to place a single family residence on a parcel of land located on the south side of the McLean Road. The area proposed to be used for the house and yard is approximately 16,450 square feet.

Ms. Roeder advised the Board of three options available to them:

- 1) to adopt the recommendation of the Hearing Examiner;
- 2) to remand the matter back to the Hearing Examiner for further consideration; or
- 3) call for the Board's own public hearing to consider testimony on the matter, after which they may adopt any findings and decision of their own which are supported by the testimony.

Ms. Roeder reviewed the Hearing Examiner's recommendation and advised that an appeal of his recommendation had been received from Mr. Egbers.

Chairman Hart noted that he was familiar with the property and the fact that it is zoned agricultural, although the house is sitting on commercial property. Commissioner Wolden noted that the lot is zoned agricultural but it is not being farmed.

Commissioner Wolden asked Mr. Egbers if he had any other land that he would consider giving up his building rights to put a house on. He suggested that if he did, that building rights on that land be transferred to the subject land and that his rights be given up on the current 40 or 50 acres. He emphasized the importance of preserving farmland.

Mr. Egbers stated that he had no problem with Commissioner Wolden's suggestion.

Commissioner Wolden made a motion that the Board hold a public hearing on Tuesday, August 17, 1993, at the hour of 10:30 a.m., or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, Skagit County Administration Building, 700 S. Second, Mount Vernon, Washington, to consider testimony on the matter, after which they may adopt any findings and decision of their own.

Commissioner Hart seconded motion, which carried unanimously.

**PUBLIC HEARING - LIMITING BOATING ON LAKE SIXTEEN TO NON-COMBUSTIBLE FUEL MOTORS ONLY**

Chairman Hart opened the public hearing. The following individuals favoring the above restriction were present at the public hearing:

Ebba Allen  
2077 Lake Sixteen Road  
Mount Vernon, WA 98273

Jody Hoare  
2081 Lake Sixteen Road  
Mount Vernon, WA 98273

Pat Smith  
1849 Dike Road  
Mount Vernon, WA 98273.

Ms. Hoare indicated that they had talked to residents around the lake about the above proposed restriction and had received full support for it. She also advised that not many people had been at the lake recently due to the fact that it was fished out.

Commissioner Hart cautioned that although the Board may pass an ordinance limiting boating on Lake Sixteen to non-combustible motors only, it does not mean there will be more deputies from the Sheriff's Office patrolling the lake.

Commissioner Robinson added that the speed on the lake would be under the jurisdiction of the Sheriff's Office, but other matters would be under the jurisdiction of the Department of Fisheries.

Commissioner Wolden stated that if it is an ordinance it will be cited. Anyone going out on the lake and using combustible fuel can be reported. Commissioner Wolden said that in a situation like this it is called a misdemeanor and a complaint would have to be filed in court.

There was some discussion about parking being restricted to one side of the road. The Board clarified that the ordinance allowing parking only on one side of the road will be enforced year round.

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

Commissioner Wolden motioned that boating on Lake Sixteen be limited to non-combustible fuel motors only. Commissioner Robinson seconded the motion, which passed unanimously.

**APPEAL OF THE HEARING EXAMINERS RECONSIDERATION DECISION IN REGARDS TO A DETERMINATION OF NON-SIGNIFICANCE FOR ADMINISTRATIVE APPEAL #AAP 93-007/008 OF WILLIAM YOUNGSMAN FOR THE PLAT OF SKYRIDGE AND I-5 BUSINESS PARK.**

Chairman Hart opened the proceedings. Grace Roeder, Associate Planner, reviewed the matter for the Board. She explained that a public hearing was held with public testimony taken and a statement was issued that the Planning Department was correct. Elsa Gruber asked for reconsideration of that decision. The Hearing Examiner then issued an order upholding his original decision. This is an appeal of that reconsideration of the Hearing Examiner's decision.

Commissioner Hart said he felt that at the present time the greatest concern is in the interpretation of the SEPA Ordinance.

Grace read an excerpt from the R.C.W.'s as it relates to appeals. The Board's options were as follows:

- 1) uphold the Hearing Examiner's decision;
- 2) remand the matter back to the Hearing Examiner; or
- 3) adopt their own findings based on the information from the Hearing Examiner.

Chairman Hart said he had read through the appeal and Hearing Examiner information and he still questions whether there a requirement that all three segments of this proposed development be considered under the SEPA policies of the State of Washington.

Ms. Roeder explained that the Planning Department made the decision that what was under SEPA review was what they were going to be reviewing. No application was received for any work to be done in the center of the property. Information was received for a business park and 8 lot preliminary plat on Blodgett Road. It has been the contention of the Skagit Audubon Society that the Planning Department should have requested information that indicated what the applicant planned to do with the middle piece of property.

Chairman Hart asked whether that question was the key consideration and the basis of this appeal. He clarified that they are present to determine if the Hearing Examiner reached his conclusion correctly and if he did not, if it was an error of law, fact, or judgement, there would be a reason for overturning his decision. Grace noted that it would be an option of the applicant and the appellant to appeal to Superior Court if they do not agree with the Board's findings.

Commissioner Hart stated that based on the information that had been provided, he could see no reason to overturn the Hearing Examiner's decision. Commissioner Wolden agreed.

Commissioner Wolden motioned to accept the Hearing Examiner's decision in the matter of the reconsideration of his decision regarding Youngsman. Commissioner Hart seconded the motion, which passed 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 of the Board  
Skagit County Commissioners

