

1 **Skagit County Planning Commission’s Recorded Motion Regarding the**  
 2 **2019 Docket of Comprehensive Plan Policies, Map and Development**  
 3 **Code Amendments**

<b>Proposal publication dates:</b>	December 19, 2019 and December 26, 2019
<b>Proposal name:</b>	2019 Docket of Comprehensive Plan Policies, Map and Development Code Amendments
<b>Documents available at:</b>	<a href="http://www.skagitcounty.net/2019CPA">www.skagitcounty.net/2019CPA</a>
<b>Public hearing body:</b>	Skagit County Planning Commission
<b>Public hearing date:</b>	Tuesday, January 21, 2020, at 6 p.m.
<b>Written comment deadline:</b>	Friday, January 24, 2020, at 4:30 p.m.
<b>Planning Commission deliberations:</b>	Tuesday, February 11, 2020
	Tuesday, February 25, 2020

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

7 **Recommendation, Findings of Fact and Reasons for Action, February 11, 2020**

8 Item C-1: Modify Comprehensive Plan Policy, Guemes Island Ferry

- 9 1. The Planning Commission recommends to the Board of County Commissioners to approve  
 10 the comprehensive plan amendment to modify the capital project cost summary (page 456  
 11 and exhibits 41 and 42 on page 492) to reflect the revised funds and costs for the  
 12 replacement of the Guemes Island Ferry.
- 13 a. The amendment is supported by the 2020-2025 Capital Facilities Plan and the 2020-  
 14 2025 Transportation Improvement Program.
- 15 b. The amendment has been found to be consistent with Goal 3 and Policy 3.4 of the  
 16 Countywide Planning Policies.

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
<b>Total</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>

1

2 **Item C-2: Drainage District Coordination**

- 3 1. The Planning Commission recommends to the Board of County Commissioners to defer  
 4 Item C-2 Drainage District Coordination.
- 5 a. County Staff are in the process of amending Chapter 14.32 Stormwater Management  
 6 to codify regulatory changes associated with our National Pollutant Discharge  
 7 Elimination System (NPDES) permit. Per Skagit County Code 14.08.090(6)(d) Item  
 8 C-2 is more appropriately considered with the proposed changes to Chapter 14.32

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
<b>Total</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>

9

10 **Item C-3: Binding Site Plan Revisions**

- 11 1. The Planning Commission recommends to the Board of County Commissioners to approve  
 12 County Staff's proposed amendments to Skagit County Code 14.18.500(2)(c) to remove the  
 13 requirement for a Binding Site Plan to be completed for commercial or industrial  
 14 development that involves two or more leases.

- 1 a. The amendment is supported by Goal 11B-6 of the Economic Development Chapter  
2 of the Comprehensive Plan.
- 3 b. The amendment is consistent with Washington RCW 58.17.035 which authorizes  
4 the County to provide a Binding Site Plan review process.
- 5 c. The amendment is consistent with the Skagit County Comprehensive Economic  
6 Development Strategy (CEDS) which identifies the need for "... land available for  
7 sale-lease and ready-to-occupy buildings available to smaller tenants.
- 8 d. The amendment provides the opportunity for small and emerging business to be  
9 able to lease commercial and industrial space without the need to process a land  
10 division which promotes economic development and has been found to be  
11 consistent with Goal 5 and Policy 5.15 of the Countywide Planning Policies.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
<b>Total</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>

12

13 **Item C-4: Modify SCC 14.16.500(3) and (4): Trails in OSRSI**

- 14 1. The Planning Commission recommends to the Board of County Commissioners to amend  
15 Skagit County Code 14.16.500(3)(f) to remove "trails" as a permitted use and as an  
16 administrative special use, and establish "Trails, primary, and secondary trailheads as a  
17 Hearings Examiner Special Use.
- 18 a. The amendment is consistent with Goal 2B and Policy 2B-1.2, and Goal 2E and Policy  
19 2E-1.1 of the Comprehensive Plan.
- 20 b. The amendment is consistent with the Skagit County Parks and Recreation  
21 Comprehensive Plan.
- 22 c. The amendment has been found to be consistent with Goal 9 and Policies 9.1 and 9.2  
23 of the Countywide Planning Policies.

**Commented [PG1]:** Commissioner Lundsten (ML): The notes below include more details about the decision to require a Hearing Examiner review rather than an Administrative Special Use review.

- 1 d. The Planning Commission finds that providing notice is important to ensure that  
 2 interested parties can participate in the review of proposed trails and trailheads.
- 3 e. The Planning Commission finds that as staff turnover there can be different policies  
 4 regarding how the code is interpreted.

5 f. The proposal requiring an Administrative Special Use review for all trails had a  
 6 broad range of public support with no opposition [ML].

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7 g. The Planning Commission finds that requiring a Hearings Examiner Special Use  
 8 review ~~puts the proponent and public on a more even playing field.~~ requires  
 9 notifying a greater number of the public and therefore is preferable to  
 10 Administrative Special Use review [ML].

11 ~~f.~~

12 g.h. The Planning Commission finds that the cost difference is negligible between an  
 13 Administrative Special Use and a Hearings Examiner Special Use.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten		x		
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	6	1	1	0

14

15 Item C-5: Modify SCC 14.16: Classification of Habitat Restoration

Commented [PG2]: Commissioner Lundsten (ML): I think it is important to note the public's disposition on the issue, as expressed in the public testimony.

16 1. The Planning Commission recommends to the Board of County Commissioners to approve  
 17 County Staff's proposed amendments to Skagit County Code Chapter 14.16 to classify  
 18 "Habitat enhancement and/or restoration projects, except mitigation banks as defined by  
 19 SCC 14.04.020" as a permitted use in all zones except for the Agricultural Natural Resource  
 20 Zone (Ag-NRL) where the use will remain as a Hearings Examiner Special Use.

21 a. The amendment is consistent with Goal 5A-3 and Policy 5A-3.7, Goal 5A-4 and  
 22 Policies 5A-4.4 and 5A-4.7, and Goal 5A-5 and Policy 5A-5.5 of the Comprehensive  
 23 Plan.

- 1 b. The amendment is consistent with Goal 2 of the Shoreline Management Master  
 2 Program Plan.
- 3 c. The amendment is consistent with Goal 8 and Policies 8.5 and 8.7, Goal 9 and Policy  
 4 9.7, and Goal 10 and Policy 10.5 of the Countywide Planning Policies.
- 5 d. The amendment received broad public support and no opposition, except for  
 6 modifications suggested by an agricultural board and a forestry board [ML].
- 7 €

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Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair		x		
Tammy Candler	x			
Amy Hughes				x
Annie Lohman		x		
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	4	2	1	1

10 Item C-6: Fire Code Consistency with International Fire Code

- 11 1. The Planning Commission recommends to the Board of County Commissioners to approve  
 12 County Staff's proposed amendments to Skagit County Code 15.04.030 to update  
 13 requirements for vehicle access roads.
- 14 a. The amendment is consistent with the Comprehensive Plan.
- 15 b. The amendment is consistent with Goal 7 and Policy 7.4 of the Countywide Planning  
 16 Policies.

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
<b>Total</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>

1

2 **Item C-7: Modify SCC 14.16.820(3)(c): Building Permit Requirements for Signs**

- 3 1. The Planning Commission recommends to the Board of County Commissioners to approve  
 4 County Staff's proposed amendments to Skagit County Code 14.16.820(3)(c) to clarify when  
 5 a building permit is necessary for installation of a sign.
- 6 a. The amendment is consistent with the Comprehensive Plan.
- 7 b. The amendment is consistent with Goal 7 and Policy 7.4 of the Countywide Planning  
 8 Policies.

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
<b>Total</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>0</b>

9

10 **Item C-8: Airport Environs Overlay Amendments**

- 11 1. The Planning Commission recommends to the Board of County Commissioners to approve  
 12 County Staff's proposed amendments to Skagit County Code 14.16.210(4) to include a  
 13 requirement that the county provide the Port of Skagit an opportunity to review and  
 14 comment on boundary line adjustments and building height determinations within the  
 15 Airport Environs Overlay.

- 1 a. The amendment is consistent with Goal 8A-7, Goal 8A-13 and Policy 8A-13.4, and  
 2 Goal 11F-3 and Policy 11F-3.2 of the Comprehensive Plan.
- 3 b. The amendment is consistent with Goal 2A, Objective 2a-1 and Policy 2a-1.2 of The  
 4 Bayview Ridge Subarea Plan.
- 5 c. The amendment is consistent with Goal 3, Goal 12 and Policy 12.11 of the  
 6 Countywide Planning Policies.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

7

8 Item PL18-0404: Modify Mineral Resource Overlay (MRO)

- 9 1. The Planning Commission recommends to the Board of County Commissioners to approve  
 10 the petitioner's request to remove a Mineral Resource Overlay, adjacent Mangat Estates,  
 11 located north of Highway 20 and East of Highway 9.
- 12 a. The amendment is consistent with Policies 4D-1.1, 4D-1.2, and 4D-1.3 of Goal 4D-1  
 13 of the Comprehensive Plan.
- 14 b. New geological data submitted by the petitioner entitled *Mineral Resources Overlay*  
 15 *Assessment: Skagit County Parcel 127899* finds that there is no longer the potential  
 16 for mineral resources of regional or long-term significance on the site
- 17 c. The Mineral Resource Overlay (MRO) limits the residential density of the underlying  
 18 zone and properties within ¼ mile of the MRO in order to protect regional and long-  
 19 term significant aggregate resources. Site investigations determined there are no  
 20 resources within the MRO that warrant protection.
- 21 d. The removal of the MRO will not change the underlying zoning designation or create  
 22 an isolated land use designation (spot zone).

- 1 e. The County mailed notices to the property owners and property owners of the  
 2 affected properties of the lands subject to the proposed Mineral Resource Overlay  
 3 removal.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

4

5 **Recommendation, Findings of Fact and Reasons for Action, February 25, 2020**

6 **Item P-1: Modify SCC 14.24.380: Rainwater Catchment**

- 7 1. Planning Commission recommends the Board of County Commissioners direct the Planning  
 8 Department to remove barriers to rainwater catchment where appropriate in the code on  
 9 Guemes Island; and to direct them to create an engineered template which may be used to  
 10 permit a rainwater catchment system in-lieu of an independently designed system.
- 11 a. The amendment does not propose to alter the comprehensive plan and has been  
 12 found by staff to be consistent with the Comprehensive Plan.
- 13 b. The Planning Commission finds there is a serious seawater intrusion problem on  
 14 Guemes Island and believes that reducing barriers to development of rainwater  
 15 catchment systems is important.
- 16 c. The technology exists to ensure these rainwater catchment systems are a safe  
 17 option for providing potable water.
- 18 d. The Planning Commission finds that rainwater catchment is a safe and [ML] viable  
 19 potable water source that is used around the world.
- 20 e. There are other areas within Skagit County that could benefit from rainwater  
 21 catchment as a source of potable water.
- 22 f. There was a large amount of verbal and written support for the proposed petition  
 23 from the public, and [ML] no opposition, ~~from the public to the proposed petition.~~  
 24 [ML]

**Commented [PG3]:** Commissioner Lundsten (ML): Edits included here are minor, but mention the public's strong support, an important element of the proposal.

- 1 g. Rainwater catchment is a cost effective viable alternative to drilled well, especially  
 2 when compared to reverse osmosis.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes			x	
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

3

4 Item P-2: Modify SCC 14.24: Guemes Island Wells

- 5 1. The Planning recommendation to the Board of County Commissioners that docket item P-2,  
 6 to modify well drilling approval for new wells on Guemes Island be denied.

7 [a. The Planning Commission finds there is a serious seawater intrusion problem on](#)  
 8 [Guemes Island. \[ML\]](#)

9 [b. The Planning Commission realizes that multiple wells on Guemes Island have failed](#)  
 10 [due to seawater intrusion. \[ML\]](#)

11 [c. The Planning Commission realizes that the single source aquifer itself may be](#)  
 12 [vulnerable to failure because of seawater intrusion. \[ML\]](#)

13 [d. The Planning Commission received a large volume of public testimony, written and](#)  
 14 [verbal, unanimously in favor of the proposal. \[ML\]](#)

15 ~~a.e.~~ The Planning Commission has been advised that Skagit County only has jurisdiction  
 16 to review the location of proposed wells prior to drilling when in concert with a  
 17 development application.

18 [f. The Planning Commission is not willing to advise any changes to the current](#)  
 19 [regulations due to legal advice from the Skagit Prosecuting Attorney's office. \[ML\]](#)

20 ~~b. The Planning Commission is following the legal advice provided by the Skagit~~  
 21 ~~Prosecuting Attorney's office. [ML]~~

22 ~~e.g.~~ Staff intends to DRAFT an Administrative Official Interpretation that states that  
 23 wells are not required to be drilled or determined not to be feasible prior to  
 24 permitting a rainwater catchment system.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes			x	
Annie Lohman	x			
Mark Lundsten		x		
Martha Rose		x		
Tim Woodmansee	x			
Vacant Seat				
Total	5	2	1	0

**Item P-4: Great Blue Herons**

1. The Planning Commission recommends to the Board of County Commissioners to deny the request.
  - a. The Planning Commission [agrees with the consensus of public opinion \[ML\]](#) finds that the Great Blue Heron population within Skagit County is of great importance.
  - b. [The Planning Commission received a large amount of written and verbal public testimony unanimously in favor of this proposal but for one letter from the Forest Advisory Board asking for more study of this issue prior to making a decision. \[ML\]](#)
  - c. [This proposal received a large amount of public attention during the public comment period, including a front page article in the weekly paper. \[ML\]](#)
  - d. [No individuals or businesses within the affected area of the proposal spoke or wrote in opposition to this proposal. \[ML\]](#)
  - e. [This proposal fulfills the Comprehensive Plan Goals 5A-1 and 5A-5. \[ML\]](#)
  - f. [This proposal fulfills the Skagit County Planning Policies 10.1 and 10.6. \[ML\]](#)
  - g. [The Planning Commission finds this proposal in opposition to Skagit County Planning Policy 6.2. \[ML\]](#)
  - h. The Planning Commission finds the overall population of the Great Blue Heron is not in decline.
  - i. Bald Eagles may be the primary reason for nesting site abandonment.
  - j. The Planning Commission finds that there is no known reason as to why the rookery at Samish Island was abandoned.

**Commented [PG4]:** Commissioner Lundsten (ML): I do not think the list of twenty-one findings defines how we handled this proposal. The PC's problem with the proposal was the perceived infringement on the rights of property owners in the affected area. A majority of members of the PC did not think that property owners should have to follow noise level restrictions during certain parts of the year on activities within the County's control for the sake of one species of bird. Clearly the single, core issue, it was not mentioned in the list of twenty-one. The list below includes what I think are salient points.

- 1 ~~e.k.~~ The Planning Commission finds the existing legislation including Skagit County  
2 Critical Areas Ordinance, (WAC 365.190).
- 3 ~~f.l.~~ Herons are not listed as a “threatened,” “endangered,” or “sensitive” species in the  
4 Washington Department of Fish and Wildlife. 2008. Priority Habitat and Species  
5 List.
- 6 ~~g.m.~~ The Skagit County Critical Areas Ordinance provides protection to Great  
7 Blue Heron habitat and nest sites as habitats and species of local importance  
8 (SCC14.24.500).
- 9 ~~h.n.~~ Through the Skagit County Critical Areas Ordinance, habitats and species of local  
10 importance, shall be protected on a case-by-case basis by means of a habitat  
11 management plan based on the Washington State Priority Habitat and Species  
12 program (SCC14.24.520(4)).
- 13 ~~i.o.~~ The Planning Commission finds that unpermitted and/or unregulated activity would  
14 not be affected by this code and could still impact existing populations
- 15 ~~j.p.~~ Heron rookeries exist within densely populated residential, industrial and  
16 commercial areas.
- 17 ~~k.q.~~ Buffers that currently exist in other areas within the State are significantly smaller  
18 in scale and extent.
- 19 ~~l.r.~~ The potential for extensive monitoring and permitting costs for adjacent  
20 landowners.
- 21 ~~m.s.~~ The proposed legislation may be a precautionary action that may not have  
22 the intended effect, the known root problem should be better understood before it is  
23 addressed with legislation.
- 24 ~~n.t.~~ There is a lot of potential habitat within the County where birds could nest.
- 25 ~~o.u.~~ Anne Eissinger, a regional heron expert, stated in a November 17, 2018 Skagit Valley  
26 Herald article, that the increased birds at March Point are likely relocated from the  
27 Samish Island colony.
- 28 ~~p.v.~~ The Land Trust provides protections of those core nesting areas through the  
29 purchase of properties and easements.
- 30 ~~q.w.~~ The proposed threshold numbers for the determination of a protected  
31 colony and mega colony are arbitrary.
- 32 ~~r.x.~~ The conservation status of the species is low at this time.

1 ~~s.y.~~ Creating land use restrictions to mitigate a poorly understood problem is not  
 2 judicious planning.

3 ~~t.z.~~ The County mailed notices to the property owners of the affected properties and  
 4 within 1,000 feet of the lands subject to Item P-4.

5 ~~u.aa.~~ Policy 5A-1.3(e) directs the county classify fish and wildlife habitat  
 6 conservations areas for both habitats and species of local importance. The Great  
 7 Blue Heron is already a species of local importance.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes			x	
Annie Lohman	x			
Mark Lundsten		x		
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	6	1	1	0

8

9 Additional Recommendation

10 The Planning Commission recommends that the Board of County Commissioners adopt the 2019  
 11 docket proposal as recommended, with the following additions:

12 1.

13 **This recorded motion approved on \_\_\_\_\_ day of March, 2020.**

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair				
Kathy Mitchell, Vice Chair				
Tammy Candler				
Amy Hughes				
Annie Lohman				
Mark Lundsten				
Martha Rose				
Tim Woodmansee				
Vacant Seat				
Total	0	0	0	0

14

1  
2 SKAGIT COUNTY PLANNING COMMISSION  
3 SKAGIT COUNTY, WASHINGTON

4 \_\_\_\_\_  
5 Tim Raschko, Chair Date

6  
7 \_\_\_\_\_  
8 Hal Hart, Secretary Date

DRAFT