

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MAY 14, 2002**

- 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. **Public Works Department – Chal Martin, Director**
1. Discussion – Review of Agenda for Ag Buffer Public Information Meeting Scheduled for Tuesday, May 14, 2002, 6:00 p.m. at the Burlington-Edison High School Gymnasium
  2. Discussion - Proposed Letter for Board Signature to the Trust for Public Land Regarding Knudson Property Acquisition
  3. Miscellaneous
- \*T 10:00 a.m. – 11:00 a.m. **Planning & Permit Center - Tom Karsh, Director**
1. Instream Flow Rule/Private Water Rights Discussion
  2. Set Date and Time to Consider and Deliberate the Planning Commission’s Recorded Motion Recommending Amendments to Skagit County Code 14.02 Applicability and 14.28 Concurrency, Which Address Concurrency Review for Projects Located Within Municipal Urban Growth Areas
  3. Discussion – City of Anacortes and County Revised Urban Growth Area Interlocal Agreement
  4. Miscellaneous
- 11:00 a.m. – 12:00 p.m. Decision - Appeal No. PLOO-0034, Resolution No.7827 Hooper al. v. Skagit County and Frizzell
- 1:30 p.m. – 3:30 p.m. Work Session – Skagit County Planning & Permit Center Planning and Growth Management Budgeted Tasks for 2002
- 3:30 p.m. – 4:30 p.m. Work Session- Skagit County Emergency Medical Services Executive Board
- 6:00 p.m. – 7:30 p.m. Ag Buffers Public Information Meeting, Burlington-Edison High School Gymnasium (301 North Burlington Boulevard, Burlington, WA)

The Skagit County Board of Commissioners met in regular session on Tuesday, May 14, 2002, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

**Public Works Department – Chal Martin, Director**

1. **Discussion - Review of Agenda for Ag Buffer Public Information Meeting Scheduled for Tuesday, May 14, 2002, 6:00 p.m. at the Burlington-Edison High School Gymnasium..**

Chal Martin, Public Works Director, discussed the agenda for the Ag Buffer Public Information meeting scheduled tonight, May 14, 2002 at 6:00 p.m. at the Burlington-Edison High School gymnasium. The information that will be given to the participants concerns the deadline to qualify for the County-funded Conservation Reserve Enhancement Program (CREP) signing bonus and new information about buffering waterways on agricultural lands.

2. **Discussion – Proposed Letter for Board Signature to the Trust for Public Land Regarding Knudson Property Acquisition.**

Mr. Martin next discussed the proposed letter addressed to The Trust for Public Land for the Knudson property acquisition, which was originally placed on the Consent Agenda for Monday, May 6, 2002, at which time it was decided that further discussion was warranted.

Mr. Martin said Skagit County is interested in pursuing the development of a partnership with The Trust for Public Land for the purpose of securing the acquisition of property known as the Knudson Family Trust. The 200 acre property is located along the Swinomish Channel and falls within the “foot print” of the Swinomish Diversion alternative of the Skagit River Flood Damage Reduction Project. Mr. Martin indicated that the Knudson property is also a key parcel included in the Telegraph Slough Evaluation Area Feasibility Study, which is part of the Skagit County Critical Area Ordinance. Skagit County is expecting the Telegraph Slough area to rank high on the prioritization list and is interested in pursuing the salmon and other wildlife habitat restoration opportunities associated with this property.

Commissioner Anderson said that if the land acquisition is for the sole purpose of the proposed flood bypass project, he would vote against it out of principal, because this is not how County government is supposed to function. Meetings are being held all over the County as well as outside the County without the Environmental Impact Statement being completed. The Board has never voted on which option they intend to go with. “If the Board votes to select the flood bypass option prior to the completion of the EIS, then so be it. At least the issue would have been voted on. But to vote on acquiring property prior to a decision is not the way it should be handled.”

Mr. Martin said because they are still trying to look for ways to mitigate for the delta buffer exemption, the immediate issue is to provide a start for the mitigation process by using this parcel. In the future it could be key to the flood diversion channel.

Commissioner Anderson said if this parcel is purchased without direction or a formal position from the Commissioners and especially without a completed EIS and no buyoff from tribal interests, it is a waste of taxpayer dollars.

Mr. Martin said they considered several months ago purchasing other property further inland within the proposed “foot print” of the diversion channel and decided not to pursue it due to the very issues being raised by Commissioner Anderson. He added that this particular area next to the Swinomish Channel is ripe for a new salmon habitat area and also falls within an evaluation area for the critical areas ordinance.

Commissioner Anderson asked if it would benefit the salmon as much as the marina the Tribe plans on putting in.

Mr. Martin said there is an issue of just how much it would benefit salmon. It is not clear to him what role the Swinomish Channel plays in salmon restoration. He thinks it will provide good new salmon habitat if they can get the salmon south of La Conner back into the channel and up north where they have historically gone.

Commissioner Anderson said it must not be very good salmon habitat because Tribal interests want to develop the property on their side, including a marina and an industrial park. With their interest in salmon, they certainly wouldn’t want to interrupt the habitat, therefore it must not be a high priority on their list.

Commissioner Dahlstedt said the County had made a commitment in earlier ordinances, which dealt with the evaluation areas. He added that those areas may or may not fit into a flood project, depending what is determined by the EIS. At the present time, the County is looking at several options that have to do with requirements on the flood by-pass project, however, until an EIS is

completed there is no project to vote on. At some point the County would need to bring an agreed upon option to the public as they need to have information about what is being considered.

Commissioner Dahlstedt moved approve the letter to The Trust for Public Land regarding the acquisition of property known as the Knudson Family Trust. Commissioner Munks seconded the motion.

Commissioner Munks said he feels the Knudson property near the slough is a key area when looking at mitigation and possibly, restoration land. There is a lot of possibility in terms of tying-in with other sloughs in the area. A tremendous amount of projects have been done for fish mitigation and the County gets very little credit for having done them. Millions of dollars have been spend doing mitigation for fish projects, however, every agency along the way disagrees with each decision that is made. If the property weren't for sale, the County would have no interest in it. Because it is for sale, it is critical for the County to obtain the property so that it is not developed.

Mr. Martin stated that the property owner still needs to agree to sell to The Trust for Public Land who would in turn sell it to the County. There are no guarantees that the County would eventually end up owning the property.

Commissioner Anderson said it is agricultural property and therefore has no development rights. What the Tribe proposes to do with their property has nothing to do with the Knudson property. Skagit County's zoning codes prohibit development on agriculture land. To have the idea that someone can come in and develop the property just because the Tribe has developed agricultural land across the river simply doesn't hold water.

He added that the flood bypass project has never been voted on as the chosen alternative. He suggested letting the EIS stand on its own, evaluate the options and then pick the one that makes the most sense.

Chairman Munks read the motion that was on the table. Commissioner Anderson voted no on the proposed letter to The Trust for Public Land. The motion was carried. **(Approved)**

3. **Miscellaneous.**

Several items were presented as follows:

- A. An update was given on the Virginia Doty property. The river bank is so unconsolidated that even with the river being low, the house is in danger of going in it. Mr. Martin spoke with the State Department of Emergency Management regarding the Hazardous Mitigation Grant Program. They advised talking with the State Office of Community Development to obtain a letter stating Skagit County is in compliance with GMA. Mr. Martin said that is impossible, however, the attempt was made. One of the requirements is to hold a public meeting, which will be taking place tomorrow night. Other property owners have been contacted who may be interested in the program. DEM states that unless Skagit County is in compliance and has a letter stating this from OCD, Skagit County is ineligible for hazardous mitigation grant funds at this time.

Commissioner Anderson asked why they would make that decision. The County has done a lot of hazard mitigation and never been in compliance.

Mr. Martin responded that DEM is citing an RCW that has to do with getting grants for public facilities. Legal staff said that doesn't prohibit us from submitting a grant. However, due to the fact that there is so much bad blood, he feels that in the event a grant was submitted that OCD and DEM would guarantee its denial.

Commissioner Anderson asked when the policy shifted as over the years the program has been allowed.

Mr. Martin said that in the last round of grants, all of the available money was not spent. One of the criteria for success is to spend all the Federal money that is granted. All of the money awarded wasn't spent due to the fact that the County was embroiled in GMA litigation and didn't have the staff time to do what was necessary for the program.

Steve Flude said the rules changed when a new CFR came out within the last 24 months, which states that when the Federal government, through FEMA, passes on the Federal money to each State, the State can then put whatever conditions they deem appropriate on the money.

Mr. Flude said the County is also being told by the State Department of Emergency Management staff that not only do we have to have GMA compliance for the Hazard Mitigation money, but in the future there needs to be a Hazard Response Plan in place, which is a huge bureaucratic endeavor.

Mr. Martin said the Board should have been briefed on this latest mandate at the last Emergency Management Council meeting. He sees it as a new general fund requirement that has the possibility of being a several hundred thousand dollar a year consultant commitment.

Commissioner Anderson said with this attachment set up, Skagit County will never be eligible for hazard mitigation money. By the time the County nears GMA compliance, mandatory reviews are required, which then opens it back up for the radical environmental groups that want to appeal everything. He said he feels that ten years from now, the County will still be struggling to come into GMA compliance. The statute to comply is a huge hurdle.

Mr. Martin said a letter will be drafted to be signed by the Board to the appropriate Federal agencies. His department will continue to move forward with the Hazard Mitigation Program, just to keep the door open.

- B. Mr. Martin then spoke of the Federal requirement for a Hazard Mitigation Plan, which is a new general fund requirement for 2002-2003. He was under the impression that Tom Sheahan, Emergency Management Director, had already briefed the Board as well as the Emergency Medical Council. He fears it could be a huge requirement.

Chairman Munks said Mr. Sheahan had indeed discussed with the Board how much the program would cost. It is a mandate, with no funding venue from the State to implement the program.

Mr. Martin said they will be taking a harder look at it as in Skagit County where we get so many floods, we will definitely have to come into compliance. We don't have the option of being ineligible to receive Federal hazard reimbursement.

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- C. Mr. Martin advised the Board that the Public Works Department has recently lost one Water Quality Analyst position and will be losing another position at the end of June. The Public Works Department has struggled to implement a Water Quality Monitoring program that has supplied very important data. The program is presently in two pieces; piece one is the required monitoring due to the new critical areas ordinance and the second piece is the monitoring that is being done in the Samish Basin in order to gain knowledge of the implications the flow of that water into Padilla Bay has on the shellfish beds. There is controversy surrounding the monitoring, including accusations of improper protocol and the collection of false data. In his perspective, Mr. Martin feels that if data could be collected from the same sites for a long enough period of time, then there would be scientific data that could actually be used. Watershed planning in Skagit County needs to move forward and those efforts are currently underway.

Mr. Martin said they would like to see one of the Water Quality Analyst positions filled in order to continue the program. Grant funding may be obtained for part of the effort, however, a good portion of the position would need to be funded out of the general fund.

Chairman Munks agreed with Mr. Martin and added that the importance of the monitoring program is to gather true science and end speculation. It is also important to identify any problems and resolve any issues. The information that is gleaned from the monitoring program will be public information.

Commissioner Anderson was in concurrence and asked Mr. Martin to discuss the position with Roy Atwood, County Administrator.

Commissioner Dahlstedt mentioned that because all of the municipalities are drawing their water from the river that maintaining testing from a safety and health aspect is prudent on our part to ensure the standards are safe. Anything that can be done to prevent a problem before it starts is good for all of the citizens, therefore he is also supportive of continued monitoring.

- D. Mr. Martin next discussed the Edison SRT. He said the local office was approached about the difficulties the SRT was causing with the local community. They wanted to see if the office would agree to drop the SRT to zero or to even close it. They were not supportive of either option and said that to do so would be against the law, per RCW 77 regarding the blockage of fish passages. Mr. Martin said there is a meeting scheduled at the end of the month with the Director of Fish and Wildlife to discuss this matter. The thought was maybe the pool behind the SRT could be dropped in order to lower the water levels, which would allow the farmers to work their fields. He doesn't feel that will happen now.

Chairman Munks said the important aspect of this decision is that with that sort of mentality, he will never vote to put another SRT in the County again.

- E. Several miscellaneous Surface Water Management projects currently being worked on were discussed with the Board. The proposed use of staff time for the projects was addressed as well.
- F. A proposed letter to Puget Sound Energy was presented to the Board for signature in support of PSE's request to use alternative licensing procedures for the relicensing application for the Baker River Hydroelectric Project, FERC No. 2150. Commissioner Dahlstedt motioned to approve the letter as outlined by Mr. Martin. Commissioner Anderson seconded the motion, which passed unanimously. **(Approved)**

Chairman Munks advised that at the next Anacortes City Council meeting, safety concerns will be addressed in regard to the Casino Drive/SR 20 intersection.

**Planning & Permit Center – Tom Karsh, Director**

**1. Instream Flow Rule/Private Water Rights Discussion.**

Tom Karsh discussed the Instream Flow Rule on the Skagit River and how it appears to effect the water rights for exempt private individual wells in the future. He then gave a brief background of the 1996 Memorandum of Agreement (MOA) between the County, City of Anacortes, PUD #1, the SSC Tribes, the Department of Ecology, and the Department of Fish and Wildlife.

The purpose of the MOA was to study the instream flow needs as well as the out-of-stream flow needs for the lower Skagit River (from where the water pipeline travels across the Skagit at Sedro Woolley), which set 50-year uninterruptible water rights. The MOA excluded the upper Skagit River (east of the water pipeline in Sedro Woolley) along with any restriction of continued drilling of exempt wells for private individual homes. The Instream Flow Rule doesn't specifically state that exempt wells are no longer exempt.

Mr. Karsh indicated that when the Planning Department reviews a development permit for completeness, they check to see if the applicant answers the question of "Do you have water and if so, do you have a certain quantity of water?". When the question of interruptible water rights arises, the department is unsure of how to help the applicant answer that particular question. Hopefully, by amending the existing Instream Flow Rule the question can be answered. A water right is necessary when drawing more than 5,000 gallons of water out of the ground per day for a single family residence. The concern is that with so many land divisions and commercial businesses that need water rights that would be interruptible flows, how would that affect future development, especially upriver, east of Sedro Woolley.

Discussion has taken place in executive session with County attorneys and the Public Works Department as part of pending litigation regarding a process called 2514, which is a State law that allows grants to be given to counties and groups of jurisdictions within a County to do watershed planning. There is currently a group, which was established in 1998 doing watershed planning on the Samish River. If the Board chooses to sign the proposed letter, the group would be asked to consider opening up the Instream Flow Rule for the upper Skagit, east of the water pipeline.

Commissioner Anderson said when this MOA came in front of the Commissioners in 1996, the City of Anacortes, Skagit County PUD and the Swinomish Tribe worked the Agreement out themselves. The County wasn't involved with the formation of the MOA until it came forward for the Board's signature. Commissioner Anderson elected to vote no on the Agreement and believes that then Commissioner Harvey Wolden decided not to sign it either.

The County was told that single family wells would be exempt, in addition to agriculture wells. Not once was it mentioned throughout the process that when an Instream Flow Rule is established, you then assign a water right to the river. The law states that you cannot impact an existing water right. The City of Anacortes, the PUD and the Tribe have to be concerned about supplying water to their customers. The issue is not about taking something from them. It is about not being able to have interruptible flows to single family wells.

Commissioner Anderson feels that what the County is asking for in terms of what has been outlined in the letter is very equitable. 17.2 cfs or 1,040 gallons a day per household very adequate. He added that there is between 200-210 cubic feet per second that is not allocated in the Skagit River. Previous Commissioner Robert Hart was told that the advantage of signing on to the Agreement would be that after an Instream Flow Rule was established, it would allow the formation of local water conservancy boards. In collaboration with the Department of Ecology, water rights would then be issued. This thought somehow disappeared. Skagit County has a responsibility to all citizens, especially rural well users. Expectations were dashed when a water right was assigned for the Skagit River. Washington Water Law says you can't impact an existing water right. This oversight needs to be corrected.

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Chairman Munks agreed and said it seems unrealistic that the County pays all the expenses for litigation and the requirements that go with the river but is prohibited from taking water out of it. He feels it is important that if there is interruptible water, a source of water be made available for all the people who live in the rural part of the County that have wells. This is not only for human consumption, but for livestock as well. It is important to protect the right of the water for rural citizens.

Commissioner Dahlstedt noted that the County's responsibility is to everyone. It is crucial to take care of all water rights. One item to note is that people who have a private well or an on-site septic system, the majority of the water recharges back into the river and 70-75% goes back into the system. Some users are 100% consumptive, which is harmful. Perhaps there needs to be more accountability for that. Commissioner Dahlstedt supports the fact that all citizens must have a continuous source of water. An agreement must be reached with the City of Anacortes, Skagit County PUD and the Swinomish Tribe to agree not to leave County citizens at risk, along with assuring a non-interruptible water flow. Commissioner Dahlstedt then challenged everyone to be responsible for their water usage so that water is not being wasted.

He then read the following letter.

Dear WRIA  $\frac{3}{4}$  Planning Unit Member:

We are writing on behalf of Skagit County's rural residents to seek your support to amend the Washington Department of Ecology's Skagit River Instream Flow Rule, Chapter 173-503 WAC. Skagit County seeks an amendment to the Instream Flow Rule that will ensure reliable water supply for domestic use by County residents outside of the current service areas of Skagit County water utilities, including the Skagit County PUD No. 1, the City of Anacortes, and other public water systems. Specifically, Skagit County proposes that the WRLA  $\frac{3}{4}$  Watershed Planning Unit request that Ecology modify the Instream Flow Rule to exempt from the application of the Rule up to 17.2 cubic feet per second of water for domestic use outside of the existing service areas, through wells exempt from permit requirements under RCW 90.44.050.

Amending the Instream Flow Rule is necessary to ensure an adequate, reliable water supply for County residents for whom another source of water is realistically not available. In addition, the amendment is necessary to make the Instream Flow Rule consistent with the 1996 Memorandum of Agreement between Skagit county and tribal, State and other local governments.

Skagit County asks your support in resolving this critical water resource problem in the spirit of collaboration and cooperation. Seeking an amendment of the Instream Flow Rule through the watershed planning process is the very kind of collaborative problem solving envisioned by the Legislature when it adopted the Watershed Planning Act, Chapter 90.82 RCW. The parties to the 1996 Memorandum of Agreement also committed to collectively resolve problems arising out of that Agreement without litigation.

Together, we can improve on the long, hard effort already undertaken to develop the Instream Flow Rule and move forward to create a framework through which the water needs of people and fish can both be met responsibly. The first step in that direction is amending the Instream Flow Rule to accurately reflect the needs of Skagit County rural residents who depend on exempt wells for domestic water supply and the agreement of the parties in the 1996 Memorandum of Agreement.

We look forward to working with you on this effort.

Sincerely,

Commissioner Dahlstedt then motioned to approve sending the letter and Commissioner Anderson seconded the motion, which passed unanimously. **(Approved)**

2. **Set Date and Time to Consider and Deliberate the Planning Commission's Recorded Motion Recommending Amendments to Skagit County Code 14.02, Applicability and 14.28 Concurrency, Which Address Concurrency Review for Projects Located Within Municipal Urban Growth Areas.**

Linda Kuller, Senior Planner, requested that a date for deliberation and review of the Planning Commission's recorded motion regarding Western Washington Case No. 01-2-0022 be established. The recorded motion recommends amendments to Skagit County Code 14.02 Applicability and 14.28 Concurrency, which address concurrency review for projects located within municipal Urban Growth Areas.

It has been suggested to hold a public meeting for the Board to review the Planning Commission's recommendation.

Commissioner Anderson motioned to approve holding a public meeting on Tuesday, May 28, 2002 at 10:00 a.m. for the purpose of deliberating on the Planning Commission's recorded motion regarding Western Washington Case No. 01-2-0022. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Approved)**

3. **Discussion – City of Anacortes and County Revised Urban Growth Area Interlocal Agreement.**

Mr. Karsh gave a brief review of the Urban Growth Area Interlocal Agreement with the City of Anacortes and the County. He explained that for a number of years there has been an Interlocal Agreement with the City of Anacortes that speaks to a number of issues that need to be agreed upon regarding administering development regulations within the county UGA's that lie adjacent to the City of Anacortes. The Interlocal Agreement also included sharing sales taxes before and after annexation of areas within the UGA's. There are now Interlocal Agreements in place with Sedro Woolley, Burlington, La Conner and Mount Vernon.

Mr. Karsh said there have been a number of matters that have come before the courts in recent months with a process in place to settle those issues. Two of the issues to be resolved through settlement are updating the framework agreement, which is the process by which the County and the cities agree on county-wide planning policies. In order to finalize that document, a Public Hearing is scheduled for June 4, 2002 where the Board may consider taking action. The cities have already reviewed the proposed framework agreement. The Town of La Conner and the County are the only two entities that haven't signed off on it. In the discussion with the cities, in particular with Anacortes, there was a desire to update the Interlocal Agreement. This will be the boilerplate for updating other Interlocal Agreements with the remaining cities and towns. The document has been discussed during executive session.

Chairman Munks said the Anacortes City Council discussed it last night and no action was taken.

Mr. Karsh proposed setting a Public Hearing for June 4, 2002 at 2:30 p.m. He added that a Public Hearing is not required, but is being suggested.

Commissioner Anderson moved to call for a Public Hearing on June 4, 2002 at 2:30 p.m. to take testimony on an Interlocal Agreement between Skagit County and the City of Anacortes. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Approved)**

4. **Miscellaneous.**

Kendra Smith, Assistant Planning Director, reported that under the Shoreline Master Program Act, the Department of Ecology adopted a rule mandating Skagit County to update the Shoreline Master Program, which has been under appeal for various procedural sections. The current Shoreline Master Program was adopted in 1976 and needs to be updated to comply with Skagit County codes as well as with the Growth Management Act. Ms. Smith explained that this process takes time, money and energy to complete. Therefore, when a Coastal Zone Management Grant became available, the department applied for it. Notice was recently given that Skagit County will receive \$40,000, which is the highest amount ever given in the region, to begin the process. An update of the full coastline was photographed by air and transferred to CD's, which will save the department a lot of work.

**DECISION – APPEAL NO. PL00-0034, RESOLUTION No. 7827, HOOPER AL. V. SKAGIT COUNTY AND FRIZZELL.**

Commissioner Dahlstedt advised that he has reviewed all of the information pertinent to this appeal with the County's legal counsel as well as the Planning and Permit Center. Commissioner Dahlstedt then made the following oral motion:

I think the decision on this variance application has to go back to what Mr. Frizzell asked for and was given by the City in 1997 when he got his outside Sewer Agreement. That Agreement, in Exhibit C, specifically allowed the sewer extension if he subdivided his lot as long as neither of the resulting lots was under 7,200 square feet in size and if he could get approval from the County for such a lot size variance. This Sewer Agreement and the 7,200 square foot minimum were recognized by the County Commissioners in Resolution No. 17827 as a special circumstance warranting the variance. However, as found by the court, the County committed an error by assuming that the abutting cul-de-sac on Thresher Avenue could be included in the lot size calculations. Between 1997, when the Sewer Extension Agreement was signed, and May of 1999 when Mr. Frizzell applied for his variance, the City's rules changed and a private road right-of-way was no longer allowed to be used in the lot calculations (as evidenced in the letters from the City, in the record as Exhibits 44 and 46). Additionally, in March of 1999, the County entered into an Interlocal Agreement with Sedro Woolley and adopted its development regulations (including its variance criteria) within the unincorporated urban growth area, where this property is located. When this matter came before the court, the court ruled that the County had to apply the laws in effect in May of 1999 when Mr. Frizzell filed his variance application with the County. Those laws include the City standards and criteria. As indicated in the two 1999 letters from the City, the lot sizes may not be calculated based on inclusion of the road area. Although there is some dispute as to the size of the resulting lots that would be created by the requested variance without the road right-of-way, even the Applicant's representative agreed that each would be below 6,000 square feet. Since that is over 15% below the minimum lot size of 7,200 square feet, authorized by the Outside Sewer Agreement with Mr. Frizzell, I don't see that Mr. Frizzell meets any special circumstances that would allow a lot size variance to that degree.

I note further that one of the special circumstances cited by the Board in its approval of this variance in 2000 was the presence nearby of other lots smaller than the lots proposed then, which were incorrectly assumed by the County to be 7,385 and 7,777 square feet in size, using the cul-de-sac area in the lot size calculations. However, there is no evidence in the record of lots nearby below 6,000 square in size that would justify the granting of this variance. Granting Mr. Frizzell a variance would therefore grant him a special privilege not enjoyed by other residents of the area and would be detrimental to the neighborhood.

For the reasons stated above, I believe Mr. Frizzell has failed to meet the requirements for a variance and I would vote to deny the request.

Chairman Munks seconded the motion, which was carried. The variance is denied.

**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS**  
**SKAGIT COUNTY, WASHINGTON**

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Don Munks, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

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JoAnne Giesbrecht, Clerk of the Board  
Skagit County Board of Commissioners