

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

Tuesday, April 5, 1994

7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.

Flag Salute.

9:00 a.m. - 10:00 a.m. Planning Department - Dave Hough, Director.

- 1) Discussion - Urban Growth Areas (Concrete, Hamilton, Lyman, Sedro Woolley, Mount Vernon, Marches Point).
- 2) Discussion - Final Environmental Impact Statement (FEIS) Land Use Element.
- 3) Code Enforcement Report.
- 4) Miscellaneous.

10:00 a.m. - 11:00 a.m. Public Hearing - Appeal by Jack Hilde of Administrative Decision to Deny Variance Request, AAG-93-007, 995 Collins Road, Sedro Woolley.

1:30 p.m. - 2:30 p.m. Continuation - Hearing Examiner's Denial of Agricultural Variance #VAR-93-028 for Leonard Lee, .25 mi. South of Intersection of Chuckanut Drive and SR237.

3:00 p.m. - 6:00 p.m. Open House - Port of Anacortes.

The Skagit County Board of Commissioners met in regular session on Monday, April 5, 1994 with Commissioners Robby Robinson, Harvey Wolden and Robert Hart present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. Discussion - Urban Growth Areas (Concrete, Hamilton, Lyman, Sedro Woolley, Mount Vernon, Marches Point).

Dave Hough, Planning Director, presented the Board with a draft analysis of the proposed urban growth areas for Concrete, Hamilton, Lyman, Sedro Woolley, Mount Vernon and Marches Point. The analysis provided both the cities and towns' proposals and the County's proposals. A brief review of each city or town ensued among the Board and Staff.

Lyman

The Town of Lyman is proposing an urban growth area consisting of approximately 450 acres. The area is rural, very typical of much of the rural portion of Skagit County. The Lyman Market on the north side of SR 20 is the only commercial/industrial use area. Since the Town does not provide police protection, the County is required by State Statutes to provide law enforcement service. The Town provides fire service and water service, but the present water system does not meet the urban standards included in the Skagit County Coordinated Water Service Plan.

Commissioner Wolden noted that inadequate water means inadequate fire protection.

Mr. Hough advised the Board that the Town has not provided the County with any information relating to the proposed plans for the Town's UGA. With the substantial increase in services proposed for the future,

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the County would be required to continue providing law enforcement services.

The County has proposed a designated standard urban growth area that will allow the Town adequate area for the expected growth within the next 20 years. The County's urban growth area provides 120 acres with a net developable acreage for residential purposes of 48 acres. The County feels Lyman should look at the cost of law enforcement, the cost of capital expenditures in providing fire protection, the cost of improving the water system to urban standards, the cost of increasing other urban services such as street and drainage maintenance, animal control, and emergency services during flood and major storm events, etc. The Town of Lyman's ability to provide the required urban governmental services for expansion may be difficult. A capital facilities plan consistent with the county-wide Regional Planning Policies should thoroughly appraise the Town's ability to fund the necessary urban services.

Concrete

The Town of Concrete has proposed an urban growth area consisting of approximately 1,715 acres. The area encompasses a variety of mixed land uses including commercial, industrial and residential. The Town of Concrete is the largest incorporated area in the eastern portion of the County. It is the urban center for the entire area.

The Town of Concrete provides a range of urban governmental services such as sanitary sewer, water, police, fire, etc. The present water system does not meet the urban standards included in the Skagit County Coordinated Water System Plan.

The County proposal is to reduce the urban growth area to 950 acres. The primary difference between the two proposals is the exclusion of the majority of primary forest in the north and northeast portion of the Town's proposed UGA. The County's UGA provides for approximately 280 acres of net development acreage for residential purposes greater than the projected need.

Commissioner Robinson asked Mr. Hough if the department had met with the Town of Concrete to discuss the boundaries. Mr. Hough stated that this had been presented to the Town Council on several occasions.

Sedro Woolley

The City of Sedro Woolley and the County have reached agreement relating to the establishment of the standard urban growth area for the City. The urban growth area consists of approximately 3,600 acres within the majority of the developable area located north of the City. The UGA does include agricultural, floodplain and floodway lands directly south of the city limits. Existing federal and state requirements preclude development in much of the area. The City proposed inclusion of the area for several reasons: one, the City currently owns and operates a park facility on the Skagit River, non-contiguous to the existing city limits; two, the open space and recreation plan for the City has included the area as future open space potential. The City is also proposing maintaining the current County zoning density of one unit per 20 acres. The net developable acreage included in the urban growth area is 1,390 acres which provides for a population growth of 13,900. This is within 10% of the projected population for the year 2014.

Mount Vernon

The City of Mount Vernon originally proposed an urban growth area of approximately 10,000 acres. The area includes a substantial portion of primary and secondary agricultural land. The City and County have discussed the boundaries of the proposed UGA and have reached understanding in many areas. The City

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recognizes that the County with the U.S. Army Corps of Engineers are working on a county-wide flood control plan for the lower valley and that expansion of an urban growth area in the flood plain at this time may encourage development that could preclude implementation of such a plan.

The County's proposed standard UGA includes approximately 7,000 acres. It has been estimated the UGA includes a net development area of 2,600 acres for residential and public use and 380 acres for commercial/industrial use. This would provide for population capacity of 26,000. Projected 2014 population projections for this area is 23,314.

Increased traffic problems for developments to the east of the city due to limited access will need to be addressed either by the possible imposition of impact fees to generate funds or other means.

Hamilton

The Town of Hamilton is proposing an urban growth area consisting of approximately 420 acres. The majority of the northern half of the area is classified as primary and secondary forest. The Town provides limited services not unlike those provided in other rural communities in the County. Services include water and volunteer fire protection. Individual on-site sewage disposal is the only alternative. All expansions of the water system must conform to the standards established in the Skagit County Coordinated Water System Plan. The present water system does not meet the urban standards established by the Coordinated Water System Plan.

Since 1990 the area has annexed over 240 acres with the largest area being the Centennial Annexation, as this area was planned to be the receiving area for the relocation of the major portion of the Town that is within the designated floodway. No development has occurred since annexation. Soil conditions on the site provide little protection for the aquifer that the Town utilizes for a water source. The area directly east of the annexation has been classified as a mineral resource area. A more recent annexation has provided approximately 20 residential lots.

The Town's proposed UGA contains approximately 400 acres of developable residential acreage. The Town of Hamilton's ability to provide the required urban governmental services for expansion may be difficult. A capital facilities plan consistent with the County-wide Regional Planning Policies should thoroughly appraise the Town's ability to fund the necessary urban services.

The County has proposed a UGA that will allow the Town adequate area for the expected growth within the next 20 years. The County's UGA provides 120 acres with a net developable acreage for residential purposes of approximately 58 acres. The Standard UGA could accommodate an additional 582 population increase, which would allow the Town to triple in size.

Marches Point Independent Urban Growth Area

The Marches Point Independent Urban Growth Area consists of approximately 1,400 acres of industrial zoned land on Fidalgo Island. The area is a major industrial area in Skagit County with the principle industries of Shell Oil and Texaco Refineries. Both refineries provide self-contained sanitary and storm sewer service, security and fire protection. The remainder of the area includes various small industrial and limited industrial uses. Current zoning provides for limited retail uses in the industrial zoned district. With the designation of the independent urban growth area, additional restrictions relating to retail commercial uses would be established.

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Commissioner Hart indicated the Board's agreement to curtail retail growth in this area as previously discussed with the City of Anacortes.

A summary page was reviewed showing all of the Cities, Towns and Independent Urban Growth Areas.

Mr. Hough indicated that the Planning Department feels that the County plans have provided adequate areas for growth, consideration of market, and not too much from the standpoint of urban sprawl and protection of the resource areas. Mr. Hough advised that the final draft will be going to the Cities and will be included in the final EIS.

The crucial timing of this project was stressed by the Board and Mr. Hough indicated the need to expedite matters through the Planning Commission.

2. Discussion - Final Environmental Impact Statement (FEIS) Land Use Element.

Gary Christensen, Planning Department Staff, discussed the approach and schedule of the FEIS on the land use element. The FEIS will focus on a proposed action or preferred land use alternatives for the comprehensive plan with identified impacts and proposed mitigation. The FEIS is tentatively scheduled for completion and distribution in mid-May. A public hearing will also be held.

Based on previous public comment received, Staff will come forward with a proposed land use plan for Skagit County through the year 2014 and will also identify impacts specifically in regard to the proposed action. The delay in issuing the EIS is to a large extent reflective of the large number of public comments on the draft environmental impact statement (DEIS). Over 100 letters of correspondence consisting of 350+ pages were received on the DEIS. Consideration of and a response to public comment is an important community-based process to building support for the County's Comprehensive Plan. The final EIS will provide information to the Board for determination of which options will be the best for the future.

Mr. Christensen noted that much of the public comment on the draft EIS focused on rural villages. The public wanted to know the designation of the UGA's and rural villages, possible locations, sizes and land capacity and analysis. Public comment stressed the need to address more thoroughly where and why lines were drawn for UGAs. This will need to be discussed in the FEIS. Another area warranting additional discussion is critical area information. Many comments indicated insufficiency in that analysis. Mr. Christensen advised that Staff is a bit behind schedule for the FEIS and that the delay is largely due to the abundance of public input. Staff indicated they feel it is very important to take the time to review, consider and utilize the information generated by the public in trying to build community support for the county-wide plan. This will make a better plan for Skagit County.

Mr. Christensen indicated that there are limited resources available for preparation expenses of the FEIS, and Staff is trying to keep costs to a minimum. Due to the need to respond to the public in greater detail, it will probably be necessary to go back to consultant to ask for additional work. Within the next week, Staff will come back to the Board with a budget amendment or requirement for supplemental monies needed to complete the FEIS.

Staff met with the Planning Commission in a study session last evening for 4 hours. Staff advised the Board that the Planning Commission is very serious, deliberate and focused, and are asking good, difficult questions. The Planning Commission is looking at the long-range implication of these policies in trying to prioritize and finalize land use planning for the next 20 years.

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Commissioner Robinson indicated the importance of the Planning Commission coming back with a recommendation prior to May 24.

3. Code Enforcement Report.

The Code Enforcement Report was reviewed.

4. Miscellaneous.

No miscellaneous items were presented for review.

PUBLIC HEARING - APPEAL BY JACK HILDE OF ADMINISTRATIVE DECISION TO DENY VARIANCE REQUEST, AAG-93-007, 995 COLLINS ROAD, SEDRO WOOLLEY.

Chairman Wolden opened the public hearing and asked Planning Staff to summarize this matter.

Jeff Morgan, Planning Department Staff, advised the Board that this appeal comes from two applications on the subject property. The applicant was denied an administrative variance request to construct a single family residence approximately 555 feet from the front property line. Skagit County Code Section 14.04.110(c)(ii) indicates that the rear yard setback for residential structures shall be a maximum of 200 feet from the front property line. The Department approved an application for an administrative Special Use Permit request to allow placement of a temporary mobile home on the same parcel of property. The property is located at 995 Collins Road, Sedro Woolley.

Mr. Morgan summarized in detail the staff findings and explained that the applicant is requesting the uses as stated above. He further reviewed for the Board variance criteria as stated in the Skagit County Code.

The applicant has indicated special conditions as the proposed structure was part of the overall plan for the property, which included placement of the mobile home. Staff typically bases approval or denial on a topological hardship, and Staff did not consider this an overall topological hardship. It appears that a single family residence could be constructed on the property concurrent with existing setbacks, according to Staff.

Commissioner Hart ascertained that the location of the home site is distinctly the highest portion of the property. The exact location of the property was discussed.

The applicant, Jack Hilde, gave a brief history of his ownership of the property and the overall plan for structures on the property. Specifics of the layout of the property and proposals for future building of a shop/garage were discussed with the Board.

Mr. Hilde explained that there are, in fact, special conditions and circumstances concerning this property. There has been an overall plan for the property for several years and this is not something decided quickly. Mr. Hilde further stated that at the time that the barn and shop were built in 1975 or 1976, the setback situation was different than today. Placement of his mother's mobilehome was also based on previous regulations, and there was no deliberate attempt to circumvent any rule or regulation. It was further noted by Mr. Hilde that his neighbors sit back further on the property than Mr. Hilde's proposed house, and that the proposed house is not harmful to the County or the community as a whole.

There being no further public comment forthcoming, Commissioner Robinson moved to close the public hearing. Commissioner Hart seconded the motion and the motion was unanimously passed to close the

public hearing.

Commissioner Robinson stated that, based on the property ownership of 20 years and the property having never being used for agricultural purposes, he would move to approve the variance to allow the construction of a single family residence in the agricultural zone approximately 555 feet from the front property line on the subject property. Commissioner Hart seconded the motion, which was unanimously approved.

CONTINUATION - HEARING EXAMINER'S DENIAL OF AGRICULTURAL VARIANCE #VAR-93-028 FOR LEONARD LEE, .25 MI. SOUTH OF INTERSECTION OF CHUCKANUT DRIVE AND SR237.

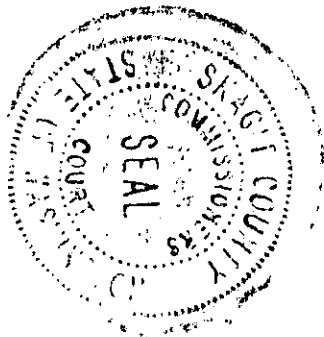
Grace Roeder, Planning Department Staff, advised the Board that this is a continuation of the hearing on this matter which has been continued for several months now. Ms. Roeder reviewed the history of this variance request. It was previously decided by the Board that if Mr. Lee could obtain a buyer for each parcel, the Board would consider granting the variance. This has gone on for 4-6 months and Staff would like to see the Board consider the variance as indicated so that Mr. Lee can begin the shortplat of these parcels. There is a total of approximately 70 acres, of which the 30 acre parcel has been sold. The 40 acre parcel has not been sold. The 30 acres will remain agricultural land. Mr. Lee advised that he has listed the 40 acres with Coldwell Banker for sale this morning, and would like to request approval of the variance at this time.

Commissioner Hart moved to allow the agricultural variance as requested for the subject property. Commissioner Robinson seconded the motion. Ms. Roeder clarified that a homesite would be allowed on each parcel, to which the Commissioners indicated approval and inclusion in the motion on the floor. The motion was unanimously approved.

ADJOURNMENT:

Commissioner Robinson motioned to adjourn the proceedings. Commissioner Hart seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON




Harvey Wolden, Chairman


Robby Robinson, Commissioner


Robert Hart, Commissioner

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ATTEST:



Patti J. Owen, Clerk
Skagit County Board of Commissioners