

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

Wednesday, December 14, 1994

8:30 a.m. - 9:30 a.m. Executive Session - Personnel, Litigation and Land Acquisition.

10:00 a.m. - 11:00 a.m. Public Hearing - Interim Controls for Platted Lots Recorded Prior to March 1, 1965.

The Skagit County Board of Commissioners met in regular session on Wednesday, December 14, 1994, with Commissioners Harvey Wolden, Robby Robinson and Robert Hart present.

PUBLIC HEARING - INTERIM CONTROLS FOR PLATTED LOTS RECORDED PRIOR TO MARCH 1, 1965.

Chairman Wolden opened the public hearing and introduced Dave Hough, Planning Department Director.

Mr. Hough advised that this is a proposed amendment to Skagit County Code 14.04.190 regarding the aggregation of platted lots. Mr. Hough advised that the aggregation of substandard lots has been a part of Skagit County Codes since 1966. The original intention was to establish a minimum lot size for public health purposes. Over the years, lot size requirements were increased due to other reasons such as the protection of natural resource areas (agriculture and forest lands), maintenance of rural character and open space. Mr. Hough advised that current code exempts legally created lots platted after March 1965. The intention of the proposed amendment is to establish a minimum lot size for aggregation purposes for lots platted prior to 1965. Mr. Hough stated that the proposed lot sizes are based on public health considerations.

Mr. Hough indicated that the amendment is proposed as an interim control measure specifically provided for by the Growth Management Act (R.C.W. 36.70A.390). Further, it is intended that this issue be further clarified in the implementing regulations for the comprehensive plan to be considered during 1995.

Mr. Hough briefly reviewed the specifics of the exceptions to the aggregation of lots platted prior to March 1, 1965.

Mr. Hough advised that these changes would provide relief for property owners owning 1 or more contiguous pieces of property that would be considered substandard today.

Commissioner Hart clarified that this does not apply to new lots, but to lots previously platted prior to March 1, 1965.

George Moe, Mount Vernon, reviewed the specifics of his property and noted that his intent when purchasing the adjacent lots years ago was to provide for his retirement. Mr. Moe indicated that he has no other retirement plan, so he considered the land his retirement. Mr. Hough indicated that he has previously talked to Mr. Moe and that Mr. Moe would have two buildable parcels under this proposed change.

Bruce Parks, Guemes Island, indicated his approval of the proposed changes, but stated that felt that the minimum lot size should be reduced from 70 feet wide. Mr. Parks indicated that he bought his contiguous lots as an investment and now his lots are not saleable due to substandard width.

John Sargent, Anacortes, commended the Board and the Planning Department for considering the property rights of the people of the County. Mr. Sargent stated that the proposed change is a great improvement,

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and indicated his hope that the individual situations on Guemes Island can be addressed. Mr. Sargent also asked the Board to consider the property rights of residents of the Summit Park and Similk Beach areas in the annexation issue with the City of Anacortes.

Mel Torrana, who represents Square Harbor Development Corporation, Seattle, stated his understanding of the plight of retirees. Mr. Torrana reviewed specifics of such small lot irregularities in the Holiday Hideaway area located on Guemes Island. Mr. Toranna indicated that if plats cannot get on-site septic systems approved, they should be deemed unbuildable. Mr. Torrana further pointed out that taxes have been collected on these properties as though they are platted and buildable pieces of land.

Richard Moore, South Burrows Bay, 153 Biz Point Road, Anacortes, stated that the revision does not consider certain things such as irregular sized lots that are not square or rectangular. Specific examples of such irregular lots were reviewed with the Board. Commissioner Hart questioned Staff on setback requirements in conjunction with such irregular lots. Mr. Hough clarified that the Code provides that a pre-existing lot of record would require minimum setback requirements. Mr. Hough further stated that the shape of lot may necessitate downsizing the proposed building or initiating the variance process and that the Code provides that lot width is determined at the building line. Mr. Hough further stated that the proposal does not affect single lots owned, but only affects a number of lots being aggregated. Commissioner Hart stated that man lots were previously certified that would not be certifiable today and that there are lots that were platted at one time that will never be authorized for building.

Mr. Hough advised that March 1, 1965 was the effective date of the first subdivision ordinance in Skagit County. Before then property was surveyed and there was no review as to health considerations or standards of installation of septic systems. Mr. Hough advised that as there were no reviews on plats recorded prior to that time, together with no lot size requirements, these proposed interim controls would provide relief to those most impacted.

Mr. Hough clarified that these interim controls are intended to address those who own a multitude of lots with the need to establish minimum health standards. Many failures of septic systems are located where there are extremely small lots, such as those found in the Blanchard-Edison area.

The Board clarified that this is an interim proposal, and at the time the Comprehensive Plan becomes effective, lot certification of substandard lots would be grandfathered, thus allowing a several months' window of time to accomplish certification.

An unidentified gentleman asked Mr. Hough why alternative septic systems cannot be used on substandard lots. Mr. Hough responded that the minimum standard for alternative systems is one acre, and that such systems are not feasible for small lots.

George Wilcox, Holiday Hideaway, Guemes Island, President of the Guemes Island Property Owners Association, briefly reviewed his concern for the proposed minimum lot sizes that do not fit every situation.

Chairman Wolden indicated that these controls will open up a window for approxiamtely six months or so for the majority of people affected to obtain relief, but that such controls will not solve everyone's problems, and therefore the variance procedure will need to be used.

Mr. Wilcox further stated that if the land is already platted, it should be up to the County to determine it is not buildable, rather than the property owner proving that it is buildable.

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Commissioner Hart queried those present from Holiday Hideaway and Square Harbor if they are interested in putting in a public sewer system. Mr. Wilcox stated that this is not financially feasible at this time, that he knows of no problems with septic systems, and that alternative systems are working very well.

A brief discussion ensued on the substantial number of lots that were purchased in years past and then divided to sell as a lot and a half.

Commissioner Hart noted that just because a lot has a tax number and is assessed does not confirm whether or not it is a buildable lot.

Chairman Wolden noted that the situation on Guemes Island does not fit into these proposed controls.

Mr. Wilcox indicated that he feels his property rights are being taken away if he cannot build on his lots as desired.

Ken Schott, Shelter Bay, representing Betty Schmaby, stated that he objects to the proposed septic minimums.

Nancy Hoxie, who owns property on South Fidalgo, stated that she is pleased that the Board is considering these interim controls, and urged adoption of same.

Roy Collaro, Holiday Hideaway, Guemes Island, brought up the specifics of his property and the Board indicated it would be necessary for him to go through the variance process. Mr. Hough reiterated that these interim controls will not affect individual lot ownership.

Glen Sullivan, Anacortes, asked for clarification that these would only be interim measures. Commissioner Hart stated that these controls will allow for a window of opportunity for lots to be utilized while the Comprehensive Plan is completed.

Louie Requa, Skagit Surveyors, Sedro Woolley, commended Dave Hough and Staff for bringing these interim controls to the Board, and indicated his support of the controls as proposed. Mr. Requa pointed out that the County is faced with compliance to the new State Sewage Codes that will be going into effect January 1. The proposed controls are in accordance with said State Code. Mr. Requa indicated that he would like to see some of the size requirements revised, and a brief discussion ensued on the particulars of Mr. Requa's proposals.

Mr. Hough stated that these are only interim controls and that many of these situations will be addressed under the Comprehensive Plan process and in the associated implementing regulations.

A discussion ensued on the problems of smaller lots within the SneeOosh and Big Lake areas, and the specific problems associated with such small lots.

Tom Karsh, County Permit Center, stated his support for the Planning Department proposal and that the interim controls are one way to get out from under the 5 acre minimum lot size which is a highly contentious matter. Mr. Karsh stated that the issue of buildable lots should be made clear through either the point of sale or through taxation notification. Mr. Karsh explained that the proposal does not address those lots legally created that were not platted. If adopted today, Mr. Karsh advised that site evaluation for determining the appropriate sewage system will become a part of the lot certification process. Such certification process will increase in cost from \$50 to \$70 plus the cost for an evaluator to perform the work. If a public sewer

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system is applicable, there will be no increase in cost.

Commissioner Hart noted that the County departments involved such as the Permit Center, Assessor, and Mapping will be tied together with the implementation of the Sierra system, and consequently will all be working on the same sheet of music in this regard.

Commissioner Robinson stated that consequently, information will be available at an earlier point in time prior to a request for a building permit.

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

Commissioner Hart moved to approve the interim controls as proposed by Staff, changing (d) Exceptions (ii) (A) to read Sewer and public water = 8,400 square feet, 60 feet (originally proposed as 70 feet) in width, and that such controls will be superseded by the adoption of the Comprehensive Plan. Commissioner Robinson seconded the motion, which was unanimously approved. (Resolution to be provided by Staff at a Later Date).

Staff advised that the effective date of the institution of the interim controls will be the date of signature on the Resolution.

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

ATTEST:



Patti J. Owen, Clerk
Skagit County Board of Commissioners