

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 25, 2005**

- 8:00 a.m. – 8:30 a.m. Discussion/Possible Action – Agricultural Variance Request PL04-0551 by Goodyear Nelson Hardwood Company to Divide a Home Site of Approximately 4 Acres From a 92-Acre Parcel of Which 80 Acres is Zoned Ag-NRL and 12 Acres is Zoned Rural Reserve
- 8:30 a.m. – 9:00 a.m. Discussion/Possible Action – Agricultural Variance Request PL04-0239 by Seattle City Light to Divide a Parcel of Approximately 40 Acres Into Two Lots – One About 30+ Acres to be Used for Habitat Conservation; the Other Less Than 10 Acres for a Home Site
- **T** 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director
1. Presentation – Certificate of Commendation for Public Service for Charles M. Tewalt, Supervisor District Maintenance, District #3
 2. Miscellaneous
- **T** 10:00 a.m. – 10:30 a.m. Presentation – Community Awareness Emergency Response Team
- 10:30 a.m. – 11:30 a.m. Closed Record Appeal of the Hearing Examiner's Decision Submitted by Charles Scheid Regarding the Denial of a Request For a Reduction in Setbacks (PL04-0560)
- 11:30 a.m. – 12:00 p.m. Discussion/Possible Action – Planning Commission Recommendation to Approve Two Proposed Comprehensive/Zoning Map Amendments Known as Karma Gardens and 12 Acres of Rural Marine Industrial as Well as a Corresponding Language Modification to the Comprehensive Plan

The Skagit County Board of Commissioners met in regular session on Tuesday, January 25, 2004, with Commissioners Don Munks and Kenneth A. Dahlstedt present. Commissioner Ted W. Anderson's absence was excused.

DISCUSSION/POSSIBLE ACTION – AGRICULTURAL VARIANCE REQUEST pl04-0551 BY GOODYEAR NELSON HARDWOOD COMPANY TO DIVIDE A HOME SITE OF APPROXIMATELY 4 ACRES FROM A 92-ACRE PARCEL OF WHICH 80 ACRES IS ZONED AG-NRL AND 12 ACRES IS ZONED RURAL RESERVE.

Marge Swint, Associate Planner, stated that the variance request by Goodyear Nelson Hardwood Company is to allow for the creation of an approximate 3.5 – 4-acre parcel with an existing homesite out of an approximate 92-acre parcel in the Agriculture-NRL and Rural Reserve zone. The subject property is located on the south side of the South Skagit Highway, just east of Highway 9. The Skagit River is located across the road. Ms. Swint provided maps and photographs of the area in question.

Ms. Swint indicated that the Department of Planning and Development Services recommends that the Board approve the recommendation of the Hearing Examiner and sign the forthcoming Resolution.

Commissioner Dahlstedt motioned to adopt the recommendation of the Hearing Examiner to allow for the creation of an approximate 4-acre parcel with an existing home with a portion of the remaining agricultural zoned land to be placed in an Agricultural Use Covenant. Chairman Munks seconded the motion, which carried. **(Resolution No. R20050)**

DISCUSSION/POSSIBLE ACTION – AGRICULTURAL VARIANCE REQUEST PLO4-0239 BY SEATTLE CITY LIGHT TO DIVIDE A PARCEL OF APPROXIMATELY 40 ACRES INTO TWO LOTS – ONE ABOUT 30+ ACRES TO BE USED FOR HABITAT CONSERVATION; THE OTHER LESS THAN 10 ACRES FOR A HOME SITE.

Brandon Black, Associate Planner, stated that on September 14, 2004, Seattle City Light filed a variance request from Skagit County Code Section 16.16.860(2)©(iii), which requires a maximum lot size of one acre for preservation of agricultural lands. The proposed project would divide a parcel of approximately 40 acres into two lots – one a little less than 10 acres in size to be retained by the current owner, Mr. VanderSar, and the remaining 30+ acres would be purchased by Seattle City Light for salmonid habitat conservation purposes. The subject property is located at 28947 South Skagit Highway, Sedro-Woolley. Mr. Black provided maps and photos of the areas in question.

Mr. Black indicated that the Department of Planning and Development Services recommends that the Board approve the recommendation of the Hearing Examiner and sign the forthcoming Resolution.

Commissioner Dahlstedt motioned to adopt the recommendation of the Hearing Examiner and allow the variance as outlined by Mr. Black. Chairman Munks seconded the motion, which carried (**Resolution No. R20050**)

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Miscellaneous.

Public Works Administrator Dave Brookings discussed the following items:

- Mr. Brookings said severe erosion is occurring near Moen Road, east of the Town of Concrete, which is affecting two properties. He said he visited the Thunderbird area yesterday and took several aerial photographs, which he shared with the Commissioners. The natural erosion is being created due to log jams that are diverting the water. Mr. Brookings explained that the log jams cannot be removed as it is considered to be a wild and scenic river. Therefore, the County doesn't have the ability to fix the problem unless it takes one of the roadways.
- Mr. Brookings presented three items, which will be included in the County's submittal for State Department of Ecology funding for the Flood Control Assistant Account Program. They are the Hamilton PDA/County Flood Prone Property Study; the Skagit River Feasibility Study; and the Sauk River Flood Management Plan (joint submittal with Snohomish County.) The Commissioners approved these submittals in the ranking order of priority as presented.
- FEMA Flood Insurance Rate Map Modernization Program – A quick overview was provided of the Federal program and how it will relate to Skagit County. Staff is preparing a letter for the Board's signature, which indicates that Skagit County wants to be an active participant in the planning, development and implementation of the program. The County is interested in seeing the project generate more accurate maps than what currently exists. Mr. Brookings said he would like to see Skagit County receive a larger appropriation of funding given the high risk that exists for future damages.

2. Presentation – Certificate of Commendation for Public Service For Charles M. Tewalt, Supervisor District Maintenance, District #3.

Public Works Director Chal Martin presented a Certificate of Commendation to Charles Tewalt and thanked him for providing over 22 years of dedicated service to Skagit County. In Mr. Tewalt's distinguished career, he has been the Road Superintendent, ERR/Ferry Manager and the District 3 Road Supervisor. Mr. Martin said that in each of the positions, he brought a level of professionalism and dedication of the highest order.

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Cliff Butler, Dave Brookings and Tom Sheahan each shared their experiences of working with Mr. Tewalt. Chairman Munks mentioned that Commissioner Anderson always relied on Mr. Tewalt for information regarding the upriver area and has especially been appreciative of the years he has been involved with the infrastructure and people of the 3rd District. Commissioner Dahlstedt wished Mr. Tewalt well in his future endeavors with the City of Mount Vernon. Chairman Munks thanked Mr. Tewalt for the initiative and dedication he brought to the job.

Mr. Tewalt thanked everyone present and said he has enjoyed the years he's spent with Skagit County and is grateful for the chance to work with such excellent employees.

3. Miscellaneous.

Mr. Martin presented two letters that are being sent to Senators Val Stevens and Harriet Spanel, Representatives Dan Kristiansen, Kirk Pearson, Jeff Morris and Dave Quall. He explained that the City of Mount Vernon and Skagit County are working cooperatively to develop joint infrastructure projects, which will benefit all citizens throughout the region. Mr. Martin said the County and the City are working cooperatively to put their local funds into these projects up front; however, additional help is needed. As it is the desire of both parties to enlist the State as a partner, the letters are being sent to formally request their help in funding the following projects:

- a) The Anderson Road interchange with La Venture Avenue.
- b) Construction of a parking facility in downtown Mount Vernon.
- c) The improvement of Fruitdale Road and McGarigle Road to support the annexation and expansion of Janicki Industries.

Commissioner Dahlstedt motioned to approve the letters as outlined by Mr. Martin. The motion was seconded by Chairman Munks, which carried.

PRESENTATION – COMMUNITY AWARENESS EMERGENCY RESPONSE TEAM.

This item was postponed due to the illness of the presenter and will be rescheduled at a later date.

CLOSED RECORD APPEAL OF THE HEARING EXAMINER'S DECISION SUBMITTED BY CHARLES SCHEID REGARDING THE DENIAL OF A REQUEST FOR A REDUCTION IN SETBACKS (PL04-0560).

Chairman Munks listed the parameters of the closed record appeal process.

Carly Ruacho, Associate Planner, provided a description, location, summary, background and recommendation for the proposed project.

It was brought to the attention of those in attendance that neither the applicant, Charles Scheid, nor his representative, David Hough, were present for the closed record appeal. As Mr. Hough was in the building attending to other business, he was asked to join the proceedings.

Mr. Hough stated that he and Mr. Scheid did not received notice of the closed record appeal and therefore, would be unable to testify in front of the Commissioners. Mr. Hough formally asked for a continuance on this matter.

After discussing what options were available with Don L. Anderson, County's Chief Civil Prosecutor, it was recommended that those citizens present who would like a chance to speak before the Board be allowed to do so.

Kenneth Muzzy, 34865 South Shore Drive, Mount Vernon, said he is strongly opposed to this request. He feels the appeal should be denied and property should be restored back to its original condition. He submitted a letter for the record.

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John Santucci, 34214 North Shore Drive, Mount Vernon, stated that he is an adjoining property owner. His property continues to be damaged by the excavation work being performed by Mr. Scheid. He is concerned for the safety of his children and asked that the appeal be denied an extension.

Commissioner Dahlstedt made a motion to continue the closed record appeal until Tuesday, February 8, 2005, at 2:00 p.m. The motion was seconded by Chairman Munks and was carried.

DISCUSSION/POSSIBLE ACTION – PLANNING COMMISSION RECOMMENDATION TO APPROVE TWO PROPOSED COMPREHENSIVE/ZONING MAP AMENDMENTS KNOWN AS KARMA GARDENS AND 12 ACRES OF RURAL MARINE INDUSTRIAL AS WELL AS A CORRESPONDING LANGUAGE MODIFICATION TO THE COMPREHENSIVE PLAN.

Ms. Ruacho explained that the Karma Gardens proposal is a landowner initiated Comprehensive Plan and Zoning Map Amendment to redesignate a 2.6 acre parcel currently zoned as Agricultural-Natural Resource Lands to Rural Business. This would be to recognize the longstanding commercial nature of the site including the most recent occupant known as Karma Gardens.

Commissioner Dahlstedt motioned to approve the Comprehensive/Zoning Map Amendment known as Karma Gardens. The motion was seconded by Chairman Munks and passed. **(Resolution No. R20050037)**

Ms. Ruacho stated that the Rural Marine Industrial (RMI) proposal is a County initiated Comprehensive Plan and Zoning Map Amendment to redesignate 12 acres of RMI located south of Josh Green Lane, south of P95975, north of the Highway 20 right-of-way and east of the Swinomish Channel, to either Rural Reserve or Agricultural-Natural Resource Lands, both of which are previous zoning designations for this property. There is also a proposed modification to section 4A-15.6(a) of the Land Use Element of the Skagit County Comprehensive Plan that will delete the existing reference to this property as designated RMI.

Ms. Ruacho indicated that the Department of Planning and Development Services recommends approval of the redesignation of all the proposed properties.

Commissioner Dahlstedt moved to approve the Comprehensive/Zoning Map Amendment described as 12 acres of RMI and corresponding language modification to Section 4A-15.6(a) of the Land Use Element of the Skagit County Comprehensive Plan. The motion was seconded by Chairman Munks and passed. **(Resolution No. R20050038)**

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
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