

**BEFORE THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD**

ABENROTH, et al.,)	
)	No. 97-2-0060c
Petitioners,)	
)	FINAL DECISION
vs.)	AND ORDER
)	
SKAGIT COUNTY,)	(excerpt)
)	
Respondent,)	
)	
and)	
)	
TOM and SHEILA BUGGIA, et al.,)	
)	
Intervenors.)	
)	

We congratulate the Board of County Commissioners (BOCC), Planning Commission (PC), staff, and citizens of Skagit County for the hard work they put into a well done comprehensive plan (CP). Although we find noncompliance and invalidity on a few issues, we commend the County for making tough choices that have generally achieved compliance with the Growth Management Act (GMA, Act) on the majority of issues.

PROCEDURAL HISTORY

On June 24, 1997, we received a petition for review from Friends of Skagit County (FOSC); on July 29, 1997, from Marianne Manville-Ailles and Mack Johnson; on July 31, 1997, from Irene Dahl Cameron, Mark E. Danielson and Patti Cromarty, Stanley and Helen Walters, and Morris and Charlene Robinson; on August 1, 1997, from Jim and Deeta Drov Dahl, Ken and Laura Howard, Norman C. and Lottie M. Hornbeck, Harriet and Dorwin Smith, Karyn R.R. Livingston and R. Wilson, Alan and Brenda Thomas, and Mary Fotland; on August 2, 1997, from Larry Dent; on August 4, 1997, from Robert and Marion Sjoboen, Dean and Rosalie Schanzenbach, Wylie Incorporated, George and Marian Klein, Dean S. and Rebecca S. Goodell, Shirley Fox, John L. and Dolores A. Abenroth, Montee and Bonnie Walters, Mr. and Mrs. Swett, Mr. and Mrs. Hamilton, Anthony Raab, Carl and Barbara Matthiesen, Stan and Julie Olson, William P., Janice and Jason Schmidt, W.M. and Joanne Lennox, and Friends of Skagit County.

All the above petitions asked us to review the adoption of Skagit County's CP, Ordinance 16550. Some also asked us to review Ordinance 16559, interim ordinance to implement the CP.

An order consolidating the petitions was issued on August 26, 1997.

can not find compliance at this time.

We have previously commended the County for its work on its Neighborhood Business District requirements. Under this record, we do not have a definite and firm conviction that Skagit County made a mistake by allowing up to 1,500 square feet of auxiliary uses to be attached to neighborhood businesses.

Our July 14, 1997, Order Rescinding Invalidity in *Friends of Skagit County v. Skagit County*, #95-2-0065 at p. 9 stated:

“Section 7(2) allows expansion to the legal parcel limits of any lawfully-existing commercial or industrial use on the date of the ordinance. In contrast, the intent section of SCC 14.04.270 allows continuance of the established legal use of the land at the time of adoption of a regulation, permitting these ‘nonconformities’ to continue ‘until they are removed.’ ‘It does not, however, ‘encourage their survival.’ SCC 14.04.270(1) and Ordinance 16559 7(2) are inconsistent. Additionally, Section 7(2) allows expansion which is not limited to neighborhood business or resource-based businesses. As such, it allows urban growth in rural areas and substantially interferes with RCW 36.70A.020(1) and (2).”

The County has not corrected the inconsistency pointed out in the above decision. Also, Ex. 1210, which the County used to justify the allowance of expansion of nonconforming existing businesses is, incomplete. When it was presented to the PC, members were quick to point out the incompleteness of the list; as was FOSC during this case. The extent of the impact of this allowance is not known due to the incomplete information on all businesses that would fall under this provision and the amount of property that would be affected. Some of these structures/uses may be so nonconforming with GMA’s goals that they should not be allowed to expand. Section 7(2) does not provide sufficient definition to ferret these out and prohibit their expansion.

The County has taken no corrective action in this matter since our July 14, 1997, order. We are therefore unable to lift our previous finding of invalidity.



Rural Intermediate (RI) and Rural Village (RV)

FOSC claimed that the majority of assigned rural development capacity could be accommodated by existing lots in the RI and RV zones according to the County’s own numbers. They therefore asked us to find allowance for any additional residential subdivision within The RV and RI zones noncompliant with the Act. FOSC did not contest the new commercial development provided for in the RV zone nor the delineation of the RI and RV boundaries.

The County countered that it had made very hard choices and had drawn the lines tightly around preexisting pockets of higher density in the rural area. Minimal infill would be allowed within these

preexisting areas. The County pointed out that the LUSC's annual report showed that the allowance for this approach in ESB 6094 was simply a clarification of the intent of the previous Act and therefore an available option for the County previous to the effective date of ESB 6094.

The County stated that its allowance for limited infill was not driven by or justified by capacity need, but was based on acknowledgement of pre-existing development patterns and provided for a variety of rural densities. The County asserted that even with the allowed infill the average lot size within these areas changed very little. The County provided exhibits from the record (i.e. 429 and 369) which provided maps and analyses for these areas supporting its statements. When we expressed a concern about the ordinance's provisions for a process to possibly designate additional RI areas, the County responded that any additional RI designation would require a CP amendment and would therefore be subject to a petition for review.

Board Discussion

After careful consideration of the record it appears that the County has made tough choices in drawing the lines tightly around these preexisting built-out areas and only allows limited infill. Under these specific facts, and in light of increased deference directed by RCW 36.70A.3201, we do not have a definite and firm conviction that Skagit County made a mistake in those areas. Petitioners have not met their burden.

Variety of Rural Densities

ASCL claimed that the County had violated RCW 36.70A.070 by limiting the variety of densities permitted in the rural areas to two.

The County responded:

- The CP provides for no less than four types of rural density.
- The County's planning process and the record explain how the County arrived at the variety it has included in the CP.
- ASCL has not met its burden of demonstrating why a different variety is either required by GMA or supported by the record, nor shown that the County's variety is not in compliance with GMA.

Board Discussion

Under the clearly erroneous standard, Petitioners ASCL have failed to meet their burden of demonstrating that the County has failed to comply with the Act in selecting the variety of rural densities allowed.

RCW 36.70A.030

Definitions.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(20) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

RCW 36.70A.070

Comprehensive plans — Mandatory elements.

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) – (4) Not included

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands

designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to *RCW 36.70A.030(14). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to *RCW 36.70A.030(14). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands

if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

BEFORE THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD

FRIENDS OF SKAGIT COUNTY,
BARBARA RUDGE, and ANDREA XAVER,

Petitioners,

vs.

SKAGIT COUNTY,

Respondent,

CITY OF ANACORTES,
CITY OF MOUNT VERNON,

Intervenors.

NO. 95-2-0065

SKAGIT COUNTY'S
MEMORANDUM IN
SUPPORT OF FINDING
OF COMPLIANCE AND
LIFTING INVALIDITY

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SKAGIT COUNTY'S MEMORANDUM
IN SUPPORT OF FINDING OF
COMPLIANCE AND LIFTING
INVALIDITY

Excerpt pp. 8-14

1 comprehensive plan policy. Proposed Exhibit R155 at 6. The County has complied with this
2 requirement.

3 The Comprehensive Plan does envision at some future point the possibility of a
4 clustered development or "Conservation and Reserve Development" ("CaRD"). Proposed
5 Exhibit R153 at 4-35. However, the Implementing Regulation does not allow any CaRD
6 developments until a complete CaRD ordinance has been adopted to address size, design,
7 location, rural character, etc. Exhibit R155, Section 6 at 6. In the interim, no PUDs are
8 allowed in the rural area and no CaRDs are allowed. These provisions are in compliance with
9 the Board's Order and with GMA.
10

11 3. The County Has Precluded New Urban Residential Development Outside of
12 UGAs.

13 As noted above, in the August 30, 1995 Order, the Board originally expressed concern
14 primarily with the County's lot aggregation ordinance that allowed lots as small as 8,400
15 square feet outside of the IUGAs. 8/30/95 Order at 1049. In subsequent decisions, including
16 its Order of Invalidity, the Board expressed a more general concern with any provisions that
17 would allow urban residential growth outside of the UGAs. The County's new
18 Comprehensive Plan and Implementing Regulation have properly restricted residential growth
19 outside of the UGAs. The Board should now find compliance and should lift invalidity.
20

21 Pursuant to the Land Use Element of the Comprehensive Plan, Skagit County has
22 designated the lands outside of the designated UGAs as either some type of Natural Resource
23 land or as Rural. Comprehensive Plan Map Portfolio, Proposed Exhibit R154, at Map 1. As
24 discussed during review of the Natural Resource Lands ordinance in WWGMHB # 95-2-0075,
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1 the natural resource categories do not allow densities higher than 1 dwelling unit per 20 acres,
2 unless special resource land conservation restrictions are imposed on the property to insure
3 long-term resource production. Proposed Exhibit R156.

4
5 The Rural lands fall under one of three subcategories. Rural Reserve lands are the
6 largest category and include the vast majority of the rural lands. The densities in the Rural
7 Reserve category are 1 dwelling unit per 10 acres, with the possibility of 2 dwelling units per
8 10 acres if a CaRD land division is completed. Proposed Exhibit R153 at 4-24, Objective 7,
9 Policy 7.8.1. The Implementing Regulation gives immediate effect to these densities.
10 Proposed Exhibit R155, Section 3 at 4. This density has been upheld as rural in other
11 jurisdictions. See, e.g., *Peninsula Neighborhood Association v. Pierce County*, CPSGMHB # 95-
12 3-0071 (Final Decision and Order, 3/20/96) at 1740.

13
14 Skagit County's Comprehensive Plan permits densities greater than 1 dwelling unit per
15 10 acres (2 per 10 if CaRD) in limited Rural areas of the County where development already
16 exists at those densities. The BOCC Findings describe these areas as reflective of the existing
17 rural character in Skagit County:

18
19 1.21 It is the intent of the Planning Commission to have the rural area of the
20 county reflect the existing historic character and variety of densities in
21 the County. To that effect, the historic Rural Villages of Conway,
22 BayView, Edison, Alger, Clear Lake, Lake McMurray, Lake Cavanaugh,
23 Rockport and Marblemount have been designated as Rural Villages in
24 the Comprehensive plan, with potential densities as high as 1 DU per
25 acre, if public water is available. In addition, several areas in the County
are characterized by an historic, existing legal lot and development
pattern of 1 DU per 2.5 acres or greater density. These existing areas
have been identified as Rural Intermediate in the comprehensive plan.
The current Rural Villages and Rural Intermediate designations largely
reflect historic, existing development patterns. Additional Rural

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1 Intermediate expansion, or new Rural Intermediate areas will be
2 considered based on the Rural Intermediate designation criteria found in
3 the Land Use Element of the comprehensive plan. It is the Planning
4 Commission's intent to begin review of those requests for new or
5 expanded Rural Intermediate designation that it has already received as
6 part of the comments on this comprehensive plan as soon as the
7 Planning Commission has completed its work on this draft of the
8 comprehensive plan. Additional review and public comment will be
9 conducted before making any additional recommendations on these
10 Rural Intermediate requests.

11 Ordinance No. 16550, adopting the new Skagit County Comprehensive Plan, Proposed
12 Exhibit R152, Findings 1.21 at 7-8. The County does not believe, therefore, that some small
13 areas primarily comprised of existing, historically higher densities should be considered "urban"
14 in the context of Skagit County. Further, because this density already exists in these areas,
15 the Plan, by simply recognizing this existing development, does not allow "new" urban
16 residential development, or urban "growth," which is what this Board warned against in its
17 previous orders. RCW 36.70A.110, which addresses urban growth outside of UGAs nowhere
18 requires elimination of existing denser development in the rural area, nor should it be
19 interpreted to require broad scale nonconformities. Rather, it only addresses requirements for
20 where new development or growth should occur. In fact, planning goal 6, RCW
21 36.70A.020(6) encourages the County to take into consideration existing rights, existing
22 development and legal ownership patterns, and to protect them from arbitrary actions that
23 pretend they do not exist.

24 The Comprehensive Plan recognizes the valuable role that these historic "clusters" or
25 "crossroads" of more intense development have played and should continue to play in Skagit
26 County.

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1 Designating rural areas minimizes service demands and costs on county
2 government, preserves historic and cultural structures and rural landscapes, and
3 protects designated natural resource lands and identified critical areas. Rural
4 Areas also provide a choice in living environments, through a mix of large lots,
5 conservation and reserve development (CaRD) land divisions, and existing
6 smaller lots in rural community centers or "rural villages." Rural Villages
7 historically have provided an activity center where rural residents and others
8 can gather, work, shop, entertain, and reside.

9 Proposed Exhibit R153 at 4-23. They are appropriate locations for rural facilities and services,
10 such as small retail operations and public facilities, such as churches and schools.

11 The first area in which the County allows densities greater than 1 dwelling unit per 5
12 acres is in the Rural Intermediate zoning designation. The Land Use Element of the County's
13 Comprehensive Plan designates as Rural Intermediate those limited areas of the County
14 "where existing and/or surrounding parcel density is predominantly greater than or equal to 1
15 dwelling unit per 2.5 acres" Proposed Exhibit R153, Objective 7, Policy 7.8.2 at 4-25.

16 The Rural Intermediate designation permits densities of 1 dwelling unit per 2.5 acres in such
17 areas. *Id.* Although this Board has not expressly addressed the issue, the other two Hearings
18 Boards have held that a density of 1 dwelling unit per 2.5 acres can be an appropriate rural
19 density. In *Woodmansee v. Ferry County*, EWGMHB # 95-1-0010 (Final Decision and Order,
20 5/13/96), the Eastern Board clearly stated:

21 This Board finds, given circumstances unique to Ferry County, and in acceptance of
22 the local decision making process, that 2.5 acre lots constitute rural development in
23 Ferry County.

24 *Id.* at 2070. Although the Central Puget Sound Hearings Board has established a "general
25 rule" against densities greater than 1 dwelling unit per 5 acres in rural areas, that Board also
26 made clear that there would be exceptions to that rule. *See, e.g., Sky Valley v. Snohomish*

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1 County, CPSGMHB # 95-3-0068c (Final Decision and Order, 3/12/96) at 1639. Indeed, in
2 *Bremerton v. Kitsap County*, CPSGMHB # 95-3-0039 (Final Decision and Order, 10/6/95), the
3 Board expressly acknowledged that a density of 1 dwelling unit per 2.5 acres was permissible
4 outside of urban growth areas as long as the County did not create a *pattern* of such
5 development throughout the County:
6

7 Although the County may be able to have 1 du/ 2.5-acre zoning in limited areas
8 under certain specified circumstances, the Board holds that it cannot zone the
9 entire unincorporated area of the county outside of UGAs at such levels.

10 *Bremerton* at 1214. Thus, the County's designation of a 1 dwelling unit per 2.5 acre density in
11 those limited areas where development at that density already exists is permitted by GMA.

12 The Planning Commission reviewed in some detail those areas designated for Rural
13 Intermediate. In each case, the Planning Commission reviewed individual parcel patterns,
14 presence of development constraints such as critical areas, presence of and ability to provide
15 adequate facilities and services and public ownerships that would preclude future additional
16 residential development. Planning Commission Handout, Proposed Exhibit R157; Excerpt of
17 Transcript of 12/2/96 Planning Commission public hearing, Proposed Exhibit R158 at 28-33.
18 The Planning Commission also reviewed the limited amount of potential new lots that could
19 be created within the proposed RI boundaries. Proposed Exhibit R157; Proposed Exhibit R158
20 at 30. The Planning Commission received significant comment requesting additional RI
21 designation from property owners that the Planning Commission felt did not necessarily meet
22 the existing development pattern criteria and did not expand the RI designation in the
23 recommended plan. Draft Skagit County Comprehensive Plan and Draft Supplemental
24
25

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1 Environmental Impact Statement, Volume Two, Written Correspondence through 12/13/96,
2 Proposed Exhibit R159 at 729-768, 1022; Excerpt of Transcript of Planning Commission
3 2/4/97 Work Study Session, Proposed Exhibit R162 at 49-51. This limited RI designation,
4 where lots as small as 2.5 acres are permitted, should not be considered new urban residential
5 growth outside of the UGAs.
6

7 The County also allows densities as great as 1 dwelling unit per acre in areas designated
8 as Rural Villages. The County's Rural Village classification recognizes those existing
9 communities that have historically developed at densities greater than 1 dwelling unit per 5
10 acres. Proposed Exhibit R153 at 4-26, Policy 7.11. The Rural Village designation allows 1
11 dwelling unit per acre if public water is available, and 1 dwelling unit per 2.5 acres if a private
12 well is used. Proposed Exhibit R153 at 4-26, Policies 7.12 and 7.13. As with the Rural
13 Intermediate zoning, because the Rural Village designation simply recognizes existing
14 development patterns, that designation does not allow "new" urban residential development, or
15 urban "growth," in rural areas. See Proposed Exhibit R153 at 4-26, Policy 7.9 ("It is the intent
16 that Rural Villages will represent historical communities throughout the County with future
17 development limited to infill within designated boundaries.") The proposed Rural Villages are
18 shown on Maps included in the Comprehensive Plan Portfolio Map. Proposed Exhibit R154
19 at Maps 1-2. Further, Proposed Exhibits 157 and 158 explain the existing development
20 patterns within those Rural Villages and identifies relatively little potential for accommodating
21 any new development within these villages. Proposed Exhibit R157; Proposed Exhibit R158
22 at 28-32. The Planning Commission reviewed each of the proposed Rural Villages and Rural
23
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1 Intermediate designations. A parcel-by-parcel assessment was completed identifying current
2 ownership, existing development, public ownerships and critical areas. Proposed Exhibit R162
3 at 6-7, 16, 19, 22-23, 30-31, 35-45, and 49. Color-coded maps were reviewed to verify the
4 new lot development potential shown in the staff memo. Proposed Exhibit R163 (large
5 assessor parcel maps land color-coded to show existing development, ownerships, and new lot
6 development potential); Proposed Exhibit R158. This analysis became the basis of the PC
7 recommendation. Skagit County Planning Commission Recorded Motion, 3/20/97, Proposed
8 Exhibit R161, Finding 22 at 7. These findings were also adopted by the BOCC. Proposed
9 Exhibit R152, Finding 1.21 at 7.

11 The Implementing Regulation establishes these 10 acre, 2.5 acre and 1 acre Rural lot
12 sizes for creation of any new lots, for lot aggregation and for boundary line adjustments.
13 Exhibit R155, Section 3. Taken together, the Comprehensive Plan and the Implementing
14 Regulation have effectively precluded new urban growth outside of the UGAs. The Board has
15 previously stated that once the underlying zoning is in compliance, its concerns with lot
16 aggregation will also come into compliance. 8/28/96 Order at 2043. The Board should find
17 compliance and should lift invalidity.

19
20 **4. The County Has Complied With This Board's Order Regarding The**
21 **Extension Of Service In Rural Areas.**

22 Based on Skagit County Countywide Planning Policy ("CWPP") 1.8, this Board
23 previously held that the County was out of compliance with the Act because the County
24 failed to restrict the extension of urban governmental services outside of its interim UGAs.
25 8/30/95 Order at 1049.

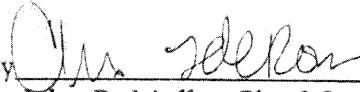
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1 the County is in compliance with its previous order and should lift its declaration of
2 invalidity.


3 DATED this 30th day of May, 1997.

4 SKAGIT COUNTY PROSECUTING ATTORNEY

5
6 By  *per 5/29/97 telephone auth.*
7 John R. Moffat, Chief Civil Deputy
8 WSBA # 5887

9 and

10 BUCK AND GORDON

11
12 By  *per 5/29/97 verbal auth.*
13 Jay P. Derr
14 WSBA # 12620
15 Attorneys for Skagit County

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