



Skagit County Planning & Development Services

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Memorandum on Docketing

To: Board of County Commissioners
From: Dale Pernula, AICP, Director
Date: October 7, 2015
Re: Annual Comprehensive Plan Amendments 2015 Docket

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Background

The Growth Management Act 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 our 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.

GMA also requires the County to accept suggestions for development regulation amendments. Although that process is not described in code, the Department has implemented it this year following the same process as for amendments to the Comprehensive Plan.

Process Summary

Briefly, SCC Chapter 14.08 provides that:

- 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.
- 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 petitions included in the docket move forward for SEPA analysis, legal review, and subsequent review by the public, Planning Commission, and the Board through the process described in SCC 14.08.080-090.

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. Similarly, a decision by the Board to exclude a petition terminates that petition without prejudice to the applicant or the proposal. The applicant may request a refund of the unused portion of any application fees, and may request the same or similar amendment be considered as part of a future amendment or review cycle.²

¹ RCW 36.70A.130(1)(a).

² SCC 14.08.030(4)(a) and (b).

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.³

Department Recommendation on Process

The general rule is that the Comprehensive Plan may not be amended more than once per year.⁴ Because the County is on track to complete a periodic update to the Comprehensive Plan before July 2016, any changes to the Comprehensive Plan during 2016 must be made concurrent with the Comprehensive Plan Update. The Board therefore has three options with respect to any proposal:

- 1. Add to the scope of the 2016 Comprehensive Plan Update;
- 2. Defer—
 - a. for a Comprehensive Plan map or policy amendment, defer to the 2017 annual Comprehensive Plan Amendments docket ;
 - b. for a development regulation suggestion, defer to fall 2016 or later;
- 3. Deny docketing.

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 (as warranted), and a recommendation. The full text of each petition is available on the 2015 Docket webpage at www.skagitcounty.net/planning (click on “Comprehensive Plan Amendments 2015 Docket”).

³ 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.”

⁴ RCW 36.70A.130(2)(a).

NC-1. Ellen Bynum: CaRD Reform

Summary

The petitioner suggests amending the Conservation and Reserve Developments (CaRD) policies and code to require: 1. CaRDs be allowed only in UGAs. 2. CaRDs have a cap that limits the scale of the development in relationship to the reserve land size. 3. CaRDs that exist currently in Skagit County have permanent easements on the reserved portion of the parcels which are NOT reserved for future development but instead provide permanent protection on that portion of the land.

Analysis

The Department agrees that the County's CaRD provisions should be reviewed, especially to ensure the original intent of clustered development, minimization of development footprint, and preservation of open space is being achieved. This has also been a recommendation resulting from Comprehensive Plan updates. But the appropriate level of analysis for that review is beyond what the Department can accomplish before the 2016 Update deadline. The Department believes some of the conclusions that the petitioner reaches (e.g., a cap that limits the scale of the development in relationship to the reserve land size) are likely valid, but some others (e.g., CaRDs should be allowed only in UGAs) are not consistent with the original intent of CaRDs and require significant analysis to determine if they are necessary.

Recommendation

The Department recommends the Board **exclude** this proposal **from** the 2016 Update and instead defer it or some other form of CaRD review to the 2017 docket.

NC-2. Carol Ehlers: Maximum lot coverage in Rural Reserve

Summary

The petitioner suggests amending the code to reduce the lot coverage maximum of 35% in Rural Reserve, Skagit County Code (SCC) 14.16.320(5)(g), to protect rural character and reduce impervious surface in conformance with new Department of Ecology stormwater requirements.

Analysis

According to the zoning code: "The purpose of the Rural Reserve district 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. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment and service opportunities for rural residents." (SCC 14.16.320(1)).

The proposal suggests that the 35% lot coverage maximum allowed in Rural Reserve is not consistent with the zone's purpose, not with the general protection of rural character or state requirements to reduce impervious surface so as to improve stormwater quality. In the definitions section, the code defines lot coverage as "the percent of area of a lot that may have buildings located thereon." The lot coverage maximum does not apply to or limit other conditions on the lot, such as pavement or crushed rock that can create additional impervious surfaces.

A 10-acre lot in Rural Reserve could potentially have up to 3.5 acres of building on the lot, or more than 150,000 square feet. This is roughly the same size as the Costco building in Burlington.

The Department agrees that this lot coverage maximum could allow buildings of a size inconsistent with the purpose of the Rural Reserve zone as described above, as well as generating large areas of impervious surface. Setting an impervious surface or building size maximum would help support the County's efforts to comply with its municipal stormwater (NPDES) permit. The proposal is also consistent with the direction provided in the Board of County Commissioners' resolution establishing the scope of the 2016 Update (Resolution R20140374) to "Consider the Comprehensive Plan's definition of rural character and corresponding codes regarding non-residential uses....in rural zones....specifically Rural Reserve...."

Among the options that could be considered is a sliding scale lot coverage limit, where the percentage of the lot allowed to be covered by buildings decreases as the size of the parcel increases.

Recommendation

The Department recommends the Board **include** this proposal in the docket.

NC-3. Carol Ehlers: Outdoor storage in Rural Reserve

Summary

The petitioner recommends changing "outdoor storage of processed and unprocessed natural materials" from an administrative special use to a hearing examiner special use in Rural Reserve, to be consistent with the County's Solid Waste Management Plan siting criteria for solid waste landfills.

Analysis

The code allows outdoor storage of materials in the Rural Reserve zone (SCC 14.16.320). The administrative special use is restricted to 500 cubic yards when the storage does not have a potential health hazard; and restricted to 50 cubic yards when it does. Greater storage in either category already requires a hearing examiner special use permit. Storage of hazardous materials is precluded from the entire zone. This provision of the code does *not* refer to, or allow, landfills. Landfills (which store much more than 500 cubic yards) are a "solid waste handling facility" which is regulated as an essential public facility under SCC 14.16.600. Changing the provisions of the Rural Reserve zone will not make the code any more consistent with the Solid Waste Management Plan.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-4. Carol Ehlers: Prohibit mining near shorelines

Summary

Amend Comprehensive Plan Chapter 6, Shoreline Master Program Element, Objective 14 and related policies regarding mining, to prohibit mining within 100' (200'?) of the shoreline of a fish bearing stream or lake, or where the mining silt will drain into such waters.

Analysis

Skagit County uses a Mineral Resource Overlay ("MRO") zone to identify areas where valuable minerals exist and to conserve mineral resource lands. Like all zones, the MRO zone is not mapped to stop at the edge of water bodies, which change their positions over time. The presence of the MRO does not automatically grant approval to mine. Instead, a proposal for a mining operation

within the MRO must obtain a hearing examiner special use permit subject to conditions and limitations to protect the environment. Other specific code provisions, for example, the Critical Areas Ordinance or the Shoreline Master Program, prevent damage to the water resource. Mining is specifically addressed by the Shoreline Master Program.

Moreover, the entire Shoreline Master Program is already included in the scope of the 2016 Update. The petitioner may participate in that process to address her concerns.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-5. Carol Ehlers: Prohibit activities in Category II aquifer recharge areas

Summary

Petitioner requests the County amend the Critical Areas Ordinance, SCC 14.24.320, aquifer recharge areas prohibited activities, by expanding the scope of the code provisions to Category II aquifer recharge areas.

Analysis

SCC 14.24.320 prohibits landfills and several other types of facilities in Category I aquifer recharge areas. Category I aquifer recharge areas are those areas that need protection due to a pre-existing land use, or because they are identified by the County, State, or Federal government as areas in need of aquifer protection. Category II aquifer recharge areas are all other areas. The effect of the petitioner’s proposal would be to prohibit these uses in the entire county.

The prohibited uses in Category I areas do not automatically allow the uses in areas zoned Category II. All such uses would also have to comply with the zoning code.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-6. Randy Good: Standing CAC

Summary

Petitioner requests to amend the Comprehensive Plan to create standing citizen committees to work with the Planning Commission on review and suggested changes to the Countywide Planning Policies, Comprehensive Plan and codes.

Analysis

Skagit County already has a Planning Commission to review changes to the Comprehensive Plan and development regulations. It is not clear what additional value a new citizen committee would add to the existing process. The Board has repeatedly turned down similar suggestions, most recently in the 2016 Update Scoping Resolution.

Skagit County has an existing code provision (SCC 14.08.070) that allows for CACs when necessary, e.g. for initial adoption of subarea plans. See also the Department response to NC-12.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-7. Randy Good: No loss of agricultural land

Summary

Petitioner requests the County amend the Comprehensive Plan to reflect the County's policy of no loss of agricultural lands.

Analysis

Skagit County does not have a "no loss" or even a "no net loss" of agricultural lands policy; instead, there are numerous Comprehensive Plan policies that say we should "minimize" the loss of agricultural lands. A "no loss" policy is impossible to achieve; a "no net loss" policy may be possible but requires significant thought about how it could be achieved. The petitioner's proposal does not contain any specific suggestions about how a no loss policy could be implemented other than implementing "ways to identify the amount of economic loss created by the loss of farmland, cumulative effects to the economy as well as the environmental."

Relatively recent amendments to the State Environmental Policy Act (SEPA) environmental checklist require project proponents and jurisdictions to: identify and take into account the adverse effects of proposed actions on the preservation and conservation of agricultural lands; consider alternative actions, as appropriate; and assure that such actions appropriately mitigate for unavoidable impacts to agricultural resources. Skagit County has updated the environmental checklist it uses accordingly. A proposed amendment to Countywide Planning Policy 1.1 advancing as part of the 2016 Update would call on the County and cities and towns to implement an annual land use monitoring program. Impacts on agricultural lands could be one of the items monitored through this annual process.

The Department understands that Skagitonians to Preserve Farmland may submit a more fully developed policy proposal regarding no net loss of agricultural lands for the next year's docket. The subject is worthy of additional consideration but also requires a more comprehensive proposal than has been submitted at this time. The Department does not have time or resources to further develop the proposal as part of the 2016 Update.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket at this time, which would not rule out the possibility of further consideration as part of a later docket.

NC-8. Roger Mitchell: Geohazards checklist

Summary

Petitioner requests the County amend SCC 14.06, Permit Procedures, to require a geohazards checklist similar to a SEPA (State Environmental Policy Act) checklist for every planning and permitting project proposal.

Analysis

The SEPA checklist already includes questions about geohazards, and almost all projects require critical areas review, which examines the site for geohazards. Adding a new geohazards checklist requirement would be duplicative. Update of the Critical Areas code is already part of the scope of the 2016 Update, and we will include some updates to the geohazard section.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-9. Roger Mitchell: 3-year update on GIS maps**Summary**

Petitioner proposes to require the County GIS Department to update all maps used for planning and permitting at least every three years.

Analysis

This is a suggestion for an administrative policy, not an amendment to the Comprehensive Plan or development regulations. The petitioner has not demonstrated or alleged that any County GIS mapping products are substantially out of date or require more frequent updates than they are currently receiving. The Board or Department may request that GIS generate updated maps when needed.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-10. Roger Mitchell: Requirement to provide GIS maps**Summary**

Petitioner proposes to amend SCC 14.06 to require the Department to provide applicants with all required, applicable, and most up-to-date versions of County GIS maps.

Analysis

The County makes the vast majority of County GIS Department mapping products available for free on the County's iMap web utility. Property owners and developers make heavy use of iMap and the County's other property information webpages in crafting their applications. The petitioner has not demonstrated why it is necessary or helpful to create an affirmative requirement for the Planning Department to provide applicants with (assumedly) paper versions of GIS maps.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-11. Roger Mitchell: Good faith analysis of all impacts**Summary**

Petitioner proposes to require the Department to perform a good faith analysis of the impacts of all County planning projects on a range of metrics including cost/ benefit, economic impacts, property tax impacts, sales tax impacts, increases or decreases in monitored inventories (e.g. acres of agricultural land, acres of forest land, acres of each land use designation, etc.), water usage, and changes to individual property rights.

Analysis

The Department believes that this petition refers to legislative proposals to update the Comprehensive Plan and development regulations, not permit-level project review.

The Department already provides detailed staff reports and conducts analysis under SEPA appropriate to the magnitude of the proposal and its potential impacts. The Board could require additional analysis by administratively directing the Department to perform it; such a change does not require a Comprehensive Plan amendment or development regulation. Many of the analyses requested by the petitioner, however, are not applicable or would be of very minor usefulness in most legislative proposals and would only serve to increase the staff time required to prepare a proposal.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-12. Roger Mitchell: Rural Advisory Board

Summary

Petitioner proposes to establish a permanent, nine-member Rural Advisory Board—analogueous to the Agriculture Advisory Board and the Forest Advisory Board—that reports to, and serves at the pleasure of, the Board of County Commissioners.

Analysis

It is not clear from the petition what the role of the proposed Rural Advisory Board would be, and because nearly all of unincorporated Skagit County is “rural,” it’s not clear what special responsibilities or duties such an advisory board would take on over the County’s other advisory boards.

For rural land use policy, the County has already established and uses a nine-member Planning Commission. (If the Board wishes to constrain membership of the Planning Commission to rural residents, it can do that by amending the code establishing the commission.) The Department sees no reason to duplicate the Planning Commission’s role, and the Board of County Commissioners has repeatedly rejected the suggestion to establish a parallel advisory committee for the 2016 Comprehensive Plan Update.

This petition fails all of the docketing criteria. A Comprehensive Plan Amendment is not required to implement the suggestion.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-13. Roger Mitchell: Water access

Summary

Petitioner proposes to amend the Rural Element of the Comprehensive Plan to state that water access for rural property owners is a fundamental right that needs to be protected and preserved.

Analysis

Including this language would be contrary to the Prior Appropriations Doctrine and state water law. The scope of the 2016 Update already includes updating the water goals and policies contained within the Utilities Profile and Element (Chapter 9). The Department will seek policy direction from the Board and legal guidance from the Prosecuting Attorney’s office in doing that update.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-14. Roger Mitchell: Water policies**Summary**

Petitioner proposes to amend the Comprehensive Plan to expressly state that, as a highest priority, the County will take all reasonable measures to protect and ensure equitable distribution of water resources for beneficial use by the citizens of Skagit County.

Analysis

The scope of the 2016 Update already includes updating the water goals and policies contained within the Utilities Profile and Element (Chapter 9). The County will work on developing updated language that better reflects the current situation and the County's goals going forward.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-15. Ed Stauffer: Adopt 1990 Comprehensive Plan**Summary**

Petitioner proposes the County re-adopt the County's Comprehensive Plan that was in place in 1990 as the County's "default plan" to serve in the event that the State Legislature repeals the Growth Management Act.

Analysis

There is no established mechanism for adopting a "default plan," nor is it clear that if the Legislature repealed the Growth Management Act that a "default plan" would be effective after the repeal, nor is it obvious that the County's existing Comprehensive Plan would be repealed by the effect of repeal of GMA, nor is the Department aware of any city or county that is concerned about the Legislature repealing GMA. Moreover, development is constrained by development regulations, not directly by the Comprehensive Plan. If somehow GMA is repealed or otherwise modified, the County can deal with the effects then, when they are known. This petition fails all of the docketing criteria.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-16. Ed Stauffer: Rural residential**Summary**

Petitioner proposes the County review the tasks required by RCW 36.70A for identifying land use areas, alleges that the County did not identify rural residential land uses existing prior to GMA, and proposes the County "complete" the required work of describing the unincorporated residential land uses legal prior to GMA.

Analysis

Skagit County's existing Comprehensive Plan has gone through many rounds of challenges to the Growth Management Hearings Board, including many modifications to comply with GMHB

directives regarding rural residential development. There are no outstanding GMA compliance issues and the existing plan is completely consistent with GMA. This petition fails all of the docketing criteria.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

NC-17. Ed Stauffer: Staff amendments

Summary

Petitioner proposes that the County amend the Comprehensive Plan to require all Comprehensive Plan amendments submitted by staff to cite the source of the proposal. Petitioner alleges that the GMA implementation process has been “heavily influenced by grants, consultants, and public private partnerships representing typically urban interests...”

Analysis

The Department regularly describes the statutory and other bases for Comprehensive Plan and development regulation amendments and updates. Map amendments are overwhelmingly requested by individual property owners, or by the Board of County Commissioners, and current practice requires the Board of County Commissioners to approve each of the Department’s legislative work items as part of its annual work program. It is not necessary to amend the Comprehensive Plan in order for the Board to direct staff to further explain proposed amendments, and the record does not support the narrative the Petitioner has crafted. This petition fails all of the docketing criteria.

Recommendation

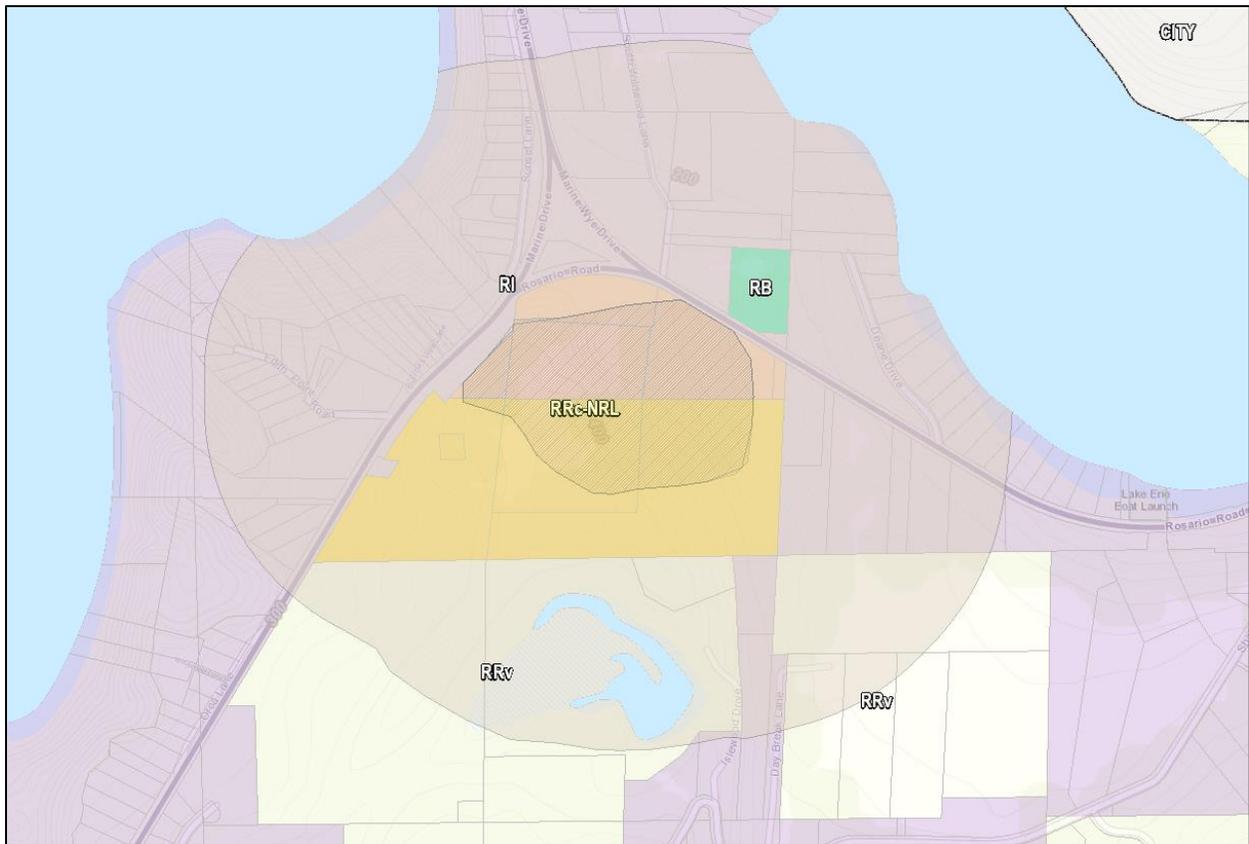
The Department recommends the Board **exclude** this proposal from the docket.

Petitions for Map Amendments

PL15-0363. Lake Erie Trucking: MRO designation

Summary

The proposal would expand the Mineral Resource Overlay (MRO) to the parcel boundaries of four parcels on Fidalgo Island (P19158, P90028, P19165, and P19164) currently designated Rural Resource-NRL and partially included in the MRO. The area currently included in the MRO is the Lake Erie Pit which is an existing sand and gravel mine. The size of proposed MRO expansion is approximately 23 acres. If the MRO expansion is approved, the property owner has indicated he will seek a special use permit from the County to expand the Lake Erie Pit on the added area.



Map of area with existing MRO, center, in cross-hatch; proposed expansion of MRO to entirety of parcels P19158, P90028, P19165, and P19164 highlighted in light orange

Analysis

The MRO designation policies (found in Comprehensive Plan Chapter 4, beginning on page 4-26) indicate that land may be designated MRO if it meets certain criteria in policy 4D-1.3 for the presence of mineral resources. Based on the submitted application materials, the subject parcels appear to meet those criteria.

The policies state that all land meeting the policy 4D-1.3 criteria shall be further evaluated based on additional criteria including the land use designation of, and existing residential densities on, the subject land and surrounding properties.

The subject parcels are designated Rural Resource-NRL, which is one of the land use designations that may be designated MRO per policy 4D-1.3 a) i). The residential densities on the subject land are less than one residence per 10 acres, which is also a requirement per policy 4D-1.3 a) iii).

The MRO designation policies then discuss surrounding land use densities:

Policy 4D-1.3 b) states:

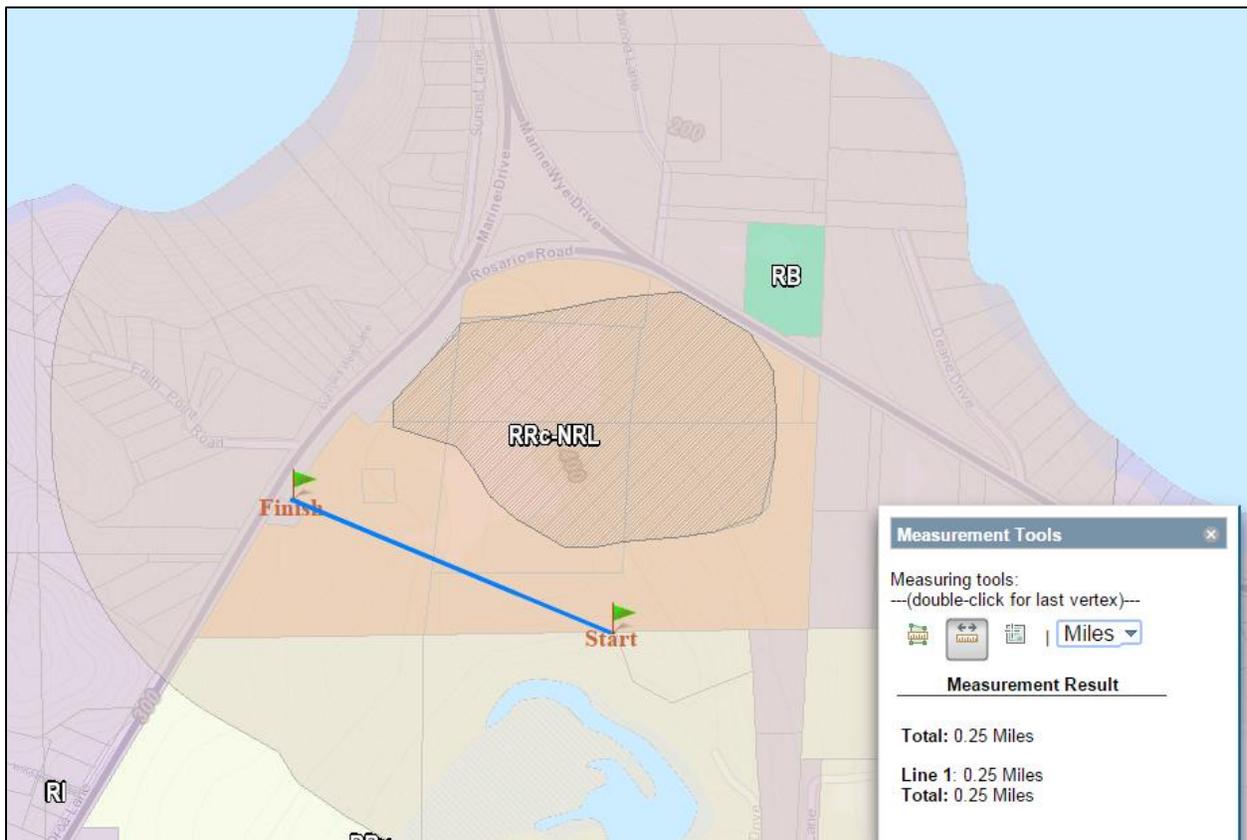
Appropriate surrounding land use zoning for MRO lands include: Industrial Forest, Secondary Forest, Rural Resource, Rural Reserve, Natural Resource Industrial and other industrial uses;

The land immediately south of the subject properties is designated Rural Reserve, consistent with this policy.

Policy 4D-1.3 d) states:

Designate MRO areas **¼ mile away from** Rural Villages, **Rural Intermediate**, and Urban Growth Areas, **except in limited cases where pre-existing MRO areas may be retained** to address unique economic circumstances or proximity to market. **(Bold emphasis added)**

The entire area proposed to be added to the MRO is within ¼ mile of land zoned Rural Intermediate to the east and west, as indicated by the below. This would appear to preclude the subject area from being added to the MRO. However, the policy also states an exception: “except in limited cases where pre-existing MRO areas may be retained....” This exception appears to be the reason that the existing MRO is there, in recognition of the pre-existing Lake Erie Pit, despite the fact that in some cases the existing MRO is immediately adjacent to Rural Intermediate zoning and in all cases is closer than ¼ mile.



Map illustrating ¼-mile scale; Rural Intermediate zoning (purple)

After the initial designation process, the policy is somewhat ambiguous as to whether *new* MRO areas that are extensions of *existing* mineral resource operations can also be designated MRO.

Because these matters are gray, rather than black or white, the Department recommends that the proposal move forward for full consideration as part of the docket. If docketed, one option that could be considered, in addition to approving or denying the full MRO expansion, would be to add the central portion of the requested area to the MRO, but not add the land closest to the Rural Intermediate areas on the west and east. This would help to protect existing residences from potential conflicts caused by mining activity on the expanded MRO.

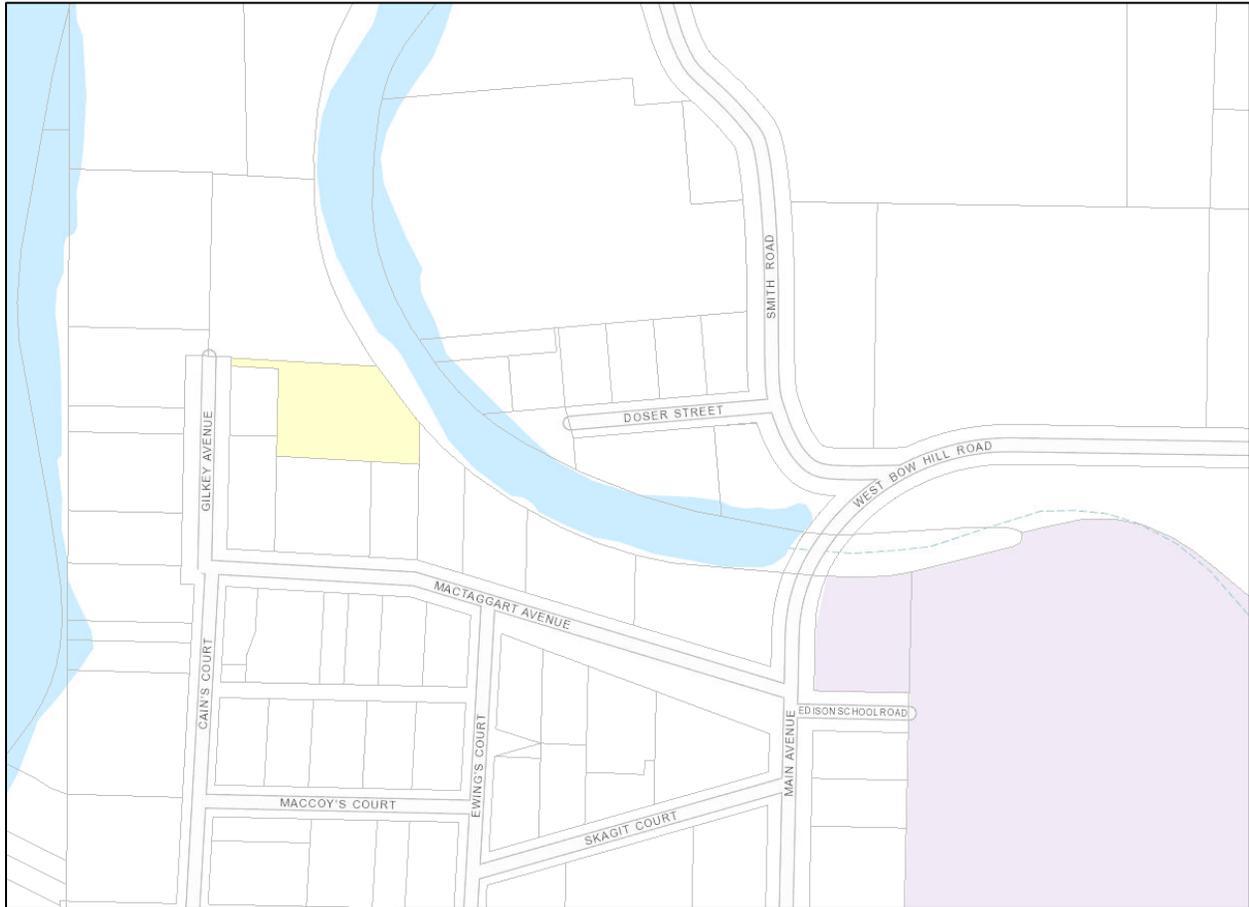
Recommendation

The Department recommends the Board **include** this proposal in the docket.

PL15-0378. Concrete Concepts & Design: Rural Village Commercial in Edison

Summary

Redesignate P72958 (0.5 acres) in the Edison Rural Village from Rural Village Residential to Rural Village Commercial (RVC), to allow small retail or services businesses permitted in that designation and zone. The parcel contains two metal buildings not intended for residential use and is adjacent to other parcels designated RVC.



Map of Edison with parcel P72958 highlighted in yellow

Analysis

The proposed map amendment is consistent with and addressed by the following comprehensive plan policies:

Rural Villages

- 3C-1.8 (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.

Rural Village Commercial (RVC)

- 3C-2.5** The Rural Village Commercial District provides for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries and to provide goods, services, and lodging for travelers and tourists to the rural area.

- 3C-2.6** Generally, there should be only one contiguous area designated Rural Village Commercial in each Rural Village. New uses should be clustered around the existing Rural Village Commercial district, unless the particular nature of the new use justifies an alternative location within the Rural Village.
- 3C-2.7** Typical uses in the Rural Village Commercial district include small retail and service businesses that primarily serve the needs of the surrounding population or support natural resource businesses and industries, art and performance galleries and studios, overnight lodging and related services for visitors to the rural area, and minor public uses.
- 3C-2.8** Maximum size limits for uses within the Rural Village Commercial district are intended to retain the rural character of the Rural Villages and are based on the size of existing commercial uses within the Rural Villages. A community plan may modify the dimensional standards for a particular Rural Village Commercial district, provided that the newly developed standards are consistent with existing commercial uses within that Rural Village.
- 3C-2.9** Land within a Rural Village may be redesignated to one of the other rural commercial or industrial designations, based on the appropriate land use designation criteria, and subject to a Rural Village community plan if one has been adopted.

Edison is served by a community septic system and drain field that has limited capacity to serve new development. The petitioner has been advised to talk to the Edison septic board about the system's ability to serve their possible use.

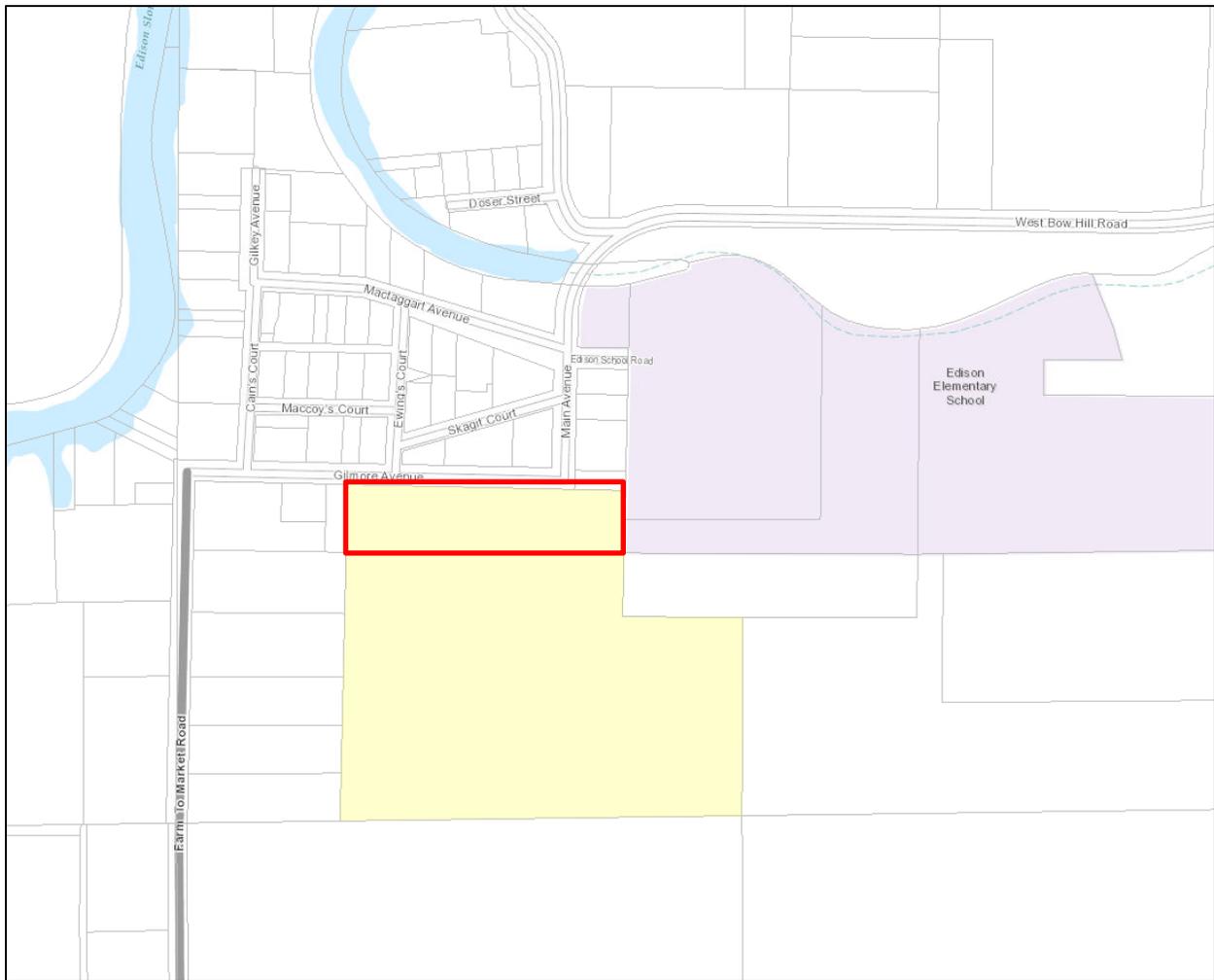
Recommendation

The Department recommends the Board **include** this proposal in the docket.

PL15-0379. Edison Granary: Rural Village Commercial in Edison

Summary

Redesignate portion of P48536 in the Edison Rural Village from Rural Village Residential to Rural Village Commercial. Applicant seeks to convert the existing granary building on site into a community events space, grange hall, and seasonal weekly farmers' market to support local producers and growers in the area. Parcel is adjacent to parcels zoned Rural Village Residential and Rural Business; southern portion of subject parcel zoned Ag-NRL is not proposed for change.



Map of Edison with parcel P48536 highlighted in yellow; proposed portion outlined in red

Analysis

The proposed map amendment is consistent with and addressed by the following comprehensive plan policies:

Rural Villages

- 3C-1.8** (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.

Rural Village Commercial (RVC)

- 3C-2.5** The Rural Village Commercial District provides for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries and to provide goods, services, and lodging for travelers and tourists to the rural area.
- 3C-2.6** Generally, there should be only one contiguous area designated Rural Village Commercial in each Rural Village. New uses should be clustered around the existing Rural Village Commercial district, unless the particular nature of the new use justifies an alternative location within the Rural Village.

- 3C-2.7** Typical uses in the Rural Village Commercial district include small retail and service businesses that primarily serve the needs of the surrounding population or support natural resource businesses and industries, art and performance galleries and studios, overnight lodging and related services for visitors to the rural area, and minor public uses.
- 3C-2.8** Maximum size limits for uses within the Rural Village Commercial district are intended to retain the rural character of the Rural Villages and are based on the size of existing commercial uses within the Rural Villages. A community plan may modify the dimensional standards for a particular Rural Village Commercial district, provided that the newly developed standards are consistent with existing commercial uses within that Rural Village.
- 3C-2.9** Land within a Rural Village may be redesignated to one of the other rural commercial or industrial designations, based on the appropriate land use designation criteria, and subject to a Rural Village community plan if one has been adopted.

Recommendation

The Department recommends the Board **include** this proposal in the docket.

Petitions for Urban Growth Area Boundary Amendments

PL13-0299. City of Sedro-Woolley UGA Expansion

Summary

The proposal seeks to add sufficient land to the Sedro-Woolley UGA to accommodate Sedro-Woolley's projected employment and population growth over the 20-year planning horizon (2016 to 2036), as allocated by the GMA Steering Committee.

The City's proposal would potentially add as much as 282 acres of land to the UGA to accommodate these projected needs. The exact amount and location of the acres to be added would depend on policy decisions regarding the zoning and use of land currently within the city limits that still need to be made by the Sedro-Woolley City Council. The proposal would potentially remove as much as 200 acres of land currently within the city's UGA that the city believes cannot be further developed at urban densities and intensities.

Docketing the proposal would allow the County, in coordination with the City of Sedro-Woolley, to determine how much of the proposed land should be added to the UGA, how much should be removed, and how the acreages should be allocated among residential, commercial/industrial, and public uses.

The City of Sedro-Woolley has commissioned a Buildable Land & Land Capacity Analysis Report (BLA Report), prepared by E.D. Hovee & Company following the requirements of Skagit County Code, to determine how much land is available for development within city limits and if there is adequate land to accommodate the 20-year projections. The BLA Report appears to show that the City does not have an adequate inventory of industrial, commercial, and residential land to accommodate the preliminary 20 year employment and population allocations approved by the GMA Steering Committee. Specifically, the BLA Report indicates the City needs to accommodate an additional 359 jobs and 128 residents beyond what the existing UGA can accommodate.

Analysis

The Board of County Commissioners added portions of an earlier Sedro-Woolley UGA amendment proposal, PL13-0299, to the County's 2013 and 2014 Comprehensive Plan Amendment dockets. As docketed by the Board, that proposal would add to the UGA:

- Approximately 28 acres located north of the current city limits and generally west of SR 9 for residential development;
- Approximately 11 acres of city-owned land in the southern portion of the city for use as a city drainage facility; and
- Approximately 4.3 acres of city-owned land west of Janicki Fields for public use.

The County has not yet acted on that earlier proposal as it was waiting for the city's buildable lands analysis necessary for consideration of the proposed residential acreage.

With this latest UGA amendment proposal, Sedro-Woolley has provided the more detailed analysis the County needs to move forward. Most significantly, this includes submission of a buildable lands analysis that explains how the proposed UGA expansion and modification would be consistent with the City's 20-year projected population and employment allocations.

On September 16, the GMA Steering Committee recommended that the Board of County Commissioners docket the current Sedro-Woolley UGA amendment proposal for further consideration.

Recommendation

The Department recommends that the Board **include** in the docket for concurrent consideration both the current UGA amendment proposal and those portions of the City's earlier UGA amendment proposal included in the 2014 docket.

City of Sedro-Woolley Proposed UGA Amendments 2016 Countywide UGA Review Cycle

Add approximately
232 acres
Green Area developable
Yellow Area County Pit

Add approximately 50 acres
(Green Area)

Remove approximately
200 acres
(Blue Area)

Legend

-  Urban Growth Area
-  City Limits
-  Streets
-  Streams
-  Parcels

Zoning Areas

ZONE

-  Central Business District
-  Industrial
-  Mixed Commercial (MC)
-  Open Space
-  Public
-  Residential-15
-  Residential-7
-  Residential-5
-  Transitional MC Overlay



PL15-0383. Skagit Partners: Create standalone UGA near Avalon Golf Course

Summary

The proposal seeks to redesignate approximately 1,200 acres of land bordered by Old Highway 99 on the west, Kelleher Rd. on the south, and F&S grade road on the west, to an unincorporated urban growth area (UGA). The land is currently zoned predominantly Rural Resource-NRL (RRc-NRL) with a Mineral Resource Overlay; as well as Rural Reserve (approximately 49 acres) and Ag-NRL (approximately 7 acres).

Approximately 600 acres of the site would be developed for residential use as well as a school, community center, parks and trails. The remainder would remain undeveloped and in open space. The proposal seeks an increase of 10,000 people to the proposed 20-year population allocation for Skagit County (from 155,452 to 165,452), with the entire increase allocated to the proposed Avalon UGA.

The proposal seeks an increase in the overall 20-year County population projection of 10,000 new residents, all of which would be allocated to Butler Hill.

Analysis

RCW 36.70A.350 provides for new fully contained communities to be developed independent from existing urban growth areas so long as:

- (a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.050;
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the new fully contained communities and adjacent urban development;
- (d) A mix of uses is provided to offer jobs, housing, and services to the residents of the new community;
- (e) Affordable housing is provided within the new community for a broad range of income levels;
- (f) Environmental protection has been addressed and provided for;
- (g) Development regulations are established to ensure urban growth will not occur in adjacent nonurban areas;
- (h) Provision is made to mitigate impacts on designated agricultural lands, forest lands, and mineral resource lands;
- (i) The plan for the new fully contained community is consistent with the development regulations established for the protection of critical areas by the county pursuant to RCW 36.70A.170.

RCW 36.70A.350 further provides that 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.

Skagit County does not currently have any development regulations or “specific project approval procedures” to guide the allocation of a community reserve. According to the statute such procedures would have to be developed and adopted before the County could then allocate a portion of the reserve to a new FCC, although other jurisdictions have allowed the development regulations and procedures to be developed in tandem with a FCC request.

In July 2014, the GMA Steering Committee approved preliminary population and employment forecasts and allocations to guide the County’s and municipalities’ 2016 Comprehensive Plan update processes. That population forecast and allocation did not anticipate the need for a new, non-municipal urban growth area and did not allocate any urban population for such a UGA.

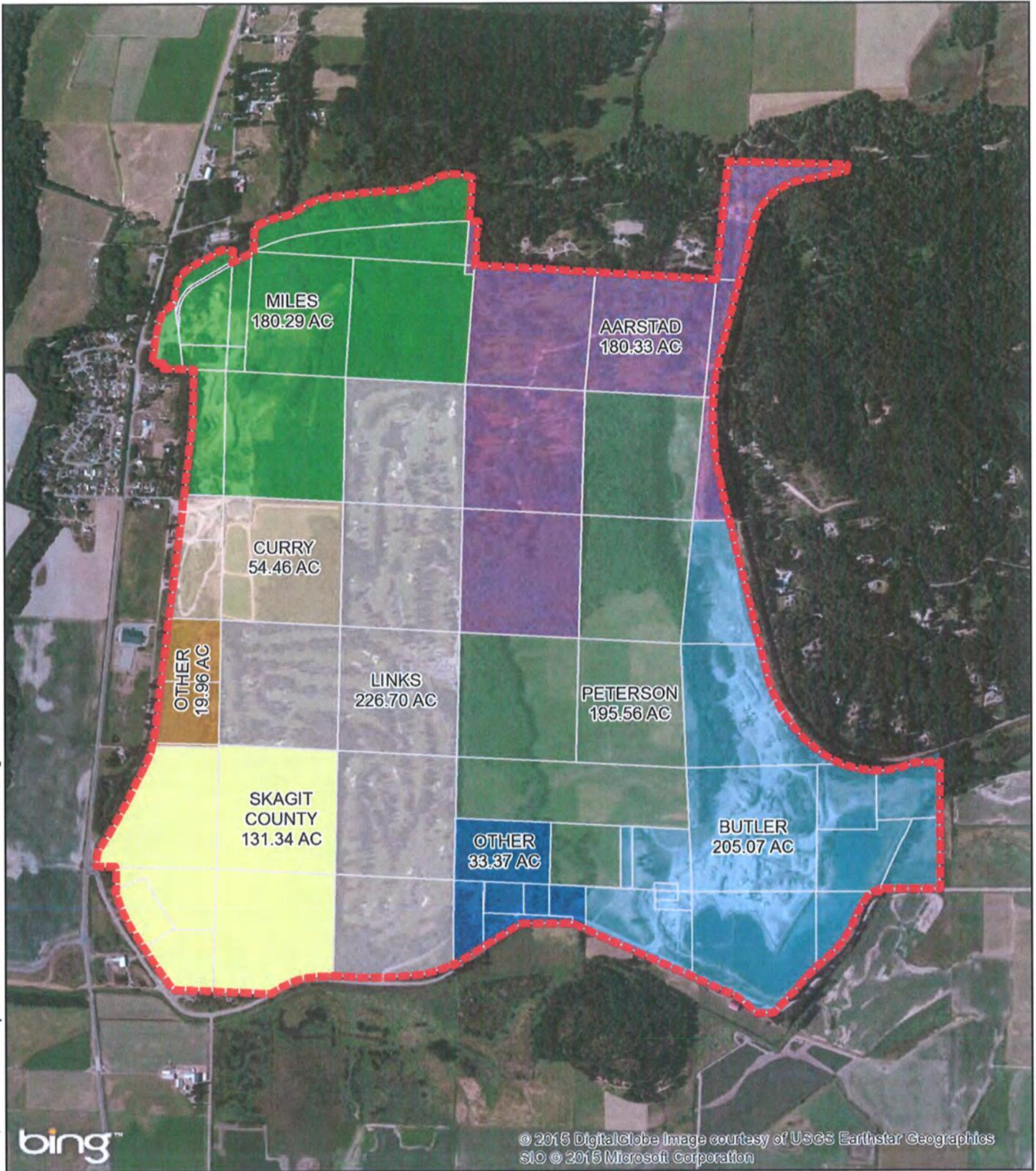
On September 16, the GMA Steering Committee voted to reaffirm and retain its preliminary population forecast and allocations, and therefore to recommend against docketing the Skagit Partners proposal for further consideration. The Department does not have time or resources to further develop the proposal as part of the 2016 Update.

Without a population allocation for a new urban growth area, further County action to consider this particular proposal would be inconsistent with the County’s Comprehensive Plan UGA designation policies, the Framework Agreement, the Countywide planning Policies, and the Growth Management Act.

Recommendation

The Department recommends the Board **exclude** this proposal from the docket.

Jul 29, 2015 10:34PM patrick I:\ESM-JOBS\1629\001\009\gis\GIS-002.mxd



Ownership Exhibit



Project Name: Avalon - Butler Hill
Data Source: Skagit County, Bing Maps



0 1,500



1 inch = 1,500 feet

Analysis

All of the parcels identified above were zoned Bayview Ridge Residential prior to last year, when Skagit County comprehensively revised the Bayview Ridge Subarea Plan to eliminate almost all undeveloped residential zoning from the UGA and rezone the remaining undeveloped acreage to industrial. A small portion in the south, bounded by the Country Club, remains. The GMA Steering Committee-approved preliminary allocation provides only a minimal residential allocation for Bayview Ridge (72 new residents) to accommodate for infill of existing residential zoning, with no allocation for new residential development.

On September 16, the GMA Steering Committee voted to reaffirm and retain its preliminary population forecast and allocations, and therefore to recommend against docketing the Bayview Ridge proposal. The Department does not have time or resources to further develop the proposal as part of the 2016 Update.

Without a population allocation supporting the addition of residential land to the Bayview Ridge UGA, further County action to consider this particular proposal would be inconsistent with the County's Comprehensive Plan UGA designation policies, the Framework Agreement, the Countywide planning Policies, and the Growth Management Act.

Recommendation

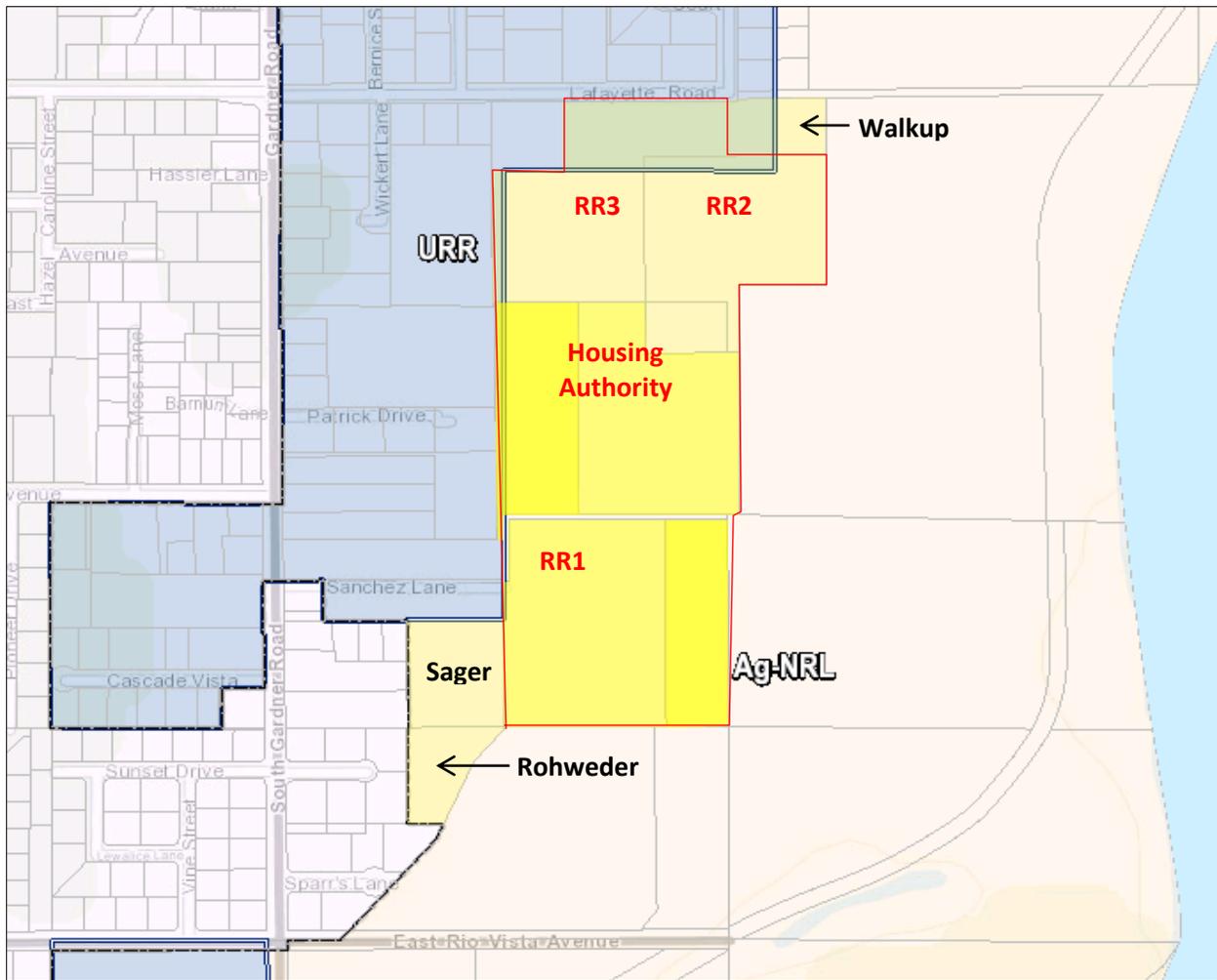
The Department recommends the Board **exclude** this proposal from the docket.

CP-2. City of Burlington UGA Expansion

The County has proposed expanding the Burlington UGA to take in the adjacent properties owned by the Skagit Housing Authority known as Raspberry Ridge bounded on the west by Gardner Road and the north by Lafayette Road (see map). To form a logical boundary, two southern parcels, owned by the Sagers (2.1 acres) and Rohweders (1.4 acres), and one northern parcel that is currently bisected by the UGA boundary (0.6 acres), might also be included.

The two existing Raspberry Ridge multifamily housing developments are served by septic systems. The State Department of Health sent a letter in January 2012 to the Housing Authority expressing its determination that the repeated failures of the septic systems and the poor soil conditions made it unlikely the systems could be permanently repaired and declaring it "necessary for RR1 and RR2 to connect to the Burlington sanitary sewer system to protect basic public health and safety and the environment." City officials have also expressed concern that river floods could sweep effluent outside the property boundaries.

The Housing Authority is currently pursuing a phase three housing development, and has secured an appropriation of \$625,000 from the State Legislature to extend sewer to these three projects. In order for the Housing Authority to use the appropriation, it must build phase three; in order for the City of Burlington to connect phase three to sewer, phase three needs to be inside the UGA.



Map of Proposed Burlington UGA Expansion; affected parcels in yellow highlight

The Burlington City Council has begun considering the proposal but has not yet endorsed it. The Mayor and City Administrator have indicated support for moving the proposal forward through the full review process so that the various issues and potential impacts can be considered. The County cannot ultimately approve a change to the Burlington UGA boundary without the Burlington City Council also formally approving that change.

Because the property is largely already developed, and Burlington has been provided a sizable new population allocation as part of the 2016 Update process, the proposal is consistent with the preliminary population allocation approved by the GMA Steering Committee in 2014.

At its September 16 meeting, the GMA Steering Committee recommended that the Board of County Commissioners include the Burlington UGA amendment proposal in the docket. The Department does have time and resources to further develop the proposal as part of the 2016 Update.

Recommendation

The Department also recommends that the Board **include** the Burlington UGA amendment proposal in the docket.

Additional Department-Recommended Code Amendments

Since the Board adopted the scope of the 2016 Comprehensive Plan Update (Resolution R20140374), the Department has identified several needed amendments to the development code in addition to the 27 identified in the resolution. The Department recommends the Board add the following amendments to the scope of the 2016 Update:

C-28. Adopt revised AEO maps that subtract the underlying ground elevation.

The maps that were adopted as part of the AEO update last year showed the elevations above mean sea level, which are not as useful for evaluating development applications as maps showing elevations from ground level. The GIS Department has generated new maps based on elevation data that are now available at www.skagitcounty.net/aeo. This is not a substantive change.

C-29. Revise the table in SCC 14.16.210(3)(b) (Airport Environs Overlay, or AEO) to delete the maximum building size column.

The Department has determined the building size limitation is a vestigial element of the AEO that has no basis in the Washington State Department of Transportation's airport compatibility guidelines and potentially interferes with beneficial industrial development at Bayview Ridge.

C-30. Modification or elimination of some title notice requirements.

The Department has identified that the need to obtain applicant signatures and notarizations on various title notices required by code is a significant obstacle to timely processing of permits, which is a high priority for the Board of County Commissioners. The Department is currently reviewing each title notice requirement and will propose to modify or eliminate those that have limited utility.

C-31. Clearly prohibit storage of junk except where expressly allowed by code.

The County zoning code, unlike some other zoning codes, does not contain a list of "prohibited uses" in each zone. Instead, it relies on the absence of a use from the list of permitted or special uses to indicate that the use is prohibited. While that approach is functional, it doesn't result in a single-sentence rule that can be clearly articulated in a code enforcement order; outdoor junk storage is a frequent subject of code enforcement. This code change would create a clear rule prohibiting such storage. This would be change for clarity, not a change in substantive effect.

C-32. Clearly prohibit maintenance of recreational vehicles for more than six months.

Similar to C-31, the code addresses the use of RVs in a roundabout way rather than through a clear rule. The rule on the length of time RVs can be present is contained within the definition of the word "temporary." The Department proposes to extract that rule from the definition and place it in a new, clearly articulated section governing RVs.

C-33. Delete zoning use matrix section from zoning chapter.

SCC 14.16.700 provides that a table showing the various uses allowed in each zone is available from the Department. The Department developed such a matrix in the past but has not been maintaining it. This section is not regulatory and should be deleted.

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 8½" x 11" paper to the address below:

Skagit County Planning & Development Services
re: Public Comments on CPA 2015 Docket
1800 Continental Place
Mount Vernon, WA 98273

All comments must be received by Thursday, October 29, 2015, at 4:30 p.m. and include (1) your full name, (2) your mailing address, and (3) the name of the proposal or project you are commenting on. Comments not meeting these requirements will not be considered.

You may also comment in person at the public hearing Tuesday, October 27, 2015, at 8:30 a.m. at the Commissioners Hearing Room, 1800 Continental Place, Mount Vernon. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

For More Information

Please visit the project website at www.skagitcounty.net/planning (click on "Comprehensive Plan Amendments 2015 Docket").