



Planning & Development Services

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Memorandum

TO: Planning Commission, Public
From: Kirk Johnson, Senior Planner, AICP
Date: February 28, 2017
Re: 2017 Docket of Comp Plan Policy, Code, and Map Amendments

Background

On December 5, 2016, the Skagit County Board of Commissioners (Board) held a public hearing on the 2017 annual docket of comprehensive plan, land use map, and development regulation amendment proposals and deliberated on such on December 20, 2016.

Also on December 20, 2016, through Resolution # R20160360, the Board established the 2017 Docket which includes 23 proposals to amend the comprehensive plan, map, and development regulations.

Planning & Development Services analyzed the docketed proposals under the State Environmental Policy Act (SEPA), and for consistency and compatibility with the existing comprehensive plan, land use/zoning map, and development regulations, then released the full proposal for public review and comment on March 2, 2017. The Department issued a public notice of a Planning Commission public hearing on the 2017 Docket proposals scheduled for April 4, with a written comment period concluding on April 6. These documents are available on the project webpage at www.skagitcounty.net/2017CPA.

This memorandum includes an analysis of the proposals for consistency with county and state requirements, and the Department's recommendations, as required by SCC 14.08.080. The Department's recommendations are based on the proposals' application materials, additional research, and evaluation of the proposals' consistency with relevant policies and criteria in the Skagit County Comprehensive Plan and provisions in Skagit County Code.

Following the procedures described in SCC 14.08.070 through .090, the Planning Commission will deliberate and make recommendations on the various amendment proposals and transmit its recommendations to the Board in the form of a recorded motion. The Board will then meet to consider and take formal action in the form of an ordinance approving or denying the proposed amendments to the comprehensive plan, land-use/zoning map and development regulation.

Public Petitions: Policy and Code

The full text of each petition as originally submitted or proposed is available on the 2017 Comprehensive Plan Amendment webpage at www.skagitcounty.net/2017CPA. The specifics of the proposals being released for public review and comment are also available in the document titled

2017 Docket Policy, Map and Code Proposal, hereafter called “the proposal,” also posted on the 2017 Comprehensive Plan Amendment website.

P-7. Require permanent protection of CaRD open space on Guemes Island (Guemes Island Planning Advisory Committee)

Summary

The proposal would amend Skagit County Code (Chapter 14.18 Land Divisions) to require permanent protection of any open space designated through a CaRD subdivision on Guemes Island.

Rationale:

Applicant Guemes Island Planning Advisory Committee (GIPAC) provided the following rationale for the proposal:

The CaRD subdivision process allows for clustering of residential development in exchange for designated open space. Recognizing the need to protect Guemes Island’s sole source aquifer, the County’s subdivision code does not allow for density bonuses on Guemes Island through the CaRD process. However, the code lacks a mechanism to ensure that the open space areas designated through a CaRD will not be further subdivided in the future.

Given that Guemes Island is not within an Urban Growth Area and because density limits are needed to protect its sole source aquifer, the island is not an appropriate location to reserve open space for future urban development. The code should include a clear mechanism for permanent protection of open space areas designated in Guemes Island CaRDs.

Analysis

For purposes of clarification: only one of the CaRD open space designations (Open Space-Urban Reserve) is intended to reserve land near a UGA for future urban development. Because Guemes Island is more than one-half mile from the Anacortes urban growth area, this open space option is not available. That said, most of the other CaRD open space designations do not require permanent protection of open space through a conservation easement¹. Instead, once all eligible lots have been created through the CaRD process, the open space is “preserved” as long as the property’s zoning remains the same. The term preserved is used here to mean no additional residential development is permitted, although some of the CaRD open space designations do allow the development of certain recreational uses.

Under current code, the open space can only be further developed for residential purposes if the County rezones the property to a zone allowing additional residential densities.

The Department’s permits database indicates the County approved one CaRD land division on Guemes Island between 2005 and 2015, creating 6 development lots in Rural Reserve. The open space lot is designated Open Space Rural Open (OS-RO).

¹ The two CaRD open space designations that do require permanent protection through a conservation easement are Open Space-Protection Area (Os-PA) and Open Space Natural Resource Lands (OS-NRL).

A policy supporting permanent protection of CaRD open space was adopted as policy 4.21 of the [Guemes Island Subarea Plan](#), which the Board of County Commissioners approved in 2011: “The County should ensure that open space set aside by CaRD subdivisions is permanently protected.”

This proposal will implement the adopted policy through a minor amendment to the CaRD development regulations specific to Guemes Island, as shown in the proposal. No additional policy language is needed in the Comprehensive Plan.

Under current rules, not all development rights need be allocated to development lots within a CaRD at the time of the CaRD land division. The property owner can come back later and create additional lots that utilize any remaining development rights. The proposal would require that the CaRD include those development rights in the Os-RSV open space category for reserved development rights. The remainder of the open space in the CaRD would receive a conservation easement,² which would impose no restrictions on use of the property **except** prohibiting future residential development in the open space tract. Additional residences on the open space portion of the CaRD would not be allowed under current code, either, but the conservation easement would protect against future zoning changes.

The County uses conservation easements to permanently protect agricultural land through the Farmland Legacy Program, and to protect land placed in CaRD Open Space-Protection Area (Os-PA) and Open Space Natural Resource Lands (Os-NRL) designations.

Recommendation

The Department recommends **approval** of the proposal to require permanent protection of open space designated through a CaRD subdivision on Guemes Island.

P-12. Create new South Fidalgo Island Rural Residential Zone (Roger Robinson)

Summary

The proposal would create a new South Fidalgo Rural Residential (SF-RR) designation and zone and apply it to all properties currently zoned Rural Reserve on Fidalgo Island west of Reservation Road, as shown in the map in the proposal document.

The SF-RR zone would have the same base residential density as Rural Reserve (1 dwelling per 10 acres), but many of the non-residential special uses allowed in Rural Reserve would be eliminated from SF-RR. Per the submitted proposal, Conservation and Reserve Developments (CaRDs) would also not be an option in SF-RR. This means there would be no CaRD density bonus as exists in Rural Reserve (allowing 2 dwellings per 10 acres if clustered), and no ability to cluster residential lots on smaller parcels even without a density bonus.

Rationale

Applicant Roger Robinson provided the following rationale for the proposal:

² Defined broadly in Skagit County Code as “a legal agreement a property owner makes to restrict the activities and uses that may take place on his or her property.”

South Fidalgo has primarily two zones: Rural Intermediate, which mostly follows the coastline, and Rural Reserve, which is most of the large inland part of the island. The Rural Reserve zone in the county code allows for a large variety of intense commercial uses. On South Fidalgo, Rural Reserve is all non-commercial residential properties. We would like to keep it that way.

We propose that all the Rural Reserve on South Fidalgo be rezoned to a new zone called South Fidalgo Rural Residential. The SF-RR zone would have the same density as Rural Reserve, but fewer uses. For example, SF-RR would not include the following uses that are currently allowed on South Fidalgo through Rural Reserve:

- Agricultural processing facilities
- Anaerobic digester
- Animal clinic hospitals
- Animal preserve
- Asphalt/concrete batching
- Day-use and boarding kennels
- Destination and developed campgrounds³
- Display gardens
- Fish hatchery
- Golf course
- Manure lagoon
- Off-road vehicle use areas
- Outdoor outfitter enterprises
- Private aircraft landing fields
- Recreational racetracks
- Seasonal worker housing
- Wholesale nurseries

These uses might be appropriate in other parts of Skagit County, but not on South Fidalgo....Existing businesses on the island, like Lake Erie Grocery, are already contained in other zones, like Rural Business, and would not be affected by this rezone.

We also propose that the new SFRR zone prohibit CaRD development. Preservation of rural character is important on Fidalgo Island. CaRD development does not “preserve” rural character; instead it “preserves” rural land for future development. For instance, SCC 14.10.300(1)(b) says that one of the purposes of CaRDs is “to reserve lands that may be appropriate for future urban growth areas.” The clustering and lot size requirements in the CaRD are also ineffective at preserving rural character in Rural Reserve; instead they create lots that are much smaller than the size of Rural Intermediate (LAMIRD) lots. We believe that prohibiting CaRDs in the new SFRR zone would help preserve South Fidalgo’s character by ensuring larger lots. [Additionally] our island aquifer cannot handle more and more water wells.

Analysis

The applicant submitted the proposal, along with a petition signed by other South Fidalgo Island residents, after being told by the Board of County Commissioners in 2015 that the County had no

³ See note on this use, below.

plans to reinitiate and complete the South Fidalgo Subarea Plan. The applicants suggest that implementing the SF-RR zone—by reducing the range of non-residential uses and precluding CaRDs—would address most of the concerns that led islanders to pursue a subarea plan in the first place, including loss of rural character, traffic congestion, and excessive demands on the aquifer.

Below, the Department separately discusses the two elements of the proposal—the elimination of certain special uses, and the elimination of the CaRD development option. These two elements are separable, meaning one could be adopted independent of the other.

Reduction in Special Uses

The Department does not see a problem with creating a new zone for a distinct geographic part of the County. The County has already done so for Alger, Guemes Island, and Bayview Ridge through subarea plans. The County initiated a community planning process for South Fidalgo although that plan was never brought to completion and the Board of County Commissioners has indicated no intention to reinitiate that process. As noted above, proponents of the SF-RR zone say implementing this proposal will address the majority of issues and concerns members of the public raised through that community planning process.

As a point of clarification, destination campgrounds in Rural Reserve are limited to pre-existing campgrounds 30 acres or smaller, which applies to just one campground, Pioneer Trails, on Fidalgo Island. Under existing code, only minor modifications are allowed to the special use permit, provided they do not increase the number of campsites, enlarge the footprint, or modify existing conditions on perimeter buffers. These provisions regarding existing destination campgrounds are proposed to be retained in the new SF-RR zone, while the option to create new developed campgrounds is proposed for removal from SF-RR.

The proponent of the SF-RR zone suggested after docketing that the special uses for “recycling drop box” and “outdoor storage of materials with and without a health hazard” also be removed from the use lists. The Department has excluded those uses in the new SF-RR zone so that facet of the proposal may receive public comment.

Elimination of CaRDs

According to the Department’s permit data base, the County approved two CaRD land divisions in Rural Reserve on Fidalgo Island between 2005 and 2015. Those CaRDs resulted in five development lots—three of them through density bonuses—and two open space lots.

CaRDs allow smaller lots and, in the case of Rural Reserve, a density bonus in exchange for placing the remaining undeveloped land in an open space designation. Some of the CaRD open space designations are protected through permanent conservation easements,⁴ while others must remain as open space as long as the property is not rezoned to a higher intensity land use.

Clustered development reduces the portion of the lot that is developed—known as the “development footprint”—while leaving a large portion of the parcel as undeveloped open space. The thinking is that larger, undeveloped open space areas support continued natural resource

⁴ Open Space-Protection Area (Os-PA) and Open Space Natural Resource Lands (Os-NRL)

management (farming or forestry), preserve larger intact blocks of wildlife habitat, and help to maintain rural character.

As this proposal's rationale statement makes clear, however, not all people agree. Some believe that the smaller clustered lots diminish rural character and more closely resemble urban or suburban development than a lot pattern of one house per 10 acres.

The proposal as submitted and released would eliminate CaRDs altogether in the SF-RR zone, including the ability to cluster residential development on smaller lots and to obtain an additional unit of residential density for doing so.

The Department has included an alternative option in the proposal that would continue to allow clustering and open space preservation under the CaRD ordinance, but would eliminate the density bonus that is available in the Rural Reserve zone.

The Department has included both of these options in the SF-RR proposal to generate more nuanced public input and provide the Board of County Commissioners more decision-making flexibility than a simple yes/no option on CaRDs.

Recommendation

The Department recommends **approval** of the proposal to create a new SF-RR zone on Fidalgo Island with a more limited list of special uses than exists in Rural Reserve. This provides an efficient way to achieve closure on the issue of rural development on Fidalgo Island without the need to complete a subarea plan, which the Board has indicated it does not intend to reinstate.

The Department recommends **against** eliminating CaRDs in the SF-RR zone, on the basis that the clustering and open space provisions of CaRDs are valuable tools to encourage more efficient land development and the preservation of larger areas of open space. The CaRD ordinance could be improved but it should not be eliminated.

Public Petitions - Map Amendments

PL16-0352, Port of Skagit

Summary

The proposal would change the designation of two Port-owned properties, totaling 3.3 acres, from Aviation Related (AVR) to Bayview Ridge Light Industrial (BR-LI). The lots lack airport access which makes them unusable in the AVR zone.

Rationale

Applicant Port of Skagit County provided the following rationale for the proposal:

The subject lots are located on Port property adjacent to Skagit Regional Airport and within the Bayview Business Park. The proposed rezone seeks to allow the development of these lots for industrial purposes consistent with the surrounding zoning and most likely future uses. Since the original zoning was established, the lots have become separated from the airfield by protected critical areas (wetlands). Since the lots lack airfield access and are located adjacent to Higgins Airport Way

and in the Bayview Business Park, the best and only viable future use of these lots is light industrial development.

At just 3.3 acres, the proposed change would have a negligible impact on the allocation of industrial land at Bayview Ridge between the AVR and BR-LI zones.

Analysis

The Department finds that the proposal is consistent with:

- The vision statement articulated in the Bayview Ridge Subarea Plan which supports the development of suitable lots for jobs-producing industrial development that is compatible with the surrounding property.
- Objective 2A-1 of the Subarea Plan: “Manage urban land use patterns in the community to optimize and balance the types and locations of uses.”
- Objective 3A-1 of the Subarea Plan: “Create and maintain diverse employment opportunities that meet the changing income needs of Skagit County residents.”

At just 3.3 acres, the proposed change would have a negligible impact on the allocation of industrial land at Bayview Ridge between the AVR and BR-LI zones.

Recommendation

The Department recommends **approval** of the proposed amendment to change the designation of two Port-owned properties, totaling 3.3 acres, from Aviation Related (AVR) to Bayview Ridge Light Industrial (BR-LI).

County-Initiated – Comprehensive Plan or Code

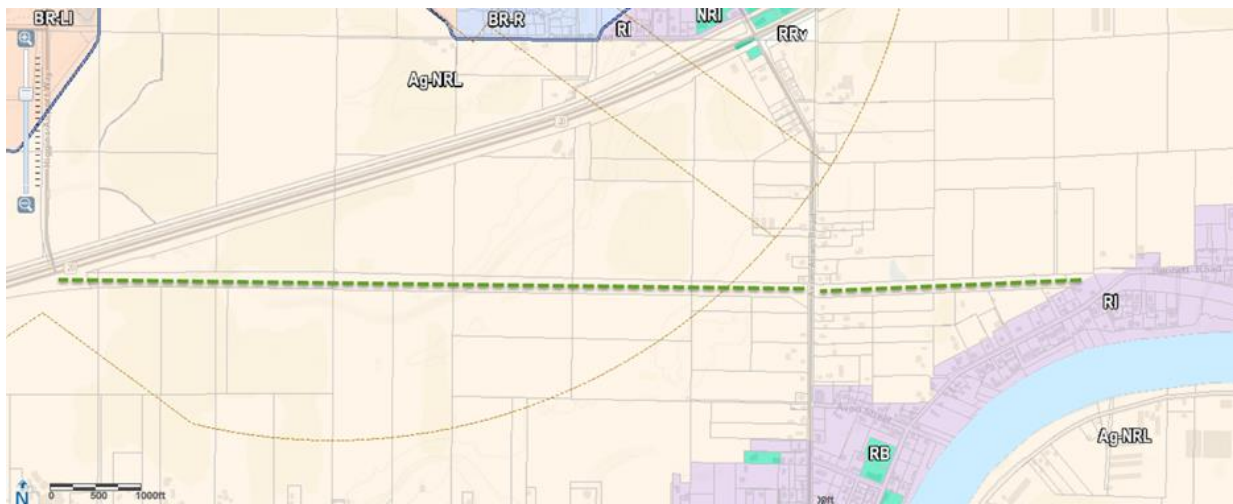
C-2. US Bike Route 10 (Coast to Cascades Trail) Corridor Study Revision (Commissioner Wesen)

Summary

The proposal would revise the [US Bike Route 10 \(Coast-to-Cascades Trail\) Corridor Study description](#), located in the Comprehensive Plan Transportation Technical Appendix, to preclude the future use of currently unused County right of way between Burlington and Bayview Ridge for non-motorized transportation. The County owns unused right of way that runs through Ag-NRL lands in the Riverbend area, as shown in the below map. The proposal seeks to address concerns about the impacts of a potential non-motorized trail on agriculture in the area.

Rationale:

Commissioner Wesen, who initiated the proposal, has expressed concern that use of the right of way for a non-motorized trail would take agricultural land out of production and could create conflicts between users of the trail and ongoing agricultural activities.



Dashed green line shows unused County right of way running east-west from Bennett Rd. to SR 20 at Higgins Airport Way.

Analysis

The US Bike Route 10 Corridor Study was added to the Transportation Element's 20-year project list through the 2016 Update. The US Bike Route 10 Corridor is an existing transportation route from Fidalgo Island to the Town of Concrete and the east County line (and continues to run across the entire State of Washington to the border with Idaho). It uses State Route 20, city and county roads, and trails. The study would consider shoulder widening where necessary and trail construction or existing trail improvements along the corridor to make it safer and more useable by bicyclists and pedestrians.

The Coast-to-Cascade Trail Corridor Study description in the Transportation Technical Appendix is brief and does not specifically mention unused County right of way between Burlington and Bayview Ridge. That is one of many items that could be evaluated if the corridor study were to occur. The Board of County Commissioners would first need to place the study on the 6-Year TIP. Typically, the purpose of a corridor study is to consider a variety of options for the corridor, rule out options that are economically, technically, or politically unfeasible, and identify options that are preferred.

A new non-motorized route through undeveloped farmland would take some farmland out of production; the potential loss of farmland would be even greater if a road for motorized vehicles were built, as roadways are typically wider than bicycle trails or walking paths. A road would similarly allow greater access by the general public to the adjacent farmland, potentially increasing conflicts with ongoing agricultural activities.

The right of way in question is old State Highway right of way given to the County in 2013-2014. The County determined the right of way might be worthwhile for road or other transportation purposes as the County grows in the future. The Department understands there has been some discussion of eventually using the right of way for a truck by-pass route.

It appears the focus of the proposal solely on the potential impacts of a non-motorized trail are incomplete, as the impacts of a road would be as significant as—or possibly more significant than—a trail. The Department believes it would be more appropriate to state that the corridor study

would not consider the right of way as a potential future route for US Bike Route 10 *unless* a road is constructed there, in which case consideration should also be given to providing safe access for bicycles and pedestrians.

Recommendation

The Department recommends that the US Bike Route 10 (Coast to Cascades Trail) Corridor study description be **modified** to state: Unused County right of way through agricultural land between Burlington and Bayview Ridge should not be considered as a potential future route for US Bike Route 10 on its own; however, if a road is constructed there, consideration should also be given to providing safe access for bicycles and pedestrians along this route.

Note:

All of the following proposals originated with the Planning & Development Services Department (PDS) and were added to the docket by the Board of County Commissioners.

C-3. Garage Setbacks in Bayview Ridge Residential (PDS)

Summary

Revise SCC 14.16.340(5)(c)(i)(D) to clarify that this setback provision applies to new garages only.

Analysis

The setback in current code is intended for entirely new construction of a garage on a lot. The amendment will clarify that additions to *existing* garages do not need to be set back, as most of the existing garages are already located out in front of the residence, making it impossible to comply with the setback requirement.

Recommendation

The Department recommends **approval** of the proposal.

C-4. Major Utility Development in Bayview Ridge Residential (PDS)

Summary

Add major utility development as a Hearing Examiner special use in the Bayview Ridge Residential zone, SCC 14.16.340.

Analysis

Minor utility development is already listed, but major utility development is inadvertently missing from the zone. This could preclude the ability to run larger water or sewer lines through the zone.

Recommendation

The Department recommends **approval** of the proposal.

C-5. Temporary Events in Bayview Ridge Aviation and Industrial Zones (PDS)

Summary

Make temporary events an outright permitted use in the Aviation Related, Bayview Ridge Light Industrial, and Bayview Ridge Heavy Industrial zones, as they are in Urban Reserve Commercial Industrial.

Analysis

As an example, the Heritage Flight Museum at Skagit Regional Airport currently needs to obtain a permit every time it holds an aviation event. Such temporary events should be an outright permitted use in the Aviation Related zone and in other industrial zones at Bayview Ridge.

Recommendation

The Department recommends **approval** of the proposal.

C-6. Prohibit Creation of Multiple Lots in Small Scale Business (PDS)

Summary

Amend SCC 14.16.140, Small Scale Business, to prohibit lots from being divided through binding site plans to create more development potential than is intended in the Small Scale Business zone.

Analysis

The amendment clarifies that the Small Scale Business designation is intended for a single business, not multiple businesses on multiple lots created through a binding site plan. A property designated Small Scale Business may house a business up to 10,000 sq. ft. and employ up to 20 workers. While one business of this size on a parcel is consistent with rural character and the intent of the zone, multiple businesses on a single parcel would not be.

Recommendation

The Department recommends **approval** of the proposal.

C-7. Rural Freeway Service-and Rural Center Development Size Limits (PDS)

Summary

Clarify that SCC 14.16.120(5)(b), Rural Freeway Service, limits development to one building rather than to one establishment per parcel; and that the building may contain more than one business. Make a similar change to the Rural Center code SCC 14.16.110(5)(b).

Analysis

The amendment clarifies that buildings in Rural Freeway Service and Rural Center may contain more than one business, provided that the building itself falls within the overall square footage limits of the zone. There are several examples in the RFS and Rural Center zones where individual buildings house more than one business, providing a wider range of commercial uses to rural residents without exceeding building size limits that help to maintain rural character.

Recommendation

The Department recommends **approval** of the proposal.

C-8. Mobile Home Parks (PDS)

Summary

Correct SCC 14.16.850(9) which references the wrong section of Title 12 for mobile home parks.

Analysis

The amendment simply corrects a scrivener's (clerical or typographical) error.

Recommendation

The Department recommends **approval** of the proposal.

C-9. Similk Beach Septic (PDS)

Summary

Update SCC 14.16.920 to reflect that the septic system envisioned by this section was never constructed.

Analysis

The amendment simply corrects code to reflect actual conditions.

Recommendation

The Department recommends **approval** of the proposal.

C-10. Affidavit for Accessory Dwelling Unit (PDS)

Summary

Delete requirement under SCC 14.16.710(1)(i) that the property owner must sign an affidavit affirming the owner or an immediate family member will occupy the principle dwelling unit or accessory dwelling unit (ADU) for at least six months per year. Consolidate this requirement with title notice requirement in SCC 14.16.710(1)(j).

Analysis

The ADU code can be simplified through this amendment, and permit processing can be streamlined.

Recommendation

The Department recommends **approval** of the proposal.

C-11. Variance Chapter Formatting Error (PDS)

Summary

Correct the formatting error in SCC Chapter 14.10 Variances made through the 2016 Comp Plan/Code update.

Analysis

The amendment corrects a formatting error.

Recommendation

The Department recommends **approval** of the proposal.

C-12. Repair, Replacement, and Maintenance of Water Lines (PDS)

Summary

Make repair, replacement, and maintenance of existing water lines that are 12 inches or less in diameter a permitted use in all zoning districts. The current limit in County code is 8 inches.

Analysis

The amendment would make County code consistent with SEPA categorical exemptions, which were amended in 2014 to exempt from SEPA review storm water, water and sewer lines 12 inches or less in diameter. The amendment will expedite smaller scale repair, replacement and maintenance projects on existing lines.

Recommendation

The Department recommends **approval** of the proposal.

C-13. Reorganize Personal Wireless Services Facilities (PDS)

This proposal has been delayed and is not included in this proposal.

C-15 – 18 (Code). Amend List of Uses in OSRSI (PDS)

See corresponding map amendments, below.

County-Initiated – Map

C-14. Update and simplify the Airport Environs Overlay (AEO) map (PDS)

Summary

Change Airport Compatibility Zone (ACZ) 1 to ACZ 2 for all properties not owned by the Port of Skagit. Also remove extraneous lines on the AEO map that make it difficult to interpret. See the proposal document for maps depicting these proposed changes.

Analysis

Several private properties are located in the ACZ 1 zone just west of Farm to Market Road. ACZ 1 removes nearly all ability to develop property, which is not appropriate for land in private ownership. This proposal would change the zone affecting these properties to ACZ 2. There are two maps for review in the proposal.

The removal of extraneous lines on the AEO map will make the map much easier to use.

Finally, two tweaks to the AEO code section, SCC 14.16.210, will remove the requirement to record title notices for property in ACZ 1, which is all owned by the port, and update the notice forms.

Recommendation

The Department recommends **approval** of the proposal.

C-15 – C18. Update OSRSI map designations; also amend OSRSI Comprehensive Plan narrative and code (PDS)

Summary and Analysis (Comprehensive Plan and Code Amendments)

This Comprehensive Plan text and code amendment accompanies map amendments C15-18 dealing with the Public Open Space of Regional/Statewide Significance (OSRSI) designation.

In reviewing the list of uses in OSRSI, the Department discovered two Hearing Examiner special uses that appear incompatible with the general purpose and intent of the zone. Those are golf course and recreational racetrack (SCC 14.16.500(5)(b) and (h).) The Department is not aware of either of these uses existing on OSRSI-designated land and does believe they are compatible with the description of the OSRSI designation as “publicly owned lands that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive areas.” (Comprehensive Plan, p. 51, policy 2B-1.1) Given the other uses listed, the Department believes the term “recreation” refers to more passive forms of recreation, not more developed facilities such as golf courses and recreational racetracks.

At the same time, the Department finds an important use missing from the list of permitted uses in OSRSI, especially given that many OSRSI lands are in forested areas. That use is “Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto,” as is found in the list of permitted uses in Industrial Forest-NRL, Secondary Forest-NRL, and Rural Resource-NRL. Seattle City Light has indicated it wants the ability in its forested land designated OSRSI to continue managing to maintain forest health and improve habitat conditions. The Department recommends the above use be added as a permitted use in SCC 14.16.500 Public Open Space of Regional/Statewide Significance.

Finally, the Department noticed that the list of public lands designated OSRSI is inconsistent between the Comprehensive Plan and the purpose statement for the OSRSI zone (SCC 14.16.500). That list also needs to be updated to reflect the map additions and deletions proposed through this docket.

Recommendations

The Department recommends **removing** golf course and recreational racetrack from the list of Hearing Examiner special uses, and **adding** cultivation and harvest of forest products to the list of permitted uses in SCC 14.16.500 OSRSI as shown in the proposal document.

The Department also recommends **revising** the list of OSRSI designations in the Comprehensive Plan and the development regulations to make them consistent with each other and to reflect the additions and deletions proposed through this docket.

Summary and Analysis (Map Amendments)

These map amendments propose to update Public Open Space of Regional/Statewide Significance (OSRSI) designations on the Comprehensive Plan/Zoning map. Most would add land in public ownership to OSRSI. C-16 addresses properties owned by Seattle City Light; C-17, properties owned by Washington State and managed by the Department of Natural Resources; and C-18 property owned by Skagit County. In the case of Ika Island (C-15), which is privately owned, the proposal would remove the OSRSI designation.

Chapter 2 of the Comprehensive Plan says: “Public open space areas include publicly owned lands that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive areas. Where identified.... to be of regional or statewide importance, such lands are designated on the Comprehensive Plan/Zoning Map.” (Comprehensive Plan, p. 35)

Skagit GIS/Mapping informed Planning and Development Services about the potential map updates proposed in C-16, C-17 and C-18 in the process of discussing other 2017 docket map amendment proposals.

C-15. Ika Island to Rural Reserve (PDS)

Summary

Ika Island (P15229) is privately owned and therefore should not be designated Public Open Space of Statewide/Regional Importance (OSRSI). Some of the privately-owned land adjacent to the island (P15230) is 2nd class tidelands and would be removed from OSRSI and shown as water, consistent with other 2nd class tidelands, as shown in the map and aerial photo included in the proposal.

Analysis

The County became aware of the ownership issue through a public comment submitted during the 2016 Update. Because of its relatively small size and geographic isolation, the parcel does not meet the designation criteria for any of the natural resource land designations. The most appropriate designation would be Rural Reserve, consistent with other wooded knolls in the area.

The Department has communicated with the property owner who supports the proposed change. The property owner would like to see the private tidelands also designated Rural Reserve, but this would be contrary to how tidelands are mapped elsewhere in the County and the Department does not support this action.

Recommendation

The Department recommends **approval** of the proposal to re-designate P15229 from OSRSI to Rural Reserve and to show P15230 and other adjacent second-class tidelands as water.

C-16. Department of Natural Resources Lands to OSRSI (PDS)

Summary

The Department of Natural Resources has added land on Cypress Island and nearby Hat Island to its Natural Resources Conservation Areas (NRCA) and Natural Area Preserves (NAP) designations. According to DNR, “Natural Resource Conservation Areas (NRCAs) protect outstanding examples of native ecosystems, habitat for endangered, threatened and sensitive plants and animals, and scenic landscapes. More than 118,700 acres are conserved in 36 Washington State NRCAs.” Likewise, “Natural Area Preserves protect the best remaining examples of many ecological communities including rare plant and animal habitat. The preserve system presently includes more than 38,290 acres in 56 sites throughout the state.”

The DNR lands proposed for addition to OSRSI on Cypress Island and on nearby Hat Island are shown in maps 1 – 7 in the proposal and are also identified by the same numbers on this [Countywide map](#). These properties are currently designated Rural Reserve. If all of these map

amendments are approved, acreage in Rural Reserve would be reduced by approximately 428 acres and acreage in OSRSI would increase by a corresponding amount. These changes would be reflected in the land use acreage tables on pages 30-31 and 62 of the Comprehensive Plan.

Another tract of land owned and managed by DNR as a natural area is shown in map 16. This set of four DNR parcels is about 120 acres in size and is currently designated Industrial Forest-NRL (IF-NRL). As the map shows, this island of IF-NRL is surrounded by a sea of DNR land already designated OSRSI and managed for conservation purposes. For consistency in mapping and to better represent the ongoing management of these lands, the Department recommends the land shown in map 16 be redesignated to OSRSI. If this change is approved, acreage in IF-NRL would decrease by about 120 acres and acreage in OSRSI would increase by a corresponding amount, which would be reflected in the table of land use acreages on p. 30-31 of the Comprehensive Plan.

Recommendation

The Department recommends **approval** of the proposal to designate DNR lands shown in maps 1-7, and map 16, as OSRSI.

C-17. Seattle City Light Lands to OSRSI (PDS)

Summary

Seattle City Light has added land to its inventory of Wildlife Mitigation Lands and Endangered Species Act Lands in Skagit County. According to the Seattle City Light website: “The Skagit River Wildlife Mitigation Program is designed to meet the requirements of Federal Energy Regulatory Commission License for City Light’s Skagit Project. It includes three main components: acquiring and managing wildlife habitat; providing funding for wildlife monitoring to City Light’s partners on the Skagit River; and administering wildlife research grants.”

For docketing purposes, the Department identified 11 potential map changes to OSRSI involving Seattle City Light properties. These are shown in maps 8 – 15 and 17 – 20 in the [map set](#) released for docketing consideration last fall (map 16 shows DNR land).

After more careful review, the Department has narrowed that down to just 4 areas, as shown in maps 8, 14, 15 and 17 in the proposal.⁵

In two of those areas (Maps 8 and 17) an isolated area of land designated IF-NRL is surrounded by land designated OSRSI and managed for conservation purposes (which may include forest management and timber harvesting). If Maps 8 and 17 are approved, acreage in IF-NRL would decrease by approximately 170 acres and OSRSI acreage would increase by a corresponding amount.

⁵ The other Seattle City Light properties contained in the docketing proposal are not being considered further for OSRSI designation because they would represent an incursion of OSRSI into large areas of designated natural resource land (IF-NRL, SF-NRL, or RRc-NRL), and would need to be subject to more rigorous NRL designation process.

The area shown in Map 15 is a portion of a parcel, P102914, owned by Seattle City Light that is already designated OSRSI. The proposal extends the OSRSI designation to the entire parcel. This change would move approximately 12 acres from IF-NRL to OSRSI.

Finally, the majority of the Seattle City Light property (approximately 16 acres) shown in Map 14 is designated Rural Reserve, while approximately 7.5 acres is designated Secondary Forest-NRL. The Department believes the OSRSI designation is more fitting with the land's use for wildlife habitat or endangered species conservation purposes. This change would increase the OSRSI designation by approximately 23.5 acres and reduce Rural Reserve by 16 acres and Secondary Forest-NRL by 7.5 acres, which would be shown in the land use acreage table on p. 30 of the Comprehensive Plan.

In total, the map amendments affecting Seattle City Light land would result in an increase of approximately 206 acres of land designated OSRSI, with 182 of those acres coming from Industrial Forest-NRL 7.5 from Secondary Forest-NRL, and the remainder from Rural Reserve.

In a related matter, the Sauk river channel has moved significantly in this area in recent years, as shown in the map immediately following Map 14. GIS/Mapping Services has already changed the County's parcel layer map to show the new river channel and recommends that a corresponding change be made on the Comprehensive Plan/Zoning map at this time.

Recommendation

The Department recommends **approval** of the proposal to redesignate the Seattle City Light lands shown in maps 8, 14, 15, and 17 from their current designation to OSRSI; and **approval** of the GIS/Mapping Services recommendation to revise the Sauk River channel on the Comprehensive Plan/Zoning map in the vicinity of Map 14.

C-18. Pressentin Park to OSRSI (PDS)

Summary

Skagit County's Pressentin Park in Marblemount was enlarged by about 13 acres in 2009. Currently in Rural Village Residential, it is proposed to be designated OSRSI like other County parks including Howard Miller and Sharpe's Park and the Montgomery-Duban Headlands

Pressentin Park is an existing County park and is included as a park facility in the Skagit County Comprehensive Parks and Recreation Plan. The park is approximately 54 acres in total size. This map amendment would increase designated OSRSI acreage by that amount and reduce acreage in Rural Village Residential by a corresponding amount.

Skagit GIS/Mapping brought this map amendment proposal to the Department's attention, suggesting Pressentin Park should be designated OSRSI consistent with other County parks of a similarly large size.

Recommendation

The Department recommends **approval** of the proposal.

C-19. Island International Artists Rural Business Correction (PDS)

Summary

The proposal would correct the location of a Rural Business (RB) designation on Guemes Island. The RB designation intended for Island International Artists is shown on an incorrect parcel. This technical mapping error occurred several years ago. It was recently brought to the Department's attention by Skagit GIS/Mapping.

Department records show the RB designation was intended for the property housing Island International Artists. The Department has confirmed that business is located at P61751, 5362 Guemes Island Road, not at P46905, 5412 Guemes Island Road, which is currently and designated RB.

The proposal would move the RB designation from P46905 to P61751. It would redesignate P46905 to Rural Intermediate, consistent with surrounding properties.

The Department has written to and called the owners of both parcels. The owner of P46905 is supportive of the proposed change. The Department has not heard back from the owner of P61751 where Island International Artists is located.

Recommendation

The Department recommends **approval** of the proposal.

C-20. Weide Mineral Resource Overlay Correction (PDS)

Summary

The proposal would restore the Mineral Resource Overlay (MRO) designation to portions of parcels P35738 and P114291 and an adjacent portion of P35737.

The MRO was removed from those parcels through the 2005 Comprehensive Plan Update. Mineral resource maps used by the County for a countywide update of the MRO at that time did not show commercially-significant mineral resources in that location. The MRO designation was removed following opportunity for public review and comment; however, Department records indicate the property owners did not receive a notice informing them that the MRO was proposed for removal.

The property owners recently contacted the Department about applying for a mining special use permit and provided adequate documentation of hard-rock resources on the property meeting the MRO designation criteria. As a result, the Department believes the proposal to restore the MRO should be docketed as a County-initiated amendment.

The property owner supports the proposal.

Recommendation

The Department recommends **approval** of the proposal.

C-21. Jensen Rural Reserve Correction (PDS)

Summary

The proposal would change the designation of P74450 and P20724, located between the Swinomish Channel and the Town of La Conner, from Rural Business to Rural Reserve. Despite the property's Rural Business zoning, there is only a residence on site. The property owners are not interested in establishing a business or selling the property for commercial purposes, yet County code on non-conforming uses and structures precludes any enlargement or alteration to the residence, such as adding a deck.

Normally the property owners themselves would be required to submit a map amendment proposal, but the County bears some responsibility for the property's mis-designation as Rural Business. In 2012, the County initiated a map amendment after learning that the property was incorrectly shown as being within the Town of La Conner. The property (and two others to the south that do have commercial uses) was rezoned to Rural Business, which is inconsistent with the existing residential use of the property.

The proposal would redesignate the property to Rural Reserve, making the existing residence a conforming use. The property owner supports the proposal.

Recommendation

The Department recommends **approval** of the proposal.