



Planning & Development Services

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Memorandum: 2022 Planning Docket

To: Board of County Commissioners
From: Jenn Rogers, Assistant Long Range Planner
Date: April 25, 2022
Re: Proposed Annual Comprehensive Plan Amendments, 2022 Docket

Background

The Growth Management Act (GMA) provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”¹ 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.

The remainder of this memo describes the docketing criteria and process and briefly summarizes the amendment proposals.

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
 - defer the proposal until the next annual amendment cycle

¹ RCW 36.70A.130(1)(a).

- 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
Spring 2022	BoCC	Public Hearing	Accept testimony on which proposals merit inclusion in the Docket.
Spring 2022	BoCC	Deliberations	Docket established via Resolution.
Summer 2022	Planning Commission	Workshop(s)	Discussion of upcoming Docket public hearing.
Summer 2022	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
Fall 2022	Planning Commission	Deliberations	Recorded motion with recommendations to the BoCC.
Winter 2023	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.

Table 1 Summarizes the review process with approximate dates 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.

2022 Petitions and Department Recommendations

Skagit County received the following timely petitions and suggestions to amend the Comprehensive Plan or development regulations. The full text of each petition is available on the 2022 Docket [webpage](#).

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:

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

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

Citizen Petition Summary

The public has submitted five timely petitions for consideration in this year’s docket.

Table 1. Citizen Petitions for the 2022 Docket

Table 2 summarizes each of the petitions and the Departments recommendations.

Number	Title & Petitioner	Description	Petitioner
Comprehensive Plan/Development Code Amendments			
LR22-01	Small Scale Recreation & Tourism Rezone	Rezone four parcels from Rural Reserve to Small Scale Recreation & Tourism zone	Bertelsen Farms, LLC (Bertelsen)
LR22-02	Fully Contained Community Proposal	Amend the Countywide Planning Policies and Skagit County development regulations to establish a process for consideration and approval of a new fully contained community, consistent with RCW 36.70A.350	Skagit Partners, LLC (Sygitowicz)
LR22-03	Critical Areas Review Amendment	Amend SCC 14.24.070 (5) to clarify existing single-family residences may be remodeled, reconstructed, or replaced without critical areas review if the use remains residential and the footprint does not change	Harvey Wolden
LR22-04	Seawater Intrusion Protection Monitoring system	Add new sections to SCC 12.48 to require the County hydrogeologist to review applications for well approvals before the drilling of any new wells in a sole source aquifer	Guemes Island Planning Advisory Committee (Rooks)
LR22-05	Agricultural Accessory Use Amendment	Amend SCC 14.16.400, SCC 14.04.020, and Skagit County Comprehensive Plan goals and policies to allow for temporary/seasonal farmworker housing	Skagit Valley Farm, LLC (Wisdom)

		as an accessory use in Ag-NRL zone and other zones with agriculture as an allowed use.	
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Department Amendments Summary

The Department has recommended three amendments for consideration in this year’s docket.

Table 3. Department Amendments for the 2022 Docket.

Table 2 summarizes each of the county initiated proposals

Number	Title	Description	Petitioner
C22-1	Wind Turbine Use Amendment	Wind turbines are included in the definition for net metering systems, but they are not listed in the code as an allowed use in any zones. This amendment would add wind turbines as an allowed use.	Planning & Development Services
C22-2	Critical Areas Ordinance Correction	Code correction in SCC 14.24.080(4)(c)(vi). Reference to subsection (6) should be a reference to (5)(b).	Planning & Development Services
C22-3	Guemes Island Overlay Side Setback Amendment	Remove the preferential side setback requirements for the Guemes Island Overlay to be consistent with other areas of the county.	Planning & Development Services