Planning Commission Public Hearing

Staff report concerning the 2018 Docket of Comprehensive Plan Policies, Land Use Map, and Development Code Amendments

To: Skagit County Planning Commission

From: Hal Hart, AICP: Planning Director / Stacie Pratschner, AICP: Senior Planner

Re: 2018 Docket of Comprehensive Plan Policy, Map, and Code Amendments

Date: July 30, 2018

AMENDED: July 31, 2018 (See pages 2 and 34).

Summary

Planning and Development Services (PDS) is providing this staff report in advance of the August 21, 2018 Planning Commission public hearing as required by Skagit County Code (SCC) 14.08.080 for the 2018 Comprehensive Plan policies, Land Use map, and Development Code amendments (Docket). The following sections describe the regulatory background for the yearly amendments; provide a synopsis of the previous two hearings and deliberations with the Board of County Commissioners (BOCC); analyze the proposed changes pursuant to local and State requirements; and describe the Department's (PDS) recommendations to the Planning Commission for deliberation. The previous staff reports, draft maps, citizen comments, public noticing documents, and other supporting materials concerning this year's Docket are available at the following project webpage: www.skagitcounty.net/2018CPA.

Background

State Law and Previous Public Hearings

Chapter 36.70A of the Revised Code of Washington (RCW): Growth Management Act, authorizes Skagit County to amend it's Comprehensive Plan and land use map once per year through the annual Docket process. The BOCC have held two public hearings and subsequent deliberations concerning the 2018 amendments in advance of the Planning Commission's public hearing. The table below provides the dates and describes the actions taken at each of these meetings:

Date	Meeting Type - SCC 14.04.080	Actions
November 21, 2017	BOCC Public Hearing	Public Hearing to determine which petitions merit inclusion in the 2018 Docket.
December 19, 2017	BOCC Deliberations	Resolution deferred in order to consider the addition of a County-initiated map amendment.
January 16, 2018	BOCC Public Hearing	Second public hearing to determine if the additional map amendment merits inclusion in the 2018 Docket.
January 23, 2018	BOCC Deliberations	2018 Docket established through Resolution #R20180013.

This year's docket includes twenty-two proposals to amend the Comprehensive Plan, Land Use map, and development regulations. The memorandum to the BOCC providing analysis of each petition against the docketing criteria in the Comprehensive Plan and development code is available at the following website: https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.

The next section of this report demonstrates the Departments compliance with the State Environmental Policy Act (SEPA) and public notice requirements of Chapters 14.08 and 16.12 SCC in regards to the 2018 Docket.

Findings of Fact

SEPA and Chapter 14.08 SCC

The following sections demonstrate the County's compliance with the procedural requirements for legislative actions pursuant to local and State requirements:

1. *Compliance with the State Environmental Policy Act (Chapter 97-11 WAC, SCC 14.08.050, and SCC 16.12):*
   - Staff prepared an environmental checklist for the proposed amendments, dated July 27, 2018.
   - The SEPA official issued a threshold Determination of Non-Significance (DNS) on ~~July 30, 2018~~ August 1, 2018 (*SEE SECTION 3: PUBLIC NOTICE AND COMMENTS*).
   - Any comments received prior to the close of the comment period will be presented to the Planning Commission at the scheduled public hearing.

   Conclusion – The proposed code amendment will satisfy local and State SEPA requirements at the conclusion of the comment period on August 31, 2018.

2. *Procedural Compliance with the Growth Management Act (RCW 36.70A.106):*
   - The County requested review from the Department of Commerce on July 30, 2018.
   - The County must notify the Department of Commerce, at least 60 days in advance, of its intent to adopt comprehensive plan and development regulation amendments.
   - Staff will file the ordinance with the Department of Commerce within 10 days of the County Commission's action.

   Conclusion – The proposed code amendment will meet the Growth Management Act requirements.

3. *Public Notice and Comments*
   - The County will publish a Notice of Availability, Public Comment, and SEPA threshold determination in the Skagit Valley Herald on August 1, 2018 and August 14, 2018.
   - The County mailed notices to the property owners and property owners of the affected properties and within 300 feet of the lands subject to Item C-19: OSRSI map amendment.
   - The County mailed notices to the property owners of the affected properties and within 300 feet of the lands subject to and the Item P-12: South Fidalgo Island map amendment (**Attachment 1**).
   - Any comments received prior to the close of the comment period will be presented to the Planning Commission at the scheduled public hearing.

   Conclusion – The County has met the public notice requirements of SCC 14.08.070.

Petitions

Policy and Code

The full text of each petition as originally submitted or proposed is available on the 2018 Comprehensive Plan Amendment webpage at www.skagitcounty.net/2018CPA. The following section describes each proposed amendment, evaluates each petition according to the review criteria in SCC 14.08.080, and provides PDS's recommendations for the Planning Commission's consideration. **Attachment 2** includes the proposed policy, code, and map amendments.

C-1: Modify Comprehensive Plan Policy 4A-5.6

Summary

Modify the existing policy to reflect collaboration between Skagit County and the Drainage Districts on plans and policies, including the incorporation of the District's capacities through the 2019 to 2024 Capital Facilities Plan update. Incorporate levels of service (LOS) and projected needs of the Drainage Districts within the Non-County Capital Facilities element.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The proposed modifications to the subject policy ensure that Skagit County and the Drainage Districts work together to mitigate drainage impacts to agricultural land in fulfillment of Goal 4A of the Comprehensive Plan.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: The Department proposes to include the District's capacities and projected needs into the annual CFP updates.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. The proposal is consistent with the CPPs, including CPP 8: Natural Resource Industries. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The goal of the amendment is to minimize and mitigate flooding and drainage impacts on private property with better collaboration and planning between the Drainage Districts and Skagit County.

Recommendation:
The Department recommends that the proposed modifications to Comprehensive Plan Policy 4A-5.6 be **approved.**

C-2: Remove Extraneous Language for Home Based Businesses

Summary

Remove the following language from SCC 14.16.730(1): "Home-Based Business 2 and 3 require a special use permit, and are discussed in SCC 14.16.900." Special Use permits are already described in SCC 14.04.020 and 14.16.900.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The subject amendment does not change any requirements in the development code, and will not impact the consistency of the goals of the Comprehensive Plan.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: The subject amendment does not change any requirements in the development code, and will not impact the CFP or other functional Plans.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?
Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal does not change any requirements in the development code, and will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**
4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?
Discussion: The goal of the amendment is to remove extraneous language in the code for ease of reading and administration.

Recommendation:
The Department recommends that the proposed modifications to SCC 14.16.730 be **approved.**

C-3: Modification of Permits

Recommendation:
This proposal would develop code to provide the Administrative Official the authority to modify development permits or conditions of approval for minor revisions. The Department recommends that the Docket items amending Chapter 14.06 SCC – Permit Procedures, be **deferred** and processed pursuant to the 2018 Long Range Work Program authorized by Resolution #20180037.

C-4: Storage of Articles or Vehicles in Setbacks and Rights-of-Way

Summary
Move the prohibitions of SCC 14.16.850(5) to SCC 14.16.945 – Prohibited Uses. The existing code language currently resides in the General Provisions section of the Zoning chapter.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?
Discussion: The subject amendment does not change any requirements in the development code, and will not impact the consistency of the goals of the Comprehensive Plan.
2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?
Discussion: The subject amendment does not change any requirements in the development code, and will not impact the CFP or other functional Plans.
3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal does not change any requirements in the development code, and will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The goal of the amendment is to better organize the text.

Recommendation:
The Department recommends that the proposed modification to SCC 14.16.850 be **approved.**

C-5: Admin Official Final Determination of Height in the AEO

Summary
Add a requirement that the Administrative Official has authority to make a final determination regarding building height restrictions in the Airport Environs Overly (AEO) zone. The Federal Aviation Administration (FAA) does not make building height determinations.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The subject amendment is consistent with the Land Use and Development goals in the Transportation Element of the Comprehensive Plan, which encourages collaboration between PDS, Public Works, and the Airport to review development proposals for their impacts.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: The subject amendment does not change any elements of the CFP or other functional Plans.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The goal of the amendment is to clarify the authority of the Administrative Official. The FAA has no rule-making authority over local land use regulations in the Airport Environs Overlay.

Recommendation:
The Department recommends that the proposed modification to SCC 14.16.210 be **approved.**

C-6: Delete Language in SCC 14.16 Regarding Property Value Impacts from Wireless Facilities

Summary
Remove the following language from SCC 14.16.720(9)(c): "Personal wireless service facilities shall be located and designed to minimize adverse impacts on residential property values." The development code does not contain criteria for evaluating the monetary impact of a permit decision on a neighboring property.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?
Discussion: Though the Comprehensive Plan does not have a goals, objectives, or policies regarding protection of individual property values from off-site project impacts, the value of private property should be enhanced by planning, land use regulations, and zoning (Comprehensive Plan: page 16).
2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?
Discussion: The subject amendment does not change any elements of the CFP or other functional Plans.
3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?
Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.
4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?
Discussion: Development codes are constructed to maximize the production of general public benefits. There are no metrics within the development code to measure the monetary impact of a permit decision on a neighboring property value.

Recommendation:
The Department recommends that the proposed modification to SCC 14.16.720 be **approved.**

C-7: Delete Language in SCC 14.16 Regarding Special Uses Complying with the Comprehensive Plan

Summary

Remove the following language from SCC 14.16.900(1)(v)(A): "…comply with the Comprehensive Plan." This language is inconsistent with the Local Project Review Act (30.70B RCW).

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The subject amendment does not change any requirements in the development code, and will not impact the consistency of the goals of the Comprehensive Plan.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: The subject amendment does not change any elements of the CFP or other functional Plans.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The goal of this amendment is to remove extraneous review criteria from the permit review process. The GMA and Local Project Review Act (Chapter 36.70B RCW) state that land use decisions made in adopting a comprehensive plan and development regulations under Chapter 36.70A RCW should not be revisited during project review. Development projects may be reviewed for consistency with a comprehensive plan in the absence of implementing development regulations.

Recommendation:

The Department recommends that the proposed modification to SCC 14.16.720 be **approved.**

C-8: Delete the Definition for "Unclassified Use"

Summary

Remove the definition of and references to "Unclassified Use" in the development code (SCC 14.04.020). The concept of "Unclassified Use" was removed in a prior development code update.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The subject amendment does not change any requirements in the development code, and will not impact the consistency of the goals of the Comprehensive Plan.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: The subject amendment does not change any elements of the CFP or other functional Plans.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The goal of the amendment is to remove extraneous language in the code for better ease of reading and administration.

Recommendation:
The Department recommends that the proposed modifications to SCC 14.04.020 be **approved.**

C-9: Correction to Master Planned Resort Designation

Recommendation:
The proposal would remove language in SCC 14.16.900(1)(d) that refers to a Master Planned Resort as a Special Use (Master Planned Resorts a comprehensive plan designation). The Department recommends **deferring** the proposal to a later date. The special use permit criteria is not consistent with other sections of the Master Planned Resort code.

C-10: Delete Delay of Issuance of Permits in the AEO

Summary
Remove the following language from SCC 14.16.210(4): "The Department must wait at least 10 days for the Port's comments before approving the application", and specify the types of permits that the County will provide to the Port of Skagit for review and comment.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The subject amendment is consistent with a number of goals of the Comprehensive Plan calling for coordination between the County and the Port in regards to economic development and

transportation. The County will provide the Port the opportunity to review and comment on commercial building permits, land division proposals, and special use permit applications. The code gives no authority to the Port of Skagit to require changes to an application, so the Department recommends removing the delay in permit issuance from Subsection (4).

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

Discussion: The subject amendment does not change any elements of the CFP or other functional Plans.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket, and requires that applications for local government permits be processed in a timely and fair manner to ensure predictability. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

Discussion: The goal of the amendment is to have the Port provide comments on a project at the beginning of a project (through SEPA and public noticing) instead of at the end of a project. The Port is invited to attend pre-development meetings for projects in the AEO zone.

The Department recommends that the proposed modifications to SCC 14.04.020 be **approved.**

C-11: Delete Examples of Administrative Decisions

Recommendation:
The proposal would remove language from SCC 14.06.040(4) that refers to landscape buffers, and reductions in parking and setbacks as administrative decisions. These requests are examples of administrative variances. The Department recommends that the Docket items amending Chapter 14.06 SCC – Permit Procedures, be **deferred** and processed pursuant to the 2018 Long Range Work Program authorized by Resolution #20180037.

C-12: Delete SCC 14.10.030(2)

Recommendation:
The proposal would remove language from SCC 14.10.030(2) that requires an application dependent on a variance to not be issued until the variance is issued. The Department recommends **withdrawing** this amendment from the 2018 Docket, because the removal would not be consistent with current permitting practice.

C-13: Modify Short Plat Alterations to be Level I Decisions

Summary

Modify SCC 14.18.200(8) to permit the alterations of short plats to be a Level I decision rather than a Board of County Commissioners decision. The proposal will harmonize the short plat application level (Level I) with the alteration application level (Level I).

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?
Discussion: The subject amendment is consistent with the goal of improving permit processing efficiencies per the 2016 Comprehensive Plan periodic update.
2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?
Discussion: The subject amendment does not change any elements of the CFP or other functional Plans.
3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?
Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**
4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?
Discussion: The goal of the amendment is to remove ambiguity from the existing code by stating the alteration application level for a short subdivision, not just a subdivision.

The Department recommends that the proposed modifications to SCC 14.18.200 be **approved.**

C-14: Amend SCC 14.06 to Modify Application Submittal Requirements for Notifications

Recommendation:

The proposal would amend to SCC 14.06.250 to ensure consistent formatting is used when address and property owner information is submitted pursuant to SCC 14.06.150. The Department recommends that the Docket items amending Chapter 14.06 SCC – Permit Procedures, be **deferred** and processed pursuant to the 2018 Long Range Work Program authorized by Resolution #20180037.

C-15: Add In-Patient Facilities Locations to Essential Public Facilities Table

Summary

Modify the table in SCC 14.16.600(2) to add regional and local in-patient facilities to the Rural Freeway Service (RFS) zoning designation.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?
Discussion: The subject amendment is consistent with Goal 2H of the Comprehensive Plan, which states that essential public facilities should not be excluded from Skagit County.
2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?
Discussion: Non-County capital facilities (such as hospitals) must be included in the Capital Facilities Plan. Though the County is not responsible for providing such facilities, their addition in the CFP ensures a regional context for the provision of capital facilities and cooperation of service providers throughout the county.
3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?
Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. The GMA requires the County to have a process in place for the siting of essential public facilities. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**
4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?
Discussion: The proposal to permit siting of in-patient facilities in the RFS zoning designation (identified as a limited area of more intensive rural development, or LAMIRD) will align with the GMA requirement that essential public facilities not adversely affect the rural character.

The Department recommends that the proposed modifications to SCC 14.16.600 be **approved.**

C-16: Add Primitive Campground as an Allowed Use in the Rural Reserve (RRv) Zoning Designation

Summary

Amend 14.16.320 to add “primitive campground” as an administrative special use. This proposal responds to a request from the City of Concrete.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The subject amendment is consistent with the community vision in the Comprehensive Plan, which seeks to foster a high quality of life by offering recreational opportunities.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: Campgrounds are listed in the Parks &Trails Inventory table of the CFP. The CFP does not require levels of service standards for facilities not necessary to development.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The proposal to permit primitive campgrounds in the RRv zoning designation responds to a request from the City of Concrete. The RRv zone currently permits more intensive campground uses, but has no provisions for less developed campgrounds.

The Department recommends that the proposed modifications to SCC 14.16.320 be **approved.**

C-17: Remove Reference to Building Code in Setback Easements

Summary

Amend SCC 14.16.810(5) to remove the reference to the IBC for minimum building separation. This proposal responds to a request from the Building Official.

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The subject amendment does not change any requirements in the development code, and will not impact the consistency of the goals of the Comprehensive Plan.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: The subject amendment does not change any elements of the CFP or other functional Plans.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The goal of the amendment is to remove extraneous language in the code for better ease of reading and administration. Minimum building separation in the IBC can be achieved by both application of setbacks and installation of firewalls or other structures.

The Department recommends that the proposed modifications to SCC 14.16.810 be **approved.**

C-18: Modify Site Assessment Requirements for Liquefaction Hazard Areas

Recommendation:

The proposal would modify SCC 14.24.410 regarding liquefaction hazard areas to clarify the submittal process for a geotechnical report. The Department recommends the proposed modification be **deferred** for further consideration by the Natural Resources Team.

C-19: Public Open Space of Regional / Statewide Importance (OSRSI) and Industrial Forest – Natural Resource Land (IF-NRL) Mt. Baker – Snoqualmie National Forest Map Amendment

Summary

Amend the comprehensive plan land use / zoning designation of 37 privately-owned parcels in and adjacent to the Mt. Baker – Snoqualmie National Forest from the OSRSI designation to the IF-NRL zoning designation. Identify parcels that may be eligible for the Natural Resource Industrial (NRI) zoning designation and the Mineral Resource Overlay (MRO) designation. The Department has drafted three options for the Planning Commissions consideration. The following four sections review Option 3, the County-initiated alternative (**Attachment 3**), against the criteria in state and local codes for map amendments, comprehensive plan amendments, and the designation of land to the IF-NRL zone.

I. SCC 14.08.060 (1) and (2): Petitions – Approval criteria for map amendments and rezones

1. **A rezone or amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.**

Discussion: The subject map amendment is consistent with Land Use element of the Comprehensive Plan, which states that the purpose of the public OSRSI designation is to support open space benefits in areas of regional and statewide significance. The 37 parcels are in private ownership.

2. **A change to a rural or natural resource land map designation must also be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.**

Discussion: In 2014, the Growth Management Act Steering Committee adopted a total county population target of 35,751 new residents over the next 20 years (Comprehensive Plan: page 23). The allocated non-urban population distribution of these residents is 20% (Comprehensive Plan: page 39). Goal 3A of the Comprehensive Plan states that the County shall provide for a variety of rural densities and housing opportunities, and in concurrence reduce the inappropriate conversion of undeveloped land into sprawl (page 70: GMA mandate). The proposed amendment would permit natural resource extraction, in addition to the construction of single family residences. Single family residences and subdivisions are not permitted in the NRI zone.

II. RCW 36.70A.070 and 14.16.160 – Natural Resource Industrial Designation

1. **The NRI is designated as a type of limited area of more intense rural development (LAMIRD) pursuant to RCW 36.70A.070 (Comprehensive Plan: pages 66 and 67). A parcel may qualify for the NRI designation if the site has been in industrial use since 1990, or if it is currently supporting a non-residential small-scale business that provides job opportunities for rural residents.**

Discussion: None of the 37 subject parcels meet the criteria in the RCW's for designating a new LAMIRD.

III. WAC 365-190-070, Comprehensive Plan Natural Resource Lands element, and SCC 14.16.440

1. **In designating mineral resource lands, counties and cities must approach the effort as a county-wide or regional process, with the exception of owner-initiated requests for designation. Counties and cities should not review mineral resource lands designations solely on a parcel-by-parcel basis.**

Discussion: Pursuant to Policy 4D-1.2 in the Natural Resources Element of the Comprehensive Plan, a licensed geologist must prepare site-specific information concerning the marketability and minimum threshold volumes and values for commercially significant deposits on site.

IV. SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: See Section I(1), above.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: Proposals for development must meet the concurrency requirements of Chapter 14.28 SCC, and per the RCWs provide adequate provisions for water, access, sewage, and parks in the form of construction of public improvements, the establishment of bonds, and / or the payment of impact fees. The subject amendment does not change any elements of the CFP.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The proposal to rezone privately-owned land from a public open space designation will appropriately reflect the ownership of the subject parcels.

The Department recommends that the proposed modifications to the Skagit County Comprehensive Plan Designations and Zoning Districts Map be **approved**.

PL17-0414: Quaker Cove Ministries Code Amendment

Summary

The applicants originally submitted a proposal to amend the zoning designation of approximately 25.7 acres from the Rural Intermediate (RI) zone to the Small Scale Recreation and Tourism (SRT) zone. The applicants have withdrawn their petition for a map amendment in favor of a Department-drafted code amendment to SCC 14.16.300. The purpose of the amendment is to support the current uses at the Quaker Cove Camp and Retreat Center, to allow improvements to the structures on site, and recognize the existing improvements at Camp Kirby and Samish Island Campground (also located within the RI zone). The Department has drafted three options for the Planning Commission's consideration. The section below analyzes Option 2, the Citizen initiated alternative (**Attachment 2**).

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: The subject amendment is consistent with the community vision in the Comprehensive Plan, which seeks to foster a high quality of life by offering recreational opportunities.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: Campgrounds are listed in the Parks &Trails Inventory table of the CFP. The CFP and Transportation Improvement Program (TIP) are updated in concurrence on an annual basis. Development projects resulting from this code amendment will be reviewed for concurrency and permits will only be issued after it's demonstrated that levels of service will not be degraded below the adopted levels of service standards for those facilities and services.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will remain consistent with the CPPs. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: The proposal to amend SCC 14.16.300 will permit the Quaker Cove Camp to fulfill their purpose as a campground, and be compatible with the surrounding rural residential development. The allowance of beds and RV spaces is based on the existing development at Camp Kirby and Samish Island Campground (also located within the RI zone).

The Department recommends that the proposed modifications to SCC 14.16.300 be **approved**.

P-2: Samish Bay Cheese – Permit Restaurants as an Agricultural Accessory Use.

Summary

The applicant requests an amendment to the definition of "Agricultural Accessory Use" in SCC 14.04.020 to include limited food service. The purpose of the amendment is to permit small restaurants as incidental to an on-going agricultural operation. The Department has drafted four options for the Planning Commission's consideration (**Attachment 2**). The section below analyzes Option 1, the no-action alternative supported by the Skagit County Agriculture Advisory Board (**Attachment 3**):

SCC 14.08.080 (6) and (7): Review by Planning Commission

1. **Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Discussion: Option 1 is consistent the Agriculture Resource Lands Guiding Principles in the Comprehensive Plan, which includes statements that Skagit County shall preserve agricultural land for agricultural uses and limit new non-agricultural uses and activities on agricultural resource land.

2. **Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

Discussion: Proposals for development must meet the concurrency requirements of Chapter 14.28 SCC, and per the RCWs provide adequate provisions for water, access, sewage, and parks in the form of construction of public improvements, the establishment of bonds, and / or the payment of impact fees. The subject amendment does not change any elements of the CFP.

3. **Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or

amend development regulations at any time. The proposal will remain consistent with the CPPs, including #8 which states that Skagit County shall facilitate the retention of commercially significant natural resource lands. The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.

4. **Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

Discussion: Option 1 is consistent with Skagit County's guiding principles for agricultural land.

The Department recommends that the petition **not be adopted**.

P-12: South Fidalgo Rural Residential Comprehensive Plan, Land Use Map, and Code Amendment.

Summary

Amend the Comprehensive Plan and Zoning designation of approximately 4,736 acres from the Rural Reserve (RRv) to a new zone, the South Fidalgo Island Rural Residential (SF-RR). A new section is proposed in Chapter 14.16 SCC to provide bulk and dimensional standards for the new zone. Concurrent amendments to the Comprehensive Plan describing the goals and policies of the new zone are also proposed.

Comprehensive Plan Policy 12A-4.2(f) identifies Fidalgo Island as an area for community and subarea planning that will include provisions for maintaining the existing rural character and lifestyles of the island. The following table provides a synopsis of the South Fidalgo Subarea planning efforts that have taken place over the last seventeen years:

Year	Action	Link to Materials
2001	**The Growth Management Hearings Board order the County to complete a Fidalgo Island Subarea Plan**	**Final Decision and Order in case 00-2-0046c**
2003	**Creation of Citizen and Technical Advisory Committees**	**Resolution #R20030276**
2004 to 2006	**Creation of a Draft Subarea Plan (maps, zoning recommendations, and public comments)**	**Draft South Fidalgo Subarea Plan**
2006 to 2008	**Dissolution of the Committees and the Subarea Planning Process**	**Resolution #R20080510**

2016 to 2017	**Citizen-initiated Request to Create a new Zone on South Fidalgo Island (Item P-12)**	**Planning Commission Staff Report: Public Hearing for the 2017 Docket**
2017 to 2018	**County-initiated amendment to Create a new Zone on South Fidalgo Island (Item P-12)**	**Board of County Commissioners Staff Report: 2018 Docketing Analysis**

Analysis of these proposed amendments against the docketing and adoption criteria in the Comprehensive Plan and the development code may be viewed on the 2017 Comprehensive Plan project website: **https://skagitcounty.net/Departments/PlanningAndPermit/2017CPAdocket.htm**.

Pursuant to Ordinance #O20170006, P-12 was deferred to the 2018 Docket by the BOCC. The Board directed the Department to complete further analysis to ascertain the impact of the rezone on existing businesses and agricultural activities within the area of impact. The BOCC held a Workshop with the Department to discuss this proposal (**Attachment 5**). The taped recording of the Workshop is available at **https://www.skagitcounty.net/Departments/TV21/main.htm**, and the memo to the BOCC is available to view on the project website at **www.skagitcounty.net/2018CPA.**

The Department has drafted four options for the Planning Commissions consideration. The following sections review Option 4, the development code alternative (**Attachment 3**), against the criteria in state and local rules for map amendments and comprehensive plan amendments.

I. SCC 14.08.060 (1) and (2): Petitions – Approval criteria for map amendments and rezones

1. A rezone or amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.
Discussion: The subject map amendment is consistent with Implementation element of the Comprehensive Plan, which states that a community plan for Fidalgo Island should include provisions for maintaining the existing rural character and lifestyles of the island. The Planning Commission may consider a suite of options to implement this goal, including the removal of density bonuses with CaRDs and restrictions on certain commercial uses.
2. A change to a rural or natural resource land map designation must also be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.
Discussion: In 2014, the Growth Management Act Steering Committee adopted a total county population target of 35,751 new residents over the next 20 years (Comprehensive Plan: page 23). The allocated non-urban population distribution of these residents is 20% (Comprehensive Plan: page 39). Goal 3A of the Comprehensive Plan states that the County shall provide for a variety of rural densities and housing opportunities, and in concurrence reduce the inappropriate conversion of undeveloped land into sprawl (page 70: GMA mandate). The proposed amendment, if adopted

with the option to limit CaRD density bonuses, will remove some of the rural density currently allowed in the RRv-zoned parcels on Fidalgo Island.

II. SCC 14.08.080 (6) and (7): Review by Planning Commission

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

Discussion: Yes, see Section I(1).

1. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

Discussion: Proposals for development must meet the concurrency requirements of Chapter 14.28 SCC, and per the RCWs provide adequate provisions for water, access, sewage, and parks in the form of construction of public improvements, the establishment of bonds, and / or the payment of impact fees. The subject amendment does not change any elements of the CFP.

2. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal, with options to include or exclude restrictions on density bonuses, commercial uses, and the removal of the lot coverage limit for major public uses, will further various CPP's, including the following:

- **CPP 2.5:** Rural commercial and industrial development shall be of a scale and nature consistent and compatible with rural character;
- **CPP 4.1:** Local governments shall allow for an adequate supply of land use options to provide housing for a wide range of types, densities, and incomes;
- **CPP 6.2:** The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety, or welfare purpose is served by more restrictive regulation.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan: **https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/Docketing%20Memo%20and%20Attachments%20to%20BOCC%20(2)-v2.pdf.**

3. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

Discussion: The proposal to remove a number of commercial uses from the new SF-RR zone will minimize the potential for development impacts to South Fidalgo Island in the form of additional traffic and noise. The proposal to remove the lot coverage limitations for major public uses in the SF-RR zone will permit the Samish Indian Nation to construct a cultural center for their community (**Attachment 6**). The proposal to remove density bonuses for CaRDs without access to public water in the new SF-RR zone will limit some land use options for housing on South Fidalgo Island.

The Department recommends **approval** of a modified version of Option 4 (no restriction to CaRD density bonuses) to the Skagit County Comprehensive Plan Designations and Zoning Districts map.

Public Comment

The proposal will receive at least one public hearing and written comment period before the Planning Commission, consistent with the process for adoption of plans and land use regulations in SCC Chapter 14.08. The Board of County Commissioners must approve the final adoption. Information on how to comment is contained in the Notice of Availability document on the project website at www.skagitcounty.net/2018CPA.

Attachments:

1. Letters to property owners, dated July 30, 2018
   a. OSRSI map amendment
   b. SF-RR map amendment
2. Draft policy, code, and map amendments
3. Letters from the Agricultural Advisory Board
   a. November 27, 2017
   b. April 26, 2018
4. Samish Indian Nation letter, dated June 28, 2018

July 30, 2018

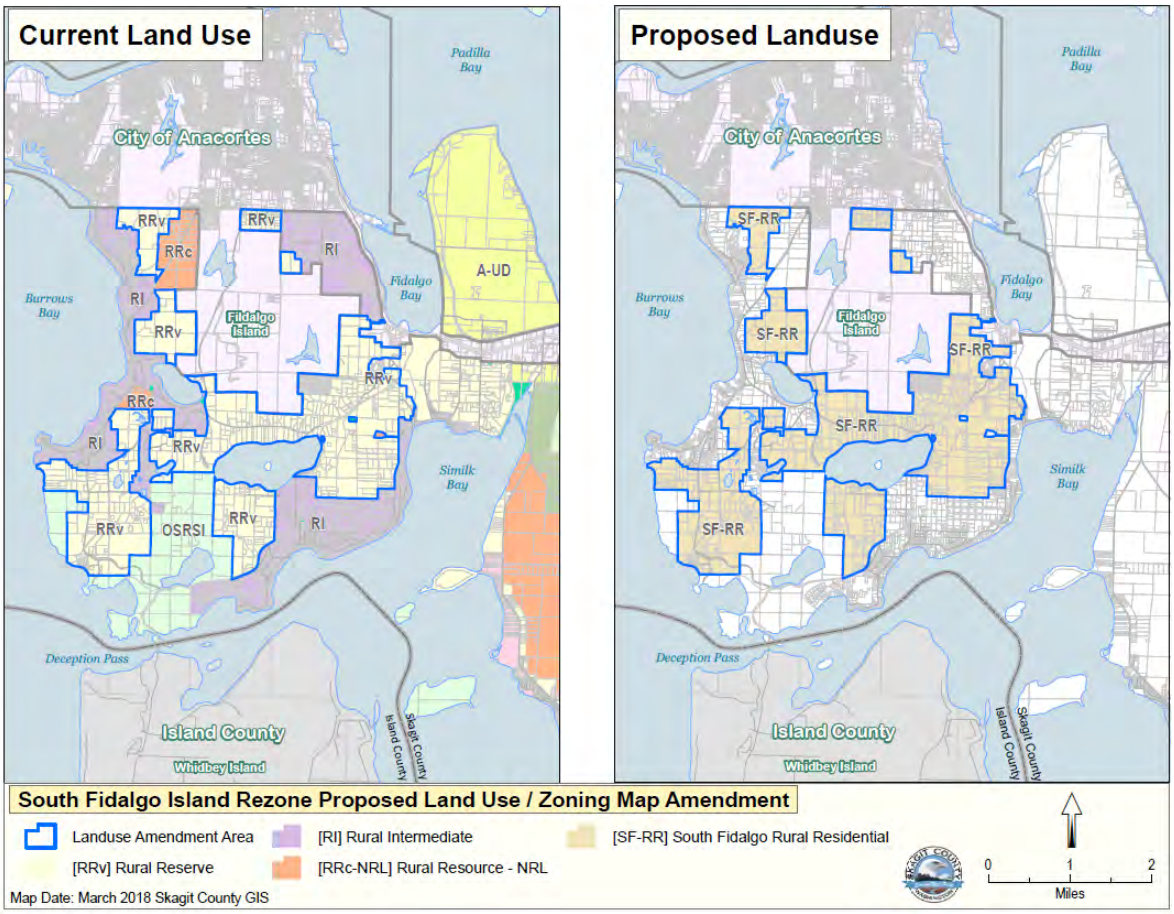
ATTACHMENT 1A

Re: Notice of Proposed Comprehensive Plan, Land Use Map, and Development Code Amendment

Dear Property Owner:

Skagit County Assessor's information indicates you own, or are within 300 feet of, property on South Fidalgo Island zoned Rural Reserve (**Exhibit 1**) that is proposed to be changed to a new zone called South Fidalgo Rural Residential (SF-RR) on the Skagit County Comprehensive Plan Designation and Zoning Districts map.

Exhibit 1: 2018 Docket Item P-12: The South Fidalgo Island Rural Residential Map Amendment



The purpose of the proposed South Fidalgo Rural Residential (SF-RR) zone is to maintain the existing rural character and lifestyles of the island. Skagit County proposes the following code options for the new zone for the Planning Commission's consideration:

- Maintain the same base residential density (1 residence per 10 acres) as Rural Reserve, but no density bonuses for cluster subdivisions will be permitted without connection to public water.

- Many of the non-residential and commercial Special and Hearing Examiner uses allowed in Rural Reserve would not be allowed in the new SF-RR zone. Home-based businesses, agriculture, and agricultural accessory uses would continue to be allowed.

- Pre-existing legally permitted non-residential uses would be allowed to continue. The other zones on South Fidalgo Island (e.g., Rural Intermediate, Rural Business, and Rural Resource) would not be affected.

The proposal was submitted for consideration by residents of South Fidalgo Island pursuant to the 2017 Docket. The Board of County Commissioners deferred the proposal to this year's 2018 Comprehensive Plan Amendment Docket for further consideration by the public and the Planning Commission.

Public Comment

Skagit County is seeking public comment on the proposal. Comments are accepted via email or on paper. All comments must be received by Thursday, August 31, 2018, 4:30 p.m. and include (1) your full name, (2) your mailing address, and (3) the proposal name ("2018 Docket Item P-12: The South Fidalgo Island Rural Residential Map Amendment") in the subject line. Comments not meeting these requirements will not be considered.

Email comments are preferred and must be sent to pdscomments@co.skagit.wa.us. Include your comments in the body of your email message rather than as attachments.

Paper comments must be printed on 8½x11 paper and mailed or delivered to:

> Comments on proposed "2018 Docket Item P-12: The South Fidalgo Island Rural Residential Map Amendment"
> Planning and Development Services
> 1800 Continental Place, Mount Vernon WA 98273

You may also comment in person at the public hearing on Tuesday, August 21, 2018, 6 p.m. at the Commissioners Hearing Room, 1800 Continental Place, Mount Vernon. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

The proposal will receive at least one public hearing and written comment period before the Planning Commission per the process for adopting land use regulations in SCC Chapter 14.08. The Board of County Commissioners must approve any final action.

For More Information

The complete draft code, policy amendments, and maps can be viewed on the Annual Comprehensive Plan Amendments 2018 Docket website at www.skagitcounty.net/2018CPA.

ATTACHMENT 1B

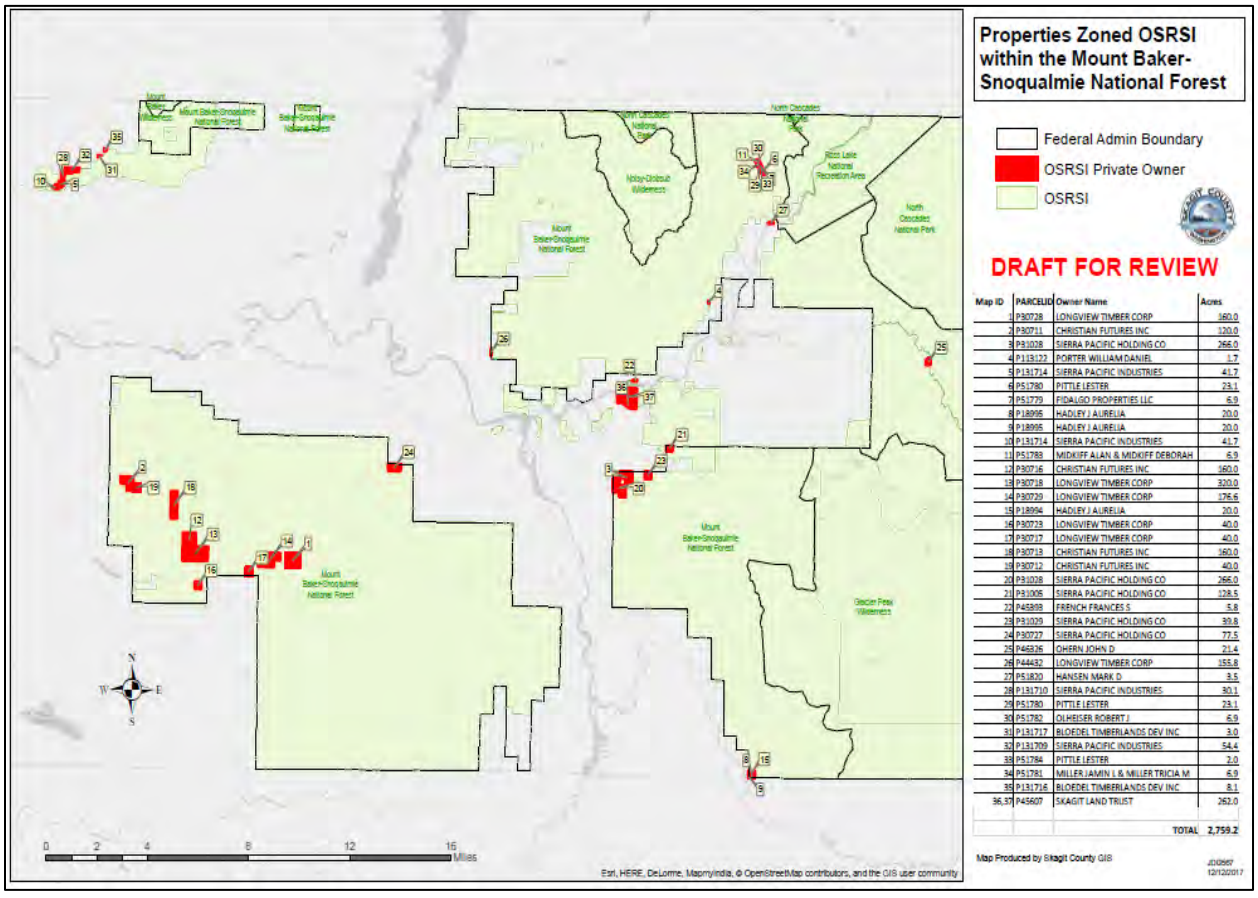
July 30, 2018

Re: Notice of Proposed Comprehensive Plan and Land Use Map Amendment

Dear Property Owner:

Skagit County Assessor's information indicates you own, or are within 300 feet of, property that is proposed to be changed from the Public Open Space of Regional or Statewide Importance (OSRSI) zone to the Industrial Forest – Natural Resource Land (IF-NRL) zone (**Exhibit 1**). The Department proposes to amend the zoning designation of approximately 2,759 acres in or adjacent to the Mt. Baker – Snoqualmie National Forest.

Exhibit 1: 2018 Docket Item C-19: The OSRSI Map Amendment



Map ID	PARCELID	Owner Name	Acres
1	P30728	LONGVIEW TIMBER CORP	160.0
2	P30711	CHRISTIAN FUTURES INC	120.0
3	P31028	SIERRA PACIFIC HOLDING CO	266.0
4	P113122	PORTER WILLIAM DANIEL	1.7
5	P131714	SIERRA PACIFIC INDUSTRIES	41.7
6	P51780	PITTLE LESTER	23.1
7	P51779	FIDALGO PROPERTIES LLC	6.9
8	P18995	HADLEY J AURELIA	20.0
9	P18995	HADLEY J AURELIA	20.0
10	P131714	SIERRA PACIFIC INDUSTRIES	41.7
11	P51788	MIDKIFF ALAN & MIDKIFF DEBORAH	6.9
12	P30716	CHRISTIAN FUTURES INC	160.0
13	P30718	LONGVIEW TIMBER CORP	320.0
14	P30729	LONGVIEW TIMBER CORP	176.6
15	P18994	HADLEY J AURELIA	20.0
16	P30723	LONGVIEW TIMBER CORP	40.0
17	P30717	LONGVIEW TIMBER CORP	40.0
18	P30713	CHRISTIAN FUTURES INC	160.0
19	P30712	CHRISTIAN FUTURES INC	40.0
20	P31028	SIERRA PACIFIC HOLDING CO	266.0
21	P31005	SIERRA PACIFIC HOLDING CO	128.5
22	P45898	FRENCH FRANCES S	5.8
23	P31029	SIERRA PACIFIC HOLDING CO	39.8
24	P30727	SIERRA PACIFIC HOLDING CO	77.5
25	P46826	OHERN JOHN D	21.4
26	P44432	LONGVIEW TIMBER CORP	155.8
27	P51820	HANSEN MARK D	3.5
28	P131710	SIERRA PACIFIC INDUSTRIES	30.1
29	P51780	PITTLE LESTER	23.1
30	P51782	OLHEISER ROBERT J	6.9
31	P131717	BLOEDEL TIMBERLANDS DEV INC	3.0
32	P131709	SIERRA PACIFIC INDUSTRIES	54.4
33	P51784	PITTLE LESTER	2.0
34	P51781	MILLER JAMIN L & MILLER TRICIA M	6.9
35	P131716	BLOEDEL TIMBERLANDS DEV INC	8.1
36,37	P45607	SKAGIT LAND TRUST	262.0
		TOTAL	2,759.2

Skagit County Code (SCC) 14.16.500 states that the purpose of the OSRSI zone is for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic amenities, or for the protection of environmentally sensitive areas. The parcels proposed for this re-designation are currently in private ownership. The effect of the re-designation would be to permit natural resource extraction activities on these privately-held parcels, including timber management. Some of the parcels would also be eligible for the Mineral Resource Overlay (MRO) at the request of the property owners.

Public Comment

Skagit County is seeking public comment on the proposal. Comments are accepted via email or on paper. All comments must be received by Thursday, August 31, 2018, 4:30 p.m. and include (1) your full name, (2) your mailing address, and (3) the proposal name ("2018 Docket Item C-19: The OSRSI Map Amendment") in the subject line. Comments not meeting these requirements will not be considered.

Email comments are preferred and must be sent to pdscomments@co.skagit.wa.us. Include your comments in the body of your email message rather than as attachments.

Paper comments must be printed on 8½x11 paper and mailed or delivered to:

> Comments on proposed "2018 Docket Item C-19: The OSRSI Map Amendment"
> Planning and Development Services
> 1800 Continental Place, Mount Vernon WA 98273

You may also comment in person at the public hearing on Tuesday, August 21, 2018, 6 p.m. at the Commissioners Hearing Room, 1800 Continental Place, Mount Vernon. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

The proposal will receive at least one public hearing and written comment period before the Planning Commission per the process for adopting land use regulations in SCC Chapter 14.08. The Board of County Commissioners must approve any final action.

For More Information

The complete draft code, policy amendments, and maps can be viewed on the Annual Comprehensive Plan Amendments 2018 Docket website at www.skagitcounty.net/2018CPA.

ATTACHMENT 2

Plain text = existing code with no changes
~~Strikethrough~~ = existing code to be deleted
Underlined = new code to be added
~~Double Strikethrough~~ = existing code moved to another location
Double Underline = existing code moved from another location
Italics = instructions to code reviser

C-1: Modify Comprehensive Plan Policy 4A-5.6

Chapter 4: Natural Resource Element

Agricultural Resource Lands

Minimize Land Use Conflicts

Policy 4A-5.6 **Drainage Plans.** Minimize and mitigate flooding and drainage impacts on agricultural lands. Skagit County will collaborate with the Drainage Districts on plans and policies, which will include incorporating the Drainage District's capacities, levels of service (LOS), and projected needs into the Skagit County Capital Facilities Plan.

C-2: Remove Extraneous Language for Home Based Businesses

SCC 14.16.730 Home-based businesses.

(1) There are three types of home-based businesses. ~~Home-Based Business 2 and 3 require a special use permit, and are discussed in SCC 14.16.900.~~ Uses specifically identified in this Chapter are allowed in the zoning districts for which they are designated and are not eligible for consideration as a home-based business in any other zone.

(2) (-4) *No change*.

C-4: Storage of Articles or Vehicles in Setbacks and Right-of-Way

SCC 14.16.850 General provisions.

(1 through 4) *No change*.

~~(5) Storage of Articles or Vehicles in Setbacks and Rights-of-Way.~~

~~(a) In no zoning district shall any portion of articles or vehicles be permitted to be stored in public rights-of-way.~~

~~(b) All vehicles placed in setbacks shall be currently licensed and registered.~~

(6 through 8) *No change*.

SCC 14.16.945 Prohibited uses.

(1) *No change.*

(2) *No change.*

(3) *No change.*

(4) Storage in Setbacks and Rights-of-Way.

(a) In no zoning district shall any portion of articles or vehicles be permitted to be stored in public rights of way.

(b) All vehicles placed in setbacks shall be currently licensed and registered.

C-5: Admin Official Final Determination of Height in the AEO

SCC 14.16.210 Airport Environs Overlay (AEO).

(1) *No change.*

(2) *No change.*

(3) Compatibility Requirements.

(a) *No change.*

(b) *No change.*

(c) *No change.*

(d) Height.

(i) Background. *No change.*

(ii) Requirements.

(A) Development may not impede the imaginary plane defined by Section 77.25 of Federal Aviation Regulations and generally shown as contours on the AEO Building Heights Restriction Contours Map. The Administrative Official may make a final determination regarding the applicability of the building height restriction plane.

(B) Development that impedes the contours shown on the AEO FAA Aeronautical Review Map must submit a Notice of Proposed Construction or Alteration (FAA Form 7460-1 or its successor) to the FAA at least 45 days before the proposed start date of the proposed construction or alteration.

(4) *No change.*

(5) *No change.*

SCC 14.18.310 General approval provisions—CaRD.

(1) – (8) *No change.*

(9) Additional Design Requirements Applicable to All CaRDs.

(a) Building lots shall not be located in critical areas and their buffers designated pursuant to Chapter 14.24 SCC.

(b) In the Airport Environs Overlay, building lots shall not be located within Airport Compatibility Zone 2.

(c) – (d) *No change, renumbered.*

C-6: Delete Language in SCC 14.16 Regarding Property Value Impacts from Wireless Facilities

SCC 14.16.720 Personal wireless services facilities.

(1) Through (8) *No change*.

(9) Site Selection Criteria

(a and b) *No change*.

(c) ~~Personal wireless service facilities shall be located and designed to minimize adverse impact or residential property values.~~ Facilities shall be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

(10 through 20) *No change*.

C-7: Delete Language in SCC 14.16 Regarding Special Uses Complying with the Comprehensive Plan

SCC 14.16.900 Special use permit requirements.

(1) Special use permit requirements.

(a through v) No change.

(v) *No change*.

(A) The proposed use will be compatible with existing and planned land use ~~and comply with the Comprehensive Plan.~~

C-8: Delete the Definition for Unclassified Use

SCC 14.04.020 Definitions.

The following definitions are amended or deleted:

Discretionary development permits: development permit applications requiring discretionary review, including, but not limited to, subdivision permits, special use permits, ~~unclassified use permits~~variances, and shoreline substantial development/conditional use/variance permits.

Essential public facilities: those facilities that are typically difficult to site, such as airports, State education facilities and State or regional transportation facilities as defined in RCW 47.06.140, State and local correctional facilities, solid waste handling facilities, and inpatient facilities, including substance abuse facilities, mental health facilities, and group homes.

Public uses: government or quasi-government owned and operated facilities which are not ~~unclassified use~~ or utilities, including, but not limited to, primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, and courts.

~~Unclassified Use: major regional facilities with potentially significant built and natural environmental impacts on the surrounding area. Unclassified uses are typically major facilities with a presence which may impact or alter the character of the community. Unless specifically allowed as permitted, special, or accessory use, unclassified uses include the uses identified in SCC 14.16.600(2).~~

Utility development: includes, but is not limited to, facilities and services that generate, transport, process, or store water, sewage, solid waste, electrical energy, communications and pipelines for fuel, oil, natural gas, and petroleum products. A utility development is 1 of the following types:

(1) Minor utility development: an unmanned utility development designed to serve a small local community that would be considered a normal utility service for the area.

(2) Major utility development: a utility development that ~~does~~ is not ~~meet the definition of~~ a minor utility development or a major regional utility development.

(3) Major regional utility development: a utility development that is designed to serve a region. ~~designated as an unclassified use~~. ~~Unless allowed as a permitted, accessory, or special use a major regional utility development require unclassified use permits.~~

C-10: Delete Delay of Issuance of Permits in the AEO

SCC 14.16.210 Airport Environs Overlay.

(1) *No change*.

(2) *No change.*

(3) *No change*.

(4) Port of Skagit Review. The Department shall provide an opportunity for the Port of Skagit to review and comment for any ~~development~~application for a commercial building permit, land division, special use permit, or variance through SEPA or other public comment process. ~~The Department must wait at least 10 days for the Port's comments before approving the~~

~~application.~~ This subsection gives no authority to the Port of Skagit to require changes to the application.

(5) *No change.*

C-13: Modify Short Plat Alterations to be Level I Decisions

SCC 14.18.200 Final subdivisions.

(1) – (7) *No change*.

(8) Alterations of Final Subdivisions.

(a) *No change.*

(b) *No change.*

(c) An application for an alteration of an approved final short subdivision shall be processed as a Level I permit. An application for an alteration of an approved final subdivision shall be processed as a Level III-HE permit. The application may be approved if the proposed alteration is consistent with the requirements of the SCC.

(d) *No change.*

(e) *No change.*

(9) *No change.*

C-15: Add In-Patient Facilities Locations to Essential Public Facilities Table

SCC 14.16.600 Essential Public Facilities

(1) *No change.*

(2) When Allowed. An essential public facility (EPF) may be permitted in the following zones. Inclusion in the table does not presume that a specific use in a given location will be determined to be appropriate. In the table, R means a regional EPF is allowed in the zone; L means a local EPF is allowed in the zone.

Type of Use	AVR	BR-LI	BR-HI	HI	IF-NRL	RFS	RVR	RRc-NRL	RRv	RI	SF-NRL
Airports	R		R								
State educational facility								R, L	R, L		R, L
State or regional transportation facility as defined in RCW 47.06.140		R, L	R, L					R, L	R, L		R, L
Regional transit authority facility as defined in RCW 81.112.020											
State/regional or local correctional facility								R, L	R, L		R, L

Type of Use	AVR	BR-LI	BR-HI	HI	IF-NRL	RFS	RVR	RRc-NRL	RRv	RI	SF-NRL
Solid waste handling facility		R, L	R, L	R, L				R, L			R, L
In-patient substance abuse, mental health, or secure community transition facility						R,L			R, L		
Power generation facility			R, L		R, L			R, L			R, L
Oil and gas extraction					R, L			R, L			R, L
Regional wastewater treatment facilities			R, L					R, L	R, L		R, L
Regional racetracks		R, L	R, L						R, L		
Fairgrounds									R, L		
Stadiums/arenas		R, L	R, L					R, L	R, L		
Hospitals		R, L							R, L	R, L	
Regional performing center		R					R		R	R	

(3) – (7) *No change.*

C-16: Add Primitive Campground to Rural Reserve

SCC 14.16.320 Rural Reserve (RRv)

(1) *No change*.

(2) *No change.*

(3) Administrative Special Uses.

(a) *No change.*

(b) *No change.*

(c) Campground, primitive.

(d) – (m) *No change, renumbered.*

(4) – (6) *No change.*

C-17: Remove Reference to Building Code in Setback Easements

SCC 14.16.810 Setback requirements.

(1 through 4) *No change*.

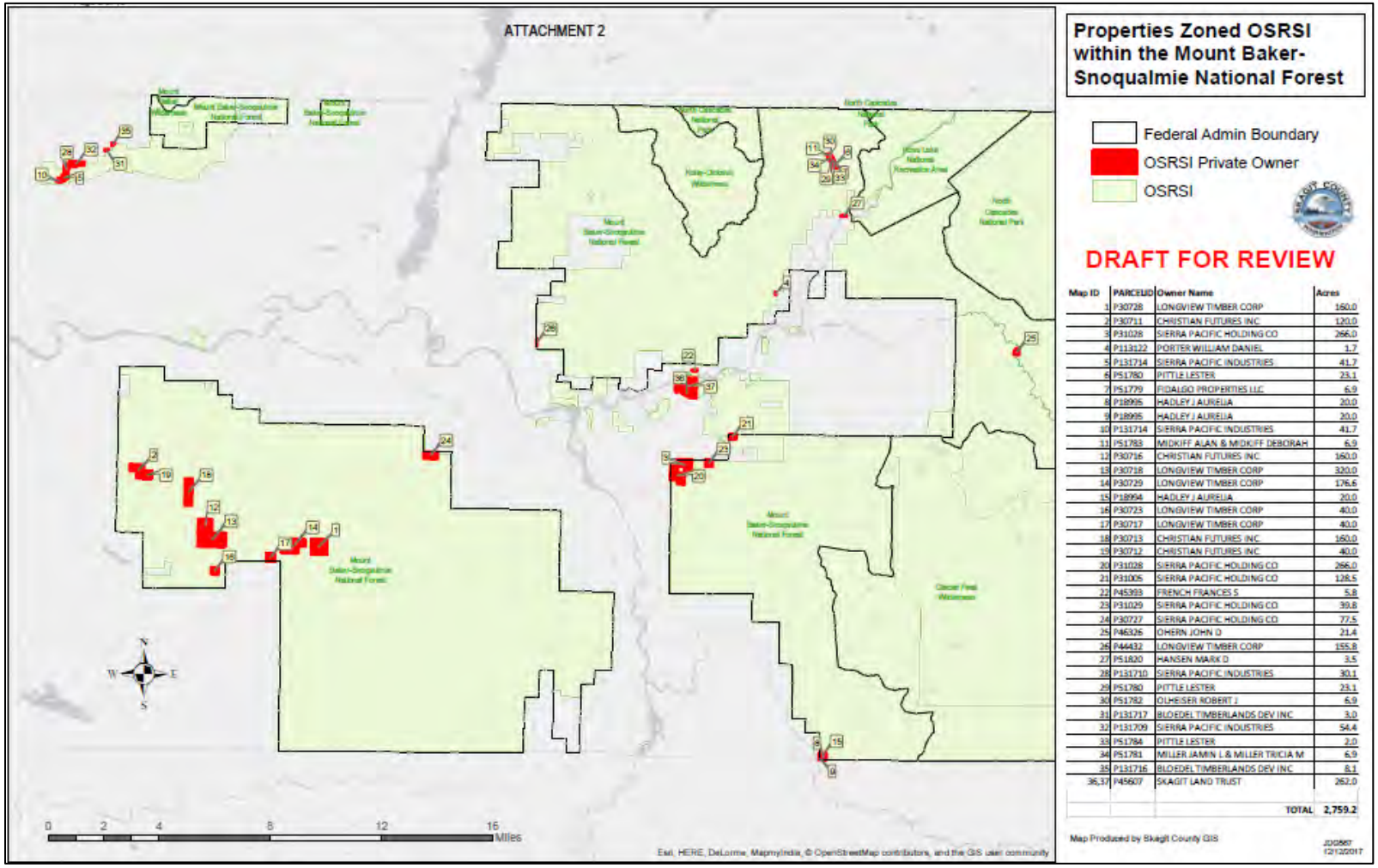
(5) Side and Rear Yard Easements. In lieu of normal side or rear yard setback standards required in each zoning district, and as an alternative to obtaining a setback variance, a landowner may seek an easement from the affected adjoining property owner(s). The provisions of this Subsection provide greater flexibility to the property owner for the placement of a residence and/or accessory buildings, agricultural, commercial or industrial structures. Minimum building separation must be maintained~~, e.g., 16 feet in a residential zoning.~~ ~~classification and as otherwise required by the IBC.~~ In order to construct a structure within the normal side or rear yard setback area, an easement document must be obtained from the adjacent property owner. The easement must be recorded with the Skagit County Auditor's Office and filed with the building permit application. The easement document must contain:

C-19: OSRSI Mt. Baker – Snoqualmie National Forest Map Amendment

OPTION 1: (**No action alternative**): The Land Use / Zoning map would remain the same.

OPTION 2: (**Planning Commission alternative**): The Planning Commission may direct the Department to consider other alternatives and conduct additional research.

OPTION 3: (County-initiated alternative): The Land Use / Zoning map would be amended to modify the land use / zoning of thirty seven parcels currently designated OSRSI to IF-NRL:



Map ID	PARCELID	Owner Name	Acres
1	P30728	LONGVIEW TIMBER CORP	160.0
2	P30711	CHRISTIAN FUTURES INC	120.0
3	P31028	SIERRA PACIFIC HOLDING CO	266.0
4	P113122	PORTER WILLIAM DANIEL	1.7
5	P131714	SIERRA PACIFIC INDUSTRIES	41.7
6	P51780	PITTLE LESTER	23.1
7	P51779	FIDALGO PROPERTIES LLC	6.9
8	P18905	HADLEY J AURELIA	20.0
9	P18905	HADLEY J AURELIA	20.0
10	P131714	SIERRA PACIFIC INDUSTRIES	41.7
11	P51783	MIDKIFF ALAN & MIDKIFF DEBORAH	6.9
12	P30716	CHRISTIAN FUTURES INC	160.0
13	P30718	LONGVIEW TIMBER CORP	320.0
14	P30729	LONGVIEW TIMBER CORP	176.6
15	P18904	HADLEY J AURELIA	20.0
16	P30723	LONGVIEW TIMBER CORP	40.0
17	P30717	LONGVIEW TIMBER CORP	40.0
18	P30713	CHRISTIAN FUTURES INC	160.0
19	P30712	CHRISTIAN FUTURES INC	40.0
20	P31028	SIERRA PACIFIC HOLDING CO	266.0
21	P31005	SIERRA PACIFIC HOLDING CO	126.5
22	P45393	FRENCH FRANCES S	5.8
23	P31029	SIERRA PACIFIC HOLDING CO	39.8
24	P30727	SIERRA PACIFIC HOLDING CO	77.5
25	P46326	OHERN JOHN D	21.4
26	P44432	LONGVIEW TIMBER CORP	155.8
27	P51820	HANSEN MARK D	3.5
28	P131710	SIERRA PACIFIC INDUSTRIES	30.1
29	P51780	PITTLE LESTER	23.1
30	P51782	OLHEISER ROBERT J	6.9
31	P131717	BLOEDEL TIMBERLANDS DEV INC	3.0
32	P131709	SIERRA PACIFIC INDUSTRIES	54.4
33	P51784	PITTLE LESTER	2.0
34	P51781	MILLER JAMIN L & MILLER TRICIA M	6.9
35	P131716	BLOEDEL TIMBERLANDS DEV INC	8.1
36,37	P45607	SKAGIT LAND TRUST	262.0
		TOTAL	2,759.2

PL17-0414: Quaker Cove Ministries

Although the applicant originally submitted their proposal as a Comprehensive Plan map amendment from Rural Intermediate to Small-scale Recreation and Tourism, the applicant has since withdrawn that proposal in favor of the staff-drafted code amendment proposal below.

AMENDED JULY 31, 2018: ADMINISTRATIVE SPECIAL USES REQUIRE PUBLIC NOTIFICATION AND A COMMENT PERIOD.

OPTION 1: (**No action alternative**): The development code language would remain the same.

OPTION 2: (**Planning Commission alternative**): The Planning Commission may direct the Department to consider other alternatives and conduct additional research.

OPTION 3: (Citizen-initiated alternative): The development code would be amended as follows per the Petitioner's request.

SCC 14.16.300 Rural Intermediate

(1) *No change.*

(2) *No change.*

(3) Administrative Special Uses.

(a) *No change.*

(b) Institutional camps/retreats that existed prior to or on July 1, 1990, including cabins that may accommodate up to but not to exceed 250 beds and 10 RV sites, and common use facilities (e.g., dining, recreation) necessary to support the use, within the boundaries of the use that existed on July 1, 1990.

(c) Through (i) *Renumbered.*

(4) *No change.*

(5) *No change.*

(6) *No change.*

(7) *No change.*

P-2: Samish Bay Cheese – Permit Restaurants as an Agricultural Accessory Use.

OPTION 1: (**No action alternative**): The development code language would remain the same.

OPTION 2: (**Planning Commission alternative**): The Planning Commission may direct the Department to consider other alternatives and conduct additional research.

OPTION 3: (**Long Range planning alternative**): The County would initiate a Long Range Work Program item to address all forms of agritourism / vertical integration (including but not limited to restaurants, temporary events, tasting rooms, and wedding venues) in the Comprehensive Plan and the development code.

OPTION 4: (**Citizen-initiated alternative**): The development code would be amended as follows per the Petitioner's request.

SCC 14.04.020 Definitions

The following definition is modified:

Agricultural accessory use: an agricultural accessory use shall predominantly serve the principal use of the farm, but may also serve other farms. It shall be considered accessory to an agricultural use if it is located on either the same lot or other lots that collectively or in singular comprise a principal use of a corporate farm or farm held or leased by a farm manager or his immediate family. An accessory use to an agricultural use, including, but not limited to, the following:

(1 through 6) *No change.*

(7) Activities associated with tourism which promote local agriculture; provided, that adequate parking and specified ingress and egress are designated and permitted.

(a) Limited food service which is dependent on and subordinate or incidental to the principal use of the farm and with foods predominately produced on the farm. Restaurants or food service at farm stores shall not exceed 20 seated guests. At no time shall the construction and / or operation be allowed to convert farmland or impact agricultural drainage infrastructure.

OPTION 5: (**Department Alternative**): PDS proposes the following modifications to Skagit County Code to permit restaurants in the Agricultural – NRL zoning designation:

SCC 14.040.020: Definitions.

Food Services. Establishments that prepare meals, snacks, and beverages for immediate consumption.

Restaurant. Establishment that provides food service to patrons who order and are served while seated and pay after eating. This service may be provided in combination with selling alcoholic beverages, providing takeout service, or presenting live nontheatrical entertainment.

SCC 14.16.400: Agricultural – Natural Resource Lands (Ag-NRL).

(n) Restaurants, subject to the restrictions in SCC 14.16.900(2)(k), provided the use is accessory to an actively managed, ongoing agricultural operation.

SCC 14.16.900: Special use permit requirements.

(2) Special Uses with Specific Criteria.

(k) Restaurant special use permits authorized pursuant to SCC 14.16.400(3)(n) are subject to the following requirements. Conversion of agricultural land must be minimized to the greatest extent possible:

(i) One per lot of record.

(ii) They are owner-occupied and managed by the principal owner of the property.

(iii) Parking is on-site and a minimum of ten feet away from neighboring residences.

(iv) All lighting is directed away from neighboring residences.

(v) The restaurant (including indoor/outdoor dining areas, kitchen, and office/employee areas) must be installed in an existing structure on site. Additions are permitted if they do not convert farmland. The restaurant may not exceed a Group "B" Occupancy as defined by the International Building Code *{Authors Note: Occupancy rating at a Group B will permit up to 49 guests: 15 sq ft / guests).*

(v) Drive-throughs are prohibited.

(vi) Parking lots must be gravel.

P-12: South Fidalgo Rural Residential Comprehensive Plan, Land Use Map, and Code Amendment

OPTION 1: (**No action alternative**): The Comprehensive Plan, Land Use / Zoning map, and development code would remain the same.

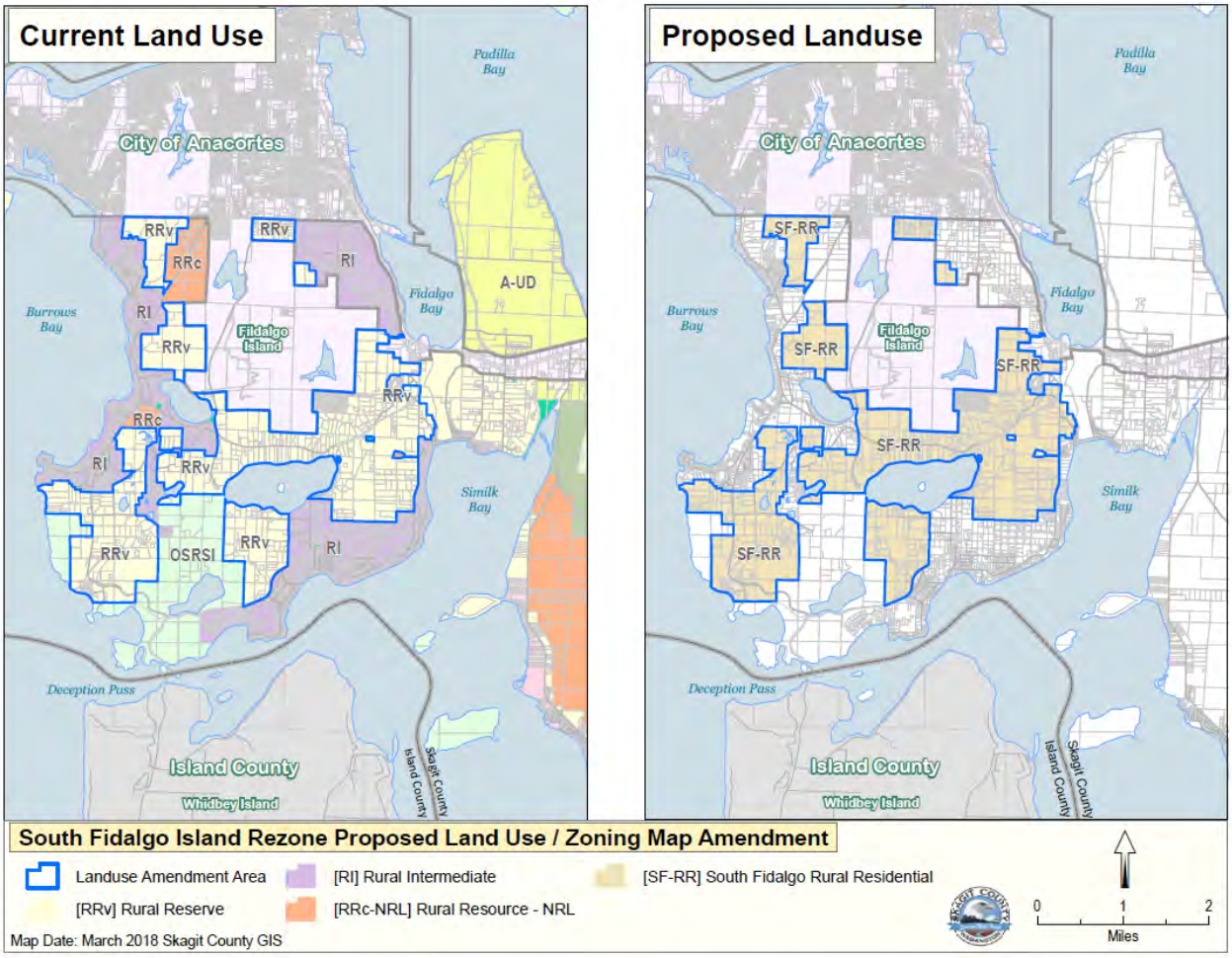
OPTION 2: (**Planning Commission alternative**): The Planning Commission may direct the Department to consider other alternatives and conduct additional research.

OPTION 3: (Deferred alternative): The Comprehensive Plan, Land Use / Zoning map, and development code would be amended per the Department's recommendation last year (https://skagitcounty.net/PlanningAndPermit/Documents/2017CPAdocket/30%20Policy%20Code%20Rezone%20Proposal.pdf) and include the changes requested by the BOCC per Ordinance #O20170006.

OPTION 4: (**Development code alternative**): The Comprehensive Plan and Land Use / Zoning map would be amended per Option 3, with additional options to include or exclude the following:

- Proposal to restrict density bonuses for CaRDs, except where public water is available;
- Proposal to remove the lot coverage limitations for Major Public Uses; and
- Proposal to remove the following Special and Hearing Examiner uses from the SF-RR:

Anaerobic Digesters
Animal clinic hospitals
Animal Preserves
Campgrounds, developed
Cemeteries
Display Gardens
Fish Hatcheries
Golf Courses
Kennels (boarding, day use, and limited)
Manure lagoons
Off-road vehicle use areas and trails
Outdoor storage of hazardous materials
Racetrack, recreational
Wholesale nurseries / greenhouses
Seasonal worker housing
Temporary asphalt / concrete batching



Comprehensive Plan Chapter 3: Rural Element

Rural Growth and Development

Table 1: Land Use Designations and Acreage (Source: Skagit County Mapping Services)

Land Use Designations	Acreage
Rural Lands	
Rural Village Residential (RV)	2,791
Rural Intermediate (RI)	8,035
Rural Reserve (RRv)	64,942
South Fidalgo Rural Residential (SF-RR)	4,036
Subtotal	81,204
Commercial/Industrial Lands	
Rural Business (RB)	186

Rural Freeway Service (RFS)	29
Rural Village Commercial (RVC)	20
Natural Resource Industrial (NRI)	239
Small-Scale Recreation & Tourism (SRT)	16
Rural Center (RC)	19
Rural Marine Industrial (RMI)	50
Small-Scale Business (SSB)	31
Master Planned Resort	113
Subtotal	703

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The residential land use designations in the Rural Area are:

- Rural Intermediate (RI)
- Rural Village Residential (RVR)
- Rural Reserve (RRv)
- South Fidalgo Rural Residential (SF-RR)

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In contrast to Rural Village Residential and Rural Intermediate, the Rural Reserve designation covers those portions of the rural area that were not already developed at higher densities in 1990. The Growth Management Hearings Boards have generally said that rural area densities must be one residence per five acres or lower – equating to lot sizes of five acres or larger – unless the area is designated a LAMIRD. Land designated Rural Reserve may be developed at one residence per 10 acres, or two residences per 10 acres through a Conservation and Reserve Development (CaRD), a technique for allowing development while preserving open space that is discussed in greater detail in the Land Use Chapter. The South Fidalgo Rural Residential designation applies to all rural lands on Fidalgo Island, generally west of Sharpe's Corner, that were formerly designated Rural Reserve until the creation of the South Fidalgo Rural Residential designation and zone in 2018. South Fidalgo Rural Residential has the same base density as Rural Reserve—1 residence per 10 acres in standard land divisions—but allows many fewer special uses than Rural Reserve. The designation was established at the request of Fidalgo Island residents to maintain larger rural residential lots, protect the island's rural character and aquifer, and limit increases in traffic congestion. Island residents raised these issues during the South Fidalgo Island subarea planning process but no plan was ever adopted.

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Rural Residential Designations

Rural Reserve, Rural Intermediate, South Fidalgo Rural Residential, and Rural Village Residential are the main residential land use designations in the Rural area. There is also

a Bayview Ridge-Urban Reserve (BV-URv) designation adjacent to the Bayview Ridge Urban Growth Area to allow expansion of the Urban Growth Area in the future if necessary. All lands designated Rural Intermediate and Rural Village Residential are considered to be part of a Limited Area of More Intensive Rural Development (LAMIRD) as described in policy 3B-1.2 and as authorized by RCW 36.70A.070(5)(d)(i). These designations reflect areas that were generally already developed or platted at land use densities of 1 residence (or "dwelling unit") per 2.5 acres, or greater, when the Growth Management Act was implemented in 1990. The Rural Reserve designation identifies portions of the Rural area that were not already developed at these higher densities. The Rural designation and density criteria follow.

Goal 3C Provide for a variety of rural residential land use densities while retaining the rural landscape, character, and lifestyles.

policy 3C-1.1 Rural Reserve (RRv). The Rural Reserve designation applies to all rural areas outside of the following designations: Natural Resource Lands, Rural Intermediate, Rural Village, South Fidalgo Rural Residential, any of the various Rural commercial/industrial designations, Open Space of Statewide/Regional Significance, or Urban Growth Area. The maximum allowed residential gross density is 1 residence per 5 acres in conservation and reserve development (CaRD) land divisions, and 1 residence per 10 acres in standard land divisions.

policy 3C-1.5 South Fidalgo Rural Residential (SF-RR). The South Fidalgo Rural Residential designation applies to rural lands on Fidalgo Island, generally west of Sharpe's Corner, that were formerly designated Rural Reserve until the creation of the South Fidalgo Rural Residential designation and zone. South Fidalgo Rural Residential has the same base density as Rural Reserve—1 residence per 10 acres in standard land divisions—but allows many fewer special uses than Rural Reserve.

New Section **SCC 14.16.390 South Fidalgo Rural Residential**

(1) Purpose. The purpose of the South Fidalgo Rural Residential district is to allow low-density residential development on South Fidalgo Island outside of designated resource lands, Rural Intermediate, and urban growth areas, helping to protect the island's rural character and aquifer. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and very limited employment and service opportunities for rural residents.

(2) Permitted Uses.

(a) Agriculture.

(b) Agricultural accessory uses.

(c) Agricultural processing facilities.

(d) Co-housing, as part of a CaRD, subject to SCC 14.18.300 through 14.18.330.

(e) Cultivation, harvest and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974, and any regulations adopted pursuant thereto.

(f) Detached single-family dwelling units.

(g) Family day care provider.

(h) Home-Based Business 1.

(i) Residential accessory uses.

(j) Seasonal roadside stands under 300 square feet.

(k) Maintenance, drainage.

(l) Net metering system, solar.

(m) Repair, replacement and maintenance of water lines with an inside diameter of 8 inches or less.

(n) Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.

(3) Administrative Special Uses.

(a) Bed and breakfast, subject to SCC 14.16.900(2)(c).

(b) Expansion of existing major public uses up to 3,000 square feet.

(c) Home-Based Business 2.

(d) Minor public uses.

(e) Minor utility developments.

(f) Parks, specialized recreational facility.

(g) Temporary manufactured home.

(h) Temporary events.

(i) Trails and primary and secondary trailheads.

(4) Hearing Examiner Special Uses.

(a) Aircraft landing field, private.

(b) Church.

(c) Community club/grange hall.

(d) Historic sites open to the public.

(e) Home-Based Business 3.

(f) Impoundments greater than 1-acre feet in volume.

(g) Major public uses and expansions of existing major public uses, 3,000 square feet and greater.

(h) Major utility developments.

(i) Natural resources training/research facility.

(j) Outdoor recreational facilities.

(k) Parks, community.

(l) Personal wireless services towers, subject to SCC 14.16.720.

(m) Seasonal roadside stands over 300 square feet.

(n) Stables and riding clubs.

(5) Dimensional Standards.

(a) Setbacks, Primary Structure.

(i) Front: 35 feet, 25 feet on minor access and dead-end streets.

(ii) Side: 8 feet on an interior lot.

(iii) Rear: 25 feet.

(b) Setbacks, Accessory Structure.

(i) Front: 35 feet.

(ii) Side: 8 feet, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line, 20 feet from the street right-of-way.

(iii) Rear: 25 feet, a 3-foot setback is permitted for nonresidential structures when the accessory building is a minimum of 75 feet from the front property line or when there is an alley along the rear property line.

(c) Setbacks from NRL lands shall be provided per SCC 14.16.810(7).

(d) Maximum height: 40 feet.

(i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers, and fire towers are exempt. The height of personal wireless services towers is regulated in SCC 14.16.720.

(e) Minimum lot size: 10 acres or 1/64th of a section, unless created through a CaRD.

(f) Minimum lot width: 150 feet.

(g) Maximum lot coverage:

(i) For agricultural accessory uses and agricultural processing uses: 35 percent;

(ii) For major public uses there is no lot coverage limit; and

(iii) For all other uses: 5,000 square feet or 20 percent, whichever is greater, but not to exceed 25,000 square feet.

(6) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code.

14.18 Conservation and Reserve Developments (CaRDs)—An alternative division of land.

No change.

(1) Purpose. *No change.*

(2) Applicability.

(a) *No change.*

(b) *No change.*

(c) CaRDs are permitted in the following zones:

(i) – (x) *No change.*

(xi) South Fidalgo Rural Residential (on parcels 10 acres or 1/64 section, or greater, with 1 lot allowed for each additional 5 acres or 1/128 section).

(d) *No change.*

(3) *No change.*

(4) *No change.*

14.18.310 General approval provisions—CaRD.

(1) *No change.*

(2) Allowable Density. The maximum residential gross densities shall not exceed those set forth in the following lot size table. The maximum density as allowed for by the Comprehensive Plan may not necessarily be granted if a density limitation is necessary to meet septic and/or water system requirements. There shall be no density bonus for CaRD developments in the SF-RR zone on Fidalgo Island, or in areas designated as a "sole source aquifer," except where the source of water is from a public water system whose source is outside the designated area. For CaRD density bonus developments in flow-sensitive basins refer to SCC 14.24.350.

Zone	**Maximum Residential Densities with a CaRD***	**Open Space Options**
Rural Intermediate	1/2.5 acres or 1 per 1/256 of a section	All, where appropriate
Rural Village Residential	1/1 acre or 1 per 1/640 of a section with public water and septic or 1/2.5 acres or 1/256 of a section with private water and septic	All, where appropriate
Rural Reserve	2/10 acres or 2 per 1/64 of a section	All, where appropriate
Agricultural—Natural Resource Lands	1/40 acres or 1 per 1/16 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
Industrial—Natural Resource Lands	1/80 acres or 1 per 1/8 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
Secondary Forest—Natural Resource Lands	1/20 acres or 1 per 1/32 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))
Rural Resource—Natural Resource Lands	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-NRL Os-RSV (per Subsection (6))

Hamilton Residential	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-UR, Os-RO, Os-RSV
Hamilton Urban Reserve	4/40 acres or 4 per 1/16 of a section	Os-PA, Os-UR, Os-RO, Os-RSV
South Fidalgo Rural Residential	2/10 acres or 2 per 1/64 of a section	All, where appropriate
	*Exception: Maximum residential densities for lands in or within one-quarter mile of a designated Mineral Resource Overlay (MRO) shall be no greater than 1/10 acres; provided, that if the underlying land use designation density of land within one-quarter mile of MRO lands is greater than 1/10 acres, the development rights associated with that density may be transferred to and clustered on that portion of the property located outside of one-quarter mile for the MRO lands, consistent with the CaRD policies in the Comprehensive Plan.	

(3) – (9) *No change.*

ATTACHMENT 3a

SKAGIT COUNTY AGRICULTURAL ADVISORY BOARD
1800 Continental Place
Mount Vernon, WA 98273
Phone (360) 336-3303
Fax (360) 336-9478

November 27, 2017

Skagit County Board of Commissioners
1800 Continental Place
Mount Vernon, WA 98273

RE: Proposed 2018 Comprehensive Plan Amendments

Dear Commissioners,

Regarding PL17-0414; the Agricultural Advisory Board does not support this item due to inadequate drainage planning. The proposal does not take into consideration that the increased hard surface area will have a significant increase in stormwater runoff into an existing system that is barely adequate. This will negatively impact thousands of acres of prime farm land.

Regarding P-2; AAB does not support a restaurant in Ag-NRL. The unintended consequences with no enforcement would have a negative impact on production agriculture in our valley. Current code allows up to eleven events per year on farms in the Ag-NRL zone.

Sincerely,

Nels Lagerlund

Nels Lagerlund
Chairman Agricultural Advisory Board

ATTACHMENT 3b

Skagit County Agricultural Advisory Board

1800 Continental Place • Mount Vernon, Washington 98273
office 360-416-1447 • www.skagitcounty.net/planning

April 26, 2018

RE: **Citizen-Initiated Code Amendment, P-2: Samish Bay Cheese – Permit Restaurants as an Agricultural Accessory**

To the Board of Skagit County Commissioners,

The Skagit County Agricultural Advisory Board (AAB) opposes a proposed change of county code that will permit restaurants in Ag-NRL-zoned land. This code amendment would have negative effects on farming and farmland in the Skagit Valley.

The members of the AAB strongly believe that Skagit County is not ready for this code change at the present time. Many issues arise that could negatively impact the ability of agriculture to conduct business in a normal manner on Ag-NRL land. As the amendment stands, this citizen-initiated code change addresses none of these issues and has not been properly vetted.

The AAB cites the following issues relevant to restaurants as an agriculture accessory:

- Ability of agriculture to conduct business in a normal manner on Ag-NRL land. Any type of change should mandate a farmer's protection from comments regarding their daily farming activities, including but not limited to spray drift (organic or non-organic), dust, odors, noise and traffic 'blockage' by agricultural equipment. However, this code change not only creates an interaction with the restaurant owner, it also creates an interaction with the restaurant's clientele. Though protection from comments can and must be acknowledged by the restaurant owner, clients of the restaurant are under no such obligation. Escalated issues with complaints from clientele will have a gross impact on the ability to conduct agricultural business and could potentially shut down agricultural operations. This issue already occurs where Ag-NRL abuts commercially zoned land and it does impact how agricultural business can be conducted in these areas.
- Failure rates of restaurants in general, leaving space that is vacated open for other non-agricultural activities.
- Conflicting verbiage in the county code which creates conflicts with <u>any</u> amendment addition to the definition of Ag-NRL land use (14.116.400); also conflict of use based on definition (Ag-NRL means Agriculture, not restaurants).
- Conversion of agriculture land to graveled or non-graveled parking; this permanently takes the land out of agricultural use due to compaction and contamination.
- There is no current enforcement of code violations for entertainment-type activities on farmland and there are no resources in place or being put in place to create enforcement for this.
- Lack of any long-term studies or comparison studies of restaurant impact on agricultural land.
- No review of any potential unintended consequence of the code amendment as it impacts farming, farmland, and the preservation of farming in the Skagit Valley.

It is not the right time to amend the code to permit restaurants on Ag-NRL land. We ask that the Board of Skagit County Commissioners take the issues we have expressed into consideration before any amendments of this type are added to the Skagit County Code.

Respectfully,

Nels Lagerlund
AAB Chair

ATTACHMENT 4

Samish Indian Nation
OF WASHINGTON

June 28, 2018

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

Dear Commissioners:

The Samish Indian Nation intends to construct a cultural center on traditional Samish territory on the south side of SR20 between Tibbles Lane and Campbell Lake Road (parcel P20096). This facility will be a showpiece for Samish culture, artifacts, and community and well-integrated with the surrounding rural landscape using traditional Samish building materials and colors, low-impact development techniques, native plantings, effective screening from SR20, and restoration of an adjacent stream channel to Campbell Lake. We have already permitted a construction access road, which we intend to construct this summer. We would like to proceed to permitting of the cultural center before the end of this year.

When we began this project, the zoning of the property, Rural Reserve, limited lot coverage to 35%. In 2016, you amended that limit to a sliding scale with a maximum of 25,000 sq ft. The current design of our proposed cultural center is approximately 33,000 sq ft. Reducing our project to 25,000 sq ft would significantly constrain the cultural activities the Tribe proposes at the site. It would also require our facility to be significantly smaller than the nearby Fidalgo Elementary School (approximately 70,000 sq ft).

We believe that the proposed redesignation of this area to "South Fidalgo Rural Residential" provides an opportunity to address the lot coverage constraint. County Planning Department officials have indicated that our proposed facility, like Fidalgo Elementary School, would be considered a "major public use" under the zoning code. We understand that the draft South Fidalgo Rural Residential code language lifts the lot coverage limit for schools, but not all major public uses. **We request that the draft language, when released for public comment, lift the lot coverage limit for all major public uses.** With that adjustment, the Samish Tribe would be in full support of the proposed rezone, which would help ensure that land uses on South Fidalgo are compatible with each other and protect the special nature of this area.

Thank you for your consideration of this request. Please let us know how we can assist you further as you plan for compatibility of land uses throughout the South Fidalgo area.

Sincerely,

Tom Wooten, Chairman
Samish Indian Nation

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