

**SKAGIT COUNTY 2005 GMA UPDATE:  
An Overview of Comments on Policy & Regulatory Issues  
received between February 17, 2006 and April 18, 2006\***

Summary Statement of Comment or Issue	1 <sup>st</sup> Page Number of Representative Comment Letters in the Public Record (specific page #)
<b>1. Natural Resource</b>	
<b>AGRICULTURE/AGRICULTURAL LANDS:</b>	
Special use permits should not be required for habitat restoration projects on agricultural lands: habitat protection and protection of resource based uses are not incompatible	Pages 4(5), 99(100), 113, 598(601), 801, 823(824), 912, 994(995), 1476(1477), 1555, 1566, 1577(1578), 1685(1687) and 1694(1695)
Ag land designations should be based upon soil type, without a minimum acreage threshold	Pages 4(5), 99(100), 598(602), 822, 1474(1475), 1675 and 1759(1760)
The proposed special use permit provisions for habitat restoration projects focus only on large projects that would alter hydrology and drainage and inhibit ongoing farming operations – the provisions are reasonable and necessary	Pages 1542(1543), 1667(1668) and 1778(1779)
The Agricultural Land designation criteria are overly restrictive and should be modified: current use taxation and prior agricultural use are not relevant to determining the suitability of soils for agricultural use	Page 1681(1682)
The Draft Plan provides inadequate protection for farmland by not restricting conversion for residential use and by permitting development in floodplains with prime agricultural soils	Page 179
The Draft Plan does not protect “secondary” agricultural lands, which are zoned rural, but are used for agricultural purposes	Page 179(180)
Special use permits should not be required for farm worker housing – this runs counter to the expressed goal to encourage agricultural use	Page 1581
<b>FORESTRY/FOREST LANDS:</b>	
Modify the criteria to ensure that Industrial Forest designations are not located in areas predominantly characterized by Secondary Forest and Rural designations; ensure that non-Industrial Forest landowners are not designated IF	Pages 830, 892, 903, 918, 975(976), 985, 996(1003), 1020(1021), 1283, 1349, 1351, 1360, 1466, 1737 and 1762
Eliminate the requirement that all residences must be within 200’ of an existing County Road or State Highway	Pages 830, 918, 985, 996(997), 1020(1021), 1283, 1351, 1466, 1737 and 1762
Eliminate the 200’ setback requirement on private lands adjacent to resource lands	Pages 830, 918, 985, 996(997), 1020(1021), 1283, 1349, 1351, 1466 and 1737

\* Note: this matrix does not attempt to summarize every comment on the GMA Update, nor does it address any of the comments received on specific rezones, which will be dealt with subsequently. Instead, this matrix is intended to highlight recurrent themes of comment on policy and regulatory issues reflected by the written record. Accordingly, this matrix is intended to serve as a resource for the Planning Commission as it deliberates upon the volumes of written comment and hours of testimony submitted on the proposed GMA Update.

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<b>FORESTRY/FOREST LANDS, continued:</b>	
The Forest Advisory Board (FAB) Forest Land designation criteria recommendations require further study – changes to Secondary Forest criteria and the Compensatory Incentive Program amount to paying foresters to do what is required under the law: protect streams and wetlands; these provisions should not be adopted	Pages 4, 99(100), 598(600), 823(824), 830, 996(997), 1555(1557) and 1566(1568)
The Plan's current Forest Land designations should be retained – the FAB recommendation to downzone some 6,800 acres lack a clear rationale and should not be adopted	Pages 99(100), 179(180), 598(604), 822, 903(904) and 996(997)
The parcel size criterion for Industrial Forest designation is inconsistent with the GMA definition of Forest Lands of long-term commercial significance and should be eliminated	Pages 598(601), 996(997) and 1365
Proposed Forest Land designation criteria are somewhat vague and would appear to result in areas suitable for forestry being designated as Rural Resource because they have more than "limited" public services – the criteria require further refinement	Page 823
<b>MINERAL RESOURCE LANDS:</b>	
Widespread MRO designations throughout the County will have significant negative neighborhood and environmental impacts, including: <ul style="list-style-type: none"> <li>• Noise and fugitive dust;</li> <li>• Deterioration of roads and traffic safety; and</li> <li>• Environmental and aesthetic deterioration</li> </ul>	Pages 1035, 1354, 1378, 1378(1379), 1743, 1757(1758), 1777, 1786 and 1820
Some rural areas subject to the proposed MRO designation have population densities that may be incompatible with mineral resource extraction and processing, and should be reconsidered (e.g., areas east of Marblemount and south of the Skagit River)	Page 598(607.5)
The density restrictions on Rural Reserve lands adjacent to MRO designations amount to a massive unnecessary downzone of Rural Reserve lands; simply downzoning properties next to MROs to Rural Resource would be a more direct and open approach	Page 1581(1582)
<b>)2. Environment</b>	
<b>CRITICAL AREAS:</b>	
Certain Plan and Code changes make habitat restoration projects more difficult than they are currently (i.e., special use permit provisions) – they should not be adopted; more thoughtful changes could ensure <u>both</u> habitat protection and continued forestry and agricultural use	Pages 4(5), 99(100), 113, 598(601), 823(824), 912, 994(995), 1555, 1685(1687) and 1694(1695)

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<b>CRITICAL AREAS, continued:</b>	
The CAO, when revised to incorporate best available science, should employ buffer widths that are tailored to fit with DOE's new wetland ratings system – the County's existing buffer widths will require revision	Pages 1474 and 1681(1682)
Draft Plan and regulations should include improved Aquifer Recharge provisions that address coastal seawater intrusion and help prevent the deterioration of sole source aquifers (e.g. Guemes Island)	Page 1118
<b>FLOODPLAINS &amp; FLOOD CONTROL:</b>	
Stronger flood protection is needed now – no further study is required; Goal A-6 in the Environment Element should be retained and implemented in this GMA Update cycle	Pages 4, 63(64), 99, 113, 598(599), 757, 803, 822, 990, 994, 1474(1475), 1555(1558), 1667(1670), 1675, 1732(1733) and 1759(1760)
Goal A-6 should be deleted – Mount Vernon's commercial and industrial core is located almost entirely within the floodplain and any potential UGA expansion will likely also be in the floodplain	Pages 1103 and 1559
Draft Plan and supporting analysis fail to adequately factor the potential impacts associated with climate change	Pages 803(804) and 1685(1688)
Floodplains should not necessarily be excluded from UGA expansion areas in all instances – in some cases it may make sense for these areas to be included within a UGA to ensure effective floodplain management	Page 146.5
Approving the provisions for new fully contained communities within the Plan will help to discourage development in floodplains and protect farmland	Page 783
The County's floodplain designations, based on FEMA 100-year flood data, may not reflect the best available science; the accuracy of these designations must be confirmed	Page 1681(1683)
<b>3. Rural</b>	
<b>RURAL LANDS:</b>	
CaRD density bonus provisions are resulting in too much development in rural areas, threatening rural character	Pages 4, 99, 113, 498, 598(603), 822, 994, 1474 and 1759(1760)
County's proposed area-wide upzoning of South Fidalgo Island threatens rural character, runs contrary to achieving the 80%-20% urban/rural split desired by the County, runs counter to the desires of area residents, and is not consistent with direction from the Hearings Board	Pages 63, 183, 375, 498, 1027, 1028 and 1791
Additional measures should be taken to effectively implement the 80%-20% urban/rural population capture target of the Plan and CPP	Pages 63, 179, 598(599), 986, 987 and 1474
A more accurate rural lands inventory and effective development standards are necessary to ensure that rural character is not lost	Pages 4, 1038 and 1474

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<b>RURAL LANDS, continued:</b>	
The County's widespread application of the Rural Intermediate designation has the potential to result in extensive suburban development that undermines rural character	Page 1681(1683)
More effective land use management is needed around the County's rural lakes to protect water quality – lot aggregations and lot line adjustments could be used to create larger parcels and reduce residential density in proximity to lakes	Page 117(118)
No sewer extensions should be permitted on rural South Fidalgo Island – doing so would violate RCW 36.70A.110(4)	Page 564
County Code provisions (existing and proposed) lack the detail and flexibility to adequately address the place of rural water service: <ul style="list-style-type: none"> <li>• Special use permits should not be required for rural water service projects serving permitted rural uses;</li> <li>• Level 1 permit review should not be required for minor water utility projects – (i.e., minor projects that are categorically exempt from SEPA)</li> </ul>	Page 1227
Expansion of public water systems in rural areas is contributing to over-development in rural areas – Plan guidance is needed to ensure that only rural LOS is provided outside UGAs	Page 1474(1475)
Extreme and high fire hazard areas should be designated, and regulations adopted in rural Skagit County to reduce the likelihood of wildland/urban interface fires	Page 1526
Aquatic resources and industries are not adequately addressed within the Rural Element, and the prohibition against aquatic industries in rural areas appears to conflict with CPP 5.8	Page 1681(1682)
<b>LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT (LAMIRDs):</b>	
Provisions that include Rural Intermediate and Rural Village Residential areas in LAMIRDs could result in increased density in rural areas and a subversion of rural character (e.g., South Fidalgo Island, Guemes Island) – these changes should not be approved	Pages 63, 498, 564, 761, 1791 and 1814
LAMIRD criteria should not be used to allow new non-rural zoning and development in rural areas, outside logical outer boundaries – the built environment as of July 1, 1990 should be the basis for LAMIRD boundaries	Pages 181, 564,598(604), 761 and 1814
LAMIRDs should be comprehensively reviewed and revised based upon all available documents and information and the built environment as of July 1, 1990	Page 926

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<b>LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT (LAMIRDs), continued:</b>	
LAMIRD designations should not be applied to Guemes Island until aquifer recharge areas are designated through more extensive hydrogeologic studies	Page 1119
<b>CONSERVATION AND RESERVE DEVELOPMENTS (CaRDs):</b>	
CaRD density bonuses should be eliminated – they are resulting in too much population growth and development in rural areas	Pages 4, 99, 113, 498, 598(603), 822, 994, 1474 and 1759(1760)
CaRD provisions have resulted in large non-rural clusters in rural areas – CaRD provisions need to include stricter standards regarding landscaping and screening to protect rural character	Pages 4, 598(603) and 822
The CaRD process should not be allowed to introduce further density on South Fidalgo Island until the Subarea Plan is completed	Page 498
The CaRD density bonus provisions should not be allowed within Secondary Forest areas, as they create the potential for conflicts with nearby Industrial Forest land designations	Page 823(824)
CaRD density bonus provisions for Secondary Forest lands are the product of careful deliberation and should be approved	Page 1546(1547)
The Code should be revised to allow greater flexibility in designing short CaRDs	Page 1581(1582)
<b>4. Other</b>	
<b>URBAN GROWTH AREAS:</b>	
Expansions to extant UGA boundaries should be based on a comprehensive study of available urban land base in relation to projected urban population growth – individual UGA expansion requests should not be approved	Pages 598(607) and 1474
The Mount Vernon UGA is oversized in relation to projected population growth and should be reduced	Page 598(607.5)
Goal B Open Space, 2B-1.3 commits to “developing a program” for open space corridors and greenbelts within and between UGAs that was an original GMA requirement – this process should be expedited	Page 1681(1682)
The County should commit to regularly monitoring population growth to ensure that capital facilities planning and infrastructure improvements do not lag behind growth and development	Page 1681(1683)
<b>ZONING, GENERALLY:</b>	
Clearer provisions regarding expansions of nonconforming buildings and nonconforming uses are needed; current code provisions are internally inconsistent and should be revised	Pages (114) and 1679
The GMA and centralized land use planning and zoning are experiments in social engineering and interfere with the free market system	Pages 378 and 1280

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<b>ZONING, GENERALLY, continued:</b>	
The range of permitted uses within the Rural Freeway Services zone (SCC14.16.120) should be expanded to include car washes, auto dealers and mini-storage facilities	Page 37
The County should more clearly explain the concept of legal nonconforming lots to landowners – parcels that are smaller than the new minimum sizes are legal conforming and may still be built upon	Page 178
<b>TRANSPORTATION:</b>	
Ferry service to Guemes Island should be expanded – Goal A5, Ferry Service, should be retained	Pages 372, 1037, 1369 and 1776
Proposed policy 8A-5.2 would increase ferry service to Guemes Island regardless of the success of demand management techniques; this language should be eliminated, as it will result in unneeded increased capacity that will fuel additional growth – contrary to the GMA; instead, LOS standards for ferry service should be retained	Pages 761(762) and 784
The language in 8A-5.3 of the Transportation Element should seek to balance the needs of both Island residents and non-residents; the language in 8A-5.4 should emphasize “cost effective” ferry service to Guemes Island	Page 181(182)
More time is needed to study and comment upon the Transportation Element changes that relate to the Guemes Island Ferry	Page 1767
The Plan needs to emphasize moving people, rather than merely cars; the present Plan emphasis and land use design paradigm is too heavily weighted towards the automobile	Page 99(101)
The County should develop and implement policies that lead to the creation of a comprehensive road network, rather than an uncoordinated, piecemeal, development-driven road network	Page 1221
<b>PROPERTY RIGHTS:</b>	
Draft Plan does not place sufficient emphasis on protection of private property rights and fails to reference Goal #6 of the GMA – Property Rights	Pages 377, 765 and 1559
Draft forestland designation and regulation shows a disregard for private property rights (e.g., 200 foot setback from forest land) and is unduly weighted towards the interests of large timber companies	Page 996(1001)
The County should develop and implement a “grandfathered rights” policy to address the unfairness of being taxed for years at highest and best use, creating development expectations, and then being downzoned	Page 1219

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<b>PROCESS:</b>	
The Draft Plan does not include policies or narrative discussion adequately addressing GMA Goal #7 – Permits	Page 377
It is unclear what constitutes “the draft” (i.e., among the multiple documents prepared for the Update) which citizens are to comment upon	Page 996(1002)
Recent appointments to citizen and technical advisory committees have resulted in narrow representation of community interests	Page 1577
There should be greater coordination between those who write the Plan and Code provisions, and those who must work with it on a day to day basis (i.e., both staff and local professionals)	Page 1581(1582)
<b>MISCELLANEOUS:</b>	
<p>Skagit County should improve and update its approach to stormwater management by:</p> <ul style="list-style-type: none"> <li>• Adopting the elements of a comprehensive stormwater management plan recommended in the 2000 Puget Sound Management Plan;</li> <li>• Adopting DOE’s 2005 Stormwater Management Manual for Western Washington or its technical equivalent; and</li> <li>• By encouraging or requiring low impact development (LID) practices</li> </ul>	Pages 1694(1697) and 1732
Draft Plan does not address several goals of the GMA (RCW 36.70A.020): Open Space/Recreation (GMA goal #9); Citizen Participation & Coordination (GMA goal #11); and Historic Preservation (GMA goal #12).	Page 377
The relationship between the Comprehensive Plan and the County-wide Planning Policies is not adequately detailed in the Draft	Page 377
Skagit County should adopt the Skagit County Natural Hazards Mitigation Plan by reference as part of the 2005 Plan, along with goal and policy amendments to reduce the risk of release from hazardous materials in the event of a natural or manmade disaster	Page 1700