

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Wednesday, April 19, 2000**

8:00 a.m. – 8:30 a.m.	Work Session – Public Works Projects (Sauk Conference Room, 1111 Cleveland, Mount Vernon).
8:30 a.m. – 9:00 a.m.	Work Session – Surface Water Management Projects (Sauk Conference Room, 1111 Cleveland, Mount Vernon).
9:00 a.m. – Noon	Review and Discussion of Planning Commission's Revisions to Growth Management Act Fall Package Proposals.
1:00 p.m. – 2:00 p.m.	Public Transportation Area Board Meeting (Port of Skagit County).
2:00 p.m. – 3:00 p.m.	Regional Transportation Planning Organization Meeting (Port of Skagit County).
3:00 p.m. – 4:00 p.m.	Skagit Council of Governments Meeting (Port of Skagit County).

The Skagit County Board of Commissioners met in regular session on Wednesday, April 19, 2000, with Commissioners Harvey Wolden and Robert Hart present. Commissioner Ted W. Anderson's absence was excused.

**REVIEW AND DISCUSSION OF PLANNING COMMISSION'S REVISIONS TO GROWTH MANAGEMENT ACT FALL PACKAGE PROPOSALS.**

Tom Karsh, Planning & Permit Center Director, indicated that this session is a continuation of the discussions on the Planning Commission's proposed revisions to the Growth Management Act fall package proposal. He stated that several items were postponed for discussion until this morning in the hopes that Commissioner Anderson would be present. The major items are the issues dealing with forestry criteria and land division criteria concerning CaRD. He reminded the Board that given the full session planned for this morning, it is important to remember that if the Board agrees with the Planning Commission revisions, there is no need to debate the finer points, as the final decision would come to the Board after additional public comment is sought.

Commissioner Wolden stated that the CaRD Ordinance that was sent to the Planning Commission in November had already gone through a series of tests by the Growth Management Hearings Board. Mr. Karsh confirmed that fact, noting that the Board should concentrate on anything they are dissatisfied with pertaining to the CaRD section.

Commissioner Hart commented on the lack of consensus on Alternative 1 of the industrial forestry issues.

Jay Derr, Buck & Gordon, explained that on Comprehensive Plan issues, the Board can remain with the 1997 Comprehensive Plan and make no changes. The second option is to go with what was published as a part of the Fall Package proposal in November 1999. He further explained that the forestry alternative Commissioner Hart was speaking of was a part of Alternative 1 of the Fall Package Proposal.

A discussion ensued regarding the various alternatives regarding Forestry designation issues. Mr. Derr stated that Alternative 1 was the re-write of the comprehensive Plan, and if the Board chooses Alternative 1, the section would go back to the Growth Management Hearings Board for review, if appealed.

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Commissioner Hart commented that Alternatives 2 and 3 were put out on the last minute, and were not given as much review.

Commissioner Wolden suggested that the best way would be for all of the alternatives to go through public review, so that the Board can make an informed decision based on such comment. Commissioner Hart concurred with this suggestion.

A review of the Development Code followed, starting with 14.18, the CaRD section of the Land Division Element.

A one page hand-out summarizing the CaRD section was distributed to the Board. Mr. Derr reviewed the Fall Proposal that was presented to the Planning Commission for review. He then reviewed the modifications that the Planning Commission made to the Fall Proposal. These included distinguishing between the Short and Long CaRD, and the requirement for CaRD's within a mile of a Urban Growth Area (UGA) being deleted. Further specifics of the Short CaRD proposal were discussed.

A discussion ensued on the particulars of the Planning Commission's modifications and the ramifications on land owners.

Commissioner Hart stated that most Short CaRD users would be individual landowners, not developers. The question is are we trying to develop the regulations so that nobody can find a loophole or protect resource lands and give a small landowner an opportunity to divide the property for his family.

Chairman Wolden commented that the adopted Short CaRD Ordinance is working very well for the general public.

Commissioner Hart concurred, noting the need to attempt to minimize the public and private utility transportation costs. He stated that as long as infrastructure is minimized, and the majority of the land is left in resource production, most people would want to keep their land and keep economic opportunity viable.

Mr. Derr stated that the Planning Commission took out the Long CaRD.

After a brief discussion, Kendra Smith, Assistant Director of the Planning & Permit Center, summarized that she is hearing from the Board that the Short CaRD Ordinance currently in code is working, with perhaps a couple of minor modifications.

Chairman Wolden noted the need to tell people what they can do, to be a resource rather than a regulator.

Mr. Derr indicated that in order to proceed, he needed answers to a series of questions regarding the Short CaRD. He first asked if the Board wanted to require CaRD's within a mile of a UGA. Chairman Wolden stated that this was unnecessary. Commissioner Hart asked if Staff anticipates the UGA's every being moved. Mr. Derr stated that the Fall Proposal required a CaRD within a mile of a UGA. He stated that staff will draft alternatives on both options.

Mr. Derr asked if the Board wanted to require clustering in a CaRD or allow other siting options as long as the characteristics of the site are maintained. Commissioner Hart indicated that clustering should be required to minimize infrastructure costs.

Mr. Derr asked if the Board wanted to require the CaRD's to leave the reserve areas in open space, specifically natural resource open space. Commissioner Hart stated that most of the reserve area should be left in resource production.

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Mr. Derr asked if the Board wanted to have legal constraint on this reserve area. It was indicated that both the Short and Long CaRD should require this.

Mr. Derr asked the Board if they are going to require clustering, should a maximum cluster size be set. Commissioner Hart indicated that 14 in a cluster should be the maximum, and Chairman Wolden concurred..

Mr. Derr asked about a maximum cluster separation. The Board responded negatively.

Mr. Derr asked if such clusters could be located on a ridgeline. Commissioner Hart stated that there is no harm in people enjoying a view, and that the prohibition of clustering on a ridgeline should be removed.

Mr. Derr next asked about the requirements for landscaping. Commissioner Hart stated that property owners should take advantage of natural landscaping wherever possible. After a brief discussion, the Board indicated that natural landscaping should be used in timberland, and no landscaping should be required in agricultural land. Chairman Wolden concurred, noting that such areas would be impacted enough by the requirements for buffering.

Mr. Derr asked if the Board was comfortable with maximum lot sizes, and they concurred that they were.

Mr. Derr asked about the distance required from the road. He stated that the Fall Proposal requirement the maximum to be 200 feet from the road. A discussion ensued regarding infrastructure, utility investments, and fire protection. It was decided that such items were regulated in other ordinances, and that it would not be necessary to include such a maximum in the CaRD language. The impacts of rights-of-way were briefly discussed.

Brad Liljequist, Buck & Gordon, clarified that what he was hearing from the Board was that if the CaRD involves resource lands, either timber or agriculture, the Board wanted the road to stay away from utilizing resource land, and address fire protection issues.

Commissioner Wolden concurred that there is a need to conserve timber or other resources, as this is designated to be "natural resource conservation."

A lengthy discussion ensued regarding appropriate use of the land, screening, and the infrastructure requirements.

Mr. Liljequist summarized that he was not hearing any desire by the Board to require a setback.

Mr. Derr confirmed that the Board did not want any comment included in the Short CaRD section on the requirement of distance from the road. Commissioner Hart commented about the need to encourage people to leave the land in resource and concentrate the placement of housing.

Upon a query from Ms. Smith on the example of cluster placement away from the road, the Board indicated that the property owner could ask for a variance utilizing the Hearing Examiner process.

Mr. Derr suggested that the Long CaRD process could be utilized if the applicant wanted to vary from the Short CaRD process.

Mr. Derr asked if the Board is not going to require a CaRD within one mile of a UGA, then the property owners should be able to convert to urban densities. The Board stated Board stated they would prefer to be silent on this matter.

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Mr. Liljequist asked if there should be a screening requirement included in the Short CaRD regulations. The Board indicated "no", stating that such screening should only be required when utilizing a Long CaRD.

Mr. Derr indicated that the Board's changes offer a different proposal than the Fall Proposal and the Planning Commission revisions, so Staff will re-write the ordinance for public comment.

Mr. Karsh asked for clarity on exactly which version would be put out for public review – the Planning Commission Version, the Fall Proposal, or the Board's revisions. Commissioner Hart confirmed that each alternative should be put before the public for review, so as to obtain a full range of public comments.

Chairman Wolden stated that he is not really interested in changing the Short CaRD as it has gone before the Hearings Board and is workable.

Mr. Derr next reviewed the remainder of the Development Code, noting that there was very little change recommended by the Planning Commission.

The Rural Intermediate designation was reviewed. Mr. Derr indicated that the Planning Commission discussed areas that were platted at one-quarter acre and are denser than the 2-1/2 acres proposed. The Planning Commission had a split vote, noting that uses in Rural Intermediate are not egregious and are consistent. Mr. Derr indicated that many of these decisions would be made by the Hearing Examiner through Special Use applications. Commissioner Hart concurred with these comments.

Mr. Derr next spoke to the question of hotels and motels in rural freeway service areas when they are adjacent to agriculture. A new proposal was added which stated that they cannot be within 200 feet of an agriculturally zoned parcel, and limited circumstances were added. He stated that this was not allowed in the Fall Package as proposed. Commissioner Hart stated that he did not see any problem with the proposal of the Planning Commission. After a brief discussion on the specifics of the Planning Commission's revisions, Chairman Wolden concurred.

Mr. Derr reviewed that the Planning Commission by split vote recommended to re-open certain areas of Industrial Forest for residential use. The Fall Package recommended that this would require that the Hearing Examiner grant a special use. Chairman Wolden asked to take comment on both proposals.

Mr. Derr detailed the new drainage ordinance, noting that the Planning Commission made minor modifications. He stated that the proposal follows Ecology's module and is consistent with GMA requirements. A discussion ensued on the implications of flood insurance requirements, the Corps of Engineers feasibility study, mapping changes, and the recommendations of the Citizens Advisory Committee. The Board indicated that they were happy with the Planning Commission's recommendations.

Mr. Derr next reviewed lot aggregation. He stated that what is proposed by the Planning Commission is dramatically different than the Fall Package. He stated that the attempt was made to largely eliminate lot aggregation and rely on existing codes such as the septic code, to decide how lots should be developed. After a brief discussion with Mr. Karsh on the specifics of the proposal, the Board indicated that this makes sense, and looked forward to seeing what public comments are generated in this regard.

### **MISCELLANEOUS.**

1. As was discussed with the Board yesterday, Mr. Karsh presented Addendum No. 6 to a contract with Buck & Gordon, saying that proper review signatures had now been obtained. Commissioner Hart moved to approve the Addendum as presented, and Chairman Wolden seconded the motion. The motion passed with a unanimous vote. **(Contract No. 02851)**

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2. 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, April 19, 2000, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 68736 through 68737 from Clearing Fund 696 in the total dollar amount of \$2,493,540.35 (Transmittal No. C-27-00)

**ADJOURNMENT.**

Chairman Wolden made a motion to adjourn the proceedings. Commissioner Hart seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Harvey Wolden, Chairman

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Robert Hart, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

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Patti J. Chambers, Clerk of the Board  
Skagit County Board of Commissioners