



Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

Public Hearing Staff Report: 2019 Docket

To: Board of County Commissioners
From: Stacie Pratschner, AICP / Senior Planner
Date: January 4, 2019
Re: Annual Comprehensive Plan, Land Use Map, and Development Code Amendments: 2019 Docket
AMENDED ON JANUARY 30, 2019

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Summary

Planning and Development Services (PDS) is providing this memorandum in advance of the Board of County Commissioners (BoCC or the Board) 2019 Docket public hearing as required by Skagit County Code (SCC) 14.08.040(3). The purpose of the public hearing is to determine which petitions and proposed amendments to the Comprehensive Plan, Land Use Map, and Development Code merit inclusion in the 2019 Docket. The following sections describe the statutory background for the yearly docket; summarize the upcoming, approximately one-year review process; and concludes with the Planning Commission’s recommendations to the Board on which proposals to include on the docket. The following project website will include all of the written materials concerning this year’s docket, including staff reports, public comments, draft code, and draft maps: www.skagitcounty.net/2019CPA.

Background

The Growth Management Act (GMA), RCW 36.70A.130, provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation” and authorizes Skagit County to accept petitions for revisions to the Comprehensive Plan policies, land use map, and development code. Skagit County implements this review annually pursuant to SCC Chapter 14.08.

SCC 14.08.030(2)(a) authorizes the County to accept petitions for the upcoming year’s docket on or before the last business day of July of the current year. Petitions are analyzed against the criteria in the Implementation Element of the Comprehensive Plan (Chapter 12: pages 330 and 331) and SCC 14.08.040 and .060. The Board must then include, exclude, or defer any of the petitions per SCC 14.08.040(4).

Process

RCW 36.70A.130(2)(b) requires all proposal be considered concurrently so that the cumulative effect of the various proposals can be ascertained. **Table 1** summarizes the review process with approximate dates of each action.

Table 1. Approximate Timeline of the 2019 Docketing Process.

Date	Governing Body	Meeting Type	Actions
Winter 2018/19	BoCC	Public Hearing	Accept testimony on which proposals merit inclusion in the Docket.
Winter 2018/19	BoCC	Deliberations	Docket established via Resolution.
Spring 2019	Planning Commission	Workshop(s)	Discussion of upcoming Docket proposals.
Summer 2019	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
Summer 2019	Planning Commission	Deliberations	Recorded motion with recommendations to the BoCC.
Fall 2019	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.

The Board invited this year’s docket petitioners to present their proposals at public meetings held on November 1 and November 5, 2018, in advance of the December public hearing. The recordings of the presentations may be viewed at <https://www.skagitcounty.net/Departments/TV21/mediaplayer.htm>. Presentation materials provided by the petitioners may be viewed along with the submitted application materials at www.skagitcounty.net/2019CPA.

2018 Petitions and Department Recommendations

Citizen Petitions

Skagit County received six timely petitions to amend the Comprehensive Plan, land use map, or development regulations. For each proposal, the Department has provided a summary of the proposal; analysis against the docketing criteria in the Comprehensive Plan and Title 14; and a recommendation to the Board (**Attachment 1**). The full text of each petition is available on the 2019 Docket webpage at www.skagitcounty.net/2018CPA. P18-0405 (Avalon), a request to develop Comprehensive Plan policies, development regulations, and map amendments to support a fully contained community, has been deferred from the 2016 and 2017 dockets, and was excluded from the 2018 Docket. Past analysis of this request is available to view at www.skagit.net/CPA2016, www.skagit.net/CPA2017, and www.skagitcounty.net/CPA2018. **Table 2** summarizes each of the petitions and the Departments recommendations per **Attachment 1**.

Table 2. Citizen Petitions for the 2019 Docket.

Number	Petitioner	Description	Include, Exclude, or Defer
Comprehensive Plan / Land Use Map Amendments			
PL18-0404	Skagit Surveyors and Engineers, for Mangat Estates	MRO Designation Removal Remove Mineral Resource Overlay (MRO) designation from a 9 acre plat owned by Mangat Estates.	Include
PL18-0405	Skagit Partners LLC	Avalon Amend sections of the Countywide Planning Policies (CPPs), the Comprehensive Plan, and the development regulations to establish a process for consideration and approval of a new fully contained community per RCW 36.70A.350.	Exclude
Policy / Code Amendments			
P-1	Guemes Island Planning Advisory Committee (Rooks)	Rainwater Catchment <u>SCC 14.24.380</u> . Amend sections of the Seawater Intrusions Area (SCC 14.24.380) to include provisions for prescriptive rainwater catchment systems.	Include
P-2	Guemes Island Planning Advisory Committee (Fox)	Wells on Guemes Island <u>SCC 14.24.300 - .330, and .380</u> . Amend sections of the Aquifer Recharge Areas (SCC 14.24.300-330) and Seawater Intrusion Areas (SCC 14.24.380) to require pre-drilling approval for new wells on Guemes Island.	Include
P-3	Wireless Policy Group LLC, for Verizon Wireless	Small Cell Technology <u>SCC 14.16.720</u> . Prioritize the adoption of revisions to the Wireless Facilities Code (SCC 14.16.720) to the 2019 Long Range Work Program, specifically concerning small cell technology.	Defer to Long Range Work Program

P-4	Skagit Land Trust (Doran)	Great Blue Herons <u>SCC 14.24.</u> Amend sections of the Critical Areas Ordinance to strengthen protections for Great Blue Herons, such as buffers around nests.	Include
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Department Amendments

The Department has identified nine text amendments for inclusion in this year’s docket. **Table 3** summarizes the proposals.

Table 3. Department Amendments for the 2019 Docket.

Number	Department	Description
Comprehensive Plan Amendments		
C-1	Planning and Development Services (PDS)	Transportation Element Technical Appendix: Guemes Island Ferry Amend capital project cost summary (page 456); and Exhibits 41 and 42 (page 492) to reflect revised funds and costs for the proposed new Guemes Island Ferry.
Policy / Code Amendments		
C-2	PDS	Codify Comprehensive Plan Policy 4A-5.6 <u>SCC 14.32.</u> Collaborate with the Drainage Districts to develop code language regarding their review and comment of development applications within their jurisdictions.
C-3	PDS	Binding Site Plans at the Port of Skagit <u>SCC 14.18.500(2)(c).</u> Evaluate possible modifications to the following language: “Binding site plans shall be required for any commercial or industrial development that involves 2 or more leases or transfers of ownership which do not undergo a short plat or subdivision procedure.”
C-4	PDS	Trails in the OSRSI (Public Open Space of Regional/Statewide Importance) <u>SCC 14.16.500(3) and (4).</u> Modify code sections to reflect that trails are an outright permitted use in the OSRSI, and trailheads require an Administrative Special Use permit.
C-5	PDS	Habitat Restoration as Hearing Examiner (HE) Special Use Permit <u>SCC 14.16:</u> Habitat restoration is processed as an HE Special Use Permit in the Ag-NRL zone. Review each of the County’s zones and propose to permit habitat restoration as an HE Special Use Permit where appropriate.
C-6	PDS	Fire Code Consistency with IFC Appendix D <u>SCC 15.04.030.</u> Update requirements for Vehicle Access Roads to be consistent with the IFC: Appendix D.

Number	Department	Description
C-7	PDS	Building Permit Requirements for Signs <u>SCC 14.16.820(3)(c)</u> . Modify code language from “Building permits shall be required...in excess of 32 square feet or greater than 6 feet in height” to “...as required by the currently adopted International Building Code (Appendix H).”

C-8 PDS Airport Environs Overlay: SCC 14.16.210 - Edits to reflect collaboration between the Port of Skagit and the County in determining height restrictions in the AEO, and authorize Port review of BLA's within the AEO.

Next Steps

Public comments are accepted per the published Notice of Public Comment (**Attachment 2**). The setting of the yearly Docket by the Board authorizes the Department to begin environmental review of these non-project actions through SEPA; analyze and draft the proposed amendments for public review; and request review from the Washington State Department of Commerce.

List of Attachments

1. Analysis Sheets for Citizen Petitions
 - a. PL18-0404
 - i. Map demonstrating the potential rezone area.
 - b. PL18-0405
 - i. Map demonstrating the potential rezone area.
 - c. P-1
 - d. P-2
 - e. P-3
 - f. P-4
2. Notice of Public Comment Period: 2019 Docket
3. **Second Notice of Public Comment Period: 2019 Docket**

Attachment 1.a.



2019 Comprehensive Plan Docket Comprehensive Plan Land Use Map Amendment

Summary of Petition
P18-0404: Mineral Resource Overlay (MRO) Removal

I. Summary	
Location in Comprehensive Plan: Chapter 2 Land Use Element	
Proposed Change(s): A request to amend the Comprehensive Plan Land Use Map and Zoning designation to remove the Mineral Resource Overlay (MRO) from a 9 acre parcel owned by Mangat Estates. The applicant has provided a mineral resource assessment demonstrating that the site and vicinity has negligible mineral resources.	
Applicant: Skagit Surveyors & Engineers, for Mangat Estates	Property Location(s): Lot 10 of the plat of Mangat Estates, which is approximately 9 acres. The subject parcel is approximately 3.5 miles north of the city of Sedro-Woolley, immediately east of Highway 9.
Existing Land Use Designation / Zoning District	Proposed Land Use Designation / Zoning District
Rural Resource-Natural Resource Lands (RRc-NRL) and Rural Reserve (RRv) with a Mineral Resource Overlay (MRO).	The property will continue to be Rural Resource-Natural Resource Lands (RRc-NRL) and Rural Reserve (RRv).

II. Including, Excluding, or Deferring Amendments (Skagit County Comprehensive Plan Chapter 12): <i>For citizen-initiated amendments, the County shall take into consideration the following factors when considering approval of a proposed amendment to the comprehensive plan or development regulations:</i>	
1. The petitioner has paid the application fees as specified in the adopted fee schedule, unless waived by the Board of County Commissioners during a periodic update.	
Discussion: The applicant has paid the \$5040 fee for a Comprehensive Plan / Land Use Map Amendment as authorized by the currently adopted fee schedule.	
2. The petitioner shall submit an application on forms provided by the County, containing appropriate amendatory language and a map (if applicable). The petitioner shall also address how the proposal is consistent with the Comprehensive Plan policies or land-use designations.	
Discussion: The request was submitted on the appropriate forms. The applicant has addressed how their request will not impact existing Comprehensive Plan policies. The application states that the property's lack of mineral resources makes the site's MRO designation inconsistent with Goal 4D of the Comprehensive Plan (Designate and map long-term commercially significant mineral resource lands as an overlay to the Comprehensive Plan Map).	
3. Petitions must be submitted by the date specified in the docketing announcement.	
Discussion: Requests for amendments must be received by the Department no later than the last business day of July. The request was submitted on July 30, 2018.	
4. Will the request adversely affect the County's budget?	
Discussion: No budget impact is anticipated pursuant to this proposal.	

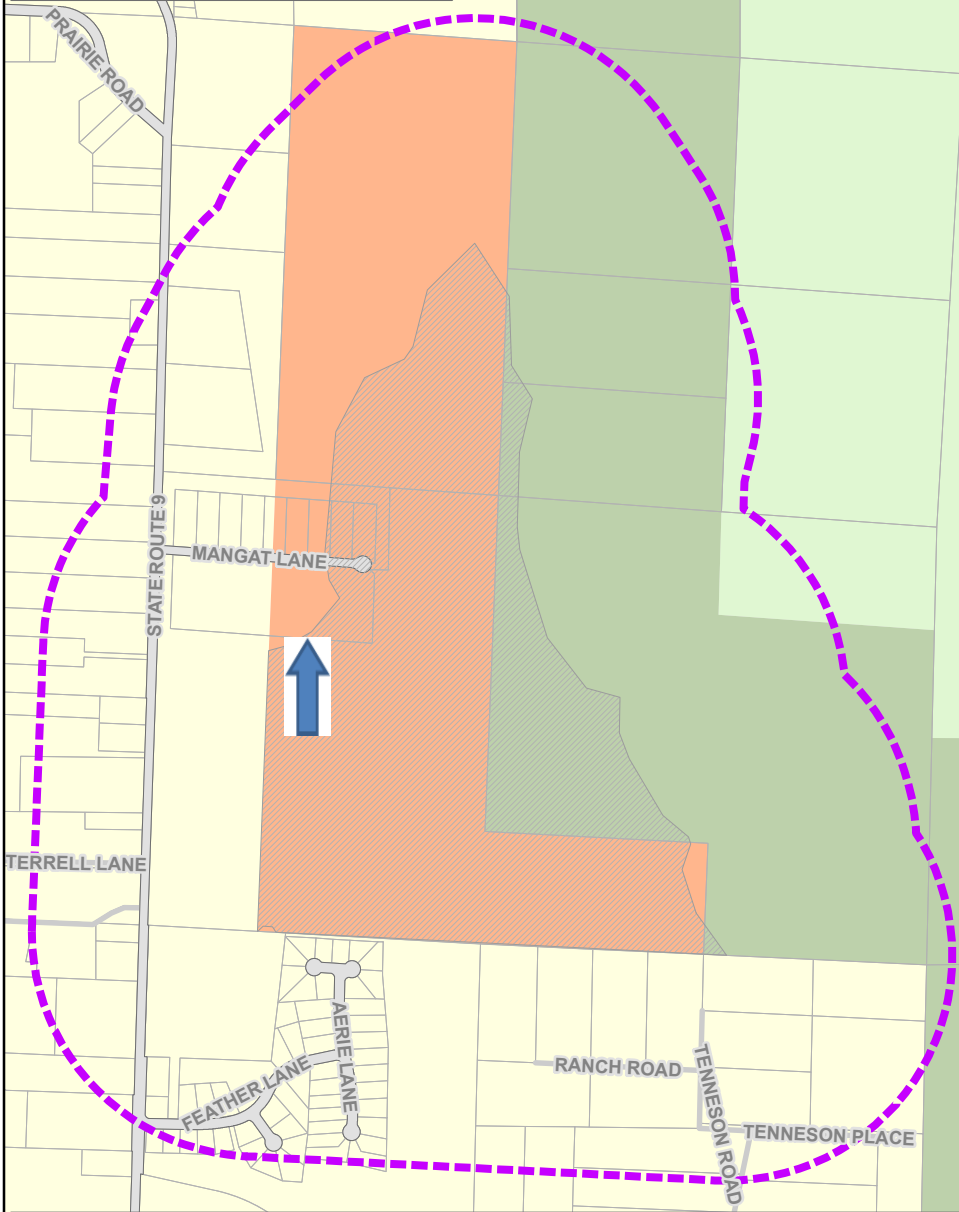
5. Will the request require additional amendments to policies or regulations?
Discussion: The Department anticipates amendments to the Land Use (Ch. 2) and Natural Resource Lands (Ch. 3) of the Comprehensive Plan. Both include Mineral Resource Overlay (MRO) acreage that will require updates.

III. Amendment Criteria (Skagit County Code 14.08.040 and 060): <i>In making its docketing recommendation, the Department must consider the following criteria:</i>
1. The petition complies with the filing requirements.
Discussion: The application was received in a timely fashion and addresses the filing requirements of SCC 14.08.030.
2. The petition, in light of all proposed amendments being considered for inclusion in the year’s docket, can be reasonable reviewed within the staffing and operational budget allocated to the Department by the Board.
Discussion: Staffing levels are adequate to analyze this proposal.
3. The proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the application, and is consistent with other goals, objectives, and policies adopted by the Board.
Discussion: Additional amendments to existing policies and regulations are not anticipated at this time.
4. The proposed amendments raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of the regular review cycle.
Discussion: The proposed amendment would be appropriately addressed through docketing.
5. Some legal or procedural flaw in the petition would prevent its legal implementation.
Discussion: There are no procedural flaws in the proposal. A preliminary legal review has been completed for purposes of making a recommendation for docketing. Additional legal analysis is required if the proposal is docketed.
6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at any later time.
Discussion: The petition contains sufficient information to determine if the request should be included, excluded, or deferred from this year’s docket.
7. A rezone or map 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 petition is consistent with the submittal requirements for a land use map amendment.

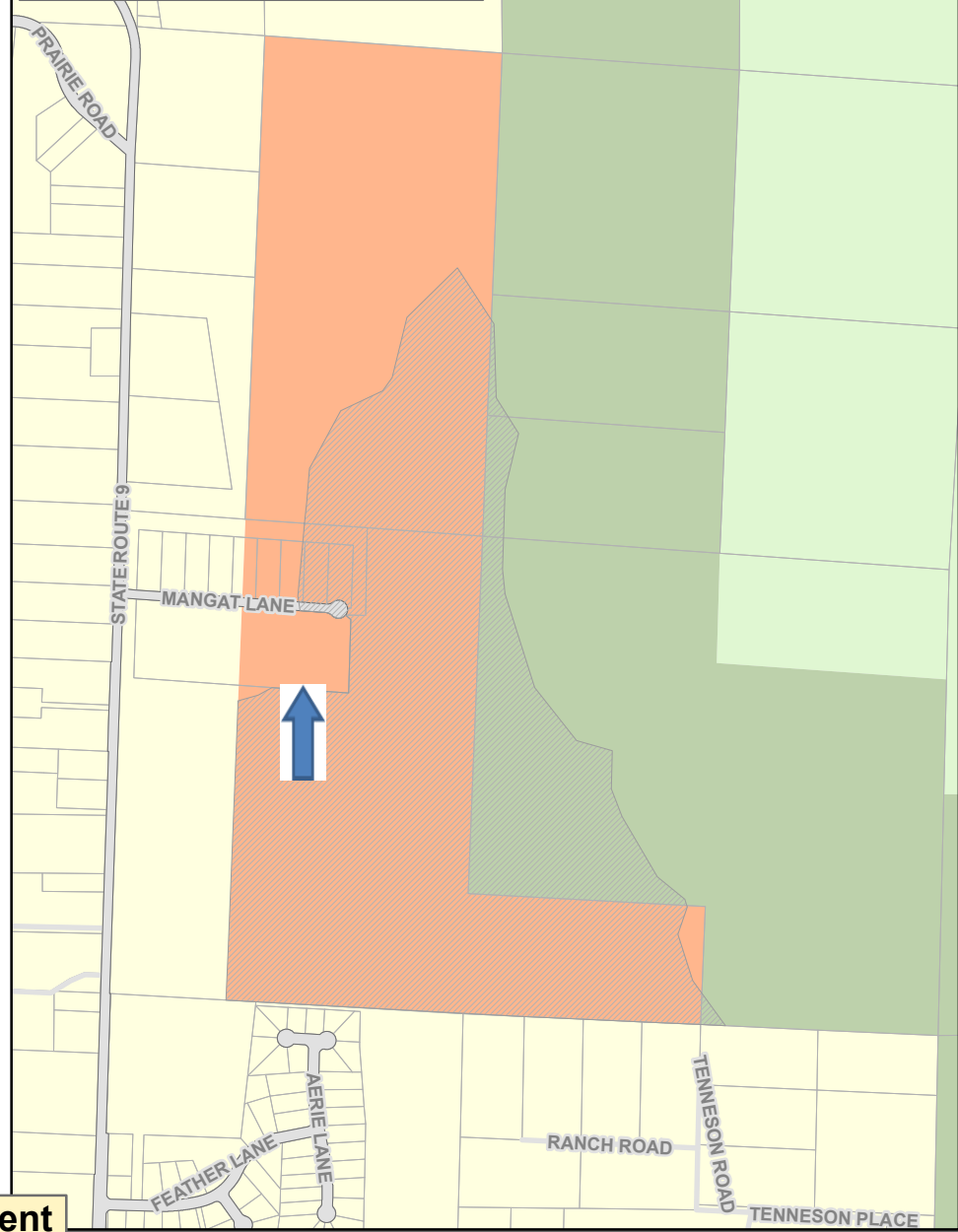
The Department recommends this proposal be X INCLUDED, EXCLUDED, or DEFERRED from the 2019 Docket based on the criteria in the Comprehensive Plan and SCC.

The Board of County Commissioners INCLUDES, EXCLUDES, or DEFERS this proposal based on the criteria in the Comprehensive Plan and SCC.

Current Land Use [Attachment 1.a.i](#)

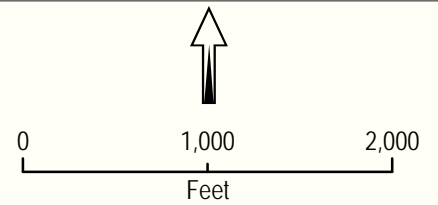


Proposed Landuse



Mangat Estates Proposed Land Use/Zoning Map Amendment

- [Ag-NRL] Agriculture - NRL
- [RRc-NRL] Rural resource - NRL
- IF-NRL
- [NRI] Natural Resource Industrial
- [RRv] Rural Reserve
- SF-NRL
- [MRO] Mineral Resource Overlay



Attachment 1.b.



**2019 Comprehensive Plan Docket
 Comprehensive Plan Land Use Map Amendment
 Countywide Planning Policies, Comprehensive Plan, &
 Development Regulations Amendments**

Staff Summary for Inclusion, Deferment, or Exclusion
PL18-0405: Avalon Fully Contained Community

I. Summary	
<p>Countywide Planning Policies: Amendments to CPP 1.1; 1.2 – Urban Growth; Appendix A – Growth Chart; and Appendix B - Growth Allocations.</p> <p>Location in Comprehensive Plan: Edits to Comprehensive Plan/Land Use Map; and policies supporting the creation of new Fully Contained Communities (Chapters 1, 7, and 8).</p> <p>Location in Development Code: Edits to SCC 14.02.050 – Vesting of Applications; and a proposed new chapter SCC 14.22: New Fully Contained Community Urban Growth Area.</p>	
<p>Proposed Change(s): A request to amend the Countywide Planning Policies, the Comprehensive Plan and the development regulations to enable the establishment of fully contained communities as defined by RCW 36.70A.350. A request for a Comprehensive Plan land use / zoning map amendment to modify seventy parcels totaling 1,244 acres from Rural Resource – Natural Resource Land (RR-NRL), Agriculture – Natural Resource Land (Ag-NRL), Rural Reserve (RRv), and the Mineral Resource Overlay (MRO) to support a mix of new residential, commercial, public, and open space land uses to support a new fully contained community named Avalon.</p>	
<p>Applicant: Bill Sygitowicz / Skagit Partners LLC</p>	<p>Property Location(s): Seventy parcels totaling approximately 1,244 acres, located northwest of Sedro-Wooley and adjacent to I-5.</p>
<p>Existing Land Use Designation / Zoning District</p> <p>Existing land uses include Rural Resource – Natural Resource Land (RR-NRL), Agriculture – Natural Resource Land (Ag-NRL), Rural Reserve (RRv), and the Mineral Resource Overlay (MRO).</p>	<p>Proposed Land Use Designation / Zoning District</p> <p>A mix of residential, commercial, public, and open space land uses to support a new fully contained community as described in RCW 36.70A.350.</p>

II. INCLUDING, EXCLUDING, OR DEFERRING AMENDMENTS (Skagit County Comprehensive Plan Chapter 12): <i>For citizen-initiated amendments, the County shall take into consideration the following factors when considering approval of a proposed amendment to the comprehensive plan or development regulations:</i>	
<p>1. The petitioner has paid the application fees as specified in the adopted fee schedule, unless waived by the Board of County Commissioners during a periodic update.</p>	
<p>Discussion: The applicant paid the \$5040 fee for a Comprehensive Plan / Land Use Map Amendment pursuant to their original application in 2015 (PL15-0383). The request has been deferred from the 2016 and 2017 Dockets. The request was excluded from the 2018 Docket. No additional fee is due.</p>	
<p>2. The petitioner shall submit an application on forms provided by the County, containing appropriate amendatory language and a map (if applicable). The petitioner shall also address how the proposal is consistent with the Comprehensive Plan policies or land-use designations.</p>	

Discussion: The request was submitted on the appropriate forms. The applicant has addressed how they believe their request will fulfill a number of Comprehensive Plan policies, and requested amendments to the Comprehensive Plan to support the creation of fully contained communities.
3. Petitions must be submitted by the date specified in the docketing announcement.
Discussion: Requests for amendments must be received by the Department no later than the last business day of July. The request was submitted on July 28, 2018.
4. Will the request adversely affect the County's budget?
Discussion: No budget impact is anticipated pursuant to this proposal.
5. Will the request require additional amendments to policies or regulations?
Discussion: The request will require amendments to the Countywide Planning Policies, a number of Comprehensive Plan goals and policies, and amendments to the development regulations.
On December 19, 2018, the Skagit Council of Governments (SCOG) Growth Management Act Steering Committee (GMASC) adopted SCOG's 2019 Work Program and Budget. The adopted Work Program did not include the necessary changes to the CPPs support this petition. Based on the Committees adoption, the Department has determined that an amendment to CPP 1 is unlikely to be approved by GMASC.

III. AMENDMENT CRITERIA (Skagit County Code 14.08.040 and 060): <i>In making its docketing recommendation, the Department must consider the following criteria:</i>
1. The petition complies with the filing requirements.
Discussion: The application was received in a timely fashion and addresses the filing requirements of SCC 14.08.030.
2. The petition, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonable reviewed within the staffing and operational budget allocated to the Department by the Board.
Discussion: Staffing levels are not adequate to analyze this proposal. Staff understands that the applicants have offered to share the cost of a consultant with the County to analyze the request if it is docketed.
3. The proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the application, and is consistent with other goals, objectives, and policies adopted by the Board.
Discussion: The applicant has addressed the specific policies and regulations that would need to be added or amended if the request is adopted.
4. The proposed amendments raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of the regular review cycle.
Discussion: The proposed amendment would be appropriately addressed through docketing.
5. Some legal or procedural flaw in the petition would prevent its legal implementation.
Discussion: There are no procedural flaws to the proposal. A preliminary legal review has been completed for purposes of making a docketing recommendation. Additional legal analysis is required if the proposal is docketed.

6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at any later time.

Discussion: The petition contains sufficient information to determine if the request should be included, excluded, or deferred from this year's docket.

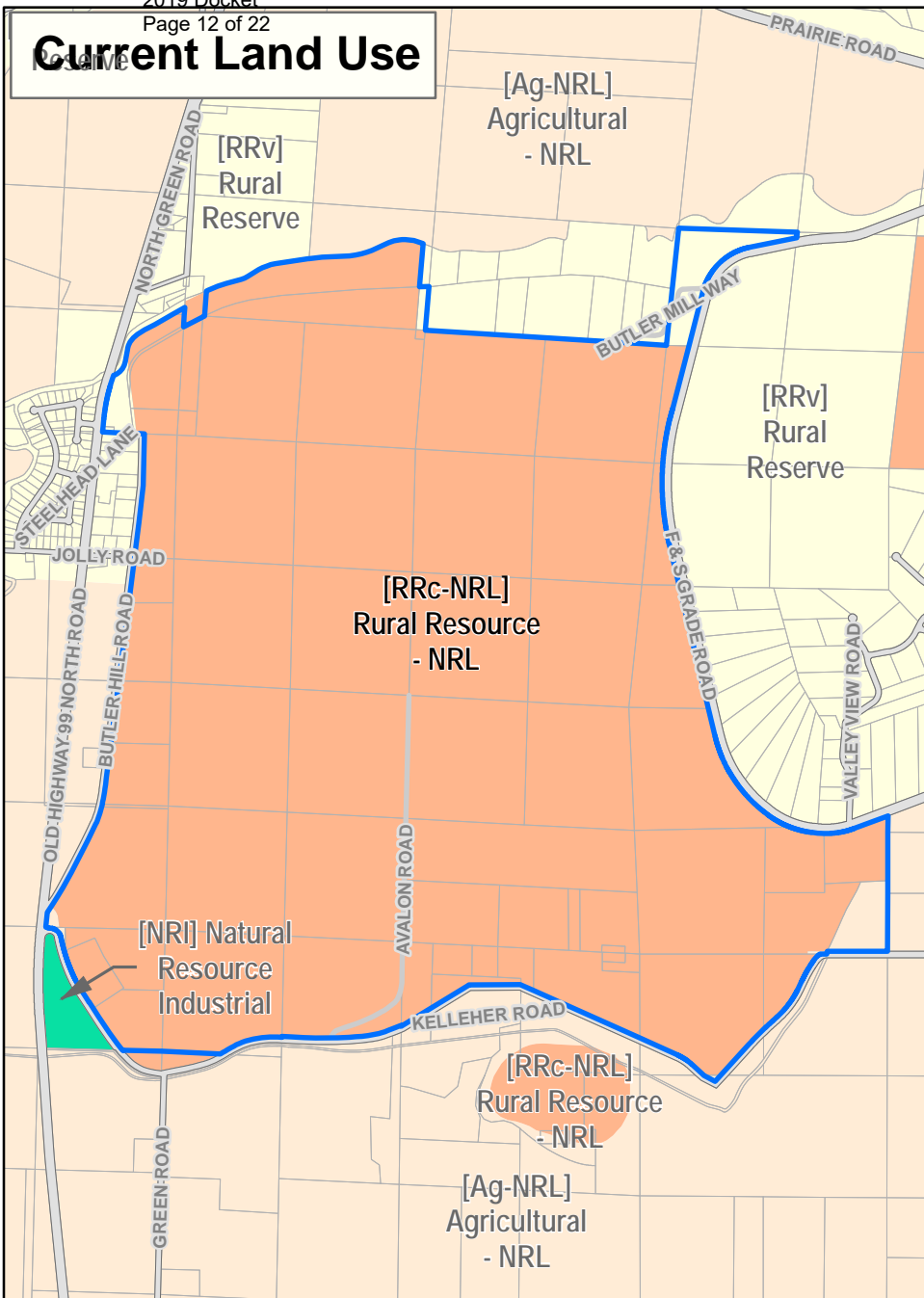
7. A rezone or map amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.

Discussion: The petition is consistent with the submittal requirements for a land use map amendment.

The Department recommends this proposal be ____ INCLUDED, **X** EXCLUDED, or ____ DEFERRED from the 2019 Docket based on the criteria in the Comprehensive Plan and SCC.

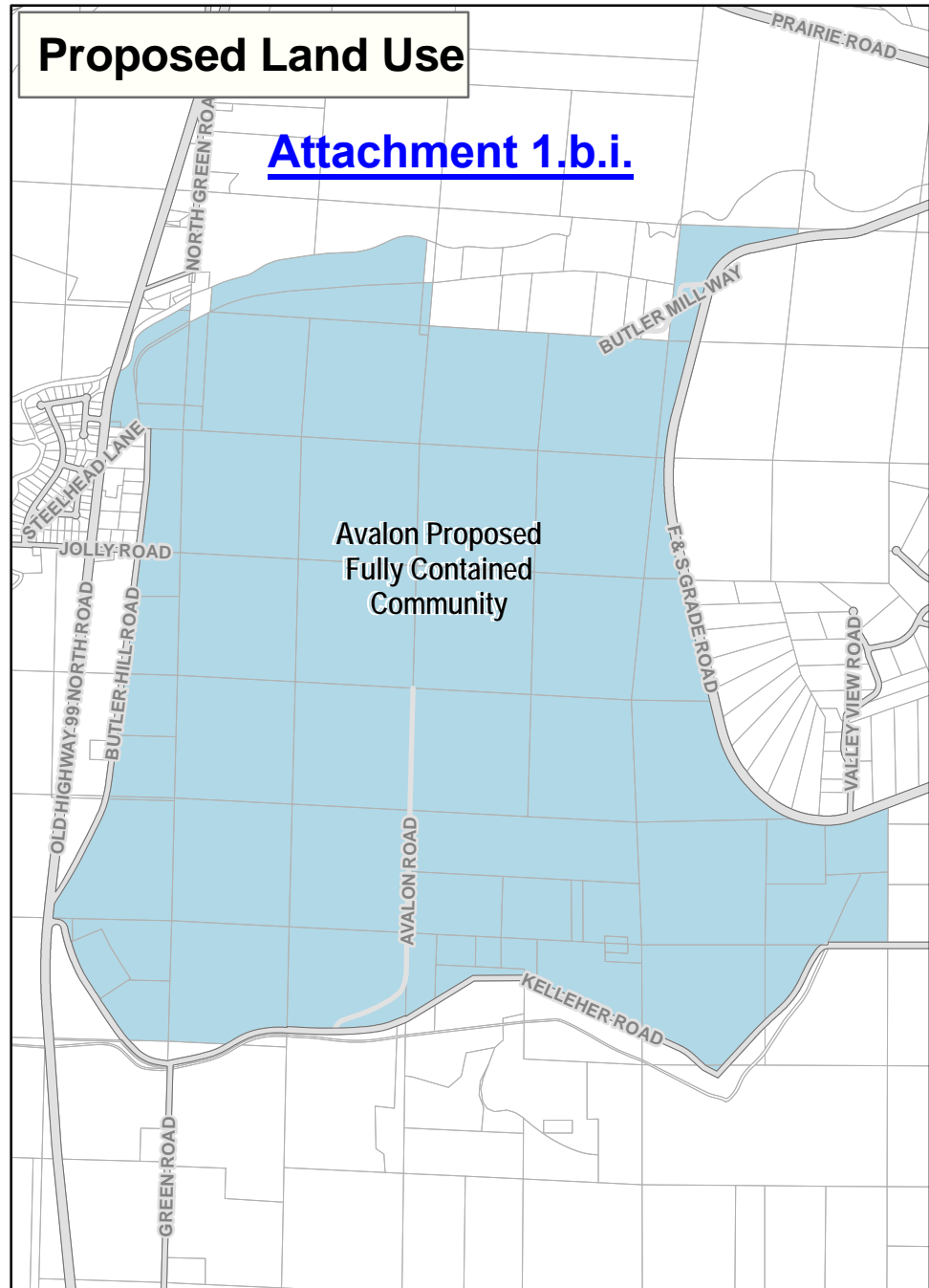
The Board of County Commissioners ____ INCLUDES, ____ EXCLUDES, or ____ DEFERS this proposal based on the criteria in the Comprehensive Plan and SCC.

Current Land Use



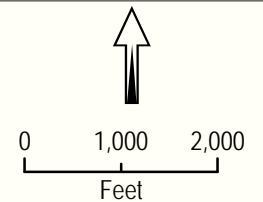
Proposed Land Use

Attachment 1.b.i.



Avalon Fully Contained Community Proposed Land Use/Zoning Map Amendment

- Land use Amendment Area
- [NRI] Natural Resource Industrial
- [RRv] Rural Reserve
- [Ag-NRL] Agriculture - NRL
- [RRc-NRL] Rural resource - NRL
- Avalon Proposed Fully Contained Community



Attachment 1.c.



2019 Comprehensive Plan Docket Development Code Text Amendment

Summary of Petition P-1: Rainwater Catchment Systems

I. Summary
Location in Development Code: Skagit County Code Chapter 14.24 – Critical Areas Ordinance
Proposed Change(s): Citizen-initiated request to amend sections of Seawater Intrusion Areas (SCC 14.24.380) to include a new subsection. The subsection will include a County-approved standardized rainwater catchment system (RCS) template. The template will allow property owners on Guemes Island to build RCS without engineer approval.
Applicant: Hal Rooks, Guemes Island Planning Advisory Committee (GIPAC)
II. Including, Excluding, or Deferring Amendments (Skagit County Comprehensive Plan Chapter 12): <i>For citizen-initiated amendments, the County shall take into consideration the following factors when considering approval of a proposed amendment to the comprehensive plan or development regulations:</i>
1. The petitioner has paid the application fees as specified in the adopted fee schedule, unless waived by the Board of County Commissioners during a periodic update.
Discussion: No fee is required to submit a suggestion for an amendment to the Comprehensive Plan or Development Regulations.
2. The petitioner shall submit an application on forms provided by the County, containing appropriate amendatory language and a map (if applicable). The petitioner shall also address how the proposal is consistent with the Comprehensive Plan policies or land-use designations.
Discussion: The request was submitted on the appropriate forms. The applicant has addressed how they believe their request is consistent with the Guemes Island Subarea Plan, an adopted element of the County's Comprehensive Plan, which identifies protection of the island's sole source aquifer as a key issue.
3. Petitions must be submitted by the date specified in the docketing announcement.
Discussion: Requests for amendments must be received by the Department no later than the last business day of July. The request was submitted on July 30, 2018.
4. Will the request adversely affect the County's budget?
Discussion: No budget impact is anticipated pursuant to this proposal.
5. Will the request require additional amendments to policies or regulations?
Discussion: Additional amendments may be required to Chapter 14.04: Definitions; the Uniform Green Plumbing and Mechanical Code Supplement; and the Guemes Island Overlay language.
III. AMENDMENT CRITERIA (Skagit County Code 14.08.040): <i>In making its docketing recommendation, the Department must consider the following criteria:</i>
1. The petition complies with the filing requirements.
Discussion: The application was received in a timely fashion and addresses the filing requirements of SCC 14.08.030.

2. The petition, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonable reviewed within the staffing and operational budget allocated to the Department by the Board.
Discussion: Staffing levels are adequate to analyze this proposal.
3. The proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the application, and is consistent with other goals, objectives, and policies adopted by the Board.
Discussion: Additional amendments to the development regulations are not anticipated at this time.
4. The proposed amendments raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of the regular review cycle.
Discussion: The proposed amendment would be appropriately addressed through docketing.
5. Some legal or procedural flaw in the petition would prevent its legal implementation.
Discussion: There is no procedural flaw in the proposal. A preliminary legal review has been completed for purposes of making a recommendation for docketing. Additional legal analysis is required if the proposal is docketed.
6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at any later time.
Discussion: The petition contains sufficient information to determine if the request should be included, excluded, or deferred from this year's docket.

The Department recommends this proposal be X INCLUDED, EXCLUDED, or DEFERRED from the 2019 Docket based on the criteria in the Comprehensive Plan and SCC.

The Board of County Commissioners INCLUDES, EXCLUDES, or DEFERS this proposal based on the criteria in the Comprehensive Plan and SCC.

Attachment 1.d.



**2019 Comprehensive Plan Docket
 Development Code Text Amendment**
 Staff Summary for Inclusion, Deferment, or Exclusion
P-2: Guemes Island Wells

I. SUMMARY OF P-2: Guemes Island Wells
Location in Development Code: Skagit County Code Chapter 14.24 – Critical Areas Ordinance
Proposed Change(s): Citizen-initiated request (P-2) to amend sections of the Aquifer Recharge Areas (SCC 14.24.300-330) and Seawater Intrusion Areas (SCC 14.24.380) to require pre-drilling approval for new wells on Guemes Island, including an assessment of hydrogeologic impact. Amend sections of SCC 14.24.380 to allow for rainwater catchment systems on Guemes Island without first demonstrating why a public drinking water system or drilled well cannot be utilized.
Applicant: Nancy Fox, Guemes Island Planning Advisory Committee (GIPAC)

II. INCLUDING, EXCLUDING, OR DEFERRING AMENDMENTS (Skagit County Comprehensive Plan Chapter 12): <i>For citizen-initiated amendments, the County shall take into consideration the following factors when considering approval of a proposed amendment to the comprehensive plan or development regulations:</i>
1. The petitioner has paid the application fees as specified in the adopted fee schedule, unless waived by the Board of County Commissioners during a periodic update.
Discussion: No fee is required to submit a suggestion for an amendment to the Comprehensive Plan or Development Regulations.
2. The petitioner shall submit an application on forms provided by the County, containing appropriate amendatory language and a map (if applicable). The petitioner shall also address how the proposal is consistent with the Comprehensive Plan policies or land-use designations.
Discussion: The request was submitted on the appropriate forms. The applicant has addressed how they believe their request is consistent with the Guemes Island Subarea Plan, an adopted element of the County’s Comprehensive Plan, which identifies protection of the island’s sole source aquifer as a key issue.
3. Petitions must be submitted by the date specified in the docketing announcement.
Discussion: Requests for amendments must be received by the Department no later than the last business day of July. The request was submitted on July 30, 2018.
4. Will the request adversely affect the County’s budget?
Discussion: No budget impact is anticipated pursuant to this proposal.
5. Will the request require additional amendments to policies or regulations?
Discussion: The proposal may require amendments to Title 12, the Health, Welfare, and Sanitation Code.

<p>III. AMENDMENT CRITERIA (Skagit County Code 14.08.040): <i>In making its docketing recommendation, the Department must consider the following criteria:</i></p>
<p>1. The petition complies with the filing requirements.</p>
<p>Discussion: The application was received in a timely fashion and addresses the filing requirements of SCC 14.08.030.</p>
<p>2. The petition, in light of all proposed amendments being considered for inclusion in the year’s docket, can be reasonable reviewed within the staffing and operational budget allocated to the Department by the Board.</p>
<p>Discussion: Staffing levels are adequate to analyze this proposal.</p>
<p>3. The proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the application, and is consistent with other goals, objectives, and policies adopted by the Board.</p>
<p>Discussion: Other amendments to the development regulations are not anticipated at this time.</p>
<p>4. The proposed amendments raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of the regular review cycle.</p>
<p>Discussion: The proposed amendment would be appropriately addressed through docketing.</p>
<p>5. Some legal or procedural flaw in the petition would prevent its legal implementation.</p>
<p>Discussion: There is no procedural flaw in the proposal. A preliminary legal review has been completed for purposes of making a recommendation for docketing. Additional legal analysis is required if the proposal is docketed.</p>
<p>6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at any later time.</p>
<p>Discussion: The petition contains sufficient information to determine if the request should be included, excluded, or deferred from this year’s docket.</p>

Staff recommends this proposal be X INCLUDED, EXCLUDED, or DEFERRED from the 2018 Docket based on the criteria in the Comprehensive Plan and SCC.

The Board of County Commissioners INCLUDES, EXCLUDES, or DEFERS this proposal based on the criteria in the Comprehensive Plan and SCC.

[Attachment 1.e](#)



2019 Comprehensive Plan Docket Development Code Text Amendment

Staff Summary for Inclusion, Deferment, or Exclusion
P-3: Wireless Facilities and Small Cells

I. SUMMARY OF P-1: Wireless Facilities and Small Cells
Location in Development Code: Skagit County Code Chapter 14.16.720 – Personal Wireless Service Facilities
Proposed Change(s): Citizen-initiated request (P-3) to prioritize the revision of sections of the Wireless Facilities Code (SCC 14.16.720) to achieve clearer organization and clarify applicability. Specifically, add language defining small cell technology and create a "streamlined" permitting process for small cells. This work would be addressed through the Long Range Work Program, outside of the annual docketing cycle.
Applicant: Wireless Policy Group LLC, for Verizon Wireless

II. INCLUDING, EXCLUDING, OR DEFERRING AMENDMENTS (Skagit County Comprehensive Plan Chapter 12): <i>For citizen-initiated amendments, the County shall take into consideration the following factors when considering approval of a proposed amendment to the comprehensive plan or development regulations:</i>
1. The petitioner has paid the application fees as specified in the adopted fee schedule, unless waived by the Board of County Commissioners during a periodic update.
Discussion: No fee is required to submit a suggestion for an amendment to the Comprehensive Plan or Development Regulations.
2. The petitioner shall submit an application on forms provided by the County, containing appropriate amendatory language and a map (if applicable). The petitioner shall also address how the proposal is consistent with the Comprehensive Plan policies or land-use designations.
Discussion: The request was submitted on the appropriate forms. The applicant has addressed how they believe their request is consistent with the goals of quality, efficacy, and aesthetics of the Utilities section (Ch. 9) of the Comprehensive Plan.
3. Petitions must be submitted by the date specified in the docketing announcement.
Discussion: Requests for amendments must be received by the Department no later than the last business day of July. The request was submitted on July 30, 2018.
4. Will the request adversely affect the County's budget?
Discussion: No budget impact is anticipated pursuant to this proposal.
5. Will the request require additional amendments to policies or regulations?
Discussion: Additional amendments will be required to policies concerning Public Works Franchise Agreements, and to Chapter 14.06 SCC: Permit Procedures.

III. AMENDMENT CRITERIA (Skagit County Code 14.08.040): <i>In making its docketing recommendation, the Department must consider the following criteria:</i>
1. The petition complies with the filing requirements.
Discussion: The application was received in a timely fashion and addresses the filing requirements of SCC 14.08.030.
2. The petition, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonable reviewed within the staffing and operational budget allocated to the Department by the Board.
Discussion: Staffing levels may be adequate to analyze this proposal.
3. The proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the application, and is consistent with other goals, objectives, and policies adopted by the Board.
Discussion: Additional amendments to the development regulations are not anticipated at this time.
4. The proposed amendments raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of the regular review cycle.
Discussion: The proposed amendment would be appropriately addressed through docketing.
5. Some legal or procedural flaw in the petition would prevent its legal implementation.
Discussion: There is no procedural flaw in the proposal. A preliminary legal review has been completed for purposes of making a recommendation for docketing. Additional legal analysis is required if the proposal is docketed, including consideration of a franchise agreement.
6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at any later time.
Discussion: The petition contains sufficient information to determine if the request should be included, excluded, or deferred from this year's docket.

Staff recommends this proposal be ___ INCLUDED, ___ EXCLUDED, or X DEFERRED from the 2019 Docket based on the criteria in the Comprehensive Plan and SCC.

The Board of County Commissioners _____ INCLUDES, _____ EXCLUDES, or _____ DEFERS this proposal based on the criteria in the Comprehensive Plan and SCC.

Attachment 1.f.



2019 Comprehensive Plan Docket Development Code Text Amendment

Staff Summary for Inclusion, Deferment, or Exclusion
P-4: Great Blue Heron Protections

I. SUMMARY OF P-4: Great Blue Heron Protections
Location in Development Code: Skagit County Code Chapter 14.24 – Critical Areas Ordinance
Proposed Change(s): Citizen-initiated request (P-4) to amend sections of the Critical Areas Ordinance (SCC 14.24) to strengthen protections for Great Blue Heron by mapping nesting habitats, creating buffer areas, and requiring review for heron buffer areas during the development and clearing permits process.
Applicant: Molly Doran, Skagit Land Trust

II. INCLUDING, EXCLUDING, OR DEFERRING AMENDMENTS (Skagit County Comprehensive Plan Chapter 12): <i>For citizen-initiated amendments, the County shall take into consideration the following factors when considering approval of a proposed amendment to the comprehensive plan or development regulations:</i>
1. The petitioner has paid the application fees as specified in the adopted fee schedule, unless waived by the Board of County Commissioners during a periodic update.
Discussion: No fee is required to submit a suggestion for an amendment to the Comprehensive Plan or Development Regulations.
2. The petitioner shall submit an application on forms provided by the County, containing appropriate amendatory language and a map (if applicable). The petitioner shall also address how the proposal is consistent with the Comprehensive Plan policies or land-use designations.
Discussion: The request was submitted on the appropriate forms. The applicant has addressed how they believe their request is consistent with the Comprehensive Plan as it seeks only to strengthen existing policies regarding protection of Great Blue Herons which are already identified in the code as a Habitat and Species of Local Importance.
3. Petitions must be submitted by the date specified in the docketing announcement.
Discussion: Requests for amendments must be received by the Department no later than the last business day of July. The request was submitted on July 31, 2018.
4. Will the request adversely affect the County's budget?
Discussion: No budget impact is anticipated pursuant to this proposal.
5. Will the request require additional amendments to policies or regulations?
Discussion: The Department does not currently anticipate additional amendments to existing policies or regulations.

<p>III. AMENDMENT CRITERIA (Skagit County Code 14.08.040): <i>In making its docketing recommendation, the Department must consider the following criteria:</i></p>
<p>1. The petition complies with the filing requirements.</p>
<p>Discussion: The application was received in a timely fashion and addresses the filing requirements of SCC 14.08.030.</p>
<p>2. The petition, in light of all proposed amendments being considered for inclusion in the year’s docket, can be reasonable reviewed within the staffing and operational budget allocated to the Department by the Board.</p>
<p>Discussion: Staffing levels are adequate to analyze this proposal.</p>
<p>3. The proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the application, and is consistent with other goals, objectives, and policies adopted by the Board.</p>
<p>Discussion: Additional amendments to the development regulations are not anticipated at this time.</p>
<p>4. The proposed amendments raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of the regular review cycle.</p>
<p>Discussion: The proposed amendment would be appropriately addressed through docketing.</p>
<p>5. Some legal or procedural flaw in the petition would prevent its legal implementation.</p>
<p>Discussion: There is no procedural flaw in the proposal. A preliminary legal review has been completed for purposes of making a recommendation for docketing. Additional legal analysis is required if the proposal is docketed.</p>
<p>6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at any later time.</p>
<p>Discussion: The petition contains sufficient information to determine if the request should be included, excluded, or deferred from this year’s docket.</p>

The Department recommends this proposal be X INCLUDED, EXCLUDED, or DEFERRED from the 2018 Docket based on the criteria in the Comprehensive Plan and SCC.

The Board of County Commissioners INCLUDES, EXCLUDES, or DEFERS this proposal based on the criteria in the Comprehensive Plan and SCC.



Attachment 2 Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

Notice of Availability and Public Hearing

Including the written comment period, public hearing date, and environmental review.

Proposal Information

Publish dates:	January 7, 2019 and January 22, 2019
Proposal name:	Skagit County's 2019 Docket
Documents available at:	www.skagitcounty.net/2018CPA
Lead Agency:	Skagit County Planning & Development Services
Contact Person:	Stacie Pratschner, AICP, Senior Planner
Public hearing body:	Skagit County Board of County Commissioners
Public hearing date:	Tuesday, January 29, 2019, from 10 a.m. to 11 a.m.
Written comment deadline:	Thursday, January 31, 2019, at 4:30 p.m.
Commissioners Deliberations:	Tuesday, February 19, 2019 at 11:00 a.m. to 11:30 a.m.

Proposal Description

The Growth Management Act (GMA), RCW 36.70A.130, provides that "each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation" and authorizes Skagit County to accept petitions for revisions to the Comprehensive Plan policies, land use map, and development code. Skagit County implements this review annually pursuant to SCC Chapter 14.08.

The Department has received six citizen-initiated amendments and proposes seven County-initiated text amendments for inclusion in this year's docket. A list of these amendments is available to view at www.skagitcounty.net/2019CPA.

The Board of County Commissioners will make a decision on which petitions to move forward (docket) for full review and potential adoption after considering public comment. The Department has analyzed the petitions pursuant to the adopted Countywide Planning Policies, the Skagit County Comprehensive Plan, and Skagit County Code (SCC) 14.08 and issued a memo with recommendations. The materials are available to view at www.skagitcounty.net/2019CPA. Detailed descriptions of each proposal, Department analyses, maps showing the proposed land use map changes, and the public noticing documents are all available to view at the above-listed website.

Environmental Review (SEPA)

Pursuant to SCC 14.08.050, after the Board of County Commissioners establishes the year's docket of amendments, the County must complete environmental review of all of the proposed amendments. For a site-specific Comprehensive Plan amendment, the applicant must submit a complete environmental checklist to the County and required fees.

How to Comment

Email comments must be sent to pdscomments@co.skagit.wa.us with the proposal name ("Skagit County's 2019 Docket") in the subject line. Comment is welcome on any of the proposed amendments. 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 "Skagit County's 2019 Docket"
Planning and Development Services
1800 Continental Place, Mount Vernon WA 98273

All comments must be received by the deadline and include your full name and mailing address. Comments not meeting these requirements will not be considered.

You may also comment in person at the public hearing at the Commissioners Hearing Room, 1800 Continental Place, Mount Vernon. Public hearing testimony is limited to three minutes.

Anyone who plans to attend the public hearing and has special needs or disabilities should contact Planning and Development Services at (360) 416-1320 at least 96 hours before the hearing to discuss and arrange any special accommodations.



Planning & Development Services

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office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

Notice of Availability and Public Hearing

Including the written comment period, public hearing date, and environmental review.

Proposal Information

Publish date:	February 4, 2019
Proposal name:	Skagit County's 2019 Docket
Documents available at:	www.skagitcounty.net/2019CPA
Lead Agency:	Skagit County Planning & Development Services
Contact Person:	Stacie Pratschner, AICP, Senior Planner
Public hearing body:	Skagit County Board of County Commissioners
First Public hearing date:	Tuesday, January 29, 2019, from 10 a.m. to 11 a.m.
Second Public hearing date:	Monday, March 11, 2019, from 11 a.m. to 12 p.m.
Written comment deadline:	Tuesday, February 19, 2019, at 4:30 p.m.
Scheduled deliberations:	Tuesday, March 19, 2019, at 10:30 a.m.

Proposal Description

The Growth Management Act (GMA), RCW 36.70A.130, provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation” and authorizes Skagit County to accept petitions for revisions to the Comprehensive Plan policies, land use map, and development code. Skagit County implements this review annually pursuant to SCC Chapter 14.08.

The Department has received six citizen-initiated amendments and proposes eight County-initiated text amendments for inclusion in this year's docket. A list of these amendments is available to view at www.skagitcounty.net/2019CPA. This will be the second public hearing for the 2019 Docket, to permit public review and comment of an additional County-initiated proposal to continue updates to the Airport Environs Overlay code.

The Board of County Commissioners will make a decision on which petitions to move forward (docket) for full review and potential adoption after considering public comment. The Department has analyzed the petitions pursuant to the adopted Countywide Planning Policies, the Skagit County Comprehensive Plan, and Skagit County Code (SCC) 14.08 and issued a memo with recommendations. The materials are

available to view at www.skagitcounty.net/2019CPA. Detailed descriptions of each proposal, Department analyses, maps showing the proposed land use map changes, and the public noticing documents are all available to view at the above-listed website.

Environmental Review (SEPA)

Pursuant to SCC 14.08.050, after the Board of County Commissioners establishes the year's docket of amendments, the County must complete environmental review of all of the proposed amendments. For a site-specific Comprehensive Plan amendment, the applicant must submit a complete environmental checklist to the County and required fees.

How to Comment

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