



# Planning & Development Services

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## Memorandum: 2021 Docket

To: Board of County Commissioners  
From: Peter Gill, Long Range Planner  
Date: April 15, 2021  
Re: 2021 Docket of Proposed Policy, Code, and Map Amendments

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### Background

The Growth Management Act (GMA) provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”<sup>1</sup> and requires Skagit County to periodically accept petitions for amendments or revisions to the Comprehensive Plan policies or land use map. Skagit County implements this requirement through Skagit County Code Chapter 14.08, which describes the process for annual amendments.

The County also accepts suggestions for development regulation amendments. An analysis for each map and text proposal describes how each proposed amendment is either consistent or inconsistent with the annual [amendment review criteria](#), and maps are included for each proposed zoning amendment. Petition headings in the body of this report contain a hyperlink to the petitioner’s application.

The remainder of this memo describes the docketing criteria and process; briefly summarizes the amendment proposals; and includes the Department’s docketing recommendations as required by SCC 14.08.040(1).

### Process Summary

SCC Chapter 14.08 provides the following criteria for analyzing petitions:

- Petitions for amendments are accepted until the last business day of July of each year.
- The Department analyzes the petitions against the docketing criteria in SCC 14.08.030 and issues a recommendation to the Board.
- The Board holds a public hearing to allow applicants and the public to comment on the recommendation.
- The Board decides which petitions to include in the docket at a subsequent meeting. The Board has three options with respect to any proposal:
  - include a proposal for docketing

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<sup>1</sup> RCW 36.70A.130(1)(a).

- defer the proposal until the next annual amendment cycle
- exclude the proposal without prejudice

The Board’s decision to include a proposed amendment in the docket is procedural and does not constitute a decision as to whether the amendment will ultimately be approved.

The petitions included in the docket move forward for SEPA analysis, Department of Commerce review, legal review, and subsequent review by the public, Planning Commission, and the Board through the process described in SCC 14.08.080-090.

**Timeline of the Yearly Docketing Process.**

Date	Hearing Body	Meeting Type	Actions
<b>Spring 2021</b>	BoCC	Public Hearing	Accept testimony on which proposals merit inclusion in the Docket.
<b>Spring 2021</b>	BoCC	Deliberations	Docket established via Resolution.
<b>Summer 2021</b>	Planning Commission	Workshop(s)	Discussion of upcoming Docket public hearing.
<b>Summer 2021</b>	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
<b>Fall 2021</b>	Planning Commission	Deliberations	Recorded motion with recommendations to the BoCC.
<b>Winter 2021</b>	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.

*Table 1 Summarizes the review process with approximate timing of each action. RCW 36.70A.130(2)(a) states that the Comprehensive Plan, with few exceptions, may not be amended more than once per year.*

**Department Docketing Criteria**

SCC 14.08.030 requires the Department to make a recommendation to the Board as to which of the petitions the Department should be included in the docket. The Department must consider each of the following factors (“the docketing criteria”) in making its recommendation:

- (a) The petition complies with the filing requirements;
- (b) The proposed amendment, in light of all proposed amendments being considered for inclusion in the year’s docket, can be reasonably reviewed within the staffing and operational budget allocated to the Department by the Board;
- (c) A proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the petitioner’s application, and is consistent with other goals, objectives and policies adopted by the Board;
- (d) A proposed amendment 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 a regular review cycle;
- (e) Some legal or procedural flaw of the proposal would prevent its legal implementation;

- (f) The proposal lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable Comprehensive Plan designation criteria. This does not preclude the Department from asking for additional information at a later date.

## 2021 Petitions and Department Recommendations

Skagit County received the following timely petitions and suggestions to amend the Comprehensive Plan or development regulations. For each proposal, the Department has provided a summary of the proposal, analysis against the docketing criteria, and a recommendation. The full text of each petition is available on the [2021 Docket webpage](https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm) (<https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm>).

### Proposal Naming Convention

The proposals are organized and identified as described below, depending on whether they are policy, code or map amendments submitted by members of the public, or were initiated by the County:

**PL##-####:** Proposal submitted by a member of the public or property owner for an amendment to Comprehensive Plan map amendment and rezone. These petitions, if docketed are evaluated against additional criteria described in SCC 14.06.080.

**LR##-##:** Proposal submitted by a member of the public or property owner for an amendment to Comprehensive Plan policies or development regulations.

**C##-#:** Proposal initiated by the County to amend the Comprehensive Plan policies, map, or development regulations.

### Citizen Petition Summary

The public has submitted 13 timely petitions for consideration in this year’s docket. The petition number in the table below is linked to the summary of the petition.

**Table 1. Summary of Citizen Petitions and Recommendations for the 2021 Docket.**

Number	Title & Petitioner	Description	Department recommendation (Include, Exclude, or Defer)
<b>Map Amendment/Rezone</b>			
<a href="#">PL19-0396</a>	<b>Buchanan Acres Map Amendment and Rezone</b> , Lisser & Associates PLLC	Rezone a 32 acre parcel from Rural Reserve to Rural Village Reserve. This open space is Lot 9 is of the Buchanan Acres Long CaRD (Conservation and Reserve Area).	<b>Exclude</b>
<a href="#">PL19-0419</a>	<b>Nielsen Brothers Map Amendment and Rezone</b> , Nielsen Brothers, Inc. (Nielsen)	Change 11.89 acres, east of Sedro Woolley, from Agriculture – Natural Resource Lands to Natural Resource Industrial.	<b>Include</b>
<b>Comprehensive Plan/Development Code Amendments</b>			
<a href="#">LR20-02</a>	<b>Small Scale Business Zone Use Modification</b> , Terramar LLC (Barker)	Amend SCC 14.16.140 Small Scale Business (SSB) zone to include restaurants as a permitted use.	<b>Include</b>

<b>LR20-04</b>	<b>Fully Contained Community proposal,</b> Skagit Partners, LLC (Sygitowicz)	Amend the Comprehensive Plan, Development Regulations, and Countywide Planning Policies to establish a process for consideration and approval of a new fully contained community, consistent with RCW 36.70A.350.	<b>Include – Limit to Comprehensive Plan amendments only</b>
<b>LR20-05</b>	<b>Public Notice Amendment for Mineral Resource Extraction area,</b> Skagit River Alliance (Burrows)	Amend SCC 14.06.150, Public Notice Requirements. For mineral extraction activities notice must be provided within one mile and be posted at any post offices of nearby communities.	<b>Include</b>
<b>LR20-06</b>	<b>Outbuildings in Rural Zones,</b> Robert Burrows	Amend the development code to allow rural landowners in rural residential zones to legally have more than one 200 square foot outbuilding per five acres.	<b>Exclude, part of Building Code update</b>
<b>LR20-07</b>	<b>Accessory Dwelling Unit Code Amendment,</b> Robert and Kimber Burrows	This proposal relaxes the family member occupancy requirement and removes the current Accessory Dwelling Unit size restrictions for existing structures.	<b>Include</b>
<b>LR20-08</b>	<b>Robert Burrows;</b> Mineral Resource Overlay Review	The petitioner requests a comprehensive review of the mineral resource overlay (MRO) from Concrete to Marblemount.	<b>Exclude</b>
<b>LR21-01</b>	<b>Delvan Hill Road MRO reconsideration and moratorium,</b> Delvan Hill Road Residents (Dolstand, Donnelly, etc.)	Reconsider the MRO granted under 2017 docket item, Weide Quarry C-20. Place at least a three year moratorium relating to mining and restrict truck traffic to historical standards.	<b>Exclude</b>
<b>LR21-02</b>	<b>Clarify CaRD Land Divisions and the “Reserve” Function,</b> Friends of Skagit County (Bynum)	Clarify the definition and function of the Conservation and Reserve Developments (CaRD) within the Comprehensive Plan and code.	<b>Include</b>
<b>LR21-03</b>	<b>Prohibit mitigation banks and mitigation service areas in Skagit County,</b> Friends of Skagit County (Bynum)	Prohibit the future development of additional wetland mitigation banks in Skagit County along with mitigation bank service areas from other counties.	<b>Exclude</b>
<b>LR21-04</b>	<b>Agricultural processing facilities in BR-Light Industrial,</b> Island Grown	Clarify “Agricultural and food processing, storage and transportation”, a permitted use in Bayview Ridge Light Industrial (BR-LI) zone, by adding Agricultural slaughtering facilities as an accessory use incidental to Agricultural and food processing, storage and transportation	<b>Include</b>

	Farmers' Cooperative (IGFC) (Shephard)	facilities, provided that the portion of the premise dedicated to slaughtering is (1) entirely enclosed within the interior of the facility, and (2) occupies less than 5,000 square feet of the total processing facility.	
<a href="#">LR21-05</a>	<b>Expand pre-existing natural resource-based uses in Ag-NRL, Nielsen Brothers, Inc. (Nielsen)</b>	Amendment to Comprehensive Plan policies and development regulations on Agricultural Resource Lands. The proposed amendments would allow for expansion of pre-existing natural resource-based uses in Agricultural resource lands subject to administrative special use review.	<b>Exclude</b>

### Department Amendments Summary

The Department has recommended five amendments for consideration in this year's docket. The petition number in the table below is linked to the summary of the petition.

**Table 3. Summary of Department Amendments for the 2021 Docket.**

Number	Department	Description	Petitioner
<a href="#">C21-1</a>	2020 Comprehensive Parks & Recreation Plan	Update the Comprehensive Plan to incorporate the 2020 Comprehensive Parks & Recreation Plan. This includes review of zoning and consistency of park classifications.	Parks & Recreation Department
<a href="#">C21-2</a>	SEPA Determination Review Timing	The code for independent SEPA reviews does not require the submittal of a development permit when in the feasibility stage. This amendment would clarify that an appeal can be filed prior to a permit decision.	Planning & Development Services
<a href="#">C21-3</a>	Hamilton zoning & Comprehensive Plan updates	Changes to the County Comprehensive Plan are needed to reflect the 2019 Hamilton annexation. This change will clean up zoning references that don't exist anymore.	Planning & Development Services
<a href="#">C21-4</a>	Front setback to include Class 19 roads	14.16.340(5)(c) BR-R zoning - front setback for primary residence should include both class 09 & 19 for the reduced front setback of 20'. Both are considered local neighborhood or minor access.	Planning & Development Services
<a href="#">C21-5</a>	Pre-Application Requirement	Pre-application requirement associated with a Project permit would no longer be required.	Planning & Development Services

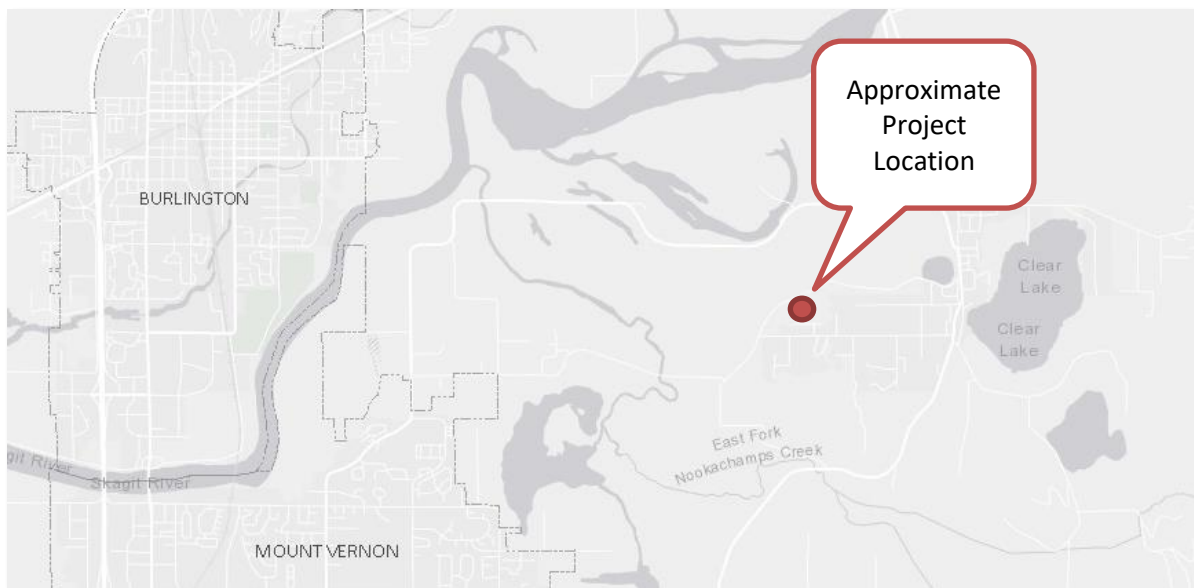
## Citizen Petitions and Department Recommendations

Skagit County received the following timely petitions and suggestions to amend the Comprehensive Plan policies, map, or development regulations. For each proposal, the Department has provided a summary of the proposal, analysis of the docketing criteria, and a recommendation. Petition titles contain a hyperlink to the petitioner's application. The full text of each petition is available on the Comprehensive Plan Amendment [webpage](https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm) (<https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm>).

### **PL19-0396 Buchanan Acres Map Amendment/ Rezone (14.08.060 Petitions— Approval criteria for map amendments and rezones.)**

#### **Summary**

This proposal seeks to change the zoning of the property at 22734 Mud Lake Road (P-125691) from its current zoning as Rural Reserve (RRv) to Rural Village Residential (RvR). This would rezone the 32.5 acre open space lot of the Buchanan Acres Long CaRD land division. The location is south of Mud Lake Road, and west of Clear Lake.



*Figure 1: Buchanan Acres rezone site, NE of Mt. Vernon*

#### **History**

This is a new petition that has not been docketed in the recent past.

#### **Recommendation**

The Department recommends the Board **exclude** this proposal from the docket based on [docketing criterion](#):

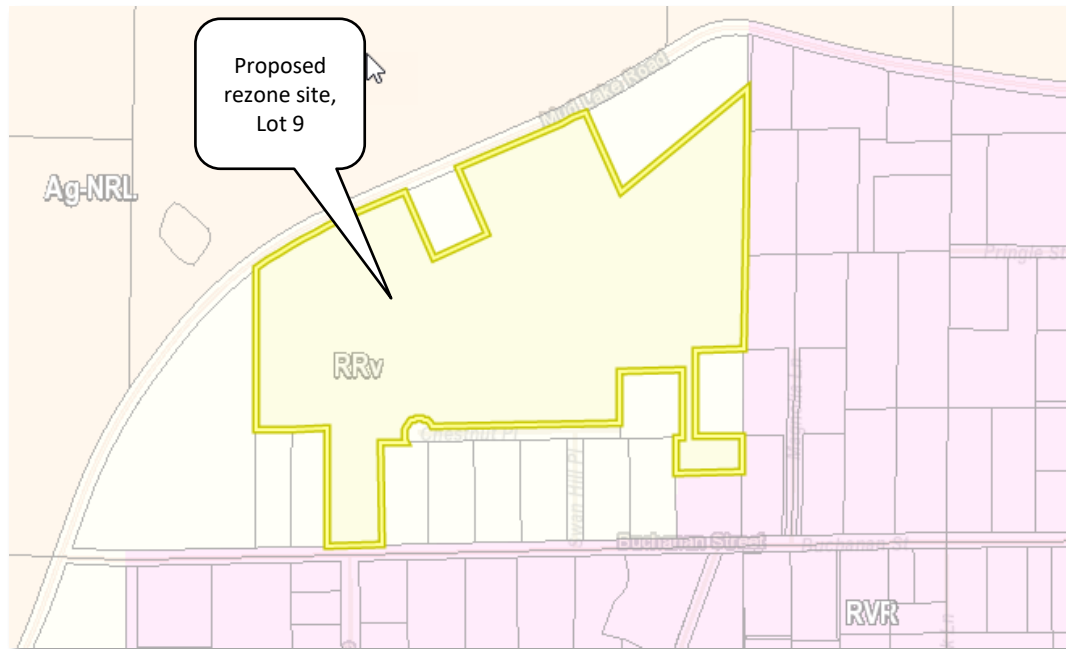
- (e): Some legal or procedural flaw of the proposal would prevent its legal implementation.

## Analysis

In 2006, a Long Conservation and Reserve Development (CaRD) was developed within the existing Rural Resource zone, to create nine lots.

“A CaRD is a method of single-family residential land development characterized by building lots or envelopes that are much smaller than typical of the zone, leaving open space for agriculture, forestry, continuity of ecological functions characteristic of the property and preservation of rural character” (SCC14.18.300).

The applicant would like to rezone the existing Lot 9 reserve. Lot 9 of the CaRD was designed as Open Space Urban Reserve (OS-UR) through the subdivision. This change would create zoning that is consistent with the Rural Village Residential zone designations to the South and the East of the proposed site, within the Limited Area of More Intensive Rural Development (LAMIRD).



*Figure 2 Lot nine of Buchanan Acres site of proposed rezone*

The applicant states that this rezone “is consistent with the Growth Management Act allowance of limited areas of more intensive rural development or LAMIRDS. By utilizing the CaRD development the site has naturally progressed to a more intensive development of the rural area, which was anticipated and expected.”





*Figure 3: Aerial image of the Open Space tract (approximate) proposed for rezone.*

LAMIRDs<sup>2</sup> are not allowed to develop past their 1990 geographic extent. Rural Village Residential is a zoning designation only used within LAMIRDs. In addition, the petition is to rezone Lot 9 of the Buchanan Acres CARD, instead of all of the parcels between the Rural Village Residential zone and Mud Lake Road, where the Agricultural Natural Resource Land zone begins. This rezone would create a patchwork of Rural Reserve parcels in the area.

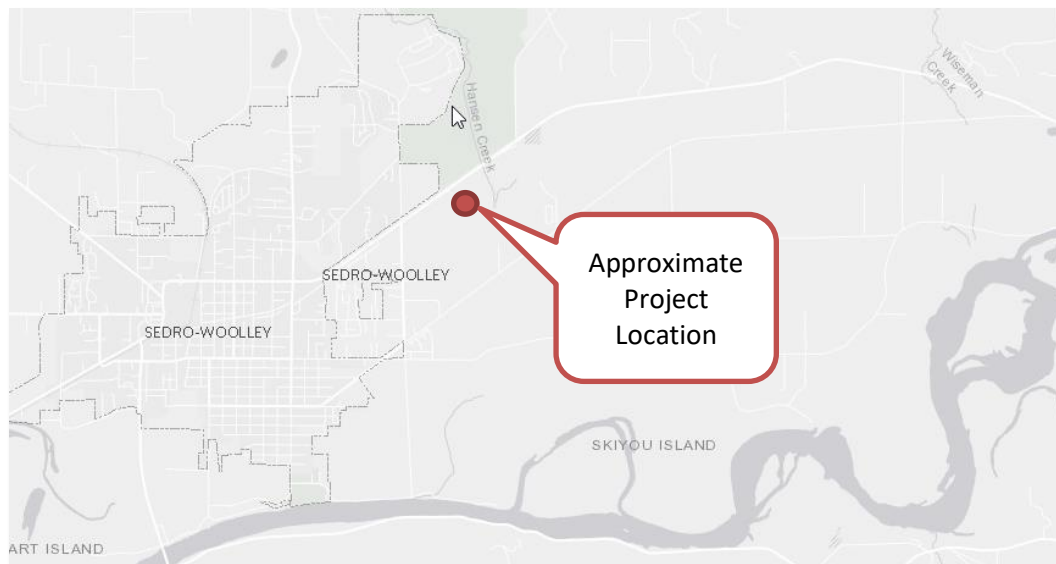
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<sup>2</sup> A Limited Area of More Intensive Rural Development (LAMIRD) is used to contain areas outside of urban growth areas that were existing before the Washington State Growth Management Act of 1990.

## **PL19-0419 Nielsen Brothers Comprehensive Plan & Zoning Map Amendment (14.08.060 Petitions—Approval criteria for map amendments and rezones.)**

### **Summary**

This proposal aims to rezone 11.89 acres of Agriculture-Natural Resource Lands (Ag-NRL) designation to Natural Resource Industrial (NRI). The property is located at 25046 State Route 20 (SR-20) east of Sedro Woolley. Nielsen Brothers Inc. is interested in expanding the current shop building to create larger work bays and make other improvements to the drainage and operational layout of the site including installation of a zero- discharge closed loop water recycling wash rack for heavy equipment. In May 2019, the petitioner was informed that the current use of the property is considered "non-conforming" in the Ag-NRL zone, and as such, no enlargement, alteration, expansion or change is allowed.



*Figure 4: General location of proposed rezone, east of Sedro-Woolley.*

### **History**

This is a new petition that has not been docketed in the recent past. See related petition under LR21-05: Expand pre-existing natural resource-based uses in AG-NRL.

### **Recommendation**

The Department recommends **including** this petition in the Planning Docket.

### **Analysis**

The use of the site is currently considered non-conforming, it is used as a forest industry maintenance shop and storage yard. It has been a natural resource based use for approximately twenty years. Adjacent uses include the Hansen Creek Reach 5 Channel Restoration Project located adjacent to the applicant's property on the east and south. The three parcels west of the site are zoned AG-NRL, but generally less than 20 acres in size with agricultural uses limited to low intensity livestock grazing and hay production. The Cascade Trail runs along the north property line.

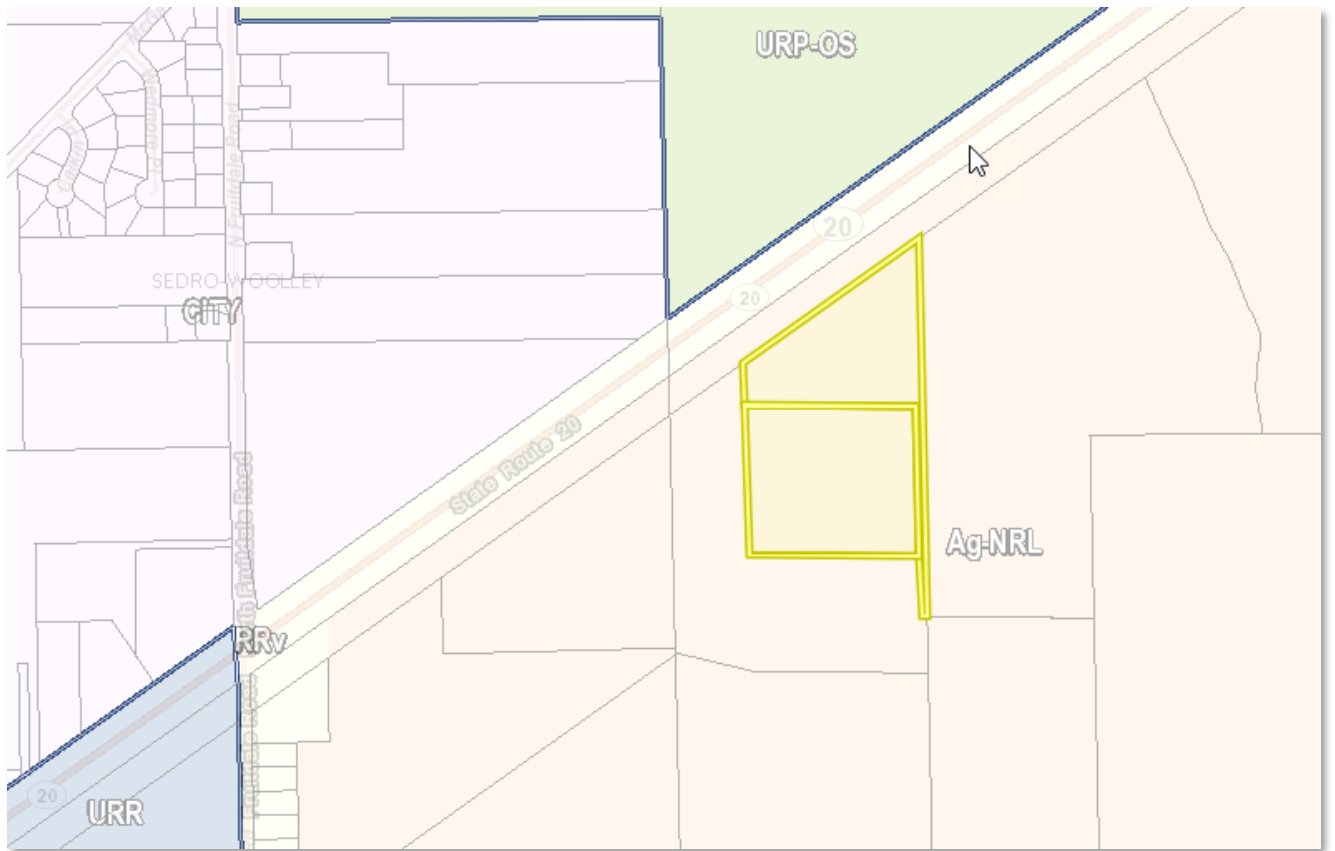


Figure 5: Proposed rezone along SR-20 (Yellow) and land use designations adjacent the proposed rezone.

New Natural Resource Industrial designations are allowed to be added consistent with the Comprehensive plan amendment process and are allowed as such under the Growth Management Act (GMA).

Uses allowed in Natural Resource Industrial (NRI) are generally consistent with existing uses on the property, but allow for intensification. Specifically, the petitioner is requesting to “expand the current shop building to create larger work bays and make other improvements to the drainage and operational layout of the site including installation of a zero- discharge closed loop water recycling wash rack for heavy equipment.” The NRI zone purpose is consistent with the stated intent of the petitioner’s development project. See existing site plan and aerial image below.

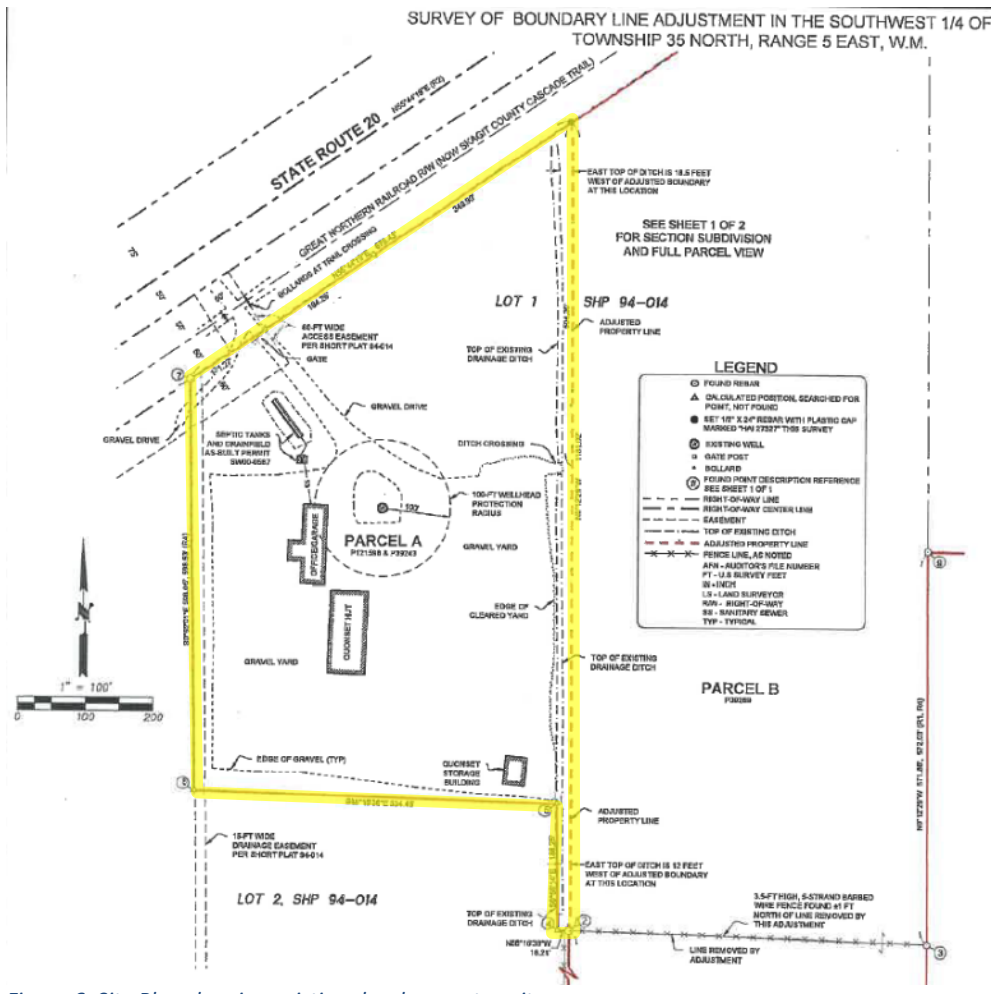


Figure 6: Site Plan showing existing development onsite.



Figure 7: Aerial Image of site proposed for rezone from Agricultural – NRL to Natural Resource Industrial

With no change to the existing forest resource based use, it does not require the extension of services. The Skagit County Capital Facilities Plan would not be impacted by a change of designation from Ag-NRL to NRI.

The Growth Management Act (GMA) establishes the goal to “Maintain and enhance natural resource based industries, including productive timber, agricultural, and fisheries industries; encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.” RCW 36.70A.020(8). The natural resource industrial use of the parcel is a compatible use with AG-NRL.

The Skagit County Countywide Planning Policies are relevant, “Commercial and industrial activities directly related to local natural resource production may be allowed in designated natural resource areas provided they can demonstrate their location and existence as natural resource area dependent businesses.” As a forest industry maintenance shop and storage yard, they are heavily dependent on forest lands. Skagit County that has approximately 357,000 acres in Forestry zones. Activity at the property in question is a natural resource dependent business.

The majority of NRI designations show up adjacent to AG-NRL zones, as these uses are compatible and often complimentary. The applicant is also requesting amendments to the Comprehensive Plan. Currently, the conversion of Ag-NRL to NRI is not allowed under **Comprehensive Plan Policy 3C-5.5**, “Designation of an agricultural industrial park is the only instance where Ag-NRL land may be converted to a NRI designation, and only based on a finding that the agricultural sector is better served by having the land in NRI designation to permit an agricultural industrial park.”

# LR20-02 Small Scale Business Zone Use Amendment

## Summary

The proposed amendment aims to expand permitted uses in the Small Scale Business zone (SSB) to allow restaurants. The Small Scale Business (SSB) zone is defined under SCC 14.16.140, this amendment would include restaurants under permitted uses. The petitioner states that, by allowing restaurants at a small scale, job opportunities for rural residents would increase. The petitioner has a business situated in the SSB zone at Edison Slough in Edison, WA. This petition would require an amendment to the permitted use section of SSBs in SCC 14.16.140 and the Comprehensive Plan Policies under 3C-9.

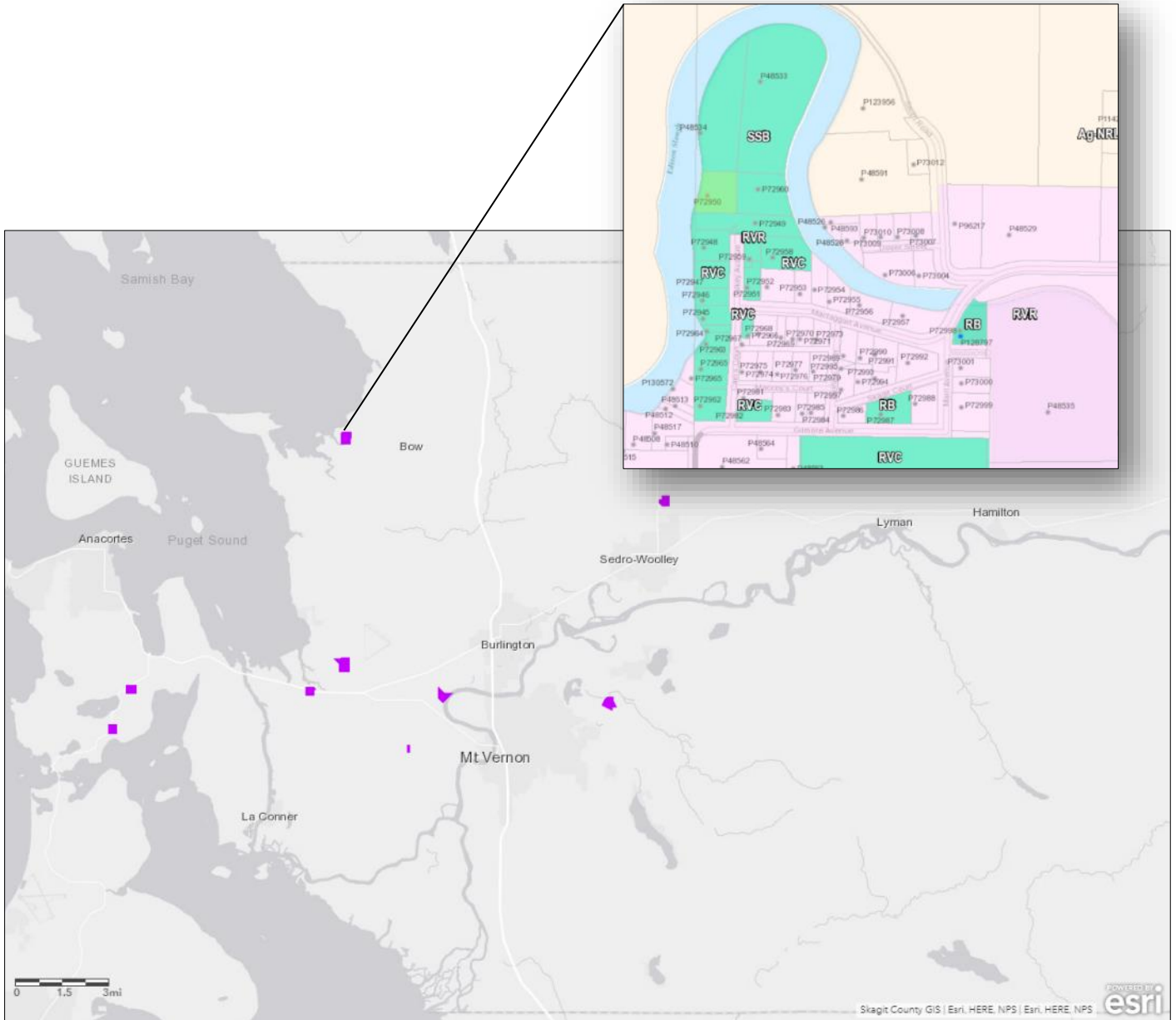


Figure 8: All SSB zones in the County (purple) with insert of Edison, the primary concern for petitioner.

## Recommendation

The Department recommends **including** this petition in the Planning Docket.

## History

This petition has not been docketed in the recent past.

## Analysis

Expanding the permitted uses of SSB would not only affect the primary area of concern, but would apply countywide, wherever the SSB zone is found (eight other sites zoned SSB). Primarily in areas considered Limited Areas of More Intensive Rural Development (LAMRID) per the State Growth Management Act. Analysis of the Small Scale Business Zones throughout the county has shown that the majority of these SSB zones are adjacent to areas zoned Rural Residential Village (RRv) and Agriculture – Non-Residential Land (Ag-NRL). The majority of the parcels within the SSB zone have existing business/services currently sited, some of those uses include: commercial, construction, vehicle repair, residences, and one fire district.

The Small Scale Business zone is a Rural Commercial and Industrial Designation in the Comprehensive Plan. Currently restaurants are allowed in other commercial zones of similar scale: Rural Marine Industrial and Urban Reserve Commercial-Industrial. In Rural Marine Industrial zone it is only allowed as an accessory use. Accessory, as applied to a use, building or structure, means customarily subordinate or incidental to, and located on the same lot with a principal use, building, or structure.

The Small Scale Business zone is defined in the Skagit County Code as:

**SCC14.16.140(1):** Purpose. The Small Scale **Business** zoning district supports existing and new small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential **uses**, but that do enhance rural economic **development** opportunities and job opportunities for rural residents.

Eight other sites in the County have this zoning designation. How would adding restaurants to this zone impact other sites?

- Specifically at the Edison Slough, all parcels in the SSB zone is owned by the same LLC. The RVC zone directly south of the SSB zone has retail spaces, restaurants, and bars currently operating.
  - Rural Village Residential (RVR) surrounding area
- The other SSB zones within Skagit County are isolated with only a couple parcels within the zone. There are eight in total.
  - These zones are surrounded by either Agriculture (Ag-NRL) or Rural Residential land (RRv) and one outlier as Rural Intermediate (RI).
- The properties within SSB zones are occupied and being used for non-Food production purposes

## LR20-04 Fully Contained Communities

### Summary

This petition seeks to amend the Comprehensive Plan, Countywide Planning Policies, and Development Regulations to establish a process for consideration and approval of a new fully contained community, consistent with RCW 36.70A.350. This petitioners are requesting that the Skagit County 20-year population allocation is amended to designate a population reserve of 3,658 for a new fully contained community. This petition does not propose a project-specific Fully Contained Community (FCC).

### Recommendation

The Department recommends **including** only Comprehensive Plan amendments related to this petition in the docket. Due to the significant changes to code and policies, GMA legal issues, and considerable public interest, this petition should only be addressed incrementally starting with amendments to the Comprehensive Plan.

Docketing of the complete proposal may require the GMA Steering Committee adding this to their work plan in order to add a population reserve to the Countywide Planning Policies. This has been attempted in the past and rejected by the GMA Steering Committee. The next review of population growth allocations is prior to the 2025 Comprehensive Plan updates.

### History

A proposal similar to this one was first submitted in 2015. The Board chose not to docket it at that time, for consideration through the 2016 Comprehensive Plan Update. The GMA Steering Committee was consulted at that time to amend the 20 year population allocation by an additional 10,000 people to establish a population reserve. The GMASC voted not to provide such an allocation in September 2015. The proposal was also deferred since it was associated with a specific project application, and the County did not have the policies, procedures, or reserve allocation to allow it to move forward. The petition in 2017 was deferred due to failure to get a population “reserve” added to the Countywide Planning Policies through the GMA Steering Committee. Subsequent petitions were excluded from the docket in 2018 and withdrawn by the applicant in 2019 due to lack of County resources.

### Analysis

GMA, at RCW 36.70A.350, articulates a process whereby new Fully Contained Communities (FCC) may be approved outside of established UGAs if a county reserves a portion of the twenty-year population projection for FCCs. This population reserve is established through an amendment to the Countywide Planning Policies. This population is then allocated on a project-by-project basis, only after specific project approval procedures have been adopted as a development regulation and Comprehensive Plan Policies are adopted. Once these steps are taken, the applicant would be allowed to submit a project application for a Fully Contained Community in Skagit County.

A Fully Contained Community is master planned to accommodate a full range of housing types, including a sufficient supply of high density multi-family to address the county’s affordable housing needs. Because it is master planned, an FCC does not have the constraints of the existing major UGAs for accommodating larger, high density developments as infill projects. These types of projects have the internal economics to produce housing at more affordable levels and at a scale that can add sufficient supply to the housing inventory. Additional criteria for the development of a FCC are required by the Growth Management Act (RCW 36.70A.350(1)):



- (a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW [82.02.050](#);
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the new fully contained communities and adjacent urban development;
- (d) A mix of uses is provided to offer jobs, housing, and services to the residents of the new community;
- (e) Affordable housing is provided within the new community for a broad range of income levels;
- (f) Environmental protection has been addressed and provided for;
- (g) Development regulations are established to ensure urban growth will not occur in adjacent nonurban areas;
- (h) Provision is made to mitigate impacts on designated agricultural lands, forestlands, and mineral resource lands;
- (i) The plan for the new fully contained community is consistent with the development regulations established for the protection of critical areas by the county pursuant to RCW [36.70A.170](#).

Examples of FCCs and other master planned communities in Washington include the following:

- Tehaleh/Cascadia in Pierce County
- Redmond Ridge in King County
- Issaquah Highlands in King County

## **LR20-05 Public Notice Amendment for Mineral Resource Extraction Area**

### **Summary**

This citizen-initiated request proposes the addition of this statement: “For mineral extraction activities, notice must be provided within one mile and be posted at any post offices of nearby communities” be added to SCC 14.06.150 Public Notice Requirements.

### **History**

This petition has not been docketed in the recent past.

### **Recommendation**

The Department recommends **including** this petition in the Planning Docket.

### **Analysis**

Requirements of approval for mining operations are set out in **SCC 14.16.440**. Mining operations in a Mineral Resource Overlay require a Hearings Examiner Special Use permit. This is a Level II permit requiring a public hearing (SCC 14.06.050). Currently, notification of mining activity requires that a notice be sent to property owners within 300 feet of the boundary of the proposed mining property (14.06.150 Public Notice Requirements). This petition would extend the notification area to one mile and require posting of notices at Post Offices, affecting areas adjacent to Mineral Resource Overlays.

Proposed mining activity requires a SEPA analysis and determination. Notification for SEPA includes legal notice in the local newspaper. Also, **SCC 14.06.150(iii)** “Public Notice Requirements” allows the Department to extend the notice

*“...when the Administrative Official finds that a need exists, and so informs the applicant at the pre-application meeting, notice shall be given to all physical addresses and all owners of real property within 500 feet of any portion of the applicable boundaries. For marijuana facilities, notice must be provided within 1,000 feet.”*

Comprehensive Plan criteria (**Policy 4D-1.3**) for establishing a Mineral Resource Overlay requires the boundary be set back ¼ mile from Rural Villages, Rural Intermediate, and Urban Growth Areas. The one mile notification could include a significant population.

Right-to Manage Natural Resource policies are inconsistent with the petition, along with the amendment to the Skagit County Code, would need to be amended.

***Policy 4E-1.3:** Recording with Property Deed: A standard disclosure form shall be recorded with deeds for all real estate transactions involving development on or within one quarter (1/4) mile of Natural Resource Lands. The disclosure form shall include recorded documentation of the residential owners’ acknowledgment of the potential natural resource management activities and receipt of the Right-to Manage Natural Resource Lands information*

## **LR20-06 Outbuildings in Rural Zones**

### **Summary**

This amendment would allow small structures, less than 200 square feet in size to be built without a building permit, up to four exempt buildings, in Rural Residential zones. Existing Building Code exempts one small structure per five acres, if all other development regulations are met, e.g., road setbacks, critical areas, shorelines, etc. Additional structures require a building permit.

The applicant states that rural landowners have many needs for outbuildings such as woodsheds, chicken coops, and other storage and restricting land owners to one exempt outbuilding per five acres is unreasonable.

### **History**

This petition has not been docketed in the recent past.

### **Recommendation**

This issue is addressed as part of an active code amendment project for Title 15, Buildings and Construction” being drafted for the Board of Commissioners in 2021. The Department recommends **excluding** this petition in the Planning Docket based on [docketing criterion](#):

(d) A proposed amendment 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 a regular review cycle.

### **Analysis**

Rural living on large acreage in a rainy climate requires a number of outbuildings for maintenance, husbandry, and storage. These small outbuildings do not require building permits per the building codes. Permits for critical areas, shorelines, flood, and compliance with setbacks may still apply. All necessary permits should be considered before constructing an exempt building. Current criteria for exempt buildings is included in 15.04.020:

1. One story detached buildings 200 square feet or smaller, if all of the following are true:
  - a. The building is not used for sleeping purposes;
  - b. The building is not placed within a defined critical area or its buffer, unless critical areas review has been completed and the location has been approved;
  - c. Only one such exempt building is allowed for each 5 acres of any property up to a maximum of 4 exempt buildings;
  - d. The building is not located in a designated floodway;
  - e. The building meets the setback requirements of Skagit County Code (SCC) 14.16 and the specific requirements of SCC 14.16.810; and
  - f. The building contains no plumbing.

## **LR20-07 Accessory Dwelling Unit Code Amendment**

### **Summary**

This is a citizen-initiated proposal seeking to amend the family member occupancy requirement and current Accessory Dwelling Unit (ADU) size restrictions for existing structures. This proposal would eliminate the family member occupancy requirements and would increase the allowable ADU square footage not to exceed the primary residence for existing structures. This would retain the existing code for new construction of ADUs.

### **History**

This petition has not been docketed in the recent past.

### **Recommendation**

The Department recommends **including** this petition in the Planning Docket.

### **Analysis**

The applicant notes that property owners may have an existing shop or barn onsite that could be converted to a dwelling unit if the size restriction was lifted. This change would provide an opportunity for the owner to create an affordable living space from an existing building. Removing the family member restriction (**SCC 14.16.710 (1)(a)**) as the petitioners suggest, may help to increase the number of houses available for rent and provide an additional revenue source for property owners. This is consistent with **Comprehensive Plan goals and policies:**

**Goal 7A-1:** Maintain a progressive program of financial, regulatory, and development measures that will produce opportunities for a full range of housing affordability.

**Policy 7A-1.1** Work with housing producers and stakeholders in urban and rural areas to apply creative solutions to infill and development using techniques such as attached dwelling units, co-housing, home-sharing, accessory dwelling units, clustering, planned unit developments and lot size averaging, consistent with the community's vision for urban growth areas and rural character.

The two code sections proposed to be changed would occur in the following Skagit County Code sections:

**SCC 14.16.710 (1)(a):** “Owner Occupancy. Either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner.” The petitioners would like to repeal this code.

**SCC 14.16.710 (1) (d):** “Size and Scale. The square footage of the accessory dwelling unit shall be the minimum allowed by the building code and a maximum of 900 square feet excluding any garage area; provided, however, the square footage of the accessory dwelling unit shall not exceed 50% of the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified.”

The petitioners would like to include additional wording in SCC 14.16.710 (1) (d): “The square footage of a **newly constructed** accessory dwelling unit shall be the minimum...” The petitioners would add, “An existing structure may be converted to an ADU with a square footage that shall not exceed the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified”.

## **LR20-08 Mineral Resource Overlay Review**

### **Summary**

This is a citizen led proposal to review the Mineral Resource Overlay between Concrete and Marblemount, in the zip codes of Rockport and Marblemount. The petitioner suggests that the current Mineral Resource Overlay doesn’t adequately separate mineral extraction operations and residential uses, and more should be done to preserve quality of life of Skagit County Residents and maintain viable mineral resource lands. Current uses and zoning may put incompatible land uses adjacent to each other, causing conflict. The petitioner requests a comprehensive review of the Resource Mineral Overlay, with more consideration given to ensuring high quality of life, preserving economic opportunities, and protecting the environment.

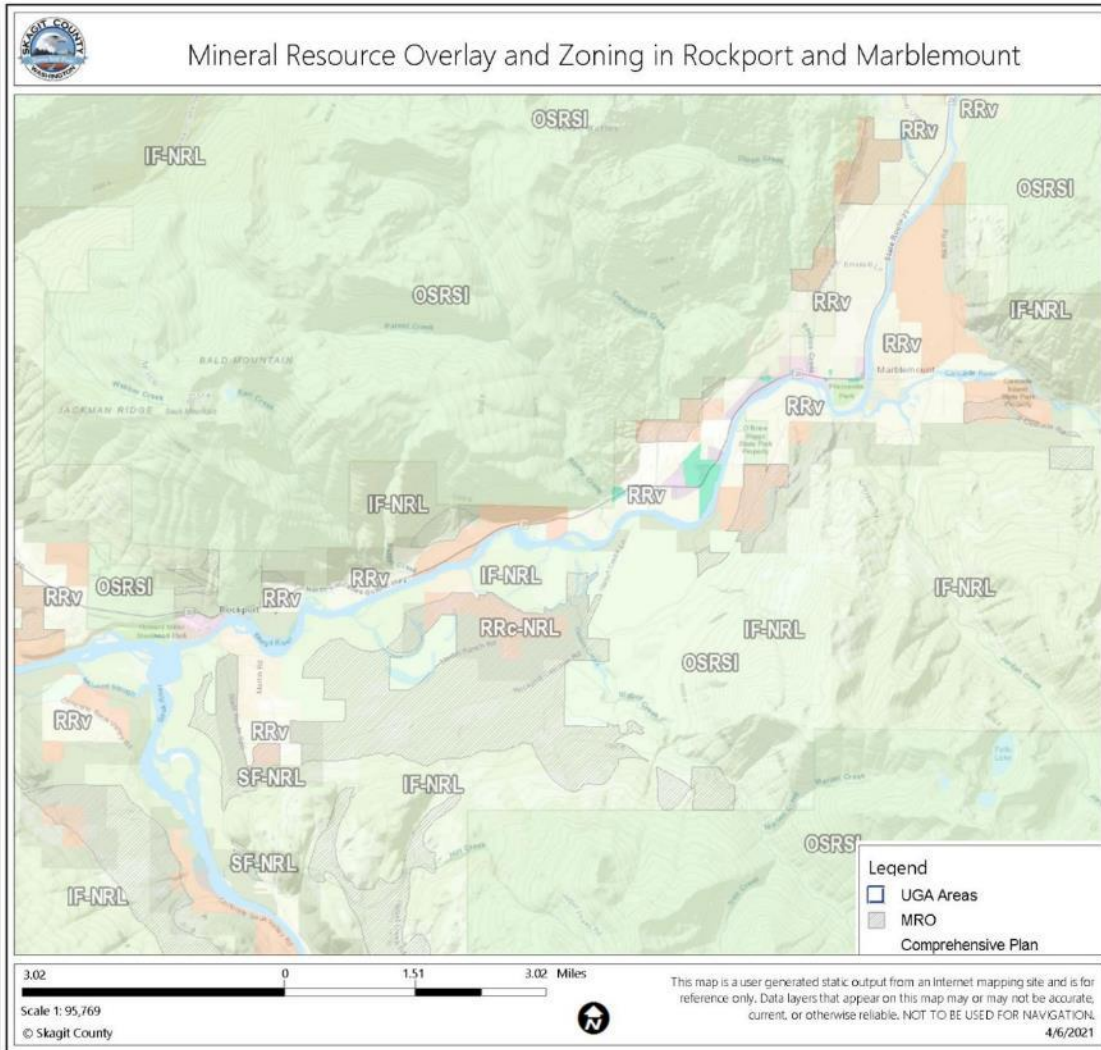


Figure 9: Mineral Resource Overlay and Zoning in Rockport and Marblemount

## History

This petition has not been docketed in the past. It was received on August 1, 2019.

## Recommendation

The Department recommends **excluding** this petition in the Planning Docket based on **docketing criterion**:

- (b) The proposed amendment, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonably reviewed within the staffing and operational budget allocated to the Department by the Board; and
- (d) A proposed amendment 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 a regular review cycle;

## Analysis

The most common residential zone adjacent a Mineral Resource Overlay is the Rural Reserve (RRv) zone. This zone is a low-density residential zone, which also allows for certain commercial uses to fill the needs of rural residents. As an overlay to other zoning designations, the MRO is only allowed over Natural Resource Land (NRL) designations such as Secondary Forest NRL (SF-NRL), Industrial Forest NRL (IF-NRL), and Rural Resource NRL (RRc-NRL), all of which have densities of 1 dwelling per 20 acres or less.

The current policy in the Comprehensive Plan suggests that no more than 1 dwelling per 10 acres should be designated in surrounding parcels, which is consistent with the RRv zoning. RRv currently allows a density of 1/10 acres or 1/64th of a section or 2/10 acre with Conservation and Reserve Development (CaRD). At these densities, residential is an appropriate land use surrounding MROs.

Mineral extraction and processing activities are only allowed as a Hearing Examiner special use, and must comply with the Surface Mining Act, Chapter 78.44 RCW. As such, the Hearing Examiner must account for site-specific conditions that may be required to mitigate existing and potential incompatibilities between the mineral extraction operation and adjacent parcels. As a Hearing Examiner must also consider all public testimony in consideration of the project.

In the case of Concrete, the MRO is adjacent to the Urban Growth Area including the Urban Reserve Residential zone (URR) which permits up to 1 dwelling per 5 acres. To the southwest, the MRO is adjacent to a portion of Rural Intermediate (RI) zone, which allows for densities of 1 dwelling per 2.5 acres. The MRO also comes close to Concrete city limits in a couple places, which may permit higher densities.

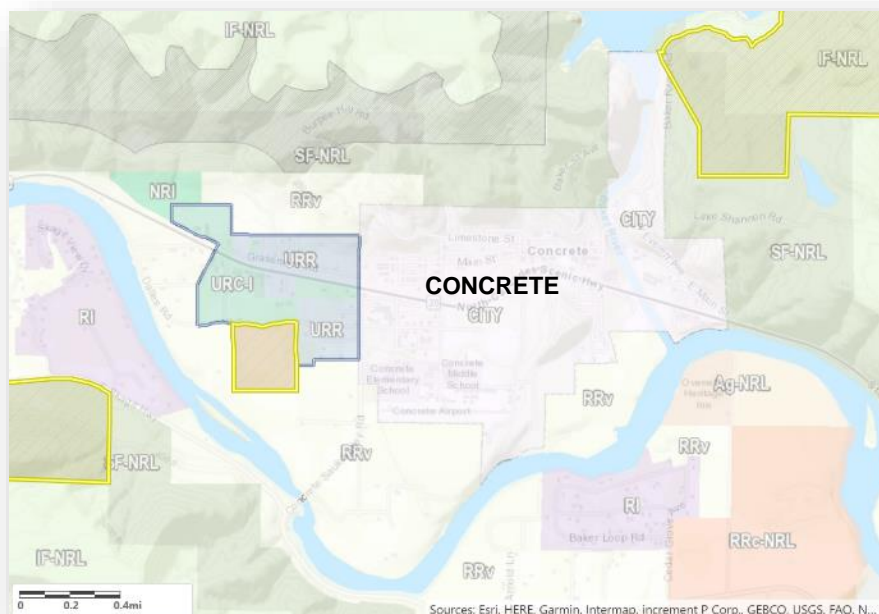


Figure 8. Mineral Resource Overlay (Yellow Highlights and crosshatch) and Zoning near Concrete, WA.

## LR21-01 Delvan Hill MRO Reconsideration and Moratorium

### Summary

This citizen-initiated request proposes a reconsideration of the Mineral Resource Overlay (MRO) granted under the 2017 docket of proposed policy, code, and map amendments item; Weide Quarry, C-20. Petitioners are also seeking a three year moratorium relating to mining or a restriction of truck traffic to historical standards. The Weide quarry is located at the end of Delvan Hill Road in Sedro-Woolley, Washington; northwest of the Sedro-Woolley town center. Citizens have initiated this request to address potential concerns of this small mining operation turning into a larger-scale commercial operation without going through the normal review process.

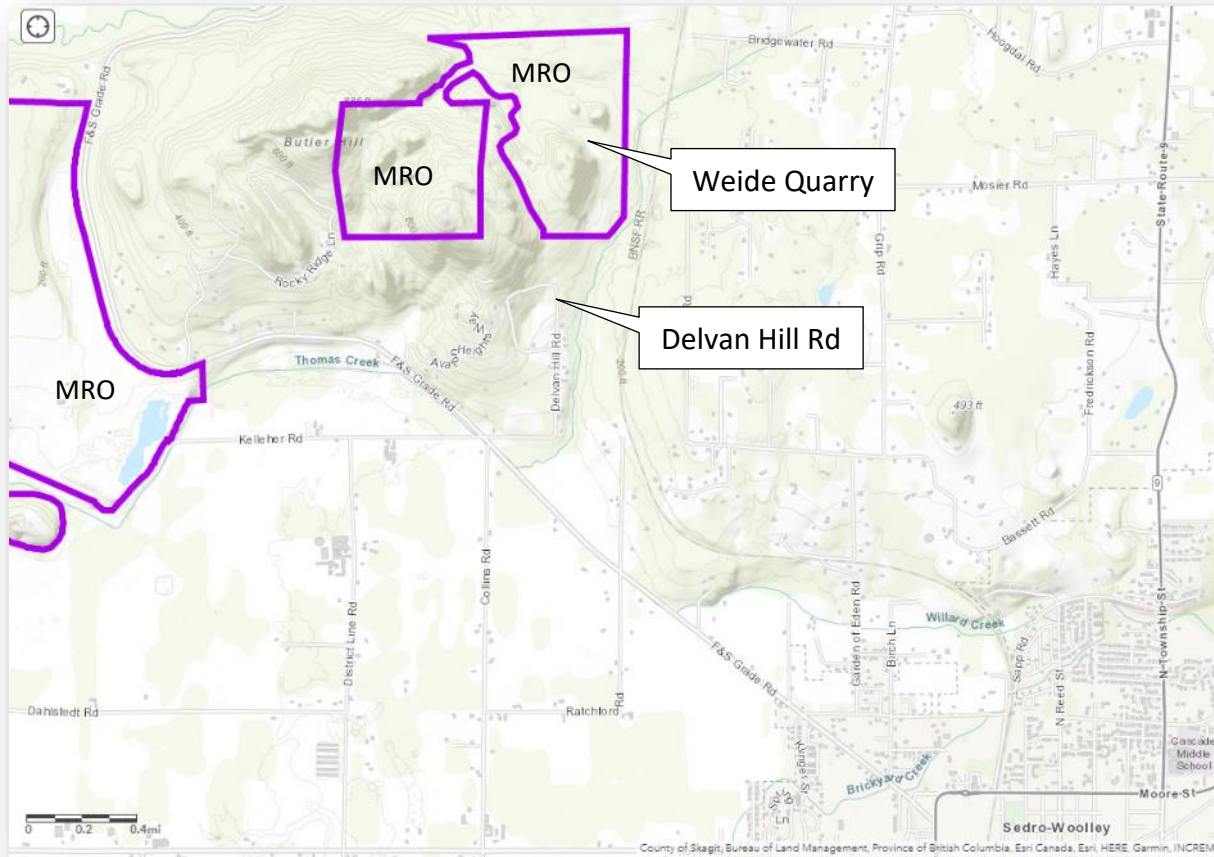


Figure 7: Delvan Hill MRO with 1/4 mile buffer zone showing Weide Quarry

### History

This is a new petition that has not been docketed in the recent past. In 2017, a MRO was granted to this projects as part of the 2017 County-initiated proposals (Weide Quarry, C-20).

### Recommendation

The Department recommends **excluding** this petition in the Planning Docket based on **docketing criterion**:

- (e) Some legal or procedural flaw in the petition would prevent its legal implementation, and

(f) The proposal lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable Comprehensive Plan designation criteria.

### **Analysis**

The 2017 Docket C-20, “Weide MRO” restored the Mineral Resource Overlay designation to portions of parcel #: P35738, P114291, and P35737, which was removed as part of the 2005 Comprehensive Plan update. The property owners were not notified of the removal of the MRO in 2005, and were able to provide documentation of current and historic mining operations. This County initiated amendment to reinstate the MRO in the 2017 Docket was due to the lack of proper notification prior to removal of the MRO in 2005, and ongoing mining at the site.

The 2017 Docket and MRO designation of Weide Quarry can be found here:

<https://www.skagitcounty.net/PlanningAndPermit/Documents/2017CPAdocket/10%20Staff%20Report.pdf>

Under the **Skagit County Code**, Mineral Resources Overlays are designated to conserve mineral resources by designating areas to “maintain and enhance natural resource-based industries”.

**SCC 14.16.440** (1) Purpose. The purpose of the Mineral Resource Overlay (MRO) is to maintain and enhance natural resource-based industries by conserving mineral resource lands, allowing continued operation of existing legally established uses, and by assuring that use of adjacent lands does not interfere with the extraction and quarrying of minerals. A MRO overlays Natural Resource Lands (NRL) zoning districts and imposes regulations in addition to those normally required in the underlying NRL zoning district. The MRO recognizes those areas that are designated to protect long-term, commercially viable mineral Natural Resource Lands and recognizes that mineral resources must be in close and economic proximity to the market to be served.

There are three reasons a petitioner may seek the removal of a Mineral Resource Overlay as listed in **SCC 14.16.440** (4):

“Removal of Designation Status. A petitioner may seek removal of designated Mineral Resource Lands and the associated Mineral Resource Overlay on the Official Zoning Map through the Comprehensive Plan amendment process, pursuant to Chapter 14.08 SCC, and by demonstrating 1 or more of the following:

- (a) The mineral resource is depleted to a point that it is no longer economically feasible to continue mining on the site.
- (b) New or updated geological data no longer indicates the potential for mineral resources of regional or long-term commercial significance on the site.
- (c) The Mineral Resource Overlay was designated based on a technical mapping error.”

This petition does not highlight any of the current MRO designation violations that justify reconsideration or removal of MRO status.

### **Moratorium on Mining or Restricting Truck Traffic**

This annual Comprehensive Plan Amendment process does not provide for restrictions on specific projects as requested by the petitioners. It is our understanding that new mining (excavation) activity at the Weide quarry has already been suspended by the Washington Department of Natural Resources. In light of the pre-existing non-conforming status under DNR regulations, removal of stockpiled material is still allowed when done consistent with historic mining operations, limited to no more than 10 trucks per week.



## LR21-02 Clarify CaRD Land Divisions and the “Reserve” Function

### Summary

This citizen-initiated request asks for a clarification of the historical intent of Conservation and Reserve Developments (CaRD) within the Comprehensive Plan. The petitioner requests that the definition in the Comprehensive Plan and the Skagit County Code be made consistent and their function clarified so the public can fully understand. Most specifically, this petitioner would like further elaboration on when the “reserve” function is used for future development and when it is for conservation.

### History

According to the petitioner, a broad request to evaluate CaRDs was made in prior years which was excluded from consideration.

### Recommendation

The Department recommends **including** this petition in the Planning Docket.

### Analysis

Staff believe it would be useful to clarify in which instances the reserve parcels can be developed and how that might happen. When CaRD land divisions are created the reserve lot of the subdivision is given an open space designation that is maintained through a plat restriction. There are six open space categories for the reserve lot depending on the underlying zoning (see table in SCC [14.18.310](#))

There are at least two current situations that allow for future development of the open space lot: Open Space Reserve, (OS-RSV) this is used only when the development rights of the parent parcel are not extinguished in the development of the CaRD. The second instance is when the Open Space Urban Reserve (OS-UR) is applied, which allows future development when the area is rezoned. This designation is only allowed on lands zoned Rural Village Residential, Rural Intermediate, or Rural Reserve, and only if these areas are located on a parcel of which 50% or greater is located within one-quarter mile of urban growth areas or Rural Villages. The ability to redevelop the reserve portion of the CaRD rests with the ability to rezone the underlying zoning.

The Comprehensive Plan and development code is clear that the reserve tract of a CaRD plat can be further developed in fairly limited situations. The applicable sections of the Comprehensive Plan are shown in bold below.

**Policy 2G-1.3** CaRD land divisions may achieve some or all of the following benefits:

- (a) Flexibility in site development, which may result in more compact, clustered lots or environmentally sound use of the land, while maintaining the County’s rural character.
- (b) Buffer areas to reduce land use conflicts between Rural and natural resource uses and the loss of Natural Resource Lands.
- (c) Reduction in housing costs due to reduced engineering, infrastructure, and development costs, smaller lot sizes, and more intense use of buildable areas.
- (d) Greater opportunity for property owners to derive reasonable economic use of the land by maintaining larger open space areas that may be used for the production of food, fiber, or minerals.

**(e) More flexible land development options in areas with potential to be designated urban growth areas in the future.**

(f) Allowance of bonus development lots when a landowner meets the various requirements of the CaRD provisions.

(g) Large tracts of open space land held for recreation, natural resource management, and protection of critical areas and significant cultural resources.

**Policy 2G-1.4** CaRD land divisions shall be designed to minimize impacts on neighbors, infrastructure systems, and the surrounding environment.

**Policy 2G-1.5** when CaRD land divisions are approved for Long CaRDs their conservation easements or conditions/covenants/restrictions (CCRs) shall be in place for a specified period of time.

(a) Certain identified critical areas shall be set-aside as a Protected Critical Areas (PCAs) and others may be placed into Open Space Preservation Areas (OSPAs).

**(b) A long CaRD land division which has designated Natural Resource Lands (NRL) not satisfying 2G-1.4(a) above shall have the remaining NRL set-aside as a conservation easement, which removes the development right on such lands until such time as the land is determined by a court of competent jurisdiction to no longer have long-term commercial significance for the production of food, agricultural products, timber, or extraction of minerals.**

**(c) A long CaRD land division that has designated rural lands not satisfying 2G1.4 (a) above shall have the undeveloped lands set-aside as a land reserve until the land is re-designated through a comprehensive plan amendment.**

## **LR21-03 Prohibit mitigation banks and their service areas in Skagit County**

### **Summary**

This citizen-initiated request proposes a prohibition and moratorium on future development of wetland mitigation banks or allowing service areas from mitigation banks located outside of Skagit County. Additionally, this petitioner seeks a permanent prohibition and moratorium on wetland mitigation banks in Ag-NRL zones. This petition was created as a response to an interim moratorium on wetland mitigation banks on Ag-NRL zones formerly passed as a part of the appeals process in 2009.

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

The Department recommends **excluding** this petition in the Planning Docket, based on [docketing criteria](#):

(e) The proposed amendment, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonably reviewed within the staffing and operational budget allocated to the Department by the Board; and

(d) Some legal or procedural flaw of the proposal would prevent its legal implementation.

### **Analysis**

Preserving natural resource lands is an important principle of the State Growth Management Act. Skagit's strong natural resource land protections already recognize that in the permanent prohibition and moratorium on wetland mitigation banks in the AG-NRL zone, among many other policies. As long as there is development allowed in the County, there is a need for compensatory mitigation for potential impacts to wetlands. Mitigation banks provide an opportunity for certain unavoidable impacts from development only when there is a demonstrated restoration or creation of functioning wetlands and other critical areas.

Mitigation banks are licensed through the US Corps of Engineers and the State Department of Ecology. The GMA and the Skagit County Comprehensive Plan also have ecological goals and allow for development impacts under certain conditions. Mitigation banks allow for both to exist simultaneously. Applicable Comprehensive Plan policies are shown in bold for emphasis below:

**Goal 5A-3:** Utilize economic incentives, such as density credit transfers, transfer of development rights, tax incentives, cluster housing, conservation easements, and public benefit rating systems, as appropriate, to encourage citizens to conserve, protect and restore critical areas.

**Goal 5A-5:** Skagit County shall, protect and conserve critical areas in cooperation with federal, state, local, and tribal jurisdictions.

**Policy 5A-5.1:** Critical Areas shall be designated and protected to prevent their continued loss and degradation. Furthermore, priority shall be given to the avoidance of impacts to Critical Areas, followed by the minimization of impacts **and full mitigation respectively.**

**Policy 5A-5.3:** Development allowed in critical areas shall be conducted without risk to lives, and with minimum risk to property, infrastructure, and resources.

#### (a) Wetlands

(i) Development adjacent to wetlands should be sited such that wetland and buffer functions are protected and an adequate buffer around the wetland is left undisturbed.

**(ii) Alterations to wetlands that are allowed in order to maintain or enhance specific wetland functions and values, shall consider all quantitative and qualitative functions of the wetlands and required buffers.**

**Policy 5A-5.5:** Critical areas should be avoided, maintained, restored, acquired, replaced or enhanced.

(a) Mitigation for proposed alterations to critical areas or associated buffers should be sufficient to maintain the function and values of the critical area or to prevent risk from a critical area hazard. Proposed mitigation should follow the mitigation sequence of:

(i) Avoid the impact altogether.

- (ii) Minimize the impact utilizing appropriate technology and design.
- (iii) Rectify the impact by restoring, repairing or rehabilitating the affected environment to the conditions existing at the time of initiation of the project or activity.
- (iv) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the project.
- (v) Compensate for the impact by replacing, enhancing or providing substitute resources or environments.**

- (b) On-site replacement of critical area impact is preferred. Where on-site replacement is not feasible or practical due to characteristics of the existing critical area location, replacement should occur within the same watershed and proximity.
- (c) Critical area restoration, creation, and enhancement projects should be completed prior to alteration, where possible. In all other cases, replacement should be completed prior to use or occupancy of the development.**

## **LR21-04 Agricultural Processing Facilities in BR-Light Industrial**

### **Summary**

Petitioners are requesting adding a use to the Bayview Ridge -- Light Industrial (BR-LI) zone. Island Grown Farmers Cooperative would like to add of Agricultural slaughtering facilities as an accessory use incidental to Agriculture and food processing, storage and transportation facilities.

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

The Department recommends **including** this petition in the Docket.

### **Analysis**

The petitioners would like to see Agricultural slaughtering facilities added as an accessory use to the Bayview Ridge – Light Industrial (BR-LI) zone. This is a very specific zone located near the Skagit Airport, and would impact only this area and no other areas within Skagit County. The proposal includes language to limit conflicts with neighbors and the size of the facility, “Agricultural slaughtering facilities as an accessory use incidental to Agricultural and food processing, storage and transportation facilities, provided that the portion of the premise dedicated to slaughtering is (1) entirely enclosed within the interior of the facility, and (2) occupies less than 5,000 square feet of the total processing facility.”

Currently, agricultural slaughtering facilities are only allowed as permitted uses in Natural Resource Industrial (NRI) SCC14.16.160(2)(iii). Agricultural slaughtering facilities are permitted as Administrative Special Use in Agricultural – Natural Resource Lands (Ag-NRL) SCC 14.16.400(3)(a) zones.

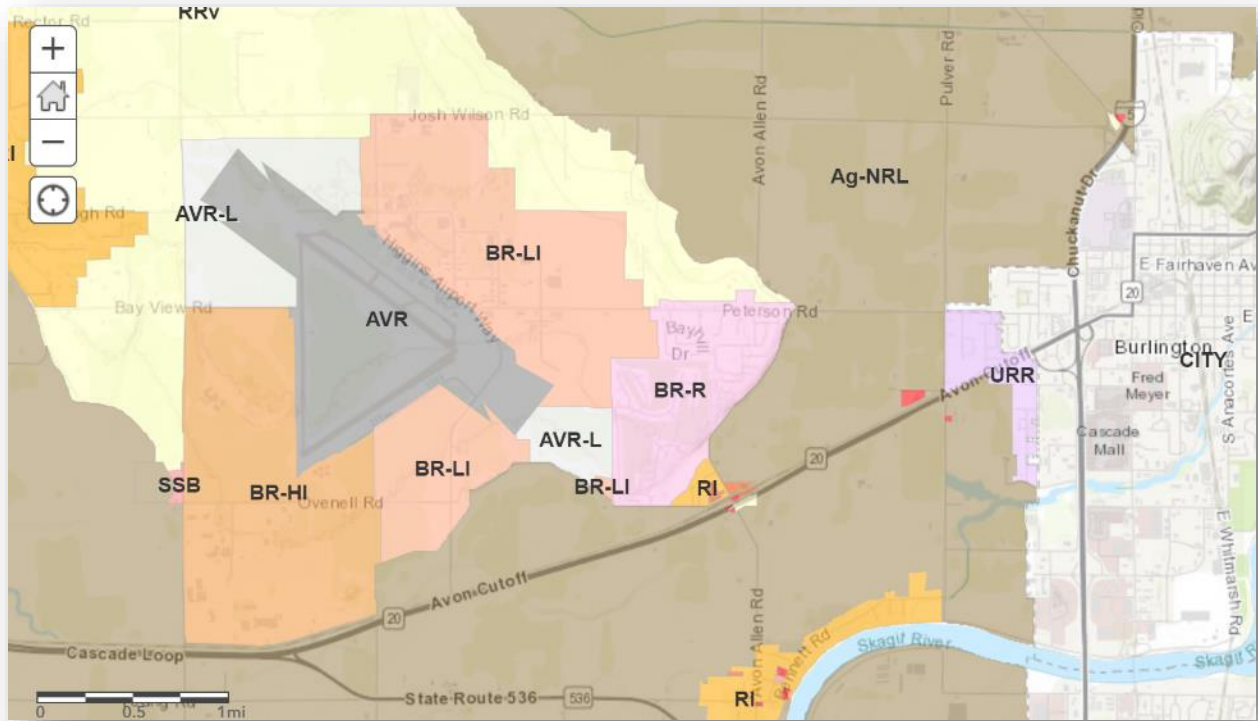


Figure 8: Map of the only BR-LI zones in Skagit County

Allowing this use within the BR-LI zone supports local agriculture and keeps farmable soils within the AG-NRL zone from being permanently removed from agriculture with the construction of slaughtering facility. Expanding this type of use within the BR-LI zone is consistent with major visions and policies within the Comprehensive Plan including:

**“Support economic opportunities:** This plan strives to promote a strong and diverse economy for Skagit County residents through policies and programs that promote new business opportunities, increase family wage jobs and create a predictable regulatory environment for businesses and citizens. Sustainable economic development efforts will focus on providing all communities with a balance of jobs and housing and helping communities with redevelopment or new economic initiatives.”

The Light Industrial (BR-LI) zone provides for light manufacturing and related uses, encompasses the majority of the Port of Skagit ownership and additional properties east and south of the airport. This zone is designed for compatibility with the Skagit Regional Airport and establishes performance standards, including restrictions on building height and particulate and smoke emissions. Where the BR-LI zone abuts residential properties, buffers are required to protect the residential development. The Island Grown Farmers Cooperative project site is within Port of Skagit County Boundaries and does not border residential property. The following objectives and policies from the [Bayview Ridge Subarea Plan](#) are consistent with the change:

Objective 3A-2 “Sustain the economic utilization of Skagit County’s natural resources and attract a more diversified base of non-resource industries consistent with local quality of life and environmental values.”

Policy 3A-1.2 “Encourage diverse job options and entrepreneurial opportunities for persons interested in full-time and part-time employment or desiring to own their own business” and

Policy 3A-1.3 “Actively encourage business investments that provide economic and employment opportunities to meet the employment needs of all county residents.” This proposal would foster more economic growth and employment opportunity in Bayview Ridge, which would work toward the Bayview Ridge Subarea Plan Objective 3A-1 “Create and maintain diverse employment opportunities that meeting changing income needs of Skagit County residents.”

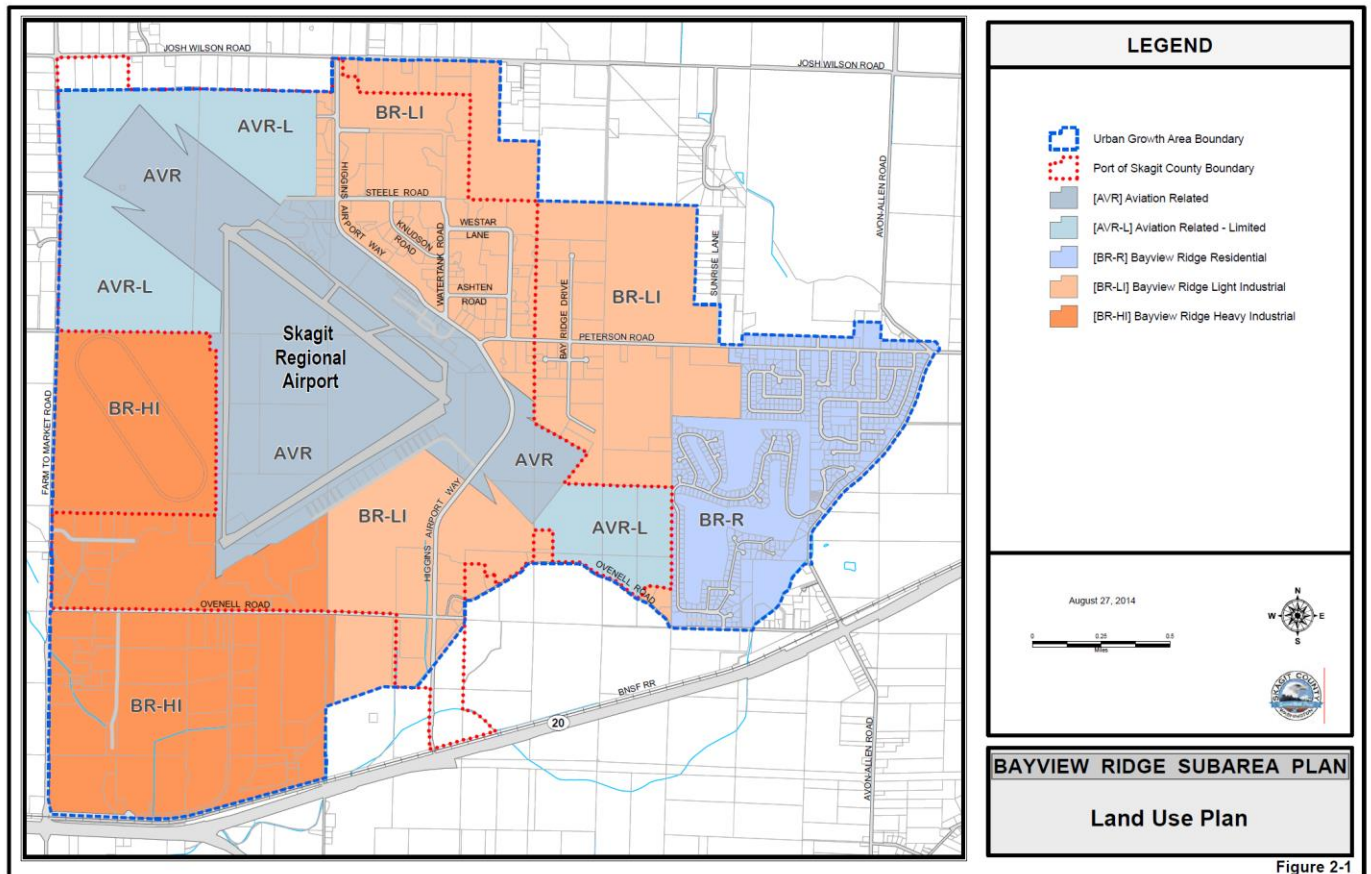


Figure 9. Bayview Ridge Subarea Land Use Plan

There are two BR-LI zones in one small area of the county, the zone is not found anywhere else the county.

## LR21-05 Expand Pre-Existing Natural Resource-Based uses in Agricultural Resource Lands (AG-NRL)

### Summary

Petitioners seek an amendment to the Skagit County Code and Comprehensive Plan regarding Agricultural Natural Resource Lands (Ag-NRL) zones. The amendments would allow for expansion of pre-existing natural resources-based uses in Ag-NRL zones, subject to administrative review.

Petitioners would like an addition to SCC 14.16.400(3) in the form of a new section, (n): “Expansion of existing non-agricultural natural resource dependent businesses including forest industry equipment maintenance buildings and storage yards, provided the expansion is limited to only the area necessary for the business; and provided that any conversion of agricultural land is minimized to the greatest extent possible, and that the site has direct access to a major arterial.”

This would also require an amendment to Comprehensive Plan policies Section 4 regarding Agricultural Resource Lands – Allowable Land Uses.

Neilson Brothers, Inc. would like to see these changes in the code and the comprehensive plan so that they can expand their work bays to make improvements to the drainage and operational layout of their current site, allowing them to install a zero-discharge closed loop water recycling wash rack for heavy equipment.

### **History**

This is a new petition that has not been docketed in the recent past. Nielsen Brothers, Inc. (NBI), however, submitted a petition in 2020 for a Comprehensive Plan and Zoning Map amendment to rezone 11.89 acres of Agriculture-Natural Resource Lands (Ag-NRL) designation to Natural Resource Industrial (NRI).

### **Recommendation**

The Department recommends **excluding** this petition in the Planning Docket, based on [docketing criteria](#):

- d) A proposed amendment 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 a regular review cycle;

### **Analysis**

Additions of new policy in the SCC and Comprehensive Plan would affect all of the Skagit County, not just the one desired 11.89 acres that the petitioners are primarily concerned with. The Growth Management Act does have guidelines for assuring the “conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170”.

**Section 4A-4** of the 2016 Comprehensive Plan covers Allowable Land Uses with the primary goal of the following policies being that, “Land uses allowed on designated agricultural land shall promote agriculture, agricultural support services, and promote diverse agricultural industries”. All policies in this section are centered around agricultural, residential, and habitat restoration allowable uses; as the policy is currently written, natural resource centered uses are not included in allowable land use. This petition would change that and it would be important to consider if this goal is met by including the new policy as written in the Summary section of this proposal.

**SCC 14.16.400(3)** covers Administrative Special Uses in Ag-NRL zones. This petition would include a new section which would allow the “expansion of existing non-agricultural natural resource dependent businesses” under specific circumstances including the minimization of conversion of agricultural land, the business must be an existing non-agricultural natural resource dependent business, and the site must have direct access to a major arterial. Given the

requirements, this additional Administrative Special Use to the SCC would significantly narrow down the potential of applicant. Additionally, there are currently Ag-NRL Administrative Special Uses that are not closely tied to the Agricultural Industry including (3)(c): expansion of an existing major or minor utility or public use give specific circumstances, (3)(k): temporary events, and (3)(m): marijuana production/processing facilities.

## **County-Initiated – Comprehensive Plan or Code**

### **C21-1 2020 Comprehensive Parks & Recreation Plan**

#### **Summary**

The proposal is to “incorporate by reference” the recently updated 2020 Parks and Recreation Comprehensive Plan into the Skagit County Comprehensive Plan. The Parks and Recreation Comprehensive Plan will not become a chapter in the Comprehensive Plan and will remain a separate functional planning document. This includes review of zoning and consistency of park classifications.

#### **History**

This is a new petition that has not been docketed in the recent past.

#### **Analysis**

The Skagit County Parks and Recreation Comprehensive Plan is a subset of the County’s regional comprehensive plan. The Parks and Recreation Comprehensive Plan is defined as a “functional plan” whose purpose is to focus on specific regional governmental services and/or utilities (i.e., water, wastewater, transportation, housing). Functional plans must be consistent with the Skagit County Comprehensive Plan and serve to implement its goals, policies and programs. The Plan was last updated in 2013 and required by the Washington State Recreation and Conservation Office (RCO) to be updated every six years. This update allows for Skagit County to be eligible for RCO grants.

On February 3, 2020, by Resolution [#R20200017](#), the Skagit County Board of Commissioners adopted the 2020 Skagit County Parks and Recreation Comprehensive Plan. The 2020 Skagit County Parks and Recreation Comprehensive Plan update relied on: four (4) public meetings in 2018 and the review and recommendations of a citizen-based Skagit County Parks and Recreation Advisory Board adoption in January 2020.

### **C21-2 SEPA Determination Review Timing**

#### **Summary**

This amendment would clarify that a SEPA threshold determination can be appealed prior to the underlying development permit review, when the principal features of a proposal and its environmental impacts can be reasonably identified.

#### **History**

This is a new petition that has not been docketed in the recent past.

#### **Analysis**



Independent SEPA reviews do not require the submittal of a development permit in order to issue a threshold determination and begin the appeal process. Currently, SEPA review of projects in the feasibility stage can be held up by appellants requesting an application of a development permit. This is due to portions of Skagit County Code favoring a single consolidated public comment period of the environmental review, land use permits, and development permit, SCC 14.06.070(2)(a).

The proposed changes would allow for a consolidated review, but amend the code to clarify that it is not required. State and portions of local code encourage environmental review at the earliest stages of development. Title 16 of Skagit County Code (State Environmental Policy Act), reinforces the availability of early and independent SEPA review under, SCC 16.12.060 **Additional timing considerations.**

(1) For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the County's staff recommendation to any appropriate advisory body, such as the Planning Commission.

(2) **If the County's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request, in writing, that the County conduct environmental review prior to submission of the detailed plans and specifications.**

State Rules encourage environmental review at the earliest stage:

**WAC 197-11-055, *Timing of the SEPA Process***

(2) **Timing of review of proposals.** The lead agency shall prepare its threshold determination and environmental impact statement (EIS), **if required, at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.**

(a) A proposal exists when an agency is presented with an application or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the environmental effects can be meaningfully evaluated.

**(i) The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.**

(ii) Preliminary steps or decisions are sometimes needed before an action is sufficiently definite to allow meaningful environmental analysis.

(3) **Applications and rule making.** The timing of environmental review for applications and for rule making shall be as follows:

(a) At the latest, the lead agency shall begin environmental review, if required, when an application is complete. **The lead agency may initiate review earlier and may have informal conferences with applicants.** A final threshold determination or FEIS shall normally precede or accompany the final staff recommendation, if any, in a quasi-judicial proceeding on an application. Agency procedures shall specify the type and

timing of environmental documents that shall be submitted to planning commissions and similar advisory bodies (WAC [197-11-906](#)).

(b) For rule making, the DNS or DEIS shall normally accompany the proposed rule. An FEIS, if any, shall be issued at least seven days before adoption of a final rule (WAC [197-11-460\(4\)](#)).

**(4) Applicant review at conceptual stage.** In general, **agencies should adopt procedures for environmental review and for preparation of EISs on private proposals at the conceptual stage rather than the final detailed design stage.**

(a) If an agency's only action is a decision on a building permit or other license that requires detailed project plans and specifications, **agencies shall provide applicants with the opportunity for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.**

(b) Agencies may specify the amount of detail needed from applicants for such early environmental review, consistent with WAC [197-11-100](#) and [197-11-335](#), in their SEPA or permit procedures.

(c) This subsection does not preclude agencies or applicants from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

## **C21-3 Hamilton Zoning & Comprehensive Plan updates**

### **Summary**

Changes to the County Comprehensive Plan are needed to reflect the 2019 Hamilton annexation. This change will clean up code references for zones that do not exist anymore. Code citations include: SCC 14.16.175, 14.16.380, and 14.16.385 Hamilton Urban Reserve is maintained, while the other sections are no longer needed.

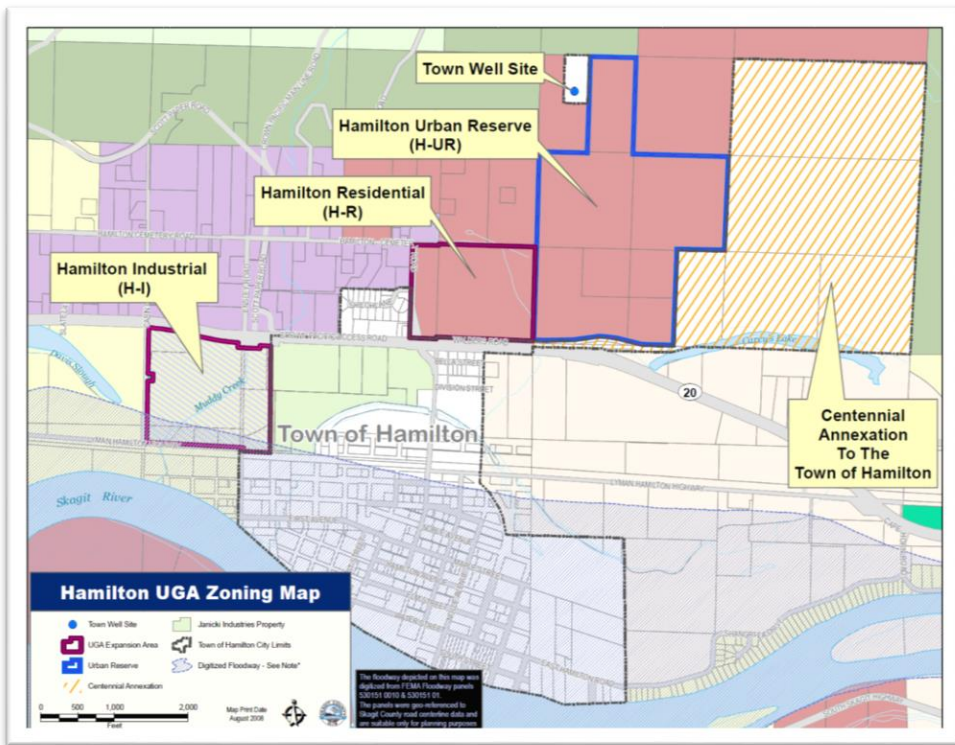


Figure 9. Hamilton Subarea Plan 2008 Zoning Map

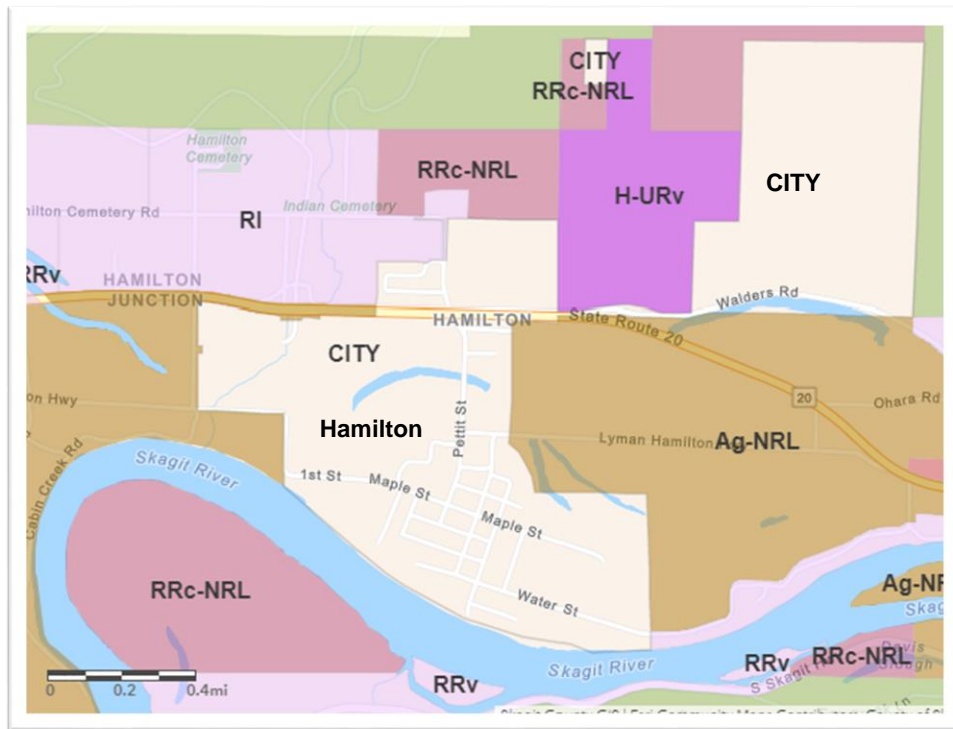


Figure 10. Hamilton Current Zoning Map

## History

This is a new petition that has not been docketed in the recent past.

## Analysis

Due to the Hamilton annexation, several zones are no longer in use or needed and references to them should be removed from Skagit County Code. The zones being removed are: **Hamilton Industrial (H-I)** and **Hamilton Residential (H-R)**, while **Hamilton Urban Reserve (H-URv)** is being maintained.

The majority of references to these two zones are in Chapter 14.16 of Skagit County Code. Codes referencing outdated zones include: SCC 14.16.175 Hamilton Industrial (H-I), and 14.16.380 Hamilton Residential (H-R), while SCC 14.16.385 Hamilton Urban Reserve (H-URv) is still in use. There is also a reference to the Hamilton Industrial zone which is no longer in use in SCC 14.16.720.

Chapter 14.18 includes references to the Hamilton Residential zone in sections SCC 14.18.300, 14.18.310 and 14.18.330. Any mentions of these obsolete zones should be removed to avoid confusion.

## C21-4 Reduced Front Setback to Include Class 19 roads

### Summary

The proposed amendment allows for 20 foot residential setbacks for all local access roads in the Bayview Ridge Residential zone (BR-R). Currently local access, class 09 roads and private roads qualify for a 20 foot setback in the BR-R zone, while local access, class 19 roads require a 35 foot front setback. This change would make front setback for the primary residence, consistent for residential development in this zone. The Bayview Ridge Residential zone is only found east of the Port of Skagit County within the Urban Growth Area.

### History

This is a new petition that has not been docketed in the recent past.

### Analysis

14.16.340(5)(c) BR-R zoning - front setback for primary residence should include both Class 09 & 19 for the reduced front setback of 20'. Both are considered local neighborhood or minor access roads. The 20 foot setback meets both of the Washington State Department of Transportation Clear Zone distances and the Vision Clearance Triangle as shown in Figure C-2 of Skagit County Road Standards.

### Section 3.2.A of Skagit County Road Standards

A minimum clear zone width of 10 feet from the edge of the traveled way shall be maintained for all roads with shoulder sections with a posted speed of 35 MPH or less. For posted speeds over 35 MPH, the WSDOT Clear Zone distances as per the WSDOT Design Manual shall be used for evaluation, placement and relocation of roadside features within the County right-of-way. In urban curbed sections, the minimum clear zone width is 1.5 feet back of the curb face.

Chapter 1600

Roadside Safety

Exhibit 1600-2 Design Clear Zone Distance Table

Posted Speed (mph)	Average Daily Traffic	Cut Section (Backslope) (H:V)						Fill Section (H:V)					
		3:1	4:1	5:1	6:1	8:1	10:1	3:1	4:1	5:1	6:1	8:1	10:1
35 or Less		The Design Clear Zone Distance is 10 ft											
40	Under 250	10	10	10	10	10	10	*	13	12	11	11	10
	251 – 800	11	11	11	11	11	11	*	14	14	13	12	11
	801 – 2,000	12	12	12	12	12	12	*	16	15	14	13	12
	2,001 – 6,000	14	14	14	14	14	14	*	17	17	16	15	14
	Over 6,000	15	15	15	15	15	15	*	19	18	17	16	15

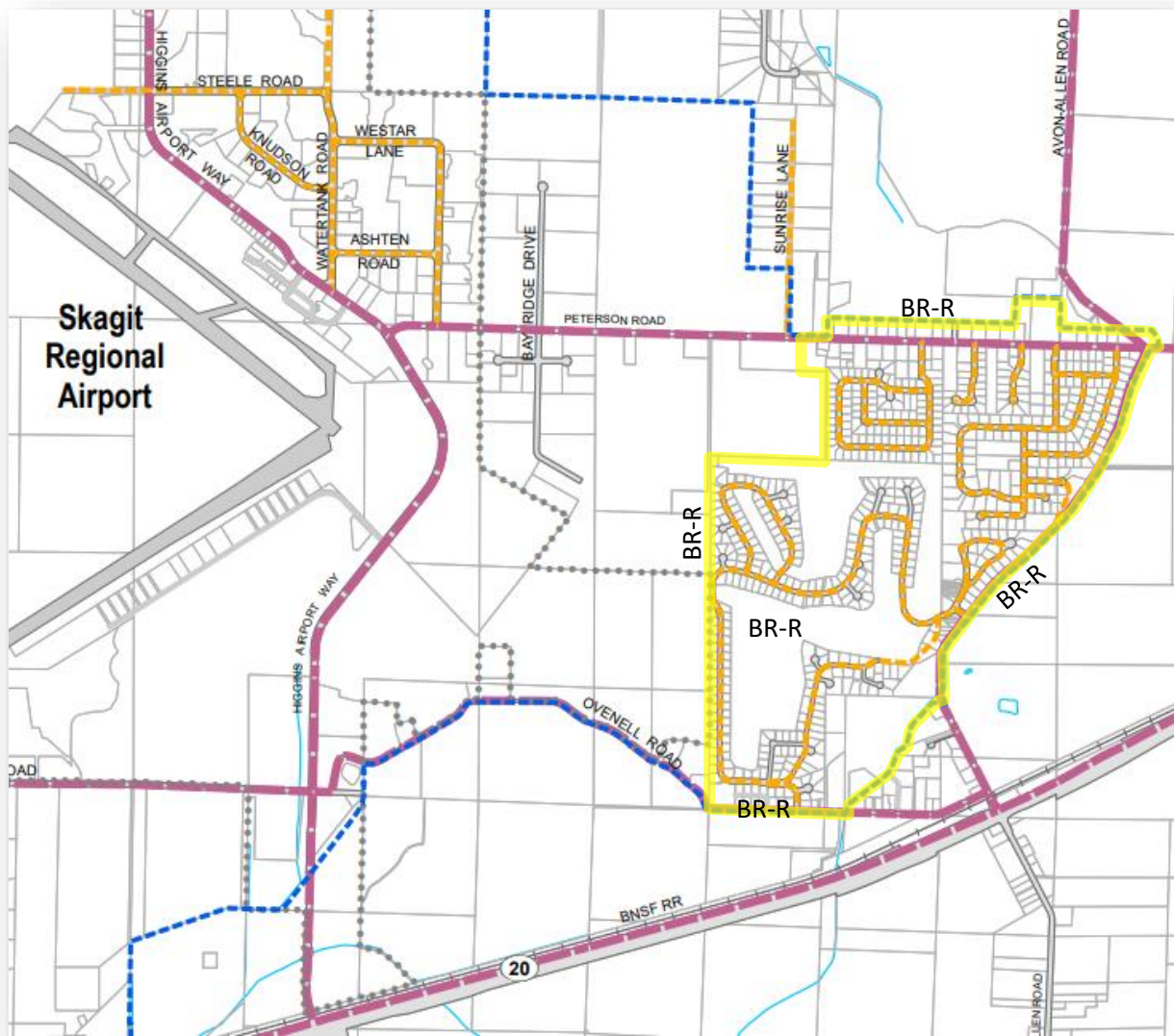


Figure 10: Local Access road class (orange) and Bayview Ridge Residential zone (Yellow) from Bayview Ridge Subarea Plan.

## **C21-5 Pre-application requirement**

### **Summary**

This code amendment to SCC 14.06.080 makes the pre- application meeting optional instead of required. Currently, project applicants often take advantage of a free pre-development meeting with staff when their project is in the feasibility stage. The pre-development meeting is often requested rather than the more thorough pre-application meeting that has a fee associated with it. The applicant often requests a waiver to the pre-application meeting from the department.

### **History**

This petition has not been docketed in the recent past.

### **Analysis**

Pre-Development meetings are informal meetings between County staff and the applicant with the purpose to “discuss, in general terms, the proposed development, application requirements, design standards, design alternatives, other required permits and the approval process.”

The Pre-Application meeting is a much more in-depth process with County staff, staff of affected jurisdictions, and the project applicant. “The purpose of the meeting is to conduct a review of the development application prior to submittal to the Department. Pre-application review will include discussion of requirements for application completeness, permit or approval requirements, fees, review process and schedule, and responding to questions from the applicant.” These meetings involve a fee that is incorporated into permit fees at the permit application stage.

This meeting can improve permit review times and quality of proposals by catching issues related to land use, natural resources, stormwater, and building codes. This preliminary project review can save the applicant time and money by catching issues before projects are fully designed and applications submitted.

This change from requiring a pre-application meeting to a pre-development meeting will be more consistent with current practices while removing the need for pre-application waiver and freeing up staff time from attending and preparing for the more rigorous pre-application meetings when the applicant does not request one.

## Next Steps

The setting of the Planning 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 Planning Commission; and request review from the Department of Commerce.

Applicants for the 2021 Docket will be presenting their petitions on April 26, and April 28.

The public hearing is scheduled for **May 3, 2021** at 10:00 am. See below for more information.

Check the Board of County Commissioners agenda for time and viewing options.

<https://www.skagitcounty.net/Departments/CountyCommissioners/agendaarchive21.htm>

## How to Comment

The public may submit written comments via email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) (preferred) or via US mail. All paper comments must be submitted on 8½" x 11" paper to the address below:

Skagit County Planning & Development Services  
re: Comments "Skagit County's 2021 Docket of Proposed Policy, Code, and Map  
Amendments"  
1800 Continental Place  
Mount Vernon, WA 98273

All comments must be received by **May 5, at 4:30 p.m.** and include (1) your full name, (2) your mailing address. Comments not meeting these requirements will not be considered.

You may also provide verbal comments at the Public Hearing. Due to the COVID-19 Pandemic the hearing will be held as a remote meeting. If you wish to provide verbal testimony, please send email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us), with your name, phone number, and include a request to be added to the speakers list in the body of the email. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

Virtual meeting access information can be found on the Board of County Commissioners agenda, posted Thursday prior to the meeting, here:

<https://www.skagitcounty.net/Departments/CountyCommissioners/agendaarchive21.htm>

Public hearing testimony is limited to three minutes, so written comments are preferred

(Please note, your internet connected computer must have a microphone and speakers if you choose to give remarks via computer).