

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, November 18, 1997**

- 7:30 a.m. – 8:30 a.m. Commissioner's Staff Meeting.
- 8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/Road District Supervisors.
- *T 10:00 a.m. – 11:00 a.m. Planning Department – Roxanne Michael and Tom Karsh, Co-Directors.
- 1) Signature – Call for Public Hearing to Discuss Adding a Chapter to the Skagit County Code (Chapter 10.22) Which, If Adopted, Would Enact a Junk Vehicle Nuisance Ordinance.
 - 2) Discussion and Possible Adoption of Memorandum of Understanding Between Skagit County and the City of Burlington to Implement the Urban Growth Area.
 - 3) Miscellaneous.
- 11:00 a.m. – 11:30 a.m. Consideration of Hearing Examiner's Recommendation for Approval of the following:
- 1) Timber Open Space Application for Property owned by Suzanne Christianson, consisting of 9.04 acres located at 2213 A&B Tyee Road, Mount Vernon;
 - 2) Timber Open Space Application for Property owned by Douglas and Denise Lenz, consisting of 9.05 acres located at 2213 Tyee Road, Mount Vernon; and
 - 3) Agricultural Variance for Malvert Hampel for Property located at 622 Farm-to-Market Road, Mount Vernon.

The Skagit County Board of Commissioners met in regular session on Tuesday, November 18, 1997, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

PLANNING DEPARTMENT – Roxanne Michael and Tom Karsh, Co-Directors.

1. Signature – Call for Public Hearing to Discuss Adding a Chapter to the Skagit County Code (Chapter 10.22) Which, If Adopted, Would Enact a Junk Vehicle Nuisance Ordinance.


Tom Karsh, Co-Director, introduced Jon Schmidt, Code Compliance Officer, who has been working on a revised junk vehicle ordinance.

Mr. Schmidt outlined problems with junk vehicles and stated that the ordinance on the books is currently deemed unconstitutional and, therefore, it is necessary to revise the Skagit County Code.

Commissioner Anderson noted that this is timely and it is time to move ahead to work in tandem with the various cities throughout the County.

Mr. Schmidt indicated that Paul Reilly, Civil Litigator, has participated in the development of this document.

Commissioner Anderson moved to call for a public hearing on December 2, 1997 at 2:00 p.m. to consider adding a chapter to the Skagit County Codes regarding junk vehicles. Commissioner Hart seconded the motion, which passed unanimously. **(Resolution No. 16751)**

2. Discussion and Possible Adoption of Memorandum of Understanding Between Skagit County and the City of Burlington to Implement the urban Growth Areas. 

Kendra Smith, Senior Planner, explained the changes to the document that the Board received late last week. She detailed the indemnification clause.

RECORD OF THE PROCEEDINGS

Tuesday, November 18, 1997

Page #2

Margaret Fleek, Burlington Planning Director, explained that Mayor Tjeerdsma had not signed the Agreement yet, but that the City Council had passed a resolution approving the execution of the document.

Ms. Fleek expressed her concern regarding the Growth Management Act and the need for a clear letter regarding pending annexations by the City of Burlington. She made several comments on the Gages Slough area and the intent of the City to develop Best Management Practices for the clean-up of the slough. She indicated that the City wants to become full-time partners with the County to conserve shared resources. She further discussed related liability issues.

A discussion ensued regarding a wetlands management monitoring study on the slough.

Ms. Fleek thanked the Planning Department for their assistance in the development of this interlocal agreement.

Commissioner Anderson moved to approve the Interlocal Agreement between Skagit County and the City of Burlington, subject to obtaining the signatures from the City of Burlington. Commissioner Hart seconded the motion, which passed unanimously. **(Contract No. 03699)**

3. Miscellaneous.

Mr. Karsh and the Board discussed the procedures for reviewing the petitions of landowners requesting map designation changes. Gary Christensen, Senior Planner gave a brief overview of the preparations that have been made to date.

CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL OF THE FOLLOWING:

1. Timber Open Space Application for Property owned by Suzanne Christianson, consisting of 9.04 acres located at 2213 A&B Tyee Road, Mount Vernon;

Marge Swint, Planning Staff, reviewed the exact location of the subject property. Commissioner Anderson moved to approve the application as presented by Ms. Swint. Commissioner Hart seconded the motion, and it passed unanimously. **(Resolution No. 16752)**

2. Timber Open Space Application for Property owned by Douglas and Denise Lenz, consisting of 9.05 acres located at 2213 Tyee Road, Mount Vernon;

Ms. Swint reviewed the exact location of the subject property. Commissioner Hart moved to approve the application as presented, and Commissioner Anderson seconded the motion. The motion passed by a unanimous vote. **(Resolution No. 16753)**

3. Agricultural Variance for Malvert Hampel for Property located at 622 Farm-to-Market Road, Mount Vernon.

Ms. Swint reviewed the exact location of the subject property.

Chairman Wolden indicated that there needs to be a conservation easement established, but that the Hearing Examiner did not include this provision in his findings. Chairman Wolden stated that this is totally against County policy, and that only an unusual circumstance would allow two building lots to be granted.

Commissioner Hart clarified that the Hearing Examiner has allowed two building sites.

A discussion ensued on the propriety of this request and the propriety of establishing a second building site.

Oscar Graham, Edison, reviewed a sequence of events leading to this variance request. He detailed the hardships associated with the topography of the subject property. Mr. Graham stated that there are special circumstances associated with this request, and that there are not many properties in the County that share this circumstance. Mr. Graham outlined similar variances that have been granted under this special type of

circumstance, so this would not be granting a special privilege to the property owner. Mr. Graham stated that in his opinion the granting of this variance is in keeping with the intent of the County code. He indicated that the property owner should not be encumbered by a conservation easement on this parcel. Further, the Hearing Examiner's written order articulates clearly how this complies with the County Code and that it makes good common sense as well.

Mel Hampel, 1158 Bisquet Ridge, Mount Vernon, stated that he is the applicant for this variance, and he reiterated Mr. Graham's comments. Mr. Hampel reviewed the history of this family farm, and his intentions for the land for the future.

Chairman Wolden asked for clarification of the purpose of the separation of the subject five acres.

Mr. Hampel stated that this type of separation has been done in the past and conforms with the rules and regulations of the County. He indicated that he wants this separation so one of his sons could have the opportunity to live on the family farm.

Commissioner Wolden stated that this is a very unusual request and is generally not permitted. He stated that everyone lives under the 40-acre minimum lot size in the area of this farm. He stated that he is in favor of proceeding with the separation, but only if a conservation easement were imposed on the remaining property.

Commissioner Anderson stated that the best way to preserve agricultural land is to preserve the farms, and that there is a need to allow generational farming. He further indicated that this is a unique circumstance. Mr. Anderson stated that he did not see how agricultural land is being taken away when the 5 acres in question is covered with buildings and barns, and that very little profit has been made from this 5 acres for several years. Commissioner Anderson stated that the County needs to look for ways to assist farmers. He further stated that lot size does not always fit every situation.

Commissioner Wolden stated that this is a unique particular piece of property and it should not be separated out because it does not keep the agricultural property in a form where it can be farmed.

Commissioner Hart indicated that he could not support the establishment of another building site.

Ms. Swint stated that another circumstance earlier this year was done in the Conway area.

Commissioner Anderson stated that he likes conservation easements to be voluntary, and not forced on property owners.

Chairman Wolden stated that as long as the County has a Comprehensive Plan, the Board must adhere to it in their rulings.

Mr. Graham indicated that this application was submitted prior to the adoption of the Comprehensive Plan. He stated that there may be alternatives and middle ground to be reached. Mr. Graham stated that there is an opportunity for the land to be shortplatted within the extinguishing of residential development rights, and that might be an acceptable alternative to the conservation easements being suggested.

Bob Rose, Skagitonians to Preserve Farmland, stated that there is a basic equity question with this request. He stated that using topographical determinations in these situations is good, but creating an additional building lot is not desirable.

Commissioner Hart stated that he is not willing to go forward with the Hearing Examiner's recommendation, but does agree with the Staff recommendation for a conservation easement in this situation.

Commissioner Anderson stated that this is a constant source of irritation for him that groups force individual land owners to enter into conservation easements. He stated that this is a classic example of how "voluntary" these programs really are.

RECORD OF THE PROCEEDINGS

Tuesday, November 18, 1997

Page #4

Chairman Wolden moved to overturn the Hearing Examiner, and adopt the findings and recommendations contained in the Staff Report. Commissioner Hart seconded the motion. Commissioners Hart and Wolden voted in favor of the motion; Commissioner Anderson voted "nay". The motion passed. **(Resolution to be provided by Staff at a Later Date).**

MISCELLANEOUS

Alicia Huschka, Budget Manager, presented a resolution calling for a public hearing regarding property taxes for the 1998 budget year. She explained that this public hearing is necessary due to the recent passage of Referendum 47 which requires Skagit County to hold a special public hearing to increase property tax revenues by resolution. Commissioner Anderson moved to approve the resolution as presented by Staff. Commissioner Hart seconded the motion, which passed unanimously. **(Resolution No. 16754)**

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