



Planning & Development Services

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Memorandum

To: Board of County Commissioners
From: Dale Pernula, AICP, Director
Re: 2016 Comprehensive Plan Update
Date: June 3, 2016

Background

Work on the state-required Comprehensive Plan Update began in 2014. This included discussions with the cities and towns on updated population and employment forecasts; identification of new state laws that the Comprehensive Plan and development regulations must comply with; and the conduct of a public hearing before the Board of County Commissioners to help the County determine the scope of the 2016 Update.

Major work with the Planning Commission started in early 2015 under the guidance of Board of County Commissioner [Resolution R20140374 Establishing the Scope of the 2016 Comprehensive Plan Update](#) (December 16, 2014). Planning and Development Services (“the Department”) held four major workshops with the Planning Commission and public, focusing on the Comprehensive Plan’s Housing, Transportation, and Rural elements, and on proposed amendments to the development regulations. The Department and Planning Commission also held four community meetings seeking general public input on the update, on Fidalgo Island, Concrete, Big Lake, and Edison. In January 2016, the Department and Planning Commission held a workshop on proposed population and employment allocations and UGA modification proposals; and revisited proposed changes to the Transportation Element (including a draft of the Transportation Technical Appendix) and Rural Element in February 2016.

Based on significant input from the Planning Commission and the public, the Department released the 2016 Comprehensive Plan Update proposal for public review and comment on March 3rd. A 42-day public comment period ran through April 14, and included a public hearing on April 5. After reviewing the public comments, the Planning Commission met four times to deliberate on the proposal, completing its work and its recorded motion on May 31.

The Planning Commission’s recorded motion is being formally transmitted to the Board of County Commissioners with this memo. The Board will meet on June 7th to consider the recorded motion and whether to hold an additional written comment period or public hearing. Time is scheduled during the day on Tuesday, June 21 if the Board decides to hold a public hearing, although some members of the public have requested an evening hearing. Only a written comment period is also an option.

The Board is scheduled to take final action to adopt the 2016 Comprehensive Plan Update on June 30, just ahead of the statutory deadline.

The most contentious issue addressed in the Planning Commission's deliberations was the proposed inclusion of 11 non-motorized transportation projects in the Transportation Technical Appendix, which is part of the Comprehensive Plan's Transportation Element. After initially recommending removal of all non-motorized projects, the Planning Commission asked the Planning, Public Works, and Parks Departments for additional information on the origins and details of those projects. At its next meeting, the Planning Commission recommended inclusion of 9 non-motorized projects in the Transportation Technical Appendix, 3 of which are identified as studies. The Planning Commission also made several suggestions regarding the process for placing transportation projects on the County's 20-year plan, as further described in its recorded motion.

Summary of Planning Commission's Recorded Motion

The Planning Commission's Recorded Motion generally supports the proposal as released, with 38 recommendations that represent relatively minor revisions and primarily implement changes requested by public comments. Some of the Planning Commission recommendations would revert proposed policy or code changes to the status quo. The Department applauds the Planning Commission for its thoughtful consideration of the proposal and public comment as reflected in its Recorded Motion. The Department has no significant objections to the Planning Commission's recommendations on the proposal, although the Department does recommend some minor refinements.

The Planning Commission also included "additional recommendations" in its Recorded Motion that are not directly related to the proposal.

Requested Board Action

The Department will present the Recorded Motion and this memo to the Board on Tuesday, June 7, at which time we request direction on the following items:

1. **What should be included in the final proposal?** The Planning Commission ("PC") has received public comment, deliberated, and issued its recommendation in the form of a Recorded Motion (attached). Consistent with RCW 36.70.040, the Planning Department has considered the PC recommendation and has made additional recommendations that are included below in this memo.
2. **What additional process does the Board want for the final proposal?** Unless the Board wants to simply adopt the Department's March 3 proposal with no substantial modifications, the County needs to take additional public comment on the final proposal. It may do that with a public hearing and written comment period, or just a written comment period. The Department recommends the latter. The written comment period could begin on June 9 and continue until June 23.

Department Recommendation

The Department recommends that the Board instruct the Department to do the following. Brief explanations follow the list below.

1. Generate a new draft of the proposal for public comment.
2. Incorporate Recommendations 1-38 of the Planning Commission's recorded motion with a modification to Recommendation 11.
3. Modify proposed policy 2B-1.3 to indicate Skagit County's intent to continue cooperating with local partners to identify and protect open space corridors consistent with the GMA requirements.
4. Include a provision allowing administrative variances to address up to 100% of bulk and dimensional standards.
5. Include a provision allowing for administrative variances of height limits and setbacks within the Guemes Island Overlay.
6. Schedule and advertise a two-week written comment period between June 9 and June 23.
7. Schedule final Board review on Tuesday, June 28, and final Board action on Thursday, June 30.

Open Space

In its scoping memo, the Board directed the Department to update policy 2B-1.3, in which the County promised to generate an open space plan by December 1, 2007, which has been completed, and was required to resolve a GMA compliance issue. The Department proposed a policy that said to implement that open space plan; the Planning Commission recommended that the policy be deleted. As an alternative, the Department recommends that the Board include a revised policy that would not reference the open space plan at all, but instead simply reference the GMA directive to "identify open space corridors within and between urban growth areas."¹ The specific text would read:

Consistent with RCW 36.70A.160, Skagit County should continue to work with its partners— partner governments, organizations, residents and property owners—to identify, prioritize, and conserve open space corridors within and between urban growth areas, including lands useful for recreation, wildlife habitat, trails, and connection of critical areas.

Administrative Variances

The Department proposes the Board make two tweaks to the proposal's rewrite of the variance code. These issues were not considered by the Planning Commission.

¹ RCW 36.70A.160

1. The proposal includes a rewrite of the administrative variance code to address inconsistencies that have arisen over time in the way the code is applied. While existing code allows an administrative variance for up to 100% of dimensional standards, the proposal limited those variances to 50%. The Current Planning team maintains that the 100% should be retained, and the Department recommends the Board make that change to the final proposal.
2. Several Guemes Island landowners have contacted the Department to protest the height and setback requirements in the proposed Guemes Island overlay. The Guemes overlay is strongly supported by the Guemes Island Planning Advisory Committee, but may not work well on small shoreline lots. The Department believes that an appropriate solution that will be accepted by all parties is to allow an administrative variance for such situations.

NRL Setbacks

Existing code requires a 200-ft building setback from natural resource land zones. The code allows the setback to be waived if (a) the applicant acknowledges the possibility of NRL uses on the adjoining property, and (b) in Ag-NRL and Industrial Forest-NRL the adjoining NRL property owner agrees. If the NRL property owner does not agree, or cannot be reached, the Department may waive the setback itself. Because staff has identified this requirement as a substantial obstacle to the timely processing of permits, the Department proposed deletion of the requirement to obtain the NRL property owner's consent. The Planning Commission recommended retaining that requirement AND removing the Department's ability to waive the setback, replacing it instead with a Hearing Examiner variance. While the Planning Commission expressed persuasive arguments for such a requirement adjacent to Industrial Forest-NRL, the Department anticipates a large need for such waivers adjacent to Ag-NRL, where there is a substantial number of smaller parcels with residential zoning. It is often difficult to get obtain the adjoining property owner's approval for the waiver, which will result in the need for a variance. Each hearing examiner variance takes 4-6 months to process and costs \$4,440. One alternative could be to follow the PC's recommendation just for Industrial Forest-NRL, and retain the status quo or the original proposal text for Ag-NRL.

Skagit County Planning Commission's Recorded Motion Regarding the Comprehensive Plan 2016 Update

Proposal publish date:	March 3, 2016
Proposal name:	Comprehensive Plan 2016 Update
Documents available at:	www.skagitcounty.net/2016update
Public hearing body:	Skagit County Planning Commission
Public hearing date:	Tuesday, April 5, 2016, at 6 p.m.
Written comment deadline:	Thursday, April 14, 2016, at 4:30 p.m.
PC deliberations:	May 10, May 17, May 24, and Tuesday, May 31, 2016

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Findings of Fact and Reasons for Action

1. In its resolution establishing the scope of the 2016 Update, the Board of County Commissioners expressed its satisfaction with the plan in general and its desire to keep the scope of the update narrow.
2. "Related Studies and Plans" are not incorporated into the Comprehensive Plan. These are reference material only to which the Comprehensive Plan refers and are not part of the Comprehensive Plan itself. These materials are subject to change or update outside the control of the Comprehensive Plan amendment process.
3. The map amendments as proposed, with the exception of the Sedro-Woolley southern UGA expansion, are consistent with the Comprehensive Plan designation criteria.
4. The Sedro-Woolley southern UGA expansion does not meet the criteria for de-designation of Ag-NRL land. Sedro-Woolley's proposed use of the property in question as a stormwater management facility may be accomplished within the County's Ag-NRL zoning as a Hearing Examiner Special Use Permit, which will allow for mitigation of impacts.
5. The latest Sedro-Woolley analysis demonstrates that almost 20 acres are not developable due to existing development and a utility easement for overhead power lines and therefore supports the full 149.3 acres in the city's northern UGA expansion proposal.
6. The County must ensure all buildings requiring potable water can demonstrate a legal use of that water, so policies regarding ensuring legal use of water should refer to "all buildings requiring potable water" not just "residences."

7. Rainwater catchment can be a valuable source of drinking water.
8. The Open Space Taxation Act, enacted in 1970, allows property owners to have their open space, farm, and agricultural and timber lands valued at their current use value as the basis for assessment of property taxes by the county assessor.
9. In its scoping resolution, the Board did not express a desire to update policy 2B-1.3 to “implement” the Skagit Countywide UGA Open Space Concept Plan. The plan was adopted in 2009; the existing policy to identify open space has been achieved. Implementation of the Open Space Concept Plan requires further work or study (e.g., funding, advisory committees, a tax levy).
10. There may be a future need to convert Ag-NRL land to an industrial use for creation of an industrial park to serve agricultural processing.
11. “Home-Based Business 3” in Ag-NRL duplicates “Farm-Based Business,” so should be deleted. HBB3 should not be loosened to allow non-agricultural home-based businesses in Ag-NRL to keep uses in Ag-NRL consistent with agricultural use.
12. NRL property owners have vested interests that are affected by neighboring setback variances.
13. GMA requires both a 6-year financial plan for transportation facilities and a 20-year plan for meeting transportation needs; the 20-year plan is necessarily more conceptual.
14. Prior versions of the Comprehensive Plan have lacked a 20-year transportation facilities list.
15. There has been considerable confusion regarding the public process for some of the projects listed in the Transportation Technical Appendix.
16. The various non-motorized projects in the Transportation Technical Appendix were not described consistently in the proposal.
17. Many of the non-motorized projects in the proposal’s 20-year list are only conceptual.
18. Projects should not be sent to SCOG for the regional TIP until they have been approved by the County.
19. Several of the non-motorized projects in the proposal were wholly new and had not previously been through any public vetting process or needs analysis.
20. The projects in the Planning Commission’s recommendation are either on an existing adopted County plan, are small safety projects, or have been specifically requested by the community (e.g., the Guemes Ferry trail).

21. The beginning of the Transportation Element describes the procedure for creating the 6-year TIP and should have included a description for the 20-year project list. The same explanations for the creation of the 20-year project list should also be included.
22. There are separate processes for adding projects to the Comprehensive Plan's 20-year project list and to the County's 6 year TIP. Both processes involve public hearings, and both require final decisions by the Board of County Commissioners. A project on the Comprehensive Plan's 20-year project list must go through the 6-year TIP process before it can also be placed on that list.
23. It is important to respect property that neighbors trails and other public access points with regard to trespass, trash, privacy, and animal waste.

Recommendation

The Planning Commission recommends that the Board of County Commissioners **approve** the proposal with the following changes:

1. Approve the Burlington UGA expansion without the Rohweder and Sager parcels that Burlington did not approve.
2. Approve the Concrete Concepts map amendment.
3. Approve the Edison Granary map amendment.
4. Approve the Lake Erie Trucking map amendment.
5. Approve the full 149.3-acre northern UGA expansion area, based on the further analysis provided by the City of Sedro-Woolley identifying what portion of the northern area is not available for further development.
6. Approve the western Sedro-Woolley UGA expansion.
7. Deny the southern Sedro-Woolley UGA expansion.
8. Remove references to the 6-year TIP and to the 2016–2021 vs. 2022–2036 time periods from the narrative, project list, and tables in the finance section (Sec. 8) of the Transportation Technical Appendix. Instead, this section should reference the County's 20-year transportation plan and projects and the 20-year planning period 2016-2036.
9. Replace the unnumbered non-motorized transportation projects on pages 58-60 and 91-92 of the proposed Transportation Technical Appendix with the information from the attached table [in supplemental staff report #4].
10. Rename project #38 in the Study list, currently labelled "South Skagit Highway Realignment" to "South Skagit Highway Mill Creek Savage Creek Habitat Restoration"; and move it to the Project list, with a reduced price tag of \$10 million.

11. Change policy 2B-1.3 to narrative and modify to reflect that the plan was adopted in 2009.
12. Revise Goal 2B to say “between” rather than “around” urban growth areas.
13. Revise policy 3A-2.1(a) to refer to “a building requiring potable water” rather than a “residential building,” and add language at the end of the policy stating that the water source meets drinking water standards.
14. Add a new policy comparable to policy 3A-2.1(a) that applies to land divisions but without language prohibiting rainwater catchment systems.
15. Revise applicable instances of “residential building” to “building requiring potable water.”
16. List approved rainwater catchment systems in Comp Plan policies and narrative where that is an available and legal option.
17. Revise policy 3A-3.6 by adding the following two additional conditions from GMA: urban services must be financially supportable at rural densities and will not permit urban development.
18. Retain Natural Resource Industrial (NRI) policy 3C-5.5 regarding establishment of an ag industrial park on Ag-NRL land.
19. Delete Home-Based Business 3 from Ag-NRL.
20. Amend policy 3C-1.7 to indicate that landowners and residents of an area being considered as a newly designated Rural Village should be involved in that planning.
21. Policy 4B-2.11 should be corrected to note NFPA not DNR.
22. Add Health’s suggested language to policy 7B-1.8 to focus efforts on expanding the supply of housing affordable at or below 50% of area median income.
23. In the Guemes Island Overlay, modify the height limit so that height is measured from the Base Flood Elevation.
24. Revise SCC 14.18.100(5)(i) to ensure the 200 ppm chloride limit applies to all seawater intrusion areas as defined in SCC 14.24.380.
25. Strike the proposed reference to TMDL plans in policy 5A-4.1.
26. Move text in policy 12A-4.1 about adopted subarea plans into narrative.
27. Move the Fidalgo Subarea Plan to existing policy 12A-4.2 as a future plan.
28. Strike the proposed descriptive language about the 2006 Fidalgo subarea planning process.

29. In policy 10A-1.4, reverse rural and urban water Level of Service so that they are listed in the correct columns.
30. In the Capital Facilities Profile, clarify the description of the relationship between the Capital Facilities Element and the annually updated Capital Facilities Plan.
31. Fix missing headings and goals and proofreading (e.g., “colocation”).
32. Relabel the “general policy goals” in Chapter 4 as “guiding principles.”
33. Replace the maximum lot coverage table in SCC 14.16.320, for Rural Reserve with a limit of 5,000 sq ft or 20%, whichever is greater, not to exceed 25,000 square feet.
34. Exempt agricultural accessory and processing uses from the Rural Reserve lot coverage maximum, up to 35%.
35. Retain the requirement in SCC 14.16.810(7) that for a NRL setback reduction through a waiver, the neighboring resource landowner’s approval is required; and require any variance from an NRL setback be a hearing examiner variance.
36. Revise 14.06.110(13) to clarify that the Hearing Examiner’s decision on the SEPA threshold determination is final and no appeals to the Board are allowed.
37. Renumber the lettered sub-policies in the Environment element consistent with the rest of the Comprehensive Plan.
38. Make very clear in the Introduction (and anywhere else) which documents are part of the Comprehensive Plan and which are not, and note that documents not part of the Comprehensive Plan are not subject to the Comprehensive Plan update process.

Additional Recommendations:

1. The Board should take public comment on Recommendation #8 (re TIP time periods).
2. The Board should create a steering and/or citizen advisory committee to assist the PC and BOCC in identifying and vetting non-motorized transportation projects for the 20-year transportation plan, including representatives from Parks, Planning, Public Works, user groups, property owners, and citizens.
3. Look into adding emergency markers and addresses for emergency situations for trails and public access points.
4. Look at the possibility of allowing rainwater harvesting as a water source for land divisions.
5. The matter of requiring permanent protection of open space created through CaRDs on Guemes Island should be taken up as part of a future development code amendment project.

6. Review the junk code with respect to art and historical displays and differentiation between trash and junk in the near future.
7. The Board should ensure needs analysis is performed on the 20-year non-motorized projects.
8. The Board should consider changing the terminology for the 20-year non-motorized projects to "conceptual projects" for those projects that are unfunded to flag them to be vetted, to have needs analysis, and to be prioritized.

This recorded motion approved May 31, 2016:

Commission Vote	Support	Oppose	Absent	Abstain
Josh Axthelm, Chair	✓			
Annie Lohman, Vice Chair	✓			
Tammy Candler	✓			
Hollie Del Vecchio	✓			
Amy Hughes	✓			
Kathi Jett	✓			
Kathy Mitchell	✓			
Tim Raschko	✓			
Martha Rose	✓			
Total	9	0	0	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Josh Axthelm, Chair

5/31/16
Date



Dale Pernula, Secretary

5/31/16
Date