

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 25, 2003**

- 8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/Road District Maintenance Supervisors
- *T 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Gary Christensen, Assistant Director
1. Public Hearing – Renewal of Interim Ordinance O20030022, Restoring the Lot Aggregation Provisions, Related to Western Washington Growth Management Hearings Board Case 00-2-0046c
 2. Miscellaneous
- 1:00 p.m. – 2:00 p.m. Celebration of Skagit County's 120th Birthday (Mount Vernon Senior Center – 1401 Cleveland, Mount Vernon)

The Skagit County Board of Commissioners met in regular session on Tuesday, November 25, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks present.

PLANNING AND PERMIT CENTER – GARY CHRISTENSEN, ASSISTANT DIRECTOR

1. Public Hearing – Renewal of Interim Ordinance O20030022, Restoring the Lot Aggregation Provisions, Related to Western Washington Growth Management Hearings Board Case 00-2-0046c.

Assistant Director, Gary Christensen, indicated that the public hearing was being held to consider renewing Interim Ordinance No. O20030022, relating to lot aggregations. The ordinance is due to expire on December 9, 2003 and the Department is recommending a 6 month renewal.

Kendra Smith, Assistant Director, stated that on July 8, 2003, Interim Ordinance No. O20030022, "Restoring the Lot Aggregation Provision of Former County Code 14.04.190(5) and Restricting County Action of Some Comprehensive Plan Amendments", was adopted. This was a continuance of subsequent Interim Ordinance Nos. R20020113 and R20020037 and Judge Allendoerfer's April 18, 2003 order. The County was found to be out of compliance with the adoption of the 2000 Development Code on Lot Aggregation, SCC 14.16.850(4), by the Western Washington Growth Management Hearings Board (WWGMHB) in Case No. 00-2-0046c.

Ms. Smith said the County worked in good faith to adopt an ordinance that would be agreeable to all parties and were unsuccessful with last minute changes. The County then received a Compliance Order from the WWGMHB on September 11, 2003, granting the County 180 days to reach compliance on the lot aggregation issue. She pointed out that Interim Ordinance No. O20030022 expires on December 9, 2003 and needs to be extended for a 6 month period unless a settlement agreement is reached before that time or the WWGMHB finds the County in compliance with a new ordinance.

Commissioner Anderson said he is not interested in negotiating with groups such as Friends of Skagit County. He feels the County needs to draft their own ordinance and present it to Judge Allendoerfer for critiquing.

Ms. Smith indicated that we are moving forward with our own ordinance, which is coming from the perspective of staff. A draft should be available in a few weeks; however, before it is given to Judge Allendoerfer it needs to receive the blessings of the WWGMHB.

Commissioner Anderson said he prefers to adopt a new ordinance instead of extending the Interim Ordinance. Ms. Smith stated that she had hoped to have the draft ordinance here today; however, with the departure of Civil Prosecutor, John Moffat, it was delayed.

**RECORD OF THE PROCEEDINGS
TUESDAY, NOVEMBER 25, 2003
PAGE NO. 2**

Commissioner Munks explained that when the Board voted to approve extending the Interim Ordinance on July 8, 2003 for another 6 months, they made it clear that it wouldn't be extended again. He said he would not vote for the extension but would adopt a draft ordinance.

Chairman Dahlstedt opened the public hearing for citizen comments.

Attorney, Paul Taylor, 20388 Eric Street, Mount Vernon, pointed out that the public hearing notice which was published is defective as it stated that written comments would be accepted until June 19, 2003, which is an incorrect date. He strongly feels that the aggregation ordinance is unnecessary and unconstitutional. He asked the Board to make sure the Planning Department and all attorneys involved follow the law.

Louie Requa, 806 Metcalf, Sedro-Woolley, cited Section 1 of Interim Ordinance No. R20020037, which states "During the period this Interim Ordinance is in effect, the former lot aggregation provisions of SCC 14.04.190(5) adopted by Ordinance No. 16291 shall apply to all lands within unincorporated Skagit County located outside of an urban growth area, provided that the NRL exception of former SCC 14.04.190(5)(d)(ii) shall not apply and further provided that the adjacent common ownership research shall only be required back to July 1, 1990, not March 1, 1965." After presenting two letters to the Board, which were sent by Grace Roeder, Associate Planner, Mr. Requa asked the Board to direct the Planning Department to research the issue to substantiate the information contained in the letters or else use information contained in the County code to proceed with development action.

Mr. Requa said he spent nearly six years on the Planning Commission and has been intimately involved with the Comprehensive Plan and the development process. The issue of lot aggregation was brought forward by the Planning Department and it was decided with large support that it should be sunsetted. There was a small interest group that didn't agree and because of that process the public is being subjected to all of this. Mr. Requa stressed the importance of letting people do what they are entitled to do under SCC.

Bob Rose, Skagitonians to Preserve Farmland, P. O. Box 2405, Mount Vernon, feels this is a tricky issue. He echoed the comments made by Mr. Taylor and indicated that clarity should be given on the lot aggregation issue as soon as possible.

Ellen Grey, Program Director for 1000 Friends of Washington, P. O. Box 2632, Mount Vernon, emphasized that her organization has not been a player in this issue. She stated that the Planning Commission is starting a process to look at the number of substandard lots in Skagit County. At one point, a memo was drafted by then Farmland Legacy Program Director, Rich Doenges, which identified nearly 5,000 lots located in the Ag zone alone. She urged the Board to at least approve the Interim Ordinance through January 2004. Ms. Grey feels confident that that a draft ordinance can move forward. She also noted that people live in Skagit County because of the forest and Ag lands; however, if you can't protect them as growth comes into the County, then you will eventually lose that quality of life.

Commissioner Anderson questioned the statistics cited by Ms. Grey regarding the number of substandard lots that are supposedly located in the Ag zone. He said it is critical to provide accurate information to the public.

Andy Young, 27506 Burmaster Road, Sedro-Woolley, expressed his frustration with the lot aggregation ordinance. He feels he has been ripped off as the Planning Department has indicated that his farm lots are useless.

Mr. Taylor asked that a new deadline be set for the acceptance of written comments.

As no further public testimony was forthcoming, Commissioner Anderson motioned to close the public hearing. Commissioner Munks seconded the motion, which carried. The public hearing was closed.

**RECORD OF THE PROCEEDINGS
TUESDAY, NOVEMBER 25, 2003
PAGE NO. 3**

Mr. Christensen suggested that the Board adopt Interim Ordinance No. O20030022 for an additional 90 days. He indicated that a draft ordinance would be provided by Staff within 30 days followed by a public hearing to be scheduled within 60 days. In addition, written comments would be accepted through Friday, December 5, 2003. He said during deliberations on Tuesday, December 9, 2003 at 10:00 a.m., the Board could either elect to retain or extend the current Interim Ordinance.

Commissioner Munks said he would buy off on the proposal but he isn't happy with it.

Commissioner Anderson motioned to allow public comment through December 5, 2003 and direct staff to come forward on December 9, 2003 at 10:00 a.m. with an outlined proposal of how to proceed with the ordinance at that point. Commissioner Munks seconded the motion, which passed unanimously.

2. Miscellaneous.

There were no miscellaneous items presented for discussion.

MISCELLANEOUS.

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

As of this date, November 25, 2003, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 156959 through 156972 from Clearing Fund 696 in the total dollar amount of \$205,497.66 (Transmittal No. C-03); and

Payroll warrants numbered 961146 through 961282 in the total dollar amount of \$158,485.51 (Transmittal No. P-43-03); and

Payroll warrants numbered 135271 through 136409 in the total dollar amount of \$987,272.79 (Transmittal No. P-44-03).

2. Staff presented a resolution providing a defense to Carolyn Spies, David Blane, Kenneth Dahlstedt, Ted Anderson, Don Munks, Thomas Seguine, and John Flowers in a lawsuit filed by Gordon Henderson.

Commissioner Anderson motioned to approve the resolution as outlined. Commissioner Munks seconded the motion, which passed with a unanimous vote. **(Resolution No. R20030388)**

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

**RECORD OF THE PROCEEDINGS
TUESDAY, NOVEMBER 25, 2003
PAGE NO. 4**

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:

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