



Planning & Development Services

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Memorandum: Revised 2022 Docket

To: Board of County Commissioners
From: Jenn Rogers, Assistant Long Range Planner
Date: September 22, 2022
Re: Deliberation on Petitions for Revised 2022 Docket of Proposed Policy, Code, and Map Amendments

Background

The County Commissioners established the 2022 Docket of Comprehensive Plan, Map, and Code amendments via resolution on June 14, 2022, which included two citizen-initiated proposals and three county proposals. One citizen-initiated proposal (LR22-05 Agriculture Accessory Use Amendment) was rescinded from consideration by the applicant on July 29, 2022. The following petitions remain on the 2022 Docket:

- LR22-01 Small Scale Recreation and Tourism Rezone
- C22-1 Wind Turbine Use Amendment
- C22-2 Critical Areas Ordinance Correction
- C22-3 Guemes Island Overlay Side Setback Amendment

Skagit County Planning and Development Services is proposing to add two petitions to the 2022 Docket. For each petition, the Department has provided a summary of the proposal, analysis against the docketing criteria, and a recommendation found in this memorandum. This memo, along with previous staff reports, 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 take action at the October 10th meeting. 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 winter 2023. 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.

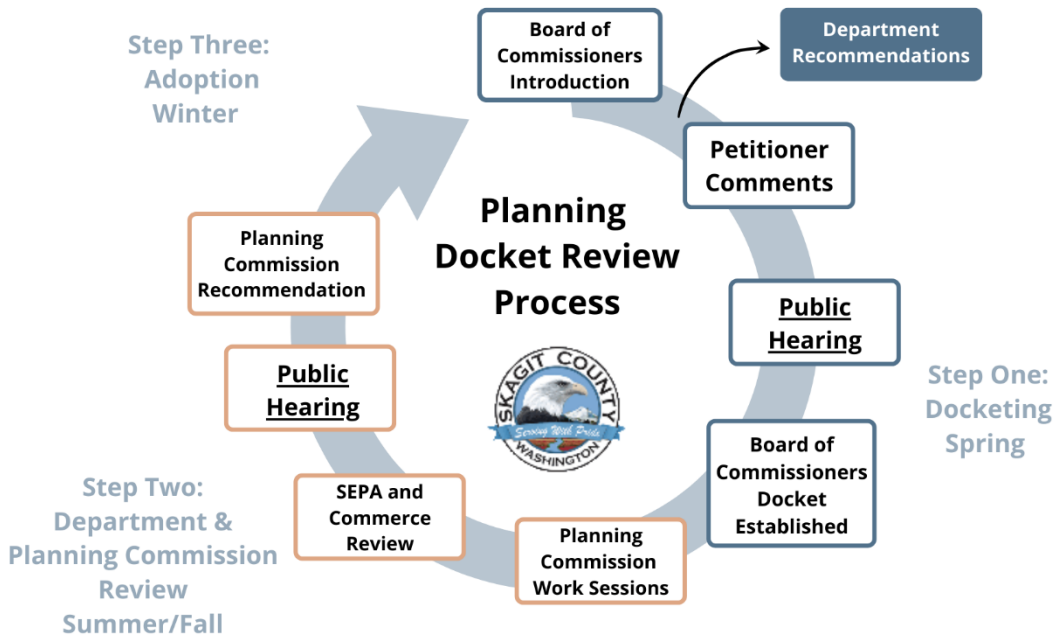


Figure 1: Simplified diagram of the annual docketing process

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.

Petitions and Recommendations Summary

C22-4 Economic Development Plan Amendment

Summary

This proposal seeks to add a new goal to the Economic Development Chapter (Chapter 11) of the Skagit County Comprehensive Plan. The policy would read as follows:

Policy 11G-4.7 Expend funds collected under Chapter 82.14 RCW to finance public facilities serving economic development purposes and finance personnel in economic development offices. For purposes of this Policy any public facility, as defined in RCW 82.14.370(3)(c)(i), listed in this Comprehensive Plan (including subarea plans) is fully incorporated to this Economic Development Section.

History

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

Recommendation

The Department recommends **including** this proposal in the planning docket.

Analysis

The addition of this new goal to the Economic Development chapter of the Comprehensive Plan would ensure that all public facilities, including those included in a subarea plan, would be eligible for economic development funds from the Washington State Department of Commerce. Revised Code of Washington (RCW) 82.14.370 allows for moneys collected through sales and use taxes to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices only. The statute states that for public facilities to be eligible for these funds, the facility must be listed in the county comprehensive plan or economic development plan. The current Skagit County Economic Development chapter does not explicitly state or reference individual public facilities in a manner which would make them eligible for RCW 82.14.370 funds.

Public facilities in Skagit County can include port facilities, such as the Port of Skagit or Anacortes, school district facilities, and any other public facility infrastructure. These facilities play an important role in the economic growth of the county and are thus vital to both supporting current activities and attracting new businesses to the county. These funds are a way for the county to support public infrastructure and the proposed new language will ensure all facilities which should be eligible for funding are able to receive those funds.

C22-5 Seawater Intrusion Areas Amendment

Summary

This proposal would change the requirement for the County Hydrogeologist to review proposed new wells in a seawater intrusion area to instead allow for a licensed hydrogeologist under contract with the County to perform the review. SCC 14.24.380 refers to the “County Hydrogeologist” in subsections (2)(a)(i)(C), (4)(a)(iv)(C), (4)(b)(vi), and (4)(d)(ii), and Table 14.24.380-1, in relation to review of wells in seawater intrusion areas. The amendment would remove “County” and clarify that the County may select a Washington state licensed hydrogeologist to perform the required review on behalf of the County.

History

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

Recommendation

The Department recommends **including** this proposal in the planning docket.

Analysis

Seawater intrusion areas are those areas of the county at risk of seawater contaminating groundwater relied on for drinking water, and are defined by SCC 14.24.380(1) as places within ½ mile of the marine shoreline and the entirety of Guemes, Sinclair, Cypress, and Vendovi Islands.. New wells sited without consideration of the underlying groundwater characteristics may increase the risk of seawater intrusion in these areas. This issue is particularly concerning in areas where water is utilized from sole-source aquifers, such as Guemes Island. There are documented issues of seawater intrusion in existing wells in

areas of Guemes Island. Some residents with affected wells have installed various treatment systems, flow restricting devices and other means to ensure potable drinking water is available.

The current regulations in Skagit County Code have been written to protect existing and new wells from seawater intrusion by requiring information be submitted to the County prior to drilling new wells to be reviewed and authorized by the County Hydrogeologist to reduce the risk of seawater intrusion in the new well and neighboring wells SCC 14.24.380 (2).

Skagit County has been without the County Hydrogeologist since early in 2022. The county has advertised for a new hydrogeologist for several months but have been unsuccessful in hiring a replacement to date. The lack of a County Hydrogeologist means that there has not been a qualified staff member to perform the duties specified in code. The proposed amendment would allow for the County to select a Washington State licensed hydrogeologist to perform the required reviews on behalf of the County and help ensure the protection of new and existing wells in seawater intrusion areas.

How to Comment

The public may submit written comments via email to pdscomments@co.skagit.wa.us (preferred) or via US mail. All paper comments must be submitted on 8 ½ x 11” paper to the address below:

Skagit County Planning & Development Services
RE: Comments “Skagit County Revised 2022 Docket of Proposed Policy, Code, and Map Amendments”
1800 Continental Place
Mount Vernon, WA 98273

All comments must be received by October 10th at 10:30 a.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. The Board of County Commissioners will host the public hearing in the Commissioner’s hearing room at 1800 Continental Place, Mount Vernon, WA 98273. You may attend in person, watch the hearing on TV21, or stream the hearing via Zoom on your phone, computer, or tablet. Please visit the Commissioner’s webpage for more information on viewing options. <https://www.skagitcounty.net/Departments/CountyCommissioners/main.htm>

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