

**2017 COMPREHENSIVE PLAN AMENDMENTS:
WRITTEN COMMENTS RECEIVED NOVEMBER 10 – DECEMBER 8, 2016;
TESTIMONY RECEIVED AT PUBLIC HEARING DECEMBER 5, 2016**

Name	Organization	Proposal (key attached following comments)	Method
Adams, Brian	Parks & Rec	C-1	Testimony + letter (12/6/16)
Alexandra, Kathryn		P-12; PL15-0383	Emails (11/28 & 12/2/16)
Anderson, Winston & Elaine		P-5; P-6; P-7	Email (12/5/16)
Bachrach, Ruth & Adler, Rob		P-12	Email (12/3/16)
Becker, Lawrence D.		P-12	Email (12/2/16)
Bergner, Richard		P-12; PL15-0383	Emails (12/2 & 12/5/16)
Bertilson, Virginia & Robert		P-5; P-6; P-7	Email (12/5/16)
Booker, Noah D.		P-5; P-6; P-7	Email (12/8/16)
Bouffiou, Cleo		P-5; P-6; P-7	Email (12/5/16)
Bravinder, Phyllis		P-5; P-6; P-7	Testimony + email (12/7/16)
Brown, Michael		P-6	Testimony
Bynum, Ellen	Friends of Skagit County	P-1 thru P-13; PL15-0383; C-1; C-2; C-4; C-5; C-6; C-9; C-10; C-12; C-14 thru C-18	Testimony + email (12/8/16)
Caldwell, Donald & Ann		P-12	Email (12/4/16)
Carmichael, Bob	Skagit Partners	PL15-0383	Testimony + email (12/8/16)
Charles, Stuart & Arden		P-5; P-6; P-7	Email (12/6/16)
Clark, Edith G.		P-5; P-6; P-7	Email (12/8/16)
Clark, William E.		P-5; P-6; P-7	Email (12/8/16)
Coleburn, Dave		P-12	Testimony
Conroy, Thomas		P-12	Email (12/2/16) + testimony
Crawford, Mike		PL15-0383	Email (12/4/16)
Crowl, Liz McNett		C-1; C-2; C-18	Email (12/8/16)
Davis, Charles J.		P-12	Email (12/4/16)
Dentel, Suzanna		P-12	Email (12/1/16)
Doran, Molly	Skagit Land Trust	P-1	Email (12/8/16)
Fenner, Philip		P-5; P-6; P-7	Email (12/6/16)
French, Arlene		P-12	Email (12/1/16)
Gilden, Tami		P-12	Email (11/20/16)
Glade, Kay		P-12	Email (12/3/16)
Glade, Tom	Evergreen Islands	P-1; P-5; P-6; P-7; P-12; C-1; C-2; C-14	Testimony + email (12/8/16)
Good, Randy		P-2; P-3; C-1; C-2	Testimony
Good, Randy & Aileen		P-2; P-3; C-1; C-2	Letter (12/7/16)
Harma, Kit		P-5; P-6; P-7	Email (12/6/16)
Hass, Ronald	Avalon Links	PL15-0383	Email (12/2/16) +

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			testimony
Havens, Dyvon Marie		P-5; P-6; P-7	Email (12/5/16)
Hersey, Jan & Ham, Jay		P-12	Email 12/3/16)
Hill, Robert W. & Jill J.		P-5; P-6; P-7	Letter (12/7/16)
Jensen, Larry G.		C-21	Email (12/7/16)
Jett, Allen & Kathleen M.		P-12	Letter (12/5/16)
Jett, Kathleen M.		P-12	Testimony
Kooiman, Marianne		P-5; P-6; P-7	Email (12/6/16)
Krownbell, Denise	Seattle City Light	C-15; C-16; C-17; C-18; P-1	Emails (11/21 & 12/8/16)
Kurp, Konrad		P-12	Testimony
Lane, Jane		P-5; P-6; P-7	Email (12/4/16)
Lane, Sandra		P-5; P-6; P-7	Letter (12/7/16)
Laurel, Jim	Seaview 3 Homeowners Association	P-12	Email (11/27/16) + testimony
Lyons, Mary		P-12	Email (12/5/16)
Lyons, Patrick M.		P-12	Email (12/5/16)
Machin, Rick		P-12	Email (12/1/16)
Macri, Martha J.		P-5; P-6; P-7	Email (12/3/16)
Matchett, Holiday Wagner		P-5; P-6; P-7	Email (12/8/16)
Mathews, Cal		P-12	Email (12/1/16)
McClane, Jim & Patty		P-12	Email (12/7/16)
Mickelwait, Semmes & Pam		P-12	Email (11/29/16)
Miller, Mark & Alison		P-12	Email (12/4/16)
Mitchell, Roger		All petitions	Testimony + letter (12/5/16) + email (12/8/16)
Montgomery-Duban, Kevin & Dennis		P-12	Email (12/2/16)
Murray, Diane Lee		P-5; P-6; P-7	Email (12/4/16)
Nue, Marcia & Mayberger, Robert		P-12	Email (12/4/16)
O'Donnell, Susan S.		P-5; P-6; P-7	Email (12/6/16)
Orsini, Stephen		P-5; P-6; P-7	Email (12/4/16)
Orsini, Virginia		P-5; P-6; P-7	Email (12/6/16)
Palmer, Joan H.		P-5; P-6; P-7	Email (12/7/16)
Passarelli, Anne and Donald		P-5; P-6; P-7	Email (12/5/16)
Pearce, Roger		P-12	Testimony + email (12/7/15)
Pearson, David		P-12	Testimony
Peterson, Ruth H.		P-12	Email (12/5/16)
Pritchett, Sheila		P-12	Testimony + email (12/8/16)
Reeves, George &		P-12	Email (12/2/16)

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Wuebbels, Rosann			
Reisner, Ted A.		P-12	Email (11/30/16)
Rhodes, Sheila & Rick		P-5; P-6; P-7	Email (12/7/16)
Riordan, Timothy J. & Sally		C-19	Email (11/30/16)
Robinson, Roger		P-12	Testimony
Rooks, Hal	Guemes Island Planning Advisory Committee	P-5; P-6; P-7	Testimony + letter (12/5/16)
Rooney, Bruce C.		P-5; P-6; P-7	Email (12/4/16)
Rozema, Allen	Skagitonians to Preserve Farmland	P-3; P-4; PL15-0383	Email (12/8/16)
Scott, Lori		P-2; P-3; C-1; PL15-0383	Email (12/6/16)
Shelly, Bob & Wasson, Patty		P-12	Email (12/2/16)
Shelly, Bob		P-12	Email (11/25/16)
Sherman, Laurie & Paul		P-12	Email (11/27/16)
Shill, Karen G. & David B.		P-5; P-6; P-7	Email (12/8/16)
Skillman, Susan M.		P-5; P-6; P-7	Email (12/6/16)
Stapp, Jennifer R.		P-5; P-6; P-7	Email (12/7/16)
Stapp, Sally		P-5; P-6; P-7	Testimony + email (12/6/16)
Steffy, Carol		P-5; P-6; P-7	Email (12/3/16)
Sternlicht, John B.	Economic Development Alliance of Skagit County	PL15-0383	Email (12/8/16)
Ullman, Carl		P-5; P-6; P-7	Email (12/4/16)
Walden, Edith		P-5; P-6; P-7	Email (12/8/16)
Wasson, Patty		P-12	Email (11/22/16)
Webb, Mike & Dana		P-12	Email (12/7/16)
Wechezak, Arlene R.		P-12	Email (11/25/16)
Weide, Ralph; Chip; Dale; & Timmy		C-20	Email (12/8/16)
Wetzel, Roger		P-5; P-6; P-7	Email (12/8/16)
Whitefield, James R.		P-12	Email (12/5/16)
Wick, Bruce		P-12	Email (12/4/16)
Wolfe, Ron		P-12	Email (12/2/16)
Woolworth, Phyllis		P-5	Testimony
Wuebbels, Rosann & Reeves, George		PL15-0383	Email 12/3/16)

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The following comments were received during the written public comment period but were improperly submitted.

Baglien, Bruce	Email (12/2/16)
Carson, Thomas M. & Taylor, Carol A.	Email (12/8/16)
Pearce, Roger	Email (12/1/16)



RECEIVED
DEC 06 2016
SKAGIT COUNTY
PDS

From: SCPR *Brian Adams*
Re: Skagit County Comprehensive Plan Update *Amendment Docket*
Comments
Date: 12/05/2016

We respectfully request the Board to consider leaving the Wiseman Creek Boardwalk project language in the comprehensive plan update, thus providing Skagit County Parks and Recreation the planning tools necessary to fulfill the recreational needs of the public. The Boardwalk initiative was born from a multi-agency master planning process focused on improving Wiseman Creek.

With the first rains of each year, Wiseman Creek carries a load of sediment downstream, filling previously carved channels as it carves a new route for itself. During the past decade, the channel of water has often selected the worse route possible for trail users, as ~~the stream carved~~ a route directly down a quarter mile stretch of trail.

Being the organization and steward responsible for upholding the Federal rail-banking agreement, we feel it's our sense of duty to continue to be a custodian of the agreement and guardian the corridor, as we committed to long before I worked here.

The boardwalk concept arose ten years ago from a multi-agency master planning effort to best care for the habitat value, while ensuring recreational integrity and upholding the rail-banking agreement. The boardwalk was seen as an answer in keeping trail users out of the stream during the months of the year the stream is flowing, thus protecting the resource value of the stream.

Having the boardwalk concept in public planning documents provides the most flexibility and access to funding sources as they become available. Our department has been very opportunistic over the years in leveraging funds from grant sources as they have become available. Like our recent success at Presentin Park, as monies become available for habitat improvements, we leverage the grant funds made to other agencies to ensure the needs of the recreating public are being met at the same time.

This section of trail continues to get the most complaints from the public due to the washouts and flowing water. We would like to one day fix this for the greater good of the public.

From: [kathryn alexandra](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Monday, November 28, 2016 4:36:31 PM

I live on south fidalgo and I write in support of the proposal to change our area from Rural Reserve to South Fidalgo Rural Reserve Zone, SFRR. This would remove a number of allowed commercial uses that are not appropriate on South Fidalgo, yet are allowed in the county wide Rural Reserve Zone. Commercial uses which would not be allowed would be called South Fidalgo Rural Residential (SFRR). The SFRR zone would have the same density as Rural Reserve, but fewer commercial uses. For example, SFRR would not permit the following uses that are currently allowed on South Fidalgo through Rural Reserve status:

- Agricultural processing facilities
- Anaerobic digester
- Animal clinic hospitals
- Animal preserve
- Asphalt/concrete batching
- Day-use and boarding kennels
- Destination and developed campgrounds
- 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

Existing businesses on the island, like Lake Erie Grocery, Harold's Market, Dunton's Body Shop, etc. are already contained in other zones, like Rural Business, and would not be affected by this SFRR rezone.

The SFRR zone must require that all 'reserved land', in a CaRD land division, be placed into a bonafide established Land Trust at the time of the CaRD land division. The present CaRD requirements do nothing to preserve rural character; it simply reserves rural land for future development. The new SFRR zone, will actually preserve South Fidalgo's character by ensuring that rural land is actually preserved.

Thank you for attention to this matter.
Sincerely,

Kathryn Alexandra
4311 ginnett rd.
Anacortes, WA 98221



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From: [kathryn.alexandra](#)
To: [PDS comments](#)
Subject: proposed 2017 Docket of Comprehensive Plan, Mapc and Code Amendments
Date: Friday, December 02, 2016 6:52:07 PM

I understand Skagit Partners, LLC (developers) proposes changing Skagit County land use policies, codes and comprehensive plan. Why is this even being considered?? Fully contained communities are not permitted in Skagit county.

The 1990 GMA requires counties to identify and protect all resource (farms, forests, and mineral) lands. Skagit County has enough land to cover its projected growth of 80% in urban areas and 20% in rural areas.

Permitting these developers (even considering it) would be a violation of the GMA and should not be undertaken by Skagit County.

Sincerely, Kathryn Alexandra
4311 Ginnett Rd
Anacortes, WA 98221



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From: [Winston Anderson](#)
To: [PDS comments](#)
Cc: [Edith Walden](#)
Subject: "Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments"
Date: Monday, December 05, 2016 4:00:44 PM

We support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Winston and Elaine Anderson

From: [Rob Adler](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map and Code Amendments
Date: Saturday, December 03, 2016 7:55:12 AM

----- Forwarded message -----

From: **Rob Adler** <adlerbachrach@gmail.com>
Date: Thursday, December 1, 2016
Subject: SFRR Zone proposal
To: pdscomments@co.skagit.wa.us

Dear County Commissioner,

We are residents of South Fidalgo and would like to voice our support for the South Fidalgo Rural Reserve Zone proposal. We feel this proposal would allow fewer commercial uses in South Fidalgo and preserve the rural character of this area. We feel this proposal would clearly define what future ventures are allowed and therefor eliminate potential future conflicts. Please accept this proposal that will allow us to enjoy our rural lifestyle.

Thank you, Ruth Bachrach and Rob Adler
4461 Ginnett Road
Anacortes, WA 98221

From: [Lawrence Becker](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Friday, December 02, 2016 11:25:02 AM

Dear Commissioners

I currently own about 50 acres on south Fidalgo Island.

I am writing regarding the 2017 Comprehensive Plan Docket-South Fidalgo. I currently own property in this zone. I understand that several people have asked that certain operations, listed below, not be permitted in this "South Fidalgo RR Zone." If you decide in favor of these restrictions, please change "private air field" to "commercial private airfield" so there is no question an individual could use his land to land his aircraft. Just as it's important for an automobile owner to have a driveway on his property, or a boat owner be able to come to shore on his property, it's important for an aircraft owner to land on his property.

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

*Added

Sincerely

Lawrence D. Becker, MD

From: [Rich Bergner](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Friday, December 02, 2016 12:09:11 PM

Skagit County Commissioners:

I am writing you in support of renaming South Fidalgo's Rural Reserve zone to South Fidalgo Rural Reserve zone, as there are a number of permitted commercial uses in the county wide RR zone that are not appropriate for South Fidalgo rural residential area.

I support the list of permitted uses in the South Fidalgo Rural Reserve zone that has been submitted by Roger Robinson.

We need a South Fidalgo specific Rural Reserve zone.

Sincerely,
===Richard Bergner

Richard Bergner
15515 Yokeko Drive
Anacortes, WA 98221
(360) 299-2579

From: [Rich Bergner](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Monday, December 05, 2016 11:42:02 AM

County Commissioner:

I am writing to ask you, the Board of County Commissioners, to REJECT the Skagit Partners "Avalon" proposal to change the Countywide Planning Policies, codes and the Skagit County Comprehensive Plan and NOT ALLOW a new city-sized development for 8,500 people on 1,200 acres of forest, agricultural and rural zoned land.

You need to protect on behalf of the county's citizens all natural resource lands as required by the GMA.

Sincerely,

=====**Richard Bergner**

Richard Bergner

15515 Yokeko Drive

Anacortes, WA 98221

(360) 299-2579

From: [r bertilson](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Monday, December 05, 2016 1:22:13 PM

I support the three following proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

Virginia and Robert Bertilson
[4694 South Shore Dr](#)
[Anacortes, WA 98221](#)
[\(360\) 466-1382](#)

Bob and Ginger Bertilson
Sent from our iPhone

From: [Noah Booker](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map and Code Amendments
Date: Thursday, December 08, 2016 10:01:49 AM

Dear Skagit County Planning and Development Services:

My name is Noah Booker. Our address on Guemes Island is 5924 Upper Hollow Lane, Guemes Island/Anacortes WA 98221.

I support the Guemes Island Planning and Advisory Committee's good work regarding code amendment proposals. I am not a member of GIPAC but follow their work closely.

Four generations of my family have owned a simple summer cabin on Guemes Island for my entire life, 46 years. My grandparents taught me to fish, crab, clam and berry pick on the island. Now my children are learning the same important things. I care deeply about the rural character, natural values and environment of Guemes Island.

I am particularly concerned with GIPAC's three amendments and support their work as follows:

- 1). Rainwater catchment: Water is already a problem in our neighborhood on Guemes. Saltwater intrusion is a serious threat to the island. Harvesting rainwater for human consumption makes sense. Please encourage potable-water rainwater harvesting for future and existing homes over new wells.
- 2). Wells: Please follow GIPAC's recommendations on this to fully review and assess any new wells before they are drilled to make sure they will not negatively impact existing wells and the aquifer.
- 3). Clustering of new homes is good planning. If you approve any new CaRD subdivisions, please ensure that any open space that is designated in return is permanently protected open space.

I appreciate the opportunity to comment on these important topics.

Respectfully submitted,

Noah D. Booker
2406 Broadway
Bellingham, WA 98225

From: [Cleo Bouffiou](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Monday, December 05, 2016 10:38:36 AM

I support the three following proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

**Cleo Bouffiou
4704 South Shore Dr
Anacortes, WA 98221
(360) 466-1382**

From: [Phyllis Bravinder](#)
To: [PDS comments](#)
Subject: "Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments"
Date: Wednesday, December 07, 2016 1:44:57 PM

My name is Phyllis Bravinder and my mailing address is 5787 Section Ave., Anacortes, WA 98221.

As a landowner on Guemes Island for over 50 years, I had a home built here in 2008-2009 and have been a resident since 2009. Further history for me on the island comes from the fact that my parents lived here from the early 1960s until the late 1970's. My children and I spent many summer holidays here and came to appreciate the special ambiance of the island.

I support all three of the proposed code amendments:

P-6 to encourage Rainwater Catchment Systems as an alternative to potable water on Guemes Island;

P-5 to require pre-drilling review and approval for all new wells on Guemes Island; and

P-7 to permanently protect CaRD open space on Guemes Island.

I believe that clear and compelling arguments were made for all three of these proposed amendments at the December 4 Board of Commissioners hearing. At this time I wish to add particular arguments in support of P-7 relating to the Guemes Island Subarea Plan.

- **I urge you to amend the code to require permanent protection of any open space designated through a CaRD subdivision on Guemes Island.**
- This could occur through the legal filing of a protective easement or covenant on the property.
- This requirement could be included in the Guemes Island Zoning Overlay or the CaRD provisions of the subdivision code.
- 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. The key point here is that 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.**
- It is important to note that this recommendation was included as Policy 4.21 in the Guemes Island Subarea Plan, adopted by the County in 2011, but was overlooked when implementing legislation was developed in 2016.

While much has been studied and discussed about Guemes Island's single source aquifer, it is clear that **we are all in process of learning how to respect and protect the vulnerabilities**

of this single source aquifer. It is a precious and irreplaceable resource.

Respectfully,

Phyllis Bravinder

From: [Ellen Bynum](#)
To: [PDS comments](#)
Cc: [FOSC Office](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 11:50:09 AM

December 8, 2016

Commissioner Ken Dahlsted, Commissioner Lisa Janicki, Commissioner Ron Wesen
Skagit County Board of County Commissioners
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

RE: Proposed 2017 Docketing of Skagit County Comprehensive Plan, Map and Code Amendments

Dear Commissioners:

In addition to the briefing papers we submitted in the meetings with you on October 20th and the comments we made at the public hearing on December 5th, we submit the following comments for your consideration in your decision to docket the proposed items.

P-1 - We would like to revise this request to ask that the Planning and Development Services staff work with a group of citizens to review the CaRDs permitted and proposed in Skagit County, analyze the loss of any resource lands, the conversion of zones, number of houses and other pertinent data to determine the effect that the CaRD activity has had on the buildable lands inventory. We also ask that the staff and the citizens group clarify with intent of the "reserve" portion of these developments. And lastly to consider the proposal we made to you in this proposed amendment, the effects and outcomes of each suggested action.

P- 2 - We request that you create a process for citizens to apply to participate in a standing Citizen Advisory Committee to assist the Planning Commission and PD&S on proposed comprehensive plan updates, code and policy changes as well as any other work that will improve the public participation in and the outcomes of county planning.

P-3 - We request that you work with the Farmland Legacy staff and board members as well as other interested citizens to track and analyze historical conversions and create a policy that strengthens the protection of farmland. We request the County implement a moratorium on conversion proposals until this work can be completed.

P-4 - We request PD&S staff and GIS (if needed) work with interested citizens in producing a baseline database of buildable lands available to the public using existing databases and new data if needed.

P- 5 & P-6 - Support.

P-7 - Support and request the County clarify the CaRD reserve portion, making exception to CaRDs on islands to accommodate this request.

P- 8 & P-9 - Support and suggest adding language to CWPP, CP and codes that reflects the

intent of these proposals for future adoption by BOCC.

P-10 - Support and suggest additions to policies and administrative procedures be developed by staff and interested citizens for future adoption by BOCC.

P-11 - Support and suggest development of such a checklist be done by PDS staff and interested citizens for future adoption by BOCC.

P-12 - Oppose the wholesale change of zoning. Support re-establishing a public process to review the proposed sub-area plan sections that were agreeable to residents and work to adopt a sub-area plan for South Fidalgo to comply with the historic settlement agreement.

P-13 - We urge the County to support Skagitonians to Preserve Farmland's work with farmers in Community Forums to consider developing appropriate requirements for scales of development including stormwater management and any other requirements that ensure neighboring properties are not affected by inappropriate developments. NRL zones should have appropriate limits on scale of development just as rural zones have to help implement the Shoreline Management Act and/or other state and local rules.

PL15-0383 - We oppose docketing the Skagit Partners LLC Avalon development proposal and the addition of fully contained communities to Skagit County's CWPP, CP and codes. There is no evidence that the population estimates chosen by PD&S, the cities and the BOCC are incorrect. Skagit County and its cities have accommodated all historical growth using the population estimates and planning and we see no reason for this successful process not to be used for future planning.

C-1 & C-2 - Support.

C-4 - Please consider the addition of limits to the criteria for major utility development in Bayview Ridge Residential to not encourage expansion of the use of said utility to neighboring properties, thereby expanding the UGA.

C-5 - Support unless such zoning does not provide protection to adjacent residential properties.

C-6 - Support limiting development potential in rural zones.

C-9 - We prefer the language to reflect that the Similk Beach community septic has not been built to date. Saying it was never constructed without information about how the existing septic was brought up to code and the pollution solved, may confuse readers to believe that a community septic was not needed, despite the order to build one.

C-10 - Support as the requirement is moved to the title and public notice is given.

C-12 - Unclear. Please clarify whose water lines are being covered by this change. Is this PUD water lines, private lines? We understand the code may need a change for existing practices (i.e. 8 inch line maximum may need to be 12 inch). Please consider clarifying the difference between transmission and service lines in this change.

C-14 - We suggest keeping the AEO map as created, adopted and used with "extraneous lines"

as it reflects the legal requirements of that map. We suggest creating a second map without the lines if needed and adding it to the overlay maps.

C-15 - Support this correction.

C-16, C-17, c-18 - We request that the County PD&S working with the Assessor's staff develop a list of OSRSI properties and develop a process to evaluate the loss of tax revenue on these proposed conversions before the lands are presented for the zoning change. We also request that in the case of resource lands, an estimate of lost production opportunity be calculated and made available in the public process.

Thank you for the time and consideration. Should you have questions or need additional information, please contact us.

Ellen

Ellen Bynum, Executive Director
Friends of Skagit County
110 N. First St. #C
P.O. Box 2632 (mailing)
Mount Vernon, WA 98273-2632
360-419-0988

friends@fidalgo.net

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Please consider the future B 4 printing.

From: [Ann Caldwell](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Sunday, December 04, 2016 12:17:50 PM

Skagit County Commissioners,

We STRONGLY SUPPORT renaming our present “county wide” Rural Reserve zone to one that reflects the special character of this part of the island and does not allow commercial uses of property that are not in keeping with long-standing residential and pastoral nature of the current environment. We do not need any special studies to support such a validation that is already evident to any casual or trained observer and we especially do not need a sub area plan. Such an effort would be a waste of time and our money.

Sincerely, Donald and Ann Caldwell

PO Box 786, Anacortes

14720 Sky Island Lane

360 293 1887

From: [Bob Carmichael](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket: PL15-0383; Map: Skagit Partners LLC (Avalon)
Date: Thursday, December 08, 2016 12:14:06 PM
Attachments: [image002.png](#)

Please see the below comment submitted in support of the applications submitted by Skagit Partners, LLC. This is the same submission as sent a few minutes ago, but includes the name of the applicant and proposal in the subject line.

Thank you.

From: Bob Carmichael
Sent: Thursday, December 08, 2016 11:58 AM
To: pdscomments@co.skagit.wa.us
Cc: Simi Jain <sjain@carmichaelclark.com>; Bill Sygitowicz <billsyg@vinedev.com>
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments

Re: PL15-0383; Map

Dear Commissioners,

On behalf of Skagit Partners LLC, we urge you to docket its applications for amendments to the Comprehensive Plan, Development Regulations and Countywide Planning Policies to allow for a new fully contained community at Avalon. Last year, the Commissioners deferred consideration of its applications because the County was working on its required 2016 Comprehensive Plan Update. The County may now docket the applications and commence consideration of the proposal.

Docketing the Avalon proposal will allow for completion of an Environmental Impact Statement ("EIS") which will fully inform decision makers about the impacts of the proposal. The draft EIS will be subject to public comment and public hearing and will provide the basis for further public process before the County Planning Commission and GMA Steering Committee. Regardless of final outcome, a proposal as significant as Avalon should receive the County's full consideration, for the benefit of all Skagit County citizens and future generations of Skagit County citizens.

Avalon's proposed location is on 1244 acres of land on the west slope of Butler Hill, including the Avalon Golf Links. This is not Bayview Ridge. This proposal is unprecedented for Skagit County, and if not considered now, may not come around again. It presents a very attractive opportunity for the County to thoughtfully provide an avenue for a sustainable source of tax dollars and new family wage jobs. The demographic profile of new residents drawn to communities like Avalon produce large positive net revenues for the local tax base from additional sales tax generated by surrounding businesses, real estate excise taxes from home sales, permit fees, property taxes and the like. Moreover, the associated infusion of private spending in the community during the first 10 – 12 years should be enough to warrant consideration through further public process:

- About \$100 million installing the community's infrastructure;
- About \$50 million developing amenities;
- Up to \$500 million on residential construction;
- Over \$50 million on-going management and operations;

- Millions more on sales-and-marketing, community and home maintenance, and other aspects of the community.

Peterson Economics, Memorandum Report, "Anticipated Impacts of the Avalon Community on Regional Job Growth, Population Growth, and Retail Spending, p. 3 (October 19, 2016). In the near term, Avalon will create approximately 1,000 new full time jobs in Skagit Valley, and in the long term it will forever boost sales in a wide variety of local businesses. Peterson Economics, Memorandum Report, supra, p. 3.

Avalon will be a vibrant new community, rich in amenities, which will attract new residents to Skagit County. The market exists for a first-class development of which all of Skagit County can be proud. Approximately 45% of Avalon will be set aside for services including, a new school, new community center for indoor and outdoor recreational activities, lake and lake-front public park, and miles of trails, natural open space, and wildlife corridors. A centerpiece of the new community will be the existing award winning Avalon Golf Links. These amenities may be enjoyed by all County residents now and in the future.

The Butler Hill area encompassing this Avalon proposal is uniquely and richly blessed with tremendous potential for contained urban development. Situated with convenient access from the I-5 corridor, in close proximity to surrounding municipalities and an hour north of Seattle, the property is located almost entirely outside the County's Agricultural zone (with the exception of 7 acres) and is entirely outside the flood zone. Nearby utilities such as water, sewer and stormwater from willing municipal providers are in unusually close proximity, which will keep development costs relatively low and offer some opportunity for affordable housing.

Preliminary designation of Avalon as a new fully contained community is the first step, and depends on the County's approval of the submitted applications for new development regulations, new Comprehensive Plan policies and new Countywide Planning Policies. On behalf of Skagit Partners, we respectfully request that the Avalon applications be docketed to allow for further consideration of this exciting proposal. Thank you for your consideration.

Sincerely ,

Robert A. Carmichael
Simi Jain

Carmichael Clark, P.S.

Attorneys for Skagit Partners, LLC



1700 D Street
Bellingham, WA
98225

P. 360 647 1500
F. 360 647 1501
CarmichaelClark.com

bob@carmichaelclark.com

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From: guemesisland@yahoo.com
To: [PDS comments](#)
Cc: nick@nickallison.com
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Tuesday, December 06, 2016 4:04:42 PM

We support the following proposals submitted by GIPAC to amend the Comprehensive Plan in 2017:

Prop. 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes Island.

Prop. 2: Require a review of any well prior to drilling. (preferably county wide)

Prop. 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CARD) subdivision on Guemes Island.

We are full time residents of Guemes Island and have owned and expanded our property since 1968.
Stuart and Arden Charles
4453 Guemes Island Road
Anacortes, WA. 98221-9029

Phone: 360 293 2590

From: [Edie Clark](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 8:54:53 AM

I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

As a full-time resident on Guemes Island, I am very aware of the critical need to protect our rainwater-sourced aquifer. Existing satisfactory wells must be protected. Rainwater catchment systems should be encouraged whenever and where ever possible. Natural landscaping and forested areas are necessary to provide the natural rainwater "catchment system" to feed our aquifer as well as to preserve the beauty of the island.

Edith G. Clark
5651 Section Avenue
Anacortes, WA 98221

From: [Bill Clark](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 2:43:34 PM

I support the three proposals the Guemes Island Planning Advisory Committee has submitted to the 2017 Comprehensive Plan.

William E. Clark
5651 Section Ave.
Anacortes, WA 98221

From: [Thomas Conroy](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Friday, December 02, 2016 10:01:15 AM

Skagit County Commissioners,

My name is Thomas Conroy. I live at 4311 Ginnett Rd.

As a resident of South Fidalgo Island these past 38 years it has become more and more evident that the challenges presented by growth for an island community are similar to challenges faced by those living on the mainland; however, solutions are limited.

As an example, access to South Fidalgo Island is limited to SR 20 which is already overloaded during peak traffic hours since this highway serves the only bridge to Whidbey Island, the country's largest island. Washington's DOT is hard pressed to come up with realistic traffic solutions that will accommodate both the expanding Naval Base and the rapid growth of Whidbey Island. When the tourist season starts, traffic to and from Deception Pass Park only makes matters worse.

The narrow county roads which service most of South Fidalgo are not built to the standards needed to safely handle large amounts of traffic. Local terrain and drainage problems make it monetarily prohibitive to adequately update the current road system to a higher standard.

Most any rural island community has similar issues that must be carefully addressed. Most of the large islands within Skagit County share a rocky terrain with minimal soils for good conventional drain fields. Adequate water sources are hard to find. Fidalgo Island is no exception. Many areas of the island are already designated as requiring special consideration for water when seeking permits. Recent legal decisions regarding water rights may make water even harder to secure for island communities.

Anacortes clearly has plenty of water; however, providing water to the outlying rural areas of South Fidalgo or creating a rural sewage district are

both cost prohibitive without increasing the island's population density to unmanageable levels.

All of the above considerations mean that some development and businesses simply are not suited to South Fidalgo or any rural island community. Mr Roger Robinson has proposed a list of those business and activities.

South Fidalgo is one of the county's most beautiful jewels yet it is placed in a setting that is severely limited by space. Its beauty is a product of a necessarily fragile environment. The residents of South Fidalgo are the obvious benefactors of its natural beauty. Residents have been shown to be united when protecting its treasures and generous when sharing its beauty with other county and state residents.

The natural beauty of this small island rural community is a boon to the county's economy since it is a prime attraction and draws millions of visitors to the area. County and state governments around the United States have acknowledged the special needs of islands as self-evident and taken whatever steps are necessary to secure those needs.

Please consult further with county planners and seriously consider the petition submitted by Mr. Robinson. Special zoning considerations for all of Skagit County's islands are needed, but if not all, then surely adopt changes to codes that adequately address the needs of South Fidalgo Island which is Skagit County's most vulnerable island community.

Respectfully submitted,

Thomas Conroy

From: [Mike Crawford](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan PL15-0383 Skagit Partners Avalon Proposal
Date: Sunday, December 04, 2016 9:50:41 PM

BOARD OF SKAGIT COUNTY COMMISSIONERS

The Avalon Proposal has significant advantages for the County to recognize and allow for Docketing now! The location is central to Skagit County allowing future residents access to existing infrastructure and facilities. It will take decades to fully layout/engineer, construct connecting infra structure and build living units. The County can absorb the long term development and grow the Property Tax Base significantly. Aside from the Avalon Golf Course, the other adjacent properties have lower values with little potential to increase. The mining, forestry and farming are near their useful life.
GET IT DOCKETED NOW!!

--
Mike Crawford
4435 Agate Road
Anacortes WA 98221-9030
Cell - 360-708-1323
Home - 360-293-6416

From: [Liz McNett Crowl](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 3:18:30 PM

Below are my comments on C-1, C-2 and C-18 of the Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments

Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon WA 98273

C-1

Wiseman Creek Boardwalk Project Removal

In the Comprehensive Plan Transportation Technical Appendix, remove the Wiseman Creek Boardwalk Project, which is proposed for a portion of the Cascade Trail.

Comment:

I do not support Commissioner Wesen's proposed amendment to remove of the Wiseman Creek Boardwalk Project.

Skagit County is the steward responsible for upholding the Federal rail-banking agreement that is the Cascade Trail. I feel that it is Skagit County's duty to continue to be a custodian of the agreement and guardian the corridor, as they committed to being many years ago.

I serve on the Skagit County Parks Advisory Board and have heard the community's concern for the condition of the trail in this section for years due to washouts and flowing water. It is my understanding that the boardwalk concept, which is several years old, resulted from a multi-agency master planning effort to best care for the habitat value, to ensuring recreational integrity, and to uphold the rail-banking agreement. The boardwalk was seen as an answer to keeping trail users out of the stream, thus protecting the natural resource value of the stream.

Please retain the Wiseman Creek Boardwalk Project in the list of proposed non-motorized projects of the Comprehensive Plan's Transportation Technical Appendix. The boardwalk concept needs to remain in public planning documents in order to enable the County and community partners to access funding sources as they become available. Including the project in the plan is not an agreement or guarantee that it will become a reality, but it leaves the County poised to be opportunistic in securing and leveraging funds from grant sources as they have become available. Removing it from the plan removes this funding potential and would be a mistake and a missed opportunity. It doesn't hurt to leave it as it is, but it only hurts the County to remove it.

Wiseman Creek Boardwalk Project is similar to Skagit County's recent success at Pressentin Park. As funding became available for habitat improvements, the County and community partners leveraged the grant funds made to other agencies to ensure the needs of the recreating public are being met at the same time. A win for recreation, a win for the environment, and for our County.

Working for a fix to the problem is in the interest of the greater good of the public.

C-2

US Bike Route 10 - Coast to Cascades Corridor Study Revision

In the Comprehensive Plan Transportation Technical Appendix, revise the Coast-to-Cascades Corridor Study description to preclude use of unused County right of way between Burlington and Bayview Ridge for non-motorized transportation purposes.

Comments:

I do not support Commissioner Wesen's request or Planning staff recommendation to revise the Coast to Cascade Corridor Study to preclude use of unused County right of way between Burlington and Bayview Ridge for non-motorized transportation purposes.

The purpose of the Coast to Cascade Corridor Study is to consider a variety of options for this potential future non-motorized corridor route through central Skagit County, linking non-motorized travel to Anacortes, Island and San Juan County's in the west and to the Cascade Trail and future Centennial Trail in the east. A study would rule out options that are found to be economically, technically, or politically unfeasible, and identify options that are preferred. I consider it premature to rule out a potential option in advance of the corridor study being conducted.

I have heard that one of the primary reasons for making this recommendation is to protect farmland and food security, which I am very much in support of. However, I believe it is possible to support preservation of our farmlands and food security as criteria in a corridor study being conducted. Precluding this as an option in a corridor study, which only makes recommendations and doesn't guarantee a route, is short-sighted. Allowing active transportation near agriculture is a smart economic decision. It attracts tourists who stay, shop, and sleep in the area, and creates a safe space for the enjoyment of recreation and agricultural appreciation. The problem of people parking, walking, and accessing fields is not solved by blocking this corridor, but rather making it easier and more accessible for people to access the beauty of the fields in a controlled way that protects the crops. There is a way to work together to solve this problem, but precluding this option is not the way.

The US Bike Route system continues to grow in our country, as does ridership along these routes with representation from our community as well as tourists utilizing the route for touring and transportation. In the United States, we have created an extensive highway system that frequently is unsafe for transportation modes other than motorized vehicles. In addition to identifying a corridor for USBR 10, this study is needed to establish safe routes for non-motorized users, County residents who bike to work at the Port and nearby manufacturing businesses as well as traveling cross county. From our major urban areas the ride is flat and not very long, but riders are forced to navigate on roads with no shoulders or narrow shoulders, and along highways with speeds of 45 to 55 miles per hour.

I ask you to not include the proposal in the 2017 docket and ask Commissioners to support funding of the corridor study.

C-18

Pressentin Park to OSRSI

Comment:

I support designation of Pressentin Park OSRSI.

Liz McNett Crowl
13797 Trumpeter Lane
Mount Vernon, WA 98273

From: [Charles Davis](#)
To: [PDS comments](#); cnsdavis@fidalgo.net
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Sunday, December 04, 2016 8:20:57 PM

Skagit County Commissioners
1800 Continental Place, Mt. Vernon, WA 98273

Dear Skagit County Commissioners,

As a landowner of 5 acres in the South Fidalgo Island region of Skagit County I wish to add my support to the concept of creating a new South Fidalgo Rural Reserve zone.

I've been informed of some possible ventures that would currently be eligible for "approved use" in South Fidalgo, including asphalt/concrete batching operations, display gardens, fish hatcheries, golf courses, private aircraft landing fields and recreational racetracks. I can only imagine the potential complications and problems any of them might bring, including terrific traffic congestion and disruption to the peaceful rural area of South Fidalgo Island. The concept of more traffic than we already have on Highway 20 is particularly frightful.

Accordingly, I support re-designating our current "county wide" Rural Reserve zone to a more specific "South Fidalgo Island" Rural Reserve zone. There are numerous commercial uses allowed in the "county wide" Rural Reserve zone that clearly aren't appropriate for the rural-residential area of South Fidalgo Island. If we don't do this, the future will undoubtedly see special use permits requested for some type of activity. Special use permits create conflict for many people and agencies, including planners and commissioners. Forming a South Fidalgo Island-specific Rural Reserve zone would eliminate problems before they begin.

Charles J. Davis
Campbell Park Estates, Lot 13 (Deer Lane)
South Fidalgo Island

Sent from [Mail](#) for Windows 10

From: [Suzanna](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Thursday, December 01, 2016 11:07:38 AM

November 26, 2016

County Commissioners and Planning Staff,

I'm commenting on the petition to rename our present Rural Reserve zone (which is a "county wide" designation) to a more specific South Fidalgo Rural Reserve zone conducive to our smaller area.

We are asking for our own South Fidalgo Rural Reserve Zone, SFRR, which would remove the potential for a number of commercial uses (currently allowed under the blanket county wide zoning) that are not appropriate on South Fidalgo and that are ill suited for our small neighborhood.

The opportunity to plan ahead to manage conflict by updating and listing the permitted uses we are requesting for removal from our zone protects all of us from potential litigation. It seems beneficial and sensible to plan and manage incompatible special use permit requests in advance to limit conflict as opposed to the need for the Commissioners & Planning Department to dedicate time and resources responding as each individual case arises. It would also seem logical to offer individuals and businesses a clearer path when considering development in this area to avoid contentious disputes. Existing businesses on the island would not be affected by this SFRR rezone.

Also a factor supporting this request is our Single Source Aquifer which can not withstand many more people drilling wells and the increased consumption that arises with commercial development.

It's important to our community to preserve South Fidalgo's rural character. Preserving rural character is paramount with the Growth Management Act and the well being of our community.

Respectfully,
Suzanna Dentel
4319 Ginnett Road
Anacortes, WA 98222
360-299-0977 suzdentel@comcast.net

**The mediation office will be closed December 12 through January 6 - reopening on Monday

January 9**

Suzanna Dentel, WMAC
NW Mediation Service
PO Box 222 Anacortes, WA 98221
[360.299.0977](tel:360.299.0977)
info@nwmediationservice.com
www.nwmediationservice.com

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Domestic/Family, Government**

From: [Molly Doran](#)
To: [PDS comments](#)
Subject: Skagit Land Trust Comment on Proposed Amendments to 2017 Comprehensive Plan, P-1
Date: Thursday, December 08, 2016 2:50:47 PM

Comments on Proposed Amendments to 2017 Comprehensive Plan

P-1 Amendments to the section on Conservation and Reserve Development (CaRD) to require the following:

- 1. CaRDs be allowed only in UGAs.*
- 2. CaRDs have a cap that limits the scale of the development in relationship to the reserve land size.*
- 3. CaRDs that exist currently in Skagit County have permanent easements on the reserved portion of the parcels which are NOT reserved for future development but provide permanent protection on that portion of the land.*

Skagit Land Trust Comments on P-1

While we understand and agree that CaRDs' desired goals and rules could use some clarification and updating, we believe much more discussion and analysis is needed before making amendments on overarching Skagit County CaRD rules. We are concerned that if intermediate measures as described above are adopted for all of Skagit County (particularly #1), we could lose the current benefits CaRDs give to rural areas and landowners as well as conservation. Changes may be appropriate for select geographic areas at this time. However for the sake of conservation, we believe that large-scale changes for the county as a whole as proposed in P-1, need to happen in a larger visioning and planning context.

From a conservation perspective CaRDs have these values:

- Helps to limit the footprint of development in rural areas. Building envelopes in CaRDs are smaller than typical for the zoning, leaving open space for agriculture, forestry and conservation. For example, if a landowner has 40 acres in RRV, they could build 4 houses spread out over the entire 40 acres along with roads and outbuildings. Although a CaRD would allow for 8 houses on the same amount of land, these houses would be built within 8 acres and the remaining 32 acres would be in Open Space.
- Lessens impervious surface and development maintenance costs. In CaRDs development is contained and impervious surface is generally less than in other rural development methods. CaRDs concentrate the results of development such as sewage and runoff and spread the cost of solutions to multiple landowners. This helps lower the costs of maintenance of these systems and may increase the likelihood of long-term compliance. CaRDs also help ensure development is away from critical areas. Our experience is that oversight is provided to ensure lots are placed to minimize potential impacts to natural resource land on the property or adjacent to the subject property.
- Reduces mass grading of the soil. CaRDs generally use less mass grading of the parcel's soil surface. Such grading can compact the soil and increase runoff even on areas where there is no construction.
- Helps maintain rural landscape, Clustered housing helps to maintain the rural landscape. Linked open space areas allows for corridors of undeveloped lands for the benefit of people and wildlife.

Regarding the proponent's concern that Open Space in CaRDs can be developed - or at least that the intent of the code is unclear: We agree there does seem to be a provision in codes that allows for potential development in *certain* Open Space areas in the future, when it is deemed appropriate. However we understand that this caveat is for lands close to urban areas (not resource lands such as Ag, RRC, SF, IF). If the option to develop Open Space is expanded outside of the current limited area where these caveats apply, it appears it must be supported by a 20-year needs analysis and would require amendments to the Comprehensive Plan and development regulations. At this time the public would have the opportunity to comment and weigh in. However, this is our reading of the code and we concur that the code should be clarified. While there is a good argument to be made that CaRDS on lands that are intended to remain rural in the long-term would be more secure with conservation easements on their Open Space, this is not a provision to take lightly. Developing and monitoring an extensive conservation easement system on Open Space lands for the entire county CaRD system would be quite an undertaking. Thus, we believe a larger planning process is needed before considering County-wide changes to the CaRD system. However we do not categorically oppose any geographically limited changes to CaRDs that the local community, Skagit County and Planning Commission deem reasonable.

Molly Doran
Executive Director
PO Box 1017
1020 3rd Street
Mount Vernon, Washington 98273

360.428.7878
mollyd@skagitlandtrust.org
skagitlandtrust.org

[Receive Skagit Land Trust news & events by email](#)

From: [Phil Fenner](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Tuesday, December 06, 2016 9:22:06 PM

As a Guemes Island resident and thus Skagit County taxpayer, I'm vitally interested in the new Comprehensive Plan Amendments as ways to retain the integrity of the sole-source aquifer under Guemes Island for the future. Various methods have been proposed to prevent saltwater intrusion and other negative effects of aquifer overuse.

In particular, I'd like you to:

-Amend the drinking water code to encourage rainwater catchment. We catch rainwater for gardening and are amazed how much fresh water simply falls out of the sky. If only a small catchment program were to be implemented island-wide, a vast amount of water would not have to be pumped from wells. Australia does catchment in many areas and whatever the "stigma" is about it here has been overcome there to the benefit of many Australians.

-Amend the Seawater Intrusion Policy code to require a permit application and County approval prior to any well drilling on Guemes. We see wells drilled near us "preventively" so the owners can sell the property with a well. So wells have become saleability features and are drilled without concern for the depletion of the water resource by a future owner, which is counter to good management practices. By requiring a permit approval to precede drilling, the County can regulate the rate at which new wells are drilled.

-Amend Skagit County code to require permanent protection of any open space that's been designated as a Conservation and Reserve Development subdivision on Guemes Island. These lands deserve to be permanently protected, and as open space gradually becomes a rare commodity elsewhere, it's all the more important that it remain open where it remains intact on Guemes. Doing so would also help limit the population growth on the island, by preventing those open spaces from being built upon, which would also help reduce pressure on the aquifer.

Thank you,

Philip Fenner
7575 Chestnut Lane
Anacortes (Guemes), WA
206-218-8702

From: [Arlene French](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map and Code Amendments
Date: Thursday, December 01, 2016 4:06:32 PM

Commissioners:

I SUPPORT the amendment to create a South Fidalgo Rural Residential zone.

When residents express concerns about the future development of their community, I think that elected officials are obliged to strongly consider their suggestions. The biggest reason would be to spell out, in code, what is and what is not an allowable use; thus saving a lot of conflicts among neighbors and not wasting the time of commissioners.

Thank you for your consideration,

Arlene French
1411 8th Street
Anacortes WA 98221

From: [Tami Gilden](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan - South Fidalgo
Date: Sunday, November 20, 2016 9:30:05 PM
Importance: High

Dear Commissioners,

As to the SFRR Zoning for South Fidalgo Is.

Please consider **NOT** changing the current zoning to a new SFRR zone. If the commissioners start adding and changing zones to the whims of a group of neighbors no good can come from it.

The South Fidalgo group asking for the new zoning are requesting that *they* be the ones to limit their neighbors business to what *they* personally would like or not like.

In the email I received from them today it stated “*..commercial uses that are not appropriate, on South Fidalgo*”. “*These uses may be appropriate in other parts of Skagit County, but not on South Fidalgo.*” This is just a type of exclusionism. They seem to think they are better than the rest of the county.

Part of their list of excluded business are listed below. I’ve added a few comments, I mean really. (Head shake)

- **Agricultural processing facilities** - Small farms fall in here
- **Animal clinic hospitals** - Country vet?
- **Day-use and boarding kennels** - we have one across the street that the county Ok’d.
- **Display gardens** - Flower gardens?
- **Fish hatchery** - Don’t they eat fish?
- **Golf course** - big money, beautiful grounds – problem?
- **Private aircraft landing fields** - just how often would a person be landing a personal plane?
- **Seasonal worker housing** - discriminatory ?
- **Wholesale nurseries** - wholesale means limited customers?

May I suggest leaving the zoning as is. A conditional use permit should come from

the county and the immediate neighbors of the person applying for a business that goes outside of the current zoning.

Fidalgo Island is for all people not just for a select few who believe they know better than the county.

Sad sign of the times isn't it.

Thanks for reading this and taking it in consideration.

Sincerely,

Tami Gilden

Fidalgo Island

From: [Kay Glade](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Saturday, December 03, 2016 9:18:20 PM

December 3, 2016

Kay Glade
6567 Deer Lane
Anacortes, Washington 98221

Commissioner Ken Dahlstedt
Commissioner Lisa Janicki
Commissioner Ron Wesen
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

Dear Skagit County Commissioners,

As a resident of South Fidalgo Island, I am writing you in support of changing our Rural Reserve Zone, which is currently county-wide, into a South Fidalgo Reserve Zone specific to our area, in order to eliminate (currently approved by special permitting) uses that are not, in my opinion, appropriate for our area. This result would give South Fidalgo Island its own Rural Reserve zone there by eliminating commercial uses that would be harmful to our area, creating traffic problems, septic problems, aquifer problems, problems with land stability such as erosion, threaten animal habitat, and generally diminish quality of life.

By making the change, we preserve the integrity of our precious environment here on South Fidalgo Island.

I appreciate your consideration of the proposal to change our current Rural Reserve Zone to our own South Fidalgo Island Reserve Zone to eliminate the currently-approved commercial uses in our area.

Sincerely,
Kay Glade

From: [Evergreen Islands](#)
To: [PDS comments](#)
Cc: [Evergreen Islands Board of Directors](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 3:33:47 PM

Please accept Evergreen Islands' comments on the "Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments."

Respectfully,
Tom Glade
President, Evergreen Islands



**Evergreen Islands
Board of Directors**

Tom Glade
President

Brian Wetcher
Vice President

Brenda Lavender
Secretary

Kathryn Alexandra
Treasurer

Rich Bergner

Wim Houppermans

mailing address
P.O. Box 223
Anacortes WA 98221

web address
evergreenislands.org

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tax-deductible.

EVERGREEN ISLANDS

December 8, 2016

To: Skagit County Board of Commissioners:
Ron Wesen (District 1), Ken Dahlstedt (District 2), Sharon Dillon (District 3)

CC: Evergreen Islands Board of Directors

**Re: Proposed 2017 Docket of Comprehensive Plan, Map, and Code
Amendments**

Dear Commissioners:

On behalf of Evergreen Islands and our members on Fidalgo Island and Guemes Island, Evergreen Islands submits the following comments regarding the docketing of the proposed 2017 Comprehensive Plan Amendments.

The appendices include copies of the following documents:

EVERGREEN ISLANDS v. SKAGIT COUNTY,
Final Decision and Order, No. 00-2-0046c, February 6, 2001

“Concerns Held by the Water Resources and Water Quality Programs of Ecology Regarding Ground Water Withdrawal on Guemes Island,”
Washington State Department of Ecology to Skagit County Department of Health, Stephen Hirschey & John Glynn to John Thayer, May 27, 1994.

Respectfully yours,

A handwritten signature in black ink that reads "Tom Glade". The signature is written in a cursive, flowing style.

Tom Glade

Evergreen Islands Supports the Docketing of The Following Proposed Comprehensive Plan Amendments and/or Code Amendments:

Number	Petitioner	Petitioner's Description
P-1 EXCLUDE Docketing Criteria	Friends of Skagit County (Bynum)	Amendments to the section on Conservation and Reserve Development (CaRD) to require the following: 1. CaRDs be allowed only in UGAs. 2. CaRDs have a cap that limits the scale of the development in relationship to the reserve land size. 3. CaRDs that exist currently in Skagit County have permanent easements on the reserved portion of the parcels which are NOT reserved for future development but provide permanent protection on that portion of the land.
P-7 INCLUDE	Guemes Island Planning Advisory Committee (Fox)	Permanent protection of any open space designated through a CaRD subdivision on Guemes Island. Given that Guemes Island is not in an Urban Growth Area and that 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.
P-12 INCLUDE Except the prohibition on CaRDs	Roger Robinson (Deferred by Board from 2015 docket)	All the Rural Reserve on South Fidalgo Island should be rezoned to a new zone called South Fidalgo Rural Residential (SFRR). The SFRR zone would have the same density as Rural Reserve but fewer [commercial/non-residential] uses. We also propose that the new SFRR zone prohibit CaRD development.

Evergreen Islands Comments

Based on the WWGMB's 2001 decision¹, Evergreen Islands strongly disagrees with Staff's recommendation that *"the prohibition on CaRDs would not (be useful)."*

In 2001, the Western Washington Growth Management Hearings Board (WWGMHB) included the following order in its Final Decision and Order² (emphasis added):

- (3) Set a specific timetable for, and firm commitment to, the timely completion of the Fidalgo Sub-Area Plan. **This plan must be completed and found to be compliant before the CaRD urban reserve development or any other increase in density are allowed to occur on the Island.** The specific timetable and scope of work must be developed and supplied to us within 90 days.

¹ EVERGREEN ISLANDS v. SKAGIT COUNTY, Final Decision and Order, No. 00-2-0046c, February 6, 2001

Evergreen Islands Supports the Docketing of The Following Proposed Comprehensive Plan Amendments and/or Code Amendments:

<p>P-5 EXCLUDE Docketing Criteria</p>	<p>Guemes Island Planning Advisory Committee (Fox)</p>	<p>Amend SCC 14.24.380 (Critical Areas Ordinance, Seawater Intrusion Areas) to require, prior to drilling, a permit application and County approval for any new well to be drilled on Guemes Island.</p>
<p>P-6 EXCLUDE Docketing Criteria</p>	<p>Guemes Island Planning Advisory Committee (Rooks)</p>	<p>Amend the Drinking Water Code (existing SCC 12.48.250) to encourage rainwater collection systems for potable water on Guemes Island. Revise/lower the definition of "adequate water supply" in existing SCC 12.48.030 from 350 gallons per day to 200 gallons per day for Guemes Island. Allow homeowners on Guemes Island the option of using a rainwater collection system designer or designing their own system, if for personal use.</p>

Evergreen Islands Comments

In 1994, over 20 years ago, the supervisors of Ecology’s Water Resources and Water Quality Programs of Ecology submitted a letter² regarding ground water withdrawal on Guemes Island. Their joint letter included the following remarks:

Several areas of the island are experiencing elevated chloride levels in ground water wells. The data indicate that some parts of the island are experiencing significant sea water intrusion.

We are particularly concerned about the north end of the island, specifically that part lying within Township 36 North. Ground water sampling data indicate consistently high chloride values often exceeding 100 mg/l.

The cumulative effect of numerous withdrawals will eventually cause large scale saline intrusion of the coastal aquifer. The Antidegradation Policy, as stated in the Water Quality Standards for Ground Waters, Washington Administrative Code (WAC) 173-200-030, ensures the purity of the state’s ground waters and protects the natural environment. Permitting saline intrusion into fresh water aquifers could be a violation of the state’s Antidegradation Policy, and can cause adverse water quality effects in existing wells

For these reasons, we would recommend limiting new well construction on the north end of the island. We would encourage no well site approval or plat approval for developments planning on using ground water from this part of the island, unless they have a valid permit from Ecology.

In summary, we have concerns regarding how the County can make findings of adequacy of water in this part of Guemes Island under Section 63 of the Growth Management Act. With this in mind, we would encourage you to deny well site approvals until a site specific management program is in place.

The time is long overdue that Skagit County must protect the residents with senior water rights from pilfering of those waters rights by the continued allowance of exempt wells that have hydraulic connectivity to Guemes Islands sole-source aquifer.

² “Concerns Held by the Water Resources and Water Quality Programs of Ecology Regarding Ground Water Withdrawal on Guemes Island,” Washington State Department of Ecology to Skagit County Department of Health, Stephen Hirschey & John Glynn to John Thayer, May 27, 1994.

Evergreen Islands Opposes the Docketing of The Following Proposed Comprehensive Plan Amendments and/or Code Amendments:

Number	Petitioner	Description
Comprehensive Plan Policy or Text		
C-1 EXCLUDE Docketing Criteria	Commissioner Wesen	Wiseman Creek Boardwalk Project Removal In the Comprehensive Plan, Transportation Technical Appendix, remove the Wiseman Creek Boardwalk Project, which is proposed for a portion of the Cascade Trail.
C-2 INCLUDE	Commissioner Wesen	Coast to Cascades Corridor Study Revision In the Comprehensive Plan, Transportation Technical Appendix, revise the Coast-to-Cascades Corridor Study description to <i>preclude</i> use of unused County right of way between Burlington and Bayview Ridge for non-motorized transportation purposes. Some might consider it premature to rule out any potentials option in advance of the corridor study itself; however, that is a policy consideration that would receive further airing if the proposal is added to the docket and moves forward for full review.

Evergreen Islands Comments

The Coast to Cascades Corridor Study focuses on how the improve non-motorized transportation corridor. We are adding a niche bicycle walk in campground to Skagit County Parks department funds for the two-million-dollar partnership project at Pressentin Park, primarily a habitat project, will include:

- a half a million in ALEA funds
- a million dollars in Salmon Recovery Board funds that Skagit Fisheries Enhancement Group landed for project.
- The remaining funds are coming from our department and a whale recovery grant.

At the 2017 Comprehensive Plan Hearing this past Monday, Brian Adams, Skagit County Parks and Recreation Director, provide the following comments:

The Wiseman Creek Boardwalk project language in the Comprehensive Plan provides Skagit County Parks and Recreation the tools necessary to fulfill the recreational needs of the public. The Boardwalk initiative was born from a multi-agency master planning process focused on improving Wiseman Creek. With the first rains of each year, Wiseman Creek carries a substantial load of sediment downstream, jumping its bank and reestablishing new channels. During the past decade, Wiseman Creek has often carved the worse route possible for trail users, as it reestablished a new channel directly in the old rail banked trail corridor. As the organization and steward responsible for upholding the Federal rail-banking agreement, we feel it's our sense of duty to continue to be a custodian of the agreement and guardian the corridor, as we committed to when the agreement was signed more than twenty years ago,

The boardwalk concept arose ten years ago from a multi-agency master planning effort to best care for the habitat value, while ensuring recreational integrity of the corridor. The stakeholder group included Skagit Fisheries Enhancement, WDFW, The Upper Skagit Tribe, and others. The boardwalk was seen as an answer in keeping trail users out of the stream during the months of the year the stream is flowing, thus protecting the stream for Salmon and other species of the biotic community. The stream could move unrestrained from year to year while recreationalists and commuters could continue to use the trail unabated.

Having the boardwalk concept in public planning documents provides the most flexibility and access to funding sources as they become available. Our department has been very opportunistic over the years in leveraging funds from grant sources as they have become available. An example is our recent success at Pressentin Park. At Pressentin Park we worked with several partners in leveraging grant funds for a substantial habitat and recreation project. We believe there may be an opportunity to work with our partners in this location as well.

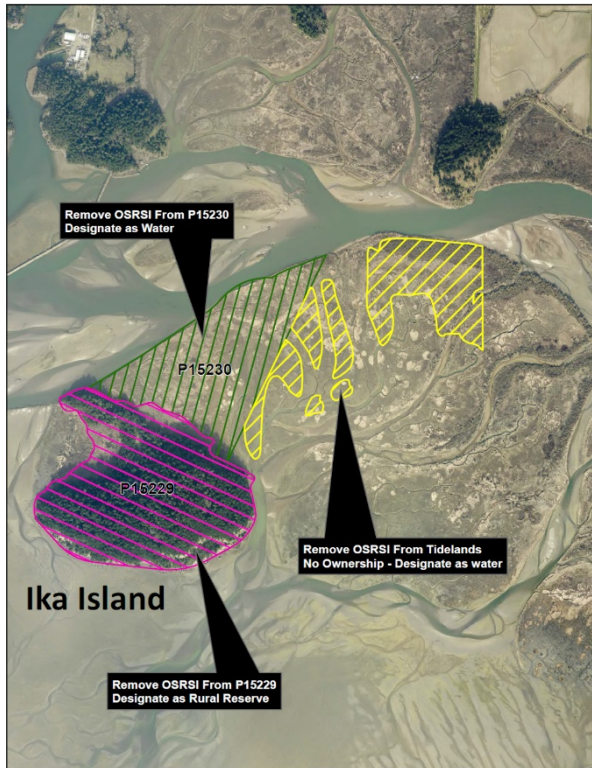
This section of trail continues to get the most complaints from the public due to the washouts and flowing water. We would like to one day fix this for the greater good of the public.

Evergreen Islands Questions the Docketing of The Following Proposed Comprehensive Plan Amendments and/or Code Amendments:

Number	Petitioner	Description
C-14	PDS	Update OSRSI Designations Ika Island (P15229 and P15230) is privately owned and therefore should not be designated Public Open Space of Statewide/Regional Importance (OSRSI).

The staff report states the following (emphasis added):

Ika Island (P15229 and P15230) 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 is 2nd class tidelands** and would be removed from OSRSI and shown as “water” consistent with other 2nd class tidelands, as shown in this [map](#) and this [aerial photo](#).



However, a Google Earth Image dated July 17, 2015, indicates that portions of tidelands are covered by shrubs and/or trees – definitely not tidelands and should not be shown a water.

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

EVERGREEN ISLANDS, et
al.,

)
) No. 00-2-0046c

Petitioners,

) (General Issues)

v.

) FINAL

DECISION
SKAGIT COUNTY,

) AND ORDER

)
)
) Respondent,

and

AFFILIATED HEALTH SERVICES, et al.,

)
)
) Intervenors
)
)

On August 21, 2000, we received a petition for review (PFR) from Friends of Skagit County (FOSC) (Case #00-2-0039). On September 14, 2000, we received a PFR from the City of Anacortes (Case #00-2-0041). On September 18, 2000, we received a PFR from Evergreen Islands (Case #00-2-0043). On September 25, 2000, we received a PFR from Jim Bender (Case #00-2-0046). On September 25, 2000, we received another PFR from FOSC and Gerald Steel (Case #00-2-0050). All the petitions challenged Ordinance #17938, general issues not pertaining to categories of issues in Cases #00-2-0047c, #00-2-0048c, #00-2-0049c, and #00-2-0050c. On October 4, 2000, a consolidation order of the above cases was entered.

Intervention was granted to Affiliated Health Services; Bouslog Investments, LLC and JBK Investments, LLC; Del Mar Community Service, Inc.; Randy and Katie Previs and Seavestco, Inc.; Crown Pacific Limited Partnership; Skagit County Public Hospital District 2 d/b/a Island Health Northwest; Association of Skagit County Landowners (ASCL); Carol Ehlers; Friends of Skagit County; Skagit River Resort, LLC and Donald Clark; and Towns of Concrete and Hamilton.

On December 20, 2000, a hearing on the merits was held at the Skagit County Administration

Building in Mount Vernon, Washington.

Pursuant to RCW 36.70A.320(1) Ordinance #17938 is presumed valid upon adoption. The burden is on Petitioners to demonstrate that the action taken by Skagit County is not in compliance with the requirements of the Growth Management Act (GMA, Act). RCW 36.70A.320(2).

Pursuant to RCW 36.70A.320(3), a Board “shall find compliance unless it determines that the action by [Skagit County] is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of [the GMA].” In order to find the County’s action clearly erroneous, we must be “left with the firm and definite conviction that a mistake has been made.” *Department of Ecology v. PUD 1*, 121 Wn.2d 179, 201 (1993).

Since over 80 separate issues were raised by Petitioners in this consolidated case, we will discuss the issues by topic rather than by separate issue numbers. Further, issues have been raised and briefed that will not be discussed in this decision. **We find that, except as to the categories of issues set forth in the remainder of this order, Petitioners have failed to sustain their burden of showing that Skagit County has failed to comply with the Act.**

We compliment County staff, consultants, Planning Commission (PC) and Board of County Commissioners (BOCC) for the excellent job they have done creating a thorough record leading up to adoption of Ordinance #17938. Even though we have found noncompliance in some areas, the quality of the record is exemplary.

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Lot Aggregation and Legal Lot of Record
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In its recorded motion and supplemental findings of fact (Ex. 366) Skagit County set forth its rationale for eliminating its aggregation requirements:

“369. Significant changes have been made to the standards that determine whether a substandard (smaller than the minimum lot size for a lot within the present zoning district) lot of record can be developed. History of ownership requirements have been removed and replaced with objective performance based criteria that focus on

health and safety considerations. Aggregation of substandard lots is no longer required. There is no longer a need for the term “Lot of record, legal.” The changes, which for the first time include minimum lot sizes requirements, should reduce the total number of potential buildable lots. The present law (enacted in 1966) has been difficult to administer and enforce. Aggregation violations are discovered at the time a development application is submitted and lot certification requested. At that time, the law restricting development of illegally divided lots is virtually unenforceable. This is partly because of “due process” considerations as well as the impact of RCW 57.18.210, enacted by the State in 1969. That RCW contains an “Innocent Purchaser” exception (see Finding #382) to the general prohibition denying development permits’ on lots divided in violation of State and Local law. The 1997 CP and Development Regulations eliminated “aggregation” for legal lots of record acquired after June 1, 1997. These changes even the playing field for properties acquired before that date. Lots of record would still need to meet minimum size requirements based on the health and safety requirements found in the On-site Sewage and Concurrency regulations before development could proceed.

370. The PC finds that the revised proposal for allowing development on substandard lots of record will not result in an increase in the amount of development than would have been otherwise allowed under the previous lot certification process. The currently proposed process allows development on formerly platted lots, even if those lots do not meet the dimensional requirements of the current zoning, as long as Health Department septic dimensional requirements are met. Formerly, substandard lots were required to be “certified,” meaning it had to meet one of several criteria that demonstrated that it either was legally platted or at least segregated in compliance with the zoning requirements in effect at the time of the lot’s creation. In practice, the Planning and Permit Center has found that there are almost no cases where a lot was not certified. The lot certification process is a time intensive and costly process which provides practically no benefit since it is very rare (perhaps once a year) that a non-certifiable lot is found. Experience has shown that changing to a process which essentially assumes the certificability of each lot will not result in an increase in the number of formerly platted substandard lots available for development.

371. The revised lot of record provisions are supported by CWPP 6.2.”

The City Anacortes charged that the County’s elimination of development regulation (DR) requirements for lot aggregation would result in significant rural sprawl on South Fidalgo Island, contribute to the urbanization of this area, and inevitably draw the City into the later, costly provision of remedial urban services.

Evergreen Islands did an intricate study of Fidalgo and Guemes Islands showing the number of new lots that theoretically could be created after aggregation was rescinded. It claimed that dropping the aggregation requirement would significantly increase the density potentials for those Islands and would contribute to a new pattern of low-density sprawl.

FOSC claimed that suspension of lot aggregation would vest thousands of urban-sized lots in the rural area and natural resource lands (NRL) - more than 4,000 in NRL alone. The AGO 1998 No. 4 Opinion said that the County may or may not require aggregation. It said nothing about the County's right to repeal an aggregation ordinance. FOSC further contended that GMA does not allow discontinuance of an aggregation ordinance when that discontinuance would allow thousands of lots to vest outside of urban growth areas (UGAs) that would not have been allowed previously. FOSC asked us to find noncompliance and to give the County only five days to readopt its old aggregation ordinance. FOSC further asked for a finding of invalidity.

The County responded:

- (1) The aggregation ordinance required that substandard lots platted prior to the adoption of the County's subdivision ordinance in 1965 had to be combined with adjacent lots in the same ownership to satisfy the minimum lot size requirement.
- (2) In actuality, neither the Planning and Permit Center nor the Assessor ever combined the substandard lots. Therefore, by the year 2000, the ordinance was unenforceable.
- (3) RCW 58.17.210 protects the rights of all "innocent purchasers for value without actual notice" of lots which were illegally segregated without complying with state or local subdivision requirements. The Courts interpreted this provision as simply giving the innocent purchaser the right to build on the illegally-subdivided land. It also opened a loophole for a development permit if the County found "that the public interest will not be adversely affected thereby." The result was that development permits routinely followed illegal segregation. (Ex. 0014).
- (4) AGO 1998 No. 4 Opinion reaffirmed a county's right to regulate "undeveloped" pre-1937 recorded plats. Where plats are partially sold and/or partially developed (all plats in Skagit County), jurisdictions should establish substantive standards to handle those situations. The County has done that through its adoption of SCC 14.18.000(9) and by establishing performance-based criteria for health and safety at SCC 14.16.850(4) to

determine whether a substandard lot of record can be developed.

(5) When the County attempted to take a hard line on an illegally segregated lot the Court reversed the County decision on an “innocent purchaser” argument (Ex. 0473).

(6) There was extreme administrative complexity with the former ordinance. The applicant was required to supply a title report not only on the applicant’s substandard lot but on all adjacent lots back to 1965.

(7) The aggregation ordinance did not accomplish its purpose of reducing the development of substandard lots. Instead, it was a burdensome imposition on all applicants and on County staff.

(8) Even if County staff denied a variance from the ordinance, the hearings examiner uniformly granted appeals based on equity, due process, and/or innocent purchaser provisions of RCW 58.17.210.

(9) The aggregation ordinance needed to be fixed. The County chose a new system which provided regulations that were more conservative than the previous, unenforceable code and which would not result in more rural density.

(10) Under SCC 14.16.850(4)(d), lots of record are developable, even if they are substandard size, if they comply with (a) all the requirements for a development permit (including on-site sewage requirements under SCC 12.05) and (b) concurrency requirements (under SCC 14.28).

(11) These two requirements impose restrictions on development of substandard lots that are ascertainable, objective, and assure that development will be undertaken with due consideration for public health considerations and GMA’s concurrency requirements.

(12) Petitioners have not shown that the new approach will allow more developable lots than would have been developed under the prior, unenforceable, lot aggregation ordinance.

(13) Unlike the previous ordinance, SCC 14.16.850(4) prohibits septic systems on substandard lots regardless of ownership of contiguous lots; reducing, rather than proliferating, the development of urban-sized lots.

(14) SCC 14.16.850(4)(b)(ii) requires compliance with the annual concurrency review of required services.

(15) Citizen complaints about the unfairness and arbitrariness of the old lot aggregation ordinance are replete in the record.

(16) Development should be triggered and governed by ascertainable criteria, consistent with public health considerations, not by blind adherence to arbitrary dates and ownership patterns.

(17) The County balanced many factors, including local considerations based upon over 30 years of administering the old code. RCW 36.70A.3201 directs Growth Management Hearings Boards to give increased deference to regulations adopted based on such local considerations.

Intervenor Previs supported the County's arguments and underscored several:

- (1) GMA must be strictly construed.
- (2) Petitioners failed to meet the clearly erroneous burden.
- (3) The County's old aggregation ordinance was a "poster child" of a Goal 6 violation. GMA requires that citizens shall be protected from arbitrary and discriminatory action.
- (4) The old aggregation ordinance did not focus on the goals of the Act but solely focused on the identity of the property owner both spatially and temporally.
- (5) If in the chain of title there was common ownership, lots must be aggregated whether the current owners knew of its history or not.
- (6) If individual small lots were owned by different people, there were no performance based standards. Now no one can build on a lot smaller than 12,500 square feet; before the owner of an individual lot could.
- (7) The County has replaced those arbitrary standards with objective performance based criteria. None of the Petitioners has shown those criteria to be flawed.
- (8) Evergreen Islands' analysis was theoretical and very flawed: no determination was made of actual feasibility of lot creation considering things like topography, critical areas, soils and placement of the current residence on the lot. Also, no consideration was given to the number of innocent purchasers and those who had already checkerboarded their property who would be able to develop in spite of the old ordinance.
- (9) Restoration of the old, unfair, unworkable system makes no sense because of a huge County staffing problem and severe hardship to citizens for little or no gain.
- (10) Petitioners have not shown that this change will actually increase density.
- (11) The County has put a lot of effort into developing this solution and the Board should give deference to the County.

Intervenor ASCL reinforced the above responses pointing out specific examples of flaws which made the Evergreen Island analysis misleading.

Intervenor Del Mar also supported the County and other Intervenors' arguments.

Board Discussion

The GMA does not require local governments to unnecessarily make things more difficult for citizens. The least burdensome method of achieving a required GMA outcome is to be lauded, not criticized. There is a large body of evidence in the record that the aggregation ordinance, as implemented or the County's failure to implement it, was burdensome and arbitrary to land owners, ineffective in reaching the desired result, and needing to be fixed.

We agree with the County and Intervenors' argument that development should be triggered and governed by ascertainable criteria, consistent with public health considerations, not by blind adherence to arbitrary dates and ownership patterns. We are aware of the AG's opinion that the GMA does not require aggregation.

The Act, however, makes clear that DRs must be in place to ensure that the use of lands within or adjacent to NRL lands shall not interfere with the viability of those NRL uses. Skagit County had an aggregation ordinance in place when we found that the County had adequate provisions to protect NRL lands from non-compatible uses. If the County had not had that aggregation ordinance in place, it is unlikely we would have found compliance. (We were not told at that time that the aggregation ordinance was not working.)

This new permission to develop substandard lots in and near NRL lands fails to encourage conservation of productive forest and agricultural lands. Further, it fails to discourage uses incompatible with resource lands uses. *King County v. Cent. Puget Sound Bd.* ___ Wn.2d. ___ (2000) (*Soccer Fields*) case.

If the aggregation requirement is no longer in place, in order to achieve compliance, the County must adopt other measures that prevent incompatible development and uses from

encroaching on resource lands and their long term viability. This includes, not only the estimated 4,000 substandard lots within NRL lands, but also those in rural lands near designated NRL lands.

Further, the County must ensure by appropriate regulation that in allowing development of substandard lots it does not allow development which cumulatively requires urban services in rural areas and fails to reduce low-density sprawl.

Use of Urban Reserve in County Regulations Implementing CaRD

Petitioners challenged the County's implementing regulations of its comprehensive plan (CP) CaRD policies. The concept of clustering and the CP CaRD policies are not challenged. Some of the challenges that were made included:

(1) The County's implementing DRs provide that the remnant parcel be set aside for future urban development rather than permanent open space as earlier envisioned. Anacortes stated in its opening brief:

“Minimum lot sizes on South Fidalgo Island can be as small as 5,000 square feet, or 3,000 square for attached dwellings, (SCC 14.18.310(7)), and the balance of the property can be set aside at the property owners sole discretion ‘....for future urban growth areas’ (SCC 14.18.300(1)(b) and 14.18.310(5)(c)), subject to a later ‘.... redesignation through a Comprehensive Plan Amendment’, (SCC 14.18.310(5)(c)).”

(2) Through the CaRD implementing DRs Fidalgo Island landowners can now build at urban levels in clusters and choose to set aside the residual for future urban development, with no city participation in that decision. The City will be the one to have to provide very expensive remedial urban services when this unwise urbanization leads to threats to public health and safety and to the environment.

(3) The DRs thwart the purpose of GMA and the goal of the County visioning process that cities be urban and rural remain rural.

(4) Monitoring must be done and a full State Environmental Policy Act (SEPA) analysis of alternatives conducted before any further allowance for greater density in the rural area.

The County responded:

(1) The Board already reviewed Skagit County's CaRD policies, including the associated rural densities and found them in compliance with the Act. *Abenroth v. Skagit County* 97-2-0060c (FDO 1-23-98).

(2) Petitioners should now be limited to arguing whether or not the CaRD provisions adopted in the Uniform Development Code (UDC), SCC 14.18.300-.330, are consistent with and implement those CaRD policies.

(3) In the RI zone, even though small lots are allowed, CaRD does not increase density over the currently permitted one du/2.5 acres, previously approved by the Board.

(4) Although CaRD has the possibility of increasing density in the Rural Reserve (RRv) zone, it is only from 1 du/10 acres to 2 du/10 acres.

(5) These CaRD reserve areas are only in those CaRDs deemed appropriate for potential future development and cannot be built upon until the CP is amended and a choice made to justify adding extra density to the area.

(6) Petitioners have failed to offer any evidence or analysis as to why the densities permitted are not consistent with the GMA or the Board's previous orders. The only evidence in the record clearly shows that this pattern of development is consistent with existing rural character in Skagit County and can be rural in nature.

Intervenor ASCL supported the County's arguments. It underscored that in order to actually develop the urban reserve areas, a CP amendment is required. This is not an easy process and could be appealed to the Board. If open space is required to be in perpetuity, how will that work for cities which may need to expand in the future?

Board Discussion and Conclusion

We have previously found the County's CP CaRD policies to be in compliance with the Act.

Well designed cluster development can be an excellent tool to preserve rural character, protect critical areas and resource lands, and develop more efficiently. If the urban reserve provision in the DRs were limited to lands near UGAs which had been studied and determined to be the best areas for future urban growth, this provision would implement the CP CaRD policies and comply with the Act. This determination would have been the County's to make after consultation with the Cities, a SEPA review of alternatives, and full public participation.

However, if that is the County's intent, the process needs to be redone, in cooperation with the Cities, and the DRs need to be clarified to reflect that intent. As written, the urban reserve applies throughout the County and will be implemented at the property owners' discretion rather than the County's. This does not comply with the Act.

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Fidalgo Island Sub-Area Plan

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Evergreen Islands contended that the County had already decided to urbanize Fidalgo Island against the will of the County's current inhabitants. Evergreen further asserted that the proposed study was merely a tool in the County's plan to urbanize the fragile island environments.

Anacortes agreed that it appeared quite obvious that the County intended to urbanize Fidalgo Island. Anacortes stated in its opening brief:

“However, without the benefit of sub-area planning, joint City/County planning, and a SEPA review of alternatives, the County has jumped directly into a set of development regulations that will inevitably lead to urbanization of South Fidalgo Island.”

Anacortes further contended that removal of aggregation requirements and reserving cluster remnant parcels for future urban growth, as adopted in Ordinance #17938, were two giant steps in that urbanization process. The City further pointed out that there was no concrete commitment to, or timeframe for, the sub-area plan in the CP. Environmental studies done before the CP was adopted demonstrated how difficult and costly it would be to serve that area with urban services. Anacortes contended that the County had “let the horses out of the barn prematurely.” The City therefore asked us to require that the County complete a subarea plan to determine the Island's suitability for more intense development before more density is allowed on Fidalgo Island.

The County responded:

- (1) Petitioners' fears of an urbanized Fidalgo Island, as a result of the sub-area planning process, are unfounded and premature.
- (2) Evergreen Islands has failed to demonstrate how the future planning process to more carefully assess planning and environmental issues on Fidalgo Island is, at this stage, inconsistent with GMA.
- (3) The CP language was specifically amended, at the request of Petitioners and others, to make it clear that this language was not intended to predetermine any particular outcome regarding possible future densities.
- (4) This policy language simply recognizes that a cluster development approach might, in fact, be a better long-term strategy than a uniform pattern of 2.5, 5, or even 10-acre lots. It may make sense to minimize large-lot sprawl and encourage clustering. Nothing can be more dense than the underlying RI density.
- (5) One of the main purposes of a Fidalgo Sub-Area Plan is to assess the very best strategy for preserving rural character, protecting the environment and accommodating any future urban growth, if appropriate.
- (6) Petitioners will have the opportunity to participate in the sub-area planning process and appeal to the Board if they feel the result fails to comply with GMA.

Board Discussion and Conclusion

We agree with the County and Anacortes that a careful sub-area assessment of topography and environmental constraints to development should be done. Developing the best strategy for preserving rural character, protecting the Island's fragile environment, and assessing its suitability for future urban growth are crucial before more intense development is allowed to occur. It is unfortunate that the County may have increased landowners' expectations of future urban development in rural areas by applying the CaRD urban reserve designation and removing aggregation requirements on the Island before this study has been done.

The County must set a specific timetable for, and firm commitment to, the timely completion of this Plan. The Fidalgo Sub-Area Plan must be completed and found to be compliant before the CaRD urban reserve development or any other increase in density are

allowed to occur on the Island.

Amendment to Annexation Requirement in the CP

The Cities complained that despite our previous rulings the County has made it much more difficult for cities to annex within their UGAs by adding tough new standards in its CP:

“Contemplated changes in municipal...boundaries through annexation ...are to assure that natural neighborhoods and communities are maintained; logical service areas are created and preserved; and, normally (sic) irregular boundaries are avoided.” CP 7-11, Policy 7-A-A.2.

The Cities quoted our compliance order regarding short-term stipulated issues in *Abenroth*:

“...that (1) “That which is urban should be municipal; (2) implicit in RCW 36.70A.110(4) is the principle that ‘incorporations and annexations must occur; and (3) one of the three ‘fundamental purposes’ of CPs is to ‘achieve the transformation of local governance within the UGAs such that cities are the primary providers of urban services.’”

The Cities further argued that concurrency within municipal UGAs in Skagit County is the responsibility of the Cities. The objective within UGAs is for annexation to occur before urban development. The County’s actions do not reflect the intent of the GMA or of this Board’s previous orders that transformance of governance must occur.

The County responded that adoption of Policy 7A-4.2 does not establish tough new criteria for annexation. It merely discusses key factors that joint planning should be based upon. It is nearly a verbatim restatement of statutory Boundary Review Board (BRB) objectives.

Board Discussion and Conclusion

Whether or not these are “tough new criteria,” this is the first time the County CP includes a set of pre-GMA BRB annexation criteria for within UGAs. As we have stated in previous decisions, UGA provisions (including non-municipal UGAs) must provide for efficient phasing of urban infrastructure and transformance of governance.

Annexation within UGAs should occur as soon as possible and before urban development occurs. The interim solution of County implementation of City DRs within municipal UGAs is

excellent, but must be temporary. Under the GMA, within the municipal UGAs, logical boundary and other factors listed in the CP amendment are not relevant, since efficient phasing of infrastructure is key, not the interim shape of the city limits boundary.

In order to achieve compliance, the County must change its amendments to CP Policy 7A-4.29a to make it clear that annexations are to occur as soon as feasible within municipal UGAs to facilitate the efficient phasing of infrastructure and development.

Vesting Provisions

FOOSC claimed that the County's new vesting provisions (SCC 14.02.050) did not comply with the clear regulation requirements of CPP 7.4 and the GMA. They also did not comply with the internal consistency, predictability, public participation, concurrency, and adequacy requirements of the Act. They also violate Goals 6 and 7 of the Act and the CPPs. Vesting is too easily granted and the public is not properly notified of the future uses that may be vested. Unplanned, uncoordinated growth in violation of RCW 36.70A.010 will result. FOOSC further contended that this vesting regulation should be found invalid for substantial interference with the fulfillment of Goal 2 which requires the County to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

The Cities also challenged the new vesting provisions. They claimed that the County could not use recent Court decisions as an excuse for its overly generous vesting provisions. *Noble Manor Company v. Pierce County*, 133 Wn.2d. 269 (1997) said that without specific vesting rules, anything goes. However, with specific rules, that which is vested is only that which complies with those rules.

The County responded that recent case law has established generous vesting rules. SCC 14.02.050 is merely an attempt to codify vesting case law, and is therefore, within the range of choices available to the County under GMA.

The County contended that many of FOOSC's concerns are addressed in 14.02.050:

“(2) If a permit application vested under Subsection (1), above, is approved, and that permit approval contemplates 1 or more future uses or permits on the property that are subject to that permit approval, then:

(a) If the permit approval contains a detailed description of the uses, including a detailed site plan drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the use(s), and such site plan is consistent with all laws and regulations in effect at the time the original application vested, then all permit applications in connection with the future uses(s) are vested to the laws and regulations in effect at the time of the vesting or the original permit application, and laws and regulations enacted after that vesting date shall not apply to the future use(s) or any permit applications filed in connection therewith;

(b) If the development approval does not describe in detail all future uses or does not contain a detailed site plan, drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the future uses(s), then the future use(s) shall be subject to all later enacted laws and regulations in effect at the time of the vesting of any required application for permits in connection with the future use(s).

Subject to the provisions of Subsection (4) below, it is the intention of this Subsection that, consistent with other Federal, State, and County regulatory requirements, an Applicant be able to vest his future development rights to the level of detail the Applicant chooses to show in the application documents.”

The County concluded that because this provision is consistent with vesting law, Petitioners have failed to show either noncompliance or substantial interference.

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Board Discussion and Conclusion

Even though we are concerned about the possible future impact of the County’s vesting ordinance, we find that the ordinance does reflect current Appellate Court decisions and therefore was within the range of choices available to the County under GMA.

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Rural Character

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FOSC accused the County of continuing to allow pre-GMA uses and practices which fail to protect rural character. GMA was adopted to change rural uses and practices not to allow the County to cling to those harmful pre-GMA ways by defining them as “the rural character in Skagit County.” FOSC further charged that the County’s definition of its rural character is, in

effect, “really bad planning.”

The County responded that RCW 36.70A.070 instructed the County to assess its own local circumstances and define its own rural character. The County has developed an extensive and exhaustive record showing local circumstances, what Skagit County considers its own rural character to be, and has taken action to preserve that desired rural character. The County has not maintained “business as usual” through its definition of its rural character. Allowed uses and practices have been greatly curtailed. The majority of challenged practices now are regulated by special use permits. The County further maintained that it should be complimented for its hard work in protecting rural character, not chastised.

Board Discussion

Recently we have had extensive hearings in Skagit, Mason, and Lewis counties relating, in whole or in part, as to compliance with RCW 36.70A.070(5). The following is an analytical framework setting forth the standards established by the Legislature for the rural element of the CP and/or DRs. We will hereinafter refer to RCW 36.70A.070(5) simply as (5) along with appropriate subsections as (a), (b), (c), (d), and (e). We will refer to the definitions in RCW 36.70A.030 solely by their subsection number.

In analyzing (5) we start with the definitions established by the Legislature.

“(15) “Rural development” refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development *can* consist of a *variety of uses and residential densities*, including clustered residential development, at levels that are consistent with the preservation of *rural character* and the *requirements* of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas. (Emphasis supplied).

We note that (5)(b) *requires* a variety of densities and uses rather than *allows* them. Some essential standards are shown by this definition.

(1) No UGA nor designated resource land (RL) is to be included as part of the rural element. Additionally, agriculture or forest activities conducted in rural areas are not considered to be a part of rural development.

(2) Development in the rural area can allow a variety of uses and residential densities including clusters. However, such uses and densities must be only at levels that are:

- a. consistent with rural character (as defined in (14)) preservation; AND
- b. consistent with the requirements of (5).

“(14) “Rural character” refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, natural landscape, and vegetation predominate over the built environment;
- (b) That foster *traditional* rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide *visual landscapes* that are *traditionally* found in rural areas and communities;
- (d) That are *compatible* with the *use* of the land by wildlife and for fish and wildlife habitat;
- (e) That *reduce* the inappropriate conversion of undeveloped land into *sprawling, low-density development*;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the *protection* of natural surface water flows and ground water and surface water recharge and discharge areas.”
(Emphasis supplied).

Several characteristics and standards are set forth in this definition. The patterns of land use and development ultimately developed by a County in its CP must involve certain characteristics.

- (1) The natural environment must *predominate* over the built or manmade environment (See WAC 197-11-718).
- (2) Traditional rural lifestyles including *rural-based* economies and opportunities are to be fostered.
- (3) Visual landscapes, those *traditionally* found in rural areas, must be provided.
- (4) The patterns of land use and development must be *compatible* with the use of the land by wildlife and *compatible* for fish and wildlife habitat.
- (5) Sprawling, low-density development must be *reduced*.
- (6) Generally the extension of urban governmental services are prohibited.

(7) The land use patterns must be consistent with the *protection* of surface water flows and ground water and surface water recharge and discharge areas.

“(16) “Rural governmental services” or “rural services” include those public services and public facilities *historically* and *typically* delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with *rural development* and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).” (Emphasis supplied).

Certain characteristics are shown in this definition.

(1) Storm and sanitary services are prohibited, except to alleviate an existing health or environmental hazard.

(2) This definition and the definition of urban services found in (19) both include domestic water systems, fire and police protection, and transportation and public transit services. The distinguishing characteristic is that rural services must be “historically and typically delivered at an intensity usually found in rural areas.” Urban services are those that are provided “at an intensity historically and typically provided in cities, . . .”

The Legislature often uses the terms “historical” and “traditional” to define the essence of rural. As noted later such terms are intended to encompass more than what was present in the rural areas of a county before GMA.

Subject to the definitions, the Legislature requires counties to include a rural element in the CP outside of UGAs and RLs. The Legislature recognized in (5)(a) that local circumstances are an important consideration “in establishing patterns of rural densities and uses.” This provision is consistent with the wide discretion allowed to local governments under the GMA. RCW 36.70A.3201.

However, that discretion was not intended by the Legislature to be unbridled. RCW 36.70A.3201 involves discretion that is “consistent” with the goals and requirements of the Act. (5)(a) requires a county (through a written record) to “harmonize the goals” and “meet the requirements” of the GMA. The language of (14), (15), and (16), emphasize that the patterns of uses and densities

must be those which are “historical” and “typical” to rural areas. The Legislature did not say that whatever existed in a particular county on June 30, 1990, automatically became the existing rural character of that county. The Legislature has clearly said that the rural element must have parameters involving generalized historical and traditional “lifestyles” and “visual compatibility,” as well as the predominance of the natural environment, compatibility with wildlife and fish, protection of waters and the reduction of “sprawling, low-density development.”

(5)(b) requires that the rural element include rural development (15), forestry and agriculture in rural areas. A variety of “rural densities, uses, essential public facilities and rural governmental services” must be provided. To achieve such “a variety of rural densities and uses” clustering and other “innovative” techniques may be included. Those innovative techniques, however, must involve “appropriate rural densities and uses” that are *not* characterized by urban growth (17) **and** that are “consistent with rural character” (14).

Additionally, (5)(c) includes other requirements that must be included in the rural element “that apply to rural development [15] and protect rural character [14]” of the area” established by a county. In the rural element a county must:

- (i) contain or otherwise control rural development,
- (ii) assure visual compatibility with the “surrounding rural area,”
- (iii) reduce sprawling low-density development,
- (iv) protect critical areas and surface water and ground water resources, and
- (v) protect against conflicts with RLs.

The requirements of (c)(iv) and (v) require that a county review its current policies and regulations to determine if they are sufficient to comply with subsections (c)(iv) and (v). If existing policies and regulations do not meet these requirements then a county has the duty to adopt new ones. If existing policies and regulations in place at the time of adoption of the rural element are adequate, no new ones are necessary.

To summarize, a county may allow and shall provide a variety of *rural uses and rural densities* that are consistent with the definition of rural character (14) and also comply with the requirements of (5)(a), (b), and (c). UGAs and RL designations are excluded, as are agricultural

or farming activities in the rural areas (15). A variety of rural uses and rural densities, essential public facilities, and rural services are both allowed and required (15), (5)(b). Rural services must be “historically and typically” at an intensity not found in urban areas but found in rural areas. Traditional rural lifestyles, including rural-based economies are to be fostered. The natural environment is to predominate and rural visual landscape compatibility must be assured. Protection of critical areas and natural water flows and recharge and discharge areas, as well as compatibility of the uses and densities with wildlife and their habitat is required. Clusters and other innovative techniques may be allowed but must “accommodate appropriate rural densities and uses not characterized by urban growth” and be consistent with rural character (14). Rural uses and densities must be contained or otherwise controlled and must reduce existing sprawling low-density development in the rural area.

With this framework in mind, we will now discuss the two rural character challenges that FOOSC argued most convincingly.

Rural Sign Regulations

FOOSC described the rural sign regulation in SCC 14.16.820 as the most egregious assault on GMA rural character requirements. FOOSC gave the following reasons to support this charge:

- (1) RCW 36.70A.070(5)(c) requires “Assuring visual compatibility of rural development with the surrounding rural area.” The CP also has policies and objectives to protect rural character. Yet the sign ordinance allows signage that is completely out of harmony with rural character of Skagit County.
- (2) The code allows roof signs, including electrified roof signs, on any building. A building permit is required only if the signs are individually greater than 32-square feet or 6 feet tall. There is no requirement that other buildings in the area must already have roof signs. Therefore, neighborhood rural character will be destroyed by offensive signage.
- (3) The code allows signs of any type and any size to be painted on buildings advertising

on-premise or off-premise activities.

(4) The code allows on-premise temporary signs advertising organizations for 45 days per year per sign without any limitations as to size, number of signs, illumination, placement, or other criteria.

(5) The code allows unlimited use of temporary and permanent off-premise “directional” signs for private commercial purposes.

(6) The code allows commercial businesses and home occupations anywhere in the rural area to use pennants, flags, banners, whirlers, streamers, and inflatable balloons of unlimited size for 14 continuous days every six months for so called “special events.” It even allows search lights to be used by commercial businesses, home occupations, or anyone, for up to five consecutive days and up to 30 days per year.

(7) All of the above uses are allowed as exemptions in the sign code with no permit required. Even worse violations of rural character are allowed with a permit application.

(8) FOOSC went on to list many more provisions of the Ordinance that it found to be most offensive to protection of rural character.

(9) FOOSC ended by asking that the sign ordinance be remanded for the County to set much stricter parameters for rural signage. It also asked that the sign ordinance be found invalid for substantial interference with Goals 2, 5, 6, and 10 of the Act.

The County responded:

(1) FOOSC mischaracterizes what the code would permit, spins outrageous hypotheticals and then simply declares that this will happen and is inconsistent with rural character and GMA. FOOSC has failed to meet its burden.

(2) GMA does not prohibit signs in rural areas. GMA simply requires the County to assess what its rural character is, gives the County significant discretion in doing so, and gives deference to those ultimate County choices. Current Skagit County rural character has “developed” in the context of the existing, relatively lax, sign code requirements. Indeed, the current sign code is a substantial revision to, and tightening of, the previous sign regulations in Skagit County. This also demonstrates that the parade of hypothetical horrors that FOOSC asserts has not happened and is not likely to happen under a more restrictive code.

(3) The record on existing rural character in Skagit County includes a bit of the “eclectic” mix of painted barns and miscellaneous signs associated with scattered rural businesses that FOSC declares is not rural character. Petitioners must demonstrate from evidence in the record that the County’s choices are clearly erroneous and inconsistent with the requirements of GMA. FOSC has not met its burden.

(4) SCC 14.16.820 significantly controls what kinds of signs and how many can be located on a parcel. FOSC either misunderstands or mischaracterizes what the code would permit. For example, on-premise signs are limited to signage for the lawful uses of property. So if the property does not permit commercial uses, signage for commercial usage is not permitted. Off-premise signs are limited to a few uses (real estate signs, temporary roadside stand signs) or, in the case of billboards, are limited to only a few zones.

(5) “The rural character at issue was established under a much, much more permissive sign code, and it is that rural character with which the County must now be consistent.”

Board Discussion and Conclusion

We disagree with the County’s statement in (5) above. As we discussed previously, the Legislature did not say that whatever existed anywhere in the rural area of a particular county on June 30, 1990, automatically became the existing rural character of that county. Although the County created an excellent written record, it must also meet the requirements of the GMA. The GMA was adopted in part to change rural uses and practices, not to allow counties to continue pre-GMA ways by defining them as “the rural character of our County.” We appreciate the work the County has done to somewhat limit the use of signage from its previous lack of restrictions. However, if Skagit County citizens took advantage of what is allowed under the new sign codes, signage would predominate over open space, natural landscape, and vegetation. RCW 36.70A.030(14) prohibits that result.

Further, RCW 36.70A.070(5)(c) requires “assuring visual compatibility of rural development with the surrounding rural area.” Although the ordinance allows electrified roof signs, searchlights, and a plethora of other signage, there is no requirement in the County code that other buildings in the area must already have similar signage in order for this new signage to be allowed. Therefore, the code allows neighborhood rural character to be destroyed by offensive signage that has not been located in that particular neighborhood before. **We find that the**

County was clearly erroneous in the choices it made regarding rural signage provisions. The County must set much more strict parameters for rural signage in order to comply with the goals and requirements of the Act.

FOSC also requested that the sign ordinance be found invalid for substantial interference with Goals 2, 5, 6, and 10 of the Act. We will not grant that request at this time. If the County has not severely limited signage allowed in rural areas by the compliance date, we will reconsider invalidation at that time.

Uses and Dimensional Standards Allowed

FOSC challenged the lack of building height restrictions in all zones outside of UGAs, claiming that the language of the code was clearly erroneous because height was only required to “conform to the Skagit County Building Code.” The building code allows buildings of unlimited height when proper construction methods are used. FOSC charged that due to this failure to restrict height, 16 sections of the code were in violation of the rural character requirements of the Act and the CP.

FOSC also requested that due to the excessive number of inappropriate uses, the permitted use and special use sections of all the rural residential and resource zones be remanded to the County for tightening.

FOSC gave specific examples of what it considered to be inappropriate uses in several of the rural residential zones. In the NRL zones, FOSC challenged uses that it believed would lead to ultimate conversion of NRL land to commercial enterprises. Some of the non-NRL challenged uses were: outdoor outfitters enterprises, shooting clubs (if they damage or convert NRL lands), kennels, wrecking yards for storage of unlicensed/inoperable vehicles, racetracks, off-road vehicle parks, campground developed, private aircraft landing field (conversion), animal clinics, specialized recreation facilities, mortuaries, and Home Based Business 2 (HBB2) (that are not NRL-related commercial activities).

The County responded:

- (1) FOSC challenges the County’s decision to defer to the UDC and other regulations to

restrict building height, rather than to specify a height for each zone in the UDC. However, FOSC provides no analysis whatsoever, instead concluding that unspecified “rural character requirements of the Act and CP” are violated without evidence or explanation. FOSC ignores the County’s findings regarding other factors which effectively limit building height. The County’s Recorded Motion provides evidence of the County’s deliberation and rationale:

“Many of the zones within the UDC do not contain a specific height limit, but rather simply defer to the Uniform Building Code to limit height based on various occupancy types. The Planning (*sic*) finds that many of the zones limit the uses or FAR sufficient to also consequently limit the height. The Uniform Building Code adequately limits height based on a number of considerations. First, single-family residences are limited to three stories in height. For other types of construction, such as for industrial buildings, Uniform Fire Code requirements will effectively limit the height of buildings. Specifically, tall buildings (above four stories) will require a fire flow which cannot be supported by rural fire districts and this lack of fire flow will limit the permitted heights. Taller buildings also trigger and (*sic*) type and cost of construction that is not justified with the rural intensity of the uses that are permitted by the code. These factors would effectively limit the height of construction in Skagit County to no greater than four stories, with the possible exception of non-occupied structures such as agricultural silos.”

FOSC has not shown that the County is clearly erroneous to rely on fire flow and other UDC concerns and the practical realities of construction types and costs to regulate building height.

(2) Regarding FOSC’s challenge to the choices the County made as to what uses to allow where, it is apparent that while FOSC may disagree with the County’s choices, it has failed to make any sort of showing why those choices violate GMA. With nothing more to support its proposed revisions than the barest of conclusions, FOSC cannot carry its burden on any particular use, for any zone. FOSC’s principle “evidence” is simply a previous comment letter from FOSC with the same unsupported assertions or suggestions. Further, most of the allegedly illegal uses are hearings examiner special uses. Under this authority, the examiner will ensure that the use gets more consideration, requires a finding of consistency with existing land uses in the zone, and also ensures a public forum before such uses are permitted. FOSC is often wrong in its assumptions and conclusions regarding what uses are permitted in what zones.

(3) The County supported the challenged uses in each of the zones in more detail.

(4) As to NRL zones, special uses must address impacts to NRL land and long-term natural resource production. Further, a brief review of the definitions and/or the specific language for these uses reveals that they are not of any intensity to cause any appreciable impact to ongoing natural resource activity.

Board Discussion and Conclusion

Although we might prefer some of the conclusions presented by FOSC, our test under the Act is not to determine whether Petitioner's suggestions would improve the Ordinance; rather, it is to determine if the challenged choices the County made failed to comply with the goals and requirements of the Act. On the whole, as to rural zones, FOSC has failed to show that the County's choices were clearly erroneous.

However, many of the challenged uses allowed by administrative or hearings examiner special use permit in Ag-NRL, IF-NRL, SF-NRL, and RRC-NRL do not comply with the Act. The County's defense of these uses - that the hearings examiner will ensure that the use gets careful consideration, ensures public participation, and addresses impacts to NRL land and long-term natural resource production - are not convincing. SCC 14.16.900(2)(b)(v)(f) merely states "impacts on long-term natural resource management and production will be minimized."

Recently the Supreme Court has addressed the agricultural resource lands (ARL) provisions of the GMA in *Redmond v. Growth Hearings Bd.* 136 Wn.2d 38 (1998) (*Redmond*) and in the *Soccer Fields* case. In both cases the Court made very strong statements concerning the need to preserve ARLs as a fundamental necessity of the maintenance and the enhancement of the agricultural industry. In the *Soccer Fields* case the Court said at p. 19 of the slip opinion:

"In summary, the agricultural lands provisions (RCW 36.70A.020(8), .060, and .170) direct counties and cities (1) to designate agricultural lands of long-term significance; (2) to assure the conservation of agricultural land; (3) to assure that the use of adjacent lands does not interfere with their continued use for agricultural purposes; (4) to conserve agricultural land in order to maintain and enhance the agricultural industry; and (5) to discourage incompatible uses."

In the *Soccer Fields* case the Court noted that while the goals of the Act are not set forth in any priority order "the verbs of the agricultural provisions mandate specific, direct action." At p. 20

of the slip opinion the Court reiterated the holding of *Redmond* by quoting from p. 47 of that case “with approval” the observation that:

...“Allowing conversion of resource lands to other uses or allowing incompatible uses nearby impairs the viability of the resource industry.”

The Supreme Court also noted that the provisions of RCW 36.70A.3201 grant a great deal of local discretion but “bounded” such discretion with the requirement that the discretion be exercised “consistent with the requirements and goals of”.... GMA. Ultimately, at p. 23 of the slip opinion in the *Soccer Fields* case the Court held that:

...“After properly designating agricultural lands in the APD, the County may not then undermine the Act’s agricultural conservation mandate by adopting “innovative” amendments that allow the conversion of entire parcels of prime agricultural soils to an unrelated use...”

Although the *Soccer Fields* case dealt specifically with ARLs, those holdings are equally applicable to other NRLs. The concept of clustering and the CP CaRD policies are not challenged. **In SCC 14.16.400, .410, .420, and .430 Skagit County has allowed in NRLs uses which fail to comply with the Supreme Court’s opinion of the proper interpretation of the Act’s goals and requirements.**

The fact that a special use permit is required does not remedy this failure to comply.

Commercial Composting on Ag-NRL Lands

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Petitioner Bender challenged the County’s DRs which allow commercial composting of municipal yard waste on pre-existing concrete pads in designated agricultural NRL lands. Bender supported this challenge with the following arguments:

- (1) Commercial composting will violate the following 1997 CP policies: CP Policy 3.1 (“prime agricultural lands shall be protected and preserved”); 4.4 and 4.4.2 (requests for changes with the agricultural zoning designations require the proposed use to be “directly related to agricultural enhancement or production”); 4.5 and 4.5.1 (“farm based

businesses must remain an accessory use, secondary to the primary agricultural use of an actively farmed property”); 6.3 (“the primary use of any parcel on lands designated as agriculture shall be agricultural production and related processing, and support services”).

(2) This type of business interferes with natural resource use of NRL because of the increased traffic unrelated to resource production. This use also consumes the developed area of the NRL parcel for non-agricultural purposes and makes the parcel less likely to be able to sustain agricultural use in the future.

(3) A March 13, 2000 letter from the County administrative official stated that this type of business “simply should not be allowed as either a special use or permitted use on non-renewable Agriculture-NRL lands.”

(4) Despite the above information, the County included SCC 14.16.400(2)(e) in its DRs. This code section allows “composting with no net loss of original soil” as a “permitted use” in the Ag-NRL district.

(5) Commercial composting of municipal yard waste on concrete pads for commercial sales to city residents is not an agricultural use and does not comply with the Act.

(6) The farm-based business regulation should be clarified to require that the product must always be “soil-dependent” because the allowance of farm-based businesses with products that are not “soil dependent” amounts to a conversion of Ag-NRL lands to non-agricultural uses.

(7) In Ordinance #17535, farm-based business was allowed as an accessory use or special use while under Ordinance #17938 it is an outright permitted use without requiring any other on-site agricultural use.

(8) SCC 14.16.400(2)(e) which allows commercial composting in the Ag-NRL district should be found invalid for substantial interference with RCW 36.70A.020(2), (5), (6), and (8) because the use is an “inappropriate conversion;” is not “within the capacities of the state’s natural resource;” is an “arbitrary” action; and does not conserve productive agricultural land “and discourage incompatible uses.”

The County responded:

(1) Petitioner Bender has failed to show how SCC 14.16.400(2)(e) fails to comply with the GMA.

(2) Bender bases his complaint on a site-specific land use proposal by an individual. This

is not the forum for Bender to be complaining about Cassidy Topsoil, Inc's. proposal.

(3) Bender makes the incorrect assumption that "commercial composting of municipal yard waste on concrete pads" is a use that would be allowed under SCC 14.16.400(2)(e).

(4) The code does not allow new concrete pads for new composting uses.

(5) Bender's reliance on an administrative official's interpretation of a prior code as applied to the specific facts of that case is also without merit.

(6) The current definition of "farm-based business" was originally adopted on June 25, 1998, as part of Ordinance #17029. This adopted amendment to the CP definitions was not appealed to the Board. The definition of "farm-based business" in Ordinance #17029 is identical to that definition now adopted as part of the UDC in 14.04.020.

(7) When a County adopts a new DR to mirror a CP provision it adopted two years earlier or a code section adopted one year earlier that were unchallenged, that does not start a new appeal period.

(8) Bender has not shown noncompliance, let alone substantial interference with respect to these issues.

Board Discussion and Conclusions

Petitioner has not convinced us that the County was clearly erroneous in bringing forward its CP definition of "farm-based business" to its UDC. We also agree with the County that this is not the forum for site-specific concerns.

As to the general issue, the County claimed that SCC 14.16.400(2)(e) did not allow composting on concrete pads as Bender claimed. SCC 14.16.400(2)(e) simply states, "Permitted Uses. (e) Composting with no net loss of original soil."

We are hard pressed to see how this description of a permitted use would not allow commercial composting of municipal yard waste on pre-existing concrete pads within the Ag-NRL lands.

We understand beleaguered dairy farmers' need to find additional sources of income. However, this type of use must either be clearly precluded in the Ag-NRL lands, or must be a hearing examiner or administrative special use to ensure that this non-agricultural use is temporary and priority always given to agricultural uses. Regulations must also ensure that no leaching of

toxins from urban yard debris is allowed to contaminate the agricultural soil and that the additional truck traffic will not interfere with agricultural uses.

We find no such safeguards in the current ordinance and therefore find SCC 14.16.400(2) (e), as currently written, to be noncompliant with the GMA and the County's own agricultural conservation policies. The Supreme Court's holding in *Soccer Fields* case (as discussed on pp. 31 and 32 of this decision) supports this conclusion.

Concrete UGA

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FOSC claimed that the Concrete UGA boundary was oversized and failed to comply with the Act. It asserted that Concrete could accommodate its allocated growth within municipal limits and therefore must not be allowed a UGA outside its current boundary. FOSC also requested that we give the County 90 days to reduce the Concrete UGA to its municipal boundary and, if not done, find the unincorporated UGA automatically invalid for substantial interference with Goals 1 and 2.

The Town of Concrete responded:

- (1) The record shows that the town has been working and meeting with the County on its UGA for years. It has done its required analysis and submitted thousands of pages of information to the Department of Community Trade and Economic Development (CTED) and the County.
- (2) FOSC did not participate at all in Concrete's process and only submitted one letter in the County process.
- (3) The town has reduced its proposed UGA by 50%.
- (4) Concrete has never claimed a need for a UGA merely for its allocated population. Rather, RCW 36.70A.110 also authorizes the inclusion of adjacent areas that are already at urban standards. Grasmere, the included area, has sidewalks, curbs, gutters, and urban water. Where existing urban development and sidewalks end, the boundary of the UGA terminates. The town has documented that it can meet minimum urban density requirements and can supply the area with urban services. The Town will enforce concurrency and has a sewer comprehensive plan to serve the area. This plan has been

approved by the Department of Ecology (DOE) and CTED.

(5) Based on the record, the County was not clearly erroneous in its decision that the unincorporated UGA was already characterized by urban growth and should be included in Concrete's UGA.

Board Discussion and Conclusion

The record shows that the area included in the Concrete UGA is characterized by urban growth and is served by Concrete. All the other municipal UGAs have long since been found in compliance. It is pointless to require the County to shrink those UGAs in small amounts so Concrete can include an area in its UGA that is already urbanized. **Given this record, we find that including that area within the Concrete UGA, thereby requiring any new development to meet Concrete's DRs and concurrency requirements and develop to urban standards, complies with the Act.**

Water Service to Rural Areas

FOSC charged that the County's amended CP and coordinated water system plan (CWSP) redefining urban and rural water services, as implemented in SCC 14.36.040, still did not comply with the Act. FOSC complained that the definition of rural water service applied by the CP, CWSP, and SCC did not preclude a water line extension from inside a UGA to outside a UGA that is structurally capable of providing urban water service to areas outside the UGAs. Therefore, these policies and regulations do not preclude future water system extension from being used for future urban water service outside the UGAs. Thus, the Act's requirement to ensure that rural extensions be designed to prevent them from being structurally capable of providing urban water service was violated.

The County responded that it had adopted "rural" and "urban" Levels of Service (LOS) standards in its CP as required by the Act. These standards are mirrored in the CWSP Glossary. The CWSP also adopted fire flow standards for "urban" and "rural" areas. This addresses public safety issues. Because the water pipe sizes are a function of hydraulic engineering, including, but not limited to, distance served, topography, and pressure; it is not appropriate or possible to set a water pipe size as an urban vs. rural LOS.

Intervenors Towns of Hamilton and Concrete supported the County's action. They have Group A water systems and need to serve customers outside their boundaries to spread their fixed costs. They must meet the design standards set by the Department of Health (DOH). The CWSP complies with the Act.

Intervenor Del Mar Community Services, also a water purveyor, supported the County and underscored that the CWSP is excellent; the County cannot usurp DOH's role in water system design; and if they followed FOOSC's demands, rural areas would be made vulnerable to fire for no good reason. Intervenor Clark and others also supported these arguments.

Board Discussion and Conclusion

The County has developed LOS standards for rural and for urban water service as required by the Act. FOOSC has not convinced us that the Act requires water service to rural areas be designed to be structurally incapable of providing an urban LOS. Rather, the County's land use regulations must preclude new urban development in the rural area. **The County is in compliance with the Act as to LOS standards for rural and urban water service.**

Concurrency

FOOSC raised several concurrency challenges. On the whole, we are not persuaded that the County was clearly erroneous in the choices it made regarding concurrency. The one exception is the County's failure to add all municipal concurrency ordinances to Appendix A and keep them current. This is required for the Cities to be able to administer their concurrency ordinances within their UGAs outside their current municipal boundaries. This issue is also discussed in the FDO for Case #00-2-0050c (2-6-01). The County agreed that a remand should occur to clarify its intent to adopt current city DRs for the UGAs.

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Identification of Open Space Corridors

FOOSC contended that the County failed to adequately address open space corridors within and between UGAs in violation of RCW 36.70A.110(2) and -.160.

The County countered that FOSC ignored the city maps for each municipal UGA in the record which identified these open space and green belt areas within UGAs. With respect to corridors between UGAs, FOSC ignored the County Parks and Recreation Development Plan. The County adopted these requirements. Further, the County carefully considered and recognized other important categories of open space under private ownership and control that, while not necessarily mapped as such on the CP map, nonetheless provide valuable open space functions.

FOSC replied that City maps in the map portfolio do not show green belts in unincorporated UGAs. Open space corridors between UGAs are not shown in the Parks Plan. Further, the CP does not reference the Parks Plan.

Board Discussion and Conclusion

RCW 36.70A.110(2) requires counties to include “greenbelt and open space areas” in its UGAs. RCW 36.70A.160 requires counties to “identify open space corridors within and between urban growth areas.”

The County CP at 4-33 states:

“The Open Space Areas are intended to provide for a variety of open space types. Open space areas include greenbelt corridors within and around urban growth areas, green belts which connect critical areas, lands receiving open space tax incentives, resource lands, conservation easements, rural open space areas, park lands, and significant historic, archaeological, scenic and cultural lands. The Potential Greenbelts and Public Open Space Areas overlay found on the Urban Growth Area Maps, Maps 3A – 3K, are general in nature and will be more thoroughly designated through the project review process. More detailed mapping together with specific protection techniques including a revenue plan are included as a part of the Parks, Recreation and Open Space Plan and Conservation Futures Plan. Potential greenbelts and open space areas will be a mix of the three categories of open space: (1) Public, (2) Private and (3) Open Space Taxation.....”

This generalized discussion in the CP, plus city maps (that do not show green belts in unincorporated UGAs) and County parks plan maps (which do not show open space corridors between UGAs), do not adequately meet the requirements of RCW 36.70A.110(2)

and .160.

Changes to the Big Lake Rural Village (RV) Provisions

FOSC challenged the County's expansion of the Big Lake RV boundary for many reasons including:

- (1) The Board found the Big Lake UGA not in compliance with the Act in the *Abenroth* FDO. The County responded by removing the UGA designation for Big Lake and designating the exact same area as RV.
- (2) In the CP and UDC the County has now substantially expanded the boundary and residential development potential for the Big Lake Rural Village.
- (3) CP 4A-7.8 provides "changes to Rural Area designation should occur through the community development planning process (subarea joint planning)" by evaluating many specified criteria.
- (4) The County has proposed a community planning process for Big Lake for the future in CP 4A-7.15, but it expanded the boundary before that planning process was even begun.
- (5) The County has expanded the RV without following the criteria in CP Chapter 2. There was no monitoring program and analysis as required in CP Chapter 2.
- (6) The Big Lake Rural Village has been expanded to become contiguous with the boundary of the Mount Vernon UGA. This is a fundamental flaw because the future expansion of the Mount Vernon UGA toward Big Lake will be precluded by the suburban densities of 1 du/acre allowed in this expansion area.
- (7) The GMA requires that the RV have a "logical boundary delineated predominately by the built environment." Most of the boundary of the expanded RV is not bounded by physical boundaries and/or "delineated predominately by the built environment." No consideration was given to boundaries of existing areas as those areas existed on July 1, 1990. The County has not shown its work in delineating the Big Lake boundary under the criteria of RCW 36.70A.070(5).
- (8) All of these issues must be addressed in a community planning process according to CP4A-7.8 before the boundary of the Rural Village is modified, and before the density in the Overlook Golf Course is increased from 1 du/5 acres to 1 du/1 acre. Expansion of

development potential in the Big Lake RV as was done by Ordinance #17938 is clearly erroneous.

(9) Because the RV is so close to the Mount Vernon UGA, the expansion of both the area and the density in the Rural Village should be found invalid for substantial interference with Goal 1 and Goal 2. If development vests in expansion areas and/or at the expanded densities allowed by Ordinance #17938, it will be impossible to reverse the damage in the community planning process.

The County responded:

(1) Finding 87 of the County's Recorded Motion explains that the residential development potential of Big Lake has been substantially reduced when it was changed from a UGA to an RV.

(2) The record now contains ample description and evidence to support the unique local circumstances, specific boundary choices and minor modifications made.

(3) The adopted CP policies for this Rural Village appropriately constrain and protect further development in this area until sub-area planning is completed.

(4) FOOSC cites to no GMA provisions that preclude the RV boundary from being contiguous with the Mount Vernon UGA. The Big Lake subarea plan will specifically look at potential UGA expansion issues in this area.

(5) FOOSC has not met its burden and the County's designation of the Big Lake RV, together with its innovative policies to encourage clustered development, should be upheld.

Board Discussion and Conclusion

The record shows that the County failed to follow its own CP policies and do an analysis for compliance with RCW 36.70A.070(5) when it expanded the Big Lake RV boundary. In order to comply with the Act the County must complete a Big Lake subarea planning process according to CP 4A-7.8, analyze the proposed boundary expansion according to the criteria in RCW 36.70A.070(5)(d) and consider the potential of this area for Mount Vernon UGA expansion before the boundary is expanded or greater densities are allowed for the Overlake Golf Course.

Miscellaneous Issues

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FOSC challenged numerous sections of the DRs as being potentially confusing or not fully implementing the CP. On most of those issues, we agree with the County that FOSC's speculative concerns over implementation fail to meet its burden of proof and do not justify a finding of GMA noncompliance. However, the following UDC sections do warrant a remand for consistency and/or clarification.

SCC 14.10.020(1)

FOSC challenged SCC 14.10.020(1) for its lack of clarity. The section calls for variances to the public works standards in SCC 14.36 to be determined administratively by the Department of Public Works pursuant to Section 2.10 of the Skagit County Road Standards Manual. SCC 14.36 includes standards for roads, stormwater, sanitary sewer, and water systems. Section 2.10 of the Road Standards Manual does not address stormwater, sanitary sewer and water system standards.

The County conceded that the language in SCC 14.01.020(1) is not fully consistent with SCC 14.36 by limiting Public Works review to Section 2.10 of the Skagit County Road Standards Manual, which does not contain standards for stormwater, sewer and water systems. Further, other sections of SCC provide a clearer description of what entity is responsible for what variance decisions. The County stated it was willing to process an amendment to SCC 14.01.020(1) to avoid confusion.

In order to achieve compliance the County must amend SCC 14.01.020(1) to be similar to its proposed amendment at p. 58 of its response brief.

Inconsistency Regarding Side Setbacks

FOSC asserted that SCC 14.04.020 defines "Lot line, front" to include any parcel boundary on a street. But SCC 14.16.140 and other code sections define a front setback of one distance and a side setback on a street right-of-way as a different distance. Under the definition of the "Lot line, front" the side on a street right-of-way is considered a front so the code is internally inconsistent on this issue.

The County conceded that there is a small chance for confusion when SCC 14.06 setbacks are applied in conjunction with the definition of “Lot line, front” in SCC 14.04.020. The County stated that it was willing to process an amendment to SCC 14.04.020 to avoid the possibility of confusion.

In order to achieve compliance the County must amend SCC 14.04.020 to be similar to its proposed amendment at p. 59 of its response brief.

Inconsistent Population Projections

FOSC pointed out that the population projections that the County used for its Capital Facilities Plan (CFP) are inconsistent with the population projections used in other parts of the CP. Therefore, the CFP must be revised based on proper projections. Further, FOSC contended that in order to be internally consistent, all elements of the plan must be based on the same 20-year planning period.

The County acknowledged the population projection inconsistency and pledged to correct this inconsistency. The County showed that it had corrected this in the CFP for 2000-2006. The inconsistency had no effect on the CFP 2000-2005 dates, assumptions or conclusions.

In order to achieve compliance the County must take action to ensure that all elements of its CP use the same population projections and 20-year planning period.

Minimum Residential Densities for the Concrete UGA

FOSC stated that the FDO in *Abenroth* required the County to place a note on its CP maps for unincorporated UGAs that specifies minimum residential densities of 4 du/acre with a maximum lot size of ¼ acre. In the 2000 CP the County has adopted an unincorporated municipal UGA for the Town of Concrete that provides for residential development. The County should be held to the previously cited decision and be required to place the same density note now on the UGA map for Concrete.

The County responded that the failure to include the minimum density notation on the County’s

map for the Concrete UGA was, at most, a typographical oversight. The County also noted that Town of Concrete Ordinance #439 establishes maximum lot sizes that comport with urban standards. The County has adopted these regulations for the Concrete UGA.

In order to achieve compliance the County must place the minimum density note on the UGA map for Concrete consistent with other UGA maps.

ORDER

In order to comply with the Act, the County must take the following actions by the deadlines specified:

(1) If the aggregation requirement is not reinstated, the County must adopt other measures that prevent incompatible development and uses from encroaching on designated resource lands and their long-term viability. This includes not only the estimated 4,000 substandard lots within NRL lands, but also those in rural areas near designated NRL lands. Further, the County must ensure by appropriate regulations that in allowing development of substandard lots, it does not allow development which will cumulatively require urban services in rural areas and which fails to reduce low-density sprawl. If compliance is not achieved within 90 days, we will consider Petitioners' request for invalidity.

(2) If the County wishes to retain its urban reserve provision in the CaRD DRs, it must limit that option to lands near UGAs which it has determined to be the best areas for future urban growth. The process to determine future urban growth suitability must include consultation with the impacted municipalities, SEPA review of alternatives, and full public participation. These actions must be taken within 180 days.

(3) Set a specific timetable for, and firm commitment to, the timely completion of the Fidalgo Sub-Area Plan. This plan must be completed and found to be compliant before the CaRD urban reserve development or any other increase in density are allowed to occur on the Island. The specific timetable and scope of work must be developed and supplied to us within 90 days.

(4) Within 90 days, change the amendments to CP Policy 7A-4.29a to make it clear that annexations are to occur as soon as feasible within municipal UGAs to facilitate the efficient phasing of urban infrastructure and development.

(5) Set much more strict parameters for rural signage to protect the rural character of the

- County and conform with RCW 36.70A.030(14)(a) and .070(5)(c). If compliance is not achieved within 90 days, we will consider Petitioners' request for invalidity.
- (6) Within 90 days, remove the uses allowed in NRLs listed in SCC 14.16.400, .410, .420, and .430, which do not comply with the Supreme Court's opinion of the proper interpretation of the Act's goals and requirements in the *Soccer Fields* case.
- (7) Either clarify SCC 14.16.400(2)(e) to prohibit commercial composting of municipal yard waste on pre-existing concrete pads within the Ag-NRL lands, or adopt safeguards to ensure that this non-agricultural use is temporary, priority is always given to agricultural uses, no leaching of toxins from urban yard debris is allowed to contaminate the agricultural soil, and ensure that additional truck traffic will not interfere with ongoing agricultural uses. If compliance is not achieved within 90 days, we will consider Petitioners' request for invalidity.
- (8) Within 30 days, adopt current city DRs for enforcement within municipal UGAs. Changes to city ordinances must be adopted promptly in the future to ensure enforceability of the updated municipal codes.
- (9) Within 180 days, adopt maps or some other clear mechanism to identify greenbelts and open space areas within UGAs and open space corridors within and between UGAs.
- (10) Within 30 days, repeal the changes made to the Big Lake rural village in the 2000 CP and UDC. Complete a Big Lake subarea planning process according to CP 4A-7.8, analyze the proposed boundary expansion according to the criteria in RCW 36.70A.070(5)(d), and consider the potential of this area for Mount Vernon UGA expansion before reexpanding the boundary or allowing greater densities for the Overlake Golf Course. If repeal of the changes is not made within 30 days, we will invoke invalidity.
- (11) Within 90 days, amend SCC 14.01.020(1) to be similar to the County's proposed amendment at p. 58 of its response brief.
- (12) Within 90 days, amend SCC 14.04.020 to be similar to the County's proposed amendment at p. 59 of its response brief.
- (13) Within 180 days, take action to ensure that all elements of the CP use the same population projections and 20-year planning period.
- (14) Within 90 days, place a minimum density note on the UGA map for

Concrete consistent with other UGA maps.

(15) Any findings of noncompliance in previous sections of the FDO are incorporated by reference.

Findings of Fact pursuant to RCW 36.70A.270(6) are adopted and attached as Appendix I and incorporated herein by reference.

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 6th day of February, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Nan A. Henriksen
Board Member

William H. Nielsen
Board Member

Appendix I

Findings of Fact pursuant to RCW 36.70A.270(6)

Repeal of Lot Aggregation

1. Unlike the previous ordinance, SCC 14.16.850(4) prohibits septic systems on substandard lots regardless of ownership of contiguous lots.
2. There is a large body of evidence in the record that the aggregation ordinance, as implemented ~~do not ???~~, was burdensome and arbitrary to land owners, ineffective in

reaching the desired result, and needing to be fixed.

3. It is estimated that there are more than 4,000 urban-sized lots in Skagit County NRL zones.
4. The Act makes clear that development regulations must be in place to ensure that the use of lands within or adjacent to NRL lands shall not interfere with the viability of those NRL uses. Skagit County had an aggregation ordinance in place when we found that the County had adequate provisions to protect NRL lands from non-compatible uses.

Urban Reserve in CaRD Implementation

1. The County's implementing DRs provide that the remnant parcel may be set aside for future urban development rather than permanent open space as earlier envisioned.
2. Through the CaRD implementing DRs, Fidalgo Island landowners can build at urban levels now in clusters and choose to set aside the residual for future urban development with no City of Anacortes participation in that decision.
3. The urban reserve provision in the DRs is not limited to lands near urban growth areas which have been adequately studied and determined to be the best areas for future urban growth.

Fidalgo Island Sub-Area Plan

1. The County stated that one of the main purposes of a Fidalgo Sub-Area Plan is to assess the very best strategy for preserving rural character, protecting the environment and accommodating any future urban growth, if appropriate.
2. The County removed aggregation requirements and reserved cluster remnant parcels for future urban growth without first doing a careful sub-area assessment to determine the Island's suitability for more intense development.
3. The record shows no specific timetable for, nor firm commitment to, the timely completion of a Fidalgo Island Sub-Area Plan.

Annexation Requirement in CP

1. The compliance order in *Abenroth* stated:

“...that (1) “That which is urban should be municipal; (2) implicit in RCW 36.70A.110(4) is the principle that ‘incorporations and annexations must occur; and (3) one of the three ‘fundamental purposes’ of CPs is to ‘achieve the transformation of local governance within the UGAs such that cities are the primary providers of urban services.’”

2. Concurrency within municipal UGAs in Skagit County is the responsibility of the Cities.
3. The County amended CP Policy 7A-4.29a to include a set of pre-GMA BRB annexation criteria for within UGAs.

Vesting Provisions

1. The County’s new vesting Ordinance reflects current Appellate Court decisions regarding vesting.

Rural Sign Regulations

1. RCW 36.70A.070(5)(c) requires “Assuring visual compatibility of rural development with the surrounding rural area.” The CP also has policies and objectives to protect rural character.
2. If Skagit County citizens took advantage of what is allowed under the new sign codes, signage would predominate over open space, natural landscape, and vegetation. RCW 36.70A.030(14)(a) prohibits that result.
3. RCW 36.70A.070(5)(c) requires “assuring visual compatibility of rural development with the surrounding rural area.” Although the ordinance allows electrified roof signs, searchlights, and a plethora of other signage, there is no requirement in the County code that other buildings in the area must already have similar signage in order for this new signage to be allowed.

Uses Allowed

1. In the NRL zones, FOOSC challenged uses that it believed would lead to ultimate

conversion of NRL land to commercial enterprises. Some of the non-NRL challenged uses were: outdoor outfitters enterprises, shooting clubs (if they damage or convert NRL lands), kennels, wrecking yards for storage of unlicensed/inoperable vehicles, racetracks, off-road vehicle parks, campground developed, private aircraft landing field (conversion), animal clinics, specialized recreation facilities, mortuaries, and HBB2 (that are not NRL-related commercial activities).

2. SCC 14.16.900(2)(b)(v)(f) merely states “impacts on long-term natural resource management and production will be minimized.”
3. Recently the Supreme Court has addressed the agricultural resource lands (ARL) provisions of the GMA in *Redmond v. Growth Hearings Bd.* 136 Wn.2d 38 (1998) (*Redmond*) and *King County v. Cent. Puget Sound Bd.* ___ Wn.2d ___ (2000) (*Soccer Fields*). In both cases the Court made very strong statements concerning the need to preserve ARLs as a fundamental necessity of the maintenance and the enhancement of the agricultural industry.
4. In the *Soccer Fields* case the Court noted that while the goals of the Act are not set forth in any priority order “the verbs of the agricultural provisions mandate specific, direct action.”
5. At p. 47 of *Redmond* the Court stated ...“Allowing conversion of resource lands to other uses or allowing incompatible uses nearby impairs the viability of the resource industry.”
6. At p. 23 of the slip opinion in the *Soccer Fields* case the Court held that:

...“After properly designating agricultural lands in the APD, the County may not then undermine the Act’s agricultural conservation mandate by adopting “innovative” amendments that allow the conversion of entire parcels of prime agricultural soils to a non-related use...”

Commercial Composting on Ag-NRL Lands

1. The current definition of “farm-based business” was originally adopted on June 25, 1998, as part of Ordinance #17029. This adopted amendment to the CP definitions was not appealed. The definition of “farm-based business” in Ordinance #17029 is identical to that definition now adopted as part of the UDC in 14.04.020.
2. SCC 14.16.400(2)(e) simply states, “Permitted Uses. (e) Composting with no net loss of

original soil.”

3. Petitioner Bender claimed that SCC 14.16.400(2)(e) allows commercial composting of municipal yard waste on pre-existing concrete pads in designated agricultural NRL lands.
4. There are no safeguards in place to preclude this use or to ensure that, if allowed, this non-agricultural use is temporary, priority is always given to agricultural uses, no leaching of toxins from urban yard debris is allowed to contaminate the agricultural soil, and additional truck traffic will not interfere with ongoing agriculture.

Concrete UGA

1. Concrete did not claim a need for a UGA merely for its allocated population. Rather, RCW 36.70A.110 also authorizes the inclusion of adjacent areas that are already at urban standards. Grasmere, the included area, has sidewalks, curbs, gutters, and urban water. Where existing urban development and sidewalks end, the boundary of the UGA terminates. The town has documented that it can meet minimum urban density requirements and can supply the area with urban services. The Town has stated that it will enforce concurrency and has a sewer comprehensive plan to serve the area. This plan has been approved by DOE and CTED.
2. All the other municipal UGAs have long since been found in compliance.

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Water Service in Rural Areas

1. The County has developed LOS standards for rural and for urban water service as required by the Act.
2. Because the water pipe sizes are a function of hydraulic engineering, including, but not limited to, distance served, topography, and pressure; it is not appropriate or possible to set a water pipe size as an urban vs. rural LOS.
3. The County cannot usurp DOH’s role in water system design.

4. The Act does not require water service to rural areas be designed to be structurally incapable of providing an urban LOS.

Identification of Open Space Corridors

1. RCW 36.70A.110(2) requires counties to include “greenbelt and open space areas” in its UGAs.
2. RCW 36.70A.160 requires counties to “identify open space corridors within and between urban growth areas.”
3. The County has provided no maps which adequately meet the requirements of RCW 36.70A.110(2) and/or -.160.

Changes to the Big Lake Rural Village Provisions

1. The Board found the Big Lake UGA not in compliance with the Act in the *Abenroth* FDO. The County responded by removing the UGA designation for Big Lake and designating the exact same area as a Rural Village.
2. In the CP and UDC the County has now expanded the boundary and residential development potential for the Big Lake Rural Village.
3. CP 4A-7.8 provides “changes to Rural Area designation should occur through the community development planning process (subarea joint planning)” by evaluating many specified criteria.
4. The County has proposed a community planning process for Big Lake for the future in CP4A-7.15, but it expanded the boundary and added density before that planning process was even begun.
5. The County has expanded the Rural Village without following the criteria in CP Chapter 2. There was no monitoring program and analysis as required in CP Chapter
6. The Big Lake Rural Village has been expanded to become contiguous with the boundary of the Mount Vernon UGA.
7. The County has not shown its work in delineating the Big Lake boundary under the criteria of RCW 36.70A.070(5)(d).



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave. S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

May 27, 1994

Mr. John Thayer
Environmental Health Director
Skagit County Department of Health
County Administration Building, Room 301
700 South Second
Mount Vernon, WA 98273-3864

Dear Mr. Thayer:

This letter is to express concern held by the Water Resources and Water Quality Programs of Ecology regarding ground water withdrawal on Guemes Island. Ecology has historically been involved with water rights administration, ground water quality surveys, SEPA review and water availability questions on Guemes. Several of our staff have been working with your department and Guemes Island residents regarding sea water intrusion in island aquifers.

Several areas of the island are experiencing elevated chloride levels in ground water wells. The data indicate that some parts of the island are experiencing significant sea water intrusion.

We are particularly concerned about the north end of the island, specifically that part lying within Township 36 North. Ground water sampling data indicate consistently high chloride values often exceeding 100 mg/l.

As you may know, Ecology uses 100 mg/l as the threshold for indicating a medium risk of sea water intrusion.

Pumping from near shore wells with elevated chloride concentrations usually induces movement of saline water into the fresh water aquifer. This initially occurs in the vicinity of the pumping well intake. The cumulative effect of numerous withdrawals will eventually cause large scale saline intrusion of the coastal aquifer. The Antidegradation Policy, as stated in the Water Quality Standards for Ground Waters, Washington Administrative Code (WAC) 173-200-030, ensures the purity of the state's ground waters and protects the natural environment. Permitting saline

Mr. John Thayer
Page 2
May 27, 1994

intrusion into fresh water aquifers could be a violation of the state's Antidegradation Policy, and can cause adverse water quality effects in existing wells.

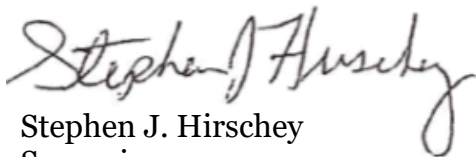
For these reasons, we would recommend limiting new well construction on the north end of the island. We would encourage no well site approval or plat approval for developments planning on using ground water from this part of the island, unless they have a valid permit from Ecology. We would also recommend the county discourage wells completed within unconsolidated materials near the coast island-wide.

We are interested in working with the county regarding water supply and water quality issues on Guemes Island. We see the ground water resource in the area as important and vulnerable to overdraft. We look forward to evaluating the recently completed USGS study on Guemes Island ground water. When our staff resources allow, we would welcome meeting with appropriate county agencies toward a cooperative evaluation of water supply issues for the whole island.

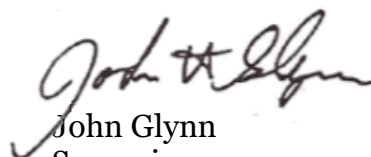
In summary, we have concerns regarding how the County can make findings of adequacy of water in this part of Guemes Island under Section 63 of the Growth Management Act. With this in mind, we would encourage you to deny well site approvals until a site specific management program is in place. We recognize that this may cause difficulties in the development community, but it is better to address water availability now than when the property has been platted and homes built.

If you have any questions regarding our concerns, please call either of us. Thank you for your consideration.

Sincerely,



Stephen J. Hirschey
Supervisor
Water Resources Program



John Glynn
Supervisor
Water Quality Program

SJH:eg:w
Enclosures

Skagit County Commissioners
1800 Continental Place
Mount Vernon Wa. 98273



RECEIVED
DEC 07 2016
SKAGIT COUNTY
PDS

Nov. 3, 2016

RE: Proposed 2017 Docket of Comprehensive Plan, Map and Code Amendments. Comments on P-2, P-3, and C-1 and C-2.

P-2 Create Advisory Committee to work with Planning Commission.

C-1 and C-2 are prime examples for the need of a properly functioning citizen advisory committee to work with the planning commission. Will explain more later.

P-3 Develop no loss of farmland policy for Skagit County.

County farmlands biggest threat is the conversion of thousands of acres of farmland in the last several years to conservation projects and fish and wildlife habitat projects with no true field tested science to justify them. We must develop policy to save farmland before it's too late.

County Commissioner Wesen has submitted two Amendments.

C-1 Wiseman Creek Boardwalk project removal-

This picture is the location where a ½ mile plus boardwalk is planned for Wiseman Creek. Wiseman Creek flows East into Minkler Lake, North and parallel of railroad corridor trail location as it did 100 years ago. Picture shows there is no water on corridor after heavy rains in Oct. and Nov. 2016 with picture taken Nov. 27, 2016 after 4 inch rain event.

2nd picture- Wiseman Creek flowing eastward to Minkler Lake.

3rd. Picture- Wiseman Creek flowing east.

Why would the county build a boardwalk where there is no water?

C-2 Coast to Cascades Corridor study revision-

Picture C-2 shows location of Burlington to Higgins Airport Way trail project. Project as proposed to take 60 acres of farmland out of production.

A properly functioning citizen advisory committee would have physically viewed these two projects and determined before the planning commission reviewed them that 1. The Boardwalk project would be a waterless boardwalk and 2. The Coast to Cascade project proposes a trail through 60 acres of farmland now being farmed as picture clearly shows. A advisory committee training session is desperately needed here in Skagit County. A training session that outlines the duties and responsibilities of the chairperson and it's members, along with the duties to participate in a properly functioning advisory role.

We urge your support of 2017 Comp Plan Amendments P-2, P-3, and C-1 and C-2.

Thank you.



Randy and Aileen Good
35482 SR 20
Sedro Woolley Wa. 98284
360-856-1199

C-1 This is the location where a 1/2 mile + boardwalk is planned for Wiseman Creek. There is no water on corridor after heavy rains of October and November 2016.



Boardwalk Location

Why build a 1/2 mile + boardwalk for no reason when Wiseman Creek is flowing into Minkler Lake as it did 100 years ago?

Randy Good 11/27/16

C-1



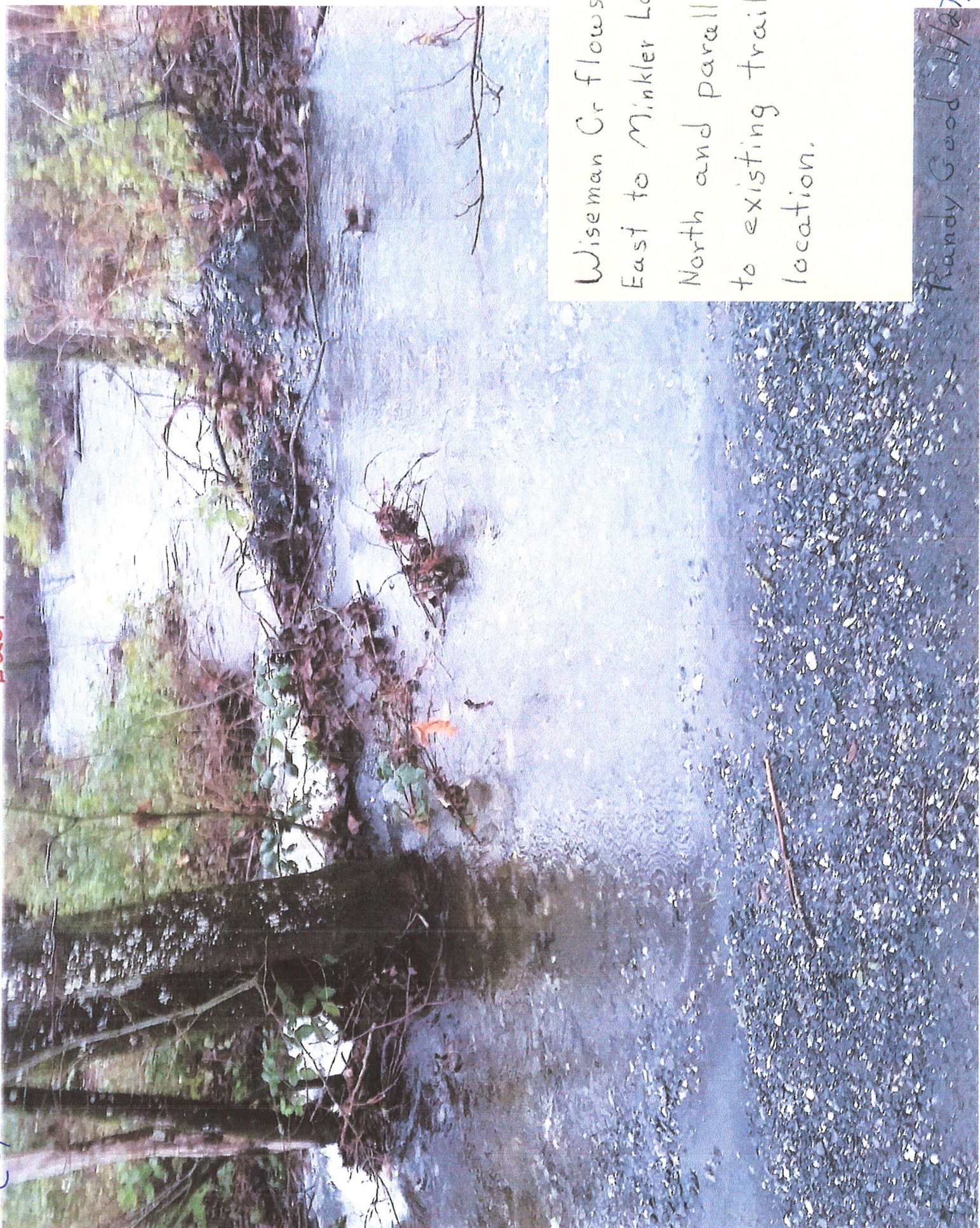
Wiseman Creek Nov 2016 flowing eastward

to Minkler Lake.

Randy Good 11/22/16

Easi

C-1



Wiseman Cr flows
East to Minkler Lake
North and parallel
to existing trail
location.

Randy Good 11/27/16

Location: Burlington to Higgins Airport way Trail 15
Proposed to go through 60 acres of farmland. Project
is part of Coast to Cascades study.

↙ Higgins

← 150 Feet →



Allen Road Randy Good 11/27/16

Skagit County Appraisal digital photo for parcel number P21648



West of Pulver Rd.

From: [Kit Harma](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Tuesday, December 06, 2016 7:00:17 PM

I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan. I have been monitoring the static water levels on six wells on Guemes Island for several years. This activity has been supported by well owners and previous volunteers for 20 years illustrating the commitment of Guemes Islanders to protect and conserve their precious water resources.

Kit Harma
7393 Holiday Blvd.
Guemes Island, WA 98221

From: [Ronald Hass](#)
To: [PDS comments](#)
Subject: Amendments to the comprehensive land use plan and development regulations
Date: Friday, December 02, 2016 12:55:29 PM

Attn: Kirk Johnson, AICP, Senior Planner
Skagit County Planning and Development Services
From: Ron Hass
Avalon Links
Re: Planned Unit Development

Please consider this correspondence in support of changes in the 'amendments to the comprehensive land use plan and development regulations' required to accept application for a planned unit development on Butler Hill near Avalon.

I would ask the staff and political participants to recognize the number of years we have spent preparing for this opportunity. After being derailed by the recession, we have been fortunate to continue to have the cooperation of the assembled property owners needed to make a project of this size even possible. As each of us age, the likelihood of us being able to keep this property together for your consideration going into the future is far from certain. Combining this reality with the support of a well-financed developer capable of undertaking a development of this size to the satisfaction of the Skagit County Commissioners is critical to our success. I would hope the Planning Department and the Council of Governments can appreciate the amount of time and effort spent on this project and make a timely decision to allow for the application to be accepted. As with many things, timing is vital and we are at the point in time that it is in the best interest of the County to act if they intend to preserve this land for development.

The physical attribute to this location, its proximity to the Interstate 5 corridor, location of a much needed school, and many other considerations reinforce the need to act at this time as opposed to continuing to put it off for future consideration. Your consideration is much appreciated.

Thank you for accepting my letter of support.
Respectfully,
Ron Hass
Avalon Links

From: [Dyvon Havens](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Monday, December 05, 2016 10:01:13 AM

I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Dyvon Marie Havens
4709 South Shore Drive
Anacortes WA 98221
360.293.0221



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: jan.hersey
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Saturday, December 03, 2016 12:00:17 AM

As long-time residents of South Fidalgo Island we have worked hard to be responsible stewards of the area's rural character and diverse and vital ecosystems. We write now in support of the proposal to change our area from Rural Reserve to South Fidalgo Rural Reserve Zone (SFRR). The change would prevent commercial uses that, while they might be appropriate in other Rural Reserves, are not compatible with the residential, agricultural, and wildlife ecosystems of the forests, uplands, watersheds, and shorelines of South Fidalgo.

A SFRR would maintain the density required to accommodate future growth without the possibility of commercial enterprises that could compromise South Fidalgo's desirability for such growth.

In addition, the natural ecosystems required for Fidalgo wildlife are becoming increasingly constrained as development destroys forest lands outside Rural Reserves. Especially given the expected threats to current conservation efforts under a new federal administration, it is more important than ever that we stand up for protecting a system that balances built and natural environments while we still have the opportunity to do so--in fact, our very survival depends on it.

To adequately protect the land, the SFRR zone must require that all "reserved land" in a CaRD land division be placed into a bonafide, established Land Trust at the time of the CaRD land division. Present CaRD requirements simply reserve rural land for future development without protecting its integrity. The new SFRR zone will preserve South Fidalgo's character by ensuring that rural land is actually preserved and able to operate as intended, providing habitats for the area's interconnected web of life and natural watershed properties.

Thank you for standing up for the ecosystem qualities that make Fidalgo Island and Skagit County such valuable assets within Washington state.

Sincerely,

Jan Hersey & Jay Ham
3153 Biz Point Rd.
Anacortes, WA 98221



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Comments on "Proposed 2017 Docket of Proposed Comprehensive Plan, Map, and Code Amendments".

Skagit County Planning and Development Services,

1800 Continental Place

Mount Vernon, Washington 98273

Subject: "Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments".

Comment: I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Thank you,



Robert W. Hill & Jill J. Hill

5868 Homestead Lane

Guemes Island

Anacortes, Wa. 98221

From: [Buffys Animal Rescue](#)
To: [PDS comments](#)
Subject: 2017 Comp Plan Docket Pearle and Larry Jensen Properties La Conner Wa
Date: Wednesday, December 07, 2016 11:03:52 PM

We request that residential tract p74450 and p20724 be rezoned to Rural Reserve.

With the current zoning we cannot sell the properties to anyone who would want to make improvements to the property.

Thank You

Larry G Jensen
360-770 4653

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DEC 05 2016

SKAGIT COUNTY
PDS

Allen and Kathleen Jett
Post Office Box 671
Anacortes, Washington 98221

December 2, 2016

Skagit County Board of Commissioners
c/o Linda Hammons
1800 Continental Place
Mount Vernon, Washington 98273

Re: 2017 Comprehensive Plan Docket – South Fidalgo

Dear Commissioners:

We would like to express our agreement with and support of the proposals contained in the November 4, 2015, letter/petition directed to the Skagit County Commissioners, Skagit County Planning Commission and Skagit County Planning Department.

It is our belief that the proposals need to be adopted in order to maintain the rural character and quality of life of South Fidalgo.

Thank you for your consideration in this matter,

Sincerely,

Handwritten signature in blue ink, appearing to read "Allen and Kathleen M. Jett".

Allen and Kathleen M. Jett

/kj

From: [Joost and Marianne](#)
To: [PDS comments](#)
Cc: [Joost Businger](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Tuesday, December 06, 2016 4:26:22 PM

RE: proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments

From: Marianne Kooiman (Guemes Island) eyrie@cnw.com 360-293-5815
6500 Square Harbor Lane
Anacortes, WA 98221

I have lived full-time on Guemes Island since 1989 and have given a great deal of time to the USGS Groundwater study of Guemes Island and the successful application for the Sole Source Aquifer determination by EPA. For many years I served on the Guemes Island Planning Advisory Committee (GIPAC) in writing the Guemes Sub-Area Plan, and worked with staff of the Health Department on an amended Seawater Intrusion Policy.

I fully support the work of the present GIPAC, including their proposals for code amendments in the year 2017.

1. Our water supply is very limited. We have always advocated to not use groundwater for outside activities in order to minimize stress on the aquifer system. Using rainwater as an acceptable source of potable water is the logical next step in the process protecting our water supply and should be acceptable for obtaining a building permit.
2. It has been a huge relief that the Seawater Intrusion Policy was adopted in County Code this year. It is important to review well-sites on Guemes before a new well is drilled. The impacts of a new well upon neighboring wells need to be assessed and mitigated in order to make justifiable decisions on whether this well should be drilled.
3. CaRD subdivisions have been noted in our Sub-Area Plan as a preferred way of subdividing large parcels on Guemes Island. Please make certain that no density bonus will be given to the developer and that the open space this creates will be permanently protected from further development.

Thank you for considering these three measures that are so very important towards a sustainable development of Guemes Island.

Marianne Kooiman

From: [Krownbell, Denise](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments comments
Date: Monday, November 21, 2016 3:30:12 PM
Attachments: [image001.png](#)

Hello,

I would like to proposed language to clarify the nature of the Seattle City Light lands described in the Proposed 2017 Docket. The proposed changes are as follows and shown in yellow highlight:

C-15 – C18. Update OSRSI Designations (PDS)

Summary

These amendments propose to update Public Open Space of Regional/Statewide Importance (OSRSI) designations on the Comprehensive Plan/Zoning map. Most would add land in public ownership to OSRSI; however, in the case of Ika Island, which is privately owned, the proposal would remove the OSRSI designation.

Analysis

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)

Most of the proposed amendments address land owned by the Department of Natural Resources (DNR) and Seattle City Light (SCL), both of which are public entities. Each organization has placed additional land that it owns into one of several categories that the Comprehensive Plan/Zoning Map identifies as OSRSI. The proposed additions include land the Department of Natural Resources has added to its Natural Resources Conservation Areas (NRCA) and Natural Area Preserves (NAP); and land that Seattle City Light has added to its Wildlife Mitigation Lands **or Endangered Species Act Lands**. Other DNR and Seattle City Light lands so designated by the organizations are already shown in the Comprehensive Plan/Zoning Map as OSRSI. This amendment updates the Comprehensive Plan/Zoning Map to add these additional lands that meet the OSRSI designation criteria.

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 Seattle City Light website: “The Skagit River Wildlife Mitigation Program is designed to 22

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." **Additionally, City Light purchases salmonid habitat under the Endangered Species Act (ESA) Lands Program. This program was initiated in 1999 by the City Council to demonstrate the City's commitment to restore salmon runs in Puget Sound. This voluntary program includes habitat acquisition and restoration projects within the Skagit and Tolt/Snoqualmie watersheds.**

The Seattle City Light lands proposed for addition to OSRSI are shown in maps 8 – 20 of this map set; and are also identified by the same numbers on this Countywide map.

Skagit GIS/Mapping informed Planning and Development Services about these potential map updates in the process of discussing other 2017 docket map amendment proposals.

The Commissioners should docket this proposal to designate these new Wildlife Mitigation Lands **and Endangered Species Act Lands** as OSRSI, consistent with existing Seattle City Light lands already designated as such in the Comprehensive Plan.

Please contact me if you have any questions. Thank you for considering this clarification language.

DENISE KROWNBELL SENIOR ENVIRONMENTAL ANALYST
ENVIRONMENTAL AFFAIRS AND REAL ESTATE DIVISION



Seattle City Light

Denise.Krownbell@seattle.gov

TEL. (206) 615-1127

Mailing address:

Denise Krownbell

Seattle City Light

P O Box 34023

Seattle WA 98124-4023

From: [Krownbell, Denise](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 1:54:36 PM
Attachments: [image001.png](#)

Hello,

I would like to comment on P-1:

The proposed amendments to the section on Conservation and Reserve Development (CaRD) would work contrary to the point of CaRDs which is an effective tool to protect open space and the rural nature of Skagit County. The proposed amendments would allow for rural sprawl outside of the UGA which is counter to the intent of CaRDs- preserving the rural nature of Skagit County. The current CaRD language keeps development contained with less impervious surface area and lower development costs since buildings and infrastructure in a smaller footprint. CaRDs also ensure development is away from critical areas. With grouped development, the open feel of the rural landscape is preserved and also benefits wildlife by protecting habitat.

Thank you for the opportunity to comment,

DENISE KROWNBELL SENIOR ENVIRONMENTAL ANALYST
ENVIRONMENTAL AFFAIRS AND REAL ESTATE DIVISION



Denise.Krownbell@seattle.gov

TEL. (206) 615-1127

Mailing address: P O Box 34023
Seattle, WA 98124-4023

From: [jane.lane](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments For Guemes Island
Date: Sunday, December 04, 2016 10:18:27 AM

I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

Sincerely,

Jane Lane
5166 South Shore Drive
Anacortes, WA 98221
360-293-4685
jllane6@hotmail.com

December 4, 2016

Skagit County Planning & Development Services
1800 Continental Place
Mt. Vernon, WA 98273

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PDS

Subject: Proposed 2017 Docket of Comprehensive Plan, Map and Code Amendments

As a Guemes Island resident and land owner, and a Skagit County citizen and taxpayer, I urge you to consider and adopt the three proposals submitted by the Guemes Island Planning Advisory Committee. Those include:

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development subdivision on Guemes Island.

Although Skagit County is fortunate to have the resource of the Skagit River throughout the mainland of the county, the islands within the county face different water issues. The county has an opportunity to be an example as a steward of resources for future generations by adopting the three proposals.

Respectively submitted,



Sandra Lane

7844 South Beach Lane (Guemes Island)
Anacortes, WA 98221

From: [James Laurel](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Sunday, November 27, 2016 3:42:05 PM

FROM: Seaview 3 Homeowner's Association
Box 462
Anacortes, WA 98221

RE: 2017 Comprehensive Plan Docket - South Fidalgo

The Board of the Seaview 3 Homeowners Association, representing 24 homes on South Fidalgo, urges the County to establish new zoning for South Fidalgo. This new zoning should modify the current Rural Reserve to one that recognizes and preserves the unique character of our area. The revised zoning should eliminate some of the commercial uses which might cause significant increased traffic, noise and odor as well as additional burden on our aquifer.

Respectfully,
Jim Laurel, President
Seaview 3 Homeowners Association
360-588-1360 (home)
Home address: 3918 Bay Ln, Anacortes, WA 98221

From: [Pat and Mary Lyons](#)
To: [PDS comments](#)
Subject: ("Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments")
Date: Monday, December 05, 2016 12:00:18 PM

Dear Commissioners,

I am writing to voice my support for the proposal for a new South Fidalgo Rural Reserve.

The South Fidalgo area is a unique part of Skagit County's Rural Reserve. We are, indeed, a rural area with small roads, wells and septic systems- all parts of our way of life that we embrace. However, we differ from other rural parts of the county due to our size and location on an island. South Fidalgo is a compact area, bound by water on three sides. Because of this, the activities of each of us can greatly impact many of our neighbors and our fragile environment.

The county wide Rural Reserve designation permits many uses that would have huge, negative impacts if allowed in the South Fidalgo area. The problems of added traffic, possible odor, noise, pollution and stress to the environment of many of these permitted activities would be greatly amplified in our smaller area. These activities are better suited to other parts of the county.

Please consider designating a separate South Fidalgo Rural Reserve.

Thank you for your time,

Mary Lyons
4039 Sharpe Road
Anacortes, WA

From: [Pat Lyons](#)
To: [PDS comments](#)
Subject: "Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments"
Date: Monday, December 05, 2016 10:12:05 AM

I am writing this letter in support of the proposal for a new South Fidalgo Rural Reserve Zone.

South Fidalgo Island is currently a part of the County wide rural reserve designation. This designation allows many uses that, if brought to this area could have a huge impact on the local environment. South Fidalgo is a unique location with numerous lakes, forests, parklands, small roads, wells and septic systems. In effect, it is a rural residential area that does not include the wide open spaces and vast farmlands of the remainder of Skagit County. Its environment is fragile.

Permitting businesses to build Agricultural processing facilities, Asphalt/concrete batching stations, Fish Hatcheries, Golf courses, Manure Lagoons, Off-road vehicle areas, Recreational Racetracks, etc.(all of which would currently allowed) would be potentially disastrous to our delicate environment. These uses are better suited for other parts of the county.

I join many in our community in requesting that you give consideration to designating South Fidalgo Island as its own separate Rural Reserve Zone.

Thank you for your time and consideration.

Respectfully,

Patrick M. Lyons
4039 Sharpe Road
Anacortes, WA 98221

From: MACHINS@aol.com
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Thursday, December 01, 2016 5:10:59 AM

Dear Commissioners,

Please rename the present Rural Reserve zone on south Fidalgo Island to "South Fidalgo Rural Reserve" zone and **remove** the following currently allowed commercial uses:

- Anaerobic digester
- Animal clinic hospitals
- Animal preserve
- Asphalt/concrete batching
- Day-use and boarding kennels
- Destination and developed campgrounds
- 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

Special use permit requests for the above activities in the South Fidalgo area often create conflict affecting our neighborhood/neighbors and with the Planning Department. We do not need a Sub Area Plan to alleviate this, we merely need our RR zone changed to a South Fidalgo-specific RR zone without such commercial uses.

Changing our Rural Reserve zone to a "South Fidalgo Rural Reserve" zone reflects the overwhelming desires of South Fidalgo residents. Many of those residents are astounded when they learn of all the commercial uses that are currently allowed.

Respectfully submitted,
Rick Machin
4091 Edith Point Road
Anacortes, WA 98221
(360) 299-1213

From: [Martha Macri](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Saturday, December 03, 2016 11:47:30 PM

I am writing in support of the three proposals from the Guemes Island Planning Advisory Committee submitted to the 2017 Comprehensive Plan. I was present at our meeting here on the island a few weeks ago. Our community is committed to appropriate stewardship of the limited water resources here. This includes encouraging rainwater catchment systems, review of new wells, and permanent protection of open space designated in a CaRD subdivision on Guemes Island.

Martha J. Macri
6917 Holiday Blvd.
Anacortes, WA 98221

Guemes Island resident

From: [Holiday Matchett](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 2:56:51 PM

I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Sincerely,

Holiday Wagner Matchett, 6669 West Shore Drive, Anacortes, WA 98221
holidaywm@yahoo.com

From: [Calvin E. Mathews](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket--South Fidalgo
Date: Thursday, December 01, 2016 10:25:40 PM

Greetings:

I own a home on Sunset Lane on Fidalgo Island, and am currently doing some extended travel.

I'm writing to support the notion of making the South Fidalgo Rural Reserve designation. This is very important for all of us who live in this area, and I urge the commissioners to support this change.

Respectfully submitted
Cal Mathews
13052 Sunset Lane

Sent from my iPhone

From: [Jim McClane](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Wednesday, December 07, 2016 5:46:38 PM

We support the proposed plan to create an area specific Rural Reserve zone for South Fidalgo Island. Many of the allowed uses under the existing rules may be appropriate for other areas of the county but are entirely incongruous with the primarily residential nature of this area. We believe that re-defining this zone will pay large dividends for both the county and the residents: well defined and area specific rules will reduce the number of applications for inappropriate uses, while at the same time protecting our property values and potential quality of life issues. This is a Win-Win for the county and the residents.

Thank you for your consideration of this issue.

Jim and Patty McClane
15264 Deception Road
Anacortes, WA 98221



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [Semmes Mickelwait](#)
To: [PDS comments](#)
Subject: Re: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Tuesday, November 29, 2016 12:51:15 PM

Please add my name to the growing list of Fidalgo residents who support the rezoning of South Fidalgo in order to maintain the peaceful living in this beautiful part of the country. More noise, traffic, odor, possible increase in crime, stress on an already strained local water supply are just some of the undesirable consequences likely to result from commercial development.

[Sent from Yahoo Mail for iPad.](#) Semmes and Pam Mickelwait
14206 Cove Court
Anacortes, Wa 98221

From: [Mark Miller](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Sunday, December 04, 2016 5:47:39 PM

Dear Commissioners Wesen, Dahlstedt, and Janicki,

We are writing to voice our support for the creation of a South Fidalgo Rural Reserve zone which would enable additional land use restrictions over those currently allowed within the Countywide Rural Reserve zone. We believe the representative list of approved activities listed below which are currently permitted within the Rural Reserve zone are incompatible with the rural residential and island environmental nature of South Fidalgo.

It is our hope that by creation of a Rural Reserve zone unique to South Fidalgo we could avoid the time and expense of having to speak out against every individual use proposal that is incompatible with South Fidalgo. This would also save County administrative time and our tax dollars for more important issues.

- *Agricultural processing facilities*
- *Anaerobic digester*
- *Animal clinic hospitals*
- *Animal preserve*
- *Asphalt/concrete batching*
- *Day-use and boarding kennels*
- *Destination and developed campgrounds*
- *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*

Thank you for your consideration.

Best Regards,
Mark and Alison Miller
5850 Buttram Lane
Anacortes, WA 98221
Phone - 360-941-5369

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PDS

I have submitted 4 COMMON SENSE amendments to our Comp Plan which is supposed to be the PEOPLES' PLAN.

These COMMON SENSE proposals benefit EVERY CITIZEN in Skagit County.

Citizens that commented to me have all said that they are COMMON SENSE; no-brainers that should be in our Comp Plan.

Perhaps that is why Planning has rejected all 4 proposals.

We always run out of time so anyone in the audience or watching on TV21 that agrees with these COMMON SENSE proposals please SUBMIT WRITTEN COMMENTS in support by Thursday close of business.

The Proposed amendments:

WATER issues in Skagit County are increasingly huge. DIRECTLY OR INDIRECTLY WATER AFFECTS EVERY CITIZEN. When people cannot build a house on their land, when people cannot use water from their own wells, when farmers cannot irrigate their crops, every citizen has a problem. How can Skagit keep or attract businesses when we cannot guarantee water ?

My 2 proposed water amendments DO NOT attempt to cure our water issues. My 2 proposed amendments suggest that our Comp Plan CONSIDER THE IMPACTS of water issues. The IMPACTS are many and far-reaching and should be considered. We should not stick our collective heads in the sand. It's COMMON SENSE.

My GEOHAZARDS amendment is also COMMON SENSE. I suggest a simple CHECKLIST for land use projects that identifies potential Geohazards in the project area. We have an active volcano a few miles away. The potential for massive lehar, a volcanic melted mudflows, is huge. We are also in an active earthquake zone, a Tsunami zone, a landslide zone, and we have the 3rd largest river in the Western US. A simple Geohazards checklist does NOT attempt to cure these potential hazards but it does ensure that we plan accordingly where those hazards might affect us. Almost all the information is already available on County and USGS websites. We don't want an "OSO" in Skagit County.

Lastly, like businesses and like major expenditures we all consider for our homes, we weigh the costs versus the benefit for that expenditure. I'm suggesting that the County use metrics at the beginning of all Planning projects to determine if they make good sense for spending taxpayer dollars. We should review of those same metrics at the project's conclusion to determine if taxpayers' dollars were spent properly.

Thank you

Roger Mitchell @ hearing

From: [Roger Mitchell](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 4:26:17 PM

2017 Comprehensive Plan Amendments
Petitions for the 2017 Docket

Written Comments of Roger Mitchell, Bow, WA

P1 – **SUPPORT** - The County needs to examine the use of CaRDs and determine the effect on development in Skagit County. The “Reserve” in CaRD needs to be defined and further clarified. This may best be accomplished through using a citizens’ advisory committee.

P2 – **SUPPORT** - There should be a standing citizens’ advisory committee to work with the Planning Department and, separately, with the Planning Commission for all Comprehensive Plan related matters.

P3 – **SUPPORT** – The County should increase protective policies for agricultural land to ensure further loss/conversion of agricultural land and the associated economics of our agricultural base.

P4 – **SUPPORT** – We need a centralized buildable lands database. The data exists but is scattered and is not being utilized for making Planning and Permitting decisions.

p5 – **NO OPINION**

P6 – **NO OPINION**

P7 – **SUPPORT**- please see Petition P1, above.

P8 – **SUPPORT**. This proposed amendment does *not* ask the County to *fix* the increasingly important water issues, it merely suggests that water issues are increasingly important and affect *every* Skagit Citizen. The *effects* of water issues should be addressed in our Comprehensive Plan. Notably, Whatcom County citizens are strongly pushing back on what they consider to be a “tone deaf” County Council on water issues virtually identical to those we face in Skagit County.

P9 – **SUPPORT**. As water issues become increasingly problematic in Skagit County, rural property owners are disproportionately disadvantaged. This proposed amendment does *not* ask the County to *fix* the increasingly important water issues, it merely suggests that the *effects* of water issues should be addressed in our Comprehensive Plan.

P10 – **SUPPORT**. The use of standard metrics, like cost benefit analysis, is just common sense to ensure, up front, that the County pursues only projects that use taxpayer dollars effectively and wisely. Post-project review of the same metrics determines if the project truly was a good and proper use of taxpayer dollars.

P11 – **SUPPORT**. Skagit County has an active volcano, is in an earthquake zone, a Tsunami zone, and landslide zone, and we have the third largest river in the western U.S. The proposed amendment does *not* suggest we try to prevent these potential geohazards, rather it suggests that our Comprehensive Plan should address potential effects of the many potential geohazards in Skagit County. Having required a geohazards checklist for new land use projects also reduces the County’s risk and liability. A simple geohazards checklist could be completed with information from the County GIS website and USGS websites.

P12 – **OPPOSE** – I am in agreement with Mr. Colburn’s passionate statement at the 5 December 2016 Public Hearing. I would be supportive of returning to and completing a Subarea Plan for South Fidalgo

Island.

P13 – **WITHDRAWN**

PL16-0352 Map Amendment proposal – **No Comment**

PL16 -0383 Map Amendment proposal – **OPPOSE**. No need for this has been demonstrated and there is no documentation for the requested 8,500 increase in the population forecast.

C1 – **SUPPORT**. Commissioner Wesen has this correct.

C2 – **SUPPORT**. Commissioner Wesen has this correct.

C3 – C13, inclusive, **NO OPINION**.

C14 – **OPPOSE**. Continue using the AEO map lines as drawn by the FAA.

C15 – **SUPPORT**

C16 – **NO OPINION**

C17 – **NO OPINION**

C18 – **SUPPORT**

C19 – **NO OPINION** on this correction

C20 – **NO OPINION** on this correction

C21 – **NO OPINION**

From: [Kevin Montgomery](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Friday, December 02, 2016 8:29:27 AM

(I am resubmitting as I forgot to put our address on the letter. thanks)

Dear Commissioners:

I'm writing in regards to the zoning of South Fidalgo Island. We have been residents for over thirty years on the beautiful Fidalgo Island. Having come from California (I know, I know!!!) we were delighted by the rural and untouched beauty that we encountered and didn't even hesitate to buy our "piece of heaven"! We watched as over the years there has been a lot of development on the Island, but we have been so grateful that South Fidalgo has remained close to the haven that we encountered in 1986.

We have been active to preserve the rural character here. So much so that we spear-headed the drive and donated to the San Juan Preservation Trust to create The Montgomery-Duban Headlands attached to Sharpe Park. We felt we couldn't let that beautiful piece of property fall into the hands of developers and drastically change the landscape. We are grateful to say that it is now a park that so many enjoy on a daily basis.

We believe that by changing our Rural Reserve zone into a South Fidalgo Rural Reserve zone that it will ultimately keep our island one of the rare places that protects the natural beauty of the Island and in reality makes your job, as commissioners and those of the planning department, easier.

By living and voting in this area we are shocked by the commercial uses that would be allowed. We think that it is ultimately for the good of everyone who lives in this gorgeous setting to preserve South Fidalgo in all it's beauty for generations to come.

Thank you for your time.

Very Truly Yours,
Kevin & Dennis Montgomery-Duban
14121 Devin Cliff Lane
Anacortes, WA 98221
(360) 293-3996

From: [Diane Murray](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Sunday, December 04, 2016 12:31:42 AM

To the Skagit County Commissioners --

I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Those proposals are:

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

All of the above proposals are important for protection of our unique environment and our aquifer that is subject to seawater intrusion. I sincerely believe that such positive actions by the Commissioners will be an important step in promoting progressive water usage and conservation policies in Skagit County.

Respectfully,

Diane Lee Murray
6056 Section Avenue
Anacortes, WA 98221

From: [Marcia Neu](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo Rural Residential
Date: Sunday, December 04, 2016 5:08:08 PM

We are writing to support Skagit County establishing a special South Fidalgo Rural Reserve zone that maintains its currently residential nature and preserves its limit resources.

We live on Rosario Road and it's clear that we are already taxing the infrastructure of South Fidalgo in terms of traffic - sometimes it takes several minutes for the traffic to clear to turn left onto northbound South Fidalgo.

In addition, the County has worked to try to protect water resources, especially for the areas of South Fidalgo that border lakes and Puget Sound (which is a great deal of the land).

Please vote to retain the current residential rural nature of properties on South Fidalgo and establish a special Rural Reserve zone that recognizes the differences between this narrow, hilly, lake-filled area from broad stretches of farmland far from the Sound.

Thanks,
Marcia Neu & Robert Mayberger
13898 Rosario Road
Anacortes, WA 98221

From: [Susan O'Donnell](#)
To: [PDS comments](#)
Subject: "Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments"
Date: Tuesday, December 06, 2016 5:26:49 PM

Dear Skagit County Commissioners,

Please help us protect our very fragile Guemes Island aquifer and habitats by helping folks realize there are limits on what must be shared by all.

I support the three following proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan. This Committee has spent many, many hours studying the problems of our over-used water supply, shared ways to help folks conserve and held seminars on care for the water sources & land.

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

Thank you,

Susan S. O'Donnell

6112 S. Shore Rd.

Anacortes WA 98221

From: [Orsini Stephen](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Sunday, December 04, 2016 9:27:02 PM

I am writing in support of the three items presented by the member of the Guemes Island Planning and Advisory Committee (GIPAC) especially to the two points that pertain to new wells and water catchment. For over 20 years, the County would only allow a well on Guemes to initiate the building permit process. As each new well did not look at the impacts on other wells closer to the shore, many senior water rights holders lost their wells to sea water intrusion. The problem is that for every one foot that the head height of the aquifer is depleted inland, seawater rises 40 feet along the shore. This physical reality ensures loss of the shore side wells which had provided fresh water for years. By allowing the GIPAC recommended wording, the loss of wells of the senior water rights holders around the shoreline to seawater intrusion will be lessened.

Thank you,

Stephen Orsini
4971 Guemes Island Rd
Anacortes, WA 98221

From: [Stephen & Virginia Orsini](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Tuesday, December 06, 2016 8:11:36 AM

Dear Commissioners, and Planning Department,

I am writing today in support of three code amendments that the Guemes Island Planning and Advisory Committee (GIPAC) has proposed for the 2017 planning cycle. I am not a member, nor have I ever been a member of GIPAC, but I have followed the work they have been doing for about twenty years now.

The reason I have followed their work is because I care deeply about the rural nature of the island, it's existence as a place for people to experience nature, and the natural resources that it provides. As populations expand, there will be an even greater need for adequate water, clean air, and food from the sea and land. It is our challenge to accommodate a denser population and still sustain these natural resources. No one benefits from their loss. It is also in all of our interests to maintain reasonable setbacks from the shoreline so that houses are not damaged by higher tides, and raise insurance rates for everyone.

Several major scientific studies in the past 30 years have shown us that our water resource comes solely from the rain that falls on our soil. We have a Sole Source Aquifer. There are critical areas around our shorelines, and we suffer from a degraded groundwater source in the northern part of the island - salt water intrusion from overuse.

GIPAC has worked hard to address the unique concerns of an island community, and now proposes three code amendments that will help the sustainability of our rural environment.

1. Promote rainwater catchment as the preferred method of obtaining household water rather than drilling into ground water that is compromised by salt-water intrusion.

2. Pre-drilling review of new wells. Before anyone drills a new well, they must be required to show that the ground water they intend to withdraw will not impact the senior water users. This has been happening for years now, where new wells have had a very negative impact on previously well-functioning wells, and the senior owners are forced to take expensive action to get potable water.

Some solutions have added to the problem, and all suffer the effects of salt in their water. It would be fair that the junior water user bear the onus of providing a water system that does not impact the water of the senior user.

3. CaRD subdivisions: The CaRD subdivision process offers some big benefits to developers. Please make sure that the open space they designate in return is permanently protected.

Thank you very much for reading and thinking about this letter in support of the GIPAC proposals.

Virginia Orsini
4971 Guemes Island Rd.
Anacortes, WA 98221

From: [Joan Palmer](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Wednesday, December 07, 2016 2:06:54 PM

TO: Skagit County Board of Commissioners:

I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Joan H. Palmer 6132 S Shore Rd Anacortes WA 98221

Phone: 360-202-2540

From: [Anne Passarelli](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Monday, December 05, 2016 7:24:09 PM

We are writing to recommend adoption of the three code amendments submitted by the Guemes Island Planning Advisory Committee. We have lived on the island for 16 years and agree that the island's aquifer needs to be protected and conserved. As our population increases, the proposals to encourage rainwater collection systems for potable water and for prior approval of new wells are needed and will, we hope, be approved. We also strongly support the recommendation that CaRD-designated open space areas are provided permanent protection.

Thank you for your attention to these proposals.

Anne and Donald Passarelli
6124 South Shore Road
Guesses Island
Anacortes WA 98221-8912

From: [Roger Pearce](#)
To: [PDS comments](#)
Subject: 2017 Comp Plan Docket
Date: Wednesday, December 07, 2016 9:53:38 PM

Dear Commissioners,

I would like to thank you for hearing our proposal for a new South Fidalgo Rural Reserve zone. This would eliminate approximately 17 approved commercial uses - and we request that you docket our proposal for further discussion as part of the 2017 Comprehensive Plan Amendments.

Our community, is concerned about the future quality of rural life. Being a small community depending on spring fed wells and septic fields we are anxious about water shortages, and waste water management. Further commercialization and increased density could create a tipping point of these natural resources on South Fidalgo Island. Once the aquifer is stressed and waste water seeps into lakes or bays or even other well fields there will be no turning back.

I am sure that you are aware of the previous efforts back in mid 2015 so I will not be redundant. In November 2015 you were petitioned asking for a new Rural Reserve Zone for South Fidalgo. Maybe that is why you are again asking for input.

Under the current Skagit County Rural Reserve Zone definition there are about 17 approved usages that have the potential to destroy life as we know it on South Fidalgo. If we were dependent on water from the Skagit River or mountain run off and the ability to treat waste water, we might be able to handle the impact. We are a rural community and any one of these 17 currently approved uses would impact the intent of this community, not to mention the water and waste water.

Under the current Skagit County Rural Reserve Zone definition when an entity applies for a permit for one of these 17 uses, the county has a hearing. We then need to hire an attorney or other professional and push back. This stretches your resources as well as ours. Unnecessary words are spoken, widening a divide between government and the voters and the applicant moves on leaving all of us with the residue of another battle.

A new South Fidalgo Rural Reserve zone for the 2017 Comprehensive Plan Amendments would reduce the impact on the Planning Department and leave us and yourselves to live in harmony. Thank you very much for your consideration and I look forward to seeing you on December 20.

Roger Pearce
3692 Biz Point Road
360 202 2100

From: [Ruth H. Peterson](#)
To: [PDS comments](#)
Subject: 2017 comprehensive Plan Docket-South Fidalgo Rural Residential
Date: Monday, December 05, 2016 7:43:27 AM

Fidalgo Island became my home in 2001. I chose to live here, in part, because of the size and beauty of the island, the ambience of the City of Anacortes, and especially the immediacy of the rural character of South Fidalgo Island.

I do not believe the ventures currently permitted for South Fidalgo Island are appropriate for such a small area. Our infrastructure is hard pressed already, i.e., our roads.

I support changing the present "county wide" Rural Reserve zone on Fidalgo Island to "South Fidalgo Rural Reserve zone". This would assist in maintaining the "zone" in a more appropriate state and in character with the rest of the island.

Sincerely,

Ruth H. Peterson
1910 22nd Street
Anacortes, WA 98224

From: [Sheila](#)
To: [PDS comments](#)
Subject: 2017 Comp Plan Docket - South Fidalgo (Amended)
Date: Thursday, December 08, 2016 2:26:37 PM

Sheila Pritchett
6389 Deer Lane,
Anacortes, WA 98221 (South Fidalgo Island)

Below in quotes are the comments I made during the public testimony period on Monday, December 5, 2016 before the Commissioners in support of the proposed docketing of a new South Fidalgo zoning designation. I have added some **new** thoughts outside the quotes areas (and in **boldface** type) to expand on my original comments.

“Good morning. I appreciate the opportunity to speak to you today.”

“I am here in support of the proposal to establish a new South Fidalgo Rural Residential zone.” **In fact, I would support a county-wide Residential Rural Reserve zone designation available for those areas that are currently primarily residential and wish to remain that way.**

“Most residents of South Fidalgo prefer to keep their part of the island quiet and rural. Some uses permitted for other parts of rural Skagit County may not be welcomed here. In the past, this has led to conflict between neighbors and with the county.” **Disputes over some permit applications can become quite heated. This has resulted in continual rancor between neighbors and to a general distrust of the county by residents. Once a permit process is started, feelings can run high. One side or the other is bound to be disappointed in the outcome. Lawsuits are threatened or filed on both sides.**

“This proposal would be an opportunity for both the county and the citizens to be proactive in defining rural uses that would and would not be acceptable to residents of South Fidalgo. It would certainly be less contentious and less time-consuming for all parties, residents and county alike, than disputes and disagreements over each special use permit application.” **It is certainly a better use of county (and personal) resources than bickering and battling over contentious land use issues. Residents can be better assured of quiet rural neighborhoods. Landowners and potential purchasers can better understand the activities to which their land could be used without major dissent from residents.**

“This idea deserves your careful thought and consideration. Let's move this proposal forward so that South Fidalgo” **(and other county residents)** “residents have the opportunity to express their opinion.”

“Thank you for your attention to this request.”

From: [Rosann Wuebbels](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Friday, December 02, 2016 6:16:32 AM

We are asking you to rename our present "county wide" Rural Reserve zone to "our own" South Fidalgo Rural Reserve zone, as there are a number of permitted commercial uses in the county wide RR zone that are not appropriate for South Fidalgo rural residential area.

(A list of the permitted uses we want removed from South Fidalgo is :

- **Agricultural processing facilities**
- **Anaerobic digester**
- **Animal clinic hospitals**
- **Animal preserve**
- **Asphalt/concrete batching**
- **Day-use and boarding kennels**
- **Destination and developed campgrounds**
- **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**

● Those commercial uses may be appropriate out in the vase farmlands of the county, or in the far east county, but they are not appropriate for our rural residential areas on South Fidalgo.

● Every special use permit request 'always' creates conflict. Conflict within our neighborhood/neighbors, within the Planning Department & with the Commissioners. Those conflicts are not necessary. Life is short.

● We do not need a Sub Area Plan written to accomplish this. We merely need our RR zone changed to a South Fidalgo specific RR zone. We do not need run off studies, traffic studies, etc, etc. We just need a South Fidalgo specific Rural Reserve zone.

● Changing our Rural Reserve zone into a South Fidalgo Rural Reserve zone ultimately makes the you the Commissioners jobs easier and those of the Planning department.

● When people live & vote out here, they they are astounded when they learn of all these commercial uses that are allowed. This is a rural residential zone, not a 'free for all zone'.

Sincerely,

George Reeves and Rosann Wuebbels
11134 O Ave
Anacortes, WA 98221

360-293-3417

From: [Ted Reisner](#)
To: [PDS comments](#)
Subject: 2017Comprehensive Plan Docket -South Fidalgo
Date: Wednesday, November 30, 2016 3:24:50 PM


As a resident of South Fidalgo Island for 21 years I would like to see the south end stay rural. I'm appealing to the board that we change the status from Rural Reserve Zone to South Fidalgo rural Reserve zone. In that we will be able to keep in character with what rural living is all about.
Thank you,


Ted A. Reisner

Sr. Vice President
Reisner Distributor, Inc



310 Commercial Avenue
Anacortes, WA 98221

 360.293.2197 ph ~ 360.661.0746 cell

 360.293.4108 fax

 treisner@reisnerdistributor.com

From: [Sheila Rhodes](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Wednesday, December 07, 2016 9:58:52 PM

Greetings,

We are Richard and Sheila Rhodes. Our Guemes Island residence is located at 5927 Upper Hollow Lane. We write you in hearty support of Guemes Island Planning and Advisory Committee's (GIPAC's) three proposed code amendments. We particularly hope that you will approve the amendment that encourages rainwater catchment systems as an alternative to tapping the aquifer on Guemes and throughout the County. We are planning renovations to our cabin, and we would very much like to install an approved rainwater catchment system, so that we can capture the rain that falls naturally and not rely on the Hollow's single community well.

In reference to our community well, which serves 14 families, we also urge you to require pre-drilling review and approval for new wells on Guemes Island. One family drilled its own well in our Hollow years ago so as not to be dependent on the community well. Yet, the water they draw comes from the same source. As salt water intrusion becomes more of an issue, only your wise and methodical approval system can determine how best to drill.

Finally, we concur with GIPAC's advocacy to permanently protect designated open space on Guemes Island in the context of CaRD subdivision process. Part of the charm of this little island is its areas of open space. Additionally, subdivisions would only further burden the aquifer and intensify the risk of salt water intrusion.

Thank you for incorporating our comments in your review process.

Respectfully,
Sheila and Rick Rhodes

Sent from [Mail](#) for Windows 10

From: [Timothy J. Riordan](#)
To: [PDS comments](#)
Cc: tjr31119@aol.com
Subject: 2017 Docket Proposals
Date: Wednesday, November 30, 2016 4:02:43 PM

Mr. Kirk: Please be advised that we support the rezoning of our property at 5362 Guemes Island Rd.-P61751-from Rural Intermediate to Rural Business as noted in your letter dated November 16, 2016. It is our understanding that we need to do nothing more to effect this change. Please confirm receipt of this communication. Thank you.
Timothy J. Riordan and Sally Riordan

RECEIVED

DEC 05 2016

SKAGIT COUNTY
PDS

December 5, 2016

GIPAC Testimony to Board of Commissioners re 2017 Code Amendments

My name is Hal Rooks. My Guemes address is 5971 Upper Hollow Lane. I'm speaking on behalf of the Guemes Island Planning Advisory Committee, or GIPAC.

As you know, GIPAC has three proposed code amendments for your consideration today. They are:

P-5: Amend SCC 14.24.380 (Critical Areas Ordinance, Seawater Intrusion Areas) to require, prior to drilling, a permit application and County approval for any new well to be drilled on Guemes Island.

P-6: Amend the Drinking Water Code (existing SCC 12.48.250) to encourage rainwater collection systems for potable water on Guemes Island, along with related changes to the definition for "adequate water supply" and who can design potable catchment systems.

P-7: Amend the Skagit County Code to require permanent protection of any open space designated through a CaRD subdivision on Guemes Island.

Protection of our vulnerable and limited water supply – a "single source aquifer"—on Guemes is central to much of GIPAC's work and to these three proposed code amendments. The island has long suffered from water quantity and quality issues; the Dept. of Ecology identified coastal seawater intrusion areas on Guemes Island in the late 1980s. In 1994, DOE wrote to the Skagit County Health Dept, recommending limiting new well construction on the north end of Guemes, and discouraging wells near the coast all around the island, except where there is bedrock.

That was over 20 years ago and there has been no limit on new wells drilled since then. Many existing wells have been affected – some going dry, others being contaminated with seawater. Senior water rights (pre-existing wells) have been seriously impacted, which violates state law. The aquifer cannot accommodate an unlimited number of new "straws" into the aquifer.

We note and appreciate that the County codified the Seawater Intrusion Policy (SIP) in 2016. This was a valuable first step. But it should also be noted that the SIP is aimed exclusively at designing new wells to be as safe from seawater intrusion as possible. It does little to address the impact of new wells on the aquifer itself, or on pre-existing wells nearby.

Our 2017 proposals are intended to reduce the impact of new development on the aquifer, and protect senior water rights as required by state law. Our proposals will not solve the problem, but they will (belatedly) represent an important step in the right direction.

The Planning Dept staff has recommended that P-5 and P-6 be taken out of the docketing process and instead be considered as priority items in a 2017 work program. GIPAC defers to the County on the best way to handle our proposals; but please bear in mind that **our high-priority goal is that all three of our amendments be codified by the end of 2017.**

Before closing, I want to address the issue of whether and to what degree GIPAC speaks for the residents of Guemes Island on issues such as the three code amendments we have submitted for 2017. Just over two weeks ago, on November 19, GIPAC held our Annual Meeting on the

island, at which we have elections to fill vacancies on our Board, review our work for the year, and discuss issues like these code amendments. We had two outside speakers address shoreline restoration and the role and contribution native plants play in shoreline restoration.

Our meeting generated a large and enthusiastic crowd of 120 people. Two of our members stood for reelection – Nancy Fox, Chair, and Michael Brown -- and were reelected by acclamation with no opposition. I'm pleased to say that you will likely be hearing from them again in the coming three years. The crowd expressed its support for GIPAC's work with a loud round of applause after the vote, and we received an outpouring of thanks informally following the meeting.

Thank you for your consideration.

From: [Bruce Rooney](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Sunday, December 04, 2016 4:21:23 PM

To the Skagit County Commissioners:

As a resident of Guemes Island, the health of our sole source aquifer and the possible sources of potable water on our island are very important to me. For these reasons, I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

Sincerely,

Bruce C. Rooney
7844 South Beach Lane (Guemes Island)
Anacortes, WA 98221



Virus-free. www.avast.com



Virus-free. www.avast.com

From: [Allen Rozema](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments : Proposals P-3 P-4 and PL15-0383
Date: Thursday, December 08, 2016 4:12:23 PM

We are writing in regard to Comprehensive Plan proposals P-3, P-4 and PL15-0383:

With regard to proposal P-3:

SPF has been engaged in developing a farmland mitigation and no-net loss strategy as part of the Farms Fish Flood Initiative (3FI) which recently has included participation from Skagit County Public Works. SPF would welcome Skagit County Planning and Community Development taking over and leading the development of a no-net loss strategy that SPF and others could help the County shape.

If the County is unable to initiate leadership on a no-net loss policy framework beginning in 2017 we would request Skagit County Planning and Community Development allocate staff time to participate in and/or provide technical support to the 3FI partners in our effort to develop strategy/policy concepts that could be brought forward to Skagit County for public consideration in the 2018 or 2019 docketing process.

With regard to proposal P-4:

We support the development of a lands database. More specifically, we support the County moving forward with implementation of existing County Comprehensive Plan policy **4A-2.4, Agricultural Lands Database**. Under this existing County Comprehensive Planning Policy there is already clear direction for the development of a database to track farmland conversion and other factors listed in the policy. We support any effort the County can put towards implementing this policy in 2017 and offer to help within the limitations of our organizational resources to secure capacity and information is necessary to get this work started.

With regard to proposal PL15-0383:

We oppose PL15-0383 and recommend not docketing this proposal based on the direct and clear conflicts with are current growth management laws and principals and in particular, the recommendations and rational for future growth and natural resource management as recommended in Skagit County's Envision 2016 recommendations.

Thank you for allowing the opportunity to submit public comments on the 2017 Docket of Comprehensive Plan, Map and Code Amendments.

Allen Rozema
Executive Director
Skagitonians to Preserve Farmland
p 360-336-3974
<http://www.skagitonians.org/>

From: srsracing@frontier.com
To: [PDS comments](#)
Subject: Fw: Proposed 2017 Docket of Comprehensive Plan, Map and Code Amendments
Date: Tuesday, December 06, 2016 6:44:44 PM

On Tuesday, December 6, 2016 12:13 PM, "srsracing@frontier.com" <srsracing@frontier.com> wrote:

I support the creation of a citizen's advisory board as a vehicle to review issues coming before the Planning Commission and the Board of County Commissioners. This board could do more extensive on the ground reviews to assist the Planning Commission and the BOCC with specific information about area where development or projects are proposed and provide additional input from the community prior to approving plans that may have negative impacts on Skagit County that are not readily obvious.

I support the goal of "no loss of farmland" in Skagit County. Our County is a major player in the farming industry and once farm land is removed or redirected for other uses it cannot be reclaimed so this precious resource should be protected.

I oppose the project to build a boardwalk at Wiseman Creek. Again, I am concerned about loss of farmland and would like to see a cost vs. benefit review of this project prior to any approval on projects like this and other major projects as well.

I oppose the Skagit Partner's Avalon Proposal. We do not need another "small city" to accommodate population growth and especially one built out in a predominantly rural area. There will be additional services needed to support a subdivision like this as well as increased traffic which will impact the Cook Road interchange (which is already a large problem without a good solution) and also the Bow Hill access to I-5. I am also concerned about putting a more urban type development in a rural setting. Maintaining the rural character of our valley is important. Lastly, a development such as this in an AG-NRL zoned area rather than in a UGA is inappropriate. Our Ag-NRL land should be preserved for those purposes.

I appreciate the opportunity to provide input on the 2017 Comprehensive Plan Docket.

Sincerely,

Lori Scott
3351 Old Hwy 99N
Burlington, WA

From: [Patricia Wasson](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Friday, December 02, 2016 11:07:57 AM

Bob Shelly and Patty Wasson, 14748 Rosario Rd: South Fidalgo Land Owners

I would love to be at the meeting on Dec 5th but have to work.

I support the creation of South Fidalgo Rural Reserve Zone, SFRR, which would remove a number of allowed commercial uses that are not appropriate, on South Fidalgo, yet allowed in the county wide Rural Reserve Zone.

Rural Reserve on South Fidalgo be rezoned to a new zone that would be called South Fidalgo Rural Residential (SFRR). The SFRR zone would have the same density as Rural Reserve, but fewer commercial uses. For example, SFRR 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 campgrounds
- 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 may be appropriate in other parts of Skagit County, but not on South Hidalgo

Sincerely Bob Shelly and Patty Wasson

rogerarobinson@gmail.com

pdscomments@co.skagit.wa.us

From: [Bob Shelly](#)
To: [PDS comments](#)
Cc: rogerarobinson@gmail.com
Subject: "2017 Comprehensive Plan Docket - South Fidalgo"
Date: Friday, November 25, 2016 3:37:47 PM

Bob Shelly, 14748 Rosario Rd: South Fidalgo Land Owner

I would love to be at the meeting on Dec 5th but have to work.

I support the creation of South Fidalgo Rural Reserve Zone, SFRR, which would remove a number of allowed commercial uses that are not appropriate, on South Fidalgo, yet allowed in the county wide Rural Reserve Zone.

Rural Reserve on South Fidalgo be rezoned to a new zone that would be called South Fidalgo Rural Residential (SFRR). The SFRR zone would have the same density as Rural Reserve, but fewer commercial uses. For example, SFRR 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 campgrounds
- 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 may be appropriate in other parts of Skagit County, but not on South Hidalgo

Sincerely Bob Shelly

From: [Laurie Sherman](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Sunday, November 27, 2016 7:50:55 PM

Dear Commissioners and Planning Dept,

Much has changed in the last 30 years of living on south Fidalgo. Areas that once were hay pastures or forested are now studded with homes. We all love living in this beautiful part of the world and need to make some changes in the way we organize ourselves in order to preserve the health of our water and way of life.

We join with others who live on south Fidalgo to request that the current Rural Reserve be rezoned to a new zone type, the South Fidalgo Rural Residential (SFRR). The SFRR zone would have the same density as Rural Reserve, but allow fewer commercial uses.

We would like to see that 'reserved land', in a CaRD land division, be placed into an established Land Trust at the time of the CaRD land division. The way the present CaRD requirements are written, a CaRD development does not preserve rural character; instead it reserves rural land for future development. Requiring 'reserved land' with CaRDs, in the new SFRR zone, will help preserve South Fidalgo's character by ensuring the excess rural land is actually preserved. In addition, preserving open space will help to protect our sole source aquifer by keeping natural areas to filter water.

We hope that you will consider the value of making these changes and help maintain our rural character.

Laurie and Paul Sherman
4596 Ginnett Rd
Anacortes WA

From: [kshill](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 2:32:07 PM

We are Karen G. Shill and David B. Shill. We live part time in our home at 7243 Channel View Lane on Guemes Island. Our mailing address is 13824 E. Francis Avenue, Spokane, WA 99217.

We are writing to the Skagit County Commissioners to express our support for the three code amendments proposed by the Guemes Island Planning and Advisory Committee. We are not on the Committee, but we fully support their efforts to protect Guemes Island's fresh water supply and its rural character.

First, regarding **rainwater catchment**, we view it as an excellent alternative and/or supplementary method for obtaining potable water on Guemes. Due to saltwater intrusion and the limits of our sole-source aquifer, we are very concerned about freshwater supplies. Many rainwater catchment systems have been very successful in the San Juans over the years. We ask that you support such systems on Guemes by approving and codifying rainwater catchment during 2017 as a fully acceptable alternative to drilled wells.

Next, regarding **pre-drilling review of new wells**, we very much appreciate your adoption of the Seawater Intrusion Code this year. However, the enforcement gap which allows new wells to be drilled before the County knows anything about them is troubling. It makes sense that new well proposals be submitted to the County for review prior to drilling. This would eliminate expensive and damaging mistakes and proactively protect the aquifer and existing wells from depletion and saltwater intrusion. We ask you to approve and codify pre-drilling review of proposed new wells on Guemes Island during 2017.

Finally, regarding **CaRD subdivisions**, we think they are a great approach to new residential development. Permanent protection of CaRD open spaces on Guemes Island would benefit the Island by discouraging excessive development and demand on the already stressed aquifer. In addition, permanent open spaces are in keeping with Guemes Island's rural character. We ask you to amend the code to require permanent protection of CaRD open spaces on Guemes Island. Such protection could be accomplished via legal filing of a protective easement or covenant on the property and/or inclusion of the requirement in the Guemes Island Zoning Overlay or the CaRD provisions of the subdivision code.

Thank you very much for your time and attention to Guemes Island. Its water situation presents serious challenges, and we appreciate the efforts of citizens and Commissioners to protect this jewel of an island.

Sincerely,

Karen G. Shill
David B. Shill

From: [Sue Skillman](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Tuesday, December 06, 2016 9:55:39 AM

I am a property owner on Guemes Island, and want to express my strong support of the Guemes Island Planning Advisory Committee proposals for 2017. They are:

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

We need the county's help in preserving the valuable resources of the island. Guemes is a tremendous asset to Skagit County, but needs these these proposals to be enacted to ensure the island retains its value to the region.

Sincerely,

Susan M. Skillman

7575 Chestnut Lane

Anacortes (Guemes Island), WA 98221

(206)406-2095

From: [Jenny Stapp](#)
To: [PDS comments](#)
Subject: "Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments"
Date: Wednesday, December 07, 2016 4:52:37 PM

Dear Skagit County Commissioners,

Please help us protect our very fragile Guemes Island aquifer and habitats by helping folks realize there are limits on what must be shared by all.

I support the three following proposals. The Guemes Island Planning Advisory Committee has submitted these proposed amendments to the 2017 Comprehensive Plan. This Committee has spent many, many hours studying the problems of our over-used water supply, shared ways to help folks conserve and held seminars on care for the water sources & land.

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

Thank you!

Jennifer R Stapp

owner property home:
5062 Guemes Island Road
Anacortes, Wa 98221

mailing address:
7529 21st AVE NE
Seattle, Wa 98115

From: [richard brigham & sally stapp](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Tuesday, December 06, 2016 10:03:08 PM

Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments

December 5, 2016

My name is Sally Stapp. My address is 5191 Lewis Lane, North Beach, Guemes Island. I first visited my Guemes grandparents in April of 1950, at age two weeks.

I appreciate that Skagit County is considering some important code amendment proposals advocated by the work of the Guemes Island Planning Advisory Committee. I support GIPAC's work and cheer on their ideas to preserve the special place Guemes is to its residents.

As a member of the Guemes Island Environmental Trust's Waterworks Group and as my own family's Water Watcher, I keep close track of and fully support the GIPAC's code amendments that encourage rainwater catchment and a review process BEFORE additional wells are poked into our already overstressed aquifer. A review of a proposed water well before it is drilled will help protect our sole source aquifer from documented sea water intrusion caused by unbridled development and careless water use.

The 6.66" of rain that filled my rain gauge in October topped off our rainwater catchment storage capacity - 4100 gallons underground and about 2800 gallons aboveground. Using a water meter to keep track of usage and check for leaks has increased our efficient use of water and lowered our chloride reading from 90mg/L in 2008 to 70mg/L last year.

GIPAC's Proposal P-7 concerning the CaRD subdivision process is as important as protecting our rain charged aquifer and senior water right holders. I urge the Commissioners to amend the code to require permanent protection of any open space designated through the CaRD subdivision of Guemes Island. Please make sure the Open Space that is designated is PERMANENTLY protected against further development. If a land owner gets special permission to cluster building lots they should not be allowed to file a "Reasonable Use Exception" to further develop any of the designated Open Space.

From: [Carol Steffy](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Saturday, December 03, 2016 10:39:52 PM

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

We lose so much water in the winter that could be saved to help our gardens, our native vegetation, and wildlife. Rainwater catchment systems are the smart environmental solutions for the future of Guemes.

Proposal 2: Require a review of any well prior to drilling.

I support this amendment.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

I support this amendment.

Our GIPAC board is doing a wonderful job protecting Guemes Island, I hope these code amendments are passed to insure a great quality of life for all islanders in the future.

**Carol Steffy
7027 Holiday Blvd.
Anacortes, WA 98221**

From: [John Sternlicht](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments: PL 15-0383 Skagit Partners LLC
Date: Thursday, December 08, 2016 3:06:44 PM
Attachments: [image001.jpg](#)

To whom it may concern:

The applicants have brought to our attention the above-referenced amendments to the Comprehensive Plan and Zoning Map. This plan would allow for a new fully contained community including a significant amount of additional housing units. As housing availability is significant to economic development, it should be of interest to explore this proposal to see if it addresses the need while remaining consistent with the character of Skagit County and the highest and best use of this land. Although EDASC expresses no opinion as to the ultimate merits of the project, it seems worth exploring in this context to reach an appropriate evaluation.

Please do not hesitate to contact me if you desire further information on this comment.

Sincerely yours,

John Sternlicht

John B. Sternlicht, JD, CEc.D

CEO

Economic Development Alliance of Skagit County

204 West Montgomery

PO Box 40

Mount Vernon, WA 98273

360.336.6114

www.skagit.org

EDASC logo long format 2016



From: [Bud Ullman](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Sunday, December 04, 2016 3:29:51 PM

I support the three proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Carl Ullman
Guemes Island
541 892 0410

From: [Edith Walden](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments--Guemes
Date: Thursday, December 08, 2016 12:26:29 PM

To: Skagit County Board of Commissioners

On November 19, the Guemes Island Community Center was filled (standing-room only) with 120 islanders at the annual meeting of the Guemes Island Planning Advisory Committee (GIPAC). In that stunning show of solidarity, islanders came to reelect Nancy Fox and Michael Brown to new three-year terms on GIPAC. They came to endorse the hard work and success GIPAC has accomplished toward implementing the Guemes Island Subarea Plan. They came to show the community's support for future progress in code amendments that will protect the island's sole-source aquifer and rural character.

GIPAC is proposing three amendments to the 2017 Comprehensive Plan. I support all three amendments.

Proposal #1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes Island.

This is of utmost importance to protect our sole-source aquifer and senior water rights. In 2006, 70 percent of shoreline property on Guemes Island was owned by senior citizens. In the subsequent 10 years, that number has increased. In the next 25 years, there will be a huge transfer of ownership of Guemes shoreline properties, with resulting pressure to build, remodel, and rebuild, especially in a rural area that is so close and accessible to the urban growth areas of Anacortes and greater Seattle. In addition, under current zoning regulations, about 830 new homes could be built on vacant lots on the island. With wells already failing on Guemes due to seawater intrusion, it is imperative that alternative water systems be allowed and encouraged.

Proposal #2: Predrilling review of well-drilling plans

Currently, there are no requirements that wells drilled on vacant property be subject to all planning and restrictions that are required when a well is being permitted as part of a building project. This loophole needs to be closed to protect the aquifer.

Proposal #3: Provide permanent protection for open space designated in a CaRD subdivision on Guemes Island.

Without permanent protection of the conserved open space that is required for a CaRD subdivision, further subdivision might be possible, negating the entire purpose of the CaRD: to protect the aquifer and the rural character of Guemes.

Please include these amendments in the docket for the 2017 Comprehensive Plan or in 2017 work plans within the Planning and Development Services Department.

Sincerely,

Edith Walden

6203 S Shore Rd, Anacortes, WA 98221



Virus-free. www.avast.com

From: Patricia Wasson pwasson3@comcast.net
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: November 22, 2016 at 8:46 PM
To: pdscomments@co.skagit.wa.us



Patty Wasson, 14748 Rosario Rd: South Fidalgo Land Owner

I support the creation of South Fidalgo Rural Reserve Zone, SFRR, which would remove a number of allowed commercial uses that are not appropriate, on South Fidalgo, yet allowed in the county wide Rural Reserve Zone.

I would love to be at the Commissioner meeting on Dec 5th but have to work.

From: anacowebb@comcast.net
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo Rural Residential
Date: Wednesday, December 07, 2016 12:21:36 PM

Dear Skagit County Commissioners,

We heartily support the formation of a limited rural residential zone on South Fidalgo. We would like to retain the rural character and quality of life we find here but many of the uses afforded rural areas elsewhere in the county would not be compatible with our neighborhoods. Please add this subject to the docket for consideration in the 2017 Comprehensive Plan.

Thank you.

Sincerely,

Mike and Dana Webb
15426 Penington Lane
Anacortes, WA 98221

From: [Arlene Wechezak](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket South Fidalgo
Date: Friday, November 25, 2016 10:38:06 AM

Dear Commissioners:

As a resident of South Fidalgo Island, I am writing in support of changing the present Zone of Rural Reserve to that of South Fidalgo Rural Reserve (SFRR). Skagit County as a whole and Fidalgo Island share similarities. The majority of people in each reside in towns with commercial resources to meet their needs. These density clusters, in turn, are surrounded by agrarian and recreational lands. This spectrum of diversity suits the needs of its citizens very well. It provides the essentials for day to day living with the ability to enjoy the visual and inner perspective associated with open spaces. I sincerely believe South Fidalgo represents a rural respite worthy of recognition. If the rural character of South Fidalgo does not gain protection, I offer the following as one possible consequence.

Thank you for your consideration of this request.

Arlene R Wechezak
3994 Windcrest Ln
Anacortes, WA 98221

South Fidalgo 2030

No longer upward do I gaze
into a black night set ablaze.
Gone are the beacons I once knew,
lost forever, beyond rescue.
A celestial harp once vibrant,
Lyra and her song are now silent.
Pegasus, too, has taken flight
and disappeared from out of sight.
Hunter Orion with belt and sword -
surely his loss can't be ignored.
One by one fell the Pleiades,
stars whose light once was seen with ease.
Count the stars in the Milky Way -
once a game for children to play.
Ancient body with icy core,
fire-filled comet visits no more.
No more wishes on falling stars
or the red glow of distant Mars.
Stellar heavens that once did glow
are extinguished by the lights below.

From: [Kendra Smith](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments #C-20
Date: Thursday, December 08, 2016 3:16:44 PM

Dear County Commissioners,

Thank you for the opportunity to comment on the proposed 2017 Comprehensive Plan amendments. We would like to focus on # C20 and respectfully request that you accept the Planning Departments proposed MRO amendment in the docket to move forward for consideration and final approval. The proposal would restore the Mineral Resource Overlay (MRO) designation to portions of parcels #P35738, #P36112 and #P114291 (we have no say in the proposed adjacent portion of #P35737). The Planning Department removed the MRO from those parcels during the 2005 Comprehensive Plan update as part of the countywide update of the MRO.

Our property has two bedrock knobs (one known as the Sunny Hill site) that had been in the original Comprehensive Plan MRO designation. Evidently, during the 2005 update these “hard rock knobs” were removed and a new area (currently shown on the MRO maps) below these knobs and outside of the area identified by our consultants as the rock to be used for extraction was placed into the MRO designation. (This new area is flat ground.) We did not receive notice that areas were being taken out of the MRO designation. We believe that this was an error made by Skagit County when they did the 2005 update. We were unaware of this error until we started to proceed with obtaining the permits for more extensive extraction earlier this summer. We have been removing rock from this site for over 18 years, which was allowed.

In 1994, numerous resources were spent to determine whether this location was a viable site for extraction. Both our family and Skagit County Public Works, who were working with McLucas and Associates Inc. (consulting geologists specializing in industrial minerals and aggregate), spent resources to evaluate our property in a fair market mineral land appraisal. The bedrock knob known as Sunny Hill was identified by Geo-Engineers, Inc. as one of the most viable replacement riprap sources for Skagit County’s exhausted Duke’s Hill quarry, 2.5 miles away. Due to the outcome of the report stating that “quarrying operations represent the highest and best use for the site, given its steep, rocky terrain, poor soil conditions and probable ground water scarcity” along with the analysis finding the site to be “financially feasible and maximally productive” we have put our family resources into developing it for our future livelihood. The site is also important in the long-term commercial significance for mineral extraction, which is supported by the Comprehensive Plan. *Policy 4D-1.1 - Designating mineral resources of long-term commercial significance is not limited by a projection of need.*

The Comprehensive Plan designation of RRC-NRL should not be changed and should continue; however, the MRO overlay needs to be restored on the previously designated hard rock knobs. Not having the MRO would mean that the Comprehensive Plan goals are not being met. The current Comprehensive Plan states: These natural resources provide valuable products and raw materials that support jobs, create tax revenues, and are an important component in regional and local economies and markets.

In evaluating the MRO, the current Comprehensive Plan states update states: “***A very few currently conforming mining operations did not meet the criteria for mineral resource land overlay designation as applied during this mapping review.*** Due to the economic conditions of these operations and their beneficial access to markets, Skagit County will consider these existing operations as conforming uses within the provisions of the Mineral Resource Overlay.” We firmly believe that taking our property out of the MRO was a mapping error and it needs to be rectified. The Comprehensive Plan further states: “*The Mineral Resource Overlay is an overlay to Forest and Rural Resource lands, where geologic deposits and land use characteristics have long-term commercial significance for mineral extraction.*” The material on these parcels have been determined to be commercially viable by studies done by McLucas and Associates Inc. (consulting geologists specializing in industrial minerals and aggregate). The parcels meet Goal 4D-1 (1.1-1.4) of the Comprehensive Plan. We have presented materials and studies to the Planning Department showing our viability as a MRO.

There should be no additional impacts or issues presented by reinstating the MRO than what was previously anticipated when it was correctly mapped as MRO. However, Skagit County understands there may be impacts from activity associated with this overlay and have stated: “*The challenges facing the mineral resource industry primarily relate to conflicting use concerns with neighboring residential uses. With increasing demands for construction materials in developing urban areas, especially in the Puget Sound region, it becomes increasingly important to identify and preserve access to the mineral resources of Skagit County. However, access to much of the county’s minable resources has already been precluded by residential development. Skagit County’s approach to designating mineral lands is to protect what is remaining, now and for the future. Doing so requires that mineral lands of long-term commercial significance be designated in areas where the impacts from mining, when it occurs, can be reduced to the greatest extent possible.*”

This proposed amendment request to reinstate the MRO will have no impacts to the functional or Capital Facility's Plans. The underlying land use designation is not being changed. A special use permit will be necessary before operations may occur and issues addressing county infrastructure will be evaluated. We will be working with the DNR to obtain their required permits.

There was public review of the previous Comprehensive Plans and there were no public comments opposing the MRO on our parcels. According to the Planning Department, the previous update had mineral maps reviewed by consultants with the results implemented in the change of the original MRO designation. We believe that because the staff utilized experts in determining appropriate sites for the MRO, comments were not made in protest to taking this area out. Unfortunately, we were not aware of this proposed change to remove the MRO designation on our parcels. We most certainly would have made comments if we had known that our lands were being proposed to be removed.

Finally, the current Comprehensive Plan states: *Skagit County supports environmentally responsible and safe mineral resource extraction and processing activities. Mineral lands of long-term commercial significance are to be designated to conserve the mineral resource. These designations apply to areas within other natural resource lands where mining and processing activities are economically and environmentally feasible and where conflicts with other land uses can be minimized. Because mineral resources cannot be replaced or relocated, Skagit County designates all commercially significant mineral resources to ensure that these lands are available for resource production far into the future.* And for this, and the above comments, we support the Planning Department's proposal to restore the MRO on our parcels. Thank you for your consideration and hopeful approval to move this proposed amendment to restore the MRO on #P35738, #P36112 and# P114291 forward and onward to final approval.

Most respectfully,

Weide Family

Ralph Weide, Chip Weide, Dale Weide, and Timmy Weide

22776 Moser Rd

Sedro Woolly, WA 98284

P.O. Box 2480

Sedro Woolley, WA98284

weidelog@yahoo.com (360) 708-6654

The Weide's asked me to submit this for them. Please let me know if you have any questions.

Kendra Smith

Kendra Smith, ASLA, AICP
Innovative Environments
17503 Cook Rd.
Burlington, Wa 98233
(360) 770-7900

From: [Roger E. Wetzel](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Thursday, December 08, 2016 10:16:56 AM

I support the three following proposals the Guemes Island Planning Advisory Committee has submitted as proposed amendments to the 2017 Comprehensive Plan.

Proposal 1: Revise code standards and requirements to allow and encourage rainwater catchment systems for potable water on Guemes.

Proposal 2: Require a review of any well prior to drilling.

Proposal 3: Provide permanent protection for open space that is designated in a conservation and reserve development (CaRD) subdivision on Guemes Island.

**Roger Wetzel
7249 Holiday Blvd.
Anacortes, WA 98221
360-312-3638**

From: [James Whitefield](#)
To: [PDS comments](#)
Subject: "2017 Comprehensive Plan Docket - South Fidalgo Rural Residential".
Date: Monday, December 05, 2016 6:39:35 AM

As a resident of Fidalgo Island and the valley, to re-zone South Fidalgo for any of the excluded would change the islands' rural flavor to a more light industrial/urban plan eliminating some of the reasons for visiting here. Therefore I am against the re-zone.

James R. Whitefield

15206 Deception Road
Anacortes, Washington
98221

From: [carmen spofford](#)
To: [PDS comments](#)
Cc: [carmen Spofford](#)
Subject: "2017 Comprehensive Plan Docket - South Fidalgo Rural Residential"
Date: Sunday, December 04, 2016 10:18:18 PM

Commissioners:

I agree with the proposal to create a unique South Fidalgo Rural Reserve zone and to eliminate the 17 commercial & industrial uses that are printed on the proposal.

Please docket this proposal for further consideration during the 2017 Comprehensive Plan Amendment hearings.

Thank you for your consideration.

Sincerely,
Bruce Wick
3429 Green Cliffs Rd.
Anacortes, WA 98221
360.293.5374

From: [Rewolfe01](#)
To: [PDS comments](#)
Subject: 2017 Comprehensive Plan Docket - South Fidalgo
Date: Friday, December 02, 2016 2:48:40 PM

Resent to include my name and address on letter

Sincerely,
Ron Wolfe

2017 Comprehensive plan Docket – South Fidalgo

After years of searching, thirteen years ago, I purchased a 16 acre parcel off of Rosario road in the Cougar Gap area. Since then I have put in thousands of hours in the development of that land to one day build my retirement home. I had concentrated my search in the South Fidalgo area because of its rural nature and the lack of proximity of neighbors. I have lived on Whidbey Island since 1995 and have lived next door to home that branched out and ran a home painting business. Every morning, employees would drive in and they would load up their van with supplies. At the end of the day, they would all show up again, unpack and clean up their equipment. Increased traffic, noise and the smell of paint chemicals were the result of Island County's lack of zoning restrictions when it comes to having a business on your residential land. No more. I can't wait to leave. Imagine my surprise to see Skagit County's list of approved uses for RR zoning.

In 2005, I joined in the fight to stop the rezoning of South Fidalgo from RR to RI. It was blatantly obvious that the majority of residents were completely against the increased development. If you look at Google Earth of Fidalgo Island, you can easily see the UGA line of development that borders the south end of Anacortes and the north end of South Fidalgo. "Our" part of the island, around %75, is essentially green. Multiple parks dot the landscape. No business development except for a few mom and pop stores/restaurants. 10 minutes north or 10 minutes south and you can have all the business access you want. We choose to live here for one very important reason and choose not to live in the city or in large housing developments. Since the south end is essentially a solid rock monolith, water is precious and cannot support business requirements in addition to our water needs that zoning for residential parcels require.

Any attempt to approve a business on the south end will inevitably run into fervent opposition and like in 2005, will require valuable resources on both sides of the planning process. We need to remove this source of conflict. The majority of us do not want it, why allow it to manifest itself?

On Monday, December 5th, please listen to those that support the change in our RR zoning to SFRR zoning. With the stroke of your pen you can make it so without all the normal costly and time consuming requirements when changing a zone. I would attend but cannot due to my work schedule. It is hard to ignore the will of the people that inhabit South Fidalgo. Commercial requests over the years in our area are a very small minority. Let them build in the UGA or in the eastern half of Skagit County where it is appropriate. We just want peace and quiet.

Ronald Wolfe/P19607

360-929-4365

2722 N Benton Place Oak Harbor, WA 98277

From: [Rosann Wuebbels](#)
To: [PDS comments](#)
Subject: Proposed 2017 Docket of Comprehensive Plan, Map, and Code Amendments
Date: Saturday, December 03, 2016 7:47:41 AM

REJECT the Skagit Partners "Avalon" proposal to change the Countywide Planning Policies, codes and the Skagit County Comprehensive Plan and **NOT ALLOW** a new city-sized development for 8,500 people on 1,200 acres of forest, ag and rural zoned land.

I am asking the BOCC to continue to protect all natural resource lands as required by the GMA.

Please **REJECT** the Skagit Partners "Avalon" proposal to change the Countywide Planning Policies, codes and the Skagit County Comprehensive Plan and **NOT ALLOW** a new city-sized development for 8,500 people on 1,200 acres of forest, ag and rural zoned land. We must continue to protect all natural resource lands as required by the GMA.

The 1990 WA State Growth Management Act requires counties to identify and protect all resource lands (farms, forests and mineral lands).

Skagit County land use policies, codes and Comprehensive Plan currently protect our resource lands.

There is adequate land in cities, towns and Urban Growth Areas (UGAs) for Skagit's future growth and development, as reflected in the current plan.

Skagit County's planning policy goal is 80% of new residents in urban areas with only 20% of new residents in rural Skagit County.

The "Avalon" proposal was rejected in past years because there is no need for other urban areas based on State population projections.

Skagit's resource lands will always be tempting for developers, despite their argument that the lands might be used better, differently or for higher profits.

Permitting unnecessary development outside UGAs violates the GMA.

Skagit County **should not** change its land use policies, codes and/or comprehensive plan to accommodate one project unless it is needed and complies with the GMA.

Sincerely, Rosann Wuebbels and George Reeves
11134 O Ave
Anacortes, WA 98221
360-293-3417

The following comments
were improperly submitted.

From: [Bruce Baglien](#)
To: [PDS comments](#)
Subject: Proposed city-sized development in Skagit county
Date: Friday, December 02, 2016 9:02:04 PM

To whom it may concern,

Please do not seriously consider this proposal for our county. It is easy to destroy farm land. It is not easy to replace. These 8500 new residents can easily be accommodated in developed areas of the county.

It will be much better for every one in the county if we could concentrate the development in area's that have been designated for urban growth. We have established a transit system, shopping and service areas. Lets not waste this valuable land on a tacky housing project where everybody has to have a car just to get a quart of milk.

Thank you for really weighing the ultimate cost to our standard of living to allow this destruction of unreplaceable farm land.

Respectfully,

Bruce Baglien
brucebaglien@msn.com
1303 Seventh Street
Anacortes, WA 98221
USA
M 360 202-0856

From: [Roger Robinson](#)
To: [Kirk Johnson](#)
Cc: [TOM CARSON](#)
Subject: Fwd: 2017 Comprehensive Plan Docket South Fidalgo Rural Residential
Date: Monday, December 12, 2016 7:56:41 PM

Kirk,
Tom Carson's letter of support for the South Fidalgo proposal.
Roger Robinson

----- Forwarded message -----

From: <tcarson@wavecable.com>
Date: Thu, Dec 8, 2016 at 2:42 PM
Subject: 2017 Comprehensive Plan Docket South Fidalgo Rural Residential
To: pdscomments@co.skagit.wa.gov.us

To: Skagit County Board of Commissioners
From: Tom Carson and Carol Taylor

We are writing to **support** the designation of **South Fidalgo Rural Reserve Zone** for South Fidalgo Island.

We have lived on South Fidalgo for 31 years.

We are bounded by a very popular state park to the south and year-round use of extensive community forest lands to the north, which together serve to emphasize the very rural character of this area.

We wish to keep it that way.

Having served both our water association and the South Fidalgo Community Council we are quite aware of the very broad support for maintaining that rural character.

To our knowledge most, if not all, requests for activities which would disrupt the rural nature have failed due to widespread and consistent resistance.

Please act to do your part by designating South Fidalgo Island as a **South Fidalgo Rural Reserve Zone**.

Consider how much easier it would be for all of us—including Commissioners and planning staff—if this were to be done!

Thomas M. Carson
Carol A. Taylor
14188 Madrona Drive
Anacortes WA 98221

From: [Roger Pearce](#)
To: [Commissioners](#)
Subject: Monday meeting 10am South Fidalgo
Date: Thursday, December 01, 2016 4:00:17 PM

Lisa "Mrs. Janicki "

I am looking forward to attend this meeting. My biggest concern is water and waste water. In some areas our aquifer is already contaminated by developments.

Roger Pearce

Number	Petitioner	Petitioner's Description
Policy and/or Code Amendments		
P-1	Friends of Skagit County (Bynum) <i>(Deferred by Board from 2015 docket; also resubmitted by applicant)</i>	<p>Amendments to the section on Conservation and Reserve Development (CaRD) to require the following:</p> <ol style="list-style-type: none"> 1. CaRDs be allowed only in UGAs. 2. CaRDs have a cap that limits the scale of the development in relationship to the reserve land size. 3. CaRDs that exist currently in Skagit County have permanent easements on the reserved portion of the parcels which are NOT reserved for future development but provide permanent protection on that portion of the land. <p>Amendment Summary, October 20, 2016</p>
P-2	Friends of Skagit County (Good)	<p>Amendments section of the Comprehensive Plan to create standing Citizen Committees to work with the Planning Commission on review and suggested changes to the Countywide Planning Policies, Comprehensive Plan, and codes.</p> <p>Amendment Summary, October 20, 2016</p>
P-3	Friends of Skagit County (Good)	<p>Amendments sections of the Comprehensive Plan to reflect the County's policy of no loss of agricultural lands. Language must include ways to identify the amount of economic loss created by the loss of farmland, cumulative effects to the economy as well as the environmental functions lost.</p> <p>Amendment Summary, October 20, 2016</p>
P-4	Friends of Skagit County (Stauffer)	<p>Skagit County needs an accurate database of buildable lands in rural zones. A buildable rural lands inventory and assessment should address the entire County and give the County a better baseline and data for planning, permitting and code enforcement.</p> <p>Amendment Summary, October 20, 2016</p>
P-5	Guemes Island Planning Advisory Committee (Fox)	<p>Amend SCC 14.24.380 (Critical Areas Ordinance, Seawater Intrusion Areas) to require, prior to drilling, a permit application and County approval for any new well to be drilled on Guemes Island.</p>
P-6	Guemes Island Planning Advisory Committee (Rooks)	<p>Amend the Drinking Water Code (existing SCC 12.48.250) to encourage rainwater collection systems for potable water on Guemes Island.</p> <p>Revise/lower the definition of "adequate water supply" in existing SCC 12.48.030 from 350 gallons per day to 200 gallons per day for Guemes Island.</p> <p>Allow homeowners on Guemes Island the option of using a rainwater collection system designer or designing their own system, if for</p>

		personal use. Amendment Summary, October 20, 2016
P-7	Guemes Island Planning Advisory Committee (Fox)	Amend the Skagit County Code to require permanent protection of any open space designated through a CaRD subdivision on Guemes Island. Given that Guemes Island is not in an Urban Growth Area and that 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.
P-8	Roger Mitchell	Water usage by humans, be it agricultural, forestry, commercial, or domestic, needs to have a highest priority section in our Comprehensive Plan and relevant derivative plans. The Comprehensive Plan must expressly state that, as a highest priority, the County will take all reasonable measures to protect and ensure equitable distribution of water resources for beneficial use by the citizens of Skagit County. In doing so, the County must rely on best available and true science and must preserve and protect the private property water rights of each of its citizens.
P-9	Roger Mitchell	The Rural Element of the Comprehensive Plan will expressly state that access to water for Skagit County's rural property owners is a fundamental right that needs to be protected and preserved.
P-10	Roger Mitchell	Each and every County planning project should require a good faith analysis that accurately describes the current and projected values for a list of required metrics.
P-11	Roger Mitchell	A geohazards checklist, analogous to a SEPA checklist, should be required for every planning and permitting project proposal.
P-12	Roger Robinson <i>(Deferred by Board from 2015 docket)</i>	All the Rural Reserve on South Fidalgo Island should be rezoned to a new zone called South Fidalgo Rural Residential (SFRR). The SFRR zone would have the same density as Rural Reserve but fewer [commercial/non-residential] uses. We also propose that the new SFRR zone prohibit CaRD development.
P-13 Withdrawn by applicant	Skagitonians to Preserve Farmland (Rozema)	Re-classify agricultural processing facilities from a primary agricultural activity to an agricultural accessory use. Change Agricultural Processing Facilities between 10,001 sq. ft. and 30,000 sq. ft. in size from an outright permitted use to an Administrative Special Use Permit and Agricultural Processing Facilities larger than 30,000 sq. ft. in size to a Hearing Examiner Special Use.
Comprehensive Plan/Zoning Map Amendments		
PL16-0352 Map	Port of Skagit	Change designation of two Port-owned properties, totaling 3.3 acres, from Aviation Related (AVR) to Bayview Ridge Light Industrial (BR-LI).
PL15-0383 Map	Skagit Partners LLC <i>(Deferred by Board from 2015 docket; also resubmitted by</i>	Amend the Comprehensive Plan and Development Regulations to establish a process for consideration and approval of a new fully contained community, consistent with RCW 36.70A.350. Amend the Countywide Planning Policies (CPPs) to increase the Skagit

	<i>applicant)</i>	<p>County 20-year population forecast by 8,500, place the additional population in reserve for a new fully contained community, and make the CPPs consistent with the Comprehensive Plan and Development Regulation amendments described above.</p> <p>Amend the Comprehensive Plan and Zoning designation of approximately 1,244 acres on the west slope of Butler Hill, including the Avalon Golf Links, the majority of which is currently designated Rural Resource-NRL with a Mineral Resource Overlay (MRO), to allow for development of a new fully contained community as proposed by Skagit Partners.</p>
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11/10/2016 Update

County-Initiated Proposals

Number	Petitioner	Description
Comprehensive Plan Policy or Text		
C-1	Commissioner Wesen	Wiseman Creek Boardwalk Project Removal In the Comprehensive Plan Transportation Technical Appendix, remove the Wiseman Creek Boardwalk Project, which is proposed for a portion of the Cascade Trail.
C-2	Commissioner Wesen	Coast to Cascades Corridor Study Revision In the Comprehensive Plan Transportation Technical Appendix, revise the Coast-to-Cascades Corridor Study description to preclude use of unused County right of way between Burlington and Bayview Ridge for non-motorized transportation purposes.
Development Regulation		
C-3	Planning & Development Services (PDS)	Garage Setbacks in Bayview Ridge Residential Revise SCC 14.16.340(5)(c)(i)(D) to clarify that this setback provision applies to new garages only.
C-4	PDS	Major Utility Development in Bayview Ridge Residential Add major utility development as a Hearing Examiner special use in the Bayview Ridge Residential zone, SCC 14.16.340.
C-5	PDS	Temporary Events in Various Bayview Ridge Zones 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.
C-6	PDS	Prohibit Creation of Multiple Lots in Small Scale Business 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, undermining efforts to maintain rural character.
C-7	PDS	Rural Freeway Service-and Rural Center Development Size Limits Clarify that SCC 14.16.120(5)(b), Rural Freeway Service, limits development to one building rather than one establishment per parcel; and that the building can contain more than one business. Make similar change to Rural Center code SCC 14.16.110(5)(b).
C-8	PDS	Mobile Home Parks Correct SCC 14.16.850(9) which references the wrong section of Title 12 for mobile home parks.
C-9	PDS	Similk Beach Septic Update SCC 14.16.920 to reflect that the septic system envisioned by

		this section was never constructed.
C-10	PDS	Affidavit for Accessory Dwelling Unit 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 ADU for at least six months per year. Consolidate this requirement with title notice requirement in SCC 14.16.710(1)(j).
C-11	PDS	Variance Chapter Formatting Error Correct the formatting error in SCC Chapter 14.10 Variances made through the 2016 Comp Plan/Code update.
C-12	PDS	Repair, Replacement, and Maintenance of Water Lines Make repair, replacement, and maintenance of water lines that are 12 inches or less in diameter a permitted use in all zoning districts.
C-13	PDS	Reorganize Personal Wireless Services Facilities Revise SCC 14.16.720 to achieve clearer organization and clarify applicability.
Comprehensive Plan/Zoning Map		
C-14	PDS	Update and simplify the Airport Environs Overlay (AEO) map Change Airport Compatibility Zone (ACZ) 1 to ACZ-2 for all properties not owned by the Port of Skagit. Remove extraneous lines on AEO map that make it difficult to interpret.
C-15	PDS	Ika Island to Rural Reserve. Change the designation of Ika Island, which is privately owned, from Open Space of Regional/Statewide Importance (OSRSI) to Rural Reserve, and show adjacent privately owned tidelands as water.
C-16 (Maps 1-7)	PDS	Department of Natural Resource (DNR) Lands to OSRSI Change the designation of certain DNR lands on Cypress and Hat Islands to OSRSI.
C-17 (Maps 8-20)	PDS	Seattle City Light Lands to OSRSI Change the designation of certain Seattle City Light lands to OSRSI.
C-18	PDS	Pressentin Park to OSRSI Change the designation of Skagit County's Pressentin Park to OSRSI.
C-19	PDS	Island International Artists Rural Business Correction The Rural Business (RB) designation on Guemes Island intended for Island International Artists and Northwest Windworks is shown on an incorrect parcel; it should be moved from P46905 to P61751.
C-20	PDS	Weide Mineral Resource Overlay (MRO) Restore the MRO designation to portions of parcels P35738 and

		P114291, and an adjacent portion of P35737. The MRO was inadvertently removed through the 2005 Comprehensive Plan Update.
C-21	PDS	Jensen Rural Reserve Correction Change the designation of P74450 and P20724, located between the Swinomish Channel and the Town of La Conner, from Rural Business to Rural Reserve.