



Skagit County Planning & Development Services

DALE PERNULA, AICP *Director*

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Supplemental Staff Report

To: Board of County Commissioners
From: Dale Pernula, AICP, Director
Date: November 18, 2015
Re: Annual Comprehensive Plan Amendments 2015 Docket

Background

Applicants submitted proposals for policy, code, and map amendments until the last business day in July. The Department released these proposals, along with its recommendations on docketing, for public comment on October 7. The Board held a public hearing on October 27 and set Tuesday, November 24 as its date for decision on docketing.

Please see the Department's [October 7 docketing memo](#) for a comprehensive explanation of the docketing process and the Department's detailed recommendations on each proposal.

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 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;
- (b) 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;
- (c) 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;
- (d) Some legal or procedural flaw of the proposal would prevent its legal implementation;
- (e) The proposal lacks sufficient information and/or adequate detail to review and assess whether or not the proposal meets the applicable Comprehensive Plan designation criteria.¹

¹ SCC 14.08.030(3)(e)(i) provides that "A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at any time necessary later in the process."

Requested Action

The Board of County Commissioners should decide to:

- **docket,**
- **defer, or**
- **exclude**

from the docket each of the proposals. Due to the once-per-year limit on updates to the Comprehensive Plan, items that are **docketed** will be integrated into the 2016 Update process. The Board could alternatively docket some other form of the proposal. Items that are **deferred** will go onto a trailing issues list and will be presented to the Board for consideration for docketing as part of the 2017 Comp Plan Amendments. Items that are **not docketed** will not move forward for any further review or consideration at this time. Map amendments, for which applicants had to pay a \$5000 application fee, are eligible for a partial refund if they are not docketed. After the Board indicates its preference, the Department will prepare a resolution formalizing the decision for a later consent agenda.

Supplemental Information on Map Amendments

Burlington UGA Expansion for Raspberry Ridge

The City of Burlington has not yet made a decision regarding whether it agrees to expand its UGA to include Raspberry Ridge and facilitate the connection of the Raspberry Ridge housing developments to sewer. The Department has been engaged in ongoing discussions with the City and the Housing Authority and expects to reach some conclusion to those discussions by the end of the year. The Department still recommends the Board docket the proposal; if the City reaches a negative decision, the Department will stop work on the proposal.

The State Health Department recently sent a letter reiterating its concern that Raspberry Ridge be connected to public sewer. More information is at www.skagitcounty.net/sfhrr.

Knutzen Bayview Ridge Expansion

As illustrated in the Department's [October 7 docketing memo](#), the proposed addition of the Knutzen parcels (60 acres), along with the subsequently requested inclusion of two Bouslog parcels (8.9 acres), would create an island of rural land (41 acres) wholly encircled by UGA. The Department has not researched whether that would even be legal, because it is a nonsensical result. The logical step would be to also include the rural island, for a total of about 111 acres added to the UGA. Since the docketing hearing, Kraig Knutzen has also requested his parcel P35394 (20 acres), abutting and east of the 60-acre Knutzen parcel, also be added, for a new total of 131 acres.

Integrating some or all of these parcels into the UGA would be much more than a simple map change; it would also require substantial rewrites to the Subarea Plan to justify the inclusion, plan for residential growth in the UGA, and ensure consistency between the map and policies. The Department spent much of 2013-4 doing the opposite—reformulating the plan to reflect an industrial UGA, holding required consultation with WSDOT Aviation and the airport, and holding community meetings.

Because this proposal would expand an urban growth area for additional residential development, the County also requires an urban growth allocation under Countywide Planning Policy 1.1, which sets the sizes of the various urban growth areas throughout the County. The GMA Steering Committee (made up of the cities and the county) have made recommendations for modifications to CPP 1.1 for the 2016 Update that provide no urban residential allocation to Bayview Ridge.

Some have suggested that the County could allocate some of its rural population to a non-municipal urban growth area expansion. The Department disagrees. CPP 1.1 is *the* policy that determines sizing of urban growth areas, and its text leaves no room for the rural population to be allocated to urban growth areas. Legal counsel has confirmed this interpretation.

The Department presented these proposals to the GMA Steering Committee on September 16, where it voted to reaffirm and retain its preliminary population forecast and allocations, with no urban residential allocation for non-municipal UGAs. Under the 2002 Framework Agreement, adoption of any change to the Countywide Planning Policies requires a majority vote of the GMA Steering Committee. The County cannot expand the Bayview Ridge UGA without (a) concurrence of the GMA Steering Committee, or (b) violation of its contractual obligations under the Framework Agreement.

The Department has identified other development options that the property owner could pursue under existing code without a comp plan amendment, and communicated those to the proponent, Roger Knutzen. For example, the property owner could do a 12-lot CaRD at the proponent's preference of one-to-three units per acre, clustered adjacent to the existing residential development, with reservation of the remaining property as open space that could be added to the UGA at a later time. Such a development would be difficult to achieve if the property is added to the UGA, because within a UGA, density must be at least four units per acre.

Skagit Partners New Standalone UGA

Much of the same analysis regarding urban growth allocations for Bayview Ridge applies to this proposal, which would create a new 1200-acre standalone UGA or fully contained community at Butler Hill around the Avalon Golf Course. The proposal initially asked for an urban residential allocation of 10,000 people; the proponent has since suggested that they could accept an allocation of 3,500 people. Regardless of the number, no urban residential allocation is planned for non-municipal UGAs in Skagit County.

The Department cannot reasonably process this proposal in time for adoption by July 2016, even with outside assistance. GMA, at RCW 36.70A.350, articulates a process whereby new fully contained communities may be approved outside established UGAs only if a county reserves a portion of the twenty-year population projection for FCCs. The new community reserve is then allocated on a project-by-project basis, only after specific project approval procedures have been adopted as a development regulation. Final approval of an application for a new fully contained community takes the form of an adopted amendment to the comprehensive plan designating the new fully contained community as an urban growth area. Challenges to the establishment of any new UGA are predictable from growth management interest groups and possibly Skagit cities or towns. The Department does not find it desirable to rush any such process to create a new standalone UGA, and finds success most likely if there is a clearly articulable need to develop such a large, new residential community.

In the alternative, as part of the 2016 Update, the Department could propose the addition of forward-looking language in the Comprehensive Plan that would envision locating any future needed fully contained community at Butler Hill at some later date, perhaps at the next Comprehensive Plan update cycle.

Information on Possible Additional Code Amendments

The Commissioners may want to consider adding the following two code amendments to the 2016 Update proposal.

Rural Business Code Amendment

The Department has recently spoken to the Commissioners about a potential amendment to the Rural Business zoning code, SCC 14.16.150, to permit additional expansion potential to natural resource-related businesses, such as agricultural implement dealers, designated Rural Business. The Rural Business zone allows limited expansion for existing, isolated businesses in the rural area. The expansion limits are tightly drawn to prevent existing rural businesses from expanding to an urban size and intensity. The proposed code amendment would explore the possibility of providing some additional expansion potential for natural resource-related businesses zoned Rural Business, recognizing that the Growth Management Act encourages and supports natural resource-related activities in the rural area. The amendment would not allow expansion of Rural Business uses onto adjacent Natural Resource Lands. This code amendment, depending on its scope, would likely require amendments to the Comprehensive Plan policies.

Proposed South Fidalgo Rural Residential Zone

Thirty four residents of South Fidalgo Island have signed and submitted a [petition](#) requesting creation of a new zone on South Fidalgo Island to replace the Rural Reserve zone. The new zone would be called the South Fidalgo Rural Residential (SFRR) zone. It would have the same density (under standard development) as Rural Reserve but would allow primarily residential uses, eliminating many of what the petition calls the “large variety of intense commercial uses” allowed in Rural Reserve. The new zone would also prohibit the use of CaRDs in the proposed zone which the petition says “are ineffective at preserving rural character [and] instead create lots that are much smaller than the size of Rural Intermediate lots.” (Presumably the petitioners would also support the elimination of CaRDS in Rural Resource-NRL, which is also present on Fidalgo Island, though the petition itself does not specifically say that.) The resident who submitted the petition wrote: “South Fidalgo residents are not in favor of increase in density, as it ruins the ‘rural character’ of South Fidalgo and our island aquifer can not [sic] handle more and more water wells.” This proposal would require amendments to the Comprehensive Plan.

Department Recommendations Summary

The “PDS” column indicates the Department’s recommendation. The “Achievable” column indicates whether the Department can reasonably add to its workload the integration of the proposal into the 2016 Comprehensive Plan Update (including additional amendments that would be required to ensure internal consistency) given the requirement to adopt that update by July 2016. For proposed policies, this would include not just the suggested policy language but also related Comprehensive Plan policy and code language that would need to be revised to implement the proposed policy.

PDS	#	Petitioner	Subject	Achievable
Policy Suggestions				
Defer	NC-1	Ellen Bynum	CaRD Reform	No
Docket	NC-2	Carol Ehlers	Maximum lot coverage in Rural Reserve	Yes
Exclude	NC-3	Carol Ehlers	Outdoor storage in Rural Reserve	Yes
Exclude	NC-4	Carol Ehlers	Prohibit mining near shorelines	Yes
Exclude	NC-5	Carol Ehlers	Prohibit activities in Category II aquifer recharge areas	Yes
Exclude	NC-6	Randy Good	Create standing CAC	Yes; but not for use in 2016 Update
Exclude	NC-7	Randy Good	No loss of agricultural land	No
Exclude	NC-8	Roger Mitchell	Create new geohazards checklist	Yes
Exclude	NC-9	Roger Mitchell	Require 3-year update on GIS maps	Yes
Exclude	NC-10	Roger Mitchell	Requirement to provide GIS maps	Yes
Exclude	NC-11	Roger Mitchell	Require good faith analysis of all impacts	Yes
Exclude	NC-12	Roger Mitchell	Create permanent Rural Advisory Board	Yes
Exclude	NC-13	Roger Mitchell	Declare water access a fundamental right	Yes
Exclude	NC-14	Roger Mitchell	Declare County will equitably distribute water	No
Exclude	NC-15	Ed Stauffer	Adopt 1990 Comprehensive Plan	No
Exclude	NC-16	Ed Stauffer	Review rural residential	No
Exclude	NC-17	Ed Stauffer	Identify source of amendments	Yes

PDS	#	Petitioner	Subject	Achievable
Map Amendments				
Docket	PL15-0363	Lake Erie Trucking	MRO Designation	Yes
Docket	PL15-0378	Concrete Concepts	Rural Village Commercial in Edison	Yes
Docket	PL15-0379	Edison Granary	Rural Village Commercial in Edison	Yes
Docket	PL13-0299	Sedro-Woolley	UGA Expansion	Yes
Exclude	PL15-0383	Skagit Partners	Create standalone UGA near Avalon Golf Course	No
Exclude	CP-1	County	Bayview Ridge UGA Expansion for Knutzen/Bouslog Parcels	No
Docket	CP-2	County	City of Burlington UGA Expansion	Yes
Department Code Amendments				
Docket	C-28.	County	Adopt revised AEO maps that subtract the underlying ground elevation.	Yes
Docket	C-29	County	Revise the table in SCC 14.16.210(3)(b) (Airport Environs Overlay, or AEO) to delete the maximum building size column.	Yes
Docket	C-30	County	Modification or elimination of some title notice requirements	Yes
Docket	C-31.	County	Clearly prohibit storage of junk except where expressly allowed by code	Yes
Docket	C-32	County	Clearly prohibit maintenance of recreational vehicles for more than six months	Yes
Docket	C-33	County	Delete zoning use matrix section from zoning chapter.	Yes