



PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

To: Planning Commission Members
From: Planning & Development Services Staff
Date: December 7, 2006
Re: Deliberations on 2005 GMA Update: Comprehensive Plan Map Amendments (**Forest-NRL**)

This memorandum is intended to help guide the Planning Commission through deliberations on Comprehensive Plan map amendment proposals seeking a change either from or to the **Industrial Forest-Natural Resource Lands (IF-NRL)** and **Secondary Forest-Natural Resource Lands (SF-NRL)** designations. Additional memos will be provided in advance of Planning Commission deliberations on map amendments in the following categories:

1. ~~Rural~~
2. ~~Urban Growth Areas (UGA)~~
3. ~~Agricultural NRL (Ag-NRL)~~
4. ~~Open Space of Regional/Statewide Importance (OSRSI)~~
5. ~~Rural Resource NRL (RRc-NRL)~~
6. Forestry
7. Mineral Resource Overlay (MRO)
8. Master Planned Resort (MPR)

As with previous memos, this memorandum supplements the individual map amendment pages in the *Integrated SEPA/GMA Report*. It provides additional information and analysis, as necessary, to address issues raised in public testimony and correspondence during the public comment period. This report seeks to identify and elaborate on the key factors that result in a recommendation either for approval or denial. The "Department Recommendations" below will be to either hold to the original (February 10, 2006) recommendation, or reverse the recommendation where new information or changes in circumstances warrant a different recommendation.

For efficiency, the analyses of the various amendment proposals focus on the key decision points, not all applicable Comprehensive Plan designation criteria. This is especially true of "denial" recommendations, which focus on the key factors or 'fatal flaw' leading to the recommendation.

Please note: All Comprehensive Plan citations below correlate to the *Draft Comprehensive Plan*.

Foundation For Review of the Proposed Forest-NRL Map Amendments

The Department's recommendations below are based on the designation criteria and supporting policies as proposed in the Draft Natural Resource Lands Element. The analysis of proposed map amendments is guided by the Growth Management Act, Countywide Planning Policies, and the Comprehensive Plan, whether explicitly stated or not.

Local discretion is applied or recommended, where appropriate, based on circumstances unique to the proposed map amendment or general area. In cases where the re-application of designation criteria does not define a clear choice between Forest-NRL designations, or between a resource and non-resource designation, the Department's final recommendation is informed by, but not limited to, the following policy-based principles:

- The Industrial Forest and Secondary Forest designations are defined by the application of designation criteria. Inherent within the criteria are the guiding principles and local interpretation of the Growth Management Act.
- Countywide Planning Policies 8.6 and 8.9 call for long-term commercial resource management to be the "principal and preferred use" on designated natural resource lands.
- Natural resource management is a reasonable use in the Industrial Forest-NRL district.
- Designation of Forest-NRL lands is not based on ownership. Designating Natural Resource Lands is not intended to facilitate conversion to other uses if the land otherwise qualifies as a Natural Resource Land, nor is designation intended to impede conversion if the land does not qualify as a Natural Resource Land.
- Circumstances unique to specific areas have historically led Skagit County to broadly interpret its designation criteria, particularly the inclusionary or exclusionary intent of Policies 4B-1.1(d) and 4B-1.3(c). For example, the Secondary Forest-NRL designation is considerably wider than 1/4 mile in such places as the "Bacus Hill" area (a forested cluster of pre-GMA, 20-acre lots), the "Walker Valley" area (a forested area which includes a large developed Boy Scout camp), the "Finn Settlement" area, an historical cluster of smaller forested parcels in the midst of the Industrial Forest-NRL, and the Swinomish Indian Reservation, to reflect unique County/Tribal cooperative planning (see SC05-46 to 50 below).
- "The principal uses of Industrial Forest and Secondary Forest lands are the practice of commercial forestry, forestry support services, and forest-based businesses. Secondary Forest lands are intended to provide a transitional density between Rural-designated lands and Industrial Forest lands. Secondary Forest lands also offer the potential for smaller-scale commercial timber operations, supporting natural resource industries, and limited residential uses. Secondary Forest lands may include low-density residential use if consistent with the goals and policies of this chapter." (Policy 4B-5.1)

Map Recommendations

CPA05-09 (Sue Sherman)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests redesignation of a 40-acre parcel (P18495) from IF-NRL to Rural Intermediate to enable subdivision into 2.5-acre lots. The property was purchased on July 31, 1990, zoned Forestry, and rezoned to IF-NRL in 1996. The applicant cites the availability of electrical power for development, which is pending or already installed. Correspondence submitted by the applicant (Volume 3, page 1466) includes an engineering map indicating a proposed communications tower on the DNR-owned property immediately north of the subject property, and the installation of a power vault along a planned access road. County records show that a permit for a communications tower was issued to the northerly property on August 15, 2005 (File #BP05-0543).

Analysis:

The 40-acre subject parcel is bounded on the west, north and east by parcels 80 acres or larger, and within a large block of >160 acres (Policy 4B-1.1(a)). The parcel and surrounding area contain PFLG 1-3 soils (Policy 4B-1.1(a)(i)). The surrounding area is timbered, although the subject parcel appears to have been recently timber-harvested. There are no improvements and no pending permits. A forest-practice moratorium expired on September 30, 2004. Surrounding lands are timbered and undeveloped (Policy 4B-1.1(a)(ii)). The property is in classified forest taxation (4B-1.1(c)(i)). The parcel borders Snohomish County Forest (F) designated lands. Unimproved access to the property is through Snohomish County and the property is not within a fire district (Policy 4B-1.1(c)(ii)). Other than the above-mentioned electrical power vault (status unknown) there are no utilities. The parcel is surrounded by IF-NRL. No illogical boundaries, islands or peninsulas warrant exclusion from Industrial Forest-NRL (Policy 4B-1.1(d)).

Conclusion/Recommendation:

Parcel characteristics, uses and surrounding area are consistent with IF-NRL designation criteria. No illogical boundaries, islands or peninsulas warrant exclusion from Industrial Forest-NRL. The circumstances influencing the designation of this parcel as IF-NRL have not changed.

CPA05-10 (Great Western Lumber)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests redesignation of a 40-acre parcel (P47636) from IF-NRL to SF-NRL, to be consistent with the zoning of an adjacent (west) 40-acre parcel also owned by the applicant.

Analysis:

The 40-acre subject parcel is bounded on the west, south and east by contiguous 40-acre parcels (Policy 4B-1.1(a)) and contains PFLG 1-3 soils (Policy 4B-1.1(a)(i)). The surrounding area is timbered and undeveloped (Policy 4B-1.1(a)(ii)). The property is in classified forest taxation (4B-1.1(c)(i)). The parcel borders Whatcom County Commercial-Forest (CF) designated lands. There is no improved access to the property, the property is not within a fire district, and there are no utilities (Policy 4B-1.1(c)(ii)). The west-adjacent ¼-mile band of Secondary Forest forms the perimeter of the IF-NRL area (Policy 4B-1.3).

Correspondence from WA Parks & Recreation (Volume 3, p.1691) relating to map amendment FO05-01 pleads for this amendment request (CPA05-10) to be “consistent with other land use designations for the area.” The correspondent’s concern is addressed and does not persuade a different recommendation.

Conclusion/Recommendation:

Parcel characteristics, uses and surrounding area are consistent with IF-NRL designation criteria. No illogical boundaries, islands or peninsulas warrant exclusion from Industrial Forest-NRL.

CPA05-11 (C&G Timber)

Department Recommendation:

Affirm the original recommendation: **Approve**

Summary of Proposal:

The applicant requests the removal of split zoning of IF-NRL/SF-NRL on a 121-acre parcel (P17978), and that the entire parcel be designated SF-NRL.

Analysis:

The 121-acre parcel is surrounded on the west, south and southeast by contiguous parcels ranging from 25 to 160 acres (Policy 4B-1.1(a)), containing PFLG 1-5 soils and in timber use (Policy 4B-1.1(a)(i)-(ii)). The property is in classified forest taxation (4B-1.1(c)(i)).

Secondary Forest lands are designated “primarily within a 1/4 mile (1320 ft.) band at the perimeter of [IF-NRL]” (Policy 4B-1.3(a)), and because they are derived from designated IF-NRL lands, meet the same general criteria. The application of the 1/4-mile band of SF-NRL, in many cases, conveniently follows parcel lines (a 40-acre government lot is 1/4-mile square). Where parcel lines cannot be followed, the SF-NRL line is designated such that the 1/4 mile width is maintained as nearly as possible, sometimes resulting in a split-zoned parcel. Designations wider than 1/4 mile have been applied in areas meeting IF-NRL criteria, where development patterns and pre-existing permanent residences may indicate non-industrial forest uses. Within the subject parcel the width of the current SF-NRL band at its narrowest point as measured from the closest adjacent Rural Reserve area (see Attachment A) is approximately 790 ft. Correcting the width to at least 1320 feet (1/4 mile) would still leave a split-zoning line, serving no useful purpose.

Conclusion/Recommendation:

Adjusting the SF-NRL line to entirely include the subject parcel would create a more logical SF-NRL boundary at this location.

CPA05-13 (John Kennel)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests the removal of split zoning of IF/SF on a 130-acre parcel (P96094), and that the entire parcel be designated SF-NRL. Access to the property is from the Cascade Ridge development. Since access to the Secondary Forest portion of the property is through the Industrial Forest portion, the applicant asserts an illogical zoning boundary exists. The applicant asserts that the purpose of SF-NRL as a transition area from high- to low-density would be better served by including the access roads in SF-NRL (see forest roads map, Correspondence Volume 1, page 186).

Analysis:

The 130-acre parcel is surrounded on the west, south and southeast by contiguous parcels ranging from 20 to 160 acres (Policy 4B-1.1(a)), containing PFLG 1-5 soils, and in timber use (Policy 4B-1.1(a)(i)-(ii)). Surrounding lands are timbered and undeveloped (Policy 4B-1.1(a)(ii)). The property is in classified forest taxation (Policy 4B-1.1(c)(i)) and not within a fire district. Access roads cited by the applicant are unimproved.

Road construction, whether public or private, must comply with Skagit County Public Works road standards. Access to property is not required to be located within or routed through any particular zoning district (e.g., Lake Cavanaugh).

Conclusion/Recommendation:

The parcel (except for that portion designated Rural Reserve) meets the criteria for IF-NRL, and where designated SF-NRL, is consistent with the 1/4-mile band criteria. No pre-existing developments or surrounding uses persuade a change from IF-NRL to SF-NRL.

CPA05-14 (Sanfi Acres LLC)

Department Recommendation:

Reverse the original recommendation: **Approve**

Summary of Proposal:

The applicant requests the redesignation of fifty-six 20-acre lots, approximately 1,120 acres, from IF-NRL to SF-NRL, based primarily on the consistency of the 20-acre lot pattern with SF-NRL designation criteria.

Analysis:

The Department originally objected to the re-designation because it would create an illogical boundary to the IF-NRL district, and create a discontinuity in the Industrial Forest-NRL land

base between the IF-NRL area to the west of the subject parcels, and the very large block to the east.

The Department reconsidered. Forest-Natural Resource Lands of long-term commercial significance are defined and designated based primarily on soils, parcel sizes, location and current uses. Long-term commercial significance is attributed to all designated resource lands (Ag-NRL, IF-NRL, SF-NRL and RRc-NRL) based on the characteristics of the land for growing or producing crops, timber and minerals. As, for the most part, Secondary Forest lands are derived from initially designated Industrial Forest lands, the characteristics of SF-NRL for producing timber are indistinguishable from IF-NRL. The intended uses of each are the same, but a higher density in Secondary Forest lands is allowed, and offers “the potential for smaller-scale commercial timber operations, supporting natural resource industries, and limited residential uses.” (Policy 4B-5.1) The acceptable residential density in SF-NRL is 20 acres (Policy 4B-1.4). In effect, Secondary Forest lands at 20-acre density are nevertheless resource lands of long-term commercial significance.

As indicated elsewhere in this memorandum, Skagit County has applied a wider-than-1/4-mile SF-NRL designation in areas where the average parcel sizes are more consistent with the allowed 20-acre density. Bacus Hill is offered as an example.

Conclusion/Recommendation:

A Secondary Forest-NRL designation for this subject area is consistent with the SF-NRL designation criteria. In essence, the Department’s recommendation is based on parcel sizes.

NOTE: Approval of this request will result in an approximately 90-acre “island” of IF-NRL at the northeast corner of the subject area (see Attachment A). The Department does not recommend the creation of an isolated island of IF-NRL. If this request is approved, the 90-acre area should be considered for inclusion in the SF-NRL designation to preserve a logical boundary of SF-NRL. As the February 10, 2006 proposal did not include this alternative, a public hearing will likely be required.

CPA05-15 (John Hayes)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests the redesignation of an approximately 100-acre area from IF-NRL to OSRSI (Open Space of Regional Statewide Importance), to allow for the siting of a shooting range.

Analysis:

Skagit County has conducted planning aimed at the siting and development of a shooting range. However, until such planning is completed it is not appropriate to prescribe a land-use designation for this area.

Conclusion/Recommendation:

Future planning and proposed uses of this property will be coordinated by Skagit County, with public involvement. It is inappropriate at this time to propose a redesignation of this area.

CPA05-16 (Greg Johnson)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests the redesignation of a 40-acre parcel (P47729) from IF-NRL to SF-NRL to allow for a single-family residence and small, resident forest operation. As the owner of the only privately owned lot adjacent to the Oyster Creek Lane community, the applicant identifies himself and his property as belonging to the Oyster Creek Lane community. Eleven members of the community signed a letter of support, which was submitted with the amendment application.

Analysis:

The 40-acre subject parcel is bounded on the north, east and south by parcels 40 acres or larger, and within a large block of >160 acres, and contains PFLG Soils 1-5 . The parcel lies east-adjacent to a group of twelve 20-acre parcels collectively known as the Oyster Creek Lane community.

The property is in classified forest taxation. A timber management plan, submitted by the applicant, was prepared by the previous owner prior to sale and for the purpose of maintaining classified-forest status. The lot was purchased in May of 2002. Access to the property is via a private-road connection to Oyster Creek Lane, also a private road. The parcel was approved for annexation into Fire District #5 by the Boundary Review Board on December 4, 2003. Boundary Review Board File No. 02-03 states that as a condition to annexation approval, Fire District #5 and the Fire Marshal required several safety improvements to the access road, which were made by the applicant.

A lot of record certificate was issued on June 28, 2004. The lot may qualify for development as a substandard lot, pursuant to SCC 14.16.850(4)(c)(viii)(D), IF the requirements of SCC 14.16.410(3)(c) are met. In simple terms relevant to this requested amendment, a single-family residence is a permitted use if the residence is located within 200 feet of an existing County road, is located within a fire district, is an accessory use to timber management, and certain specific emergency access and fire prevention/mitigation measures are followed pursuant to the above section. Interim Ordinance No. O20050010, and as renewed by Ordinance No. O20060001, amended SCC 14.16(3)(c)(ii) to require, in addition to other criteria, that a residence be located within the existing boundaries of a fire district “as of July 26, 2005.”¹ The property is not within 200 feet of an existing County road.

¹ Proposed to be codified; see Draft Skagit County Code Changes, February 10, 2006, amended chapter 14.16.410(3)(c)(ii).

Additional Discussion:

During deliberations on November 14, 2006, the Planning Commission voted to propose removing the requirement that residences in Industrial Forest be located within 200 feet of an existing County road or State highway (i.e., delete SCC 14.16.410(3)(c)(i)), and also to amend the requirement that such residences be an accessory use to timber resource management activities (SCC 14.16.410(3)(c)(iii)) to instead require an approved timber management plan.

If adopted, the above provisions would allow development anywhere in the Industrial Forest district that was within a fire district as of July 26, 2005, where the access roads and building site can meet specified fire code requirements, and where a timber management plan is in place (as well as other applicable requirements). These provisions may bring relief to those who have longed to develop on their Industrial Forest property but couldn't previously, and may also present to others the unintended prospect of establishing new residential uses on lands previously devoted entirely to commercial forestry.

This applicant requested redesignation to Secondary Forest-NRL in part to be recognized as part of the Oyster Creek Lane community, and as a small woodlot owner consistent with the purpose of the SF-NRL designation. But in a practical sense the requested redesignation is to overcome existing restrictions on building in Industrial Forest. Purchase of undeveloped Industrial Forest property, annexation into a fire district, and finally redesignation to SF-NRL would under existing rules overcome all obstacles to residential development.

The County (and indeed the Department of Natural Resources) opposed the annexation of this property into a fire district, based on policies that discourage expansion of special-purpose districts into Forest-NRL areas (Countywide Planning Policy 2.7 and CP 4B-4.4). Doing so in the County's view would open the door to the increased likelihood of conflicting uses and increased fire hazards to the Industrial Forest lands. As the annexation was approved, such opposition is now moot. The Department nevertheless holds that a likely cumulative effect of such incremental changes is to erode the industrial land base.

Conclusion/Recommendation:

Designation of IF-NRL in 1996 put into place the GMA mandate to protect forest natural resource lands of long-term commercial significance. Some landowners were aggrieved after finding themselves unable to build or otherwise restricted by the new rules. Many did not consider themselves or their property to be part of the industrial-scale timber industry. Some sought or are seeking relief through redesignation to Secondary Forest-NRL or some other designation. The Planning Commission is currently considering ways to provide relief to these property owners while still furthering the goal of protecting commercially significant forest resource lands.

Regardless, the Industrial Forest-NRL district is not intended to satisfy the need or desire for residential development. Planning for and designating resource land uses provides long-term assurance that the intended use of the land will be preserved. Policies and regulations applied to the land lend predictability, and effectively put land owners and potential purchasers of land on notice as to the intended and permitted uses of the land. Under these circumstances a purchaser of Industrial Forest-NRL land should not expect to easily transform the intended use of the land. For these reasons the Department holds to its original recommendation to deny this request.

CPA05-17 (Bill Schmidt)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests the redesignation of an approximately 80-acre parcel (P30603) from IF-NRL to SF-NRL. The requested redesignation of land is part of an overall plea by the applicant to change the policy basis for defining, designating and regulating Industrial Forest-NRL.

Analysis:

The details of the applicant's proposed alternative policies and regulations are a matter that is currently before the Planning Commission. To date, the Planning Commission has recommended no changes in the Forest-NRL designation criteria.

The 80-acre subject parcel is bounded on the north, east, and south by parcels 80 to 134 acres or larger, and within a large block of >160 acres (Policy 4B-1.1(a)). The parcel and surrounding area contain PFLG 1-3 soils (Policy 4B-1.1(a)(i)) and is within a fire district. The property is in classified forest taxation (4B-1.1(c)(i)). There are no improvements and no pending permits. Surrounding lands are timbered and undeveloped (Policy 4B-1.1(a)(ii)). Unimproved access is through Secondary Forest lands to the west. No illogical boundaries warrant exclusion from Industrial Forest-NRL (Policy 4B-1.1(d)).

Conclusion/Recommendation:

No illogical boundaries, islands or peninsulas warrant exclusion from Secondary Forest-NRL (Policy 4B-1.3(c)). The circumstances influencing the designation of this parcel as SF-NRL have not changed.

CPA05-63 (Jerry Hammer)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests the redesignation of an approximately 35-acre parcel from Secondary Forest-NRL to Rural Reserve. The applicant states that the intended use of the property, non-participation in a current use tax assessment program, its distance of over 1/4 mile from IF-NRL, and the current Assessor's market value are consistent with Rural Reserve, and conversely, that it does not meet the criteria for SF-NRL.

Analysis:

The 34.5-acre parcel is bounded on the north, east by parcels 80 acres or larger, and to the southwest by Chuckanut Drive. The parcel and surrounding area contain PFLG 1-5 soils (Policy 4B-1.1(a)(i)). The surrounding area is timbered and undeveloped, although the subject parcel appears to have been recently timber-harvested. There are no improvements or pending permits. The property is not in a special-use taxation program. The property is

within Fire District #5 and no known utilities on site. The parcel is within an area characterized by the growing and harvesting of trees.

Conclusion/Recommendation:

No illogical boundaries, islands or peninsulas warrant exclusion from Secondary Forest-NRL (Policy 4B-1.3(c)). The circumstances influencing the designation of this parcel as SF-NRL have not changed.

CPA05-64 (Joe Daher Jr.)

Department Recommendation:

Reverse the original recommendation: **Approve**

Summary of Proposal:

The applicant requests the redesignation of an approximately 19-acre parcel (P38885) from IF-NRL to Rural Reserve. Citing previously issued lot certifications for each portion of the parcel north and south of Bacus Road, the applicant requests Rural Reserve designation consistent with adjacent Rural Reserve zoned lots.

Note: The subject property was purchased by Michael C. Rich on April 29, 2005. Michael and Sandra Rich continue to advocate for the proposed amendment.

Analysis:

Assessor parcel maps depict the subject property as a single lot, consistent with the general pattern of development on Bacus Hill. The Secondary Forest band is broadly applied to Bacus Hill area to make consistent the historical pattern of 20-acre lots with the 20-acre minimum lot size of SF-NRL. The Department's original recommendation to deny this request was based on the logical boundary and apparent relationship of the subject property to the general pattern of development of the Bacus Hill area. Nothing in the application led the Department to believe that circumstances had changed sufficient to overcome the logical boundaries test (Policy 4B-1.3(c)).

However, correspondence from the new property owner (Correspondence Volume 3, p.1273) argued that the parcel actually consists of 2 lots, and called the Department's attention to 2 lot certifications issued on March 3, 1999. The Department determined that the lots are certified and developable (subject to all other applicable requirements of Skagit County Code), consistent with SCC 14.06.045 – Lot Certification, and applicable exemptions of SCC 14.16.850(4) – Development of Lots or Record, subsection (c)(iv). The subject property consists of 2 certified buildable lots (as of March 3, 1999), one lying north of Bacus Road (approximately 7 acres) and one south of the road (approximately 13 acres).

Conclusion/Recommendation:

The Department finds that the above change in circumstances is sufficient to warrant approval of the request. The lot sizes within the subject parcel are inconsistent with the logical boundaries and general pattern of development on Bacus Hill.

CPA05-66 (Ronald & Linda Joiner)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests the redesignation of 2 parcels, a 20-acre parcel (P18279) and an approximately 39-acre parcel (P18281), from SF-NRL to Rural Reserve. The applicant wishes to subdivide into small residential parcels “conducive to small-scale forest farming practices.”

Note: Parcel #P18279, the northerly subject parcel, was purchased by Guy Lindborg on February 14, 2005. The subject properties are now under separate ownership.

Analysis:

The subject properties are located in an area historically referred to as Finn Settlement. Both the 20-acre northern parcel (Lindborg - P18279) and southern parcel (Joiner - P18281) contain a single-family residence. Both properties are within Fire District #9. The subject parcels are bounded on all sides by parcels 20 to 130 acres, characterized by the growing and harvesting of trees, and largely undeveloped (see Attachment A). The SF-NRL designation in the area is broadened to avoid islands of non-resource use, consistent with the intent of maintaining logical boundaries (Policy 4B-1.3(c)).

Conclusion/Recommendation:

The subject parcel sizes, soils, and surrounding uses are consistent with SF-NRL designation criteria (Policy 4B-1.3(a)-(b)). No changes in circumstances warrant a redesignation.

CPA05-67 (Gerry Ervine)

Department Recommendation:

Affirm the original recommendation: **Deny**

Summary of Proposal:

The applicant requests the redesignation of approximately 580 acres of land (multiple p-numbers) from Secondary Forest-NRL to Rural Reserve. The applicant cites the encroachment of housing development along Ervine Lane (extending into the area south from Little Mountain Road) and along Alderbrook Land (extending east from Cascade Ridge Drive), the split-zoning, and therefore confusion regarding development of a 67-acre and a 4.85-acre parcel, and the inconsistency with SF-NRL designation criteria given the area’s distance from Industrial Forest-NRL.

Correspondence from the applicant (Correspondence Volume 1, p.488) adds that the average lot size of the requested rezone area is 7 acres, and that 3/4 of the lots are below 20 acres.

Analysis:

The area is bounded on the north and east by Rural Reserve, on the south by SF-NRL and on the west by a largely undeveloped (except for a gravel pit) area within the City of Mount Vernon, and south of that, the Cascade Ridge development.

The 580-acre area contains 34 lots (certification status unconfirmed). 267 acres within the area consist of lots 40 acres or greater, primarily at the outer perimeter. 15 lots (81 acres) contain single-family residences. Developed areas are contained (isolated) within the core of the subject area and the south-adjacent SF-NRL area. 11 of the 15 lots are approximately 1 acre. Excluding the 11, segregated, approx. 1-acre home sites, the average parcel density of the subject area is 24.74 acres. Approximately 380 acres (13 lots) are in classified forest or current-use taxation, or tax-exempt status (Policy 4B-1.3(b)(i)). All but 160 acres of the subject area are within a fire district (see Attachment A). The entire 580 acres contains PFLG 1-3 soils and is timbered (Policy 4B-1.3(a)(i)-(ii)).

Conclusion/Recommendation:

Parcel sizes, current use, soils, the isolated pattern of development and the general absence of public services in the undeveloped perimeter warrant the logical extension of the SF-NRL designation into this area to reflect these local circumstances (Policy 4B-1.1(d) and Policy 4B-1.3(c)). The Department does not recommend de-designation of SF-NRL in this area.

SC05-41a and SC05-45

Department Recommendation:

Affirm the original recommendation: **Approve**

Note: These amendments will be addressed in a supplementary memo to follow.

SC05-46 to 50

Department Recommendation:

Affirm the original recommendation: **Approve**

Summary of Proposal:

Skagit County proposes to redesignate portions of the Swinomish Reservation through the re-application of Forest-NRL designation criteria, and through cooperative planning with the Tribe (see Attachment A).

Analysis:

The proposed amendments are the result of cooperative planning between the County and the Tribe, and are intended to lay the groundwork for future planning by designating generally agreed-upon land uses pending more detailed planning. More detailed cooperative planning will further define appropriate land uses, including consideration of jurisdiction-specific designations for tribal-trust and tribally owned fee lands.

The proposed area of redesignation (the area currently designated SF-NRL) is made up of fee-simple lands, tribal- and individually owned trust lands, and tribal-owned fee lands (not yet in tribal trust status). Regulation of land uses on the Reservation is multi-jurisdictional and is

guided by the 1998 “Memorandum of Understanding for Coordinated Land Use Planning and Coordination” (MOU) between Skagit County and the Tribe.

Generally, the proposed redesignations are within the area currently designated Secondary Forest-NRL. County staff first evaluated the subject area for consistency with Industrial Forest-NRL criteria, considering average parcel size, soils and current use. Those areas containing an average parcel size of 40 or more acres, in blocks of 160 acres, were proposed to be downzoned from SF-NRL to IF-NRL. Then, a 1/4-mile band of SF-NRL was applied around the perimeter of the new IF-NRL area, with a broadening of the SF-NRL area at the north end of the reservation to preserve logical boundaries. Parcels at the southwest corner of the subject area were excluded from Forest-NRL due to parcel sizes. The approximately 80-acre area at the southeast corner is proposed to be re-designated to Rural Reserve as a transition between designated NRL areas and the Tribe’s higher-density rural zoning. The parcels are tribally owned fee lands. The remaining area (central area) was designated Rural Resource-NRL, consistent with the general pattern of density, land uses and soils.

A letter from the Swinomish Tribe (Correspondence Volume 3, p.1738) generally supports the proposed redesignations, and states that although land-use conflicts may continue to exist, such issues can be minimized or resolved through the 1998 MOU. Groundwater withdrawal issues are of continuing concern to the Tribe, including withdrawals from within the proposed Rural Resource-NRL area. However, the Tribe does not oppose the redesignation, but will continue to monitor the issue for future planning.

Conclusion/Recommendation:

The County and the Tribe continue to work cooperatively on land-use planning in the subject area. The proposed set of re-designations is consistent with this goal.

Forest Advisory Board Map Recommendations

Among the many themes that emerged from the public comments was a concern that certain proposed map amendment proposals lacked a clear written rationale for change. The Department agrees. This memorandum (and others in the “series” of Planning Commission map-amendment deliberations) provides the additional analysis needed to support the original recommendation, or if necessary modify it based on new information or a change in circumstances.

However, the proposed “Forest Advisory Board” (FAB) map-amendments (FO05-01 through FO05-38) were not originally proposed by the Department, making it difficult to articulate the original rationale. Therefore, the Department requested the assistance of the Forest Advisory Board in addressing the need for additional analysis. The Forest Advisory Board met to discuss the Department’s request, re-visit the various proposed map amendments, and advise the Department accordingly. FAB members expressed some concern that the FAB should not engage in property-specific mapping matters. The FAB reflected on its role as an appointed advisory body and concluded that its role is best served by advising the Board of County Commissioners and the Department on Forest-NRL policies that are applied broadly and evenly, rather than on site-specific issues. To this end the Forestry Advisory Board provides this statement:

The Forest Advisory Board (FAB) withdraws its recommendations regarding map-amendments FO05-01 through FO05-38. These map amendments were initially proposed in response to a request, by Planning & Development Services, to recommend changes and corrections to the currently adopted land-use/zoning map. The FAB now believes that this is more appropriately the role of planning staff. The FAB's role in these matters is to advise in the making of policies that apply to forest lands and land uses countywide. It is not the role of the FAB to apply such policies in determining the designation, zoning or uses of specific properties.

The Forest Advisory Board affirms the currently adopted Forest-NRL designation criteria, and except as indicated in the proposal, recommends no change in the criteria. The FAB also supports the Planning & Development Services' and the Planning Commission's application of those policies in the review of property-specific map-amendment proposals. The FAB looks forward to advising on the development of Forest-NRL policies, but feels it appropriate to refrain from advising on property-specific matters.

The Department supports and respects the Forest Advisory Board's decision. It is reasonable and prudent for the FAB to act in an advisory capacity in land-use matters. The question now, though, is how or whether to re-examine the above set of map-amendment proposals.

The Department's request for mapping assistance from the Forest Advisory Board was to address the need, as part of the GMA Update, to affirm or identify deficiencies in the application of Forest-NRL designation criteria. The Department deferred to the local knowledge and expertise of the FAB members, but now finds that without having initiated the map-review process, it is uncertain whether the original 38 proposed map amendments are sufficiently comprehensive in scope to accomplish the intended task. This leaves the Department with 2 options:

1. Re-initiate, during this GMA Update, a countywide map assessment to affirm or identify deficiencies in the Forest-NRL designation criteria. In doing so, re-examine the 38 original map-amendment proposals.
2. Schedule such a review as a follow up to the GMA Update.

Note: Applicable to either Nos. 1 or 2 above, consider selected Forest Advisory Board map-amendment proposals if necessary to correct unquestionable errors (not requiring additional analysis), or for consistency with other proposals for which an analysis has been provided. A supplementary memorandum addressing one or two minor exceptions will follow (see also SC05-41a and SC05-45 above).

The Department finds that a key issue, locally, is that some Industrial Forest-NRL landowners do not consider themselves or their property to be part of the industrial-scale timber industry, and that the density and development limitations applied in the IF-NRL district are unfair to small landowners. However, throughout the GMA Update process, the Forest-NRL designation criteria has been affirmed – first by the GMA Update and Public Outreach Steering Committee, then by the Forest Advisory Board, and finally by the Planning Commission (although the Planning Commission reserved the right to re-open map-related policy matters during these deliberations).

Conclusion/Recommendation Regarding FO05-01 through FO05-38:

To some extent the Department believes that those who feel aggrieved by the designation criteria have already spoken as part of this GMA Update, and to the extent possible, their issues will be addressed during Forest-NRL map deliberations (the subject of this memorandum). Given that these map-amendment requests are un-resolved, and that as a result of its deliberations the Planning Commission may recommend changes in policy, the Department believes that it is sensible to re-schedule a countywide assessment of the Forest-NRL mapping until after these individual mapping concerns and policy issues are addressed.