



PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

To: Skagit County Planning Commission
From: Planning & Development Services Staff
Date: November 6, 2008
Re: 1. Change of Recommendation: 2007 Proposed Comprehensive Plan: MT Enterprises
2. Corrections to October 9, 2008 Memorandum and Corresponding Maps

This memorandum changes a mapping recommendation and corrects certain information in the October 9, 2008, Memorandum to the Skagit County Planning Commission Re: Recommendations Regarding the 2007 Docket of Proposed Comprehensive Plan Amendments (Staff Report), previously transmitted to the Planning Commission. As explained further, below, neither the change in recommendation nor the corrections significantly alter the options and potential outcomes currently available for public comment, and therefore do not require additional public notice or comment period. However, the Department did contact the landowners within the area within the "MT Enterprises" proposal, as the Department is revising its previous recommendation.

The public hearing on this matter remains scheduled for 6:00 p.m., Thursday, November 13, followed by deliberations on Tuesday, November 25.

Change of Recommendation: MT Enterprises and Surrounding

Since the release of the proposal for public review, several discrepancies and some significant new information relating to this recommendation have been discovered. The Department's initial analysis of the "MT Enterprises and Surrounding" proposal, under the evaluation of Comprehensive Plan policy 4A-1.1(iv) (Staff Report, page 8), indicated that "All five parcels in question are located outside of any diking or drainage district." This is not true. On closer comparison of drainage district maps with the Assessor parcel map, the Department finds that Parcel No. P36183 is within Drainage District 14. Also, County tax records for the parcel confirm, at least for the 2008 tax year, a special assessment of \$3.44 for Drainage District 14. Citizen comments received indicated that possible errors had been also reported regarding the acreage descriptions of at least one parcel included within this amendment. Further review indicated that indeed the acreage for that parcel, as well as each of the parcels, had been reported incorrectly. A GIS issue was discovered that will take further work to correct, so at this time we are unable to report accurate acreages for the affected parcels. In addition to the inaccuracies discovered relating to this amendment, a recent biological opinion issued by National Marine Fisheries Service (NMFS) has impacted the Department's original recommendation on this amendment. The biological opinion was issued with regard to the Federal

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Emergency Management Agency's (FEMA) National Flood Insurance Program. NMFS found that the National Flood Insurance Program jeopardizes Endangered Species Act (ESA) listed species and is requiring FEMA to undertake 'Reasonable and Prudent Alternatives' to qualify for an exemption to 'take' under ESA. The reasonable and prudent measures include items such as a moratorium of floodplain development as well as monitoring, mitigation and mapping changes. Although no official action has been required of the County to date, it is clear that effects of the NMFS opinion will be forthcoming. As the majority of each of the properties included in this amendment are located within the 100 year floodplain, these properties are subject to the NMFS opinion. As indicated in the staff report, analysis of Comprehensive Plan Policy 4A-1.1, "...Prime alluvial farmland soils cover a portion of the area below F&S Grade Road." Ultimately, the protection of Agricultural land depends on the protection of agricultural soils. Although the parcels are not currently in agricultural use, the Department believes that the totality of the circumstances outlined in this memorandum compel a reconsideration. With all information considered cumulatively, the factors of agricultural soils, inclusion in diking/drainage districts, and the location in the 100 year floodplain, the Department finds that retention within Ag-NRL district is warranted as the parcels are more consistent with the Ag-NRL designation criteria than in-consistent. The Department now recommends that no action be taken on this amendment and instead recommends that the status quo of an Ag-NRL designation be maintained on the subject parcels (see Attachment A). As this change in recommendation does not significantly alter the potential outcomes (status quo vs. change in designatio) currently available for public comment, it therefore does not require additional public notice or comment period.

Mapping Correction: Bill Schmidt

The recommendation contained on Map No. B-6 of the October 9, Staff Report does not acknowledge a change to the parcel boundaries of two of the subject parcels, owned by Bill Schmidt (see Attachment B). The change was approved via an official boundary line adjustment (County File No. PL08-0141), on March 14, 2008.¹ As this recommendation is to apply the Mineral Resource Overlay to the entirety of the subject parcels, this area would have been included had staff known of the above action. As this correction does not significantly change the October 9 analysis, the Department does not recommend additional public notice or an extension of the comment period.

Mapping Correction: O'Brien-Riggs State Park

A property owner called into question the boundary of O'Brien-Riggs State Park, shown on Map No. 8-C of the October 9, Staff Report. Skagit County GIS/Mapping Services reexamined and remapped the property as described when it was deeded to Washington State (see Attachment C). Remapping shifted known park boundary south in the N.E. potion of the mapped area. No County records describe the approximately 2.4-acre triangle-shaped property that is now outside of the known park boundary. Because deeds to the State's property do not include this area, and ownership is uncertain, it is reasonable to designate the portion known to be State park land as OSRSI and maintain status quo of the 2.4-acre "triangle" property as Rural Reserve. A survey may be required to establish the ownership of this property. As this mapping change does not significantly change the intent or possible outcome of the original recommendation, the Department does not recommend additional

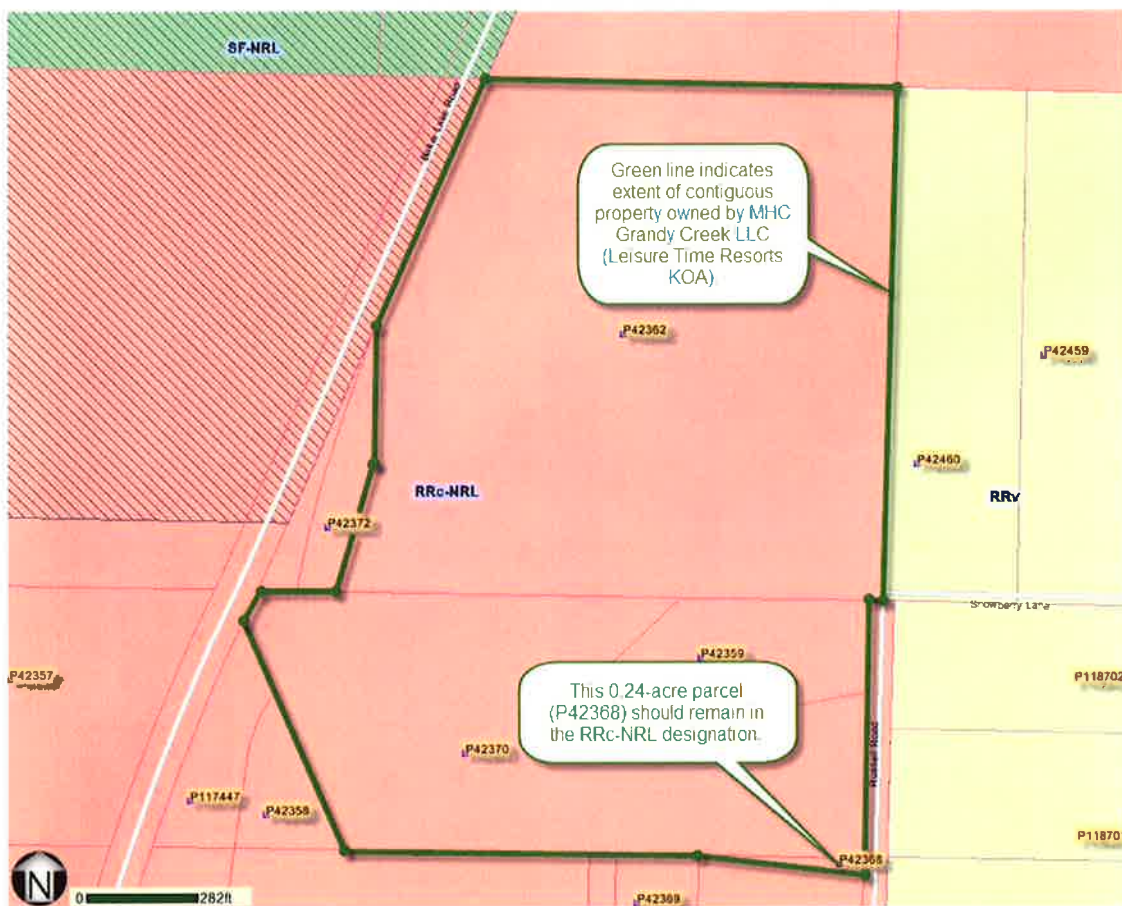
¹ PL08-0141 adjusted approximately 5 acres north of the un-named creek (not shown) from Parcel No. P30607 to P107935, and adjusted approximately 2 acres north of the creek from P30607 to P30606

public notice or an extension of the comment period. The Department did, however, notify the State of Washington of the change.

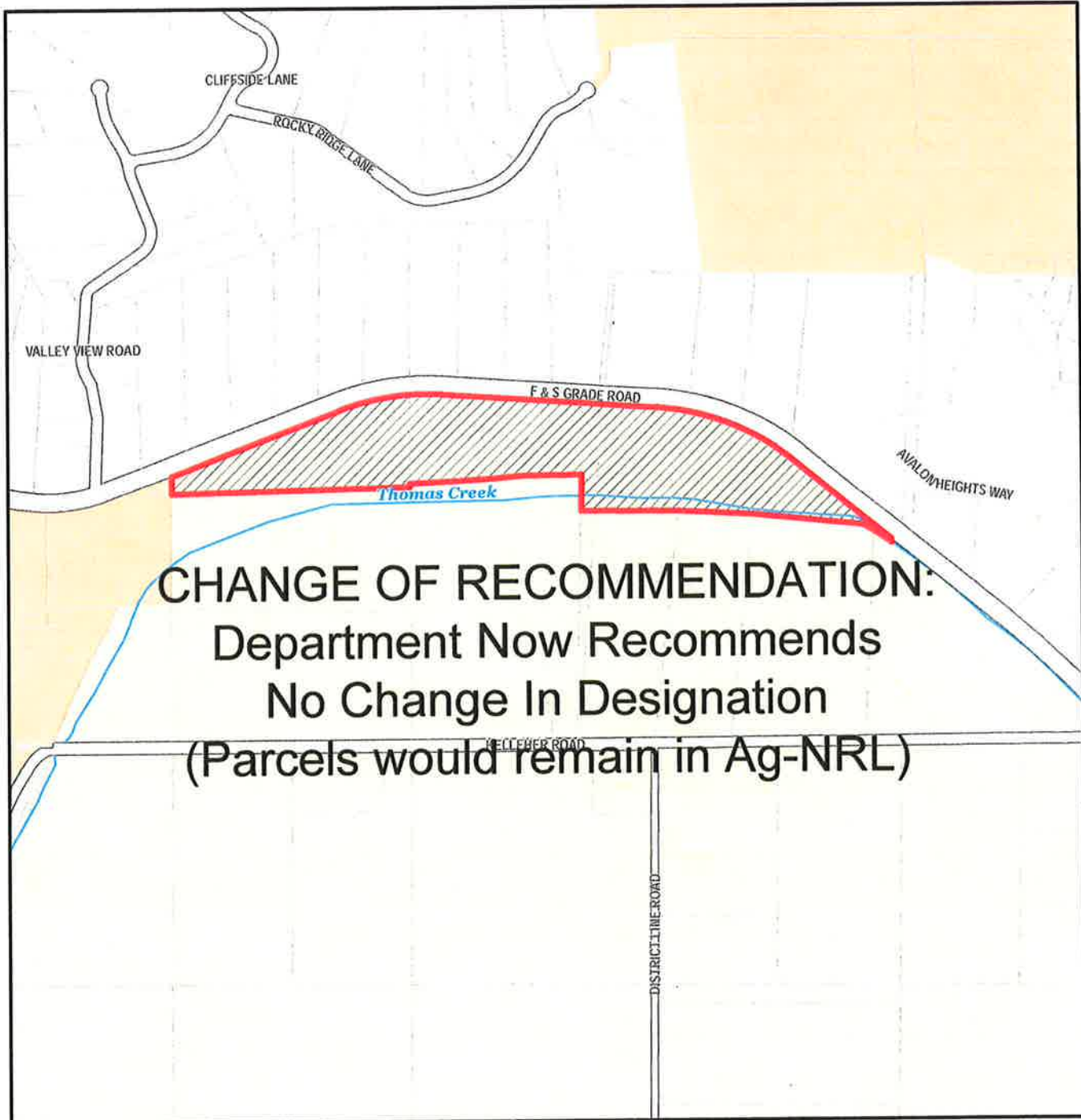
Mapping Correction: Ron Bates and Surrounding Area, Map No. B-2

The October 9 Staff Report (Part B, page 13, and Map B-2) erroneously recommends that the designation of Assessor parcel P42368 should be changed from RRc-NRL to RRv. This was not the Department's intent. Rather, the Department recommends that parcel P42368 remain in RRc-NRL along with the entirety of the Leisure Time Resorts KOA ownership (see Figure 1). The Department believes that the Staff Report (page 12, last paragraph) clearly indicates this intent. Therefore, the Department does not recommend additional public notice or an extension of the comment period.

Figure 1: The Department recommends that Parcel 42368 remain in the RRc-NRL designation.

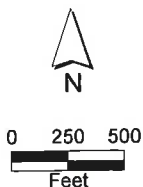


2007 Comprehensive Plan Map Amendment Proposal



MT Enterprises

~~From: Agriculture [Ag-NRL]~~
~~To: Rural Reserve [RRv]~~



Proposal Area

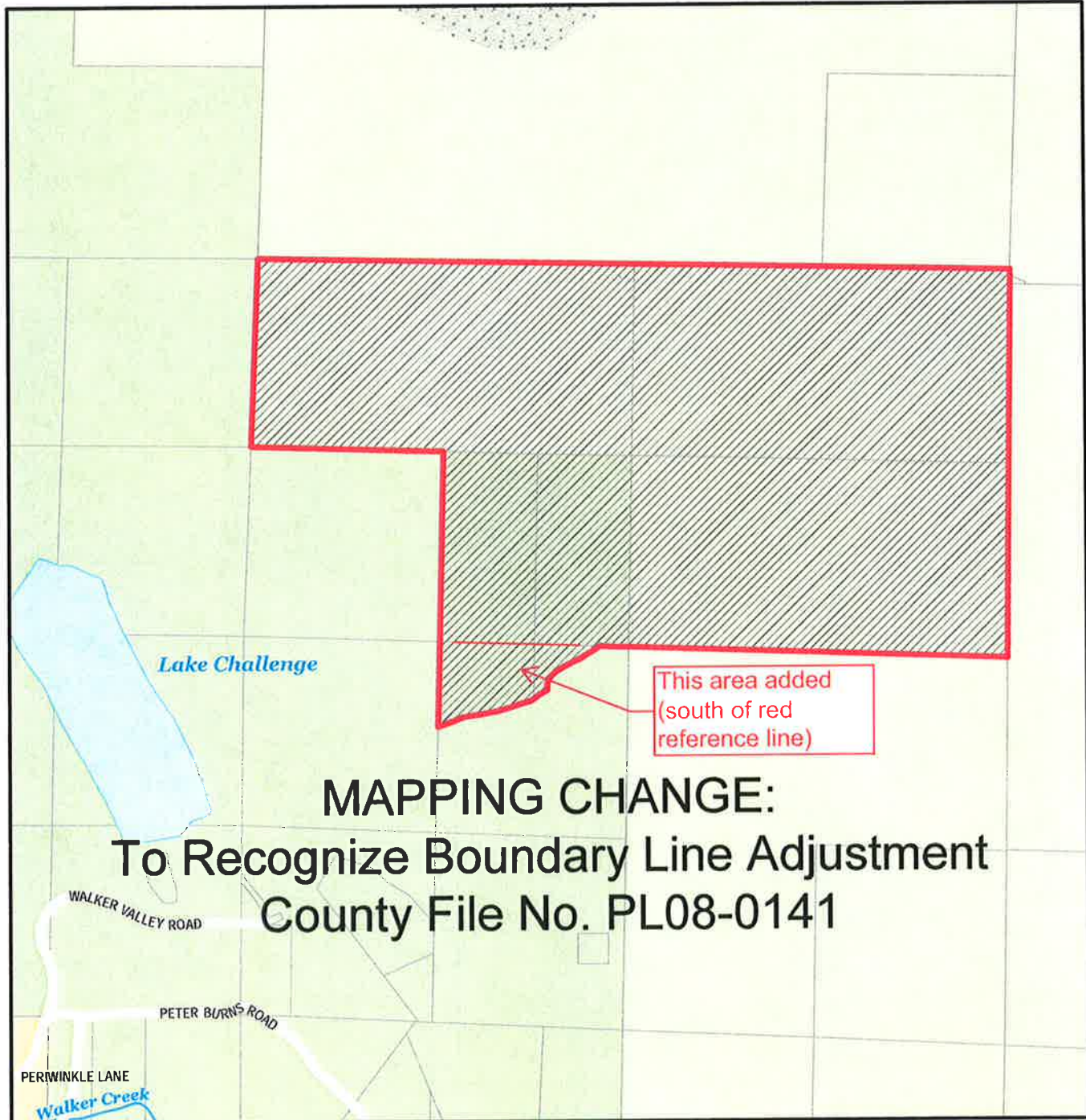
~~PDS Recommended Zone Change~~

Part B: Map 1

October 2008

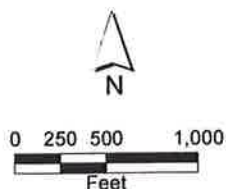
2007 Comprehensive Plan Map Amendment Proposal

Attachment B
To November 6, 2008
Memorandum



Bill Schmidt

Zoned: Secondary Forest [SF-NRL]
& Industrial Forest [IF-NRL]
Add: Mineral Resource Overlay [MRO]



Proposal Area



PDS Recommended Zone Change



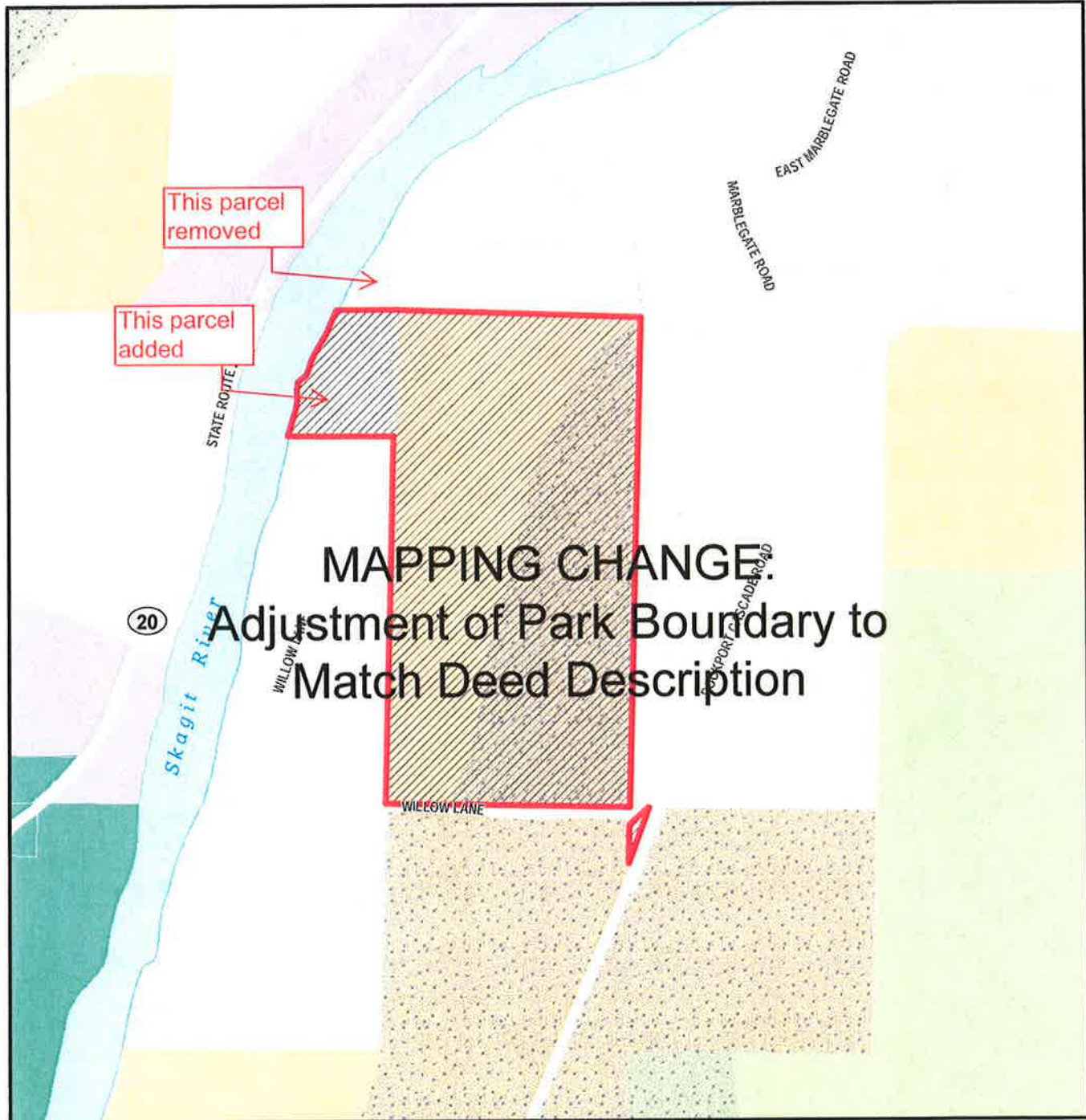
Mineral Overlay [MRO]

Part B: Map 6

October 2008

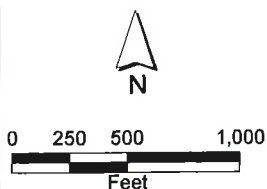
2007 Comprehensive Plan Map Amendment Proposal

Attachment C
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O'Brien-Riggs State Park

From: Rural Reserve [RRv]
& Rural Resource [RRc-NRL]
To: Public Open Space of
Statewide / Regional
Importance [OSRSI]



Proposal Area



PDS Recommended Zone Change



Mineral Overlay [MRO]

Part B: Map 8c

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