

**COUNTY COMMISSIONERS  
RECORD OF THE PROCEEDINGS  
MONDAY, NOVEMBER 26, 2001**

8:00 a.m. – 8:30 a.m.	Work Session – County Administrator’s Staff Meeting
8:30 a.m. – 9:30 a.m.	Work Session – County Administrator
9:30 a.m. – 10:00 a.m.	Commissioners’ Work Break
10:00 a.m. – 11:00 a.m.	Closed Record Appeal of a Level II Permit Review #PL01-0799 by Carlson Family Investments of the Hearing Examiner’s Decision Denying a Variance Request #PL01-0466 to Skagit County Code 14.24.530(2) Standard Riparian Buffers of the Critical Area Ordinance
11:00 a.m. – 11:30 a.m.	<b>Consent Agenda and Miscellaneous Items</b>
*T 11:30 a.m. – 12:00 p.m.	Public Hearing – To Consider Testimony Regarding an Application for Public Services Funding through a Community Development Block Grant (CDBG) to Assist the Skagit County Community Action Agency
1:30 p.m. – 2:00 p.m.	Commissioners’ Work Break
2:00 p.m. – 2:30 p.m.	Decision - Appeal by Mike Beverick of the Hearing Examiner’s Decision (PL00-0392)
2:30 p.m. – 3:30 p.m.	Executive Session – Personnel, Litigation and Land Acquisition
5:00 p.m. – 7:00 p.m.	Budget Work Session

The Skagit County Board of Commissioners met in regular session on Monday, November 26, 2001, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

**CLOSED RECORD APPEAL OF A LEVEL II PERMIT REVIEW #PL01-0799 BY CARLSON FAMILY INVESTMENTS OF THE HEARING EXAMINER’S DECISION DENYING A VARIANCE REQUEST #PL01-0466 TO SKAGIT COUNTY CODE 14.24.530(2) STANDARD RIPARIAN BUFFERS OF THE CRITICAL AREA ORDINANCE**

Daniel Cox, Associate Planner, Planning and Permit Center, reviewed the information regarding the closed record appeal of a Level II Permit Review of PL 01-0799 by Carlson Family Investments. The appellants are requesting that the Board of County Commissioners overturn the Hearing Examiner’s decision. The applicant is requesting a reversal which would allow them to proceed as if the property had a rural shoreline designation rather than rural.

He then reviewed the three possible options available to the Board:

- 1) The Board may remand back to the Hearing Examiner for further review.
- b) The Board may deny the appeal and affirm the Hearing Examiner’s decision.
- c) The Board may adopt their own findings and conclusions.

Chairman Anderson invited the appellant to testify, emphasizing that no further information can be presented for the record.

**RECORD OF THE PROCEEDINGS  
MONDAY, NOVEMBER 26, 2001  
PAGE NO. 2**

David Hough, Mount Vernon, Washington, stated that he is a land use consultant representing the Carlson family. He presented a map to the Commissioners showing the property within the rural village. They have outlined why they feel their request is reasonable and that it fits within the variance criteria. He then reviewed the variance criteria with the Board.

Mr. Hough emphasized that Mr. Carlson is not requesting special privileges but wants to be treated the same as other property owners. They are asking for clarification relative to the critical area standards and that they be treated the same as over 95% of the other properties in the Rural Village designation.

Al Carlson, 22304 Highway 9, Mount Vernon, provided the Commissioners with a brief overview and history of the property in question. He said they purchased this property in 1950. He also commented on the length of time it has taken and the criteria required by the Planning and Permit Center to proceed. He said he was told that it would be approved after they met the established criteria. Then, after meeting the criteria, he said he was told that the Planning Department made a mistake relative to setback requirements. They tried for several months to meet the further criteria through several methods. Again, the Planning Department denied the request. Dan Cox and staff have been helpful, but their hands are tied until the shorelines master plan re-designation can be done. They were told it would take about two years, but it has been one year already and no one has even been hired yet who can make this change. The Hearing Examiner said he didn't have the authority to make a decision on this, therefore, they are asking the Commissioners to overrule the Hearing Examiner.

Chairman Anderson asked Mr. Carlson why they did not apply during the window of opportunity provided when the moratorium was lifted in 1995?

Mr. Hough replied that in order to get density on the piece next to the lake they needed to cluster. The Carlson's own property up above and would move the smaller lot density near the lake. The clustering language was not approved until last year.

Chairman Anderson asked, looking at the way properties are laid out along the lake, why didn't they submit for a Comp Plan change?

Mr. Hough said the Comp Plan designation of Rural Village isn't a problem, but they can't do anything because of the Rural Shoreline designation. The Comp Plan and Shoreline designation requirements do not match.

John Moffat pointed out that the first variance criteria, which Mr. Hough read earlier, says that special conditions and circumstances exist which are peculiar to the land. Language in the same district generally applies to the zoning district, but in this case there is another set of designations that apply. It is the Shorelines Master Plan designation adopted in 1976. What the applicant is asking of the board is to treat it as if it is not in the shoreline district it is in. He said he was not aware of any case where it has been found that special circumstances for a variance have been met because property didn't have the zoning and land use regulations applying to it that the applicant wished that it had. He referred to the variance granted to Mr. Frizzell in Sedro Woolley. One of the special circumstances was that it was in an urban growth area. The judge ruled that this did not make it a special circumstance.

Mr. Hough responded to Mr. Moffat's comments. A rural village designation is different than an urban growth area designation, which is a general area that has been designated to become part of a city at some later date. This is actually a zoning designation. There are very limited properties that are affected by this.

Commissioner Munks asked why a property was designated rural when other properties around it were not? Was it because of the activity occurring on the property at that time?

**RECORD OF THE PROCEEDINGS  
MONDAY, NOVEMBER 26, 2001  
PAGE NO. 3**

Mr. Moffat said it was designated in 1976 when the County adopted the Shoreline Master Plan. No one really knows why it was given that designation at that time.

Mr. Hough stated that he worked in the Planning Department at that time and was the only one present who was there then. He then referred to a copy of a map in the appellant's application. It is extremely difficult to read that map and determine the line where the rural village versus rural designation is. In the 70's general designations were made and there weren't the mapping techniques that are used now. "We do have Norway Park to the north."

Commissioner Dahlstedt asked John Moffat if the only way they might look at this is if they were to modify the actual Shoreline Master Plan?

Mr. Moffat said yes.

Mr. Carlson interjected that if you look at the map that creates the original problem it is an interpretation of where rural and rural village designations are. He attended meetings with Commissioner Bud Norris and the other Commissioners at the time when this was discussed. It came as a real shock to he and his family in January when they found they did not meet the requirements for the riparian buffer.

Mr. Cox clarified the shoreline map for the Commissioners. The pre-application provided information that they were a rural village zoning designation. A small number of rural village designations have a shoreline designation as well. The shoreline issue came out in a timely fashion during the review process.

Mr. Hough said that part of the application includes information on the three lots north of the property. When they applied for building permits in the late 80's and early 90's they were considered rural residential. He then concluded his comments stating that he believes the application meets the criteria for a variance. The requirement to go through the process and get a shoreline amendment is very, very time consuming. It requires going to the State and opening up issues that the County probably should have opened up three, four, or five years ago.

Chairman Anderson closed the meeting and stated that the Commissioners would render a decision on the variance request on Monday, December 3 at 9:45 a.m.

**CONSENT AGENDA**

Commissioner Munks motioned to approve the Consent Agenda as listed. Commissioner Dahlstedt seconded the motion, which passed unanimously.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, November 19, 2001.
2. Resolution Approving Skagit County Tax Levies for 2002.

**INFORMATION SERVICES:**

3. Addendum No. 1 to Personal Services Agreement with Cevian Technologies to increase the scope of work to cover application development, testing, design and more. It also adds language for Geographic Information Services software support. No additional compensation has been added. **(Contract No. 05417)**

**RECORD OF THE PROCEEDINGS  
MONDAY, NOVEMBER 26, 2001  
PAGE NO. 4**

**RISK MANAGEMENT:**

4. Addendum No. 6 to Personal Services Agreement with Summit Law Group to add additional legal staff to the firm. All other terms and conditions of the original contract shall remain in effect. **(Contract No. 03474)**

**YOUTH AND FAMILY SERVICES:**

5. Personal Services Agreement with Antonia Franco to present a workshop titled "Hispanic Mother-Daughter Program on February 22, 2002. Compensation shall total \$2,000, which includes car-rental, travel, and hotel. **(Contract No.005530)**

**PUBLIC WORKS DEPARTMENT:**

6. Resolution regarding Notice of Road Closure – Colony Road, No. 24000, at Mile Post 0.70, East of State Route 11, December 11 through 12, 2001. **(Resolution No. 18494)**

**MISCELLANEOUS**

1. 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, November 26, 2001, the Board, by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 109292 through 109902 from Clearing Fund 696 in the total dollar amount of \$1,008,675.56 (Transmittal No. C-80-01);

Payroll warrants numbered 87906 through 89149 in the total dollar amount of \$968,986.24 (Transmittal No. P-46-01);

Payroll warrants numbered 956108 through 956197 in the total dollar amount of \$87,848.20 (Transmittal No. P-47-01).

2. Chal Martin, Public Works Director, presented an Emergency Resolution to the Commissioners that would allow the removal of beaver dams at Lake McMurray because of minor flooding and property damage. Commissioner Munks motioned to approve a Resolution declaring that an emergency exists effective Monday, November 26, 2001 at 3:00 p.m. to remain in effect until the condition has been stabilized and hereby authorizes the expenditure of drainage utility funds as required to meet the emergency. The action is in accordance with RCW 77.55.100 and WAC 173.27.040(2)(d). **(Resolution No. 18495)**

**PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING AN APPLICATION FOR PUBLIC SERVICES FUNDING THROUGH A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TO ASSIST THE SKAGIT COUNTY COMMUNITY ACTION AGENCY**

Chairman Ted Anderson opened the public hearing, introducing Bill Shuler, Executive Director, Skagit County Community Action Agency.

Mr. Shuler explained to the Commissioners what the CDBG grant funding is about, stating that the plan is to continue with the kind of services they are providing in pretty much the same manner. A very small portion of the money goes to the administrative portion of the program,

**RECORD OF THE PROCEEDINGS**  
**MONDAY, NOVEMBER 26, 2001**  
**PAGE NO. 5**

about 6% or 7%. In fact the entire administrative costs to the agency are about 6%. Many programs benefit from CDBG funding, with some of them being low-income housing needs, and the homeless shelter, which is scheduled to reopen this week. He talked about the Chore Program, which enables many seniors to stay in their homes. Mr. Shuler provided handouts, available in both English and Spanish.

Chairman Anderson asked Mr. Shuler about his concerns relative to the cutbacks coming from the State, which will impact agencies on the local level.

Mr. Shuler said he was concerned, however, the program generates some private funding and relies heavily on volunteers. He said they have a great working relationship with the County and Cities and work with the Bar Association and a whole network of folks.

Ann Coleman, President of the Community Action Agency Board of Directors, stated that she appreciates all of the help the Commissioners have given as well as the help received from other people in Skagit County. She is very concerned about the Chore Program because it so directly affects the people she is concerned about. So many people, if they are unable to stay in their homes, don't have the money to live elsewhere. Another big program is taking care of the housing for families. The money comes from all over and still it seems like it's never enough. With the critical needs this year these services will be more critical than ever.

Commissioner Anderson said one thing that makes it so effective is that the community delivers the service with such a small overhead. He said the thing he is most proud of is the fact that Community Action cuts through the red tape. He thanked everyone for their hard work.

Commissioner Munks said when he took office in January he did not have any direct knowledge of the work of the Community Action Agency. He was really amazed to find out what they do with people in crisis. i.e. families in crisis, whether single parent or dual parent families. What Community Action does in Skagit County is unbelievable. He said he attended the Heroes Award event where people were honored for their volunteerism. Other than that, these volunteers receive little recognition.

Commissioner Dahlstedt said he thinks it is great to see all the things Community Action has done. It is unfortunate that with the budget constraints those who need help the most will be the ones to suffer the most. He emphasized that the Commissioners are behind Community Action. He noted how the County is being forced to put a lot of dollars into programs like buffers, GMA and other mandated requirements, etc.

Jerry Kaufman, 16502 Country Club Drive, Burlington, stated that he grew up with the Community Action Agency. He provided a historical perspective relative to the agency, noting that it began with Commissioner Bud Norris over 20 years ago. He said that he has been president three or four times in the last 21 years. Community Action began with three programs, and now have thirty. They work to get people back to work and doing the things they want to do.

John Hamsted, 21547 Wylie, Fir Island said, as past President and a member of the board, he felt that Chairman Anderson stated it best, that this agency takes a dollar and makes it do so many things. Ninety-three cents on the dollar goes to direct services, which is incredible.

Commissioner Munks motioned to approve a resolution authorizing the submittal of an Application for Public Services Funding through a Community Development Block Grant (CDBG) to assist the Community Action Agency. Commissioner Dahlstedt seconded the motion, which passed unanimously. (**Resolution No. 18496**)

**DECISION – APPEAL BY MIKE BEVERICK OF THE HEARING EXAMINER’S  
DECISION (P00-0392)**

Chairman Anderson indicated that he was not present at the appeal by Mike Beverick of the Hearing Examiner’s Decision relative to P00-0392 and, therefore, would not take part in any discussion or vote.

Commissioner Munks stated that he spent a lot of time reading all of the submitted material. The bottom line is whether or not an error has been made by the Hearing Examiner. After carefully considering the material, he said he does not believe the Hearing Examiner was in error and, therefore, he cannot overturn the Hearing Examiner’s decision.

Commissioner Dahlstedt stated that he has significant concerns about dairy farms and, as they are closing down, the potential for utilization. He said he does not see that the Commissioners have any evidence that would enable them to overturn the Hearing Examiner.

Commissioner Munks then motioned to uphold the decision of the Hearing Examiner in the matter of the Mike Beverick appeal (P00-0392). Commissioner Dahlstedt seconded the motion, which was carried. As noted above, Commissioner Anderson abstained from voting.

**ADJOURNMENT**

Commissioner Munks made a motion to adjourn the proceedings. Commissioner Dahlstedt seconded the motion, which passed unanimously.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

\_\_\_\_\_  
Ted W. Anderson, Chairman

\_\_\_\_\_  
Kenneth A. Dahlstedt, Commissioner

\_\_\_\_\_  
Don Munks, Commissioner

ATTEST:

\_\_\_\_\_  
Jean Terry, Acting Clerk of the Board  
Skagit County Board of Commissioners