



PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

To: Planning Commission Members
From: Planning & Development Services Staff
Date: January 3, 2007
Re: Deliberations on 2005 GMA Update - Comprehensive Plan Map Amendments (**Ag-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 **Agricultural-Natural Resource Lands (Ag-NRL)** designation. 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 Group 1 and Group 2 approach will again be used. As you'll remember, the first group – Group 1 – are those amendment proposals for which the Department's original recommendation has not changed based on consideration of public comment. Group 2 proposals are those that are more complex or possibly contentious, or are ones where the Department has changed or may be reconsidering its original recommendation based on public comment.

For efficiency sake, the analysis of amendments in Group 1 focuses 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*.

GROUP 1:

CPA05-02 (VanBeek)

The subject parcel is 97 acres in size and includes farmed or previously farmed land including significant dairy farming infrastructure. Policy 4A-3.1 states: “Designation of Agricultural Lands is intended to be long-term. De-designation is discouraged, but may be considered only when compelled by changes in public policy, errors in designation, new information on resource lands or critical areas, circumstances beyond the control of the landowner.” This property meets the designation criteria for inclusion in the Agriculture-Natural Resource Land (Ag-NRL) zone and does not meet the criteria for de-designation as outlined above.

CPA05-04 (Gadbois)

The parcel under consideration in this request is approximately 38 acres in size and is owned in common with surrounding property. The parcel, as well as surrounding land, is included in an on-going agricultural operation and meets the designation criteria for the Ag-NRL zone. The Department believes that same principle as is outlined above applies in this case and recommends denial of the proposal.

CPA05-05 (Richardson)

The parcel included in this request is similar in nature to that of the previous two properties described above. At 26.4 acres in size, the parcel is currently farmed and meets the designation criteria for the Ag-NRL zone. The parcel neither meets the de-designation criteria outlined above in request CPA05-02, nor the GMA requirement that rural lands be those lands “not designated for urban growth, agriculture, forest, or mineral resources.” (RCW 36.70A.070(5)). The Department recommends denial of the request.

CPA05-06 (Campbell)

The land included in this proposal is currently farmed ground with no structures or improvements. The southern portion of the lot is currently zoned Rural Intermediate (RI) and was designated as such to achieve a logical outer boundary between the RI and Ag-NRL zone – not due to a mapping error as stated by the applicant. To expand the RI designation to include the entire parcel would undermine the original intent and current existence of a logical zoning boundary line. The portion of the property currently zoned RI was only included under inclusionary/exclusionary criteria outlined in Policy 4A-1.1(d) “Parcels that may not meet any of the criteria described in (a), (b), and (c) above may nonetheless be included to provide logical boundaries to the Agricultural Resource lands designation and to avoid small “islands” or “peninsulas” of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria described in (a), (b), and (c) above may be excluded to provide logical boundaries to the Agricultural Resource lands designation and to avoid conflict with existing land uses.” The Department finds that granting the request would violate these provisions and therefore recommends denial of the proposal.

CPA05-08 (Wylie)

As with all requests to redesignate a natural resource zoned parcel to a non-resource zone, first the applicant must demonstrate that the criteria for de-designation outlined in Policy 4A-3.1 (see CPA05-02 above) have been met. In this case, no evidence to support de-designation has been

provided. Additionally, as stated in the Department's original recommendation for denial, Policy 4A-12.7 (now numbered as Policy 3C-3.2) states "New development at these locations is subject to development regulations and design guidelines intended to maintain the rural character of the area, and to minimize impacts to rural residential areas, resource lands, critical areas, and other sensitive natural features of the environment. Such development **shall not be expanded into designated natural resource lands or create conflicts with natural resource practices.**" (Bold emphasis added)

CPA05-39 (Reidel)

This use began operation in 1980 under a special use permit allowing operation as a seasonal produce stand, from April to November, with a permitted structure of 1,300 sq. ft. and 32 sq. ft. of signage. Through modifications to the special use permit, it was later allowed to add seasonal fresh seafood sales (December of 1984), and then to operate on a year-round basis. Later requests (1986) to sell beer and wine and other convenience goods, and to add a 24-foot "snack shack" to serve cooked to-go seafood orders, were not favorably received by the County planning department due to concerns over conflicts with the agricultural zoning and adjacent agricultural uses. Although the designation criteria do allow businesses operating under a special use permit to seek Rural Business designation, the Department believes this is an undesirable place to establish a new commercial map designation, and that an operation allowed as a special use on Ag-NRL land should not be permitted to be used as a shoehorn or stepping stone for a future redesignation from Ag-NRL to commercial.

SC05-23 (BFF Trucking)

This proposal would correct a mapping error. The property houses a trucking business that has been at this location since 1966. The property had pre-GMA commercial zoning ("CL-I") but the business was missed in the 1999/2000 application of GMA-based rural commercial/industrial zoning to existing operations. The existing use meets the criteria for Small Scale Business (SSB) and should be so designated.

SC05-25 (North Burlington)

The Department seeks to rectify this island of Ag-NRL that appears to be mapped incorrectly. Each of the 4 parcels included in this proposal is less than 2 acres in size and meets the RI designation criteria. These parcels also meet the necessary de-designation criteria in Policy 4A-3.1 due to the error in initial designation. These parcels did not initially, nor do they now meet the Ag-NRL designation criteria.

SC05-26 (Split-zoning correction – Big Lake)

This proposed amendment is intended to correct a split zoning issue on several properties. The proposal would change small portions of each property so that each entire property has a single zoning designation. The split zoning is a result of a technical inaccuracy and does not serve an intended land use purpose.

AG05-01 (Bayview Ridge)

The area proposed for redesignation in this proposal is located at the base of Bayview Ridge. There is a change in elevation of 40' over the area proposed for redesignation (approximately 651 feet) equaling a 6% slope. The property also contains non-agricultural soils (137-

Swinomish Graveling Loam) according to the USDA Soil Conservation Service Soil Survey. The area included in the proposal totals approximately 16 acres and currently contains the processing facilities associated with Merritt's Apple Farm as well as a portion of the operation's apple trees. Agricultural activities and agriculture processing facilities are allowed uses in the Rural Reserve zone and will be allowed to continue without special permitting requirements. The Department finds that the parcel does not meet the Ag-NRL designation criteria and was originally included to create a logical outer boundary for the Ag-NRL district, currently Bayview-Edison Road. To maintain consistency with the application of zoning designations in the vicinity, the Department recommends that the outer boundary for the Ag-NRL zoning district continue to be at the toe of the slope, along Joe Leary Slough, as has been applied to parcels south and west of the subject parcel.

AG05-04 (Valentine Road)

This proposed change would match the zoning line with the existing toe of the slope and accurately map the conditions on the ground. The portion to be zoned Ag-NRL is actively farmed along with adjoining properties.

AG05-05 (Pleasant Ridge)

This proposal would rezone existing, small residential lots from Ag-NRL to Rural Reserve. These parcels sit on a treed hill and are not farmed. This proposal also included a recommendation to redesignate a strip of land between Best Road and a stream running parallel to the road within several parcels located to the east along Best and Rexville Grange Roads to Rural Reserve based on soil types. Although there is a change in soil type in this strip location, due to the roads on the west, the stream on the east, and the small acreage of the total area, the Department would recommend changing only the larger portion on the hill located off Summers Drive and retaining the Ag-NRL designation on the strip of trees to maintain Best and Rexville Grange Roads as a logical outer boundary of the Ag-NRL district.

AG05-06 (South Skagit Hwy.)

The portion of this property recommended for a zoning change from Ag-NRL to Rural Reserve is currently farmed and the proposed zoning line would more accurately represent actual conditions on the property. The Rural Reserve in this area was intended to be applied to non-farmed, heavily treed, and elevated properties. This recommendation acknowledges an existing change in topography on this parcel and is consistent with the zoning applied to surrounding parcels.

AG05-07 and AG05-08 (Minkler Lake)

Both areas contained in this proposal are partially covered by 'Minkler Lake'. This change would formally recognize that the land is permanently covered by water and assign the appropriate classification. The designation of "Water" is not a Comprehensive Plan or Zoning designation, but merely recognizes lands covered by water.

AG05-09 (Hamilton)

This proposed change would rectify a split zoning situation currently occurring on multiple parcels south of the Lyman Hamilton Highway. The current zoning line does not follow any

specific on-the-ground feature and appears to be a mapping error. Applying one zoning designation to the properties as a whole is desirable.

AG05-10 (Skagit River Fork)

The designation of OSRSI on this subject parcel owned by the Department of Fish and Wildlife (WDFW) is appropriate. Policy 2B-1.1 states “Public open space areas are those lands in public ownership that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive.” The property meets the definition for OSRSI as it is publicly owned, isolated by water and maintained in riparian state.

GROUP 2:

CPA05-01 (M/T Enterprises)

The Department originally recommended denial of this request, but based on additional material submitted during public comment now recommends that this parcel, as well as similar surrounding parcels, be further reviewed according to the designation criteria to determine if a change is appropriate. The matter could be included in the 2007 Comprehensive Plan Amendment cycle. The Department does not support a change to the subject parcel without a corresponding change to adjacent properties, which cannot be done at this time.

CPA05-07 (Patterson)

The Department’s original recommendation for denial on this proposal was based on Policy 3C-5.5 which states that ‘Designation of an agricultural industrial park is the only instance where Ag-NRL land may be converted to a NRI designation, and only based on a finding that the agricultural sector is better served by having the land in NRI designation to permit an agricultural industrial park.’ Based on information provided during the public comment period and further review, the Department has determined that based on the isolated location, irregularly-narrow configuration and existing development on the property, the original Ag-NRL designation was in error and therefore de-designation can occur and a subsequent redesignation to NRI would not be in conflict with the above stated policy. The proposed use of the property meets the NRI designation criteria and the Department recommends approval.

SC05-18 (Ross/Turner)

Originally this proposal was recommended by the Department as part of a package with the sale of a separate parcel of land owned by the property owners and sought by the County for use as a community stormwater detention facility. However, the sale of that property was negotiated on its own terms and this proposal should be considered on its own terms as well. Also, the property owners (“Ross-Turner-Slind”) have requested that the proposal be considered on the basis of the information provided in their comment letter dated March 30, 2006 (p. 1293, public comments), and not on the basis of earlier material submitted by representatives on their behalf.

The property in question is approximately 3 acres of a 67-acre parcel designated Ag-NRL. The subject property is the old historic farmstead including a residence and a pole building. It is delineated to the south by a driveway and to the north by Edison Slough. The owners say this area has never been farmed; is excluded from Open Space Farm and Agriculture tax status; and

is a logical extension of the Rural Village. It is included in the Edison Community Sewer System and is assessed for Edison street lights.

Currently, the 67 acres of Ag-NRL land has one development right, which has been used by the existing home. If 3 acres of the property is added to the Rural Village, there would potentially be three new development rights created on the property as a whole, for a total of 4. Rural Village Residential allows for 1 dwelling unit/acre with public water. The existing home would extinguish one of the RVR rights leaving the potential for 2 additional lots in the Rural Village portion and the remaining 64 acres of Ag-NRL land would have 1 development right with the appropriate land divisions. The property owners say they are not interested in subdividing the land proposed to be added to the Rural Village; however, the County does not have any legal mechanism to condition the property.

Many agricultural groups commented in their letters in opposition to this proposal (although most of these references were not noted in the topical comment index provided to the Planning Commission). See letters from the Skagit Conservation District (p. 1476); Skagit County Agricultural Advisory Board (p. 1524); Skagit County Farmland Legacy Program (p. 1542-3); Skagitonians to Preserve Farmland (p. 1672); and the Western Washington Agricultural Association (p. 1778). These letters question the rationale for including the property in the Rural Village.

The Department encourages the Planning Commission to evaluate the arguments on both sides and offer a recommendation.

AG05-02 and AG05-03 (Skagit River Fork)

The original recommendation for portions of these parcels to be rezoned to OSRSI was based on the non-farmed, riparian nature of the land. However, it has been discovered that these parcels are not publicly owned and therefore OSRSI is not an appropriate zoning designation. SCC 14.16.500 states "The purpose of the Public Open Space district is to provide a zoning designation for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic amenities, or for the protection of environmentally sensitive areas."