



# PLANNING & DEVELOPMENT SERVICES

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## Memorandum

**To:** Skagit County Planning Commission  
**From:** Planning & Development Services Staff  
**Date:** March 28, 2012  
**Re:** Recommendations on 2011 Proposed Comprehensive Plan Amendments

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### Introduction

On May 1, 2012, the Skagit County Planning Commission will hold a public hearing on proposed amendments to the Skagit County Comprehensive Plan and Land-Use/Zoning Map being considered as part of the 2011 Comprehensive Plan Amendment Docket (2011 Docket). This memorandum includes descriptions of the various map and text amendment proposals, and the Department's recommendations on each as required by SCC 14.08.080.

The Department's recommendations are based on the proposals' application materials, additional research conducted by the Department, and an evaluation of the amendments' consistency with relevant designation policies and criteria in the Skagit County Comprehensive Plan and provisions in Skagit County Code relating to land use designations.

At a later date, not yet scheduled, the Planning Commission will hold a public meeting to deliberate on the merits of each proposal, and will later forward a set of recommendations to the Board of County Commissioners (BCC) regarding the proposed amendments. Finally, on dates to be determined, the BCC will hold its own public meeting(s) to consider and take official action on the proposed Comprehensive Plan and Land-Use/Zoning Map amendments.

### 2012 Comprehensive Plan Amendment Docket

The Board of County Commissioners established the 2011 Docket through Resolution No. R20110388, following a public comment period and public hearing. The 2011 Docket consists of:

- Three citizen-initiated land use and zoning map amendment proposals,
- Two county-initiated comprehensive plan policy or text amendments, and
- One county-initiated amendment that may affect the Skagit County Comprehensive Plan and Bayview Ridge Subarea Plan policies, text and related maps:

The citizen-initiated amendment proposals are:

1. James Ritchie, proposal to redesignate a 5.5 acre parcel (P69432) from Agriculture-Natural Resource Land (Ag-NRL) to Rural Reserve, adjacent to the Swinomish Channel (PL11-0239).

2. Jensen/Peck, proposal to redesignate two parcels (P35204 and P112774) totaling approximately 11 acres from Rural Reserve to Rural Intermediate, near Bay View-Edison and Bay View roads (PL11-0240).
3. Lake Erie Trucking (Bill Wooding), proposal to redesignate an approximately 35 acre parcel (P19168) from Rural Resource-Natural Resource Land to Rural Reserve, on Fidalgo Island east of Rosario Road (PL11-0250).

The two county-initiated policy or text amendment proposals are:

C-1. Policy amendment proposal to further refine rezone requirements for Rural Intermediate and Rural Village land use designations.

C-2. Minor “housekeeping” policy and text amendments to correct scrivener’s errors.

A county-initiated proposal that may affect the Skagit County Comprehensive Plan and Bayview Ridge Subarea Plan policies, text and related maps has not yet been reviewed under SEPA and is not yet available for public and Planning Commission review. It may undergo such review later in the year and be reunited with the 2011 Docket.

## **Section 1: Evaluation of Citizen-Initiated Amendment Proposals**

### **1. James Ritchie – PL11-0239 (See Map No. 1)**

Mr. Ritchie is requesting to redesignate a 5.5 acre parcel (P69432) from Ag-NRL to Rural Reserve (RRv). The parcel is located in the Skagit Beach Community plat adjacent to the Swinomish Channel. The applicant has owned the parcel since 1989 and seeks to build a single-family home on the parcel.<sup>1</sup> The applicant has obtained Lot of Record certification from Skagit County (#PL04-0495) that identifies the lot as a substandard lot of record eligible for building purposes subject to SCC 14.16.850(4). Skagit County has approved a septic system for the property.<sup>2</sup> The parcel contains a small barn, built in 1992, and is used to graze horses.

Mr. Ritchie has applied for the change in designation to Rural Reserve to allow construction of a single-family home. A home could be built on the property with its current Ag-NRL designation, but only as an agricultural accessory use under SCC 14.16.400(2)(o) after demonstrating three years of farm income. In his application, Mr. Ritchie states:

*“...this Lot does not meet Ag-NRL designation criteria, as it has not been used for agriculture, and is unsuitable for commercial agricultural use because of its small size, irregular shape, inclusion in the Skagit Beach community, poor soils, and lack of access for farm equipment and operations.”*

For further information about the proposal from the applicant’s perspective, the Department recommends that the Planning Commission review the submitted application materials and the applicant’s and his representatives’ comments from the docketing phase of the process.

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<sup>1</sup> The applicant also sold a 0.9 acre portion of the original parcel (Parcel B) in 1997 (the extreme northern portion of the original tract). This is now parcel P69435. A single-family residence was subsequently built on that parcel which still retains its original Ag-NRL zoning.

<sup>2</sup> Design and soils approval. Septic system is not built.

These are posted on the Skagit County website at: <http://www.skagitcounty.net/planning/2011CPA> and can be reviewed at the Planning and Development Services Department (advance arrangements are highly recommended). Planning Commission members may request hard copies of the materials from the Department.

Also available for review are any comment letters of support or opposition that may have been submitted by other members of the public regarding the proposed (at the time) docketing of this proposal.

### Department Analysis

For land to be removed from the Ag-NRL designation, it must be shown to be inconsistent with the Ag-NRL designation criteria in the Skagit County Comprehensive Plan Natural Resource Land Element (Chapter 4), pages 4-5 and 4-6. Additionally, the proposed de-designation must be found to meet the requirements of Skagit County Code 14.08.020(4)(b)(iv). Both sets of criteria will be discussed below.

### Agricultural Resource Lands, Agricultural Resource Designation Criteria

*Goal A: Maintain land use designation criteria and densities for agricultural natural resource lands. Designate and map long-term commercially significant agricultural resource land accordingly.*

<b><i>Comprehensive Plan Designation Criteria</i></b>	<b>Department Comments</b>
<i>4A-1.1 Agricultural Resource Lands Designation Criteria. The following criteria shall be considered when designating Agricultural Resource Lands:</i>	
<i>a) Generally, all lands in unincorporated Skagit County which are parcels 5 acres or greater, and that contain “prime farmland soils” as determined by the USDA Natural Resource Conservation Service, shall be identified (see Agricultural Lands Profile for a description of prime farmland soils).</i>	<p>The parcel is 5.5 acres, according to Skagit County Assessor’s parcel data. It meets the minimum size criterion.</p> <p>Skagit County GIS has generated a soils map for P69432 (see Attachment A) from the <i>Soil Survey of Skagit County</i>, Natural Resource Conservation Service, USDA. The vast majority of the subject parcel is shown as having xerorthents soil, the same as on the adjacent dike. Only a very small portion of the property is shown as “Skagit” soil which is one of the prime farmland soils identified for Ag-NRL designation.</p> <p>The applicant has submitted a letter from a certified professional agronomist who wrote “that this lot does not meet the logical and realistic format of Prime Farm Land for several reasons...” one of them being “soil [that] is very heavy with high clay content...”</p> <p>The Natural Resource Lands Profile in the Comprehensive Plan lists those soil types considered prime farmland soils for purposes of the Ag-NRL designation (Profile, pages 4-6 and 4-7). Xerorthents is not one of the soils listed.</p> <p>The Natural Resource Conservation Service describes xerorthents regions as “areas where the surface layer and subsoils have been highly disturbed,</p>

<i>Comprehensive Plan Designation Criteria</i>	Department Comments
	removed, and replaced with other soil material. Texture and depth are highly variable within short distances.” (Attachment B)  Based on this information, the parcel does not meet the “prime farmland soils” portion of the designation criteria.
<i>b) Then those lands meeting the parcel size and soils shall be retained in Agricultural Resource Lands designation, provided that a majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).</i>	The majority of the parcel falls within the 100 year floodplain.
<i>c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Agricultural Resource Lands based upon the following additional factors:</i>	
<i>i) The land is in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture.</i>	The land is not in a current use tax assessment program and does not appear to have been in the program previously.
<i>ii) The land is currently in agricultural use or has been in agricultural use within the preceding ten years.</i>	The applicant states that the land has not been in agricultural use since he purchased it in 1989. It does have a small barn, built in 1992, that appears to be used for several horses that are kept on the land. Pasturing of horses generally has not been considered to fall under the definition of agriculture in Skagit County Code.
<i>iii) Existing land uses are primarily agricultural and minimal financial commitment to non-farm uses has been made.</i>	Existing land uses are not primarily agricultural. The applicant has taken several steps to secure the right to build a residence on the property. These include obtaining a Lot Certification in 2004, undergoing critical areas review for building and septic purposes in 2007, and obtaining a septic permit, also in 2007.
<i>iv) The area includes special purpose districts (such as diking and drainage districts) that are oriented to enhancing agricultural operations, including drainage improvement and flood control.</i>	The parcel is a part of Drainage District 19, as are the adjacent Ag-NRL parcels and the adjacent residential parcels designated Rural Reserve on each side of the dike.
<i>v) Adjacent lands are primarily in agricultural use.</i>	Large-acreage Ag-NRL parcels to the south, east and north are in agricultural use. Several small-lot parcels to the northwest also designated Ag-NRL appear to be in rural residential use. Lands to the west in the Plat of Skagit Beach are in residential use.
<i>vi) Land use in the area</i>	This would be true of the large acreage Ag-NRL parcels to the south, east and north, but not true of lands to the northwest and west.

<i>Comprehensive Plan Designation Criteria</i>	Department Comments
<i>demonstrates a pattern of landowner capital investment in agricultural operation improvements such as irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, agricultural worker housing, etc.</i>	
<i>d) Parcels that may not meet any of the criteria described in (a), (b), and (c) above may nonetheless be included to provide logical boundaries to the Agricultural Resource lands designation and to avoid small “islands” or “peninsulas” of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria described in (a), (b), and (c) above may be excluded to provide logical boundaries to the Agricultural Resource lands designation and to avoid conflict with existing land uses.</i>	See narrative discussion below.

**Discussion:**

The Ritchie parcel meets some of the Ag-NRL designation criteria (parcel size, location in the 100-year floodplain, and adjacent agricultural lands and uses to the south, east and north). However, it does not meet perhaps the key criterion which is that the mapped soil type is not one of those listed and accepted as “prime farmland soils” under the Ag-NRL designation criteria.

In addition, there is not current agricultural use of the land and there does not appear to have been any for some time. The land is not in agricultural open space tax status.

The parcel is a part of the Plat of Skagit Beach, a residential community whose covenants note: “This addition is restricted to single family residential use only.”

There is one potential development right associated with the parcel whether it remains in Ag-NRL or is redesignated to Rural Reserve as the applicant requests. To be able to exercise that development right under Ag-NRL, the owner would need to comply with SCC 14.16.400(2)(o) which allows construction of a residence as an agricultural accessory use only after demonstrating three years of farm income.

However, there is a Class IV wetland on the property and a water course along the south and east sides. Given that there does not appear to have been ongoing agricultural use on the property over the past 10

years, new agricultural activity would need to meet the requirements of SCC 14.24.120, 14.24.230(6) and possibly 14.24.510-.530 which could limit the amount of land available for agricultural use.

The Department does not believe that the parcel's relatively small size and narrow width by themselves make farming the property unviable. However, the lack of prime farm soils, the absence of ongoing agricultural activities, and the critical areas constraints that would limit new agricultural activity would raise serious obstacles to commercial agricultural viability of the property.

Because of these unique factors, and the parcel's inclusion in the residential Plat of Skagit Beach, the Department does not believe approval of this amendment proposal would set a precedent requiring approval of other small-lot Ag-NRL redesignation requests. Also, the proposed comprehensive plan map amendment would not create a spot zone as it is contiguous to smaller lots and non-resource lands designated Rural Reserve to the immediate west.

## **Recommendation**

The Department recommends that the parcel be removed from Ag-NRL designation, and be added to the Rural Reserve designation found on adjacent parcels within the Plat of Skagit Beach.

In reviewing the four factors under Skagit County Code 14.08.020(4)(b)(iv) that can justify a change to a natural resource land designation, the Department concludes that there was an error in the initial designation of P69432 as Ag-NRL.

## **2. Jensen/Peck – PL11-0240 (See Map No. 2)**

The Jensen and Peck families seek to rezone two contiguous parcels – Jensen (P35204) 5.9 acres, and Peck (P112774) 5.0 acres – from Rural Reserve (RRv) to Rural Intermediate (RI). The rezone would change the allowed residential densities from one unit per 10 acres in Rural Reserve to one unit per 2.5 acres in Rural Intermediate. The parcels are located at the intersection of Bay View-Edison and Bay View roads. The Jensen parcel already has a single-family residence on it. The Peck parcel is undeveloped. The applicants are requesting an up-zone to create a total of two additional rural development rights—one for each parcel.

The applicants' proposal states:

*“The parcels are adjacent to property designated Rural Intermediate (RI) along the northern border and Bayview Road along the Southern border. Bayview Road would seem to form a logical boundary between the designations. The requested change simply moves the Comprehensive plan/Zoning boundary south over the width of the subject parcels – from their North property line to their South property line – thus reverting the boundary back to the historical and logical boundary that was in place prior to the GMA implementation.”*

For further information about the proposal from the applicants' perspective, the Department recommends that the Planning Commission review the submitted application materials and the applicants' and their representative's comments from the docketing phase of the process, as well as any

comments from other members of the public. See the introduction to the Ritchie amendment for information on where these materials may be viewed.

**Department Analysis:**

The Rural Intermediate zone is considered a Limited Area of More Intensive rural Development or LAMIRD in the Skagit County Comprehensive Plan and the Growth Management Act. LAMIRDs are discussed in significant detail in the Rural Element (Chapter 3) of the Comprehensive Plan, starting on p. 3-7. Policies 3B-1.2 through 3B-1.4 establish the policy framework for those LAMIRDs that recognize areas and uses that were in existence as of July 1, 1990. Policy 3C-1.3 sets out more specific designation criteria for the Rural Intermediate designation.

<b>Comprehensive Plan Designation Criteria</b>	<b>Department Comments</b>
<p><b>3B-1.2</b> <i>The GMA establishes three basic types of LAMIRD. The first is authorized by RCW 36.70A.070(5)(d)(i) and consists of commercial, industrial, residential, or mixed use areas that were in existence on July 1, 1990, and that are surrounded by logical outer boundaries. The Skagit County rural land use designations created and placed on the Comprehensive Plan/Zoning Map using these criteria are...b) Rural Intermediate.</i></p>	<p>This policy establishes that the Rural Intermediate designation follows the GMA LAMIRD requirements found at RCW 36.70A.070(5)(d)(i) and incorporated in policies 3B-1.3 and 3B-1.4.</p> <p>A key condition is that the overall areas designated under these provisions were in existence on July 1, 1990, when the GMA was adopted. The LAMIRD provisions allow for continued development within those areas for uses and at intensities (including lot sizes) existing in those areas in 1990, even if those uses and intensities are beyond what would now be allowed as new rural development under GMA.</p>
<p><b>3B-1.3</b> <i>The above land use designations provide for the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments</i></p>	<p>This policy emphasizes that these LAMIRDs, including Rural Intermediate, provide for the infill, development or redevelopment of existing areas. There is no specific mention here of expansion.</p>
<p><b>3B-1.4.</b> <i>Skagit County has adopted measures to minimize and contain these existing areas or uses of more intensive rural development</i></p>	<p>The emphasis of this policy is that the county has taken measures to minimize and contain these existing areas.</p>
<p><i>a) Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use</i></p>	<p>This provision allows for the drawing of a “logical outer boundary” around the existing areas or uses that were in existence on July 1, 1990.</p>
<p><i>b) Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominantly by the built environment, but that may also</i></p>	<p>Existing areas must be clearly identifiable and contained, by a logical boundary delineated predominantly by the built environment.</p> <p>Existing areas may include “undeveloped land if limited as provided” by GMA.</p>

<i>Comprehensive Plan Designation Criteria</i>	Department Comments
include undeveloped lands if limited as provided in RCW 36.70A.070(5)(d).	
c) The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address:	<p>In adopting the Comprehensive Plan and Land Use/Zoning Map in 1997, the county determined at that time that the logical outer boundary was the parcel boundary and gravel road just north of P35204 (Starvation Ridge Road) and the parcel boundary just north of P112774, not Bayview Road which was also considered then.</p> <p>The applicant is requesting to have that boundary changed to Bayview Road, suggesting that this is more logical.</p>
i) the need to preserve the character of existing natural neighborhoods and communities;	<p>Per policy 3C-1.3 below, the Rural Intermediate zone is intended to recognize areas with an average parcel density of 2.5 acres or higher (meaning an average parcel size of 2.5 acres or <i>smaller</i>). The GMA and Comprehensive Plan LAMIRD policies require that “existing areas” be those that were in existence on July 1, 1990. Hearings Board rulings have allowed jurisdictions to consider platted lots and infrastructure as “existing”-- but not unexercised zoning. In 1990, the Jensen/Peck parcel was a 10 acre parcel. It remained that way until 1997 when it was divided by short plat into two five acre parcels.</p> <p>The applicants are suggesting that their properties are a part of the existing Rural Intermediate neighborhood and community to the north, and that is the decision that the county is now reviewing.</p>
ii) physical boundaries such as bodies of water, streets and highways, and land forms and contours,	<p>The currently designated logical outer boundary is the parcel boundary and gravel road just north of P35204 (Starvation Ridge Road) and the parcel boundary just north of P112774.</p> <p>The applicants assert that Bayview Road is a more logical physical boundary. Roads (“streets, highways”) are clearly allowed to be considered as physical boundaries.</p>
iii) the prevention of abnormally irregular boundaries, and	Neither the current nor the proposed southern boundary would be “abnormally irregular” (as a long, skinny peninsula might be).
iv) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;	<p>The applicants have indicated that public facilities and services are currently available to the properties. In fact, they joined in efforts with the properties to the north in 2006 to bring PUD water to the properties, at considerable expense. These efforts occurred long after July 1, 1990.</p> <p>More generally, whether the proposed RI expansion would constitute “low-density sprawl” depends on whether one considers the properties to be “infill” or outward expansion of the existing RI area.</p>
d) <i>An existing areas or uses as described above is one that was in existence on July 1, 1990, when the Growth Management Act was adopted.</i>	As described above, there was small-lot development (e.g. 2.5 acre lots or smaller) to the north of the subject properties in existence on July 1, 1990 that constitutes the “existing area or use” that serves as the foundation of the current Rural Intermediate area. The existing area must be contained within a logical outer boundary but that boundary may include undeveloped land “if contained.”



Additional guidance and criteria for the Rural Intermediate designation is provided in comprehensive plan policy 3C-1.3.

<i>Comprehensive Plan Designation Criteria</i>	Department Comments
<p><b>3C-1.3</b> Rural Intermediate (RI). The Rural Intermediate (RI) designation applies to rural areas where the average existing and/or surrounding parcel density is predominantly more than or equal to 1 parcel per 2.5 acres or 1/256th of a section, not including any lands within a UGA. If rural lands proposed to be added to the RI designation have a density of less than 1 parcel per 2.5 acres, these lands must be included in any calculation of “average existing and/or surrounding parcel density.” These RI designations are intended to balance property rights in the legally vested lots and the built environment that is reflected in certain rural areas of the County with the GMA requirements to minimize sprawl and concentrate growth in urban areas.</p>	<p>This policy establishes that the average parcel density in Rural Intermediate areas should be 1 parcel per 2.5 acres or greater (meaning on average parcels are 2.5 acres or smaller). Averages allow for deviations both above and below that number. The parcels proposed to be added to the RI designation have a density of less than 1 parcel per 2.5 acres (their density is approximately 1 parcel per 5 acres).</p> <p>Regarding an average parcel density test, it is unclear whether any mathematical calculation by itself is or should be conclusive. At a very basic level, the two parcels being considered for inclusion are both larger than the average size of parcels intended to be represented in a Rural Intermediate area – that is, one parcel per 2.5 acres or greater (meaning parcels that are 2.5 acres or smaller). The RI area in question has parcels that are above and below 2.5 acres with some as large as 10 acres (see P35244 for instance).</p> <p>Again, parcel density is to be balanced against logical outer boundaries. That’s why in virtually any Rural Intermediate area in the county there are parcels greater than 2.5 acres, up to and beyond 5 acres in some cases.</p>
<p>Areas may be considered for designation as RI by identifying clearly-contained logical boundaries that are delineated predominantly by the built environment existing on July 1, 1990, per policy 3B-1.2 above. However, in some cases, where lots were legally created since that time, but prior to adoption of the Comprehensive Plan and have either been developed, or have vested rights to develop at those densities, RI designation may be appropriate on those lots as well. Finally, as described in more detail under the Rural Study Areas policies in the Plan Implementation and Monitoring Element, some RI</p>	<p>The parent 10-acre parcel (owned by Peck’s at the time) was divided by short plat into two five-acre parcels in 1997. This policy appears to recognize lots that were legally created after GMA’s adoption in July 1, 1990 but before adoption of the Comprehensive Plan in 1997.</p> <p>Given this policy, it appears to be appropriate to consider the current five-acre lot sizes in applying the RI designation criteria, rather than the one 10-acre lot on the ground in 1990 that was originally reviewed by the county for inclusion in Rural Intermediate.</p> <p>The applicants will not lose any vested rights if the application is not approved. Unexercised development potential under the previous 1-acre zoning is not considered legally vested. The applicants will receive additional development rights (a total of two) if the proposal is approved.</p> <p>The area is not an identified Rural Study Area undergoing a subarea plan at this time.</p>

<i>Comprehensive Plan Designation Criteria</i>	Department Comments
density may be appropriate in one or more of those study areas, but only after completion of the necessary community plan.	
<i>The RI designation does not necessarily apply to every existing lot smaller than 2.5 acres in the County since, to do so, could result in a pattern of scattered and unconsolidated areas of more intense rural development.</i>	Not applicable as the lots are not smaller than 2.5 acres.
<i>b) Within the Rural Intermediate designation, the minimum lot size that may be created through a land division is 2.5 acres, resulting in a maximum residential gross density of 1 dwelling unit per 2.5 acres.</i>	Not applicable for designation purposes.

**Discussion:**

There is inherent tension in GMA’s and the Comprehensive Plan’s LAMIRD and Rural Intermediate designation criteria. On the one hand, they emphasize recognizing areas and uses of more intensive rural development that were in existence on July 1, 1990 and drawing logical boundaries around those areas to limit and contain them. These areas are to be contained because they represent more intensive rural development than would be newly allowed in the rural area under GMA.

At the same time, the process of drawing logical outer boundaries may include undeveloped lands if limited. (The Jensen and Peck parcels would constitute “undeveloped lands” in Rural Intermediate because each would realize one additional development right under that designation). Drawing the outer boundary shall address the need to preserve the character of existing neighborhoods and communities and take into account existing physical boundaries including streets and highways.

LAMIRD designations are often difficult because of the tension between the technical requirements of the law and what may seem to be reasonable choices and “common sense.” When LAMIRD cases are appealed to the Growth Management Hearings Boards, the boards typically give close scrutiny to the drawing of logical outer boundaries and often rule against counties that have been overly generous in their inclusion of undeveloped lands.

One aspect of the current situation has changed between the County’s initial review of the properties leading to the Comprehensive Plan’s adoption in 1997 and the present time. The original 10 acre parcel is now two five acre parcels with separate owners. A provision in the County’s RI designation criteria appears to recognize lots that were created by the time of adoption of the Comprehensive Plan.

**Recommendation:**

All factors considered, the Department concludes that Bayview Road constitutes a logical choice for the southern outer boundary of the Rural Intermediate area under consideration. Addition of the two five acre lots to the Rural Intermediate area, resulting in creation of two additional development rights, constitutes limited inclusion of undeveloped lands within the Rural Intermediate LAMIRD. The Jensen and Peck properties, located between the current Rural Intermediate designation and Bayview Road, is logically considered part of an existing natural residential neighborhood and community.

For the reasons discussed above, the Department recommends approval of this proposal.

However, the Department is concerned about the potential risk for continued, incremental expansions of Rural Intermediate and other LAMIRD areas. Other proposals have come before the county in the past (and will likely continue to do so the future) that are less supportable and less defensible against Comprehensive Plan policies and GMA requirements. For instance, one could imagine the Rural Reserve property owner directly east of the Jensen/Peck parcels applying for inclusion next year, and parcels further to the east applying until the whole Rural Reserve area to Bayview Ridge is converted to Rural Intermediate. This definitely would constitute a pattern of low-density sprawl.

For these reasons the Department strongly supports adoption of the county-initiated policy C-1 (see the next section of this report) that would only allow Rural Intermediate and Rural Village expansion proposals to be considered 1) as part of a community/subarea plan, or 2) as part of a periodic required update of the Comprehensive Plan. Additionally, recipients of rural upzones would under this policy be required to participate in a yet-to-be developed transfer of development rights program, where they would be helping to reduce development in undesirable locations (such as Ag-NRL lands and the floodplain) and instead transferring development rights to areas that are more suitable. This would be supportive of recommendations made by the Envision Skagit Citizen Committee and would be further developed through the county's transfer of development rights project scheduled to start this spring.

#### **4. Lake Erie Trucking (Bill Wooding) – PL11-0250 (See Map No. 4)**

The applicant proposes to redesignate an approximately 35 acre parcel (P19168) from Rural Resource-Natural Resource Land (RRc-NRL) to Rural Reserve (RRv). The parcel on Fidalgo Island is located along the east side of Rosario Road approximately 0.4 miles southwest from Marine View Drive. The parcel is forested and undeveloped. The applicant has obtained lot of record certification from Skagit County (#PL11-0210) that identifies the lot as a lot of record eligible to be considered for development permits subject to SCC 14.16.850(4).

The application materials state:

*“This parcel was originally designated Rural Resource by Skagit County due to the fact it is contiguous to Mr. Wooding’s gravel surface-mining activities located on abutting parcels... to the north....The subject parcel does not have any ongoing mining activities, nor does any portion of it contain the MRO designation...Furthermore, this 35-acre parcel does not have productive characteristics or uses of agriculture or forest. Therefore it is not an important parcel or an asset to the long term economic viability of the countywide [sic], which is what the RRc-NRL designated lands are intended to be....Due to the fact that the subject parcel does not meet the criteria for a Rural Resource Land...it is requested herein to change to the property’s current designation to Rural Reserve [which] provides better compatibility with the existing Rural Reserve and Rural Intermediate zoning designations located immediately east, south and west of the subject parcel.”*

For further information about the proposal from the applicant’s perspective, the Department recommends that the Planning Commission review the submitted application materials and the applicant’s and his representative’s comments from the docketing phase of the process, as well as comments from other members of the public. See the introduction to the Ritchie amendment for information on where these materials may be viewed.

**Department Analysis**

The Rural Resource-NRL designation criteria are found in the Natural Resource Element of the Comprehensive Plan (Chapter 4), pages 4-22 and 4-23.

*Introduction*

*Rural Resource lands are, generally, areas that have the combined land and land-use characteristics of long-term agricultural, forest or mineral lands, and have the potential for multiple use or smaller scale resource management. Rural Resource lands generally are not managed for industrial-scale farming or forestry but nevertheless contribute to the natural resource land base. Where the Mineral Resource Overlay designation is also applied, industrial-scale mining can occur.*

<b>Comprehensive Plan Designation Criteria</b>	<b>Department Comments</b>
<p><b>4C-1.1 Rural Resource Land Designation Criteria</b>  <i>All lands in rural unincorporated Skagit County not designated as Agriculture, Industrial Forest or Secondary Forest are subject to Rural Resource lands designation according to the following criteria:</i></p>	
<p><i>a) All parcels approximately 40 acres or greater that contain one or both of “Prime upland farmland soils” as determined by USDA Soil Conservation Service (see Natural Resource Lands Profile), or Washington State Department of Revenue – private forest land grades (PFLG) 1 – 3.</i></p>	<p>The subject parcel is 35 acres in size, close to but not meeting the 40 acre size threshold.</p> <p>According to soils maps, a majority of the parcel (approximately 56%) contains soils rated PFLG 3 as identified in the Rural Resource-NRL designation criteria, with the remainder rated PFLG 4. An examination of the property by the Department’s geologist, John Cooper, found the following: “Although timber production is not rated as high (PLFG-1) or moderate to high (PLFG-II) by the soil survey site index, our field investigation indicated that the majority of the site soils are primarily Keystone Series which are classified as PLFG III and meet the criteria as “prime upland soil” for forest timber production. Although the Catla Soil Series is described as a PLFG IV, little, if any difference, in timber growth rates was observed between the Keystone and Catla Soil Series.” (Attachment C)</p>
<p><i>b) Lands meeting (a) above that comprise contiguous areas of approximately 160 acres and larger; provided that any parcel</i></p>	<p>The subject parcel is a part of a block of lands designated RRc-NRL that is approximately 90 acres in size total. This does not comprise a contiguous area of approximately 160 acres and larger.</p>

<p><i>40 acres or larger that is located contiguous to any land designated Agriculture, Industrial Forest or Secondary Forest generally may be designated Rural Resource regardless of whether it is contained within such a large area.</i></p>	<p>The 35 acre parcel is not located contiguous to any land designated Agriculture, Industrial Forest or Secondary Forest.</p> <p>The parcel does not meet this criterion.</p>
<p><i>c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Rural Resource Lands based upon the following additional factors:</i></p>	
<p><i>i) Participation in a current-use tax assessment program. Such current-use tax assessment status is not, by itself, a determining factor for inclusion or exclusion, but is only part of the relevant characteristics to be considered;</i></p>	<p>The parcel is not enrolled in the current use tax assessment program for forest land.</p>
<p><i>ii) Whether the area is currently in small-scale agriculture or forestry use or has been in agricultural or forestry use within the preceding ten years, and minimal improvements or financial expenditures have been made to non-resource related uses in the area as a whole. Construction of a single-family residence on any parcel of land shall not be deemed a sufficient non-resource related expenditure for purposes of this subsection; and</i></p>	<p>The Department’s analysis of the site “indicates a mixed stand of third growth forest consisting of western red cedar, douglas fir, big leaf maple and red alder.” It notes: “Access to the stand is good and minimal road construction is required for timber harvest. A density of approximately 10,000 board feet per acre was observed on the subject site.” The reviewer “[assumes] the site was subject to a clear cut timber harvest sometime previous to 1998....”</p> <p>However, the Department has no record of knowledge of specific timber harvest activities, particularly in the preceding 10 years. The application states that the site is not under active forest management.</p> <p>Although a previous owner had plans to develop the subject property as part of the Seaview development at relatively high rural densities, the subject parcel was removed from those plans in the early 1990s. Since then it appears that minimal improvements and financial expenditures have been made to non-resource related uses on the parcel.</p>
<p><i>iii) Whether the area has limited availability of public services and facilities (although the area may be located within a public water district).</i></p>	<p>The application notes that the area has access to roads (Rosario Road), power, telephone, and water (within the Del Mar water system service area), and fire service (in Skagit County Fire District #11).</p>
<p><i>d) Parcels that do not meet any of the criteria described above in (a), (b), or (c) may be designated as Rural Resource to provide logical boundaries to the Rural Resource lands designation and to avoid small “islands” or “peninsulas” of conflicting</i></p>	<p>See discussion below.</p>

<i>non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria described above in (a), (b), or (c) may be excluded to provide logical boundaries to the Rural Resource lands designation and to avoid conflict with existing land uses.</i>	
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**Discussion**

The subject parcel meets some of the designation criteria for Rural Resource but does not meet others. It comes close to the 40 acre minimum parcel screening criterion and appears to have PFLG 3 soils on a majority of the site and comparable soils on the remainder. The parcel has been harvested for timber in the past but not within the past 10 years. It appears to be relatively productive for timber purposes, according to the assessment of the Department’s geologist.

However, there does not appear to be active timber or forest management on site. The property is not enrolled in the open space forestry taxation program which would be typical of active natural resource lands. The parcel is not part of a larger block of RRc-NRL lands of 160 acres or greater and does not adjoin other designated natural resource lands.

The property appears to have been included in the RRc-NRL designation as a result of criterion (d): *“Parcels that do not meet any [or all] of the criteria described above in (a), (b), or (c) may be designated as Rural Resource to provide logical boundaries to the Rural Resource lands designation and to avoid small “islands” or “peninsulas” of conflicting non-resource land uses in the midst of resource lands.”* The Department surmises the parcel was designated RRc-NRL originally because of the Mineral Resource Overlay (MRO) and active mining operation on the RRc-NRL property immediately to the north. Doing so would help to provide a buffer to the higher density residential development to the south and limit such residential encroachment on the subject property itself.

There is a significant range of allowable residential densities possible on the 35 acre parcel depending on the zoning designation and subdivision process chosen. These are shown for the existing RRc-NRL and the proposed Rural Reserve zoning in the following table.

Land Use/Zoning Designation	Allowable Density (DU’s)	
	Standard	CaRD
<i>Existing</i>		
Rural Resource (RRc-NRL)	1.0	3.0
<i>CPA Proposal</i>		
Rural Reserve (RRv)	3.0	7.0

Comprehensive plan policy 3A-2.4 encourages Conservation and Reserve Developments (or CaRDs) as the preferred approach to accommodating future residential development, where applicable, on rural and resource lands. Under the proposed rezone, residential unit capacity on the subject parcel would more than double under the preferred CaRD development approach, and triple under the standard

subdivision process. The potential increase in allowable density is significant—especially for a large and scarce natural resource land designated parcel on Fidalgo Island. However, CaRD development would cluster new residences on a smaller portion of the parcel while leaving the remainder in one of several protected open space designations, which could include forest resource management or recreational open space.

To reduce potential conflicts with the MRO overlay and gravel mining operation to the north, the CaRD density bonus is not available for development within ¼ mile of the nearest MRO boundary. That would require any CaRD development (under RRc-NRL or RRv) to generally be clustered on the central and southern portion of the subject parcel.

#### *Potential Drainage Concerns*

During the docketing hearing before the Board of County Commissioners, a member of the public alleged serious drainage concerns if the RRc-NRL designation is retained for the subject parcel as opposed to allowing the redesignation to RRv.<sup>[1]</sup> (Ehlers). She stated that under RRc-NRL designation the county has no authority to regulate forest practices on the property and therefore no way to control for serious drainage impacts that could result from logging activities. Those practices are subject to Washington Department of Natural Resources (DNR) rules. On the other hand, if the property is redesignated to RRv, she stated that it would fall under the jurisdiction of the county's critical areas and drainage regulations (SCC 14.24.110 and 14.32) which would do a much better job of protecting downstream properties.

If the property is redesignated to RRv, and if the property owner submits a forestry conversion permit with the intent to develop the property, it is correct that the property would come under county critical areas and drainage review. However, the property owner could still conduct forest harvest activities (including clearcutting) on the property under DNR regulations rather than the county critical areas and drainage rules. Under these circumstances, the property owner would be precluded from development of the property for a six-year period after issuance of the DNR forest practice permit under the provisions of RCW 76.09.060. After expiration of the six year moratorium, the property owner could subsequently submit a development permit application to Skagit County Planning and Development Services.

In other words, redesignating the property to RRv does not automatically assure that all future activities on the property would fall under the county's critical areas and drainage review, as Ms. Ehlers appeared to suggest. Even if it is redesignated to Rural Reserve, the property owner could conduct forest harvest activities (including clearcutting) solely under DNR regulations, unless it was with a forestry conversion permit with the intent to develop the property.

#### **Recommendation:**

Given that the property does not meet many of the RRc-NRL designation criteria, most notably parcel and block size, as well as lack of enrollment in the forest open space taxation program and lack of active forest management activities, and the fact that the MRO rules would require any CaRD density bonuses to be exercised ¼ mile or more away from the nearest MRO boundary, and that CaRD development could also

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<sup>[1]</sup> The speaker was Carol Ehlers, a member of the Planning Commission who has recused herself from Planning Commission deliberations on this property.

place large portions of the parcel into continued forest management or open space status, the Department recommends approval of the proposal.

The Department does hope that the property owner recognizes the significant drainage impacts that forest management or development activities on the parcel could have on adjacent properties and landowners and is interested in working with the County and adjacent property owners in reducing those potential impacts.

## **Section 2: Evaluation of County-Initiated Amendment Proposals**

### **Amendment C-1      Policy amendment proposal to further refine rezone requirements for Rural Intermediate and Rural Village land use designations.**

This first amendment (see Attachment D for amendment language) would address the issue of potential Rural Intermediate (RI) and Rural Village (RV) expansions. These two land use designations are considered limited areas of more intensive rural development (LAMIRDs) under the Skagit County Comprehensive Plan and the Growth Management Act. This amendment would revise the policies regarding expansions of Rural Intermediate (RI) and Rural Village (RV) areas in the Comprehensive Plan. The policy amendments would treat proposed RI expansions in the same manner RV expansions are currently processed. Proposed policy revisions would allow consideration of Rural Intermediate (RI) zone expansions only through a periodic state-mandated GMA comprehensive plan update process or when proposed as part of a community subarea plan. Under current policy, the outer boundaries of Rural Villages may only be expanded through a community plan or through a state-required, periodic comprehensive plan update process.

The proposed policy amendments would also require any proposed Rural Intermediate or Rural Village boundary expansion “to consider and evaluate the use of transfer of developments, conservation easements or other mechanisms to facilitate density transfer or extinguishment of an equivalent number of rural or resource land development rights...”

The purpose of this amendment proposal is to protect the county’s long-term rural character, productive natural resource lands, and environmental quality and to mitigate LAMIRD expansions. The further details of this policy would be developed as part of the county’s transfer of development rights study being initiated this spring.

See Attachment D for amendment text.

### **Recommendation:**

The Department recommends approval of this amendment proposal.

### **Amendment C-2      Housekeeping Revisions to Comprehensive Plan Policies and Text**

This amendment proposes to review and make minor non-substantive revisions to Comprehensive Plan policies and text to correct inconsistencies in policy enumeration, Skagit County Code references, and/or to update policy language references to GMA requirements that have changed since the 2005 Comprehensive Plan Update (e.g., change “7 year GMA Updates” to “GMA-Mandated Updates,” etc.).

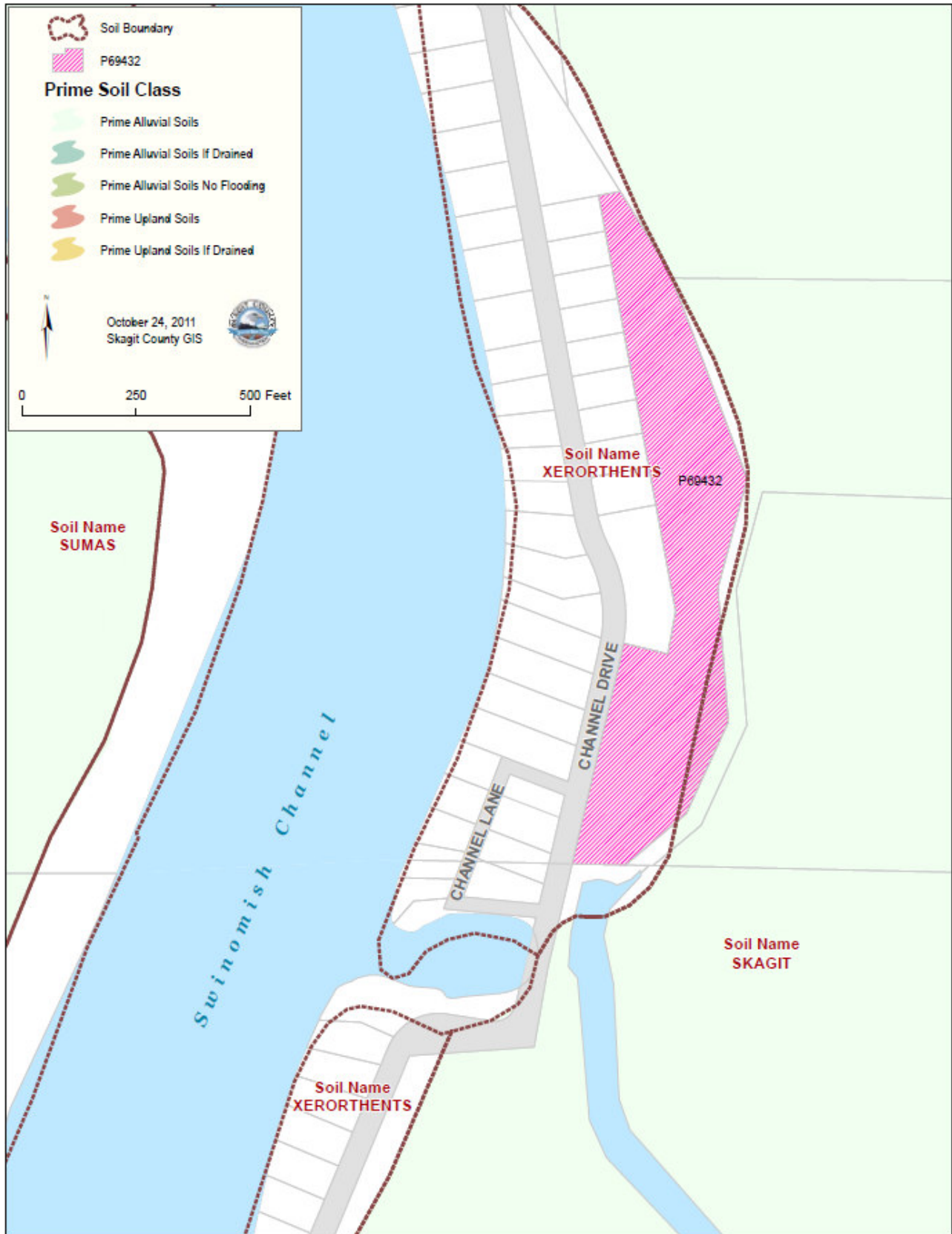


See Attachment E for amendment text.

**Recommendation**

The Department recommends approval of this amendment proposal.

**Attachment A**  
**Soils Map for Richie P69432**



## Attachment B

Xerorthents Soil Description from *Soil Survey of Skagit County*,  
Natural Resource Conservation Service, USDA.

**165-Xerorthents, 0 to 5 percent slopes.** This map unit is on hills and flood plains. Areas are irregular in shape and are 5 to 40 acres in size. The native vegetation has been removed from the soils in this unit. Elevation is 5 to 250 feet. The average annual precipitation is about 30 inches, the average annual air temperature is about 50 degrees F, and the average frost-free season is 160 to 200 days.

This unit consists of areas where the surface layer and subsoil have been highly disturbed, removed, and replaced with other soil material. Texture and depth are highly variable within short distances.

Included in this unit are small areas of Bow soils on glaciated remnant terraces and Xerofluvents on flood plains. Also included are small areas of soils that are covered with sawdust and other wood wastes.

Permeability, available water capacity, effective rooting depth, surface runoff, and the hazard of erosion are highly variable. They are dependent on the amount of disturbance and cutting or filling of the soil. In some areas a seasonal high water table is at a depth of more than 24 inches from November to March.

This unit is used mainly for log landings and unpaved parking areas. It is also used as fill sites and athletic fields.

This map unit is in capability subclass VIIc.

## Attachment C



# PLANNING & DEVELOPMENT SERVICES

GARY R. CHRISTENSEN, AICP, DIRECTOR

BILL DOWE, DEPUTY DIRECTOR

PATTI CHAMBERS  
Administrative Coordinator

TIM DEVRIES, CBO, ACO  
Building Official & Floodplain Manager

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## Memorandum

**To:** Ms. Carly Ruacho  
**From:** John Cooper, LG  
**Date:** October 3, 2011  
**Re:** Comprehensive plan amendment application PL11-0250.

As per your request, we have reviewed the comprehensive plan amendment application, PL11-0250. It is our understanding that the application requests a zoning change from Rural Resource – NRL to Rural Reserve, primarily based on the soil type. The applicant has utilized the Soil Survey of Skagit County Area, WA (Natural Resource Conservation Service, 1989) to demonstrate that the surficial soil on the subject site, parcel P19168, does not meet the soil type required for zoning classification as Rural Resource- NRL designation.

The application, as per the Soil Survey, indicates that the soil present on the subject site includes the Catla Series (26) and the Keystone Series (79). Unfortunately the applicant has not provided field analysis and associated documentation necessary to confirm that the soil series described in the application are present or at the locations described in the Soil Survey. The Soil Survey indicates that a notable difference between the two soils series is that the Catla Series has dense glacial till at an approximate depth of the 1.5 feet below site grade. Dense glacial till is not reported present in the Keystone Series. The presence of glacial till in the Catla Series and not in the Keystone Series likely results in the soil category or “site index” difference between the Keystone and Catla Soil Series.

Assuming the soil types are present and as described in the application, the Catla and Keystone series are described as soil category 4 and 3 for timber production, respectively. Soil categories range from 1 to 5 for timber production based on a tree height (site) index or growth rate spanning 50 years. The higher the “site index”, the better the soil should be for timber production. Utilizing this system, the soil survey concludes that the Catla series has low to moderate potential for timber production (4) and the Keystone series has moderate potential for timber production (3). The Soil Survey indicates that the dense glacial till near the surface of the Catla soil series limits rooting depth of trees and may result in wind throw. The Soil Survey infers that the shallow and dense glacial till results in reduced tree growth rates. According to the Soil Survey, the Catla Series

comprises approximately 44% of the east to southeastern portion of the parcel while the Keystone Series comprises approximately 56% of the western portion of the parcel.

Assuming the site was subject to a clear cut timber harvest sometime previous to 1998, aerial photographs ranging from 1998 to 2011 and observations onsite indicate uniform tree growth across the subject site. There was little if any indication that the shallow glacial till soils described in the Catla soil series has reduced or stunted the tree growth on the subject site. In addition, minimal wind throw was observed onsite. Skagit County PDS excavated several shallow test pits and observed the soil stratigraphy in several areas. We traversed the site from west to the east property line, and from the south to north property line to observe the soil conditions on site. The soil stratigraphy in the test pits indicated the soil conditions onsite is relatively consistent with the Soil Survey location and description of the Catla and Keystone soil series.

Observations of the timber resources onsite indicate a mixed stand of third growth forest consisting of western red cedar, douglas fir, big leaf maple and red alder. Douglas fir, and red alder dominate the stand. Access to the stand is good and minimal road construction is required for timber harvest. A density of approximately 10,000 board feet per acre was observed on the subject site. Although timber production is not rated as high (PLFG- I) or moderate to high (PLFG- II) by the soil survey site index, our field investigation indicated that the majority of the site soils are primarily Keystone Series which are classified as PLFG III and meet the criteria as “prime upland soil” for forest timber production. Although the Catla Soil Series is described as a PLFG IV, little, if any difference, in timber growth rates was observed between the Keystone and Catla Soil Series. Perhaps the induration of the glacial till was overrated and the tree rooting depth underrated in the Soil Survey for the Catla Soil Series. The tree growth rates within the Catla Soil Series, PLFG IV, appear similar to those rates within the Keystone soil series, PLFG III.

## Attachment D – County-Initiated Amendment C-1

### Recommended Comprehensive Plan Policy Amendments—Rural Residential Policies

Proposed revisions are shown in underline and/or ~~strike-through~~ format.

**3C-1.3** ***Rural Intermediate (RI).** The Rural Intermediate (RI) designation applies to rural areas where the average existing and/or surrounding parcel density is predominantly more than or equal to 1 parcel per 2.5 acres or 1/256th of a section, not including any lands within a UGA. If rural lands proposed to be added to the RI designation have a density of less than 1 parcel per 2.5 acres, these lands must be included in any calculation of “average existing and/or surrounding parcel density.” These RI designations are intended to balance property rights in the legally vested lots and the built environment that is reflected in certain rural areas of the County with the GMA requirements to minimize sprawl and concentrate growth in urban areas.*

*Areas may be considered for designation as RI by identifying clearly-contained logical boundaries that are delineated predominantly by the built environment existing on July 1, 1990, per policy 3B-1.2 above. However, in some cases, where lots were legally created since that time, but prior to adoption of the Comprehensive Plan and have either been developed, or have vested rights to develop at those densities, RI designation may be appropriate on those lots as well. Finally, as described in more detail under the Rural Study Areas policies in the Plan Implementation and Monitoring Element, some RI density may be appropriate in one or more of those study areas, but only after completion of the necessary community plan.*

- a) The RI designation does not necessarily apply to every existing lot smaller than 2.5 acres in the County since, to do so, could result in a pattern of scattered and unconsolidated areas of more intense rural development.*
- b) Within the Rural Intermediate designation, the minimum lot size that may be created through a land division is 2.5 acres, resulting in a maximum residential gross density of 1 dwelling unit per 2.5 acres.*
- c) Proposed Rural Intermediate zone expansions will only be considered through a periodic state-mandated GMA Comprehensive Plan Update process or when proposed as part of a community subarea plan. As discussed in greater detail in Chapter 12, community plans draw upon the local knowledge, experience, and preferences of community residents, provided that such is consistent with the Growth Management Act, Countywide Planning Policies, and the Comprehensive Plan.*
- d) Any proposed Rural Intermediate zone expansion and commensurate increase in residential development rights must consider and evaluate the use of transfer of development rights, conservation easements or other mechanisms to facilitate density transfer or extinguishment of a comparable number of rural or resource land development rights elsewhere in the county as a means to protect the county’s long term rural character, productive natural resource lands, and environmental quality, and to mitigate LAMIRD expansion.*

#### Rural Village

**3C-1.8** *The community planning process is the preferred method to determine the sizes, configurations, uses, and development potentials specific to each Rural Village. As discussed in greater detail in Chapter 12, community plans draw upon the local knowledge, experience, and preferences*

*of community residents, provided that such is consistent with the Growth Management Act, Countywide Planning Policies, and the Comprehensive Plan.*

- a) Issues appropriate for consideration through a community plan include suitable land uses within the Rural Village, community infrastructure requirements, and development standards and design guidelines to protect and retain important features valued by the community.*
- b) The outer boundaries of a Rural Villages shall only be amended through a community plan or through a ~~7-year~~ periodic state-mandated GMA Comprehensive Plan Update process, provided that the boundaries of the historic Rural Villages shall be defined predominantly by the built environment that existed on or before July 1, 1990.*
- e) Because Rural Villages are the preferred location for commercial uses in the Rural area, the establishment of new Rural Village Commercial designations within existing Rural Village boundaries may occur through the annual Comprehensive Plan amendment process, and is not required to occur through a community plan.*
- d) Any proposed Rural Village zone boundary expansion and commensurate increase in residential development rights must consider and evaluate the use of transfer of development rights, conservation easements or other mechanisms to facilitate density transfer or extinguishment of an equivalent number of rural or resource land development rights elsewhere in the county as a means to protect the county's long term rural character, productive natural resource lands, and environmental quality, and to and mitigate LAMIRD expansion.*

## Appendix E

### *(C-2) Housekeeping amendments to correct scriveners' errors*

Proposed revisions are shown in underline and ~~strike through~~ format.

Rural Element

**3B-1.6** Two other types of LAMIRD are allowed by GMA. The County's other rural commercial and industrial designations were created and applied consistent with these other provisions. Pursuant to RCW ~~306~~.70(A).070(5)(d)(ii), the County's Small Scale Recreation and Tourism designation allows:

- a) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development.*
- b) A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population.*
- c) Public services and public facilities are limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl.*

**3B-1.7** The County's Small-Scale Business and Rural Business designations are based on a third type of LAMIRD allowed under GMA. There are distinctions between the two designations: Small-Scale Business may be applied to a new use in the rural area, whereas a Rural Business must have existed on June 1, 1997. Both designations are consistent with RCW ~~306~~.70(A).070(5)(d)(iii) which permits:

- a) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.*
- b) Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(14).*

**3C-1.8** The community planning process is the preferred method to determine the sizes, configurations, uses, and development potentials specific to each Rural Village. As discussed in greater detail in Chapter 12, community plans draw upon the local knowledge, experience, and preferences of community residents, provided that such is consistent with the Growth Management Act, Countywide Planning Policies, and the Comprehensive Plan.

- a) Issues appropriate for consideration through a community plan include suitable land uses within the Rural Village, community infrastructure requirements, and development*



*standards and design guidelines to protect and retain important features valued by the community.*

- b) The outer boundaries of a Rural Villages shall only be amended through a community plan or through a ~~7-year~~ periodic state-mandated GMA Update, provided that the boundaries of the historic Rural Villages shall be defined predominantly by the built environment that existed on or before July 1, 1990.*
- c) Because Rural Villages are the preferred location for commercial uses in the Rural area, the establishment of new Rural Village Commercial designations within existing Rural Village boundaries may occur through the annual Comprehensive Plan amendment process, and is not required to occur through a community plan.*