



# Planning & Development Services

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## Planning Commission Deliberations

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

To: Planning Commission  
From: Hal Hart, AICP: Planning Director / Stacie Pratschner, AICP: Senior Planner  
Re: Supplemental staff report for the 2018 Docket of Comprehensive Plan Policies, Map and Development Code Amendments  
Date: October 9, 2018

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### Summary

Planning and Development Services (PDS) is providing this supplemental staff report in advance of the October 16, 2018 Planning Commission deliberations 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 provide a synopsis of the Planning Commission public hearing and testimony received on August 21, 2018; and describe public comments received during the written comment period of August 1 to August 31, 2018. The previous 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](http://www.skagitcounty.net/2018CPA).

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### Public Hearings

***Board of County Commissioners: November 21, 2017 and January 16, 2018***

Chapter 36.70A of the Revised Code of Washington (RCW): Growth Management Act, authorizes Skagit County to amend its Comprehensive Plan and land use map once per year through the annual Docket process. The Board of County Commissioner's (BOCC) have held two public hearings (November 21, 2017 and January 16, 2018) and subsequent deliberations (December 19, 2017 and January 23, 2018) concerning the 2018 amendments in advance of the Planning Commission's public hearing. The docket was set by Resolution ([#R20180013](#)) on January 29, 2018. The 2018 Docket includes proposals to amend the Comprehensive Plan policies, Land Use map, and development code.

## ***Planning Commission: August 21, 2018***

The Planning Commission held a public hearing on August 21, 2018 as authorized by Skagit County Code (SCC) 14.08.080. The video recording of the hearing may be viewed at the following webpage:

<https://www.skagitcounty.net/Departments/TV21/mediaplayer.htm>.

Pursuant to SCC 14.08.080(4) and (5), the Planning Commission shall consider public comments and deliberate on any proposed plan, plan amendment, or development regulation. At the completion of its deliberations, the Planning Commission shall vote to recommend adopting, not adopting, or amending the proposed amendments. Recommendations shall be by a recorded motion which shall incorporate findings of fact and the reasons for the recommendations.

## **Public Comments**

### ***Planning Commission Public Hearing***

The written comments concerning the 2018 Docket can be viewed in the following PDF on the Skagit County project website:

<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/August%20Public%20Comments%20091018.pdf>. A transcript of the August 21, 2018 public hearing that includes all oral testimony is

available to view at the County's project webpage:

<https://skagitcounty.net/PlanningCommission/Documents/PCminutes/20180821.pdf>.

The following is a synopsis of public comments received during the comment period of August 1, 2018 to August 31, 2018. The full text of each amendment, analysis against the criteria in the development code, and the Department's recommendations can be viewed in the public hearing staff areport at the County's project webpage:

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

***C-1: Modify Comprehenisve Plan Policy 4A-5.6*** – 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.

- ***Public comments:*** A written comment was submitted concerning the deletion of the policy and collaboration between the Drainage Districts and Public Works. Oral testimony was submitted in support of the adoption of this amendment.
- ***Discussion:*** The Department's recommendation to adopt item C-1 is on **page 4** of the public hearing staff report:  
<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/10%20Staff%20Report%20and%20Attachments%20-%202018CPAs.pdf>.

**C-2 through C-18** – Text amendments to various sections of Skagit County Code Title 14.

- **Public comments:** A written comment requesting further clarification of proposed and existing code language and opposing deletion of certain code provisions was submitted. No oral testimony was submitted for items C-2 through C-18.
- **Discussion:** The Department’s recommendations concerning items C-2 through C-18, including adoption and deferral of some amendments, are on pages **4 through 14** of the public hearing staff report:  
<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/10%20Staff%20Report%20and%20Attachments%20-%202018CPAs.pdf>.

**C-19** – Amend the Comprehensive Plan Land Use / zoning designation of thirty-seven privately-owned parcels in and adjacent to the Mt. Baker – Snoqualmie National Forest from the public Open Space of Regional / Statewide Importance (OSRSI) to the Industrial Forest – Natural Resource Land (IF-NRL).

- **Public comments:** A question, a written comments of support, and a comment in opposition of the map amendment were submitted during the comment period concerning item C-19. No oral testimony was submitted for item C-19.
- **Discussion:** The Department’s recommendation to adopt item C-19 is on **pages 14 through 16** of the public hearing staff report:  
<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/10%20Staff%20Report%20and%20Attachments%20-%202018CPAs.pdf>.

**PL17-0414** – (Quaker Cove Ministries) Amend SCC 14.16.300 to allow the improvement and limited expansion of existing institutional camps/retreats through an administrative special use permit.

- **Public comments:** Written comments in support and opposition of the code amendment were submitted during the comment period concerning item PL17-0414. Oral testimony was received in support and opposition to the amendment.
- **Discussion:** The Department’s recommendation to adopt item PL17-0414 is on **pages 16 and 17** of the public hearing staff report:  
<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/10%20Staff%20Report%20and%20Attachments%20-%202018CPAs.pdf>.

**P-2** – (Samish Bay Cheese) Amend SCC 14.04.020 to include limited food service as an agricultural accessory use.

- **Public comments:** The Skagit County Agricultural Advisory Board submitted a written comment in opposition to the amendment. Oral testimony was received in support of Option 3, a long range work program to address agritourism in Skagit County, including but not limited to restaurants, wedding venues, and temporary events.
- **Discussion:** The Department’s recommendation to not adopt any changes (Option 1: the No-Action Alternative) is on **page 35** of the public hearing staff report:

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

**P-12** – Amend the Comprehensive Plan, Land Use / zoning map, and development code to enable the creation of a new land use designation, the South Fidalgo Rural Residential zone.

- **Public comments:** Written comments in support and opposition of the amendments were submitted during the comment period concerning item P-12. Oral testimony was received in support and opposition to the amendments.
- **Discussion:** Per the Planning Commission’s request, further research was conducted regarding Skagit County’s compliance with 2001 Growth Management Hearings Board order (*Case No. 00-2-0046c*). The 2001 Order required Skagit County to prepare a Fidalgo Island Subarea Plan before CaRD urban reserve development or any other increase in density are allowed to occur on Fidalgo Island. The prior proposal to increase density on Fidalgo Island was ultimately abandoned by Skagit County. In May 2005, the Growth Management Hearings Board found no other outstanding compliance issues and dismissed the case. No motion for reconsideration or appeal was timely filed following the closure and dismissal of Case No. 00-2-0046c. In 2007, a subsequent lawsuit was filed against Skagit County which sought reconsideration of the Growth Management Hearings Board’s 2005 decision with respect to the Fidalgo Sub-Area Plan. In March 2007, the Growth Management Hearings Board reiterating its prior findings that “there are no remaining compliance issues” and the motion to reopen the case was denied. Since the County’s current proposal does not increase densities on Fidalgo Island, the prior orders don’t apply and do not require the County to prepare a Sub-Area Plan.
  - 2001 Order:  
<http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&id=610>
  - 2005 Compliance Order:  
<http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&id=267>
  - 2007 Order on Reconsideration:  
<http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&id=1996>
- The Department’s recommendation to adopt a modified version of Option 4 (no restriction to CaRD density bonuses) to the Skagit County Comprehensive Plan Designations and Zoning Districts map is discussed on **pages 37-44** of the public hearing staff report:  
<https://skagitcounty.net/PlanningAndPermit/Documents/2018CPA/10%20Staff%20Report%20and%20Attachments%20-%202018CPAs.pdf>.

## Next Steps

### ***Planning Commission Deliberations: October 16, 2018***

The Recorded Motion template (**Attachment 1**) will be completed during Deliberations scheduled on October 2, 2018. Pursuant to SCC 14.08.080(8), the motion in concurrence with the proposed

amendments will be submitted to the Board of County Commissioners (BOCC) no later than fourteen days of the signing of the motion. The BOCC will consider and take action on the recommendations at a public meeting no later than 14 days following the date the recorded motion is signed as authorized by SCC 14.08.090(1).

**Attachment:**

1. Recorded motion template

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

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

### Findings of Fact and Reasons for Action

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

- 1.

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

- 1.

Item C19: OSRSI Land Use map amendment

- 1.

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

- 1.

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

- 1.

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

- 1.

**Recommendations**

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

- 1.

**This recorded motion approved October 16, 2018:**

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

SKAGIT COUNTY PLANNING COMMISSION  
SKAGIT COUNTY, WASHINGTON

\_\_\_\_\_  
Tim Raschko, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Hal Hart, Secretary

\_\_\_\_\_  
Date