

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Wednesday, June 23, 1999**

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| 8:00 a.m. – 9:00 a.m. | Executive Session – Personnel, Litigation and Land Acquisition. |
| 9:00 a.m. – 10:00 a.m. | Work Session – Cook Road Improvement Project. |
| 10:00 a.m. – 11:00 a.m. | Discussion and Possible Action – Continued Deliberations after Public Hearing regarding an Interim Ordinance for Short Conservation and Reserve Development (CaRD). |
| 11:00 a.m. – Noon | Discussion and Possible Action – Stipulated Agreement regarding Growth Management Act (GMA) Issues. |

The Skagit County Board of Commissioners met in regular session on Wednesday, June 23, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

DISCUSSION AND POSSIBLE ACTION – CONTINUED DELIBERATIONS AFTER PUBLIC HEARING REGARDING AN INTERIM ORDINANCE FOR SHORT CONSERVATION AND RESERVE DEVELOPMENT (CaRD).

Kendra Smith, Assistant Director, reviewed the provisions of the proposed Interim Ordinance for Short Conservation and Reserve Development (CaRD) and the pertinent staff recommendations. She explained that the proposed ordinance is more restrictive than what is required by the Comprehensive Plan, as an interim ordinance is put together quickly and will be refined in the permanent ordinance. She spoke to the difficulty of adhering to 23 different Comprehensive Plan policies.

Chairman Anderson stated that under the direction of the Board, some of the specific language was asked to be stricken. He further commented on the clustering definition, which he stated is far too restrictive.

Commissioner Wolden pointed out some numbering errors in the draft ordinance.

Ms. Smith spoke to the Board's concerns regarding clustering, commenting that the definition of clustering will be addressed more fully during the creation of the long plat division ordinance. She commented on the grouping of homes in a rural environment.

Commissioner Wolden suggested that rather than clustering all in one area, the ordinance should allow for a mix of the positioning of homes.

Ms. Smith discussed protecting resource lands, and the provisions for buffering which will come forward with the long plat division ordinance.

Chairman Anderson discussed specific applications of the ordinance that were not advantageous to property owners or the topography of the land.

Commissioner Hart commented that it seems like the most egregious problems to date have been in taking too much of a literal interpretation at the administrative level. He stated that he could see this interim ordinance as a starting point, but that each site is unique and needs to be reviewed for the lay-out of the land and driveway access, together with the administrative ability to review these items and make determinations that are appropriate.

Chairman Anderson stated that from his position, the purpose of this ordinance is not to cluster houses, but is a conservation and reserve development ordinance. He stated that it is unfortunate that many people now think CaRD means clustering.

Commissioner Wolden concurred with Commissioner Anderson's comments, stating that clustering is only a small element of this ordinance.

Chairman Anderson indicated that the issue seems to be that the ordinance as written forces individuals into clustering homes.

Ms. Smith briefly reviewed the purpose of clustering, noting the intent to minimize utilities and roads in the rural areas.

Commissioner Wolden stated that the ordinance is too wordy, and questioned the necessity of taking out the references to the Comprehensive Plan.

Marge Swint, Associate Planner, explained the process of administrative decisions and the cumbersome process of defending Comprehensive Plan policies in regards to flexibility and defining rural character. She stated that this takes an enormous amount of staff time in writing reports and defending policies that are somewhat vague and overbroad. She explained that this is the reason for taking the Comprehensive Plan language out of the ordinance and allow the process to be streamlined.

Chairman Anderson argued that the policies of the Comprehensive Plan are not vague, and asked the Department to make administrative calls to the property owner's advantage when the interpretation is clear.

Commissioner Hart stated that the interim ordinance attempts to allow development to happen with adherence to the code on an interim basis, but if a request makes sense at an administrative level, the property owner should be able to go forward with their plan. He commented on the different problems and concerns of different sites. He stressed the need for more than literal interpretation of the ordinance at the administrative level.

Ms. Swint commented that there are always pre-application meetings with property owners to determine what is needed. She stated that the direction Staff was given was that clustering was the preferred method of handling these situations. She stated that the Comprehensive Plan policies are so vague, that Staff has ended up spending a large amount of time interpreting applications in relation to the Comprehensive Plan policies. She stated that the administrative process would be faster and smoother without the references to the Comprehensive Plan.

Ms. Smith discussed the access to properties and the problems associated therewith.

Ms. Swint presented an analysis of Short CaRD, indicating that there have been 19 short plats applied for of which five are CaRDs. She stated that interest is increasing and that turnaround time has been quick, once the status letter is sent to the applicant.

Commissioner Wolden suggested some language changes that would remove the words "clustering shall be the preferred method," and stated that there are too many redundancies in the ordinance.

Ms. Smith countered that the language is necessary to convey to the property owner the standards that are required.

Commissioner Wolden confirmed that the Comprehensive Plan allows for Short CaRD subdivisions.

Ms. Smith stated that there is no requirement to reference the Comprehensive Plan in ordinances. She stated that if the clustering language is removed, the County would immediately be appealed, and this would take Staff time away from their work on the Development Code.

Commissioner Hart stated that the interim ordinance is not getting the County where it was intended to go with the Short CaRD. He reiterated the need to get on with developing permanent ordinances with complete language that can be defended upon appeal. He commented on the need to do away with a "one size fits all" type of ordinance.

Commissioner Wolden concurred that it is time to get an ordinance in place that can be defended. To that end, he moved to approve the Interim Ordinance for Short Conservation and Reserve Development (CaRD), correcting the numerical order as explained to Ms. Smith, and with deletion of the clustering option under 14.08.116(3). Upon call for the question, Chairman Anderson voted "nay" and Commissioners Hart and Wolden voted in favor of the motion. The motion passed.

Ms. Smith stated that the Ordinance would be prepared and submitted to the Board for their approval on the Consent Agenda next week.

DISCUSSION AND POSSIBLE ACTION – STIPULATED AGREEMENT REGARDING GROWTH MANAGEMENT ACT (GMA) ISSUES.

Tom Karsh, Planning Director, stated that this is a follow-up to conversations held last week regarding a settlement agreement with Friends of Skagit County for a cease-fire relating to Growth Management Act (GMA) matters. He distributed to the Board a proposed Settlement Agreement in this regard.

Jay Derr, Legal Counsel, Buck & Gordon, reviewed the specific provisions of the document presented to the Board. He stated that the key provisions contain an agreement to put on hold the multiple appeals now pending before the Western Washington Growth Management Hearings Board (WWGMHB). He stated that the agreement does not state that Friends of Skagit County ("Friends") is right and the County is wrong, but will allow time for completing the Development Code and Comprehensive Plan compliance measures. Consequently, the entire document can then be appealed, rather than the piece-by-piece appeals that have occurred in past months. Mr. Derr detailed the topics contained in the agreement, including the Commercial/Industrial designations, Critical Area Ordinance, Mineral Resource Ordinance, and 1997 Comprehensive Plan Amendments.

Chairman Anderson confirmed with Mr. Derr that both parties, Friends and the County, had tentatively agreed to the provisions of this document.

Mr. Derr then detailed the specifics of each of the topics and the process for proceeding after the Agreement is in place, and the aggressive schedule for completing many of the items.

Commissioner Hart stated that it is important to have a public process and not have stipulated agreements with individuals as we go along. He stated that he would rather get the Development Code completed and not have staff working on these individual issues.

Commissioner Wolden indicated that he had no further comments, adding that this Agreement does not take anyone's rights away.

Chairman Anderson stated that he had not changed his opinion, and that his major objection is the Critical Area Ordinance and the lack of parity among different property owners with no compensation for loss of agricultural activities in rural areas. He stated that he cannot live with the Critical Area Ordinance.

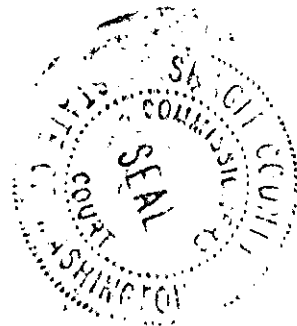
Commissioner Hart moved for approval of the Settlement Agreement as explained by Mr. Derr. Commissioner Wolden seconded the motion. Upon call for the question, Commissioners Hart and

Wolden voted for the motion, and Commissioner Anderson voted "nay." The motion passed, and the Agreement was approved. (Contract No. 04468)

ADJOURNMENT.

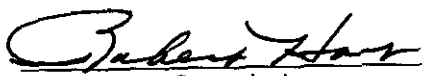
Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**





Ted W. Anderson, Chairman


Harvey Wolden, Commissioner


Robert Hart, Commissioner

ATTEST:


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