



# Skagit County Planning & Development Services

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## Establishing the Scope of Skagit County's 2016 Comprehensive Plan Update

TO: Interested Public  
FROM: Dale Pernula, AICP, Director  
DATE: October 8, 2014

Like other jurisdictions around the state, Skagit County is required to conduct a periodic review and update of its comprehensive plan and development regulations to ensure consistency with updated state laws and population and employment projections. Skagit County must complete this periodic update, referred to here as the 2016 Update, by June 30, 2016.

This memo describes the proposed scope for the 2016 Update. The Board of County Commissioners ("the Board") will take written comment and hold a public hearing on the proposed scope, then adopt the 2016 Update scope by resolution. The adopted scope will guide Planning & Development Services' ("the Department") and the Planning Commission's work on the update.

In prior discussions with the Department, the Board has expressed its support for the following process goals for the 2016 Update:

1. Keep the update scope focused on GMA requirements.
2. Use the Planning Commission as the 2016 Update Advisory Committee.
3. Provide adequate time and opportunities for public input.
4. Complete the process on time.

### **"Limited" Scope for 2016 Update**

Skagit County undertook an extensive review of its comprehensive plan, land use/zoning map, and development regulations in the last major periodic update process, the 2005 Update. This included a year's worth of work with a Board-appointed 2005 Update Advisory Committee; an extensive policy "audit" of each Comprehensive Plan element; review of Natural Resource Land map designations by the County's Agricultural and Forest Advisory Boards, and submission by members of the public of map amendment proposals at no cost.

Because of the magnitude of the review, it took the County two years past the 2005 deadline to complete the process. At the time, the Department had four long-range planners and the County received more than \$300,000 in grant funds from the state specifically for the update. Now the Department has one long-range planner and no state grant funds are available.

More recently, Skagit County undertook the Envision Skagit 2060 project which included extensive public outreach and engagement. Public input received through that process, together with the Envision Skagit Citizen Committee's recommendations, largely reinforce key goals and policies of the current Skagit County Comprehensive Plan, including:

- Encourage the majority of new population growth in cities and towns, which have the infrastructure and financial resources to provide urban services.
- Protect and sustain Skagit County's Natural Resource Lands and industries, and its environmental resources and open spaces, which contribute significantly to the County's economy and unique quality of life.
- Support rural communities and economies, maintain rural character, and discourage urban sprawl into rural lands.
- Address the housing and transportation needs of the current and future populations through sound regional planning; and
- Maintain a strong economy by ensuring adequate land for current and future industrial development at Bayview Ridge.

The Board of County Commissioners has indicated it is satisfied with the current Skagit County Comprehensive Plan, Land Use and Zoning Map, and Development Regulations. For this reason, and due to the limited staff and financial resources noted above, the Board has indicated its desire to keep the scope of the 2016 Update limited to those items requiring review as identified below, rather than adding additional discretionary items. The exception is two dozen proposed amendments to the development regulations that the Department has identified over the past several years as needing clarification to maintain internal consistency with the comprehensive plan and other code provisions and to ensure efficient and consistent processing and review of development permits. These are listed in Exhibit 2.

**By themselves, the items identified below that are required to maintain consistency with updated state laws and local circumstances (specifically population and employment projections), and to clarify existing provisions of code, represent a significant workload for the County, the Department, and the Planning Commission.**

## **Periodic Update Requirements**

The Washington State Growth Management Act (GMA) requires Skagit County to review and, if necessary, revise its comprehensive plan and development regulations periodically (RCW 36.70A.130(1)). The GMA states:

*...Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter...The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.*

More specifically, the GMA requires review of urban growth areas as follows (RCW 36.70A.130(3)):

*(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsection (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.*

*(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.*

According to RCW 36.70A.130(5)(b), Skagit County is required to complete its review and update of the comprehensive plan, development regulations and urban growth areas by June 30, 2016.

## **Comprehensive Plan**

Skagit County has identified the following Comprehensive Plan issues as requiring attention during the 2016 Update in order to 1) reflect updated population and employment projections and allocations, or 2) comply with changes in the Growth Management Act or other state statutes that have occurred since the County concluded its 2005 Update:

1. **Review and update the County's Transportation Systems Plan and Comprehensive Plan's Transportation Element.** The Skagit County Transportation Systems Plan was last updated in 2003. Required elements of the update include:
  - a. A forecast of traffic for at least 10 years, developed in coordination with the Skagit Council of Government's ("SCOG's") update of the regional transportation model and plan linked to population and employment and related land use assumptions through 2036.
  - b. A pedestrian and bicycle component, as required by RCW 36.70A.070(6)(a)(vii), (amended 2005) and WAC 365-196-430(2)(j). The County's current Transportation Systems Plan has a non-motorized component, and some related policies are included in the Comprehensive Plan's Transportation Element. The review will consider updating the Transportation Element policies to be consistent with the regional non-motorized transportation plan being developed by SCOG.
  - c. A multiyear financing plan based on needs identified in the Transportation Systems Plan and Comprehensive Plan Transportation Element, which serve as the basis for the County's six-year street, road or transit programs.

Additional components of the Transportation Systems Plan and Transportation Element may be revised, as needed, to maintain consistency with RCW 36.70A.070(6) and WAC 365-196-430.

The transportation update will involve coordination with the cities and towns, the Washington State Department of Transportation, and other governmental and quasi-governmental groups through the Skagit Council of Governments (SCOG).

2. **Consider urban planning approaches that increase physical activity.** The County did not address this requirement, added in 2005 per RCW 36.70A.070(1) and WAC 365-196-405 (2)(j), in the 2005 Update. The County will review and potentially add to existing policies that address this requirement, including:
  - a. Policy 2A-6.3: “Concentrate facilities and services within Urban Growth Areas, using urban design principles, to make them desirable places to live, work and play; increased the opportunities for walking and biking within the community....”
  - b. Also Comprehensive Plan goals and policies on non-motorized transportation, including Chapter 8, Goal A-6, and policies 8A-6.1—6.10.

As noted above, the Transportation Element update will include relevant policies from the regional non-motorized transportation plan being developed through SCOG.

3. **Review and update the County’s Housing Needs Assessment and Comprehensive Plan Housing Element** (RCW 36.70A.070(2)). This will include an updated inventory and analysis of existing and projected housing needs over the 20-year planning period (RCW 36.70A.070(2)(a) and WAC 365-196-410(2)(b) and (c)). Skagit County’s housing needs assessment was last updated in the early 1990s. The update will draw on work done by the Board of County Commissioner-appointed Skagit County Affordable Housing Advisory Committee and its interim report: *Building a Skagit County Housing Affordability Strategy*.

The review may also involve additional updates to the Housing Element as required to maintain consistency with RCW 36.70A.070(2)(b) and WAC 365-196-410(2)(a), and RCW 36.70A.540 and WAC 365-196-870.

4. **Update population and employment allocations.** The GMA Steering Committee has approved tentative population and employment projections and allocations for the 2016-2036 planning period (see Exhibit 1). Cities, towns and Skagit County will use the update process to determine whether they can accommodate their allocated population and employment within their existing urban growth areas. Ultimately Skagit County will adopt final projections and allocations for the cities, towns and the County into the Countywide Planning Policies.
5. **Review and modify urban growth area boundaries, if necessary** (RCW 36.70A.130(3)). One of the GMA periodic update requirements is for cities, towns, and counties to review urban growth areas and the densities permitted within them, to determine if they are able to accommodate the urban growth projected to occur in the county for the succeeding 20-year period (RCW 36.70A.110(2) and (6); RCW 36.70A.130; WAC 365-196-310.) Each jurisdiction, including Skagit County, will conduct its own analysis and planning to determine whether it is able to accommodate its population and employment allocations within its UGA. If any UGA revisions are necessary, those will be considered first by the applicable city or town, then by Skagit County.

The following policies related to urban growth areas also need to be updated:

- a. Urban growth area designation policies 2A-1.1—2A-1.5 need to be made consistent with RCW 36.70A.110(8) which prohibits urban growth area expansions into the 100-year floodplain except under limited circumstances.

- b. CP policy 2B-1.3 needs to be updated to reflect Skagit County's adoption of the *Skagit Countywide UGA Open Space Concept Plan* in 2009.
6. **Update land use and demographic data.** The County will also review the comprehensive plan to identify any land use and demographic data requiring updates. This will consist of a limited review that will not include proposed revisions to goals and policies unless already noted above.
7. **Integrate existing subarea plans, Skagit County Parks and Recreation plan, and Capital Facilities Plan as chapters in the comprehensive plan,** and consolidate the capital facilities components of each into the Comprehensive Plan's Capital Facilities chapter.

## Land Use/Zoning Map

The County does not anticipate initiating its own amendments to the Skagit County Comprehensive Land Use/Zoning Map through the 2016 Update, other than possible UGA boundary modifications as noted above.

There is one more Comprehensive Plan Amendment docketing cycle that will occur before the deadline for the 2016 Update. Members of the public may submit map amendment proposals through the annual comprehensive plan amendment procedures described in SCC 14.08.020 (including fees for site-specific map amendments). The deadline for those submissions as established by code is July 31, 2015.

If map amendment proposals are received by that time, the Board of County Commissioners may consider moving any docketed amendments forward through a stand-alone 2015 Comprehensive Plan Amendment docket or adding them to the 2016 Update docket. In either case, final action on any amendments submitted by July 31, 2015 would likely occur at the same time as final action on the 2016 Update, as the County may only amend its comprehensive plan once per year. Adding map amendments to the 2016 Update docket would only be prudent if review of those amendments can be done consistent with the 2016 Update schedule and deadline of June 30, 2016. Alternatively the Board may decide that consideration of map amendments is not timely or feasible until after the 2016 Update is completed.

## Development Regulations

The Department has determined that the following development regulations require review and possible revision through the 2016 Update. Most of these are required for purposes of consistency with state laws that have changed since the County adopted its 2005 Update.

1. **Implement forest practice regulations related to the transfer of jurisdiction over conversion-related forest practices from DNR to local governments** (RCW 36.70A.570 and RCW 76.09.240, both amended in 2007 and 2010). For counties planning under the GMA, if more than 25 Class IV applications have been filed with the DNR between certain dates, then the county and the cities within it are required to adopt forest practices approval ordinances. This review will also consider implementation of the "Rural Forestry Initiative" concept proposed by the Forest Advisory Board if that has not already been completed.

2. **Review of the critical areas ordinance and best available science** (RCW 36.70A.130(1)(c), updated in 2010). State law requires that jurisdictions consider the best available science (BAS) in developing policies and development regulations to protect the functions and values of critical areas. Skagit County is required to review the critical areas ordinance (which underwent a significant update in 2008) and any recent developments in best available science as part of this 2016 update. Relevant Comprehensive Plan policies will also be reviewed. Because of the County's enrollment in the Voluntary Stewardship Program, updating to the Ag-Critical Areas Ordinance (SCC 14.24.120) does not appear to be necessary, although that could be affected by legislation in the next State legislative session.
3. **Implement development regulations to allow battery charging stations and other "electric vehicle infrastructure"** (RCW 36.70A.695, new in 2009). These uses must be allowed in all areas except those zoned for residential or resource use or critical areas.
4. **Amend Skagit County Code (SCC) 14.18.100(6)(b) regarding preliminary subdivision approvals.** This needs to be made consistent with time limits established in RCW 58.17.
5. **Amend SCC 14.30.080 and .090 regarding the timeframe for expending or encumbering impact fees.** These code provisions need to be made consistent with RCW 82.02.070 and RCW 82.02.080 and WAC 365-196-850, amended in 2011.

The County will also propose a limited number of amendments to Skagit County Code. These will consist of clarifying amendments that Planning & Development Services has compiled over the last several years but has not had time or resources to update previously. See Exhibit 2 for details.

## **Additional Items**

Several other code provisions must be adopted by the 2016 Update deadline and are already moving forward as separate planning projects. If any of these projects fall behind their current schedules, they may be incorporated into the 2016 Update with the goal of adopting them with the remainder of the 2016 Update proposal by the June 30, 2016, deadline.

1. **Code amendments related to Skagit County's 2012 Municipal Stormwater Permit.** Implementing the County's stormwater permit requires adoption of code changes to facilitate, and in some cases require, Low Impact Development (LID) techniques to manage stormwater. Many of these methods are defined and allowed in the Department of Ecology's 2012 Stormwater Management Manual. This project is currently on schedule for completion in 2015.
2. **Skagit County Shoreline Master Program Update.** Skagit County (along with every other city and county in the state) is working on updating its shoreline regulations. In 2003, the state Legislature established funding, timelines, and guidelines requiring all cities and counties to update their local Shoreline Master Programs prepared under the Washington State Shoreline Management Act.

Through the 2016 Update, the County must ensure that its zoning is consistent with Shoreline Master Program environment designations and that protection of critical areas in shorelines is accomplished through the Shoreline Master Program. The Shoreline Master Program update will also result in identification of a Skagit River channel migration zone.

## Public Participation

Per RCW 36.70A.130(2), Skagit County is required to have, and does have, a public participation program consistent with RCW 36.70A.035 and 36.70A.140 establishing procedures and schedules for comprehensive plan updates and amendments. Skagit County's public participation program, found at SCC 14.08.070, and other legislative procedures described in SCC 14.08, will guide the public process for the 2016 Update. These code provisions establish the following major steps the County will follow for the 2016 Update:

- Initiation of review of amendments (SCC 14.08.030)
- State Environmental Policy Act (SEPA) Review (SCC 14.08.040)
- Public notification (SCC 14.08.070(9) and (10))
- Public participation (SCC 14.08.070(11))
- Review by Planning Commission (SCC 14.08.080), and
- Review and decision by Board of County Commissioners (SCC 14.08.090)

The Board of County Commissioners has indicated that the Skagit County Planning Commission will serve as the County's 2016 Update Advisory Committee, assisting the Department in the development of the 2016 Update proposal. This will maximize efficiency of both time and resources and will help to ensure that the Planning Commission has ample opportunity to vet major elements of the 2016 Update proposal before it is released for public review and comment.

As part of developing the proposal, the Department will hold work sessions with the Planning Commission on major topics being considered through the 2016 Update. The Department and the Planning Commission will take input from members of the public as part of these work session. Work sessions providing an opportunity for public input will be held on the following major topics:

- Updates to the Transportation Systems Plan and Transportation Element.
- Consideration of urban planning approaches that increase physical activity.
- Updates to the Housing Needs Assessment and the Comprehensive Plan's Housing Element
- Population and employment forecasts and allocations.
- Reviews of urban growth boundary amendments, if any are proposed.
- Development of forest practice regulations related to the transfer of conversion-related forest practices from DNR to Skagit County.
- Consideration of other proposed amendments to Skagit County Code.

In consultation with the Board of County Commissioners and the Planning Commission Chair, the Department may schedule additional public work sessions as needed.

The entire 2016 Update proposal will be available for public review and comment per the provisions and requirements of SCC 14.08 cited above.

The Department has launched a 2016 Update webpage that can be found at:  
[www.skagitcounty.net/2016update](http://www.skagitcounty.net/2016update).

## Exhibit 1: Preliminary population and employment projections and allocations approved by the GMA Steering Committee on July 31, 2014

Urban Growth Areas	2036 Initial Population Allocations	2015 – 2036 Forecast Population Growth	2015 – 2036 Forecast Population Growth Percent	2036 Initial Employment Allocations	2015 – 2036 Forecast Employment Growth	2015 – 2036 Forecast Employment Growth Percent
Anacortes	22,293	5,895	16.5%	10,480	2,076	13.0%
Burlington	14,272	3,808	10.7%	13,412	3,516	22.0%
Mount Vernon	47,403	12,434	34.8%	21,288	4,785	29.9%
Sedro-Woolley	17,069	4,555	12.7%	6,324	1,572	9.8%
Concrete	1,193	320	0.9%	467	109	0.7%
Hamilton	427	114	0.3%	288	66	0.4%
La Conner	1,226	329	0.9%	1,420	329	2.1%
Lyman	605	162	0.5%	38	9	0.1%
Bayview Ridge	1,883	72	0.2%	3,455	1,799	11.2%
Swinomish	3,416	912	2.6%	1,247	290	1.8%
<b>UGAs Subtotal</b>	<b>109,787</b>	<b>28,601</b>	<b>80%</b>	<b>58,419</b>	<b>14,551</b>	<b>91%</b>
<b>Rural (outside UGAs)</b>	<b>45,665</b>	<b>7,150</b>	<b>20.0%</b>	<b>9,343</b>	<b>1,447</b>	<b>9.0%</b>
<b>Grand Total</b>	<b>155,452</b>	<b>35,751</b>	<b>100%</b>	<b>67,762</b>	<b>15,998</b>	<b>100%</b>

Notes: the figures for cities and towns include their associated UGAs. Washington State projections used in employment growth forecast are for non-farm jobs and exclude proprietors, self-employed, unpaid family or volunteer workers, farm workers, and domestic workers.

Sources: BERK Consulting 2014; Skagit Council of Governments 2014



## Exhibit 2: List of proposed amendments to Skagit County Code (SCC)

Description of Proposed Code Amendments	
1.	<b>SCC 14.02.050 Vesting of applications.</b> Consider amendments to ensure vesting provisions are consistent with state law and internally consistent with SCC 14.06, Permit Procedures.
2.	<b>SCC 14.08.020(3) Petitions for Comprehensive Plan amendments and/or rezones.</b> Restructure for easier understanding in an outline or table format. Reword language regarding 7-year state-mandated GMA update since the frequency of these updates is subject to change by the state legislature.
3.	<b>SCC 14.08.020(5) Timing and procedures for UGA boundary amendments.</b> Reword language regarding 7-year state-mandated GMA update since the frequency of these updates is subject to change by the state legislature. Clarify that urban growth area (UGA) boundary amendments are due by same deadline as all other annual Comprehensive Plan amendments, and may only be submitted by the jurisdiction (county, city, town or tribe) whose UGA is proposed to be modified.
4.	<b>SCC 14.08.020(7)(c)(iii) Comprehensive Plan amendments/rezones to a commercial or industrial zone.</b> Remove requirement that development projects must be commenced within 2 years of redesignation/rezone or the commercial/industrial designation will be removed. Does not account for economic downturns and that amendment/rezone process is sufficiently rigorous that map changes should be long-term.
5.	<b>SCC 14.08.020(7)(b)(i), Submittal requirements for rezones within a UGA.</b> Clarify that petitions for rezones within a UGA or associated with a UGA expansion proposal are not required to include a detailed development proposal.
6.	<b>SCC 14.16.420(2)(o) and (q), SF-NRL permitted uses.</b> Clarify distinction between (o) water diversion structure and impoundments, and (q) watershed management not including water diversion structures and impoundments.
7.	<b>SCC 14.16.100(2)(w)(ix)(K), Alger Rural Village Commercial.</b> Remove “tasting rooms” from list of permitted uses. Tasting rooms are already allowed under (ix) Small retail and service businesses. Listing of tasting rooms is an oversight from a previous effort to remove the term from all zones where it’s already permitted as an agricultural accessory use or a small retail use.
8.	<b>SCC 14.18.300 Conservation and Reserve Developments (CaRDs).</b> Clarify that transfers through a CaRD of development rights from a higher density zone to a lower density zone are not permitted.
9.	<b>SCC 14.16.600(3), Unclassified use permits.</b> Revise reviewing authority for unclassified use permits from the Planning Commission to the Hearing Examiner. In most jurisdictions these are handled by the Hearing Examiner because they are project related not legislative matters. Also clarify essential public facilities siting process within SCC 14.16.600.
10.	<b>SCC 14.16.720, Personal wireless services facilities.</b> Amend code to reflect changes in federal law regarding permitting of “eligible facilities requests,” i.e. certain limited modifications to existing wireless facilities.
11.	<b>SCC 14.38.030, Natural Resource Land disclosure mailing.</b> Remove section (1)(a) requiring Skagit County to mail disclosure statement every 3 years to all landowners whose parcel(s) lie within 500 feet of an area designated as a Natural Resource Land.
12.	<b>SCC 14.38.030(1)(b) Natural Resource Land disclosure recording.</b> Modify so that upon transfer of real property by sale, exchange or other means, the <i>buyer</i> shall be required to sign and record with the County Auditor a statement containing the Natural Resource Land disclosure language set forth in <b>SCC</b>

<p><b>14.38.030(2).</b></p>
<p>13. <b>SCC 14.16.870, Notification of development activities on or adjacent to designated Natural Resource Lands.</b> Remove current requirement that applicant for a development permit record a title notice regarding the parcel’s proximity to designated Natural Resource Land. Recording of signed notice more effective and appropriate at time of property sale or transfer, per item number 12 above.</p>
<p>14. <b>SCC 14.16.430(4)(g), mineral resource extraction in Rural Resource-NRL.</b> Make language consistent with SCC 14.16.410(5)(d), Industrial Forest-NRL, and SCC 14.16.420(4)(d), Secondary Forest-NRL, by adding “pursuant to SCC 14.16.440, Mineral Resource Overlay” to SCC 14.16.430(4)(g), Rural Resource-NRL.</p>
<p>15. <b>Fueling stations:</b> Make use descriptions for fueling stations consistent across zones in all relevant sections of code.</p>
<p>16. <b>SCC 14.16.195, Urban Reserve Commercial-Industrial, and SCC 14.16.200, Aviation Related.</b> Move temporary events from administrative special use to permitted use.</p>
<p>17. <b>SCC 14.12.210, SEPA administrative appeals.</b> Remove administrative appeals for project-level SEPA.</p>
<p>18. <b>SCC 14.10, Variances, and SCC 14.16.810(4), Administrative Reduction of Setbacks.</b> Amend the variance and administrative reduction of setbacks sections to clarify applicable criteria for granting a reduction in setbacks.</p>
<p>19. <b>SCC 14.16.730 and SCC 14.16.900, Home Based Business.</b> Place all Home Based Business code provisions in one section of code for ease of use.</p>
<p>20. <b>SCC 14.16.730(2)(b), Home Based Business 1.</b> Clarify that the business activity may be conducted in buildings other than the dwelling, provided that the size of such use does not exceed 25% of the living area of the dwelling unit.</p>
<p>21. <b>SCC 14.04.020, Definitions.</b> Modify the definition of “Setback” to allow 8 foot high fences in commercial and industrial zones, compared to the existing 6 foot height in other zones.</p>
<p>22. <b>SCC 14.04.020, “Adult group care facility” definition.</b> Amend definition to remove “as a nursing home” so that it is inclusive of other types of state-regulated facilities, including assisted living facilities.</p>
<p>23. <b>SCC Chapter 14.28, Concurrency.</b> Includes Levels of Service (LOS) that need to be replaced with references to the LOS in the Comprehensive Plan Capital Facilities Element so that all LOS are in one place. The timeline in SCC 14.28.110 for special purpose districts to submit capital facilities data to the County is not being followed and needs to be adjusted to make it easier for those agencies to comply. Superfluous definitions and Appendix 1 which doesn't have a section number need to be removed.</p>
<p>24. <b>SCC 14.28, Concurrency.</b> Adopt code provisions to accommodate latecomer agreements consistent with recent changes to RCW 35.91</p>
<p>25. <b>Other amendments to code, as needed,</b> to maintain consistency with Comprehensive Plan policies that may change through the 2016 Update process.</p>