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SKAGIT COUNTY
PROSECUTING ATTORNEY

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WESTERN WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARDBEFORE THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARDFRIENDS OF SKAGIT COUNTY, a)
Washington nonprofit corporation,)

No. 02-2-0005

Petitioner,)

STIPULATION AND ORDER
OF DISMISSAL

vs.)

SKAGIT COUNTY,)

Respondent,)

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between the Petitioner and Respondent hereto that the above-referenced case has been resolved to the satisfaction of all parties and should now be dismissed.

SKAGIT COUNTY

By: Hilary A. ThomasHILARY A. THOMAS, WSBA #22007
Attorney for Skagit County5/29/03
Date

BRICKLIN NEWMAN DOLD

By: David G. BricklinDavid Bricklin, WSBA #7583
Attorney for Friends of Skagit CountyMay 27, 2003
Date

ORIGINAL

1
2
3 **ORDER**
4

5 Based upon the above Stipulation and agreement of the parties hereto, this
6 matter is now DISMISSED.

7 So ORDERED this 6th day of June, 2003.
8

9 WESTERN WASHINGTON GROWTH
10 MANAGEMENT HEARINGS BOARD

11 Nan A. Henriksen

12 NAN A. HENRIKSEN, Presiding Officer

13 Margery Hite
14 MARGERY HITE, Board Member

15 Holly Gadbow
16 HOLLY GADBAW, Board Member
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Ordinance No. _____

**Addressing Growth Management Act Compliance Issues on Open Space Corridors
and Greenbelts Within and Between Urban Growth Areas in Western Washington
Growth Management Hearings Board Case No. 02-2-0005**

Whereas, RCW 36.70A.110(2) and .160 require each Urban Growth Area (UGA) to include greenbelt and open space areas and cities and counties to identify open space corridors within and between UGAs; and

Whereas, the Friends of Skagit County (FOSC) appealed and argued the County's action before the Western Washington Growth Management Hearings Board (Hearings Board) in Case No.00-2-0046c; and

Whereas, the Hearings Board, in the February 6, 2001, Final Decision and Order in Case No. 00-2-0046c, stated that "(t)his generalized discussion in the CP, plus city maps (that do not show green belts in unincorporated UGAs) and County parks plan maps (which do not show open space corridors between UGAs), do not adequately meet the requirements of RCW 36.70A.110(2) and .160." The Hearings Board further ordered the County within 180 days to "adopt maps or some other clear mechanism to identify greenbelts and open space areas within UGAs and open space corridors within and between UGAs"; and

Whereas, the BoCC made findings and adopted the Planning Commission's recommendations in Ordinance No. R20020036 on January 28, 2002, amending the CP; and,

Whereas, FOSC then appealed the CP amendments in Ordinance No. R20020036 to the Hearings Board in Case No. 02-2-0005, and the County opted to enter into settlement negotiations and the County and FOSC agreed to proposed language amending the CP to address the Open Space Corridors and Greenbelts issue in Case No. 02-2-0005; and

Whereas, on March 27, 2003, the Skagit County Planning Commission met with a quorum and held a public hearing, to take written correspondence and public testimony on proposed language resulting from settlement negotiations to address the Open Space Corridors and Greenbelts; and

Whereas, the Skagit County Planning Commission recommended approval of the proposed action and adopted findings of fact as depicted in the Record Motion, which is attached hereto as Attachment 1 and incorporated herein **by reference**; and

Whereas, on April 29, 2003, the Skagit County Board of Commissioners met in open session and established the date and time to review the Planning Commission's Recorded Motion regarding the proposed action; and

Whereas, on May 6, 2003, the Skagit County Board of Commissioners met in open session and discussed, deliberated and took action on the Skagit County Planning Commission Recorded Motion regarding the proposed action.

Now, Therefore Be It Ordained, that the Skagit County Board of Commissioners adopts the Skagit County Planning Commission's Recorded Motion and findings of fact approving those proposed amendments to the Skagit County Comprehensive Plan, Land Use Element (Chapter 4) as depicted in Attachment 2 **which is attached hereto** and incorporated herein.

WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE THIS
13th DAY OF May, 2003.

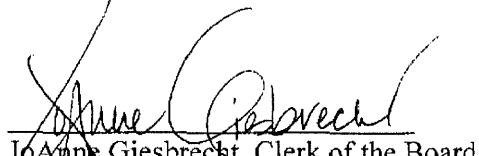
SKAGIT COUNTY BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Kenneth A. Dahlstedt, Chairman

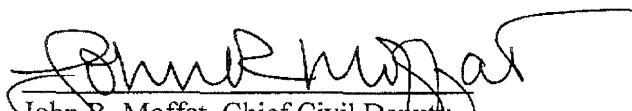
Ted W. Anderson, Commissioner


Don Munks, Commissioner

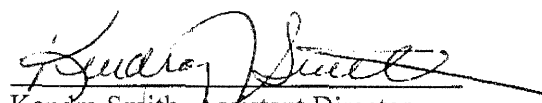
ATTEST:


JoAnne Giesbrecht, Clerk of the Board

APPROVED AS TO FORM:


John R. Moffat, Chief Civil Deputy
Skagit County Prosecutor's Office

APPROVED AS TO CONTENT:


Kendra Smith, Assistant Director
Planning and Permit Center

ATTACHMENT 1

**Planning Commission Recorded Motion
Recommending an Amendment to the Comprehensive Plan Addressing Growth
Management Act Compliance Issues on Open Space Corridors and Greenbelts Within
and Between Urban Growth Areas in Western Washington Growth Management
Hearings Board Case No. 02-2-0005**

WHEREAS, RCW 36.70A.110(2) and .160 require each Urban Growth Area (UGA) to include greenbelt and open space areas and cities and counties to identify open space corridors within and between UGAs; and

WHEREAS, the County attempted to meet this criteria by adopting language in its Comprehensive Plan (CP) under Policy 4-33 on July 24, 2000; and

WHEREAS, the Friends of Skagit County (FOSC) appealed and argued the County's action before the Western Washington Growth Management Hearings Board (Hearings Board) in Case No.00-2-0046c; and

WHEREAS, the Hearings Board, in the February 6, 2001, Final Decision and Order in Case No. 00-2-0046c, stated that "(t)his generalized discussion in the CP, plus city maps (that do not show green belts in unincorporated UGAs) and County parks plan maps (which do not show open space corridors between UGAs), do not adequately meet the requirements of RCW 36.70A.110(2) and .160." The Hearings Board further ordered the County within 180 days to "adopt maps or some other clear mechanism to identify greenbelts and open space areas within UGAs and open space corridors within and between UGAs"; and

WHEREAS, Skagit County staff proposed an August 9, 2001, draft map and accompanying text for greenbelts and open space areas and open space corridors within and between UGAs. An environmental checklist was completed and a DNS was issued on August 9, 2001; and

WHEREAS, Skagit County followed its public participation requirements in Skagit County Code (SCC) 14.06 and the Skagit County Planning Commission held a public hearing on September 4, 2001, and continued the hearing to September 18, 2001, to take comments on the August 9, 2001, draft and then deliberated on October 9, 2001; and

WHEREAS, the Planning Commission voted 6-0 to make substantial changes to the August 9, 2001, draft and to forward its recommendation of approval for its amended draft to the Board of County Commissioners (BoCC); and

WHEREAS, SCC 14.08.080(4) states that if the Planning Commission recommendation is substantially different from that for which public comment was last received (and deadlines were imposed by orders of the Hearings Board), the Commission shall forward to the BoCC its recommendation without further public comment; and

WHEREAS, upon receipt of the Planning Commission's recommendation on October 23, 2001, the BoCC set and held its own public hearing on both the August 9, 2001, and the October 9, 2001, drafts on November 27, 2001, and deliberated on January 8, 2002; and

WHEREAS, the BoCC made findings and adopted the Planning Commission's recommendations in Ordinance No. R20020036 on January 28, 2002, amending the CP; and

WHEREAS, FOSC then appealed the CP amendments in Ordinance No. R20020036 to the Hearings Board in Case No. 02-2-0005, and the County opted to enter into settlement negotiations; and

WHEREAS, the County and FOSC agreed to proposed language amending the CP to address the Open Space Corridors and Greenbelts issue in Case No. 02-2-0005, which is attached hereto as Attachment A; and

WHEREAS, Skagit County followed its public participation requirements in SCC 14.06 and the Skagit County Planning Commission held a public hearing on March 27, 2003, and deliberated on April 15, 2003; and

WHEREAS, the Planning Commission made the following findings:

1. It is important to develop an accurate program and 5 years appears to be a appropriate time frame.
2. Maddox Creek and other critical areas need to be fully evaluated prior to designating as critical area corridors.
3. Thoughtful consideration needs to be given to what should be designated public access including justified compensation and liabilities.

WHEREAS, the Motion was made by Carol Ehlers and seconded by Bill Stiles and the vote was 8-0 to approve the proposed language.

<u>Vote:</u>	<u>Support</u>	<u>Oppose</u>	<u>Absent</u>
Dave Hughes, Chair	X		
Carol Ehlers, Vice Chair	X		
Jan Ellingson	X		
Herb Goldston			X
Jerry Jewett	X		
Bobbi Krebs-McMullen	X		
Harry Ota	x		
William Stiles III	X		
Bill Schmidt	X		
Totals:	8	0	1

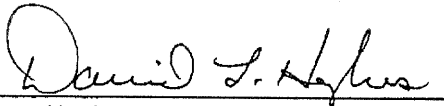
NOW THEREFORE BE IT RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, that the proposed language submitted as Attachment A be adopted as an amendment to the Land Use Element of the CP under Open Space Areas.

Date:

April 25, 2003

SKAGIT COUNTY PLANNING COMMISSION

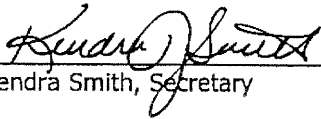
SKAGIT COUNTY WASHINGTON



Dave Hughes, Chairman

4/29/03

Date



Kendra Smith, Secretary

4/25/03

OPEN SPACE AREAS

The Open Space Areas are intended to provide for a variety of open space types. Open space areas include greenbelt corridors within and around urban growth areas, green belts which connect critical areas, lands receiving open space tax incentives, resource lands, conservation easements, rural open space areas, park lands, and significant historic, archaeological, scenic and cultural lands. The Potential Greenbelts and Public Open Space Areas overlay found on the Urban Growth Area Maps, Maps 3A – 3K, are general in nature and will be more thoroughly designated through the project review process. More detailed mapping together with specific protection techniques including a revenue plan are included as a part of the Parks, Recreation and Open Space Plan and Conservation Future Plan. Potential greenbelts and open space areas will be a mix of the three categories of open space: (1) Public, (2) Private and (3) Open Space Taxation.

By December 1, 2007, the County shall develop a program to initiate identification and prioritization of open space corridors and greenbelts within and between UGAs that include lands useful for recreation, wildlife habitat, trails, and connection of critical areas. Such program shall include a list identifying and prioritizing open space and greenbelt lands desirable for public acquisition. Any potential acquisition that may be proposed by such a program will not include any condemnation actions; any potential acquisition for land for open space or greenbelts shall only be achieved by voluntary donation, CaRD subdivision, or mutually agreeable sale.

footage of existing businesses as the maximum allowed within the applicable zones provides an appropriate range of intensity of new businesses, consistent with the existing character of Skagit County.

282. The proposed square footage limitations are consistent with the size limitations of similar zones in other counties. A review of several counties' rural commercial zones found development standard limitations on building size, ranging from 4,000 to 15,000 square feet.
283. Fire stations within the RVC and RC zones are limited to 8,000 square feet. An informal survey with Fire Departments within the rural portions of the County revealed this is the upper limit of sizes of rural stations within the County. It is necessary to allow stations this large to ensure adequate public safety.
284. The allowed lot coverage within the RVC and RC zones is 50%. As shown in the SEPA addendum, this is reflective of the lot coverage found in existing RVC businesses. The SEPA addendum found a number of existing RVC businesses with lot coverage in the vicinity of 50%. One existing RVC business had 100% lot coverage. As articulated in the square footage discussion above, the proposed lot coverage regulation is reflective of existing rural character.
285. All of the parcels currently proposed for RVC and RC designation have existing uses which are limited in size currently. Given the square footage limitation, the 50% lot coverage allowance will not result in significant additional development potential on these parcels.

Rural Freeway Service.

286. This zone implements the Rural Freeway Service policies. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.
287. The various uses to be permitted within the RFS zone have been reviewed by the Planning Commission, which found them to be consistent with the RFS Comprehensive Plan policies. These uses are similar to those currently found in the RFS zone, as listed in the SEPA addendum dated February 3, 2000. Although some of these uses are not specifically currently found in the RFS zone within Skagit County, they are consistent with the existing uses, and are also found in other rural freeway interchanges within western Washington.
288. The RFS zone contains a provision that limits all primary uses to 6,000 square feet, except for overnight lodging. County staff performed an analysis of the square footages of all existing RFS uses, which is found in the SEPA addendum dated February 3, 2000. The addendum found that existing RFS businesses range in size from several hundred to more than 6,000 square feet in size.
289. Allowing businesses in the 6,000 square foot range in the RFS zone is consistent with the type and size of businesses that have established themselves over time in Skagit County, reflective of its existing rural character. Use of the square footage of existing businesses as the maximum allowed within the applicable zones provides an appropriate range of intensity of new businesses, consistent with the existing character of Skagit County.
290. The proposed square footage limitations are consistent with the size limitations of similar zones in other counties. A review of several counties' rural commercial zones found development standard limitations on building size, ranging from 4,000 to 15,000 square feet.
291. The allowed lot coverage within the RFS zone is 25%. While the SEPA addendum found that lot coverage within this zone was typically lower than this, the sample size of existing RFS

businesses was quite low and not necessarily reflective of typical rural commercial freeway development. A 25% lot coverage provides for appropriate levels of development within the rural freeway commercial areas while allowing for green space and landscaping within the zone.

Hotel/motels in RVC and RFS zones.

292. Hotels and motels currently exist within the rural landscape of Skagit County. They are currently found in several places in the County. These existing hotels are typically separate from other uses and are zoned Rural Business. While hotels are a part of the existing rural character, future hotels should be located within Rural Villages or freeway interchanges, to be connected with other supporting commercial activities and to better serve the anticipated clientele.
293. Hotels and motels as an allowed use within the RFS zone make sense for a number of reasons. Highly visible and accessible freeways interchanges are ideal places for traveler-oriented services, including motels and possible other services in addition to those allowed in the proposed RFS zone. This use is typical at many other rural freeway interchanges in western Washington. Hotels/motels are explicitly allowed at rural freeway interchanges in Snohomish County and King County.
294. Artificially restricting uses and size limits at those RFS interchanges already served by public sewer and public water (such as the Cook Rd./ I-5 interchange) defies logic and good planning sense. Cook Road is the busiest county road in Skagit County and currently carries between 8,000 and 12,000 average daily vehicle trips along the corridor between I-5 and Sedro-Woolley. In the future, Cook Road will likely become the preferred route over SR 20 as the "Gateway to the North Cascades," as well as to greatly expanded public recreational opportunities at the Northern State Recreation Area in the Sedro-Woolley UGA. The traveling public needs and expects services available at the Cook Road interchange in particular. Located less than 1 mile from an already heavily developed portion of the City of Burlington, the surrounding character of the east side of the Cook Road interchange is already more urban than rural.
295. The proposed square footage and unit limitation (12,000 square feet and 35 units) is based on the number of units believed to be needed for a hotel/motel to be financially viable. If in fact hotels/motels are built in the rural area, economic viability is essential to avoid their failure. Abandoned buildings serve no interest and promote blight in the rural portion of the County.
296. The proposed draft requires hotels and motels to be at least 200' from adjacent agricultural areas. This will ensure that compatibility issues between these uses are adequately addressed. This separation reflects the 200' setback which is required generally for uses adjacent to Agriculturally designated areas.

Small Scale Recreation and Tourism.

297. This zone implements the Small Scale Recreation and Tourism policies in the Comprehensive Plan. The intent and purpose of this zone is discussed in more detail in the Comprehensive Plan findings section of this motion.
298. The various uses to be permitted within the SRT zone have been reviewed by the Planning Commission, which found them to be consistent with the SRT Comprehensive Plan policies. The permitted uses will allow a spectrum of activities that are consistent with the rural environment and character of Skagit County and provide for economic opportunity for rural residents. The permitted and special uses will allow local residents and tourists to take advantage of Skagit County's significant natural and scenic assets. These uses have been

RESOLUTION NO. _____

Page 1 of 3

A Resolution Amending the Guemes Island Ferry Departure Schedule

Whereas, Skagit County operates the Guemes Island Ferry between Anacortes, Washington and Guemes Island; and

Whereas, the Skagit County Board of Commissioners has adopted Resolution No. R20040353, establishing the passage departure schedule for the Guemes Island Ferry; and

Whereas, The Board finds it appropriate to modify said departure schedule for a trial period.

Now, Therefore, Be It Resolved, that the Guemes Ferry departure schedule is hereby modified in accordance with Attachment "A" appended hereto.

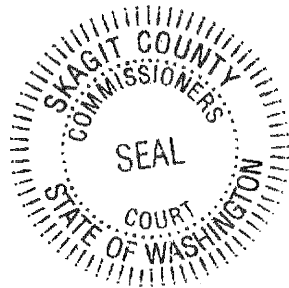
Be It Further Resolved, that the trial period shall proceed as outlined in Attachment "B" appended hereto.

Be It Further Resolved, that the new ferry passage schedule shall be implemented no later than July 1, 2006.

WITNESS OUR HAND AND THE OFFICIAL SEAL OF OUR OFFICE, THIS

30th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Kenneth A. Dahlstedt, Chairman

Ted W. Anderson
Ted W. Anderson, Commissioner

Don Munks
Don Munks, Commissioner

ATTEST *Melissa Collins*
Clerk of the Board *Assistant*

ATTACHMENT A

New Schedule

Mon - Thurs	Friday	Saturday	Sun & Holidays
6:30 AM	6:30 AM	6:30 AM	7:00 AM
7:00 AM	7:00 AM	7:00 AM	8:00 AM
7:30 AM	7:30 AM		
8:15 AM	8:15 AM	8:15 AM	9:00 AM
8:45 AM	8:45 AM	8:45 AM	9:30 AM
9:15 AM	9:15 AM	9:15 AM	10:00 AM
9:45 AM	9:45 AM	9:45 AM	
10:30 AM	10:30 AM	10:30 AM	
11:00 AM	11:00 AM	11:00 AM	11:00 AM
11:30 AM	11:30 AM	11:30 AM	11:30 AM
1:00 PM	1:00 PM	1:00 PM	1:00 PM
1:30 PM	1:30 PM	1:30 PM	1:30 PM
2:00 PM	2:00 PM	2:00 PM	2:00 PM
2:30 PM	2:30 PM	2:30 PM	
3:15 PM	3:15 PM	3:15 PM	2:45 PM
3:45 PM	3:45 PM	3:45 PM	3:15 PM
4:15 PM	4:15 PM	4:15 PM	4:00 PM
4:45 PM	4:45 PM	5:00 PM	4:30 PM
5:15 PM	5:15 PM		5:00 PM
5:45 PM	5:45 PM	6:00 PM	
			6:00 PM
6:30 PM	6:30 PM		6:30 PM
7:00 PM	7:00 PM	7:00 PM	7:00 PM
8:30 PM	8:30 PM	8:30 PM	8:30 PM
9:00 PM	9:00 PM	9:00 PM	9:00 PM
10:00 PM	10:00 PM	10:00 PM	10:00 PM
	11:00 PM	11:00 PM	
	12:00 AM	12:00 AM	

ATTACHMENT B

Guemes Island Ferry Extended Service Passage Schedule - Phased Trial

- Phase I: Beginning 07/01/2006 implement the passage schedule as defined in Attachment "A", for an initial twelve month trial period. The 'last ferry of the day' policy is modified. The ferry will not continue after the final scheduled run. Any runs after that time will be charged at the Extended Run fare, Guemes Special or Charter Rate.
- Phase II: After an initial one year period (ending 06/30/2007), the Public Works Department shall, under the direction of the Board of Skagit County Commissioners, evaluate the results and make adjustments and continue the trial for an additional twelve months (through 06/30/2008).
- Phase III: Prior to 10/01/2008, Public Works shall summarize operational and financial results of the trial period for review and final action by the Board of County Commissioners.
- The Tuesday 9:15 AM and 2:00 PM scheduled runs are for hazardous materials only.