

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

**Tuesday, June 28, 1994**

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

Flag Salute.

8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/District Maintenance Supervisors.

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

- 1) Discussion - Department Goals.
- 2) Discussion - Impact Fee Status.
- 3) Code Enforcement Report.
- 4) Miscellaneous.

10:00 a.m. - 11:00 a.m. Public Hearing - Tony Berry/Wayne Spiller Agricultural Variance VAR-94-001, 1264 West Bow Hill Road, Bow.

The Skagit County Board of Commissioners met in regular session on Tuesday, June 28, 1994, with Commissioners Harvey Wolden, Robby Robinson and Robert Hart present.

**PLANNING DEPARTMENT - Dave Hough, Director.**

1. Discussion - Department Goals.

Dave Hough, Planning Department Director, reviewed the status of Departmental goals formulated in January of 1994. Mr. Hough noted that the Department held the first full staff meeting in January which resulted in the establishment of goals to be reviewed throughout the year.

Mr. Hough advised that monthly staff meetings have been held and the meetings have provided an additional opportunity for inter-departmental coordination. The meetings also provide a forum for discussion and resolution of issues effecting all department staff.

The goals to improve public service and public notice on land use applications are proceeding. Examples of signage has been obtained from the City of Mount Vernon and implementation should be obtained by August 1. The Department has also provided for full 15-day notice from date of publishing on all SEPA determinations from the public notice standpoint.

The review and update of internal telephone policies continues. The Department averages 150-175 incoming telephone calls per day.

Mr. Hough advised that the Department is in the process of improving the permit tracking system to provide up-to-date monthly reports.

The Department is working to expand public information and educational opportunities to inform the community about tasks, issues and accomplishments with regard to the Department's planning program. This has been especially important during the GMA (Growth Management Act) process. Mr. Hough further advised that there have been major strides in improving the availability and efficiency in delivery of resource inventory information, associated data and other reports to the general public, private sector, and associated departments and agencies. The Department will continue public outreach efforts through newsletters,

## RECORD OF THE PROCEEDINGS

June 28, 1994

Page #2

tabloids, and public information/educational meetings coordinated through appropriate department sections.

Mr. Hough further advised of the efforts to provide supportive, positive employee experience with an emphasis on professional improvement and skill development.

Specifics of each of the goal areas were briefly discussed.

### 2. Discussion - Impact Fee Status.

Paul Carr, Planning Department Staff, reviewed with the Board a packet of information from the Mount Vernon School District. The Impact Fee Committee met last Wednesday and reviewed the Mount Vernon School District capital facilities plan. The supplemental information presented gives a current status of the Mount Vernon School District planning process. Mr. Carr pointed out that there are a few minor areas that need refining. This plan is scheduled to be finalized around November 1. If a decision is made to proceed with the public hearing regarding this capital facilities plan and the imposition of impact fees, it is recommended by Staff that the impact fees be listed as "interim" until such time as the capital facilities plan is adopted.

Mr. Carr briefly reviewed the status of various other school districts in the County in this regard.

Mr. Carr advised that one last technical issue remains in the Impact Fee Ordinance as previously reviewed with the Board, that the ordinance is being reviewed by John Moffat, and will be presented to the Board in the near future.

Edward Peters, Director of Facilities for the Mount Vernon School District, briefly reviewed the packet of materials that Mr. Carr had distributed to the Board and commented generally on the progress of the Mount Vernon School District in imposing impact fees. Mr. Peters noted that the November date for a facilities plan update is not an arbitrary date, as October 1 enrollment determines funding levels.

Commissioner Wolden noted the importance of passing bond issues for each school district. Mr. Peters indicated that there is good support in the community for passing bond issues. Commissioner Hart added that impact fees are for future growth only and that the deficiencies today must be dealt with through bond issues and current methods of funding.

### 3. Code Enforcement Report.

The Code Enforcement Report was reviewed.

### 4. Miscellaneous.

A. Mr. Hough advised that the Environmental Citizens Advisory Committee (CAC) had their regular meeting and a request arose for the County to consider an independent facilitator for that committee to assist in mediating their meetings. Staff suggested to the CAC a simpler and less expensive option of appointing a chairman. The CAC asked the Department to look into an independent facilitator, someone not on the committee and not a County employee. Commissioner Hart noted that Cooperative Extension has a professional facilitator program in place and could possibly provide such an individual. The Board queried Mr. Hough on the necessity for this facilitator. Mr. Hough advised that this is one of the more contentious committees, and assistance might be gained from bringing in someone from the outside. Various options were discussed with the Board. The

**RECORD OF THE PROCEEDINGS**

**June 28, 1994**

**Page #3**

Board expressed their understanding of the difficulties that the CAC is faced with. Mr. Hough indicated his willingness to contact Cooperative Extension to obtain a list of the facilitators available, and that such a person would need to attend the 10 or 12 remaining meetings of this committee. A discussion ensued on the specific duties of such a facilitator, the advantages of a facilitator keeping the CAC on track, the problems of proxy persons coming forward, and the need to come to a process to make decisions.

- B. Mr. Hough updated the Board on the regular meetings with the city/county planning directors. Mr. Hough has offered to sit down with any city planners wanting to discuss specific issues of urban growth areas and refining particular boundary lines as needed. Mr. Hough indicated that the Department would be putting together a staff report for the July 11 Planning Commission meeting.

**PUBLIC HEARING - TONY BERRY/WAYNE SPILLER AGRICULTURAL VARIANCE VAR-94-001, 1264 WEST BOW HILL ROAD, BOW.**

In Grace Roeder's absence, Oscar Graham, Planning Department Staff, reviewed with the Board that a public meeting was held on May 31 to consider the Hearing Examiner's recommendation to deny the variance requested for residential setback in excess of 200 feet from the front property line. Consequently, this public hearing is for further consideration by the Board additional information and render a decision that is not required to be consistent with the Hearing Examiner's written order. Mr. Graham jotted a brief site plan on the chalkboard for clarification. Mr. Graham also presented an assessor's map and some photographs for the Board's review. By way of a reminder, Mr. Graham noted that during the last hearing the Board was advised that Mr. Berry had conveyed this property, at least in part to Wayne Spiller, a resident of Edison, and Mr. Spiller is, for all practical purposes, the applicant at this time. An ownership certification has been signed by Mr. Spiller. Mr. Graham has visited the subject property and has discussed this situation with Ms. Roeder in great detail in the past.

Mr. Graham noted that this request is for a variance relating to residential sighting criteria in the Agricultural Zone. The Variance Request is to allow continued construction of a single family residence within approximately 300 feet of the front property line (West Bow Hill Road/Highway 237) instead of the allowable maximum of 200 feet from the front property line as required by Section 14.04.110(5)c Agricultural District of the Skagit County Code.

Wayne Spiller, currently the owner of the subject property, clarified that part of the problem has been referencing the structure as a single family residence. The building was permitted as an agricultural building and is currently being used as an agricultural building. The portion of the building originally constructed for office space, approximately 25% of the structure, is on the second story above the flood elevation, and is now being considered a residence. There is a limited amount of usable agricultural land on this property, and, in Mr. Spiller's opinion, it would be foolish to build an additional structure as a residence on this land.

Commissioner Hart asked for clarification of which section of the County Code applies to this variance. If there is no appropriate Code section, it was Commissioner Hart's opinion that it is perfectly reasonable to concur with the denial of the Hearing Examiner.

Mr. Graham responded that if the purpose of the structure is indeed residential, that that is where the 200 foot maximum setback requirement comes in to play.

Section 14.04.223(1)e Variances of the Skagit County Code were reiterated by Mr. Graham and indicate that certain items need to be reviewed when approving or denying variances. Those items are as follows:

**RECORD OF THE PROCEEDINGS**

**June 28, 1994**

**Page #4**

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- B. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
- C. That the special conditions and circumstances do not result from the actions of the applicant.
- D. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

Commissioner Hart confirmed that as an agricultural building there would be no requirements for setback. It was ascertained after brief discussion that if this property was classified as agricultural, there would be the ability to construct one residential building on the property. The Board confirmed that only one residence could be built on the property.

Commissioner Wolden clarified that the total acreage involved is approximately 6 acres.

A discussion ensued on the various options available on this land. The Board queried Mr. Spiller on the small piece of property containing a mobile trailer that was determined to have also belonged to Mr. Berry at the time of the application for variance. Mr. Spiller stated that the Mr. Berry was in default on the mortgage contract for this small area, that the 1/4 or 1/3 of an acre was not conveyed to Mr. Spiller, that Mr. Spiller has nothing to do with the purchase of this property and has no knowledge of who the owner is.

Chairman Wolden asked Mr. Berry for further clarification on this small adjoining piece of property and determined from Staff that said property has never been shortplatted. The Board indicated that this creates circumstances that will have to be dealt with at a later time.

It was determined that if the setback is allowed, it would preclude any other residence being built on the property.

Mr. Graham stated that in addition to the criteria read earlier, agricultural structures must also conform to siting criteria as specified in Skagit County Code Section 14.04.110(d)1-4. These policies are clearly intended to protect the agricultural uses of the land and include the following:

- 1. Siting of all residential development in the Agricultural District shall minimize potential impacts on agricultural activities. Agricultural buildings should, when possible, utilize siting criteria.
- 2. When structures exist on adjacent properties, siting of new structures shall comply with the following prioritized techniques:
  - a. Locate new structure(s) adjacent to an existing compatible structure(s), sharing a common access road. (A compatible structure, for purposes of this provision, shall be any structure which does not adversely affect the intended use of another

**RECORD OF THE PROCEEDINGS**

**June 28, 1994**

**Page #5**

- structure);
- b. Where the provisions of subsection (d)(ii)(a) are not practical, locate adjacent to an existing structure and minimize the length of access from the nearest existing public road;
  - c. Where the provisions of subsection (d)(ii)(a) or (b) are not practical, site to achieve minimum distance between structures, and minimize the length of access from the nearest existing public road.
3. Where no compatible structures exist on adjacent properties, new structures shall be sited to allow future development to satisfy subsection (d)(ii) of this section.
  4. Buildings, such as barns, stables or farm outbuildings shall be at least 20 feet from any dwelling unit on the property.

Commissioner Hart indicated that not putting another structure on the land is in the best interests of the preservation of agricultural lands.

Tony Berry, the applicant, briefly reviewed the history of the variance request. Mr. Berry stated that the reason he put the building in its current location was that the position was at the highest point of the land.

Commissioner Robinson moved to close the public hearing. Commissioner Hart seconded the motion, which unanimously carried.

Commissioner Hart stated that he finds very little reason to disagree with the Hearing Examiner's findings, but feels the right thing to do is to allow the variance. Commissioner Hart further expressed that the intent of Section 14.04.110 fits this situation, that the fact that the building is already there and is already being converted at this point, and that the building is not out of compliance as constructed, there may be justification to allow the variance. Commissioner Hart moved to approve the variance as requested by Mr. Berry.

Commissioner Robinson concurred with Commissioner Hart's comments and noted that Section 14.04.110 intent to preserve agricultural land fits this particular variance request. Commissioner Robinson stated further that he would like assurance that there will be no further residential structures constructed on this property. Chairman Wolden indicated that he also sees no reason for any further residences being constructed on the subject property.

Commissioner Robinson seconded the motion, which unanimously carried. (Staff to provide Resolution at a later date.)

**MISCELLANEOUS.**

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 28, 1994, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

**RECORD OF THE PROCEEDINGS**

June 28, 1994

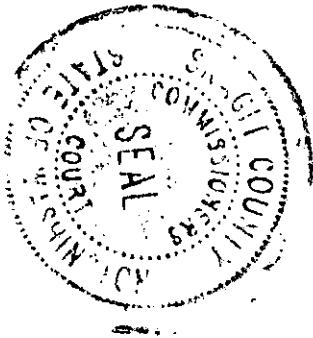
Page #6

Voucher numbers MW114477-16 through MW114477-16 and claims warrants numbered MW114477-16 through MW114477-16 in the total of \$418.32 (Transmittal #C-30-94).

**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*  
\_\_\_\_\_  
Harvey Wolden, Chairman

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

*Robert Hart*  
\_\_\_\_\_  
Robert Hart, Commissioner

ATTEST:

*Patti J. Owen*  
\_\_\_\_\_  
Patti J. Owen, Clerk  
Skagit County Board of Commissioners