

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, September 19, 2000**

7:30 a.m. – 8:00 a.m.	Commissioners' Staff Meeting.
8:00 a.m. – 8:30 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
8:30 a.m. – 9:00 a.m.	Work Session – Operations Division Manager/District Maintenance Supervisors.
*T 9:00 a.m. – 10:00 a.m.	<u>Public Works Department – Chal Martin, Director.</u> 1) Signature – Right-of-Way Acquisition Summary of Offer, Exhibit A-1 – West Bow Hill Road, No. 21180, Improvement Project, C.R.P. No. 21180-1. 2) Signature – Cost Share Agreement Marine Drive Drainage Project – Earl Roger Noar. 3) Miscellaneous.
*T 10:00 a.m. – 11:00 a.m.	<u>Planning & Permit Center – Tom Karsh, Director.</u> 1) Discussion and Review of 2000 Comprehensive Plan Amendment Petitions. 2) Miscellaneous.
11:00 a.m. – Noon	Public Hearing – Interim Development Regulations (Ordinance No. 17945) for the Town of Concrete Urban Growth Area.
<u>Budget Work Sessions:</u>	
1:30 p.m. – 2:15 p.m.	County Clerk.
2:15 p.m. – 3:15 p.m.	Planning & Permit Center.
3:15 p.m. – 3:30 p.m.	Historical Museum.
3:30 p.m. – 3:45 p.m.	Conservation Futures.
3:45 p.m. – 4:00 p.m.	Noxious Weeds.

The Skagit County Board of Commissioners met in regular session on Tuesday, September 19, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. Signature – Right-of-Way Acquisition Summary of Offer, Exhibit A-1 – West Bow Hill Road, No. 21180, Improvement Project, C.R.P. No. 21180-1.

Jim Karcher, Public Works Staff, presented a summary of offers for ten properties along West Bow Hill Road totaling \$22,260, and stated these offers represent a good beginning for negotiations. He stated that he would come back with the offers for the remaining 11 parcels. Commissioner Hart moved for approval of the Right-of-Way Acquisition Summary of Offer as presented by Mr. Karcher. Commissioner Anderson seconded the motion, which passed unanimously. The Summary-of-Offer documents were approved by the Board.

2. Signature – Cost Share Agreement Marine Drive Drainage Project – Earl Roger Noar.

Dan Tolliver, Surface Water Management Engineer reviewed the exact location of the subject project which will address erosion problems. The project will begin construction next month and continue through November. Property owners have agreed to grant easements for the County to complete the

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work in the area. The details of the agreement with Earl Roger Noar were discussed, and Mr. Tolliver advised that Mr. Noar would be contributing \$20,000 to the project.

Commissioner Hart moved to approve the Cost Share Agreement with Earl Roger Noar. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Contract No. 05054)**

3. Miscellaneous.

Mr. Karcher presented for the Board's consideration a Resolution containing a Request for Proposals for Environmental and Engineering Services for the LaConner Morris Street Project. After a brief discussion on the parameters of the work to be performed, Commissioner Hart moved to approve the Resolution as presented, and Commissioner Anderson seconded the motion. The motion passed unanimously.

(Resolution No. 17999)

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Discussion and Review of 2000 Comprehensive Plan Amendment Petitions.

Gary Christensen, Planning Department Assistant Director, reported that this session would be a review only of Year 2000 petitions requesting amendments to the Skagit County Comprehensive Plan. He stated that the Department would not be requesting any action by the Board at this session. Mr. Christensen reviewed that these petitions had to be submitted by the last business day of July, and have been compiled and Department recommendations made for each petition. It is required that these be brought before the Board within 45 days, so within the next couple of weeks the Board would consider the merits of each petition and make their recommendations.

Mr. Christensen advised that fifteen requests were submitted to the County, all of which address Comprehensive Plan map requests, reclassifications and/or site-specific map amendments.

Kirk Johnson, Associate Planner, reviewed the specific amendments that were received:

1. Tom Schroers' proposal requests the redesignation of approximately five acres of property located just north of the Lake Cavanaugh Rural Village and currently designed Secondary Forest-NRL to Rural Village Commercial. The purpose of the redesignation would be to provide a location for a "country store, gasoline sale system, boat storage and other related facilities consistent with the commercial needs of Lake Cavanaugh." The application is also supported by a petition containing approximately 145 signatures of Lake Cavanaugh residents and property owners. Mr. Johnson reviewed the Department's recommendation that neither the Schroers nor Cross amendments be forwarded on to the Planning Commission at this time. However, given the strong show of support within the Lake Cavanaugh Rural Village to replace the lost commercial operation, and the hardship this loss has caused for Lake Cavanaugh residents, The Board may want to give high priority to a Lake Cavanaugh Rural Village Community Planning Process when it reviews and prioritizes the ongoing GMA Implementation Work Program in the near future.

Mr. Johnson also reviewed the map for Item No. 15 (Cross), a related request in the same area.

2. Howard Koozer's application requests that the subject parcels, which total approximately 12 acres and are located just west of the Sedro Woolley city limits and outside of the Urban Growth Area, be removed from Agriculture-NRL designation in the County and placed within the UGA. This application states that increased urban development on three sides of the property within the City of Sedro Woolley, as well as salmon-protection buffer requirements recently imposed on Brickyard Creek on the western border of the property, make it increasingly difficult for the owners to continue agricultural production on the property. The application states that the property would

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be better utilized for commercial or multi-family purposes within the City of Sedro Woolley, and that the City had originally requested that the property be included within its UGA when the UGA boundaries were first established several years ago. Mr. Johnson reported that there has been no apparent review of or recommendation on this application by the Skagit County Agricultural Advisory Board, a role currently being fulfilled by the Conservation Futures Advisory Committee.

Mr. Johnson stated that the Comprehensive Plan states that "Urban Growth Area boundary changes shall be supported by and dependent on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated and natural resource lands and the presence of critical areas." The Plan also provides that every five years the County must review all UGA boundaries, as well as the densities permitted within both the incorporated and unincorporated portion of each UGA. Based on these requirements, the Department's recommendation is to deny this petition without prejudice.

3. Keith Johnson's application seeks the redesignation of approximately 68 acres of property from Industrial Forest-NRL to Secondary Forest -NRL. The application states that the "proposal will maintain, protect, and conserve forest resource lands while increasing housing choices in the community." The amendment states that the County's anticipated review of SF-NRL designation criteria may well result in a similar outcome.

A discussion ensued regarding how the 68-acre parcel became designated as Industrial Forest. Commissioner Hart pointed out that this area was very intensively debated by the Planning Commission.

The Department's recommendation stated that this request for redesignation is untimely at this time, and should be denied without prejudice.

4. Clay Imoff's amendment seeks redesignation of two parcels of property at the north end of the Big Lake Rural Village from Rural Village Residential to Rural Village Commercial. The application is incomplete because it does not contain a completed questionnaire explaining how the proposed redesignation is consistent with the current version of the Comprehensive Plan. As with the Lake Cavanaugh requests, the Department believes that the appropriate place to review this proposed amendment is through the community planning policy.
5. 3DH Aggregates, Inc. seeks inclusion within the Mineral Resource Overlay of a 40-acre parcel located south of SR 20 between Van Horn and Rockport. The property currently is designated Rural Reserve, not Rural Resource, as is incorrectly stated in the petitioner's response to Question #7 of the questionnaire. The application states that at least since 1982 the property has contained a gravel pit, and that the pit is currently operating under a conditional use permit and is certified by the Washington State Department of Transportation. Mr. Johnson reported that there are opportunities to continue and expand the uses of the property in its current designation. Therefore, the Department recommends denying this petition without prejudice.
6. Keith Johnson's second amendment request seeks to include approximately 160 acres of property within the Mineral Resource Overlay (MRO). The property is located in the foothills south of Mount Vernon and east of Interstate 5, and is currently designated Industrial Forest-NRL and Secondary Forest-NRL. Part of the site is already used as a quarry for materials utilized in building forest roads on and contiguous to the site. The Department's recommendation is to proceed with the review of the petitioner's request for a Comprehensive Plan amendment.
7. Trillium Corp.'s amendment seeks to include within the MRO approximately 120 acres of a 16-acre property located south of the Grip Road and north and east of F&S Grade Road. This application contains a consultant analysis with detailed review of the resource on the property.

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This satisfies the requirements of the Comprehensive Plan and the Department recommends proceeding with the review of the petitioner's request for a Comprehensive Plan amendment.

8. Gary Lohman and Clay Imhoff seek to redesignate a parcel of property, approximately .20 acres in size and located within the Big Lake Rural Village, from Rural Village Residential to Rural Village Commercial. The Department recommends utilizing the community planning process in this regard, and consequently denying the petition without prejudice.

A discussion ensued regarding Hearings Board compliance issues in regard to the Big Lake area.

9. C. Roger Sahlin's application seeks to redesignate several parcels of property totaling approximately 42 acres and located just each of Similk Bay, from Rural Reserve and Secondary Forest-NRL to Rural Intermediate. This land is held in fee title and is located on the Swinomish Indian Reservation. The application states that the redesignation is justified primarily on the basis of the existence of lot sizes smaller than 2-1/2 acres to the south and to the east of the subject property. The department's recommendation is to deny this petition without prejudice, and to consider this as part of the community planning process with the Swinomish Reservation, where a joint planning process has been started.
10. Scott Morgan seeks to redesignate approximately 2.6 acres of property in the Blanchard area from Agriculture-NRL to Small Scale Recreation and Tourism. The property houses a plant nursery and display garden permitted under a 1998 Home Occupation special use permit, but the business is out-growing the conditions of the permit. The owners believe the property would be more appropriately designated as Small Scale Recreation and Tourism. The Department recommends that a review needs to take place during the mandated 2002 Comprehensive Plan review, and that the application is therefore untimely. For more immediate relief, the applicants could apply for a new special use permit that would provide the greater flexibility they are seeking to expand their business. The Department's recommendation is to deny this petition without prejudice.
11. John DeVliieger's application seeks to include within the Mount Vernon Urban Growth Area property totaling approximately 34 acres, located south of the Mount Vernon city limits and west of Old Highway 99 and the Burlington Northern Railroad. The property is currently designated Ag-NRL. Upon inclusion within the UGA, approximately 8 acres of the property would be proposed for residential designation, with the remaining approximately 26 acres proposed for Commercial/Limited Industrial designation.

Mr. Johnson stated that the Department believes there may be long-term merit to the proposed amendment in terms of anticipated transportation improvements and logical extension southward of the Mount Vernon Urban Growth Area for commercial/industrial purposes. Given the Department's priorities and resources, and the imminence of the 2002 Comprehensive Plan review and update, the application is not timely. Therefore, the Department's recommendation is to deny this petition without prejudice.

12. Mount Vernon School District's application proposes to add approximately 10 acres of land owned by the Mount Vernon School District to the Mount Vernon Urban Growth Area. The property is currently designated Ag-NRL. The property is located immediately south of the southern Mount Vernon City limits and Urban Growth Area boundary and just west of Old Highway 99 and the Burlington Northern Railroad tracks. The property is immediately south of approximately 24 acres of property owned by the Mount Vernon School District and located within the UGA and city limits. The Department's response to this amendment is the same as to Amendment #11 above. Although there may be long-term merit to the proposed amendment, given the Department's priorities and resources, and the imminence of the 2002 Comprehensive

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Plan review and update, the application is not timely. Therefore, the Department's recommendation is to deny this petition without prejudice.

13. City of Sedro Woolley's application seeks to redesignate approximately 25.6 acres of property located south of the City of Sedro Woolley Urban Growth Area and north of the Skagit River from Agriculture-NRL to Open Space. The application states that the Open Space designation would allow the City to seek a special use permit for outdoor recreational playfields on the leased site. The property is and apparently would remain in private ownership, with the City apparently seeking a long-term lease agreement. The application states that there is a growing and unmet need for recreational playfields for Sedro Woolley and County residents, and that the proposed designation and use is consistent with the property's location in the floodplain because no physical structures would be built on the site. Although the application may have merit, The Department recommends that the application is untimely and believes that the most appropriate time to address the issue is during the required 2002 review of Urban Growth Area boundaries in relation to the consideration of the Sedro Woolley Urban Growth Area.
14. William Wooding's application seeks redesignation of approximately 7.5 acres of property located on Havecost Road just outside the Anacortes city limits and Urban Growth Area, from Rural Resource-NRL to Rural Intermediate. A portion of the property is within the Mineral Resource Overlay. The application states that the redesignation is justified because the gravel pit on the property has not been in use for about 20 years and has exhausted its resources. Therefore, the property is no longer useful for natural resource purposes. The application notes that "existing surrounding parcels" have residential uses and densities similar to what is requested for the subject property.

Mr. Johnson advised that the proposed application is problematic for several reasons. It requests redesignation of the property to Rural Intermediate, however the densities of the surrounding properties do not support such a redesignation. Consequently, such redesignation would constitute a spot zone. The Department's recommendation is to deny the petition without prejudice.

15. Jack Cross's application, submitted on behalf of the Lake Cavanaugh Improvement Association, seeks redesignation of an approximately 8-acre parcel located on the southeast end of the lake Cavanaugh Rural Village from Rural Village Residential to Rural Village commercial. As discussed earlier, the Department's recommendation is to deny this petition without prejudice. However, given the strong show of support within the Lake Cavanaugh Rural Village to replace the lost commercial operation, as evidenced by both Lake Cavanaugh applications, and the hardship this loss has caused Lake Cavanaugh residents, the Board may want to give high priority to Lake Cavanaugh Rural Village community planning process when it reviews and prioritizes the GMA Implementation Work Program in the near future.

Mr. Johnson next reviewed three County –Initiated Technical Mapping Corrections. These are as follows:

16. William Hall requests correction of a technical mapping error affecting their property, which is approximately 28 acres in size and located west of the Rockport Rural Village and just north of the Skagit River. The requested redesignation is from Industrial Forest-NRL to Rural Reserve. The Department recommends proceeding with the review of the petitioner's request for a Comprehensive Plan technical mapping correction.
17. Lea von Pressentin has requested that a mapping correction be made to show two parcels in the Rockport Rural Village as Rural Village Commercial rather than Rural Village Residential. She indicates that there have been commercial uses on these parcels and on some of the surrounding parcels since the 1920s if not earlier. Mr. Johnson detailed the special conditions of both of the subject parcels, and reviewed the Department's recommendations in regards to each parcel.

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18. Dirk and Barbara Rozema have indicated that the Rural Marine Industrial designation on the Comprehensive Plan/Zoning Map for Rozema Boat Works in the Bayview Rural Village does not show all parcels of property that have been used by the company since its establishment in 1955. The Department supports a technical mapping correction to recognize those parcels where there are existing commercial/industrial structures or uses.

2. Miscellaneous

There were no miscellaneous items for discussion

PUBLIC HEARING – INTERIM DEVELOPMENT REGULATIONS (ORDINANCE NO. 17945) FOR THE TOWN OF CONCRETE URBAN GROWTH AREA.

Gary Christensen, Assistant Planning Director, reviewed the history of the Concrete interim development regulations and the subsequent recommendation by the Department that the County continue the interim ordinance (No. 17945) by simply re-adopting it following today's public hearing.

Chairman Wolden opened the public hearing.

Pat Hayden, Attorney for Concrete, reviewed the difficulties encountered by the Town in educating council members and retaining planning staff. He stated that the Interlocal Agreement with the County was on the agenda at the last Council meeting, and one person who lived in the UGA boundary had indicated that they did not want to pay for sewer, should it ever be required, so the Council opted to hold a public hearing to further explore these concerns. The solution was to schedule a public hearing for October 2. Gary Christensen, Planning Assistant Director, will attend the public hearing to help explain the County's position.

There being no further public testimony forthcoming, Commissioner Hart moved to close the public hearing. Commissioner Anderson seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Anderson moved to re-adopt the interim development regulations for the Concrete Urban Growth Area as recommended by the Planning Department. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Resolution to be provided by Staff at a later date.)**

MISCELLANEOUS.

1. Geoff Almvig of the GIS/Mapping Department, reviewed the exact duties contained in the proposed Professional Services Agreement with Joshua Greenberg. He reviewed a specific list of tasks that Mr. Greenberg would be responsible for. After Mr. Almvig's explanation, Commissioner Anderson moved to approve the Agreement with Joshua Greenberg, and Commissioner Hart seconded the motion. The motion passed unanimously. **(Contract No. 05055)**
2. Upon presentation of the Final Plat of Channel View, Commissioner Hart moved to approve same. Chairman Wolden seconded the motion, which passed unanimously. The Board signed the required plat map mylars.

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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**

Harvey Wolden, Chairman

Robert Hart, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

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