



Skagit County Planning Commission

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Chair Tim Raschko **Vice Chair** Tammy Candler
Members Vincent Henley, Amy Hughes, Jennifer Hutchison, Mark Knutzen, Kathy Mitchell,
Martha Rose, Joe Woodmansee

Tuesday, December 13, 2022

Skagit County Planning Commission's Recorded Motion regarding 2022 Docket of Comprehensive Plan, Map, and Development Code Amendments

Proposal publication date: October 20, 2022

Proposal name: 2022 Docket of Comprehensive Plan, Map, and
Development Code Amendments

Documents available at: www.skagitcounty.net/2022CPA

Public hearing body: Skagit County Planning Commission

Public hearing date: Tuesday, November 8, 2022 at 6:00 p.m.

Written comment deadline: Thursday, November 10, 2022 at 4:30 p.m.

PC deliberations: December 13, 2022

On June 14, 2022, the Skagit County Board of Commissioners deliberated on the proposals for the 2022 docket, including public comments received, and passed Resolution #R20220119 including five petitions in the 2022 Docket.

Petition LR22-05, Agricultural Accessory Use Amendment, was rescinded by the applicant on July 29, 2022.

The Board of County Commissioners then amended the 2022 Docket by Resolution #R20220192 on October 10, 2022, to add two additional petitions to the docket.

The Planning Commission held work sessions on the docket on June 28th, August 9th, and October 28th, 2022, prior to the public hearing.

On October 20, 2022, the Planning and Development Services Department published a Notice of Availability (including SEPA determination of non-significance and notice of written comment period and public hearing) and staff report, and transmitted a 60-day Notice of Intent to Adopt to the Department of Commerce.

The staff report published on October 20, 2022, and supplemental staff reports contain additional findings related to process, public notice, and department recommendations.

The public comment period was open from October 20, 2022, until November 10, 2022, in which the County received 87 comments.

All written comments and hearing testimony were provided to the Planning Commission in a supplemental staff report dated November 17, 2022.

On November 22, 2022, a work session with the Planning Commission was held to discuss the public comments.

Planning Commission deliberated on the docket on December 13, 2022.

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.

Recommendations, Findings of Fact and Reasons for Action

LR22-01: Small Scale Recreation and Tourism Rezone

1. The Planning Commission recommends that the Board of County Commissioners **approve** the zoning map amendment to rezone the Bertelsen Farms property from Rural Reserve to Small Scale Recreation and Tourism.

Findings of fact and reasons for action:

- a. The County has specific steps to the process for applying for a rezone and the proponents have met those steps, including the applicant's provision of site plans as part of the rezone application.
- b. Skagit County Code 14.16.130 Small Scale Recreation and Tourism, addresses code for SSRT in detail. The proposal is in the Rural Reserve zone, not Ag-NRL, so it is not affecting farmland, as is or with the change to SSRT zone. The proposal will not cause a reduction or loss of farmable soils.
- c. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

- d. Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural life styles.
- e. Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands.
- f. Page 63 of the Comprehensive Plan states, “two other types of commercial LAMIRDS – Small Scale Recreation and Tourism uses, and isolated small scale businesses may allow new development provided that development is contained and consistent with the surrounding rural character. Small scale recreation and tourism zone is a type two LAMIRD.”
- g. Page 64 of the Comprehensive Plan states, “the rural reserve designation covers those portions of the rural area that were not already developed at higher densities in 1990.”
- h. Page 66 of the Comprehensive Plan states, “small scale recreation and tourism designation is intended to foster economic development and diversification that is recreational or tourist related that relies on rural location and setting and that incorporates the scenic and natural features of the land. The SRT designation is consistent with the type of LAMIRD authorized by RCW 36.70A.075 (d)(ii).”
- i. The location is directly off the I-5 Starbird interchange, allowing ingress and egress without disturbing neighbors, which is also an advantageous location for commercial and tourism uses.
- j. The proposal is beneficial to the community to add more activities as well as bringing in our neighboring communities to visit Skagit County.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-1 Wind Turbine Use Amendment

1. The Planning Commission recommends that the Board of County Commissioners **deny** the wind turbine use amendment.

Findings of fact and reasons for action:

- a. The public when given a chance to comment on the proposal was uniformly against it.
- b. The director had made an Administrative Official Interpretation in 2008 about this use, the public did not have input on the decision. In 2013, the Department went to a grant study and the public did not have input on the study.
- c. The industry guidelines that have been issued to local governments have been eye opening, they provide recommendations for code writing for wind turbines for local governments. The proposals for wind turbines should not be one size fits all. The needs in Skagit County are different than Whatcom County and other places.
- d. The proposal is too focused on certain types of wind turbines without discussion of how other types of turbines could better fit residential zones in the County. There needs to be more research into the size and types of wind turbines allowed in Skagit County as well as the zones where they are allowed.
- e. The proposal to allow wind turbines in all zones is too inclusive. There are few uses which are allowed in all zones in Skagit County.
- f. The proposal as stated allows for a maximum installation size for wind energy systems that is too large.
- g. The downsides for wind turbines are not being thoroughly mitigated for. Noise and resonance can have negative effects on humans and wildlife nearby.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-2 Critical Areas Ordinance Correction

1. The Planning Commission recommends to the Board of County Commissioners to **approve** the critical areas ordinance correction amendment.

Findings of fact and reasons for action:

- a. The proposal is necessary for clarity of the code.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee			x	
Jennifer Hutchison	x			
Total	7	0	2	0

C22-3 Guemes Island Overlay Side Setback Amendment

1. The Planning Commission recommends that the Board of County Commissioners **approve** the request to amend the side setback and building envelope requirements within the Guemes Island Overlay.

Findings of fact and reasons for action:

- a. The side setback requirements have proved to be unnecessarily impractical and onerous for homeowners and PDS staff after six years of implementation.
- b. The current building envelope requirements disproportionately and negatively impacts narrow lots and older homes by minimizing improvements for second story livable space, restricting upstairs views, and reducing comparative home values.
- c. The proposal meets Skagit County consistency review with Skagit County Code 14.08.
- d. The proposal is consistent with Comprehensive Plan Goal 2A-8, "Work to simplify the permitting process for landowners and developers in the unincorporated portions of the urban growth areas and to allow flexibility of the construction of their homes without impacts to critical areas, view sheds, and other scenic amenities."
- e. The proposal is consistent with Comprehensive Plan Policy 3A-3.3, "Standards and plans for structures, roads and utility systems, and other public services and facilities, shall be consistent with rural densities and uses. Such facilities and services shall be designed, constructed, and provided to minimize the alteration of landscape and the impacts to rural residents and community character to preserve natural systems, to protect critical areas, to protect important land features such as, ridgelines, to retain historic and cultural structures/landscapes and scenic amenities."
- f. The current height restrictions have forced residents to occupy living space in the flood plain. This proposal will provide property owners the flexibility to plan for and use decks, gardens, open space, more freely with consideration for property obstacles such as boulders, trees, and mature growth onsite.
- g. The change in the code will not have an impact on the seawater intrusion issues on Guemes Island.

h. Rural character will still be maintained.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-4 Economic Development Plan Amendment

1. The Planning Commission recommends to the Board of County Commissioners to **approve** the request to amend the Comprehensive Plan Economic Development Plan chapter.

Findings of fact and reasons for action:

- a. The proposal ensures state funds are available to eligible recipients in Skagit County.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-5 Seawater Intrusion Areas Amendment

1. The Planning Commission recommends that the Board of County Commissioners - **approve** the request to amend language for seawater intrusion areas.

Findings of fact and reasons for action:

- a. The proposal will ensure the County can engage with a contracted hydrogeologist to perform reviews of wells in documented seawater intrusion areas if the resources are not available on staff.


Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

The Planning Commission recommends that the Board of County Commissioners adopt the 2022 Docket of Comprehensive Plan, Map, and Development Code Amendments as recommended.

This recorded motion **approved** on this 13th day of December, 2022.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Tim Raschko, Chair

12-27-22
Date



Jack Moore, Secretary

12-27-22
Date