



Planning & Development Services

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Memorandum: 2023 Planning Docket

To: Board of County Commissioners
From: Jenn Rogers, Associate Long Range Planner
Date: April 6, 2023
Re: Docketing Proposed Annual Comprehensive Plan, Map, and Development Code Amendments

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. (See Petitions and Department Recommendations section below.)
- 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
 - exclude the proposal without prejudice

¹ RCW 36.70A.130(1)(a).

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 2023	BoCC	Public Hearing	Accept testimony on which proposals merit inclusion in the Docket.
Spring 2023	BoCC	Deliberations	Docket established via Resolution.
Summer 2023	Planning Commission	Workshop(s)	Discussion of upcoming Docket public hearing.
Summer 2023	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
Fall 2023	Planning Commission	Deliberations	Recorded motion with recommendations to the BoCC.
Fall 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.

2023 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 2023 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.

C##-#: 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. Two additional petitions, LR20-04 and LR22-02, have been added for consideration after being deferred from previous dockets.

Table 2. Citizen Petitions for the 2023 Docket

Number	Title & Petitioner	Description	Department Recommendation (Include, Exclude, or Defer)
Rezoning/Map Amendments			
LR23-01	Dunlap Rural Reserve Rezone (James Dunlap)	Rezone 21 acres from Ag-NRL to Rural Reserve to allow for additional residential units.	Include
LR23-02	Chavda Rural Center Rezone , (Kesh Chavda)	Rezone one 2.65-acre parcel from Small Scale Business to Rural Center to allow for the applicant to use the parcel for other commercial purposes.	Exclude
LR23-03	Port of Skagit Bayview Ridge Rezone , (Heather Rogerson)	Rezone a portion of one parcel, which has a split zoning designation, from Bayview Ridge-Residential to Bayview Ridge-Light Industrial.	Include
LR23-04	Cummings Rural Intermediate Rezone (Theodore Cummings)	Rezone one 10-acre parcel from Rural Reserve to Rural Intermediate to allow for the applicant to subdivide the lot into two parcels.	Exclude
Comprehensive Plan/Development Code Amendments			

LR23-05	Rural Business Use Amendment, (Sarah Bucko)	Amend the Rural Business zone to allow for more diverse commercial uses.	Exclude
LR20-04	Fully Contained Communities Proposal, Skagit Partners, LLC (Sygitowicz)	Amend the Comprehensive Plan to allow for consideration of fully contained communities.	Exclude
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	Exclude

Department Amendments Summary

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

Table 3. Department Amendments for the 2023 Docket.

Number	Title	Description	Petitioner
C23-1	Seawater Intrusion Area Well Drilling Requirements	Prior to drilling a well in a seawater intrusion area with a sole source aquifer, applicants must submit an application and supporting materials for review by the Department.	Planning & Development Services
C23-2	Qualified Professional Definition	Change the definition of “Qualified Professional” in SCC 14.04 to ensure consistency with surrounding jurisdictions and ensure competency of consultants for Skagit County.	Planning & Development Services
C23-3	OSRSI Allowed Uses Amendment	Amends SCC 14.16.500(3) to allow trails to be a permitted use in the OSRSI zone, while trailheads are kept as an administrative special use.	Planning & Development Services
C23-4	Master Planned Resort Designation	Change code language to refer to a Master Planned Resort as a zone designation, not a special use, to remain consistent with the Comprehensive Plan.	Planning & Development Services
C23-5	Fire Marshal Code Amendment	Amend SCC 14.16.850(6) to remove the requirement for a foam applicator for firefighting in a building located outside of a Skagit County fire district.	Planning & Development Services
C23-6	Temporary Manufacture Homes Title Notice Requirement	Require a title notice for temporary manufactured homes.	Planning & Development Services
C23-7	Flow Sensitive Basin Rules	Update and remove flow sensitive basin regulations which have been superseded by the Skagit and Stillaguamish Instream Flow Rules.	Planning & Development Services
C23-8	Wind Turbine Use Amendment	Work with Planning commission to create regulations for personal wind energy structures.	Planning & Development Services
C23-9	Primitive Campground Definition	Amend the primitive campground definition to clarify which amenities would qualify a site as a primitive campground.	Planning & Development Services

	Amendment		
C23-10	Countywide Planning Policies Update	Adopt amended countywide planning policies recommended by the GMA Steering Committee.	Planning & Development Services
C23-11	General Code Language Clean Up	Update the stormwater and wireless facilities code language to reflect inconsistencies found by code revisers during the 2022 update.	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. The full text of each petition is available on the Comprehensive Plan Amendment [webpage](#).

LR23-01 Dunlap Rural Reserve Rezone (Quasi-Judicial: 14.08.060 Petitions— Approval criteria for map amendments and rezones.)

Summary

This proposal seeks to rezone 21 acres, four parcels, from Agriculture-Natural Resource Land to Rural Reserve. The applicant has requested rezoning four parcels, P95578, P15190, P15173, P15174, and P15175, pictured below in Figure 1. The properties are located just south of the Town of La Conner, along Conner Way, and just east of the La Conner channel.

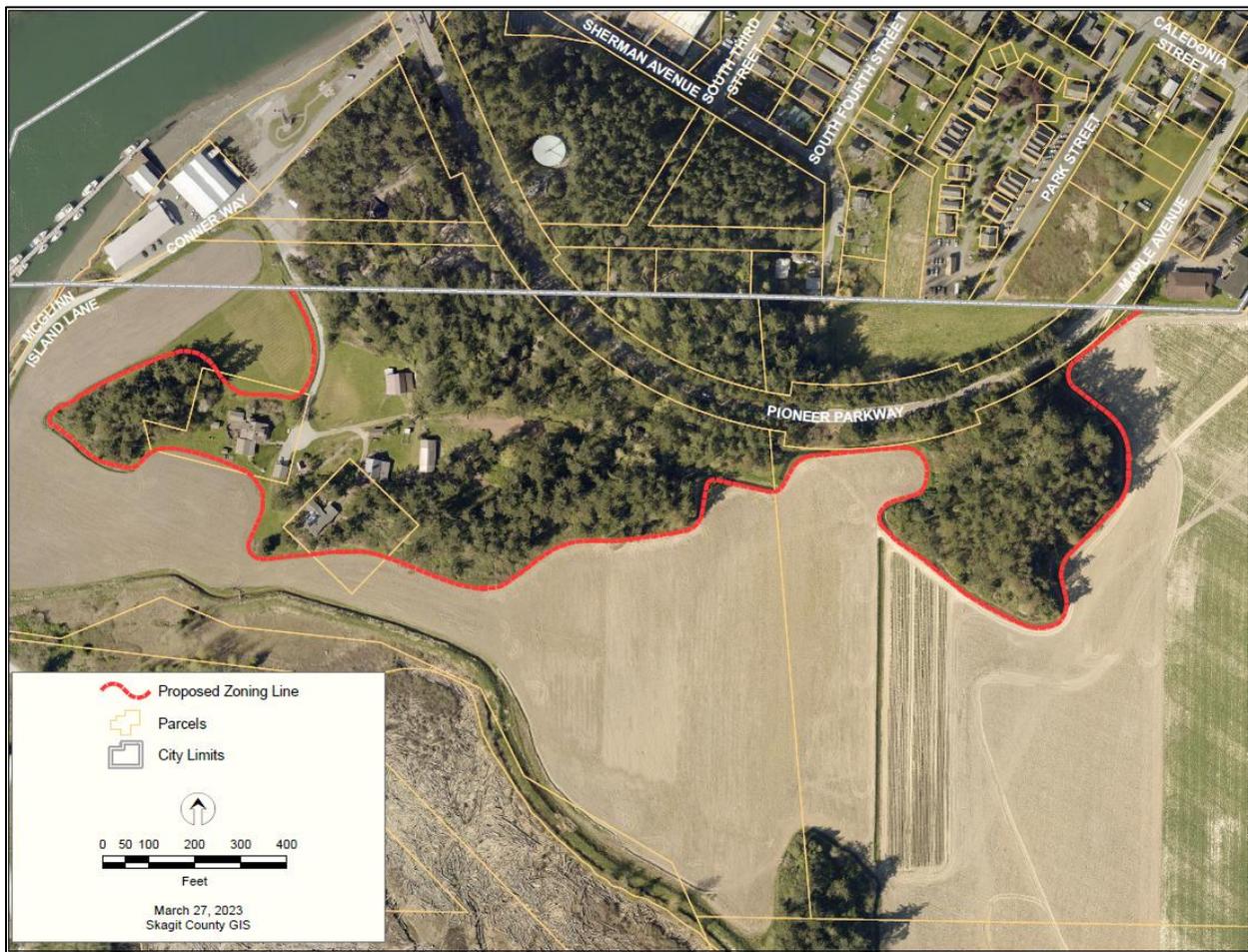


Figure 1 Proposed Dunlap Rezone

These parcels are currently zoned Ag-NRL, but the properties are not farmable because they are on the upland of a hill and the soils are not productive or commercially significant. According to the USDA soils map, the area has a soil type of Fidalgo-Lithic Xerochrepts – Rock Outcrop Complex, 3-30 percent slope, which does not constitute farmable soils. The applicant has requested the County to rezone the parcels along the toe of the hill, which would separate the areas which are still farmable from parcels which are not suited for agriculture.

The applicant is also requesting to rezone the parcels because they are interested in building additional house through a subdivision and Conservation and Reserve Development (CaRD) process. Currently, Ag-NRL properties are limited to one home per 40-acre property, if the owner can prove they have an income from ongoing agriculture, and the properties cannot be subdivided using a CaRD.

History

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

Recommendation

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

Analysis

The purpose of the Rural Reserve zone is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth areas (SCC 14.16.320). These areas are meant to be transitional between resource lands and non-resource lands for uses that require moderate acreage. The properties proposed for a rezone would be surrounded by parcels zoned Ag-NRL and Open Space of Regional or Statewide Significance (OSRSI) to the south, and the city of La Conner borders the property to the north.

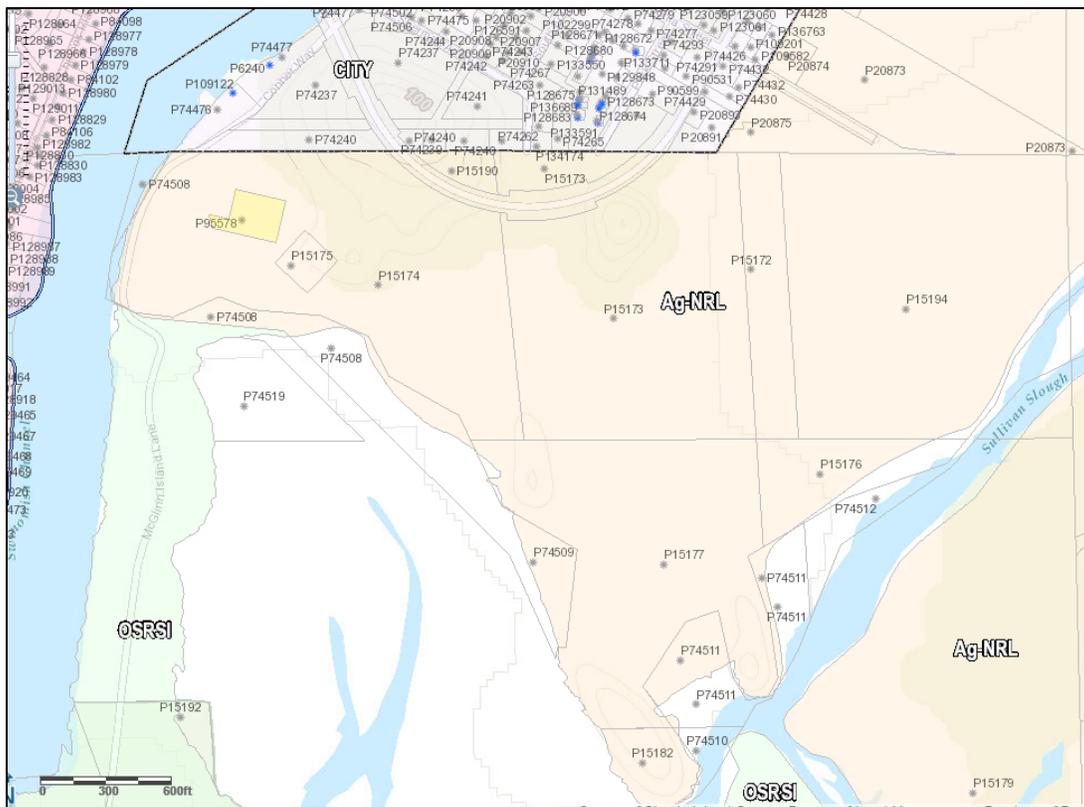


Figure 2 Parcel Map of Proposed Dunlap Rezone

The petitioner states they believe the parcels were zoned incorrectly when agricultural land was originally designated in Skagit County. Prior to the Growth Management Act in 1990, Skagit County designated unincorporated areas into five basic categories: natural resource lands, rural, urban growth areas, public open space, and public lands. The 1968 Skagit County Comprehensive Plan stated the intent of the Planning Department was to designate agricultural areas based on ongoing farming activity and properties with commercially significant soils.² The Growth Management Act regulates the designation and conservation of agricultural lands through [WAC 365-190-040](#) and [RCW 36.170A.170](#), which, provides that the County “shall designate where appropriate: (a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.” The 1997 Skagit County Comprehensive Plan went on to state agricultural lands more specifically were to be designated based on existing farming activity, presence of prime farmland soils, minimum lot size, and provided that the majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).³

WAC 365-190-040(10)(b) states,

² Skagit County Comprehensive Plan, January 1968
<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan/Comprehensive%20Plan%20-%20August%2026%201968.pdf>

³ Skagit County Comprehensive Plan, June 1, 1997, Chapter Four, Land Use Element

(b) Reviewing natural resource lands designation. In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel process. Designation amendments should be based on consistency with one or more of the following criteria:

- (i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (iii) An error in designation or failure to designate;
- (iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or
- (v) A change in population growth rates, or consumption rates, especially of mineral resources.

The petitioner argues the parcels in question are the result of an error in designation as the properties are not farmable and do not consist of commercially significant soils. If the rezone is approved, there will be multiple parcels with a split zoning designation between Ag-NRL and Rural Reserve. WAC 365-190-040(7) allows for overlapping designations if the overlapping designations are not inconsistent or incompatible with each other. The petitioner has proposed to use the CaRD process to build additional homes and include an open space buffer between the residential uses and ongoing agricultural activity. There are other examples of agricultural land being zoned along the toe of the hill, see Figure 3 below, where parcels zoned Ag-NRL are abutted against Rural Reserve parcels.

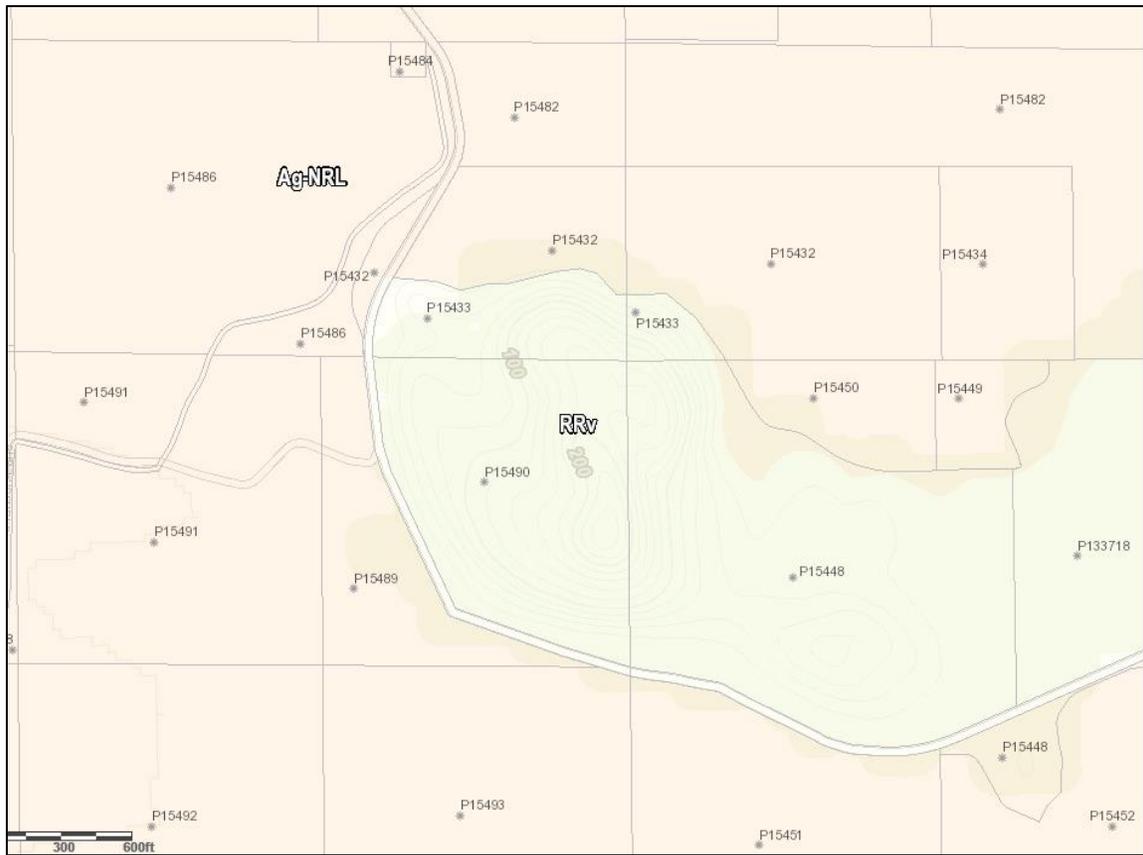


Figure 3 Zoning Map of Agricultural Land following the toe of the hill

LR23-02 Chavda Rural Center Rezone

Summary

The petition requests to rezone one parcel, approximately 2.65 acres, from Small Scale Business to Rural Center. The property is located at the junction of Highway 20 and Laconner Whitney Road, see Figure 4, and is being used for vehicle storage. The parcel is adjacent to a second parcel, P21181, which is also owned by the applicant and includes a gas station and coffee stand business. Other uses at this junction are a restaurant and multiple industrial companies. The petitioners are requesting to rezone this parcel to allow for the property to be used for a mini storage business and owner-caretaker quarters.

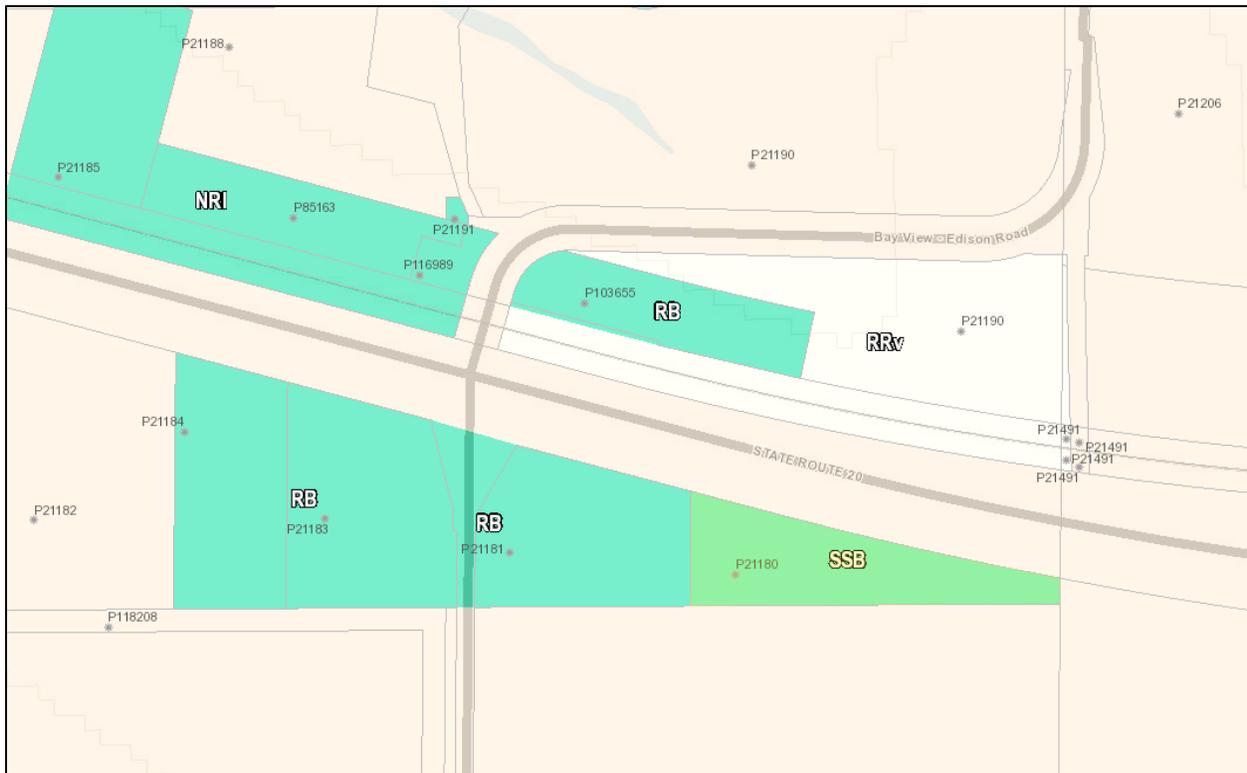


Figure 4 Parcel Map of P21180

Recommendation

The Department recommends **excluding** this petition from the docket.

History

The parcel was recently rezoned from Rural Reserve to Small Scale Business in 2014. The petition was PL13-0302 on the 2013 docket. The owner of the property at the time also owned the neighboring parcel, P21191, which was zoned Rural Business and includes a Shell gas station. The owner wished to use P21180 for commercial purposes as the parcel was not suited for residential purposes. The parcel was also being taxed at a high commercial rate since the Shell station was constructed in 1997.

The petition was approved because the parcel is in an area of existing commercial and industrial uses and would be suitable for the types of activities permitted by the Small-Scale Business designation. The parcel is also not appropriate for residential development, the primary purpose of the Rural Reserve Zone, because of its proximity to SR 20 and the gas station. The owner of the parcel at the time had planned to develop the property for a mini-mart or service station, but ultimately sold the property to the current petitioners.

Analysis

Rural Centers are “clusters of small-scale commercial uses at selected locations in the unincorporated portion of the County [...] Typically they are located at crossroads of County roads, state routes, or major

arterials.”⁴ The Rural Center zoning designation is considered a Type 1 Limited Area of More Intense Rural Development (LAMIRD). LAMIRDS allow greater development than is generally allowed in the rural area, provided that certain limitations are maintained to retain rural character and prevent sprawl. There are three types of LAMIRDS. Type 1 LAMIRDS are zoning designations used to contain areas outside of urban growth areas that were existing before the Washington State Growth Management Act of 1990. Skagit County designated commercial and industrial uses occurring prior to the GMA with the one of the following zones:

- Rural Village Commercial (RVC)
- Rural Center (RC)
- Rural Freeway Service (RFS)
- Rural Business (RB)

The GMA requires jurisdictions to limit rural sprawl from areas with pre-existing development through a LAMIRD designation with a logical outer boundary primarily drawn with the built environment. These boundaries may not expand unless an argument can be made that the boundary was drawn incorrectly at the time of designation. The parcel just west of P21180 was zoned Rural Business, a LAMIRD designation, because of the existing Shell station. The County did not zone P21180 Rural Business, or a different LAMIRD designation, because it did not have existing development. Properties zoned with a commercial and industrial LAMIRD designation allow for the continuation of existing uses but does not allow the establishment of new commercial uses and therefore is not an appropriate designation for P21180. For these reasons, the Department recommends this petition be excluded from the 2023 docket.

LR23-03 Bayview Ridge Light Industrial Rezone

Summary

The petition requests to rezone part of one parcel, approximately 7.54 acres, from Bayview Ridge Residential to Bayview Ridge Light Industrial. Currently, the parcel has a split zoning designation, see Figure 5 below. The rezone would designate the entire parcel as Bayview Ridge Light Industrial and permit the applicant to use the property for industrial and/or commercial purposes. The split zoning designation was the result of the 2014 update to the Bayview Ridge Subarea plan, which vastly reduced the amount of land zoned for residential use. Approximately 110 acres were rezoned to from residential to industrial uses to be compatible with the new airport safety zone regulations.

⁴ Skagit County Comprehensive Plan, Page 65
<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan2016/comp-plan-2016-adopted-text-only.pdf>

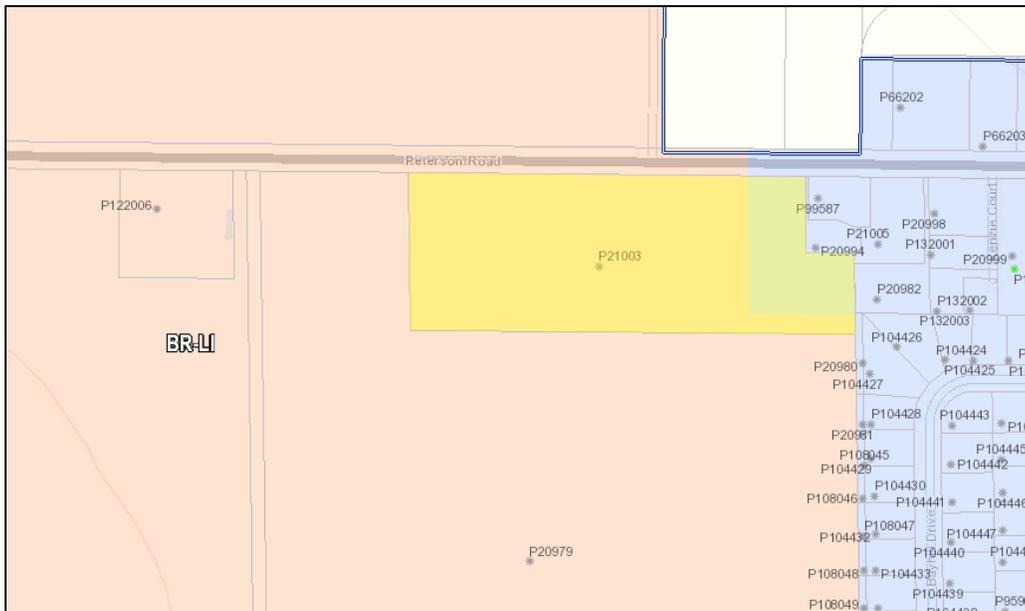


Figure 5 Parcel Map of P21003

Recommendation

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

History

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

Analysis

The Bayview Ridge Subarea is a “non-municipal urban growth area” approximately one mile west of Burlington and one-and-a-half miles northwest of Mount Vernon. After first designating Bayview Ridge for urban growth in 1997, the County drafted a “subarea plan” – a subset of the County’s Comprehensive Plan particularized to Bayview Ridge. Subarea plans guide the creation of development regulations, which govern the land uses and permit procedures for land development. Skagit County approved the first Bayview Ridge subarea plan in 2004, which went through a significant update in 2013 and 2014.⁵

Urban growth areas (UGAs) are incorporated communities (i.e., cities, towns) and adjacent lands where urban growth is encouraged. Non-municipal urban growth areas—like Bayview Ridge—are not adjacent to or affiliated with a city or town. Outside of UGAs, growth can occur only if it is not urban in nature (e.g., rural, natural resource lands, open space). Expansion of existing cities had been constrained due to surrounding resource lands or island geography, which is why in 1997, Skagit County chose Bayview Ridge, which is outside the floodplain, not prime farmland, and not timberland, as a location for additional urban-level densities.

⁵ History of the Bayview Ridge Urban Growth Areas
<https://www.skagitcounty.net/Departments/PlanningAndPermit/BayviewRidgeSubareaHistory.htm>

The County planned for new residential development in the Bayview Ridge UGA; however, there were two significant roadblocks. First, the Burlington-Edison School District was already over capacity and would need to build a new school to accommodate for increased growth in the district. There was an extensive search done, but no properties were found which would suit the district's requirements. Second, the Washington State Department of Transportation released new regulations which increased the size of flight path overlay safety zones. The new safety zones meant there were hundreds of acres in the Bayview Ridge, zoned for housing, which were no longer compatible for residential uses.⁶

In 2014, the Port of Skagit formally requested Skagit County amend the Bayview Ridge subarea plan to reflect the new Airport Environs Overlay maps and safety zones.⁷ The new subarea plan, adopted in November 2014, changed approximately 110 acres of residential zones to Bayview Ridge-Light Industrial and eliminated the Community Center zone entirely.⁸ The areas zoned for Bayview Ridge Residential, and which were already developed, were kept in the residential zone. The acreage between the Bayview Ridge residential neighborhood and the airport was rezoned to Bayview Ridge Light Industrial. In Figure 6, the parcel in question is on the edge of the area previously rezoned for Light Industrial and buffers the residential neighborhood. When the lines were drawn for the new zones, this parcel was mapped with a split zoning designation between light industrial and residential.

⁶ County shrinks residential zoning for Bayview Ridge, Skagit Valley Herald, June 18, 2014
https://www.goskagit.com/all_access/county-shrinks-residential-zoning-for-bayview-ridge/article_c95a422a-f738-11e3-9a7f-001a4bcf887a.html

⁷ Port of Skagit Resolution No. 14-01
<https://www.skagitcounty.net/PlanningAndPermit/Documents/BayviewRidgeSubarea/Port%20Resolution%2014-01.pdf>

⁸ Skagit County Ordinance O20140005
<https://www.skagitcounty.net/PlanningAndPermit/Documents/BayviewRidgeSubarea/Ordinance%20Adopting%20CPAs%20BVR%20with%20attachments.pdf>

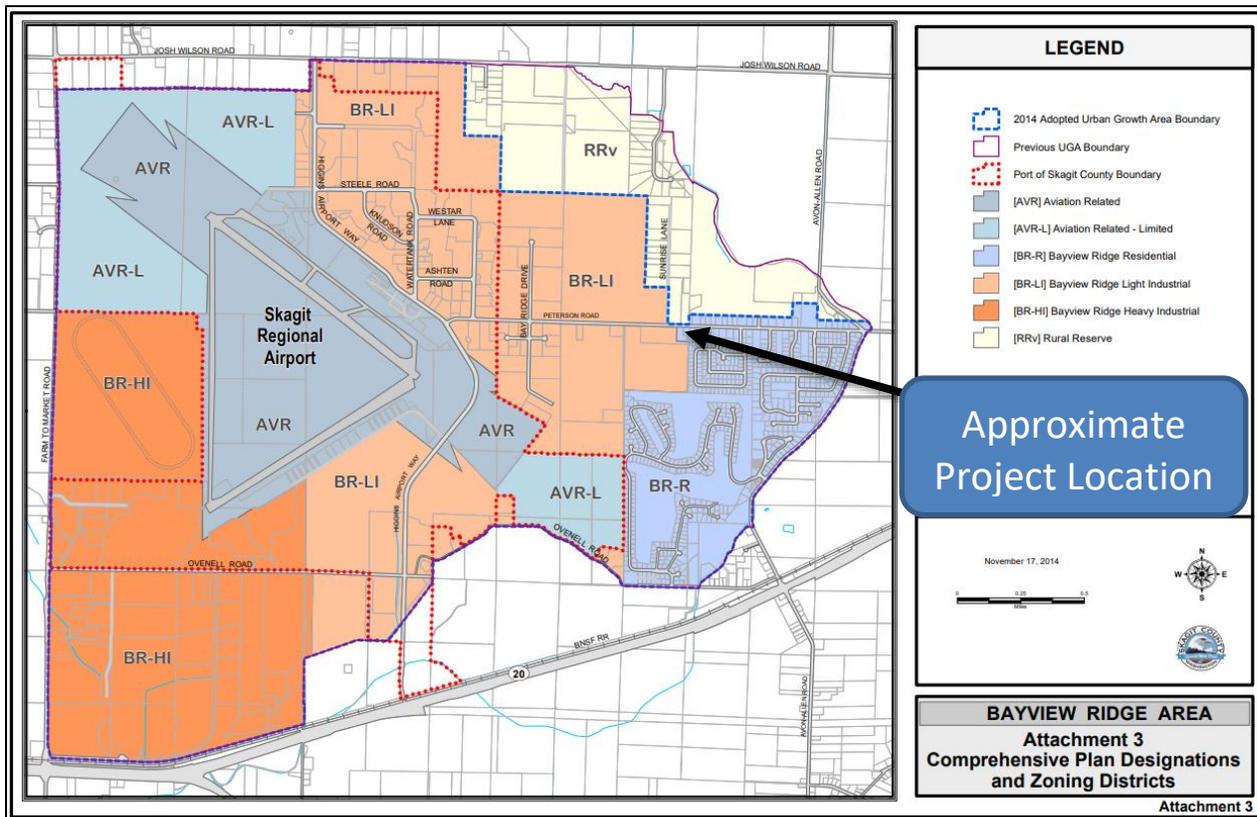


Figure 6 Bayview Ridge Subarea Zoning Designations

LR23-04 Cummings Rural Intermediate Rezone

Summary

This petition requests to rezone one parcel, approximately ten acres, from Rural Reserve to Rural Intermediate to allow for the applicant to subdivide the property and build a second home. The parcel is located within a mineral resource overlay so the applicant may not use a CaRD subdivision to create a new development right. The applicant also may not subdivide the lot as is because the minimum lot size for development rights in the Rural Reserve zone is one per ten acres.

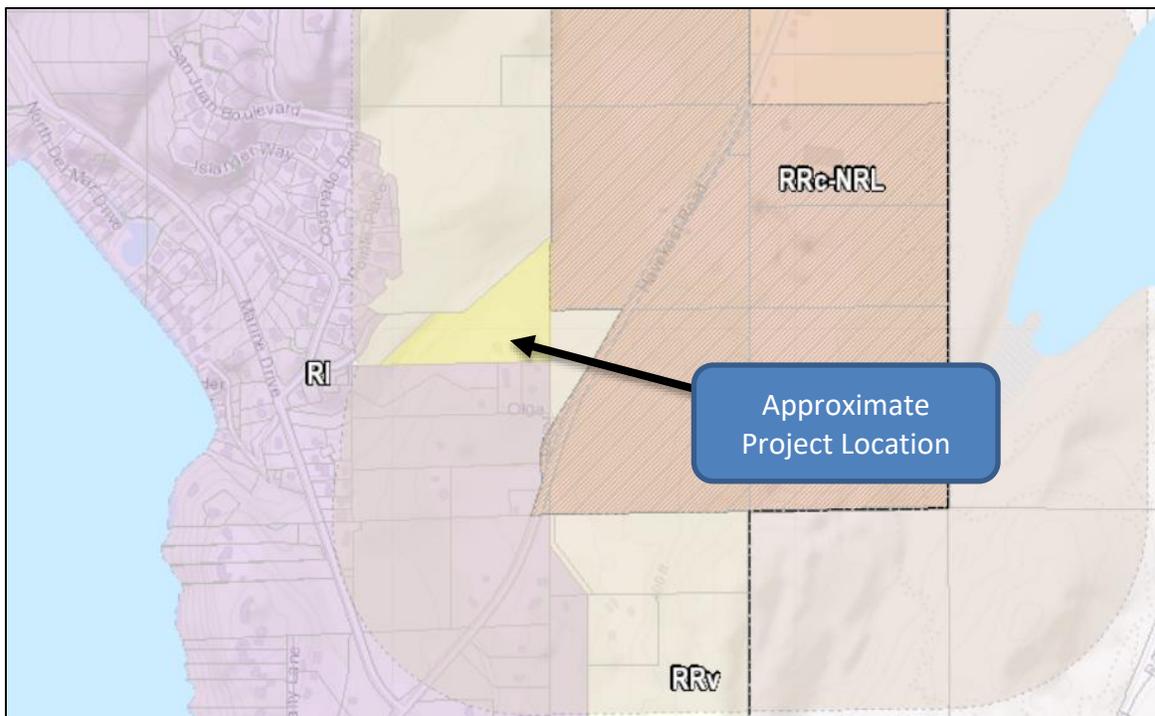


Figure 7 Parcel Map of P32600

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.

Analysis

The Rural Intermediate zone is an example of a Type 1 Limited Area of More Intense Rural Development (LAMIRD). LAMIRDs allow more intense development than is generally allowed in the rural area, provided that certain limitations are maintained to retain rural character and prevent sprawl. There are three types of LAMIRDs. Type 1 LAMIRDs are zoning designations used to contain areas outside of urban growth areas that were existing before the Washington State Growth Management Act of 1990. Rural Intermediate and Rural Village Residential zoned lands are considered to be part of a LAMIRD that was predominantly developed by 1990 and contained by a logical outer boundary consisting of the built environment.

The Rural Reserve designation, in contrast, are those portions of the rural area which were not already developed at higher densities in 1990 and do not contain natural resources of commercial significance. The applicant's property was originally zoned Rural Reserve because of the size and that it was not developed at a higher density prior to 1990. The property borders a LAMIRD area zoned Rural Intermediate; however, the Growth Management Act does not permit jurisdictions to expand a Type 1 LAMIRD to include new parcels for infill development. WAC 365.196.425(6)(c)(D-E) states,

(D) The fundamental purpose of the logical outer boundary is to minimize and contain the LAMIRD. Counties should favor the configuration that best minimizes and contains the LAMIRD

to the area of existing development as of the date the county became subject to the planning requirements of the act. When evaluating alternative configurations of the logical outer boundary, counties should determine how much new growth will occur at build out and determine if this level of new growth is consistent with rural character and can be accommodated with the appropriate level of public facilities and public services. Counties should use the following criteria to evaluate various configurations when establishing the logical outer boundary:

- (I) The need to preserve the character of existing natural neighborhoods and communities;
- (II) Physical boundaries such as bodies of water, streets and highways, and land forms and contours;
- (III) The prevention of abnormally irregular boundaries; and
- (IV) The ability to provide public facilities and public services in a manner that does not permit low-density sprawl.

(E) Once a logical outer boundary has been adopted, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary. Counties should avoid adding new undeveloped parcels as infill, especially if doing so would add to the capacity of the LAMIRD.

The property is also located within a Mineral Resource Overlay (MRO) due to ongoing mining activity and the existence of mineral lands of commercial significance. MROs are overlays to Forest and Rural Resource lands, where geologic deposits and land use characteristics have long-term commercial significance for mineral extraction. The predominant resources mapped in the MROs are sand and gravel construction materials. The petitioner's property is located just southwest of an ongoing gravel mine. MROs are instituted to protect resources, but also to ensure neighboring residential uses are not in conflict with mining activity. 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 Comprehensive Plan goes on to state residential gross densities on or within ¼ mile shall be no greater than one residential dwelling unit per ten acres unless the additional dwelling rights can be transferred to and clustered on that portion of the same property lying outside ¼ mile from the MRO. The petitioner's intent with the rezone is to split the parcel into two five acre lots to allow for a family member to build an additional home. The parcel lies completely within the MRO and directly adjacent to the Rural Resource Lands. If the rezone was approved, the lot would still not be allowed to be split because of the location within the MRO.

LR23-05 Rural Business Use Amendment

Summary

The petition requests the Planning & Development Services Department review the Rural Business zoning designation and either change it entirely or add new permitted uses. The applicant currently owns a property zoned Rural Business. The property has renter operating a real estate sales business.

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. The petition is too vague for the Planning Department to evaluate on the current docket.

Analysis

The Rural Business zone “is intended to acknowledge certain significant uses in the rural area that were in existence as of June 1, 1997, when the Skagit County Comprehensive Plan was adopted, that do not match any of the other commercial and industrial Comprehensive Plan designations. The Rural Business (RB) designation provides reasonable expansion and change of use opportunities for these pre-existing rural uses.”⁹ Rural Business is a Type 3 LAMIRD designation. LAMIRDs allow greater development than is generally allowed in the rural area, provided that certain limitations are maintained to retain rural character and prevent sprawl. There are three types of LAMIRDs. Type 3 LAMIRDs are small-scale business and cottage industries that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites.¹⁰ Skagit County designated commercial and industrial uses occurring prior to the GMA with the one of the following zones:

- Rural Village Commercial (RVC)
- Rural Center (RC)
- Rural Freeway Service (RFS)
- Rural Business (RB)

The parcel owned by the applicant was zoned Rural Business in approximately 1997 because it had an existing commercial use and was developed at a density higher than allowed by the GMA. The Rural Business zone does allow for reasonable change of use opportunities, provided the new use is still compatible with the rural character and does not substantially increase impacts on surrounding properties. If a new use is substantially similar to the existing use, then the applicant will only need an administrative special use permit. If the proposed use is not determined to be substantially similar to the prior use, then a hearing examiner special use permit will be required. The Hearing Examiner will evaluate the new use to ensure that it would not result in significantly adverse impacts or be inconsistent with an adopted community plan.

Skagit County Code 14.08.040(2)(f) permits the Board of County Commissioners to decline to docket a petition because the application lacks sufficient information or adequate detail to review and assess whether the proposal meets the applicable approval criteria. The Department is requesting the Board decline to docket this petition because the applicant has not provided sufficient details as to how they would like this zone to be changed or which uses should be allowed.

⁹ Skagit County Comprehensive Plan, Page 68

<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan2016/comp-plan-2016-adopted-text-only.pdf>

¹⁰ WAC 365-196-425(6)(D)(iii) <https://apps.leg.wa.gov/wac/default.aspx?cite=365-196-425>

LR20-04 and LR22-02 Fully Contained Community Proposal

Summary

These petitions seek to amend the Comprehensive Plan, Countywide Planning Policies, and development regulations to establish criteria for consideration of a new fully contained community, consistent with Growth Management Act (RCW 36.70A.350). The petitions *do not* propose a project specific Fully Contained Community (FCC).

LR20-04 would amend the Comprehensive Plan policies while LR22-02 would amend the Countywide Planning Policies and development regulations. The Department split the amendments between two petitions to address the issues incrementally due to the significant changes to code and policies, GMA legal issues, and significant public interest.

History

There have been multiple proposals submitted by Skagit Partners for the consideration of a fully contained community in Skagit County. The first was submitted in 2015 and the Board chose not to docket the petition 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.

LR20-04 was docketed by the Board of County Commissioners in the spring of 2021 to allow for the Department to pursue an Environmental Impact Statement study of the proposal. Before the Planning Commission deliberated on the petition, the Board voted in December 2021 to defer the proposal until the GMA Steering Committee could consider creating a population reserve. LR22-02 was also deferred by the Board in June 2022 to allow for the GMA Steering Committee to consider creating a population reserve before considering the amendments. SCC 14.04 requires the Department to reconsider any petitions which were deferred in the following docket cycle.

Recommendation

The Department recommends **excluding** this petition in the Planning Docket. The GMA Steering Committee declined to add this proposal to the work program and considering these amendments would be futile. The changes proposed, if adopted, would conflict with the current Countywide Planning Policies.

County-Initiated – Comprehensive Plan or Code

C23-1 Seawater Intrusion Area Well Drilling Requirements

Summary

This petition would require county review prior to drilling a well in a sole source aquifer area with documented seawater intrusion. Guemes Island is the only area which is currently designated a sole source aquifer area and has documented issues of seawater intrusion. The petition will add language to SCC 14.24.380(2) to require the following information listed in SCC 14.24.380(2)(a) to be submitted to the Department prior to drilling any new well in a sole source aquifer:

- A site plan, including:
 - A dedicated inland well site location;
 - Estimated depth of proposed well;
 - An estimated land elevation of the well, except that if the well is within 250 feet of the shoreline, or if determined a hydrogeologist engaged or employed by the County, the elevation of the well must be surveyed by a licensed surveyor; and
 - Depth and chloride levels of surrounding wells;
- A drilling plan; and
- Payment of applicable fees.

History

There have been two previous citizen-initiated petitions regarding well drilling in seawater intrusion areas. A similar petition was docketed in 2018 as P-2 Guemes Island Wells. The 2018 petition intent was to ensure that new wells do not undermine the senior water rights of the existing wells on Guemes Island. The petitioners specifically requested three changes:

1. Require the county to review and approve of all new wells prior to drilling, not just new wells that are linked to a development permit;
2. Require assessment of hydrogeological impacts of any new well as part of the review process; and
3. Clarify that rainwater catchment can be permitted on Guemes Island without first drilling a well to prove that using a well is not feasible.

The Planning Commission recommended P-2 be denied in part due to questions of authority over well drilling.

A second petition was submitted in 2021 to amend Skagit County health code to implement a seawater intrusion protection monitoring system on Guemes Island. When considering a new well in a sole source aquifer, the new regulations would require the county health department to determine if the proposed well would be likely to have chlorides higher than 100 ppm, or to cause chlorides higher than 100 ppm on the aquifer and/or neighboring wells. If the county determines the well would meet the 100 ppm threshold, the request for a new well would be denied. The petitioner modeled the suggested code amendments after Island County Code 8.09.099 Seawater Intrusion Protection. The 2021 petition was

not docketed by the Board of County Commissioners because the petition requested to amend Skagit County health code which is not permitted through the docketing process. Only changes to development code and the Comprehensive Plan may be approved through the docketing process.

Recommendation

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

Analysis

Guemes Island has suffered from documented seawater intrusion on its wells for decades. The island being a sole source aquifer makes the area particularly sensitive for the water needs of Guemes residents. Skagit County Code 14.24.380(2)(a) regarding seawater intrusion areas currently requires “an application proposing use of a well” to be “submitted for review prior to drilling any new well.” Currently, these requirements are only applicable when a development application is submitted which includes the use of a well on site. As a result, a well can be drilled without any county review if it is not associated with a development permit.

RCW 18.104.043 requires a property owner or the owner’s agent to notify the Washington Department of Ecology (Ecology) of their intent to begin well construction, reconstruction, or decommissioning procedures at least 72 hours prior to commencing work. At this time, Ecology does not share this information with the County directly prior to the well permit being approved or denied.

The new proposed language would now require any applicant who wishes to drill a well in a sole source aquifer to submit an application regardless of a development proposal. Previously, Skagit County has not regulated well drilling prior to development because the impact on the aquifer generally occurs with the use of the water; however, with seawater intrusion the siting, depth, and the other information required for the drilling of a well is necessary to protect against the well negatively affecting the aquifer. The Growth Management Act requires counties to protect critical areas and sole source aquifers. The new code language would require applicants to work with staff prior to the well being drilled to ensure the well incurs the least amount of impact on the aquifer.

C23-2 Qualified Professional Definition

Summary

This petition seeks to update the definition for qualified professional in SCC 14.04 as the requirements for a qualified professional are not consistent with surrounding jurisdictions. The updated definition would increase the required number of years of applicable work experience, specify types of work experience qualifies for certain specialties, and aligns the definition for stormwater professionals to match the Skagit County Stormwater Manual.

History

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

Recommendation

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

Analysis

Qualified professionals provide expertise on several different types of tasks required for land use and building permits in Skagit County. The work performed is highly specialized and technical, requiring an individual to have the necessary qualifications, experience, and education to provide the right expertise for the project. Staff have compared the current definition with surrounding jurisdictions to evaluate the years of experience required in different specialties. The proposed updated definition would raise the overall required experience in critical areas and stormwater management from two to four years, separates the qualifications necessary for watercourses and wildlife habitat conservation areas, and specifies the type of experience needed for qualified professionals providing geotechnical work. The definition for stormwater management qualified professionals will now direct to the Skagit County Stormwater Manual.

Skagit County maintains a list of pre-approved firms and consultants which meet the requirements for a qualified professional. The proposed increase of required experience would not eliminate any consultants on the current list. Qualified professionals are not all required to be licensed by the State of Washington. Professionals which do require a Washington State license have met several experience, testing, and education prerequisites to be licensed; however, Skagit County stipulates the number of years of experience required for two reasons. First, some qualified professionals are not licensed and therefore have not necessarily met the experience needed for work in Skagit County. Second, licensed geo specialists or engineers may not have specific experience in the fields deemed necessary for the type of reports they are completing. The Department requires professionals with experience in specific land use work which may be more specialized than is required for a license in the State of Washington. The Department also sometimes requires work experience in environments which are similar to those in Skagit County. See Table 2 below for a list of the types of professionals defined under the qualified professional definition and experience needed to be approved for work in Skagit County.

The Department is recommending this change to ensure reports and other work done by qualified professionals is completed by individuals with the necessary qualifications. If reports are submitted with inaccuracies or missing information, the Department must request revisions which slows down the permitting process for the applicant and staff, and potentially leads to additional costs for the applicant by the contracted professional. The proposal to increase the number of years of experience from two to four years is based on other jurisdiction requirements and to align Skagit County code with the 2019 Stormwater Management Manual. To receive a professional license or certificate in the State of Washington for engineering or geology, at least four years of professional experience under the supervision of a licensed professional is already required.¹¹ The change will have the most impact on work done in wetlands, watercourses, and wildlife habitat conservation areas since those professionals are not required to have a Washington state license or certification.

¹¹ <https://brpels.wa.gov/engineers/get-your-engineer-license/get-your-professional-engineer-license-exam-or-comity>

Type of Work	Type of Professional Required	Washington State License or Certification Required?	Skagit County Experience Required
Wetlands, Watercourses, and Wildlife Habitat Conservation Areas	Wetland, Watercourse, or Wildlife Habitat Conservation Specialist	No	Bachelor’s degree or equivalent in relevant field of work and four years professional experience in comparable ecological systems to Western Washington
Geotechnical Reports and Geotechnical Design Recommendations	Professional Engineering Geologist or Civil Engineer	Washington State license required	Four years of relevant experience in geotechnical engineering and landslide evaluation
Critical Aquifer Recharge Areas	Hydrogeologist, geologist, or professional engineer	Washington State license required	Four years of relevant professional experience analyzing geologic, hydrologic, and groundwater flow systems
Stormwater Management	Civil engineer, Geotechnical engineer, geologist, engineering geologist, or hydrogeologist	Washington State license required for Skagit County	Four years of relevant experience which meets the 2019 Stormwater Manual requirements

Table 2 Qualified Professional Requirements in Skagit County

C23-3 OSRSI Allowed Uses Amendment

Summary

This petition would amend SCC14.16.500(3) to allow for trails in the Public Open Space of Regional/Statewide Importance (OSRSI) to be a permitted use. Currently trails are listed as both a permitted use and as an administrative special use in the OSRSI zone. This is a conflict in the code and should be clarified.

History

A similar petition was docketed in 2019 to allow for trails as a permitted use and delete trails as an administrative special use in the code. The Planning Commission amended the petition during deliberations and recommended to the Board to remove trails as a permitted use and as an administrative special use, and establish “Trails, primary, and secondary trailheads as a Hearings

Examiner Special Use.”¹² The reasoning for the amendments was to ensure adequate notice is provided to interested parties so they may participate in the review of proposed trails and trailheads.

The Board of County Commissioners remanded the issue back to the Department for further evaluation.¹³

Recommendation

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

Analysis

The OSRSI zone was created to designate certain public open space areas which have recreational, environmental, scenic, cultural, and other open space benefits which extend beyond Skagit County in significance. A few examples of OSRSI areas are Deception Pass State Park, Bayview State Parks, and the Skagit Wildlife Refuge. OSRSI areas are intended to be publicly owned and are managed by federal, state, and local government agencies. The Growth Management Act and the Skagit County Comprehensive Plan requires the preservation of open space and encourages governments to enhance recreational opportunities. Trails are an example of low-impact recreational development which allows residents to enjoy local parks and public open space. The Department is recommending trails be kept as a permitted use and remove trails as an administrative special use in SCC 14.16.500 because the use is a natural fit for the intent of the OSRSI zone and should not require additional review.

Removing trails as an administrative special use would not eliminate requirements for review and permitting in the OSRSI zone. Applicants will still need to request a standard critical areas review and could be subject to a grading permit depending on the type of work completed for the project. Grading permits can also trigger a State Environmental Protection Act (SEPA) evaluation which would include noticing to nearby property owners and interested parties.

C23-4 Master Planned Resort Designation

Summary

This petition would modify SCC 14.15.900(1)(d) to remove all language referring to Master Planned Resorts. SCC 14.16.900 regulates special use permits. Master Planned Resorts are a Comprehensive Plan map designation, not a use, so it should not be included as a use which requires a special use permit.

History

A similar petition was docketed in 2018 to remove language in SCC 14.16.900(1)(d) that refers to a Master Planned Resort as a special use. The petition was deferred by the Department because of changes to the long-range work plan for that year.

¹² Skagit County Planning Commission Recorded Motion Regarding the 2019 Docket
https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/PC%20Recorded%20Motion_2019Docket_Finalsigned_2020_0623.pdf

¹³ Skagit Board of County Commissioners Ordinance Adopting the 2019 Docket
<https://www.skagitcounty.net/Common/Documents/LFDOCS/COMMISSIONERS000016/00/00/2a/00002aab.pdf>

Recommendation

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

Analysis

Master Planned Resorts (MPRs) are “self-contained and fully integrated planned unit development(s), in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities.”¹⁴ These developments are built to provide services and amenities for extended stays and take advantage of the area’s recreational opportunities. Examples of these resorts in Washington state are Crystal Mountain, Skamania Lodge, and Sun Mountain Resort. MPRs were added as an allowed designation in the Growth Management Act to ensure localities could allow for development in rural areas where typically growth would not be permitted. In order for an applicant to develop an MPR in Skagit County, the applicant must submit to the County a map amendment request to change the zoning of the desired location and a draft resort master plan prepared to meet the requirements of SCC 14.20.060.

MPRs are considered a Comprehensive Plan designation and do not require a special use permit. The language in SCC 14.16.900(1)(d) is incorrectly written to refer to MPRs as a use which would require a special use permit and thus be subject to the regulations in SCC 14.16.900(1)(d). Because the current language is incorrect and conflicts with the regulations for MPRs in SCC 14.20, it should be removed.

C23-5 Fire Marshal Code Amendment

Summary

This petition seeks to amend SCC 14.16.850(6) to remove the requirement for foam applicators on fire hoses in a building located outside of a Skagit County fire district. Firefighting foam has been known to have carcinogenic elements and many sources have been recalled due to the hazardous impacts on users and the surrounding environment. Water is now the accepted standard for fire suppression in wildland environments.

History

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

Recommendation

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

Analysis

Nineteen fire districts have jurisdiction over most of unincorporated Skagit County’s fire service; however, there are some areas, particularly small islands, where there is no fire district to provide service (See Figure 8). Building permits shall not be permitted for residential and/or commercial structures if the applicant is not located within the boundaries of a fire district unless they qualify for an exception. A resident may apply for a building permit outside of a fire district, if they are not zoned Industrial Forest-Natural Resource Lands or on a saltwater island that does not contain land designated

¹⁴ RCW 36.70A.360(1)

Natural Resource Lands or Public Open Space of Statewide/Regional Importance, if they are able to meet several alternative fire protection requirements as determined by the Fire Marshal.

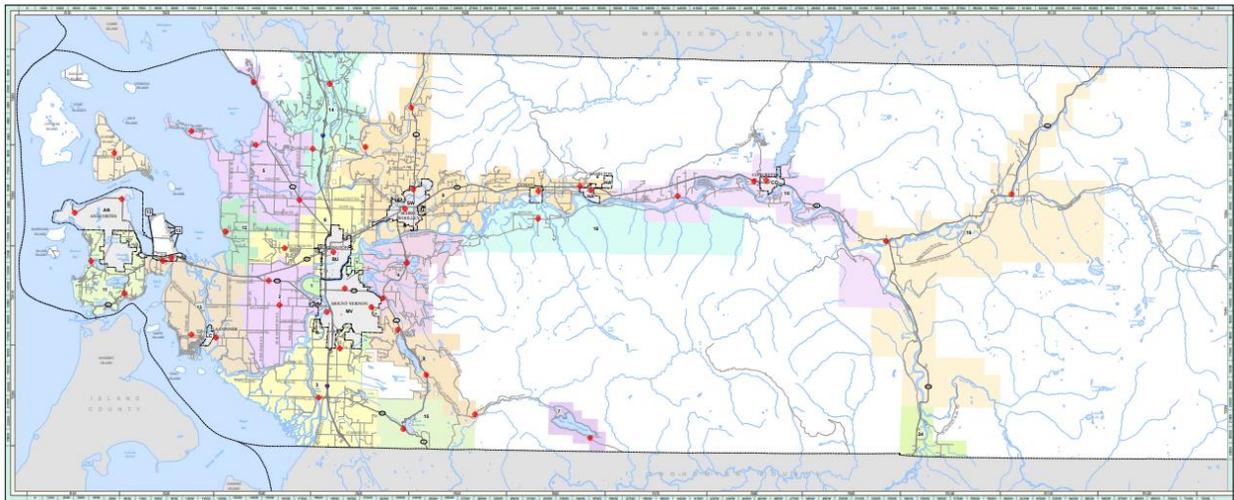


Figure 8 Skagit County Fire District Map

One of the requirements for a building permit in these areas is to have 300 gallons of water on-site, 400 feet of 1-inch fire hose with foam applicator, and an internal combustion engine powered pump, or an equivalent system as approved by the Skagit County Fire Marshal. The Department is requesting to remove the requirement for a foam applicator in these instances for the safety of both the user and the surrounding environment. The U.S. Fire Administration has issued a warning about firefighting aqueous film forming foam (AFFF) solutions, which can include two per- and polyfluoroalkyl substances (PFAS) compounds, perfluorooctane acid (PFOA) and perfluorooctanesulfonic acid (PFOS). These compounds can accumulate and stay in the human body for long periods of time and long-term exposure to PFAS/PFOA/PFOS can have negative health effects like a risk of thyroid disease and certain types of cancers.¹⁵ The National Fire Protection Association (NFPA) has also started a project to develop a strategy to transition the fire service from the use of fluorinated foam to fluorine-free foam technology.

Residents required to use firefighting foam under the current regulations are not trained on how to handle firefighting materials and the foam types are often recalled and will expire. The Department recommends the standard for Skagit County residents in these areas to use only water for firefighting rather than subjecting residents without training to dangerous materials.

C23-6 Temporary Manufactured Homes Title Notice Requirement

Summary

¹⁵ February 11, 2020, The Hidden Dangers in Firefighting Foam <https://www.usfa.fema.gov/blog/cb-021120.html#:~:text=Certain%20PFAS%20can%20accumulate%20and,testicular%2C%20kidney%20and%20bladder%20cancers>

This petition would amend the code to require applicants for temporary manufactured homes to submit a title notice to the County. SCC 14.16.900 details the regulations for special use permits. A special use permit is required to install a temporary manufacture home. Currently, only documentation of the need for nearby care by a doctor and/or physician is required for the special use permit application. The petition would add a title notice that the property has documentation which states the temporary manufactured home must be removed when there is no longer a need for nearby care.

History

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

Recommendation

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

Analysis

Temporary manufactured homes are permitted in certain zones with a special use permit (SCC 14.16.900(2)). The extra dwelling unit can be used to accommodate the housing needs of disabled or elderly family members or to accommodate agricultural workers and their families employed on the premises. For an elderly or disabled family member, documentation of the need for nearby care by a doctor and/or physician is required for the special use permit application. For agricultural workers the property must meet the definition of farmland in RCW 84.34.020, demonstrate compliance with the temporary worker standards in Washington state law, and documentation that the nature of the employee's work requires said employee to be immediately available to the job site.

SCC 14.04 states temporary manufactured homes must be removed from the property when the family member or farm employee is no longer using the manufactured homes. The Department has encountered numerous properties with temporary manufactured homes which were not removed when the use was completed. This has led to new homeowners continuing to utilize the manufactured homes for personal use or as additional rental properties. The intent of requiring a title notice for new temporary manufactured homes is to ensure that when the property is sold to a new owner, they are aware the manufactured home needs to be removed and cannot be used for other purposes.

C23-7 Flow Sensitive Basin Rules

Summary

This petition would amend SCC 14.24.350-370 to remove language in the Critical Areas Ordinance (CAO) which refers to flow-sensitive basins. The current language refers to limits on groundwater withdrawals in flow-sensitive basins; however, these regulations have been superseded by the Washington State Department of Ecology Skagit River and Stillaguamish River Instream Flow Rules. The CAO now only needs to refer residents to Washington Administrative Code 173-503 and 173-505 for regulations regarding groundwater withdrawal limits.

History

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

Recommendation

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

Analysis

Ecology implemented the Skagit River basin Instream Resources Protection Program rule (WAC 173-503) on April 14, 2001, to protect certain river functions and senior water rights. The WAC provided limits on how much groundwater could be pulled from each individual water source in the Skagit and Stillaguamish River basins. The rule was amended in 2006 in response to a lawsuit which stated the rule did not provide adequate water resources for future Skagit County property owners. The current language in Skagit County code refers to the 2006 Skagit Instream Flow rule for groundwater withdrawal limits. This petition would not change any current requirements for water usage in the Skagit and Stillaguamish River basins but would delete code language which is out of date.

C23-8 Wind Turbine Use Amendment

Summary

This petition would amend Skagit County Code to allow for personal wind energy structures. The Department will work with the Planning Commission to create regulations for wind energy and decide which types of wind structures will be allowed. The new regulations would only allow for personal wind energy systems without wind farms or large industrial wind turbines.

History

Until 2008 renewable energy systems of any size in Skagit County were considered a “major utility development,” which required a special use permit costing more than \$3,000. An Administrative Official Interpretation was released on July 1, 2008,¹⁶ to change Planning & Development Services policy to no longer consider such renewable energy systems to be Major Utility Developments. Net metering systems would instead be considered an accessory use as defined in SCC 14.04, “a use, building or structure, which is dependent on and subordinate or incidental to, and located on the same lot with, a principal use, building, or structure.” In a corresponding press release with the AOI,¹⁷ the Department stated its intent to amend the development code to allow for net metering renewable energy systems in the next few months. The Department proposed the current definition for net metering systems, which includes wind and solar, for the 2011 planning docket. The Planning Commission voted to keep the definition for net metering, wind, but did not add the use into any zone because they asked the Department to return to the Planning Commission with code language on how to regulation wind turbines for net metering.¹⁸

¹⁶ AOI Regarding Renewable Energy Systems and Major Utility Developments
<https://skagitcounty.net/PlanningAndPermit/Documents/energy/AOI%20Regarding%20Renewable%20Energy%20Systems%20FINAL.pdf>

¹⁷ AOI Renewable Energy Systems July 1, 2008, Press Release
<https://skagitcounty.net/Departments/Home/press/070108.htm>

¹⁸ April 19, 2011, Planning Commission Transcript 2011 Docket Deliberations
<https://www.skagitcounty.net/PlanningCommission/Documents/PCminutes/20110419.pdf>

In 2013, Skagit County received a grant from the Department of Energy via the Windpowering America program to study approaches to regulation of wind power in Skagit County. The study produced two alternatives for implementing wind turbines. In 2022, using the results of the wind power study and analyzing Whatcom County code, the Department proposed regulations for wind turbines for net metering purposes for the 2022 planning docket. The Planning Commission recommended the petition be denied for a variety of reasons including: lack of wind in Skagit County making wind turbines not feasible in most areas, wind turbines can be noisy and an annoyance to neighboring properties, the turbines could be a blight on the Skagit County landscape, and some Commissioners felt more options for different types of turbines should be researched. The Board of County Commissioners ultimately denied the petition and encouraged staff to work with the Planning Commission in the following docket cycle to create regulations which would allow for some personal wind turbines or prohibit the use to eliminate the inconsistency in the code currently.

Recommendation

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

C23-9 Primitive Campground Definition

Summary

This petition seeks to update the definition for primitive campgrounds in SCC 14.04 to clarify which amenities may be included on a campground and still be designated as primitive. The new definition limits the number of recreational vehicles permitted on site, pursuant to SCC 14.16.945, and adds language to specify minimal amenities should be shared.

History

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

Recommendation

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

Analysis

Skagit County Code 14.04 defines and regulates campgrounds with three levels of infrastructure:

- Campground, primitive: a campground with a minimal level of amenities, including, at a minimum, vault or chemical toilets and garbage service, and which may include running water.
- Campground, developed: a campground with a moderate level of amenities, including any of the following: plumbed restrooms, individual campsites or cabins with sewer and water, a dump station, laundry facilities, sports courts, on-site offices, or picnic shelters.
- Campground, destination: a campground with a high level of amenities, including the amenities of a developed campground and any of the following: snack bars, small retail shops, restaurants, recreation halls, or other similar activities to serve the campground patrons.

Certain zones allow for different levels of campgrounds to limit impact and ensure compatibility with surrounding land uses. Some zones allow for primitive campgrounds as an allowed use without the need

for a special use permit. With the current definition, it is unclear if recreational vehicles can or should be allowed on a primitive campground and the Department would like to ensure amenities are kept minimal for these sites. As the current definition reads, there is potential for landowners to have individual water and other hook ups for each campsite. The intent of the use would be for the campground to have minimal shared amenities to limit the number of utilities used for the activity. The proposed new language would be:

- Campground, primitive: a campground with a minimal level of shared amenities, including vault or chemical toilets and garbage service, and which may include running water; does not include any amenities listed in developed campground or destination campground; and which complies with SCC 14.16.945.

SCC 14.16.945 consists of uses prohibited in Skagit County, including limitations for recreational vehicles. SCC 14.16.945(3) prohibits using a recreational vehicle as a permanent dwelling unit, occupying a recreational vehicle for more than 180 days, maintaining more than one occupied recreational vehicle, and no more than two recreational vehicles on one lot. Requiring residents with a primitive campground to abide by SCC 14.16.945 will ensure campgrounds, which are intended to be low impact, do not include more than two recreational vehicles.

C23-10 Countywide Planning Policies Update

Summary

This petition would amend the Countywide Planning Policies to direct the Board of County Commissioners to disband the Boundary Review Board by June 30, 2025, when the next periodic Comprehensive Plan update is due.

History

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

Recommendation

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

Analysis

Countywide Planning Policies (CPPs) are “a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter.”¹⁹ CPPs are required for counties, in coordination with cities within their boundaries, planning under the Growth Management Act (GMA) to provide policies and guidance on how population growth and investment will be directed within a given county.

Boundary Review Boards were established by Washington State to provide local independent review of certain actions proposed by cities, towns, and special purpose districts, most commonly annexations. The Skagit BRB consists of five members, all from Skagit County, appointed by elected officials of the

¹⁹ RCW 26.70A.210(1) <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.210>

cities, special purpose districts, the county, and the Governor. RCW 36.93.230 permits counties the power to disband boundary review boards when a county and the cities and towns have adopted a comprehensive plan and consistent development regulations pursuant to the provisions of chapter 36.70A RCW.²⁰

Goal 12.17 of the Skagit CPPs currently includes language for when the Skagit BRB could be disbanded:

12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transformation of governance or annexation of the service area consistent with the requirements of applicable RCWs.

The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements and voted in December 2021 to direct the County Commissioners to disband the Skagit BRB and provided the following new language for CPP 12.17:

12.17 Cities and towns are the appropriate purveyors of urban services. In the interest of facilitating the cost effective and orderly provision of urban services, the annexation of urban growth areas shall be encouraged and facilitated. The following policies are intended to promote municipal annexation, discourage urban growth in advance of annexation, and ensure that urban services can be provided in a logical cost-effective manner:

1. On or before June 30, 2025 the Board of County Commissioners shall, as authorized by RCW 36.93.230, take action to disband the Washington State Boundary Review Board for Skagit County. Subsequent to the disbandment of the boundary review board, municipal annexations shall be subject to the following:
 - a. Annexations of land recently included in an urban growth area shall not be final until any appeal periods, or any proceedings associated with the urban growth area change, have lapsed or concluded;

²⁰ RCW 36.93.230 <https://app.leg.wa.gov/rcw/default.aspx?cite=36.93.230>

- b. With the exception of existing non-municipal urban growth areas, Skagit County shall ensure that urban growth does not occur in advance of municipal annexation;
- c. The area(s) to be annexed shall be contiguous with existing municipal boundaries and shall avoid irregular boundaries by following existing features such as parcel lines or roadways, provided that such boundaries remain consistent with Chapter 36.70A RCW;
- d. Consistent with Washington state law, the annexation should include consideration of services and applicable infrastructure, as well as providing for the assumption of assets and obligations affected by the transfer of governance within the annexation area(s);
- e. If a public hearing is required by Washington state law on the proposed annexation, it shall be held at least 60 days prior to the effective date of the annexation. Notice of the hearing shall be provided to Skagit County and any affected special purpose districts; and
- f. Annexations shall be consistent with the Skagit County Countywide Planning Policies.

The 2002 Framework Agreement includes guidance for how draft CPPs are to be referred to member jurisdictions for public comment and input by cities and county commissioners. SCOG circulated the draft language for feedback prior to the December 2021 meeting. GMASC is the recommending authority to the Skagit Board of County Commissioners and then the County Commissioners may take one of two actions on any CPP recommendation from the GMASC:

1. Adopt any new CPP or CPP amendment proposed by the GMASC, but not change the proposed CPP or CPP amendment in any manner whatsoever; or
2. Decline to adopt any new CPP or CPP amendment proposed by the GMASC.

C23-11 General Code Language Clean Up

Summary

The Department updated the Skagit County stormwater, land disturbance, and wireless facilities code in 2022. After the approved new code language was implemented, staff found several inconsistencies which need to be fixed. Below is a table with updated code language.

Project	Code Section	New Language		
Ordinance O20220003	SCC 14.16.340(c)(i)(A)	Front Setback	House	Garage
		Road classes 09 and 19 (local neighborhood streets)	20	25
		Roads other than classes 09 and 19	35	40
Ordinance O20220006	SCC 14.22.020(3)(a)	(3) Exemptions. The following activities are exempt from the requirements of this Chapter:		

		<p>(a) Except as provided in Subsections (3)(b) and (3)(c) of this Section, cumulative land disturbing activity, over a five-year period, totaling:</p> <ul style="list-style-type: none"> (i) Less than 7,000 square feet within the NPDES permit area; and (ii) <u>Less than 14,000</u> Fourteen thousand square feet outside the NPDES permit area cumulatively.
	<p>SCC 14.32.060(2)(a)(i)</p>	<p>Modified Minimum Requirements for Residential Projects Wholly Outside of the NPDES Permit Area.</p> <p>(a) Minimum Requirement No. 1, Stormwater Site Plan.</p> <p>(i) The infiltration test for the stormwater site plan <u>may</u> be performed consistent with the simplified procedure provided by the Department.</p>
	<p>SCC 14.32.060(2)(e)(iii)</p>	<p>(2) Modified Minimum Requirements for Residential Projects Wholly Outside of the NPDES Permit Area.</p> <p>(e) Minimum Requirement No. 5, On Site Stormwater Management.</p> <p>(iii) Geotechnical Analysis. A geotechnical analysis <u>must be required</u> when:</p> <ul style="list-style-type: none"> (A) Grading or the construction of retention facilities, detention facilities, or other stormwater and drainage facilities is proposed within 200 feet of slopes steeper than 15 percent; or (B) The Administrative Official deems that the proposed construction poses a potential hazard due to its proximity to a geologically hazardous area or Category I aquifer recharge area.
<p>Ord. O20220012</p>	<p>14.16.100(3)(g) and (5)(c)(i), 14.16.110(3)(e) and (5)(c)(i), 14.16.120(3)(i) and (5)(c)(i), 14.16.130(5)(f) and (6)(c)(i), 14.16.140(5)(d) and (6)(d)(i), 14.06.060, 14.16.150 through 14.06.210, 14.16.300 through 14.16.340, 14.16.370, 14.16.385,</p>	<p>Strike reference to “personal wireless service towers” and “personal wireless services” and replace with “wireless facilities” and “wireless facility services”</p>

	14.16.400 through 14.16.430, 14.16.450, 14.16.500, 14.16.810, 14.16.850 and 14.18.00.	
	14.04.020	Strike definitions for personal wireless facilities services and personal wireless service 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 Planning Docket.

Next Steps

The Board will establish the Planning Docket, which authorizes the Department to begin environmental review of the 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.

The Board of County Commissioners will host a public hearing on April 24, 2023, at 11:00 am. See below for more information.

Check the Board of County Commissioners webpage for viewing options.

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

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 2023 Docket of Proposed Policy, Code, and Map Amendments”

1800 Continental Place

Mount Vernon, WA 98273

All comments must be received by April 27, 2023, 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. 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.