BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

FRIENDS OF SKAGIT COUNTY,	)	No. 95-2-0075
	)	
Petitioner,	)	ORDER DENYING
	)	MOTION FOR A
vs.	)	FINDING OF
	)	INVALIDITY OF
SKAGIT COUNTY,	)	SKAGIT COUNTY'S
	)	PLANNED UNIT
Respondent.	)	DEVELOPMENT
	)	ORDINANCE

On December 12, 1996, a Motions Hearing was held at the Skagit County Court House. The motion, from Friends of Skagit County (Friends) received November 8, 1996, requested us to issue a determination of invalidity on Skagit County's PUD Ordinance, SCC 14.04.140. Present for Friends of Skagit County was Gerald Steel. Present for the County were John Moffat, Chief Civil Deputy Prosecutor, and Jay Derr of the firm of Buck and Gordon. Les Eldridge and William H. Nielsen were present for the Board. Nan Henriksen was not present but listened to taped transcripts of the hearing.

Skagit County's request to allow additional evidence into the record was granted. Exhibit #135, (planning and permit center staff notice from Roxanne Michael) and Exhibit #135, (applications for plats and short plats in Skagit County after December 26, 1995), were added to the record.

Friends then argued that failure of the PUD Ordinance to protect mineral lands from encroachment constituted substantial interference with the goals of the Growth Management Act. They characterized the County's approach as "wait for an egregious PUD to be filed", rather than by an ordinance eliminating the possibility of a PUD which might encroach on mineral lands.

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The County responded by noting that there had been no PUD applications since this Board's February 7, 1996, Finding of Invalidity in Skagit County; that no PUDs were allowed in one unit per 2 1/2 acre zoning nor in natural resource lands, and that current administrative policy provided no density bonus for PUDs. Friends countered that the administrative policy does not prohibit density bonuses in the rural five-acre zone.

CONCLUSION

We recognize the possibility that PUDs in rural lands may still encroach on mineral lands. Nonetheless, no such activity, according to this record, has occurred in the last 11 months. Accordingly, Petitioner has failed to show substantial interference with the goals of the Act. The motion is denied.

SO ORDERED this 21st day of January, 1997.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Les Eldridge
Board Member

William H. Nielsen
Board Member

Nan A. Henriksen
Board Member

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