

**Record of the Proceedings
Skagit County Board of Commissioners
Tuesday, June 13, 1995**

- 7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.
- 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 - Critical Areas Ordinance Development Process.
2) Code Enforcement Report.
3) Miscellaneous.
- 10:00 a.m. - 11:00 a.m. Consideration of Hearing Examiner's Recommendation for Denial of Agricultural Variance #AGV-94-041.REC of Henry Dykstra, et al., for Subdivision of Property Located at the Northeast Corner of the Intersection of Barrett and McLean Roads.
- 2:00 p.m. - 3:00 p.m. Work Session - Draft Comprehensive Plan.
- 3:00 p.m. - 4:00 p.m. Work Session - Update on Samish River Comprehensive Flood Hazard Management Plan.

The Skagit County Board of Commissioners met in regular session on Tuesday, June 13, 1995, with Commissioners Robert Hart, Harvey Wolden and Ted W. Anderson present.

PLANNING DEPARTMENT - Dave Hough, Director.

1. **Discussion - Critical Areas Ordinance Development Process.**

Oscar Graham, Planning Department Staff, stated his desire to keep the Board abreast on the process of this development. Mr. Graham mentioned the importance of including the community with the technical committee in this process.

Mr. Graham reviewed the anticipated time line beginning June 14, 1995, and the plan to hold twelve to twenty meetings between now and the end of October, hoping to have a draft by the end of October.

A discussion ensued in regard to using ordinances from other jurisdictions as examples.

Mr. Graham mentioned that these "examples" would be provided to the technical and citizen committees for review.

A discussion ensued in regard to creating an ordinance that is short and simple versus more detailed and complicated.

Mr. Graham mentioned the Economic Development Association of Skagit County has declined to participate in the development of the critical areas ordinance. Mr. Graham suggested talking to Don Wick, Executive Director of the Economic Development Association of Skagit County. Chairman Hart mentioned that he will contact Mr. Wick in this regard.

Chairman Hart reiterated the importance of following through, putting something in place as quickly as possible and staying in contact with the Board.

Gary Christenson, Planning Department Staff, presented a copy of Written Order granting Friends of Skagit County amended dispositive motion regarding Natural Resource Lands and Critical Areas which was before the Western Washington Growth Management Hearings Board.

Mr. Christenson stated that if the County uses any pre-existing ordinances to comply with growth management requirements, the Board must take some formal action through Public Notice and hold a Public Hearing. Mr. Christenson stated that this is primarily a procedural issue and to comply with Growth Management Act, the County is required to protect and designate natural resource lands and critical areas by July 24, 1995.

Mr. Christenson stated he anticipates the public hearing to be the first part of July.

2. Code Enforcement Report.

The Code Enforcement Report was reviewed.

3. Miscellaneous.

1. Kraig Olason, Planning Department Staff, introduced summer intern, Dan Cox, Sedro Woolley, who is majoring in Planning at Western Washington University.
2. Mr. Graham mentioned that the Planning Commission held a public hearing on the evening of Monday, June 12, 1995, in regard to the Nookachamps Hills area.

CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATION FOR DENIAL OF AGRICULTURAL VARIANCE #AG-94-041.REC OF HENRY DYKSTRA, ET AL., FOR SUBDIVISION OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF BARRETT AND MCLEAN ROADS.

Grace Roeder, Planning Department Staff, illustrated the location of the subject property by a map, which had previously been submitted to the Hearing Examiner. Ms. Roeder stated that numerous letters have been received, however, they will not be submitted to the Board of County Commissioners, as they were not previously submitted to the Hearing Examiner.

Ms. Roeder stated for the record that the Board has three options, as follows: 1) To approve and adopt the decision of the Hearing Examiner, 2) To remand the matter back to the Hearing Examiner for further consideration, 3) To call for the Board's own public hearing to consider testimony on the matter, after which a revised decision may be adopted.

Commissioner Anderson asked for clarification in regard to the difference between accessory use and allowed use.

Oscar Graham, Planning Department Staff, stated that the Hearing Examiner concluded that the testamentary subdivision stands, however, zoning is not addressed through the testamentary provisions.

Ms. Roeder stated the case of Estate of Thomas M. Telfer v. San Juan County, 71 Wn. App. 883 (1993) gives this authority.

A discussion ensued in this regard.

Chairman Hart made a motion to approve and adopt the decision of the Hearing Examiner.

Commissioner Wolden seconded the motion.

Commissioner Anderson inquired as to whether a Public Hearing would be beneficial to provide further clarification.

Chairman Hart stated there was a motion and a second on the floor and a new motion would have to be proposed to remand the matter back to the Hearing Examiner or to call for the Board's own Public Hearing.

Commissioner Anderson presented an amendment to Chairman Hart's motion to hold a Public Hearing to acquire further information. The motion died due to lack of a second.

Chairman Hart stated there was still a motion and a second to approve and adopt the decision of the Hearing Examiner. Chairman Hart and Commissioner Wolden voted in favor of the motion. Commissioner Anderson voted against the motion. The motion passed.

The Board signed a Resolution Concerning an Agricultural Variance for Henry Dykstra, Et Al. (Resolution #15789).

ADJOURNMENT.

Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion. The motion was carried unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON




Robert Hart, Chairman


Harvey Wolden, Commissioner

Ted W. Anderson, Commissioner

ATTEST:


Debby Sims, Clerk
Skagit County Commissioners