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**Skagit County Board of Commissioners**

**Public Hearing – James Ritchie Lot Map Amendment (PL 11-0239)**

**November 8, 2011**

**John Blanchard (Attorney) Presentation Notes**

**1. This is *correction of a historical error* for a residential lot in a residential subdivision and not really a change in Zoning Designation**

- Skagit Beach Community was platted in 1964
- The Ritchie Lot was and is a platted lot within Skagit Beach Community
- All lots in Skagit Beach Community were changed in Zoning Designation from Ag-NRL (Agricultural – Natural Resources Land) to RRv (Rural Reserve). By error or neglect, the Ritchie Lot was not “redesignated” at that time.
- Mr. Ritchie simply asks that his Lot be designated the same as all of his neighbors.

**2. Correcting the Zoning Designation of the Ritchie Lot will not set a precedent, legally or otherwise. The Ritchie Lot is totally unique, and there is not another lot like this in Skagit County.**

- To use this Map Amendment as a precedent, another landowner would have to show a close correlation of that landowners situation to that of Mr. Ritchie. That cannot be done in this case.
- Unique aspects of the Ritchie Lot situation include the following:
  - Ritchie Lot is a *platted lot in a residential subdivision*.
  - Ritchie Lot is *surrounded on three sides by residences*, with a commercial parcel (trailer and boat parking) protruding into its center section.
  - Ritchie Lot has *never been used for agricultural purposes*
  - Ritchie Lot does not *meet the definition of “agricultural land”* under Washington law – RCW 84.34.020

- Ritchie Lot is *totally unsuitable for agricultural purposes*:
  - *Small size and long, skinny irregular shape*
  - *Soils unsuitable for agricultural crops*, per Skagit County designation and independent analysis.
  - *Poor access by farm machinery* – bounded by a residential road on one side, and a small stream on the other side (which has been designated as “fish bearing” by the Washington Dept of Natural Resources)
  - A portion of the Ritchie Lot is designated as *Wetlands*, which cannot be used for farming or agricultural purposes, further reducing the usability of the Ritchie Lot.
  - The Ritchie Lot’s adjacency to a DNR designated “fish bearing stream” requires *setbacks for over 40%* of the Ritchie Lot.
  
- Ritchie Lot has a *Septic System Design approved for it by Skagit County*.
  
- Ritchie Lot is *Certified as a residential lot*
  - In 2004 Mr. Ritchie applied to Skagit County for an *official Lot Certification* for the Ritchie Lot. On July 2, 2004 Mr. Ritchie’s Lot Certification was granted by Skagit County. A copy of that Lot Certification is included in Mr. Ritchie’s Map Amendment petition.
  
- Ritchie Lot is *Taxed as a residential lot*
  - Skagit County *designates* the Ritchie Lot as “Household SFR Outside City.”
  - Skagit County *taxes* the Ritchie Lot as Levy Code 1595, which applies to a Neighborhood Designation of “Platted Lots, Other Improvements.” Skagit County has obviously benefitted from taxing this lot as residential rather than agricultural, and Mr. Ritchie has paid the price over the years for that designation and tax code.

- Mr. Ritchie’s other lot, Parcel B, adjacent to the Ritchie Lot has been *sold as a residential lot, and a house has been built upon it.*
  - Mr. Ritchie bought two adjacent lots, Parcel A and Parcel B, both of which are part of Skagit Beach Community and have the same zoning designation.
  - In 1997 Mr. Ritchie sold Parcel B to an unrelated buyer.
  - That buyer *built a house* on Parcel B, with the full permitting, cooperation and compliance of Skagit County.
  - Parcel B – the lot that was sold and built upon – was designated Ag-NRL at the time, and continues to be so designated today.

**3. Legally, Mr. Ritchie has *vested rights* in this lot as a residential lot.**

- Notwithstanding a change in policy regarding the ancillary use of agriculturally designated land, Skagit County cannot *arbitrarily change the use of the Ritchie Lot* or *ignore the Certification and Tax Status of the Ritchie Lot.*
  - Skagit County has Certified and Taxed the Ritchie lot as a residential lot, and can’t simply ignore or “undo” that now.
  - Ritchie Lot does not *meet the definition of “agricultural land”* under Washington law – RCW 84.34.020
  - Skagit County cannot certify and tax a parcel for one purpose (residential) but then restrict its use to something entirely different.
  - Mr. Ritchie has a right to rely on the actions of Skagit County over the years in treating the Ritchie Lot as a residential lot.

**4. Failure to amend the Skagit County Comprehensive Map for the Ritchie Lot would in effect render the Ritchie Lot *unusable and valueless.***

- Mr. Ritchie would be *caught in a bureaucratic “Catch-22”*
  - He could not use his lot for agricultural purposes due to its natural unsuitability for same, and because of CC&R’s and residential restrictions of Skagit Beach Community

- He could not use his lot for residential purposes because of the historical error of the Ag-NRL designation, and the new Skagit County policy of strict enforcement of ancillary use of agricultural land.
- Mr. Ritchie's Lot would be virtually worthless.
- In my legal opinion, this would give rise to a legal claim for "Denial of Use" by Mr. Ritchie.

**Conclusion:**

- This situation is not just about "legal rights." There is also a strong aspect of "*do the right thing*" existent here. Mr. Ritchie bought his Lot after being assured by Skagit County that he could use it for residential purposes.
- Mr. Ritchie has consistently been trying to "do the right thing" by working in cooperation with Skagit County, following all the rules with respect to the Lot Certification of the Lot and the sale/development of his adjacent parcel, Lot B.
- Skagit County has treated the Ritchie Lot as a residential lot, and taxed it as a residential lot.
- The Ritchie Lot *clearly qualifies for a Map Amendment* "redesignation" from Ag-NRL to RRv.
- Mr. Ritchie's Lot is totally unique, and a Map Amendment will *not create a precedent* of any nature.
- Conversely, in my view Skagit County's failure to correct this historical error, and strict application of agricultural rules to the Ritchie Lot will create a very bad and difficult precedent for Skagit County in enforcing its new Agricultural Policy, both legally and in practice.