

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

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|-------------------------------------|---|------------------|
| EVERGREEN ISLANDS, et al., |) | No. 00-2-0046c |
| Petitioners, |) | (General Issues) |
| |) | |
| v. |) | COMPLIANCE |
| |) | ORDER |
| SKAGIT COUNTY, |) | |
| |) | |
| Respondent, |) | |
| |) | |
| and |) | |
| |) | |
| AFFILIATED HEALTH SERVICES, et al., |) | |
| |) | |
| Intervenors |) | |
| _____ |) | |

On April 23, 2002, we received a request from Skagit County for a compliance hearing regarding open spaces and greenbelts and changes to Skagit County’s zoning code regarding setbacks in resource lands. County Ordinance #R20020036 (open space) and #R20020130 (regulations in resource lands) were adopted in response to this Board’s February 6, 2001, final decision and order.

A telephonic compliance hearing was held on May 9, 2002. William H. Nielsen and Les Eldridge were present for the Board. John Moffat, Chief Civil Deputy Prosecuting Attorney, represented Skagit County. Mr. Gerald Steel represented Friends of Skagit County.

The County stated that the open space ordinance was in response to our finding that Skagit County had failed to act to identify open spaces and greenbelts. It maintained that in adopting the ordinance it was no longer out of compliance for failure to act in relation to greenbelts and open spaces. It acknowledged that the merits of the ordinance were under challenge in a related case, #02-2-0005, *Friends of Skagit County (FOSC) v. Skagit County*

(*FOSC #28*). Questions on the merits of the open space ordinance will be addressed in that case. Friends of Skagit County concurred with the County's statements.

Regarding the resource lands regulation ordinance the County stated that it, too, was adopted in response to our February 6, 2001, final decision and order in this case. The County declared that the ordinance provided definitions on side setbacks in resource lands. The County acknowledged that, in Skagit County Code Section 14.16.430 (4)(f) regarding home-based businesses on p. 17 of the setback ordinance, it had failed to make a minor correction through an inadvertent omission. The County declared that during the next Growth Management Act amendment cycle in Skagit County it would make the necessary correction to Section .430 (4)(f) Hearing Examiner Special Uses, p. 17 of the ordinance. The error appears to be a scrivener's error. FOSC concurred with the County's position.

CONCLUSION

Pursuant to RCW 36.70A.330, we have independently reviewed the record. We conclude that the County is now compliant regarding its earlier failure to act in its identification of open space corridors between UGAs and greenbelts within UGAs. We note that challenges to the merits of this ordinance will be addressed in Case #02-2-0005, (*FOSC #28*).

We conclude that the County is in compliance regarding definitions of side setbacks in Section 14.16 of the County zoning regulations, Resource Lands.

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 14th day of May, 2002.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Les Eldridge
Board Member

William H. Nielsen
Board Member