



Planning & Development Services

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Memorandum

To: The Skagit Board of County Commissioners
From: Hal Hart, AICP / Planning Director and Stacie Pratschner, AICP / Senior Planner
Re: Board of County Commissioner Deliberations for the 2018 Docket
Date: October 25, 2018

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Summary

Planning and Development Services (PDS) is providing this memorandum in advance of the October 29, 2018 Board of County Commissioners (BoCC or the Board) deliberations as required by Skagit County Code (SCC) 14.08.090 for the 2018 Comprehensive Plan policies, Land Use map, and Development Code amendments (Docket). The following sections provide a timeline of this year’s review of the docket; a summary of the Planning Commission’s Recorded Motion (**Attachment 1**); and the Department’s analysis with requested action from the BoCC. 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

Pursuant to the Washington State Growth Management Act (GMA), the County may amend its Comprehensive Plan and land use/zoning map once per year, with a few exceptions, through an annual docket process (RCW 36.70A.130). The Skagit Board of County Commissioners (BoCC) established the 2018 Docket through Resolution # R20180013 following a public hearing held on January 23, 2018.

Skagit County Planning & Development Services (PDS) analyzed the 22 docketed proposals under the State Environmental Policy Act (SEPA) and for consistency with the existing Comprehensive Plan, the adopted land use/zoning map, and the unified development regulations. A full proposal was released for public review and comment on August 1, 2018

(<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/10%20Staff%20Report%20and%20Attachments%20-%202018CPAs.pdf>). A public hearing was held with the Skagit County Planning Commission on August 21, 2018, and a supplemental staff report was issued by PDS providing a synopsis of public comments received concerning the annual docket

(<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/PC%20Deliberations%20-%202018%20Docket.pdf>). On October 16, 2018, the Planning Commission deliberated on the docket during a public meeting and issued a recorded motion (**Attachment 1**) with recommendations for the Board's consideration. The various staff reports, memos, public noticing documents, and public comments are available to view on the County's project webpage at: www.skagitcounty.net/2018CPA.

The following table summarizes the review of the amendments docketed for 2018:

Table 1. Review by the BoCC and Planning Commission of the 2018 Docket.

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: Resolution #R20180013.
July 24, 2018	BoCC Workshop	Workshop concerning Docket Item P-12
August 21, 2018	Planning Commission Public Hearing	Public Hearing to accept testimony concerning the 2018 Docket.

October 16, 2018	Planning Commission Deliberations	Recorded Motion with reasons for action completed and signed.
October 29, 2018	BoCC Deliberations	Scheduled deliberations to adopt/not adopt/defer amendments on the 2018 Docket.

Summary of Planning Commission’s Recorded Motion

The Planning Commission deliberated on the following 22 docket proposals during a public hearing on October 16, 2018:

Proposed Land Use/Zoning Map Amendments

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.

P-12. Rezone Rural Reserve (RRv) on South Fidalgo to a new zone named South Fidalgo Rural Residential (SF-RR) Map Amendment.

Proposed Comprehensive Plan and Skagit County Code (Title 14) Amendments

- C-1.** Modify Comprehensive Plan Policy 4A-5.6.
- C-2.** Remove Extraneous Language for Home Based Businesses.
- C-3.** Modification of Permits.
- C-4.** Storage of Articles or Vehicles in Setbacks and Rights-of-Way.
- C-5.** Admin Official Final Determination of Height in the AEO.
- C-6.** Delete Language in SCC 14.16 Regarding Property Value Impacts from Wireless Facilities.
- C-7.** Delete Language in SCC 14.16 Regarding Special Uses Complying with the Comprehensive Plan.
- C-8.** Delete the Definition for “Unclassified Use”.
- C-9.** Correction to Master Planned Resort Designation.
- C-10.** Delete Delay of Issuance of Permits in the AEO.
- C-11.** Delete Examples of Administrative Decisions.
- C-12.** Delete SCC 14.10.030(2).
- C-13.** Modify Short Plat Alterations to be Level I Decisions.
- C-14.** Amend SCC 14.06 to Modify Application Submittal Requirements for Notifications.
- C-15.** Add In-Patient Facilities Locations to Essential Public Facilities Table.

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

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

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

PL17-0414. Quaker Cove Ministries Code Amendment.

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

The following table demonstrates the Planning Commission’s recommendations to the BoCC for the proposed amendments:

Table 2. Summary of Planning Commission Recommendations.

Recommended Action	Amendment Item Number
Approval	C2, C4, C5, C6, C7, C8, C10, C13, C15, C16, C17, C18, C19 (<i>Option 3</i>), and PL17-0414 (<i>Option 3</i>)
Approval with Modifications	C-1
Approval to Defer to the Long Range Work Program	C3, C9, C11, and C14
Approval to Withdraw from the Docket	C-12
Not Approve	P-2 (<i>Option 3</i>) and P-12 (<i>Option 1</i>)

Department Analysis

The Planning Commission recommended that the BoCC approve the docketed proposals, with the following-described exceptions and modifications. The motion carried 6-1-2-0.

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

The Department drafted the following amended language for Comprehensive Plan Policy 4A-5.6 pursuant to the public hearing staff report issued on August 1, 2018

(<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/10%20Staff%20Report%20and%20Attachments%20-%202018CPAs.pdf>):

“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.”

The Planning Commission recommends the following modified language for Policy 4A-5.6: Drainage Plans (**Attachment 1**):

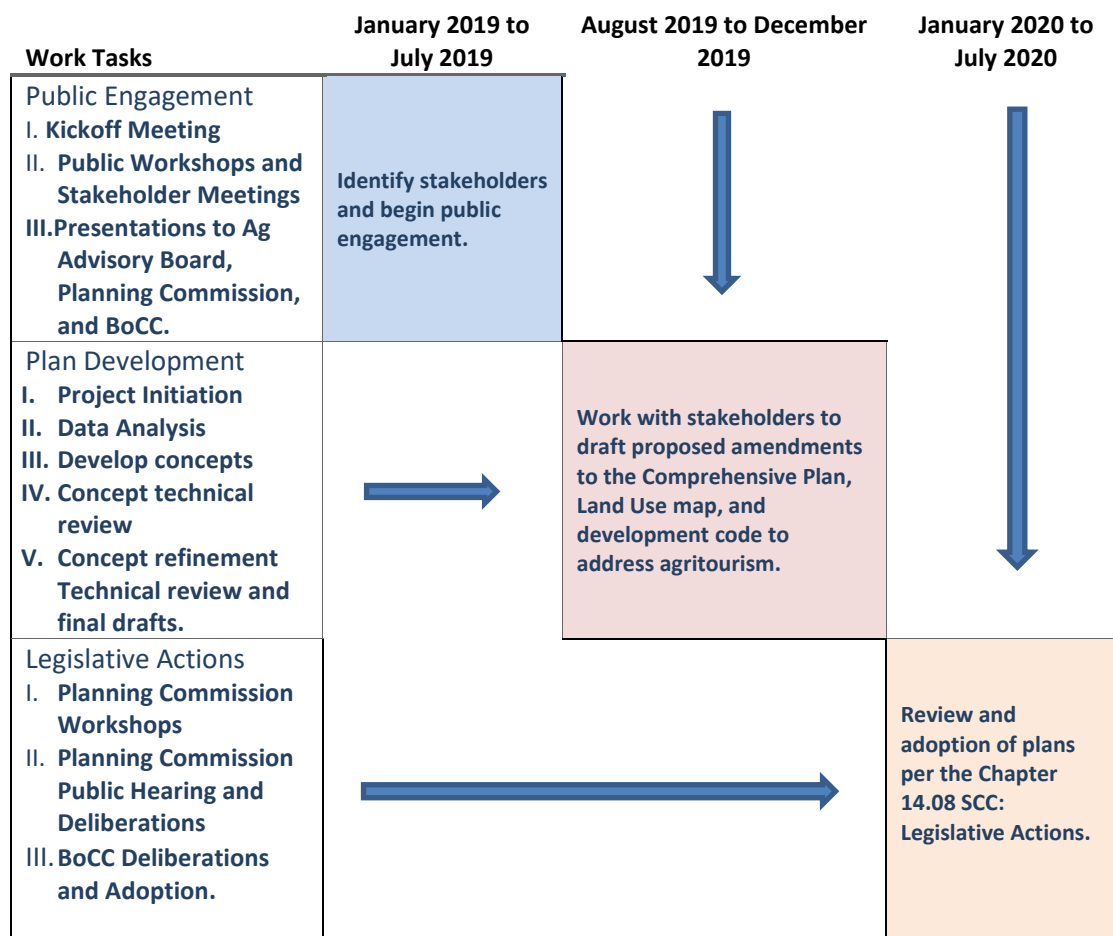
“To minimize impacts of development on drainage district levels of service, Skagit County shall consult with affected Drainage Districts prior to issuance of permits. Skagit County will include the Drainage District capacities, levels of service, and projected needs into the Skagit County Capital Facilities Plan.”

The Department recommends that the BoCC consider adopting the language presented in the August 1, 2018 staff report. The amended language proposed by the Department is consistent with the policy language in the Comprehensive Plan. The Department recommends considering the Planning Commission’s proposed language as a future development regulation, mirroring the existing allowance in SCC 14.16.210(4) for the Port of Skagit to review and comment on development applications. The Department additionally recommends considering this code amendment for the 2019 Docket.

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

The Planning Commission recommends Option 3, and that the Department engage in a study of agritourism as a prioritized Long Range Work Program item for 2019, in order to involve all stakeholders in the planning process (**Attachment 1**). The Department proposes the following preliminary one and a half to two-year plan development work program (**Table 3**) to conduct public engagement and evaluate appropriate changes to plans, subject to BoCC budget funding and approval:

Table 3. Proposed Agritourism Work Program Timeline.



P-12: South Fidalgo Island Rezone

The Planning Commission recommends Option 1, and that the new South Fidalgo Rural Residential zone not be adopted. The Planning Commission recognizes that the Samish Nation has a need regarding their proposed Cultural Center (**Attachment 2**), and recommends that their requested code amendment be addressed outside of the docketing of P-12 (**Attachment 1**).

The Planning Commission's additional findings concerning P-12 (b through g) were also included as findings in the Recorded Motion produced pursuant to review of the 2017 Docket:

<https://skagitcounty.net/PlanningAndPermit/Documents/2017CPAdocket/PlanCommMotion051617.pdf>

Requested Board Action

The Department will present the Planning Commission Recorded Motion and this memo to the Board on Monday, October 29, 2018. The BoCC is authorized by SCC 14.08.090(5) to take the following actions to dispose of the 2018 Docket:

1. Adopt the docketed proposals.
2. Adopt the docketed proposals with modifications. Per SCC 14.08.090(2)(b)(i-v), substantial changes to any of the proposals shall require an additional opportunity for public review prior to final action.
3. Decline to adopt any of the docketed proposals.
4. Defer action on any of the docketed proposals.

PDS will prepare a proposed ordinance for the Board's consideration. The ordinance will include the Board's action on the 2018 Comprehensive Plan Amendments.

List of Attachments

1. Planning Commission Recorded Motion Regarding the 2018 Docket, dated October 16, 2018
2. Letter from Samish Indian Nation, dated June 28, 2018

ATTACHMENT 1

Skagit County Planning Commission's Recorded Motion Regarding the 2018 Docket of Comprehensive Plan Policies, Map and Development Code Amendments

Proposal publication dates:	August 1, 2018 and August 14, 2018
Proposal name:	2018 Docket of Comprehensive Plan Policies, Map and Development Code Amendments
Documents available at:	www.skagitcounty.net/2018CPA
Public hearing body:	Skagit County Planning Commission
Public hearing date:	Tuesday, August 21, 2018, at 6 p.m.
Written comment deadline:	Friday, August 31, 2018, at 4:30 p.m.
Planning Commission deliberations:	Tuesday, October 16, 2018

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Recommendation and Reasons for Action:

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

1. The Planning Commission approves the Department's recommendation with the following modifications: To minimize impacts of development on drainage district levels of service levels of service, Skagit County shall consult with affected Drainage Districts prior to issuance of permits. Skagit County will include the Drainage District capacities, level of service, and projected needs into the Skagit County Capital Facilities Plan.

Items C2 – C18: Text Amendments to Skagit County Code Title 14

1. The Planning Commission recommends approval of the following amendments: C2, C4, C5, C6, C7, C8, C10, C13, C15, C16, C17, C18.
2. The Planning Commission recommends approval of the proposal to defer the following amendments: C3, C9, C11, C14.
3. The Planning Commission recommends approval of the proposal to withdraw the following amendment: C12.

Item C19: OSRSI Land Use map amendment

1. The Planning Commission recommends approval of the proposed land use map amendment (Option 3).

Item PL17-0414: Quaker Cove – Rural Intermediate text amendment

1. The Planning Commission recommends approval of the proposed text amendments (Option 3 on page 34 of 48 of the Public Hearing Staff Report).

Item P-2: Samish Bay Cheese – Limited food service as an agricultural accessory use

1. The Planning Commission recommends approval of Option 3 (The Long Range Planning Alternative).
 - a. There is a need for more conversation with all stakeholders.
 - b. These amendments should be given high priority on the 2019 Long Range Work Program.

Item P-12: South Fidalgo Rural Residential Land Use map amendment

1. The Planning Commission recommends approval of Option 1 (The No-Action Alternative).
 - a. The Planning Commission recognizes that the Samish Nation has a need regarding the proposed Center's building size that should be addressed outside of P-12.
 - b. The true water situation on South Fidalgo is unknown. That lack of data inhibits good planning.
 - c. We lack evidence of the current South Fidalgo zone not working.
 - d. The current South Fidalgo zoning permits certain uses requiring Administrative or Hearing Examiner special use approval.
 - e. Opposition to special use permit applications is not unique to South Fidalgo.
 - f. There was significant opposition to the South Fidalgo proposal.
 - g. The Planning Commission is sensitive to the fact that property purchasers have expectations for the allowed uses in the zone to continue to be allowed.
 - h. 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. (CPP 6.1) – Comprehensive Plan page 42.

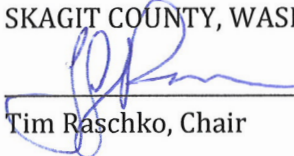
The Planning Commission recommends that the Board of County Commissioners the 2018 docket proposal with the following changes:

2. C-1: The Planning Commission proposes the following language for the amendment: To minimize impacts of development on drainage district levels of service levels of service, Skagit County shall consult with affected Drainage Districts prior to issuance of permits. Skagit County will include the Drainage District capacities, level of service, and projected needs into the Skagit County Capital Facilities Plan.

This recorded motion approved October 16, 2018:


Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	✓			
Kathy Mitchell, Vice Chair	✓			
Joshua Axthelm	✓			
Tammy Candler	✓			
Hollie Del Vecchio			✓	
Amy Hughes	✓			
Annie Lohman	✓			
Mark Lundsten		✓		
Martha Rose			✓	
Total	6	1	2	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Tim Raschko, Chair

10-16-18
Date



Hal Hart, Secretary

10-16-18
Date



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,

A handwritten signature in black ink, appearing to read "Tom Wooten".

Tom Wooten, Chairman
Samish Indian Nation

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