



# Planning & Development Services

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## Supplemental Staff Report

To: Planning Commission  
From: Ryan Walters, Assistant Director  
Re: 2017 Comprehensive Plan Amendments  
Date: April 25, 2017

This memo addresses public comments received during the written comment period between March 2 and April 6, 2017, and testimony received at the public hearing on April 4, 2017. Written comments were received at the public hearing or during the public comment period and are available on the proposal website at [www.skagitcounty.net/2017cpa](http://www.skagitcounty.net/2017cpa).

### **Key Issues for Planning Commission Deliberations & Responses to Comments**

While the 2017 CPA proposal consisted of more than 20 separate items, critical public comments largely centered on just a few of those items, and those are the only items addressed in this memo.

#### **C-2. US Bike Route 10, Coast to Cascade Corridor Study**

The Department agrees that the subject right of way that is currently in agricultural use should not be opened simply for the purpose of a new bike route. If, however, the County decides to open the right of way for a roadway for motor vehicles, the Department sees no reason the roadway should not include bike lanes. The Department stands by its existing staff report recommendation.

#### **C-15 Ika Island OSRSI to Rural Reserve**

This proposal, to redesignate property that is incorrectly shown as OSRSI as Rural Reserve, would also change tidelands to be shown as water. The County's practice is to show tidelands as water. Some commenters object to this designation, but tidelands are not properly considered Rural Reserve, nor would it be proper to allow Rural Reserve uses on tidelands. The Department recommends no change to the proposal.

#### **C-17 Seattle City Light Lands to OSRI**

The OSRSI zoning does not require that land be made open to the public.

#### **C-19. Island International Artists Rural Business Correction**

The Department proposed this map change to correct a mapping error that was introduced several years ago, where a rural business mapping designation was placed on a parcel that did not have a pre-existing rural business, and a nearby parcel with the rural business did not receive rural business zoning as intended. Since the proposal was released for comment, the Department has heard from the owner of the business in question, and the owner strongly supports the correction. A neighbor submitted

comments objecting to the map correction on the basis of water availability. The Department has not investigated the water issue for the purpose of this map correction, because the Department believes that the map correction for this pre-existing use should happen regardless of water availability. Under current code, if the business on the parcel desires to change or expand, water review would occur at the time a building or special use permit is required, and the use would have to demonstrate legal and adequate source of water in order to be permitted.

## **P-12. South Fidalgo Rural Residential Zone**

Comments on the P-12 proposal raise several important issues for the Planning Commission to consider.

1. **New zone.** Creating a new zone within the zoning code allows for different uses to be allowed, at different levels of review, for a particular area. The County has long considered south Fidalgo Island to be an area worthy of individualized attention because of its unique rural character, topography, geology, and water availability. In 2006, the County attempted a subarea plan for the island.<sup>1</sup> Although that plan was not adopted, the Department still considers the unincorporated portion of the island worthy of land use planning that takes into account the island's unique features. There is no theoretical reason the island cannot have a unique land use zone, and there are several other zoning requirements already in the County code that apply to special geographic areas (e.g., Fidalgo Island, Guemes Island, Alger). The Department recommends the PC recommend creation of a new zone.
2. **Zone boundary.** Comments suggested that the area generally around Thompson Road contain a number of pre-existing commercial uses that ought to be encouraged to continue. Those uses include seafood sales, a dog kennel, a major golf course (currently held in fee simple by the Swinomish Tribe), and a substantial area planned for the Samish Tribe's new casino. After discussion with the petitioner (see attached email), the Department recommends that the Planning Commission consider a smaller boundary than originally proposed as shown in Attachment 3, which would retain Rural Reserve zoning in the Summit Park/Thompson Road area that is already characterized by multiple commercial uses. The new eastern boundary of the SF-RR zone would be SR20 from Sharpe's Corner south to the intersection with Gibraltar Road, then following the eastern border of Swinomish Golf Links south to Satterlee Road. See Attachment 3.
3. **Uses.** The proposal as released for public comment reduced the uses that would be allowed in the SF-RR zone from what is currently allowed in Rural Reserve. Notably, the 2006 subarea plan recommended deletion of many of the same commercial uses "to emphasize the community's wish that South Fidalgo be a single-family residential area."<sup>2</sup> The Department believes it is prudent to remove from the zone, through this legislative process, those special uses that are not appropriate for the island's character, topography, geography, and other unique features. In the alternative, neighbors and applicants may end up fighting over special use proposals in an expensive, quasi-judicial forum before the Hearing Examiner, where the special uses enjoy an

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<sup>1</sup> The County abandoned that process after substantial public outcry about an element of the proposal that would have increased density, contrary to GMA, by rezoning all Rural Reserve to Rural Intermediate. More information about the South Fidalgo Subarea Planning Process, including the 2006 draft subarea plan, is available at <https://www.skagitcounty.net/Departments/PlanningAndPermit/southfidalgomain.htm>.

<sup>2</sup> Draft 2006 Subarea Plan, page LU 13.

expectation that they can be made compatible with the surrounding land uses and special use permit applications are very infrequently denied.

Based on public comments, the Department recommends the following adjustments to the proposal:

- a. **Agricultural Processing as an Accessory Use.** As discussed in the email in Attachment 2, the Department recommends retaining “Agricultural Processing Facilities” as an accessory use to agriculture in the new SF-RR zone, limited to processing of agricultural products produced onsite.
- b. **Aircraft landing fields.** Several commenters with private aircraft or helicopters suggested that the use “aircraft landing field, private” should be retained as a Hearing Examiner Special Use in the new zone. The Department does not believe any of those commenters actually have obtained a special use permit for their aircraft landing use. But because the use is limited by its definition to “private, non-commercial use,” the Department doesn’t think it inconsistent with the character of the new zone to continue to allow this use in the new zone and recommends it be retained as a Hearing Examiner Special Use.
- c. **ATV uses.** Some commenters objected to removal of the “Off-road vehicle use areas and trails” from the zone, but their described intended use was simply their own private use of ATVs on their own property. Because the use is defined as “designated areas and trails for off-road vehicles to serve more than immediate family living on the site,” the Department recommends no changes to the proposal, i.e., leaving this use excluded from the new zone. The Department does not see any conflict with personal ATV use on one’s own property with the listed uses in the new zone.
- d. **Campgrounds.** Pioneer Trails RV Resort commented that the proposal would put them out of business. We believe that conclusion is incorrect. The proposed zone would continue to allow pre-existing 30-acre-or-less “destination campgrounds,” as administrative special uses, precisely as the Rural Reserve zone does. Existing code defines “destination campground” as “a campground with a high level of amenities, including the amenities of a developed campground and any of the following: snack bars, small retail shops, restaurants, recreation halls, or other similar activities to serve the campground patrons.” Pioneer Trails is less than 30 acres and has such amenities. The Department does not recommend any change from the proposal.

Existing businesses within the new SF-RR zone would be allowed to continue under the terms of any special use permit they have, or as pre-existing legal uses. New and existing Home-Based Businesses (levels 1, 2, or 3) would also continue to be allowed in the new zone. The Home-Based Business use allows significant economic opportunities for residential property owners, including the possibilities of having clients come to the site and up to three employees in addition to the family residing in the dwelling. See existing SCC 14.16.730 for a complete description of the Home-Based Business category.

As indicated in the staff report, the large existing businesses on South Fidalgo (e.g., Harold’s Market, the Shrimp Shack, Lake Erie Grocery, Dunton’s Body Shop) are contained within standalone Rural Business, Rural Center, or Small-Scale Business zones and would not be affected by this proposal.

4. **CaRDs.** The proposal as originally released contains several options for CaRDs in the new SF-RR zone, described below. The Planning Commission should make a recommendation on one or more of the approaches. The options included in the original proposal are:
  - a. Do not allow CaRDs in the new SF-RR zone. SCC 14.16.390(5)(e) and 14.18.310(2)[table].
  - b. Do not allow density bonuses for CaRDs on Fidalgo Island.<sup>3</sup> SCC 14.18.310(2).
  - c. Do not allow density bonuses for CaRDs on Fidalgo Island except where the source of water is from a public water system whose source is outside the designated area or from an approved alternative water system pursuant to Chapter 12.48 SCC. SCC 14.18.310(2).

The Department recommends approach C, which is the same approach currently applied on Guemes Island and is consistent with the County’s strong policy in favor of public water systems. South Fidalgo Island is served by significant public water with sources outside the subarea, from both the City of Anacortes and Skagit PUD water systems, as shown in the maps in Attachment 4. Where external public water is not available, this option would help reduce the impact on the island’s aquifer.

## Attachments

1. Email from P-12 Petitioner Roger Robinson regarding SF-RR boundary
2. Email from Ashley and Kathleen Rowley regarding Ag Accessory Uses
3. Fidalgo Island, Proposed Revised SF-RR Boundary in Thompson Road Area
4. City of Anacortes/Skagit PUD Water System Maps

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<sup>3</sup> Note that CaRDs in Rural Intermediate do not receive density bonuses anywhere in the County. SCC 14.18.310(2)[table]. The only other relevant zone on South Fidalgo is Rural Resource, which is a very limited area that is also zoned Mineral Resource Overlay, which separately prohibits CaRD density bonuses within 1/4 mile of the MRO. SCC 14.18.310(2)[table footnote].

## 1. Email from P-12 Petitioner Roger Robinson regarding SF-RR Boundary

**From:** Roger Robinson [mailto:[rogerarobinson@gmail.com](mailto:rogerarobinson@gmail.com)]  
**Sent:** Tuesday, April 25, 2017 8:59 AM  
**To:** Dale Pernula <[dalep@co.skagit.wa.us](mailto:dalep@co.skagit.wa.us)>  
**Cc:** Ryan Walters <[rrwalters@co.skagit.wa.us](mailto:rrwalters@co.skagit.wa.us)>  
**Subject:** Re: South Fidalgo Plan

Hi Dale,

Originally we were thinking that everything east of Christianson Road or east of Hwy 20 (and up Gibraltar Rd to the point where RRv turns into RI) would remain RRv. That whole Summit Park area is already somewhat commercial / industrial as is (or it could be) along Hwy 20.

I heard a lot of people speak out of ignorance the night of the hearing. I read their comments too. Removing the opportunity for a commercial motorbike race track certainly would not harm anybody from letting their children ride their 4 wheeler's on their 5 or 6 acres - or to move their garbage cans up to the road.

Same with people wanting to retain their right to CaRD their 5.5 acre property. One of the most selfish statements came from those who said 'their well was fine so let me divide my property' (and add more wells).

I certainly hope that you, in Planning, finally step up to the plate and recommend that the County orders an USGS Hydro-geologic Study before allowing any more CaRDs on South Fidalgo. Frankly, the water problems are bad enough that one should include all new development until we know what we are dealing with.

As shown via the written comments and people showing up at the hearing, the majority of South Fidalgo residents are in favor of P-12. At what point do Senior Water rights, the right to turn on one's water tap for survival trump one's right to sub-divide one's property for profit?

It seems highly irregular that you would choose more development over one's water rights.

Thanks for all you are doing on this important rezone Dale.

Best regards,

Roger Robinson  
Rosario Beach

On Fri, Apr 21, 2017 at 3:43 PM, Roger Robinson <[rogerarobinson@gmail.com](mailto:rogerarobinson@gmail.com)> wrote:

Hi Dale,

Sorry for the delay in answering. I just got back from a trip. I will email you by Monday.

Take care,

Roger Robinson  
Rosario Beach

On Wed, Apr 19, 2017 at 4:00 PM, Dale Pernula <[dalep@co.skagit.wa.us](mailto:dalep@co.skagit.wa.us)> wrote:

Roger

Near the end of the public hearing on the proposed Comprehensive Plan Amendments held on April 4, Commission members asked me a few questions they would address before they begin deliberations. One of the questions asked was how the boundaries of the proposed zone were established. Specifically, one Commissioner wanted to know how the boundary in the northeast was set. My recollection is that we, staff, set that boundary based on the inclusion of all RRv zoned properties on Fidalgo Island. Anyway, I would like to discuss the issue with you so we can respond better to the inquiry. We are trying to schedule deliberations at the May 2 Planning Commission meeting so I would like to respond as soon as possible. Please give me a call or respond appropriately by email. Thank you for all the work you have done.

Dale Pernula, AICP

## **Email From Ashley and Kathleen Rowley regarding Ag Accessory Uses**

**From:** katie rowley [<mailto:katierowley@gmail.com>]

**Sent:** Wednesday, April 12, 2017 9:47 AM

**To:** Planning & Development Services

**Subject:** Thank You re: South Fidalgo

Mr Pernula-

Thank you for taking the time to talk with me this morning regarding my concerns over potential changes in land use on South Fidalgo Island.

As we discussed, my concern is the elimination of the permission of agricultural processing on rural reserve land, which is currently a permitted use requiring no special permissions or hearings. It is my understanding that rural reserve property on South Fidalgo Island will continue to allow agriculture and agricultural accessory facilities, but not the processing of any of the goods produced through agriculture.

The county defines agriculture processing facilities as " a facility which adds value to, refines, or processes raw agricultural goods, including, but not limited to, washing, grading, sizing, drying, extracting, icing, producing ornamental agricultural products, sorting, cutting, pressing, bagging, freezing, canning, packaging, milling, crushing, brining, fermenting, aging, pasteurizing, preserving storage, and bottling. Storage, warehousing, and distributing products in conjunction with the agricultural processing activity occurring on that site shall be allowed."

If processing of agricultural products is no longer permissible, this would mean someone could grow grains, but not dry or mill them; grow blueberries but not wash, dry, or can them; have dairy cows, but not bottle milk or make cheese. In essence, this would eliminate the agricultural heritage of South Fidalgo Island.

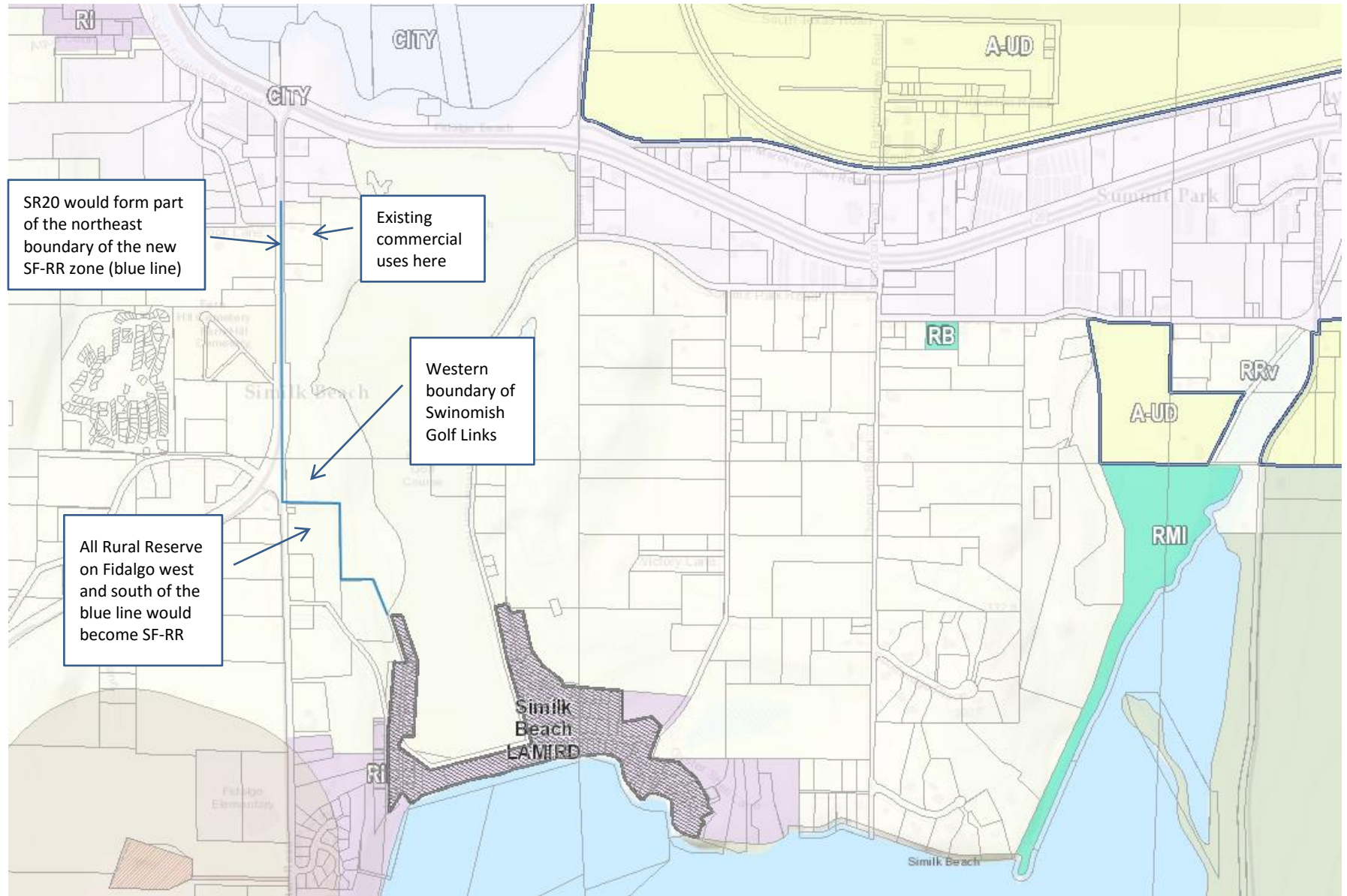
We recently purchased a 7-acre farm built on Campbell Lake Rd that was built nearly 100 years ago. This was one of the first homes built in the Lake Campbell area and we are the third owners of this property. This property was built as a farm, and operated as a farm by both previous owners. It is our intention to continue the tradition of farming on this land and preserve the history of this beautiful property, but if we cannot process the agricultural products produced on this land, the 100-year tradition of farming on this property will be lost. Preservation of the rural nature of this land is our first priority.

We understand the concern some residents may have that major commercial processing plants be built on South Fidalgo Island and we are also opposed to this, as it would destroy the rural nature of this community just as much as eliminating its farming history would. A reasonable approach, as you mentioned, would be clarifying the new proposal to allowing processing of farm products on the land it is produced, as has been done throughout the history of this land. Disallowing processing of agricultural products from other properties would eliminate the concern of products being shipped from outside locations for processing in large central facilities.

We would love to hear more about any developments regarding these changes. Please do not hesitate to contact us at any time. Thank you again for your time- Ashley and Kathleen Rowley

Ashley Rowley  
Kathleen Rowley

### 3. Fidalgo Island, Thompson Road Area, Proposed Revised SF-RR Boundary in Thompson Road Area



#### **4. City of Anacortes/Skagit PUD Water System Maps Water System Maps**

1. City of Anacortes water system transmission and distribution lines
2. City of Anacortes wholesale water service areas on South Fidalgo
3. City of Anacortes water meters on South Fidalgo
4. Skagit PUD Service Area map



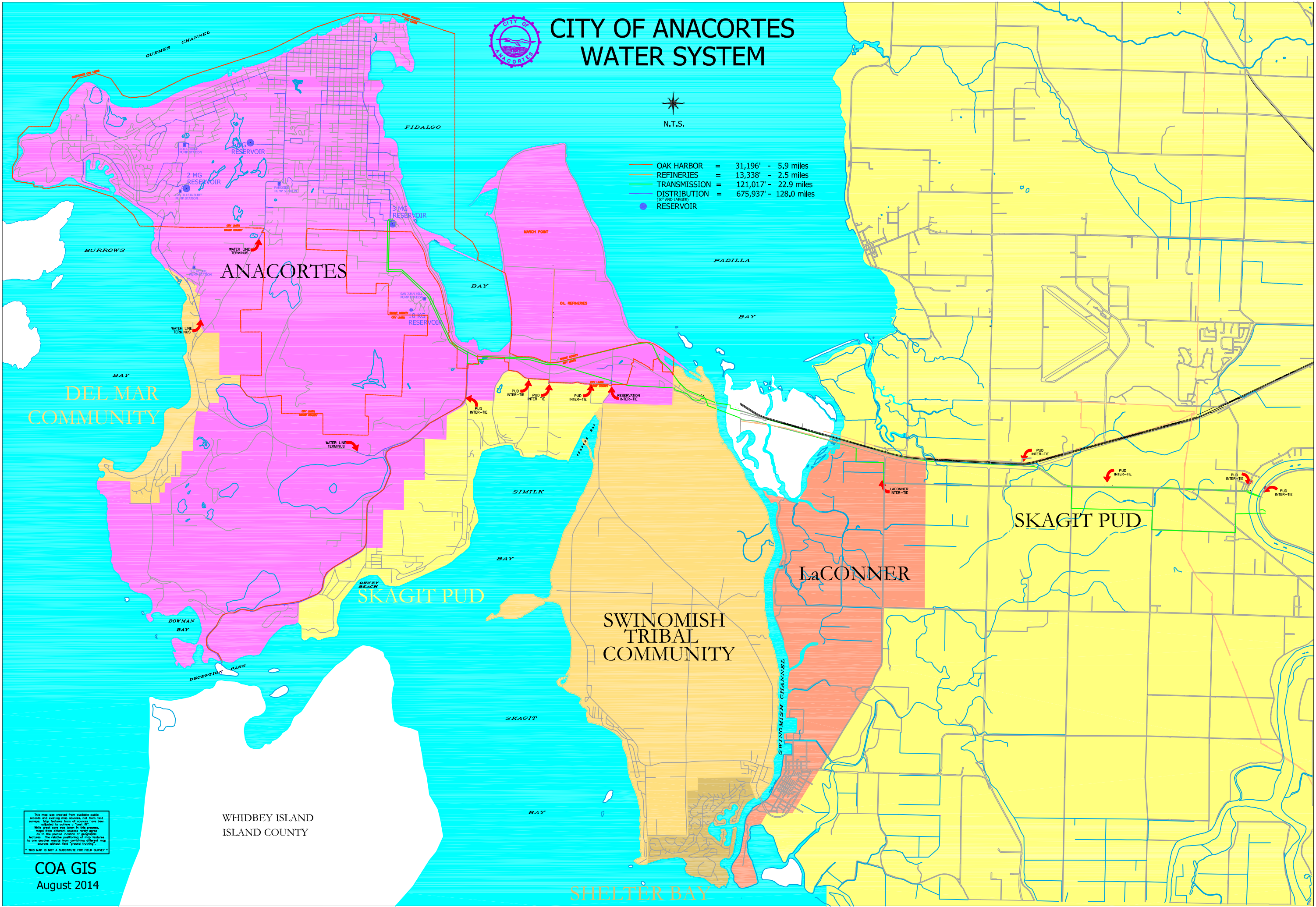


# CITY OF ANACORTES WATER SYSTEM



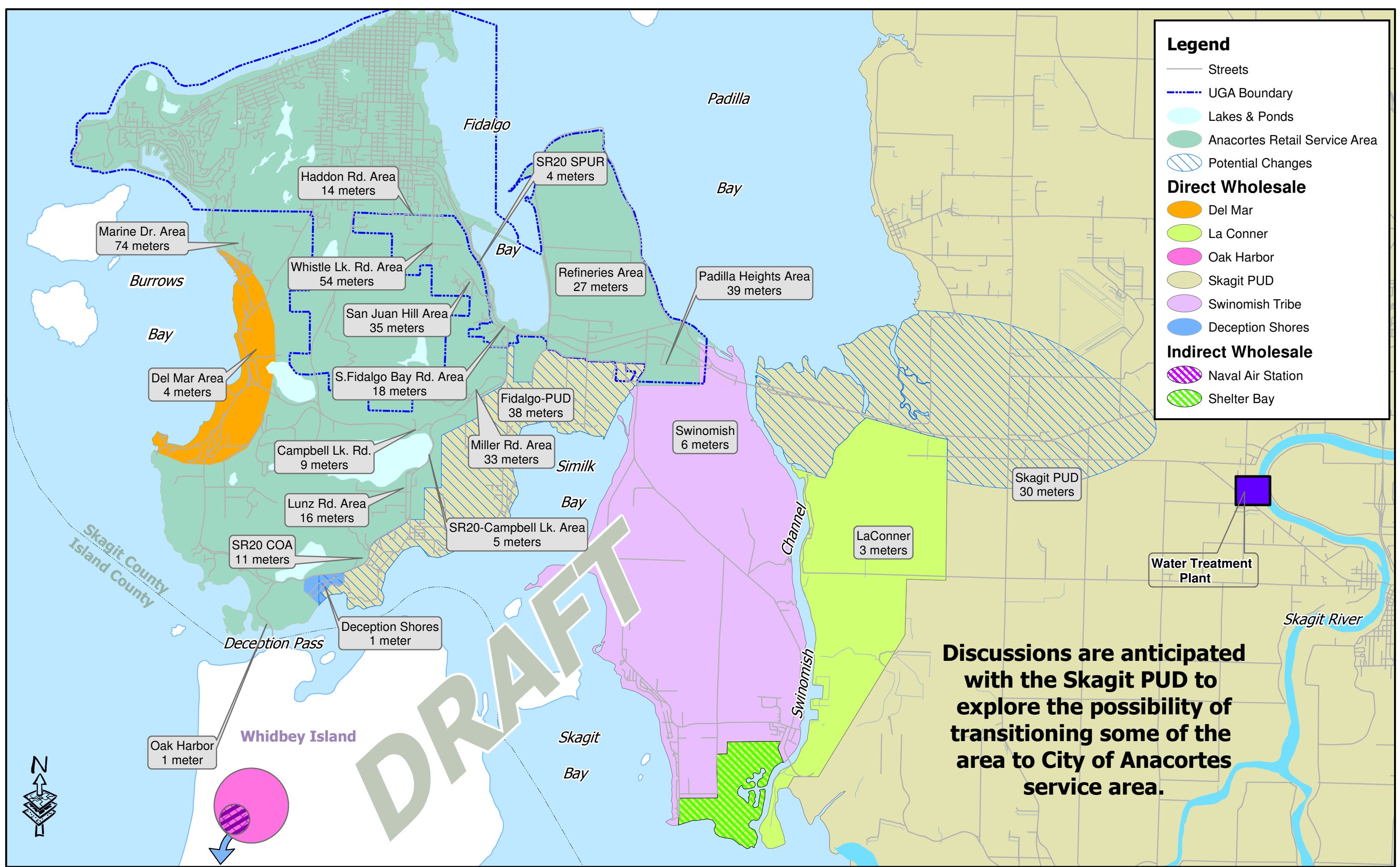
N.T.S.

- OAK HARBOR = 31,196' - 5.9 miles
- REFINERIES = 13,338' - 2.5 miles
- TRANSMISSION = 121,017' - 22.9 miles
- DISTRIBUTION = 675,937' - 128.0 miles
- RESERVOIR (10" AND LARGER)



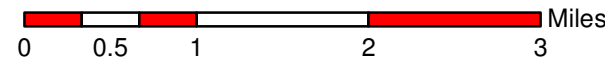
This map was created from available public records and existing map sources, not from field surveys. While believed to be accurate, it has been adjusted to achieve a "best fit". While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. The relative positioning of map features to one another should be considered approximate. THIS MAP IS NOT A SUBSTITUTE FOR FIELD SURVEY.

COA GIS  
August 2014



**Discussions are anticipated with the Skagit PUD to explore the possibility of transitioning some of the area to City of Anacortes service area.**

**DRAFT**

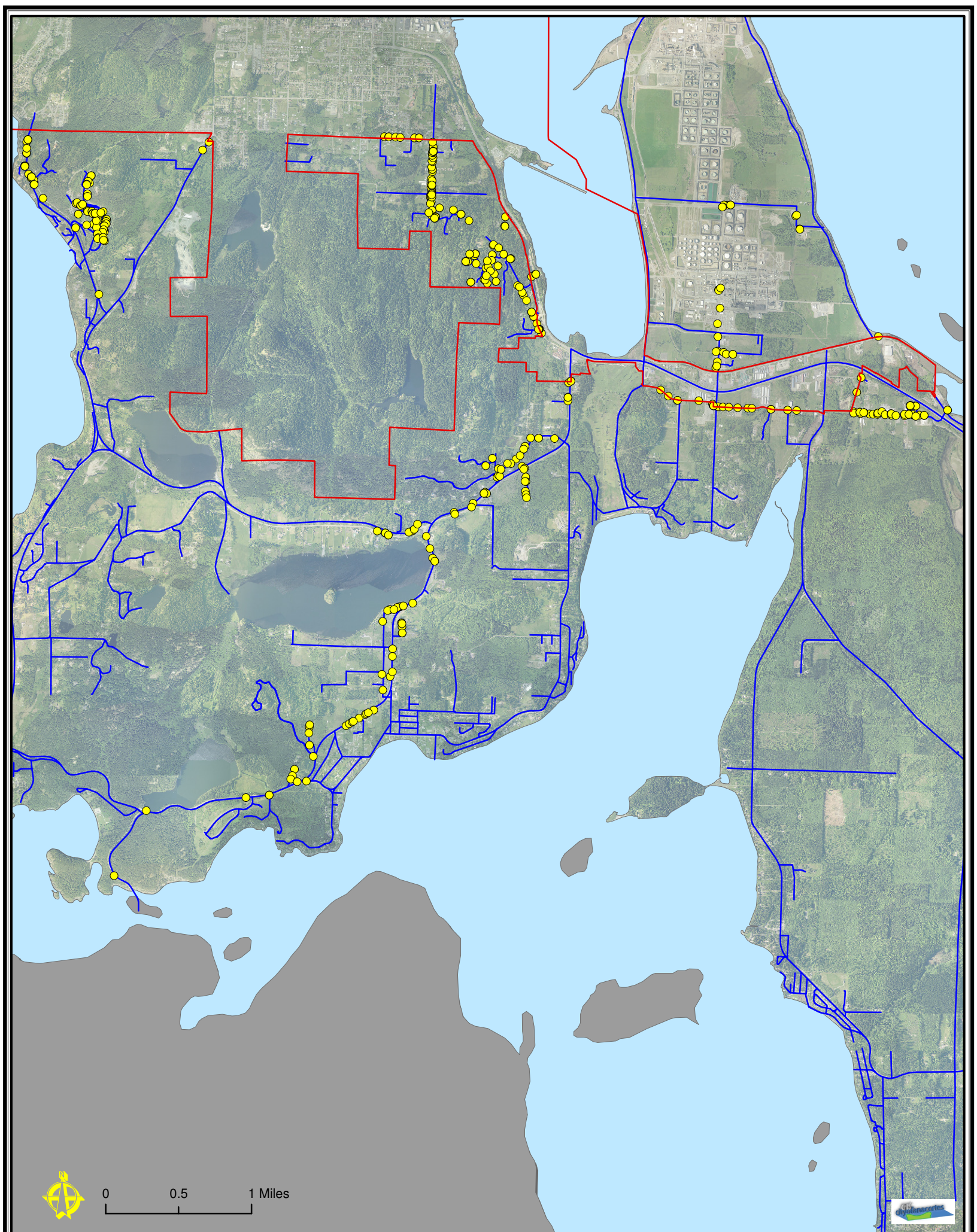


**Figure 2-2 - Service Areas**

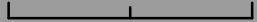
Meters Outside City Limits  
total of 422  
Water System Plan



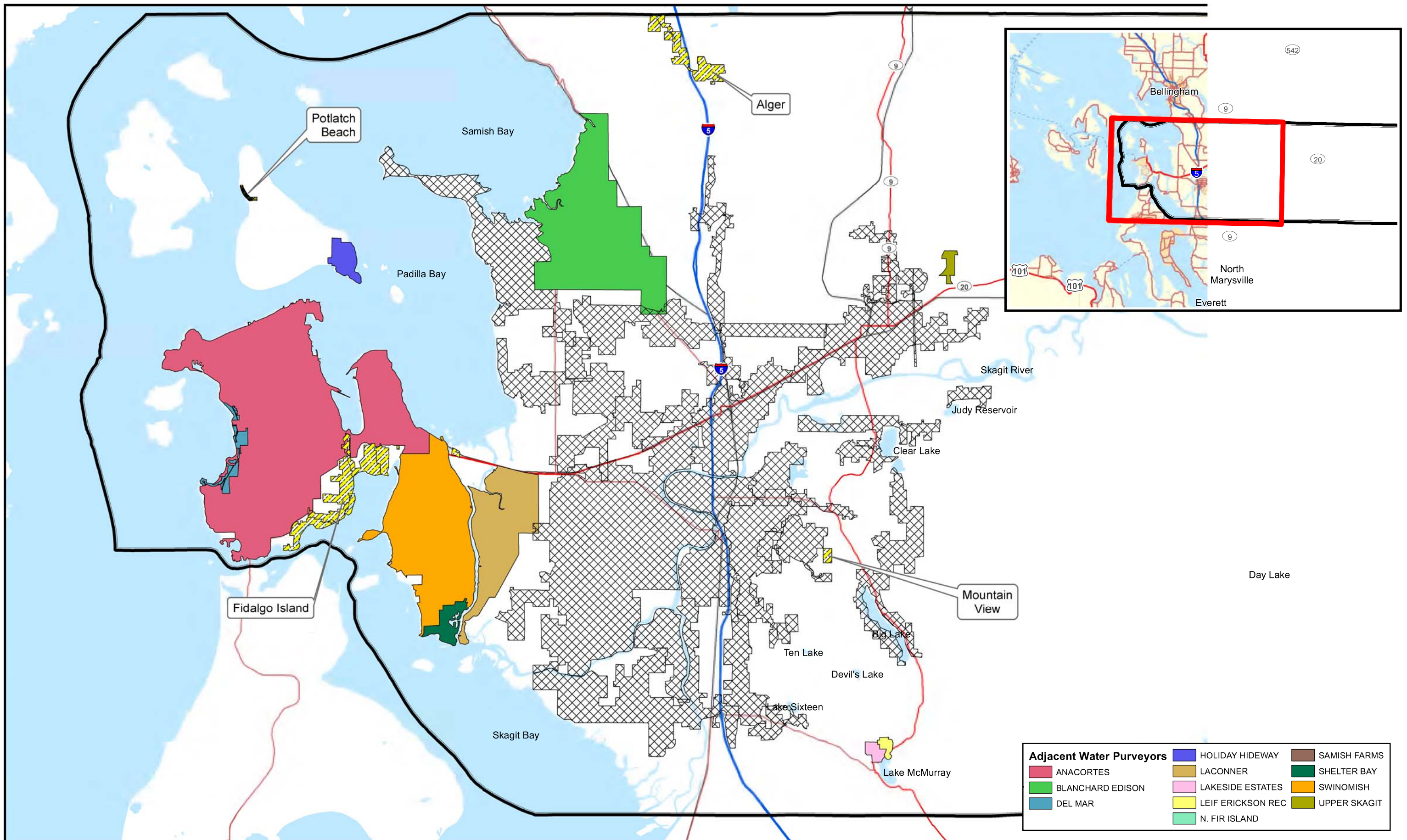




0 0.5 1 Miles







Adjacent Water Purveyors		
<span style="display:inline-block; width:15px; height:15px; background-color: #e91e63;"></span> ANACORTES	<span style="display:inline-block; width:15px; height:15px; background-color: #3949ab;"></span> HOLIDAY HIDEWAY	<span style="display:inline-block; width:15px; height:15px; background-color: #8d6e63;"></span> SAMISH FARMS
<span style="display:inline-block; width:15px; height:15px; background-color: #4caf50;"></span> BLANCHARD EDISON	<span style="display:inline-block; width:15px; height:15px; background-color: #c08040;"></span> LACONNER	<span style="display:inline-block; width:15px; height:15px; background-color: #00695c;"></span> SHELTER BAY
<span style="display:inline-block; width:15px; height:15px; background-color: #4682b4;"></span> DEL MAR	<span style="display:inline-block; width:15px; height:15px; background-color: #ffb74d;"></span> LAKESIDE ESTATES	<span style="display:inline-block; width:15px; height:15px; background-color: #ff9800;"></span> SWINOMISH
	<span style="display:inline-block; width:15px; height:15px; background-color: #fff9c4;"></span> LEIF ERICKSON REC	<span style="display:inline-block; width:15px; height:15px; background-color: #8bc34a;"></span> UPPER SKAGIT
	<span style="display:inline-block; width:15px; height:15px; background-color: #c8e6c9;"></span> N. FIR ISLAND	



- District Satellite Systems (Labeled on Map)
- Skagit County
- District Judy Retail Service Area



**District Water Systems and Adjacent Water Purveyors**

*2013 Skagit PUD Water System Plan*

Coordinate System: WA State Plan North, NAD83

**Figure 2-2**