

**Ordinance No. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE BAYVIEW RIDGE SUBAREA PLAN, EXPANDING THE URBAN GROWTH AREA, REZONING 502 ACRES FROM LIGHT TO HEAVY INDUSTRIAL AND AMENDING SKAGIT COUNTY CODE TITLE 14 TO COMPLY WITH THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD ORDER IN CASE NO. 07-2-0002**

**Whereas**, on December 5, 2006, pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW, the Skagit County Board of County Commissioners adopted Ordinance #O20060007, the Bayview Ridge Subarea Plan and development regulations; and

**Whereas**, portions of the Bayview Ridge Subarea Plan and the associated development regulations were challenged as noncompliant with the GMA; and

**Whereas**, the Western Washington Growth Management Hearings Board (WWGMHB) issued a Final Decision and Order (FDO) on August 6, 2007, (Case No. 07-2-0002), which, among other things, directs the county to adopt an updated capital facilities plan for the Bayview Ridge non-municipal urban growth area (UGA), a planning period and population forecasts for the Bayview Ridge UGA consistent with the 2005 update to the Skagit County Comprehensive Plan, minimum residential densities, and compliant transportation concurrency policies; and

**Whereas**, the County set forth for public review and comment two proposals (Proposal 1 and Proposal 2) addressing the compliance and invalidity issues identified by the WWGMHB in the August 6, 2007, FDO; and

**Whereas**, Proposal 1, which proposed amendments to the Bayview Ridge UGA sewer requirements in response to the WWGMHB order of invalidity, was adopted by the Skagit County Board of Commissioners on June 3, 2008, through Ordinance #O20080005; and

**Whereas**, the attached amendments to the Bayview Ridge Subarea Plan and SCC 14.04, 14.10, 14.16, 14.18, and 14.28 (packaged for public review and adoption as Proposal 2) address the remaining compliance issues identified by the WWGMHB in the FDO and ensure consistency between plan policies and development regulations; and

**Whereas**, the Skagit County Board of County Commissioners has adopted additional related ordinances to ensure the Bayview Ridge UGA is compliant with the GMA including: a) Ordinance #O20070003 amending Skagit County Code 14.32, the Drainage Ordinance, designating the Bayview Ridge Subarea a critical drainage area, in association with final approval of the Bay View Watershed Stormwater Management Plan; and b) Ordinance #O20070012 adopting the 2008-2013 Capital Facilities Plan; and

**Whereas**, the GMA encourages the involvement of citizens in the planning process, and imposes certain notice requirements on the County in its planning processes; and

**Whereas**, pursuant to RCW 35.70.390 and RCW 36.70.590 legal notices were published in the Skagit Valley Herald on April 10 and April 24, 2008; and

**Whereas**, on April 10, 2008, Skagit County issued a State Environmental Policy Act (SEPA) addendum and notice of availability and comment period for a proposal to amend the Bayview Ridge Subarea Plan and associated development regulations; and

**Whereas**, on April 10, 2008, Planning and Development Services (PDS) sent the proposed regulations to the state Department of Community, Trade, and Economic Development for 60-day review under RCW 36.70A.106; and

**Whereas**, on April 17 and April 30, public information meetings were held following mailed, emailed, newspaper, and web notice, consistent with Skagit County Public Participation Requirements, SCC 14.08.070; and

**Whereas**, on April 29, 2008, the Board of County Commissioners held an information session on the proposal; and

**Whereas**, on May 13, 2008, the Skagit County Planning Commission held a public hearing as scheduled and advertised and heard remarks from PDS staff and took testimony from the public; and

**Whereas**, on May 20, 2008, the Skagit County Planning Commission deliberated and voted to recommend approval of the proposed amendments to the Bayview Ridge Subarea Plan, map, and development regulations, with amendments as identified in the Recorded Motion; and

**Whereas**, the Skagit County Planning Commission issued a Recorded Motion, findings of fact, and recommendation on the proposal, Exhibit A incorporated by reference and attached hereto; and

**Whereas**, on June 24, 2008, the Board of County Commissioners deliberated on the proposal; and

**Whereas**, the Board of County Commissioners adopts the Planning Commission Recorded Motion, findings, and recommendations for all the amendments, and

**Whereas**, the Board of County Commissioners, upon review of the Planning Commission Recorded Motion, noted that the Board holds authority to determine the timing of capital improvement projects; and

**Whereas**, the proposal is consistent with the Skagit Countywide Planning Policies, the Skagit County Comprehensive Plan and the planning goals of the GMA, and is consistent with SEPA

(RCW 43.21C) as it is within the scope of alternatives considered in the supplement to the final environmental impact statement prepared in anticipation of this review and decision; and

**Whereas**, the Board of County Commissioners finds the amendments to the Bayview Ridge Subarea Plan, expansion of the UGA boundary, zoning changes, and amendments to the Skagit County Code in the best interest of the public health, safety, and welfare.

**Now Therefore Be It Ordained** that the Board of County Commissioners adopts the amendments to the Bayview Ridge Subarea Plan as shown in Exhibit B.

**Now Therefore Be It Further Ordained** that the boundary of the Bayview Ridge Urban Growth Area (UGA) is hereby amended as shown on Exhibit C.

**Now Therefore Be It Further Ordained** that the map of the Bayview Ridge UGA zoning is hereby amended as shown on Exhibit D.

**Now Therefore Be It Further Ordained** that the Board of County Commissioners adopts the proposed amendments to Title 14, Unified Development Code, as shown in Exhibit E.

**Now Therefore Be It Further Ordained** that this ordinance becomes effective on August 1, 2008.

**Now Therefore Be It Finally Ordained** that if any section, sentence, clause, or phrase of this ordinance should be held to be non-compliant, invalid or unconstitutional by a court of competent jurisdiction, such non-compliance, invalidity or unconstitutionality shall not affect the compliance, validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this \_\_\_\_ day of \_\_\_\_\_, 2008.

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

\_\_\_\_\_  
Don Munks, Chairman

\_\_\_\_\_  
Kenneth A. Dahlstedt, Commissioner

\_\_\_\_\_  
Sharon D. Dillon, Commissioner

ATTEST:

\_\_\_\_\_  
JoAnne Giesbrecht, Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Jill M. Olson, Civil Deputy  
Prosecuting Attorney's Office

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Gary R. Christensen, Director  
Planning & Development Services