

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
FRIDAY, JUNE 20, 2003**

- 8:00 a.m. – 10:30 a.m. Deliberations Following Public Hearing – Amended Draft Revision to Skagit County Code to Protect Critical Areas and Lands in On-Going Agriculture Under the Growth Management Act
- 10:30 a.m. – 11:30 a.m. Public Hearing – To Consider Proposed Ordinance to Renew Interim Ordinance No. O20030001, Dealing With Compliance Issues in WWGMHB Case Nos. 00-2-0046c and 00-2-0049c

The Skagit County Board of Commissioners met in regular session on Friday, June 20, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson, and Don Munks present.

DELIBERATIONS FOLLOWING PUBLIC HEARING – AMENDED DRAFT REVISION TO SKAGIT COUNTY CODE TO PROTECT CRITICAL AREAS AND LANDS IN ON-GOING AGRICULTURE UNDER THE GROWTH MANAGEMENT ACT.

As this meeting was deemed as being a work session, no minutes were taken, however, a digital recording was made

PUBLIC HEARING – TO CONSIDER PROPOSED ORDINANCE TO RENEW INTERIM ORDINANCE NO. O20030001, DEALING WITH COMPLIANCE ISSUES IN WWGMHB CASE NOS. 00-2-0046C AND 00-2-0049C.

Linda Kuller, Senior Planner, provided background information. She stated that this ordinance refers to certain interim controls that are in effect related to Rural Marine Industrial (RMI) designated properties. The proposed ordinance would impose certain controls restricting applications for the open space reserve CaRD designation and it would restore the lot aggregation provisions of former Skagit County Code 14.04.195. In addition, the ordinance would restrict County action on some Comprehensive Plan amendments. The notice of availability indicated that Skagit County recently adopted several ordinances including O20030016 related to CaRD issues and O20030014 related to RMI issues to make permanent amendments to Skagit County Code. These will not be effective until they are found to be in compliance by the Growth Hearings Board. Ms. Kuller added that, depending on what happens between now and when the Board makes a decision on this ordinance, the interim controls may not need to be renewed in those areas.

Staff has recommended that public testimony be heard today and then deliberations and action will take place at 10:00 a.m. on Tuesday, July 8, 2003. This ordinance expires July 9, 2003.

Commissioner Anderson asked Ms. Kuller to outline the status of the County's lot aggregation ordinance. She explained that prior to the year 2000 there was a lot aggregation ordinance in place. When new codes were adopted, the County tried to move away from lot aggregation to some general provisions allowing development on substandard lots of record. This was appealed, but County felt strongly that it was in the best interest of the property owners to move away from the aggregation policy. The issue then went to Superior Court, and the judge took a preliminary review of the County's case and said the County was not in compliance with the Growth Management Act and would most likely rule against the County. The County and the parties that sued decided to enter into settlement negotiations. Negotiations took place and it appeared the issues were resolved. The settlement language was provided to the public at a public hearing. There were some questions from the real estate community so the Planning Department was directed to go back and work on those issues. Consequently, some of the parties took a second look and decided that they were not in favor of some of the provisions that they had originally approved. Several drafts of the proposal were circulated. Those drafts went to the Planning Commission, and they remanded it back to the Department to rework some of the lot aggregation provisions. That is taking place now. In addition, there is a Request for Proposal (RFP) that will hopefully bring a consultant on board to assist with reviewing the number of substandard lots across the County.

John Moffat, Prosecutor's Office, said that when the County entered into the settlement discussions, the rules during this discussion period, had to be clarified. It has now been almost a year and a half. The first ordinance was signed in January of 2002 and that was when the old lot aggregation provisions were re-instituted for the interim. These provisions have been renewed every six months with a few changes in the language. Comprehensive Plan amendments have been liberalized and there are also two versions of the RMI and the CaRD ordinances due to the fact that we now have permanent ordinances. If we get stipulations from the parties to allow those provisions to take affect right away then, we will not need to wait for the Hearings Board to find them in compliance since they haven't been challenged. We will know the answer on July 8, 2003. This will basically keep the status quo in place. Mr. Moffat stated that the main issue to be resolved is still lot aggregation.

Chairman Dahlstedt asked if in the overall planning procedures with the cities, it has been identified that 20% of the growth will be within the rural areas, and 80% of the future growth will be in the cities. Mr. Moffat said that information is in our CPPs. Chairman Dahlstedt said that if there is an increase of 60,000 in population over the next 20 years, then 20% of that would be approximately 12,000 people. There has been speculation that there could be 5,000 potential lots in the rural area, and it seems that at 2.5 persons per lot, that amounts to about 12,500 people. There is disagreement about having all of these lots out there; however, it would require that many lots just for project growth. Otherwise, these lots would need to be transferred from the existing land owners and put into Urban Growth areas.

Mr. Moffat said one reason for the proposal to have a consultant look at that issue is to determine how many building lots there are in the County.

Chairman Dahlstedt said that the goals and objectives that have been set as a result of public input are not possible without having the lots to assimilate that growth.

Mr. Moffat said that once the information is available, it can be used to determine where growth is going to go.

Commissioner Anderson indicated that one of the hard issues for him is that the County has programs for agricultural land negotiated through our Farmland Legacy Program to sell development rights, and they have legal lots of record based on these parcels. The County thought a settlement had been reached on the lot aggregation issue and at the last minute it was decided not to agree to what had already been agreed upon. People are suffering while we go through this process.

Chairman Dahlstedt opened the public hearing.

Carol Ehlers, Fidalgo Island, expressed her ongoing interest in lot aggregation. She stated that she sold her water right to remove herself from any conflict of interest, so she now has two lots of record that are de facto aggregated. Ms. Ehlers discovered that if you have lots of record you cannot aggregate them with parcels that happen to be acreage by definition. Lot aggregation is done based on a date of March 1, 1965. It has no bearing on the condition of the lot, the size of the lot, the nature of the lot, whether there is water provided to the lot or any other infrastructure to the lot, strictly a date. Ms. Ehlers feels that is unequal and unjust. It is also based on the assumption, as written, that it applies to contiguous property, but it doesn't. It applies to contiguous property within a plat. She stated that part of the difficulty is the way the law was written, but it was also based on the fact that nobody knew what these parcels really were. The Planning Commission asked that parcels be look at in 1992, however, David Hough said that would take too long. The Assessor's office and the Planning Department use different language and different references in the codes. She has been through the Assessor's files and unable to tell from them whether property was aggregated or not. Ms. Ehlers said that the original ordinance in January 2002 referred to by Mr. Moffat was fairly clear, except for the lot aggregation portion. She added that now that interest rates have gone so low, one of the chief investments is land. Lot aggregation in Skagit County allows some property owners to sell and not others. Ms. Ehlers cited several examples. She also spoke about the water system issues in the interim ordinance that came before the Planning Commission. In the ordinance that was remanded back, there was an agreement that if a party had a contract with a water system to provide water they were obligated to pay for the cost of infrastructure for that water system. The cost of a water system is being disregarded by FEMA. The principal of having growth management was to deal with

infrastructure and the relationship of infrastructure to a piece of property. Ms. Ehlers added that if the property owner has paid for the infrastructure they should be able to use it.

T. G. Young, 27506 Burmaster Road, Sedro-Woolley, stated that her family owns a dairy farm. They have twelve certified building lots, which were approved to be built upon. In 2000, there was a stray voltage problem on her dairy farm, resulting in a loss of over half of their herd. The family decided to sell two of their building lots in order to survive. The two potential buyers only wanted five acres each instead of the ten acres. They were advised by the Planning Department they didn't have any building rights on the property. The Commissioners Office told them they were working on the issue. Ms. Young urged the Commissioners to make a decision.

Commissioner Anderson moved to close the public hearing. Commissioner Munks seconded the motion and the public hearing was closed.

Commissioner Anderson made a motion to come back for a decision on Tuesday, July 8, 2003 at 10:00 a.m. Commissioner Munks seconded and the motion passed unanimously.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:

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