



Planning & Development Services

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

Memorandum: Deliberation 2022 Docket

To: Board of County Commissioners
From: Jenn Rogers, Assistant Long Range Planner
Date: June 7, 2022
Re: Deliberation on Petitions for 2022 Docket of Proposed Policy, Code, and Map Amendments

Background

The County Commissioners are in the process of establishing the 2022 Docket of Comprehensive Plan, Map and Code amendments. This memo addresses the Board of County Commissioners potential action at the June 14th meeting and the comments received during the open comment period May 8 – May 26th.

Skagit County received five timely petitions to amend the Comprehensive Plan, Comprehensive Plan Map, or development regulations. The Department also received three amendments proposed by the County. The Department released these proposals, along with its docketing recommendations for public review and comment on May 8, 2022. The Board held a public hearing on May 24th and took written comments through May 26th at 4:30 pm.

For each proposal, the Department has provided a summary of the proposal, analysis against the docketing criteria, and a recommendation found in the May 8th Staff Report. This staff report, public comments, and full text of each petition is available on the [2022 Docket webpage](https://www.skagitcounty.net/Departments/PlanningAndPermit/2022CPA.htm). (<https://www.skagitcounty.net/Departments/PlanningAndPermit/2022CPA.htm>).

Requested Action

The Board of County Commissioners may choose to take action at the June 14th meeting. It is important to note that a decision to include a proposed amendment in the docket is procedural and does not constitute a decision as to whether the petition will ultimately be approved.

The Board establishes the annual Comprehensive Plan amendment docket through a resolution. The resolution will contain one of the following decisions for each of the proposals:

- **Include, petition in docket for further review**
- **Defer**, the proposal until the next annual amendment cycle
- **Exclude** from the docket, without prejudice

Items that are **Included** in the docket will move as a group through the legislative process with the intent of completing the docket by the end of 2022. The Board can docket some modified form of the proposal.

Items that are **Excluded** from the docket will not move forward for any further review or consideration at this time. This does not prevent the applicant from bringing the petition back in the future for consideration.

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 as shown in Figure 1.

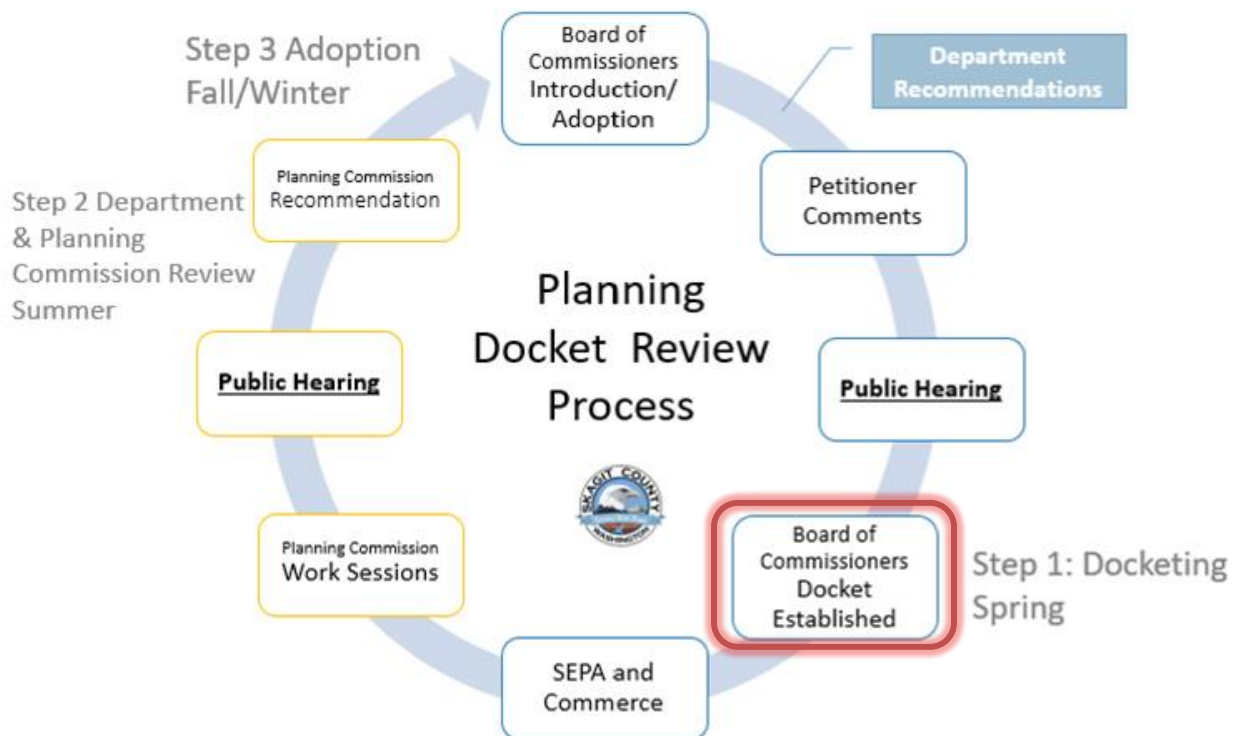


Figure 1: Simplified diagram of the annual docketing process

Petitions and Recommendations Summary

The tables below provide a summary description and title for each petition being considered for the docket. The last column indicates the Department’s recommendation on whether to docket the proposal.

Citizen Amendments Summary Table

Number	Title & Petitioner	Description	Department Recommendation (Include, Exclude, or Defer)
Comprehensive Plan/Development Code Amendments			
LR22-01	Small Scale Recreation & Tourism Rezone , Bertelsen Farms, LLC (Bertelsen)	Rezone four parcels from Rural Reserve zone to Small Scale Recreation & Tourism zone	Include
LR22-02	Fully Contained Communities , Skagit Partners LLC (Sygitowicz)	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	Defer
LR22-03	Critical Areas Review Amendment , (Wolden)	Amend SCC 14.24.070 (5) to allow existing single-family residences to be remodeled, reconstructed, or replaced without critical areas review if the use remains residential and the footprint does not change	Exclude
LR22-04	Seawater Intrusion Protection Monitoring System , Guemes Island Planning Advisory Committee (Rooks)	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	Exclude
LR22-05	Agriculture Accessory Use Amendment , Skagit Valley Farm, LLC (Wisdom)	Amend SCC 14.16.400, SCC 14.04.020, and Skagit County Comprehensive Plan goals and policies to allow for temporary/seasonal farmworker housing as an accessory use in Ag-NRL zone and other zones with agriculture as an allowed use.	Include

County Amendments Summary Table

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

Citizen Comments Summary

The following section provides the number of comments, written and verbal, as well as the source of the comments and a basic overview. There is no attempt to capture all the comments made in this summary. All timely comments are provided to the Board of County Commissioners and compiled for the public to view. Those comments can be found here: www.skagitcounty.com/2022CPA

LR22-01 Small Scale Recreation and Tourism Rezone

Comments Summary

3 - Written Comments: Citizens, Friends of Skagit County, Skagit Water System Cooperative

2 - Hearing testimony

The petitioners provided both verbal testimony and written comments for the rezone application. The petitioners stated the rezone would allow for new business ventures on the property, which would increase job and recreation opportunities for Skagit County. Commenters in opposition are concerned with the lack of water infrastructure available for the proposed new business developments. Friends of Skagit County wrote the GMA requires counties to ensure property uses are not impeding on neighboring farm activity. The organization is also concerned the rezone would not be appropriate in insulation from other recreational and scenic amenities.

LR22-02 Fully Contained Communities

Comments Summary

169 - Written Comments: Citizens, La Conner Town Council, Friends of Skagit County, Evergreen Islands, Home Rule Skagit, Indivisible Skagit, Skagit Audubon Society, Skagit Land Trust, Skagit River System Cooperative, Skagitonians to Preserve Farmland, Watermark Book Company

8 - Hearing testimony

There are a range of concerns voiced in the testimony and comments received. Much of the comments center around the loss of the rural way of life due to increased traffic, increased runoff, water use, insufficient infrastructure, etc. There is concern that this could convert resource land to suburban type development. Community members questioned whether the new community could really be “fully contained” since it would not have adequate commercial, retail, or health services. Comments noted that King and Snohomish Counties have had negative experiences with existing fully contained communities. Comments about the potential for sprawl associated with any fully contained community are included in most statements against docketing this proposal.

Multiple comments reference LR20-04, which was deferred in December 2021. Commenters request the County reject LR22-02, and not defer, because of the large public response to LR20-04 during the previous year and the fact that the GMA Steering Committee has yet to discuss LR20-04. All of written comments and public testimony, aside from the petitioners comments, are in opposition to docketing LR22-02.

LR22-03 Critical Areas Review Amendment

Comments Summary

- 2 - Written Comments: Friends of Skagit County, Skagit River System Cooperative
- 1 - Hearing testimony

There were two submitted comments against docketing LR22-03. The Friends of Skagit County stated they concur with the staff analysis of critical areas review requirements. The Skagit River System Cooperative also supports keeping the existing requirements for critical areas review as it protects these areas from potential impacts. They also noted the large impacts associated with development activity, such as a structure replacement, which could bring disturbance related to construction equipment.

LR22-04 Seawater Intrusion Protection Monitoring System

Comments Summary

- 2 – Written Comments: GIPAC, Friends of Skagit County.
- 1 - Hearing testimony

The Guemes Island Planning Advisory Committee and Friends of Skagit County submitted comments and testimony in support of LR22-04. Friends of Skagit County requested the County work with GIPAC to outline a program for oversight of new wells on the island.

LR22-05 Agriculture Accessory Use Amendment

Comments Summary

- 1 - Written Comments: Friends of Skagit County
- 2 - Hearing testimony

The Department received written comments from the Friends of Skagit County regarding LR22-05. The organization did not provide a recommendation for docketing, but did suggest staff work with large farms which have had grandfathered farmworker housing and other organizations which have built farmworker housing within the cities. One citizen provided testimony during the public hearing in support of the petition as it provides a creative way to develop new housing to support the agricultural industry.

All timely comments are provided to the Board of County Commissioners and compiled for all at the Comprehensive Plan Amendments website:

<https://www.skagitcounty.net/2022CPA>

County-Initiated – Comprehensive Plan or Code

C22-1 Wind Turbine Use Amendment

Comments Summary

3 - Written Comments: Friends of Skagit County, Skagit Audubon Society

1 - Hearing testimony

The Skagit Audubon Society wrote to support the overall goal of replacing fossil fuels with renewable energy, such as windmills, but cautions the County to consider impacts to birds when creating regulations for wind turbines. The organization states the failure to mitigate for birds can be considered a violation of the Migratory Bird Treaty Act. Friends of Skagit County wrote in support of the Department's recommendation to docket.

C22-2 Critical Areas Ordinance Correction

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in support of the Department's recommendation to docket.

C22-3 Guemes Island Overlay Side Setback Amendment

Comments Summary

5 - Written Comments: Citizens, GIPAC, Friends of Skagit County

3 - Hearing testimony

There were three written comments in support of docketing and two in opposition. Two citizens wrote in support of changing the side setback requirements as the current setbacks do not ensure view sheds and the requirements limit the amount of livable space on a property. GIPAC is opposed to docketing C22-3 because it would undo the work GIPAC did during the implementation of the Guemes Island Overlay. GIPAC also notes the requirements ensure protection of the rural nature of Guemes Island and environmental features such as shorelines. Friends of Skagit County wrote in support of the Department's recommendation to docket.

All timely comments are provided to the Board of County Commissioners and compiled for all at the Comprehensive Plan Amendments website:

<https://www.skagitcounty.net/2022CPA>
