

**THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD**

FRIENDS OF SKAGIT COUNTY,)	
)	
Petitioner,)	No. 97-2-0023
)	
))	COMPLIANCE
v.)	
ORDER)	
)	
SKAGIT COUNTY,)	
)	
Respondent.)	
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Friends of Skagit County (FOSC) filed this petition in June, 1997, seeking an order that Skagit County be found out of compliance with the Growth Management Act (GMA, Act) due to its “failure to act” to adopt “permanent development regulations” in connection with the comprehensive plan (CP), which was adopted and effective June 1, 1997. On August 26, 1997, the presiding officer signed a stipulation and agreed order regarding the scheduling of further compliance hearings in this case. On November 20, 1998, and again on January 6, 1999, FOSC requested that this Board schedule a compliance hearing in this matter for May 18, 1999. On March 16, 1999, the presiding officer issued a memorandum scheduling a compliance hearing for May 18, 1999, and requiring the County to submit a report of actions taken by May 4, 1999.

In its May 4, 1999 report the County stated that “The enactment of development regulations is a monumental task.” After laying out its projected work program, the County stated:

“The County expects to complete public review and adoption of the Development Code by the end of 1999. The County is committed to readopting interim regulations to maintain the essential provisions of Ordinance No. 16559 in place until the permanent development regulations are adopted.”

In its May 13, 1999 response Friends reminded us that the County was nearly five years past the

July 1, 1994 deadline established for the adoption of implementing development regulations and concluded:

“In summary, if the County presents to the Board at the May 18, 1999 compliance hearing a renewal of Interim Ordinance No. 17209 and a new interim ordinance that suspends vesting of new C/I development outside UGAs and Rural Villages on tax parcels that currently have no existing C/I development, then Friends only requests that the Board:

- 1) Clarify that the August 26, 1997 Stipulation and Agreed Order necessarily implied a finding of non-compliance and remand under RCW 36.70A.300 as required by RCW 36.70A.302 as a precondition to issuing a finding of invalidity.
- 2) Make a finding that the County is in continued non-compliance with the Act for not adopting permanent development regulations; and,
- 3) Set a new compliance hearing for November 15, 1999.

If the County does not come to the compliance hearing with both interim ordinances, then Friends also requests:

- 4) That the Board recommend to the Governor that the sanctions authorized by the Act be imposed under the authority of RCW 36.70A.330(3); and,

- 5) That the Board find invalid:
 - a) SCC 14.04.045; and,
 - b) CP designations of Rural Reserve and Rural Intermediate (and areas mapped with these designations).”

On May 17, 1999, the County supplied us with a copy of Ordinance No. 17442 renewing the provisions of Ordinance No. 16559. No new interim ordinance suspending vesting of new C/I development outside UGAs and Rural Villages had been adopted. Also, on the same date the County filed an objection to any discussion of invalidity at the May 18, 1999 compliance hearing.

The compliance hearing was held on May 18, 1999 in Hearing Room B of the Skagit County Administration Building. Board members Henriksen, Nielsen and Eldridge were present. Representing Skagit County was John Moffat; representing FOSC was Gerald Steel.

On June 3, 1999, we received a letter from FOSC asking us to postpone our decision and allow time for additional negotiations between the parties. On June 9, 1999, the Skagit County Board of Commissioners adopted Ordinance No. 17463 restricting new C/I uses outside Rural Villages and UGAs. On the same date FOSC withdrew its requests for invalidity and sanctions.

We commend the County for passing Ordinance No. 17463, as we are very concerned about new C/I uses being allowed outside Rural Villages and UGAs before the locations' appropriateness under GMA and the CPPs is determined by the County.

ORDER

The County remains in non-compliance with the Act for not adopting permanent development regulations. An additional compliance hearing will be held on November 15, 1999. If the County does not adopt permanent development regulations by that time we will consider a finding of invalidity and recommendation of sanctions.

This is a Final Order under RCW 36.70A.300(5) for purposes of appeal.

Pursuant to WAC 242-02-832(1), a motion for reconsideration may be filed within ten days of issuance of this final decision.

So ORDERED this 17th day of June, 1999.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Nan Henriksen
Board Member

William H. Nielsen
Board Member

Les Eldridge
Board Member