



# Planning & Development Services

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## Staff Report 2021 Docket

To: Skagit County Planning Commissioner  
From: Peter Gill, Long Range Planning Manager  
Date: December 23, 2021  
Re: 2021 Docket of Proposed Policy, Code, and Map Amendments

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### Summary

Planning and Development Services (PDS) is providing this staff report in advance of the January 11, 2022 Planning Commission public hearing. This report describes the regulatory background for the yearly amendments; provides a synopsis of the public review process; analyzes the proposed changes pursuant to local and State requirements; and describes the Department’s (PDS) recommendations to the Planning Commission for deliberation. The previous staff reports, draft maps, citizen comments, public noticing documents, and other supporting materials concerning this year’s Docket are available at the following project webpage: [www.skagitcounty.net/2021cpa](http://www.skagitcounty.net/2021cpa).

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## Introduction and Background

The Growth Management Act (GMA) provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”<sup>1</sup> and requires Skagit County to periodically accept petitions for amendments or revisions to the Comprehensive Plan policies or land use map. Skagit County implements this requirement through Skagit County Code Chapter 14.08, which describes the process for annual amendments.

Skagit County received thirteen timely petitions for consideration through the annual Comprehensive Plan, Map, and Development Regulation Docket, another five petitions were proposed by the County. Following a public comment period, petitioner presentations, a public hearing, and consideration of nearly 800 comments the Board of County Commissioners established a docket. The docket was approved by resolution [R20210084](#)<sup>2</sup>, on May 11, 2021, to include twelve petitions for further review. Public comments can be located listed by petition number and name on our project webpage. The previous staff memos, public noticing documents, and other supporting materials concerning this year’s Docket are available at the following project webpage: [www.skagitcounty.net/2021cpa](http://www.skagitcounty.net/2021cpa).

Planning & Development Services is analyzing the docketed proposals under the State Environmental Policy Act (SEPA). The Contained Communities Petition (LR20-04) is not addressed in this Staff Report as the environmental review is ongoing and will not be the subject of the public hearing on the 2021 Docket.

Timeline of the Yearly Docketing Process.

| Date               | Hearing Body        | Meeting Type   | Actions   |
|--------------------|---------------------|----------------|---|
| <b>Spring 2021</b> | BoCC                | Public Hearing | Accept testimony on which proposals merit inclusion in the Docket.            |
| <b>Spring 2021</b> | BoCC                | Deliberations  | Docket established via Resolution.  |
| <b>Fall 2021</b>   | Planning Commission | Workshop(s)    | Discussion of upcoming Docket public hearing.                                 |
| <b>Winter 2022</b> | Planning Commission | Public Hearing | Accept testimony on the proposals included in the Docket.                     |
| <b>Winter 2022</b> | Planning Commission | Deliberations  | Recorded motion with recommendations to the BoCC.                             |
| <b>Winter 2022</b> | BoCC                | Deliberations  | Deliberate on whether to adopt, not adopt, or defer amendments on the Docket. |

*Table 1 Summarizes the review process with approximate timing of each action. RCW 36.70A.130(2)(a) states that the Comprehensive Plan, with few exceptions, may not be amended more than once per year.*

A detailed description of public involvement methods and opportunities is included in the public participation plan, found on our project webpage.

<sup>1</sup> RCW 36.70A.130(1)(a).

<sup>2</sup> <http://www.skagitcounty.net/Common/Documents/LFDocs/COMMISSIONERS000017/00/00/4d/00004d49.pdf>



This staff report includes an analysis of the proposals for consistency with county and state requirements, and the Department's recommendations, as required by SCC 14.08.080. The Department's recommendations are based on the proposals' application materials, additional research, and evaluation of the proposals' consistency with relevant policies and criteria in the Skagit County Comprehensive Plan and provisions in Skagit County Code.

Following the procedures described in SCC 14.08.070 through .090, the Planning Commission will deliberate and make recommendations on the various amendment proposals and transmit its recommendations to the Board in the form of a recorded motion. The Board will then meet to consider and take formal action in the form of an ordinance approving or denying the proposed amendments to the comprehensive plan, land-use/zoning map and development regulation.

The remainder of this memo describes the docketing criteria and process; summarizes the amendment proposals; and includes the Department's recommendations as required by SCC 14.08.080(1).

## Findings of Fact

### SEPA and Chapter 14.08 SCC

The following sections demonstrate the County's compliance with the procedural requirements for legislative actions pursuant to local and State requirements:

1. *Compliance with the State Environmental Policy Act (Chapter 97-11 WAC, SCC 14.08.050, and SCC 16.12):*

- Staff prepared an environmental checklist for the proposed amendments, dated December 15, 2021. The checklist did not include evaluation of petition LR20-04, Fully Contained Communities.
- Pursuant to 14.08.050, an environmental checklist for the Nielsen Brothers Comprehensive Plan & Zoning Map Amendment, item PL19-0419, was provided by the petitioner and reviewed by staff.
- Determinations of Nonsignificance were issued based on the environmental checklists on December 23, 2021.
- Any comments received prior to the close of the comment period will be presented to the Planning Commission at the scheduled public hearing.

***Conclusion – The proposed code amendment will satisfy local and State SEPA requirements at the conclusion of the comment period.***

2. *Procedural Compliance with the Growth Management Act (RCW 36.70A.106):*

- The County requested review from the Department of Commerce on December 17, 2021.
- The County must notify the Department of Commerce, at least 60 days in advance, of its intent to adopt comprehensive plan and development regulation amendments.
- Staff will file the ordinance with the Department of Commerce within 10 days of the County Commission's action.

***Conclusion – The proposed code amendment will meet the Growth Management Act requirements.***

3. *Public Notice and Comments*

- The County published a Notice of Availability, Public Comment, and SEPA threshold determination in the Skagit Valley Herald on December 23, 2021.
- The County mailed notices to the property owners within 300 feet of the Nielsen Brothers Comprehensive Plan & Zoning Map Amendment, item PL19-0419 on December 22, 2022.
- Any comments received prior to the close of the comment period will be presented to the Planning Commission at the scheduled public hearing.

***Conclusion – The County has met the public notice requirements of SCC 14.08.070.***

## Citizen Petitions

### *Policy and Code*

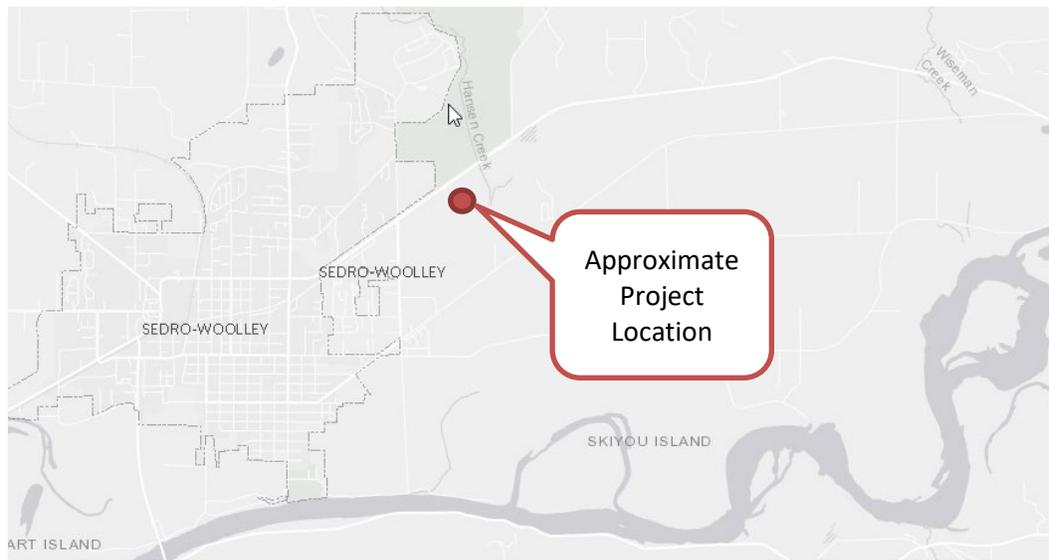
Skagit County Board of Commissioners docketed seven citizen petitions to amend the Comprehensive Plan policies, map, or development regulations. The full text of each petition as originally submitted or proposed is available on the 2021 Comprehensive Plan Amendment webpage at [www.skagitcounty.net/2021CPA](http://www.skagitcounty.net/2021CPA). The following section describes each proposed amendment, evaluates

each petition according to the review criteria in SCC 14.08.060 and SCC 14.08.080, and provides PDS’s recommendations for the Planning Commission’s consideration. **Attachment 1** includes the recommended proposed policy and code amendments for the docketed petitions.

## **PL19-0419 Nielsen Brothers Comprehensive Plan & Zoning Map Amendment (14.08.060 Petitions—Approval criteria for map amendments and rezones.)**

### **Summary**

This proposal aims to rezone 11.89 acres of Agriculture-Natural Resource Lands (Ag-NRL) designation to Natural Resource Industrial (NRI). The property is located at 25046 State Route 20 (SR-20) east of Sedro Woolley. Nielsen Brothers Inc. is interested in expanding the current shop building to create larger work bays and make other improvements to the drainage and operational layout of the site including installation of a zero- discharge closed loop water recycling wash rack for heavy equipment. In May 2019, the petitioner was informed that the current use of the property is considered "non-conforming" in the Ag-NRL zone, and as such, no enlargement, alteration, expansion or change is allowed.



*Figure 1: General location of proposed rezone, east of Sedro-Woolley.*

### **Recommendation**

The Department recommends the proposed rezoning request be **approved**.

### **Project Proposal**

Uses allowed in Natural Resource Industrial (NRI) are generally consistent with existing uses on the property, but allow for intensification. Specifically, the petitioner is requesting to “expand the current shop building to create larger work bays and make other improvements to the drainage and operational layout of the site including installation of a zero- discharge closed loop water recycling wash rack for heavy equipment.” The NRI zone purpose is consistent with the stated intent of the petitioner’s development project. See existing site plan and aerial image below.

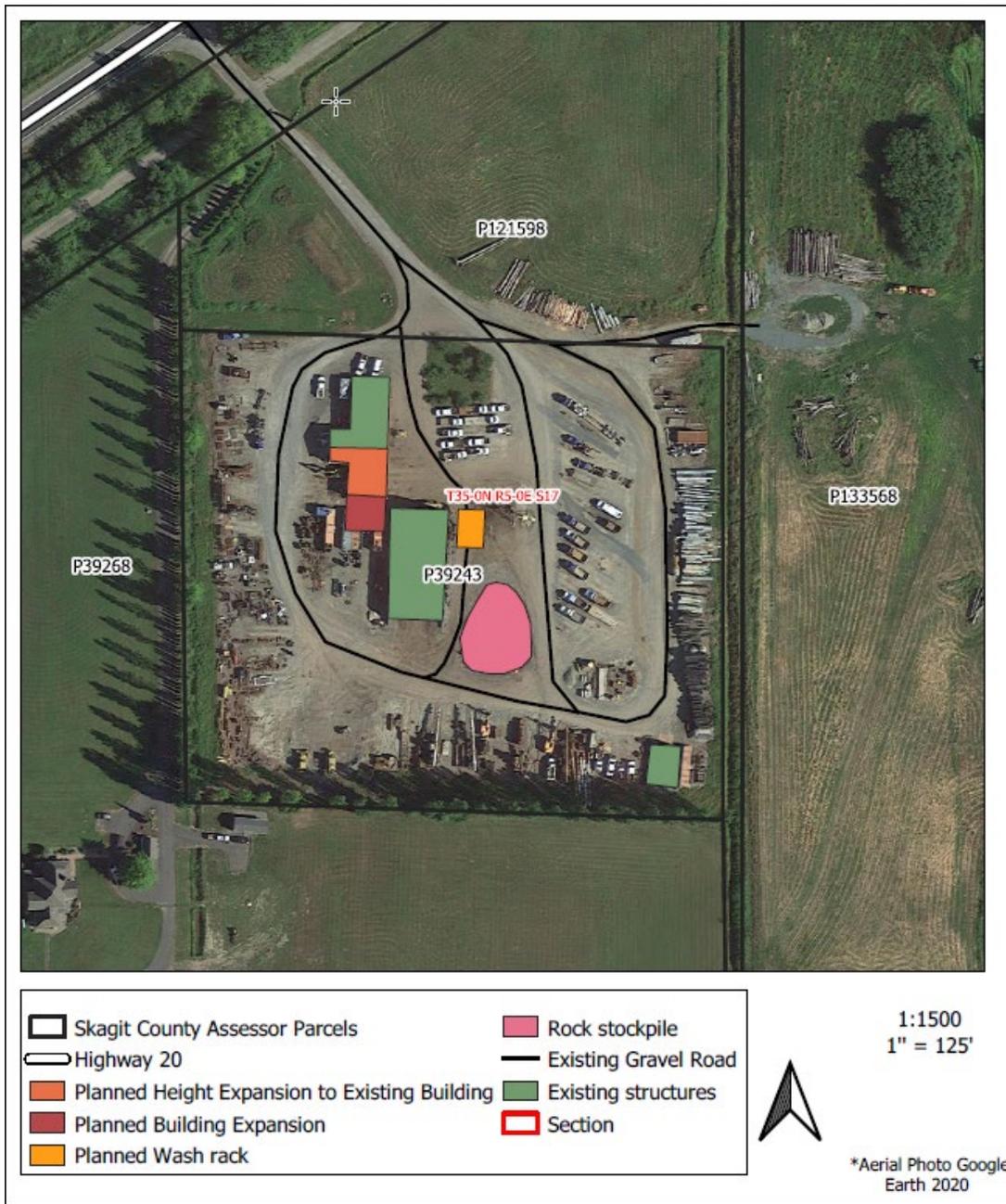
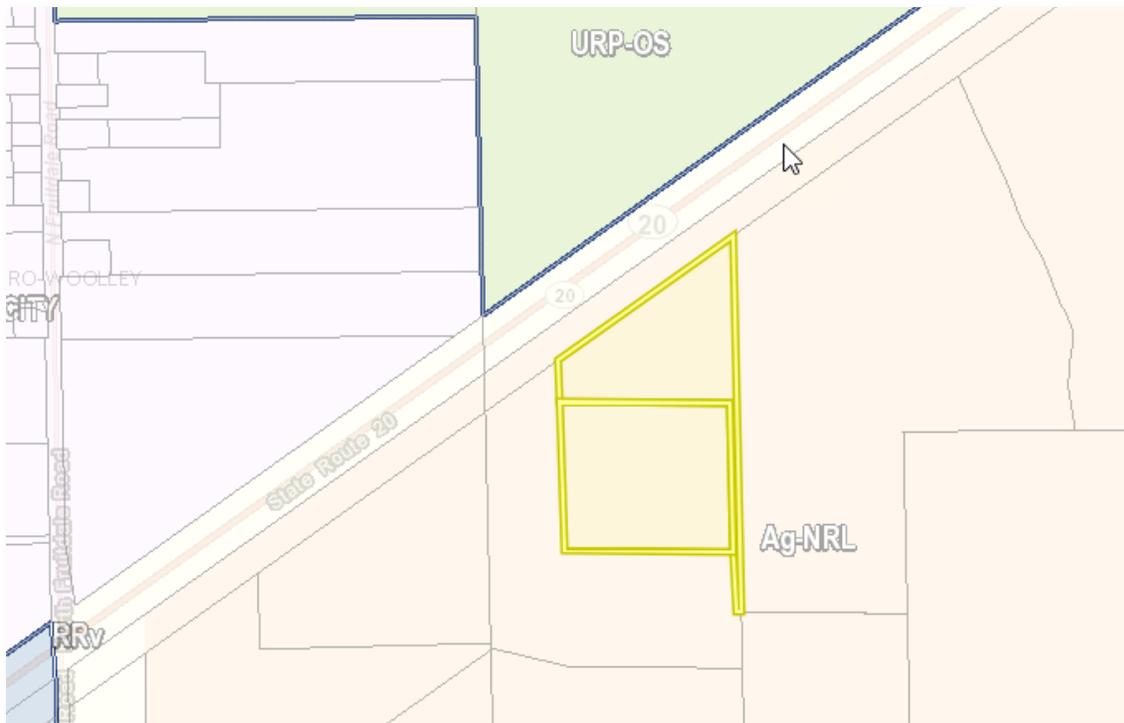


Figure 2: Development Proposal at subject site

### Analysis

The use of the site is currently considered non-conforming, it is used as a forest industry maintenance shop and storage yard. The site has been used for natural resource operations for approximately twenty years. Adjacent uses include the Hansen Creek Reach 5 Channel Restoration Project located adjacent to the applicant's property on the east and south. The three parcels west of the site are zoned AG-NRL, but generally less than 20 acres in size with agricultural uses limited to low intensity livestock grazing and hay production. The Cascade Trail runs along the north property line.



**Figure 3:** Proposed rezone along SR-20 (Yellow) and land use designations adjacent the proposed rezone.



**Figure 4:** Aerial Image of site proposed for rezone from Agricultural – NRL to Natural Resource Industrial

New Natural Resource Industrial designations are allowed in the County consistent with the Comprehensive plan and are allowed as such under the Growth Management Act (GMA). Uses allowed in Natural Resource Industrial (NRI) are generally consistent with existing uses on the property. This includes the maintenance, repair, and storage of logging equipment including yarders, loaders, processors, skidders, dozers, rock crushers, road builders, commercial vehicles, work trucks,

trailers, steel containers, and miscellaneous items. With direct east/west access to SR-20 and nearby north/south access to Highway 9, the shop facility is ideally located between the major forest resource lands and the lumber mills where the logs are delivered.

“The Natural Resource Industrial (NRI) designation is intended to support the production of agricultural, forest, and aquatic products by allowing processing facilities, limited direct resource sales, and limited natural resource support services. Examples of typical NRI uses include saw mills, agricultural or forest industry equipment maintenance, agricultural processing plants, and seafood processing and on-site sales. Mineral processing activities are generally guided by separate policies found in the Natural Resource Lands Element of the Comprehensive Plan. The NRI designation provides a location for natural resource processing and support services that does not remove designated natural resource lands from production. The NRI designation may qualify as a LAMIRD under RCW 36.70A.070(5)(d)(i), if the site has been in industrial use since 1990, or under RCW 36.70A.070(5)(d)(iii), if the use is new.”

This change supports a Natural Resource Land use, forestry and it is compatible with surrounding uses, including agriculture and salmon enhancement. The majority of NRI designations show up adjacent to AG-NRL zones, as these uses are compatible and often complimentary. Figure 3 shows the locations on NRI zones (Red) and proximity to Ag – NRL (brown).

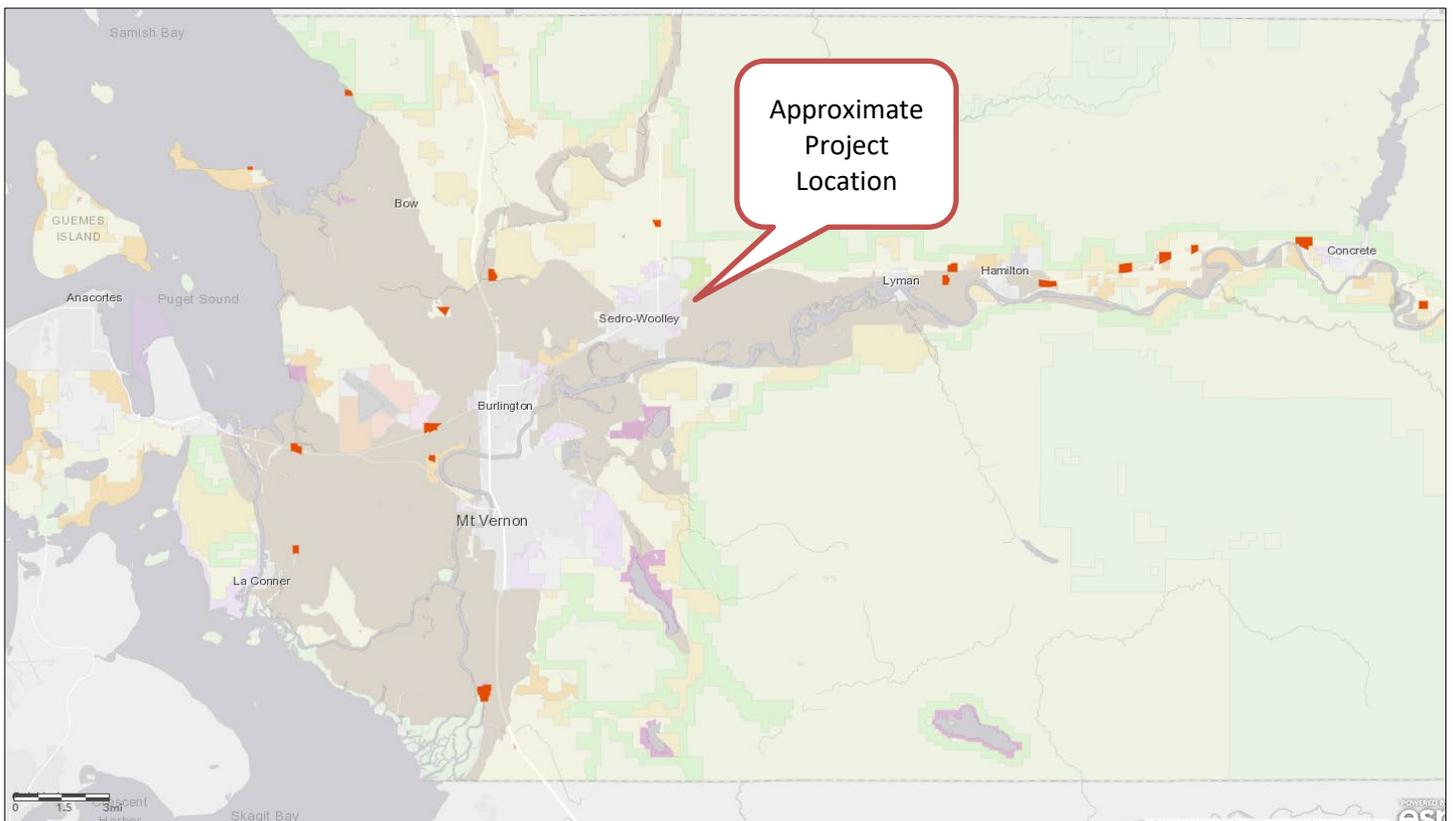


Figure 5: NRI zone (Red) distribution and zoning.

Analysis of the existing Comprehensive Plan map designation (Ag-NRL) is applicable. The current use, parcel size, location characteristics, and surrounding uses may disqualify the property as long

term commercially viable agricultural lands. Significant exceptions to the Comprehensive Plan agricultural land designation criteria are no longer relevant to the site:

- the Nielson Brothers (NBI) property is not within the 100-year floodplain as adopted by FEMA;
- the property is not in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture (it is in a tax category for lumber & wood products);
- the land is not currently in agricultural use nor has it been within the preceding ten plus years;
- the property is not within a diking or drainage district that is oriented to enhancing agricultural operations, including drainage improvement and flood control;
- the adjacent lands are not primarily in agricultural use - they are being restored to their pre-drained natural state for salmon habitat enhancement;
- the neighboring Hansen Creek restoration project is a \$3,028,500 non-farm public investment;

A change from a natural resource land map designation must also recognize that natural resource land designations were intended to be long-term designations. The petitioner was issued permits by the County to utilize the property for a natural- resource-based industry nearly 20 years ago and the land has been altered to accommodate that use in a way that precludes future agricultural uses.

Further, agricultural uses would not be compatible with the Hansen Creek Reach 5 Restoration Project which impacts approximately 200 adjacent acres. Restoring critical habitat for salmon is a high priority for the County and the Hansen Creek project has received public funding in support of this priority.

### **Consistency Review with Skagit County Code 14.08**

1. A rezone or amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.

NBI is an already developed forest resource-related industry that is consistent and compatible with rural and resource land character.

In accordance with Goal 3C-2, the NBI proposal supports the rural economy by fostering opportunities for rural-based employment and natural resource related industries. Policy 3C-2.2 requires that the proposed designation must:

- a) be consistent with existing rural character - the existing NBI facility is a resource- based industry that, by its nature, is consistent with rural character and incompatible with urban areas;
- b) not create conflicts with surrounding agricultural, forest, and mineral resource lands

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and practices - as the existing NBI facility is a resource-based use it has not and will not create conflicts with surrounding resource lands and practices as these lands are primarily rural in use or are being restored as natural habitat and not used as resource lands; and

- c) provide for the protection of critical areas, frequently flooded areas, and surface water and ground water resources, including sole source aquifers - NBI proposes to significantly upgrade its operations facility on the site including drainage improvements such as installing a closed loop water recycling system for its equipment washing and water saving measures such as roof catchment which will help protect critical areas and surface and ground water resources.

Finding that this use and designation keeps the land in a Natural Resource Land designation is consistent goals and policies of the Natural Resources Chapter of the Skagit County Comprehensive Plan. Existing and proposed uses are compatible with surrounding uses in agriculture and habitat restoration. Further, the current use, location characteristics, and surrounding uses may disqualify the property as long term commercially viable agricultural lands.

The maintenance, repair, and storage of logging equipment and proposed improvements are consistent with the designation criteria of the NRI.

2. A change to a rural or natural resource land map designation must also be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.

The land map designation change to NRI does not affect the population forecasts or the non-urban population distributions nor does it change the existing rural areas and natural resource land densities as there are no residential uses allowed on the site.

3. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

Consistent with the community vision, amending the Plan and Zone to NRI for the subject property supports and retains economic opportunities and helps promote a strong and diverse economy. The protection and sustainability of Natural Resource Lands requires viable resource-based industries and support services - while many others have come and gone, NBI has been in the business of managing forest lands in the Pacific Northwest for over 30 years, surviving the ups and downs of the industry and the evolving regulatory complexity. Of the 65 million board feet of timber NBI harvests annually, three quarters of it is processed in Skagit County. NBI provides 40 family-wage jobs and does business with many other forestry-related and heavy equipment businesses in Skagit County. NBI's commitment to the industry supports rural communities and economies, and forest vitality.

The proposal complies with Countywide Planning Policies (CPPs) 2.4, 2.5, and 2.6 with regards to rural commercial and industrial development in that the forest resource-based use is not urban in scale or character, nor does it require the extension of urban services.

The change is consistent with Comprehensive Plan Goal 3C-5.3 as it is currently located on Natural Resource Land and facilitates the production of forestry products and related processing facilities; however, 3C-5.5 states ag-NRL land may only be converted to NRI if the land has been designated as an agricultural industrial park, which is "only based on a finding that the agricultural sector is better

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served by having the land in NRI designation to permit an agricultural industrial park.” Finding that this use is already present on the site and the limited improvements that would follow does not constitute a conversion as limited by policy 3C-5.5.

4. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

With no change to the existing forest resource based use, it does not require the extension or a change in services. The Skagit County Capital Facilities Plan would not be impacted by a change of designation from Ag-NRL to NRI.

5. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

Discussion: RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket.

The Growth Management Act (GMA) establishes the goal to “Maintain and enhance natural resource based industries, including productive timber, agricultural, and fisheries industries; encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.” RCW 36.70A.020(8). The natural resource industrial use of the parcel is a compatible use with AG-NRL.

The NRI designation is considered of LAMIRD, and is allowed pursuant to RCW 36.70a.070(5)(d)(iii).

The Skagit County Countywide Planning Policies are relevant, “Commercial and industrial activities directly related to local natural resource production may be allowed in designated natural resource areas provided they can demonstrate their location and existence as natural resource area dependent businesses.” As a forest industry maintenance shop and storage yard, they are heavily dependent on forest lands. Skagit County that has approximately 357,000 acres in Forestry zones. Activity at the property in question is a natural resource dependent business.

CPP 2.5 Rural commercial and industrial development shall be of a scale and nature consistent and compatible with rural character and rural services, or as otherwise allowed under RCW 36.70A.070(5)(d), and may include commercial services to serve the rural population, natural resource-related industries, small scale businesses and cottage industries that provide job opportunities for rural residents, and recreation, tourism and resort development that relies on the natural environment unique to the rural area.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

6. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

Discussion: The proposal to redesignate the land to NRI will improve compatibility with adjacent land uses, and improve the health, safety, and welfare of the public.

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## Recommendation

The Department recommends the request to add restaurants as an accessory use in Small Scale Business zones be **approved**.

## Analysis

Expanding the permitted uses allowed in the Small Scale Business (SSB) zone would not only affect the primary area of concern, but would apply countywide, wherever the SSB zone is found (eight other sites zoned SSB). Primarily in areas considered Limited Areas of More Intensive Rural Development (LAMRID) per the State Growth Management Act. Analysis of the Small Scale Business Zones throughout the county has shown that the majority of these SSB zones are adjacent to areas zoned Rural Residential Village (RRV) and Agriculture – Non-Residential Land (Ag-NRL). The majority of the parcels within the SSB zone have existing business/services currently sited, some of those uses include: commercial, construction, vehicle repair, residences, and one fire district.

The Small Scale Business zone is a Rural Commercial and Industrial Designation in the Comprehensive Plan. Currently restaurants are allowed in other commercial zones of similar scale: Rural Marine Industrial and Urban Reserve Commercial-Industrial.

Accessory, as applied to a use, building or structure, means customarily subordinate or incidental to, and located on the same lot with a principal use, building, or structure.

The Small Scale Business zone is defined in the Skagit County Code as:

**SCC14.16.140(1):** Purpose. The Small Scale Business zoning district supports existing and new small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but that do enhance rural economic development opportunities and job opportunities for rural residents.

Uses currently included in the Small Scale Business zone:

### Permitted:

- Business/professional offices;
- Historic sites open to the public;
- Small retail and service businesses; provided, that retail sales are limited to products produced primarily on site or which are accessory to products produced on site;
- Small-scale production or manufacture of products and goods, including food products, furniture, apparel, artwork, metal products, and wood products;
- Wholesale nurseries/greenhouses;
- Maintenance, drainage;
- Net metering system, solar;
- Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less;
- Recycling drop box facility; and
- Vehicle charging station.

### Accessory:

- Owner operator/caretaker quarters

**Administrative Special:**

- Expansion of existing public uses up to 3,000 square ft.
- Kennel, day-use, if accessory to an existing commercial use and only if use is secondary and incidental to primary SSB use.
- Minor public uses.
- Minor utility developments.
- Retail nurseries/greenhouses.
- Temporary events.
- Trails and primary and secondary trailheads.

Eight other sites in the County have this zoning designation. An overview of what exists on these sites is provided here.

- At the Edison Slough, the rural village has retail spaces, restaurants, and bars currently operating.
  - Rural Village Residential (RVR) surrounding area
- The other SSB zones within Skagit County are isolated with only a couple parcels within the zone.
  - These zones are surrounded by either Agriculture (Ag-NRL) or Rural Residential land (RRv) and one outlier as Rural Intermediate (RI).
- The properties within SSB zones are occupied and being used for non-Food production purposes

**SCC 12.48** and **SCC 12.05** requires adequate water supply for restaurant operations. Restaurants must also have either a connection to the sewer system or an On-Site Sewage System (OSS) to be granted a permit. An adequate water supply is defined as:

*“a water supply which is capable of supplying at least 350 gallons of water per day, meets siting criteria established by State and local regulations, and meets water quality standards in SCC 12.48.110”. In Skagit County, restaurants must either have a public sewer connection or an OSS System which meets the County requirements. According to SCC 12.36 (Skagit County Food Establishments), “the operator of a food service establishment served by an on-site sewage disposal system shall be responsible for ensuring an inspection of the on-site sewage disposal system is performed once every calendar year. This inspection must be done by an operations and maintenance specialist certified by the Skagit County Public Health Department in accordance with SCC 12.05.160.”*

## Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

This proposal would further various Comprehensive Plan goals and policies, including:

### **Economic Development Element**

**“Goal 11A-3** Encourage diverse job options and entrepreneurial opportunities for persons interested in full-time and part-time employment or desiring to own their own business.”

**“Policy 11A-4.1** Encourage local business investments that provide economic and employment opportunities for all county residents.”

### **Rural Element**

**“Goal 3A-2** Provide for a variety of residential densities and business uses that maintain rural character, respect farming and forestry, buffer natural resource lands, retain open space, minimize the demand and cost of public infrastructure improvements, provide for future Urban Growth Area expansion if needed, and allow rural property owners reasonable economic opportunities for the use of their land.”

**“Policy 3A-2.7** Develop and implement standards to ensure that noise and light impacts from residential and commercial development in the rural area do not diminish rural character.”

**“Goal 3B** Establish certain Limited Areas of More Intensive Rural Development, consistent with the Growth Management Act, to recognize historic rural residential, commercial, and industrial development patterns, and to allow certain new small-scale recreation and tourism uses and industries that provide jobs for rural residents.”

**“Policy 3B-1.7** The County’s Small-Scale Business and Rural Business designations are based on a third type of LAMIRD allowed under GMA. There are distinctions between the two designations: Small-Scale Business may be applied to a new use in the rural area, whereas a Rural Business must have existed on June 1, 1997. Both designations are consistent with RCW 36.70(A).070(5)(d)(iii) which permits:

- (a) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.
- (b) Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(14).”

The proposal follows the comprehensive plan vision to support economic opportunities in rural areas.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. Staff therefore finds the proposal is supported by the Capital Facilities Plan. Public utilities are available at the existing site. Edison has a community septic system operated by Skagit County. Additional restaurant capacity could require a private septic system that to handle restaurant waste.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time.

This proposal is also consistent with Goal 5 of the Growth Management Act:

- 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 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. (Goal 5)
- RCW 36.70A.070(5)(d)(iii): The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.
- Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(16). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to \*RCW 36.70A.030(16). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl.

The proposal will further various CPP’s, including the following:

- CPP 2.5: Rural commercial and industrial development shall be of a scale and nature consistent and compatible with rural character;
- CPP 5.3: Economic diversity should be encouraged in rural communities where special incentives and services can be provided.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal will not have a substantial impact on the public’s health, safety, morals, or welfare since these facilities will still need to comply with all health code requirements.

## LR20-04 Fully Contained Communities

### Summary

This petition seeks to amend the Comprehensive Plan to establish criteria for consideration of a new fully contained community, consistent with Growth Management Act (RCW 36.70A.350). The petition *does not* propose a project-specific Fully Contained Community (FCC).

The Board of County Commissioners docketed the Comprehensive Plan amendments related to this petition. Due to the significant changes to code and policies, GMA legal issues, and significant public interest, this petition is being addressed incrementally starting with amendments to the Comprehensive Plan.

The Department has begun the process for an environmental impact statement (EIS). Staff will use the EIS process to evaluate impacts of fully contained communities and alternatives, including a no change option. A consultant will conduct the study and the Department expects work to begin in early 2022. The study will take at least twelve months to be completed. The EIS will be policy driven, meaning the study will not look at a fully contained community in one particular, but instead look at the overall impacts on the entire county.

Recommendation and public comment on this petition will be sought through the EIS review process and not as a part of the 2021 docket review.

The next chance for public comment on this project will be during the EIS Scoping process in early 2022.

### Recommendation

Public comment on this petition will be sought through the EIS review process and not as a part of the 2021 docket review.

## LR20-05 Public Notice Amendment for Mineral Resource Extraction Area

### Summary

This citizen-initiated request proposes the addition of this statement: “For mineral extraction activities, notice must be provided within one mile and be posted at any post offices of nearby communities” to SCC 14.06.150 Public Notice Requirements.

### Recommendation

The Department recommends the proposed amendment to the Comprehensive Plan be **approved** with potential modifications. Below are options staff have developed for Board consideration. The Department recommends adopting option A.

- Option A: increase notification requirements to 1,000 feet. 1,000 feet is consistent with current marijuana farm notice requirements and surrounding county requirements.
- Option B: adopt citizen proposed change to the notification requirements at 5,280 feet (one mile).
- Option C: increase notification requirements to 1,320 feet (one quarter mile), the setback distance for housing density to Mineral Resource Overlays.

## Analysis

Requirements of approval for mining operations are set out in **SCC 14.16.440**. Mining operations in a Mineral Resource Overlay require a Hearings Examiner Special Use permit. This is a Level II permit requiring a public hearing (SCC 14.06.050). Currently, notification of mining activity requires that a notice be sent to property owners within 300 feet of the boundary of the proposed mining property (14.06.150 Public Notice Requirements). This petition would extend the notification area to 5,280 feet and require posting of notices at Post Offices, affecting areas adjacent to Mineral Resource Overlays.

Proposed mining activity requires a SEPA analysis and determination. Notification for SEPA includes legal notice in the local newspaper. Also, **SCC 14.06.150(iii)** "Public Notice Requirements" allows the Department to extend the notice

*"...when the Administrative Official finds that a need exists, and so informs the applicant at the pre-application meeting, notice shall be given to all physical addresses and all owners of real property within 500 feet of any portion of the applicable boundaries. For marijuana facilities, notice must be provided within 1,000 feet."*

Comprehensive Plan criteria (**Policy 4D-1.3**) for establishing a Mineral Resource Overlay requires the boundary be set back ¼ mile from Rural Villages, Rural Intermediate, and Urban Growth Areas. The 5,280 feet notification could include a significant population.

Right-to Manage Natural Resource policies are inconsistent with the petition, along with the amendment to the Skagit County Code, would need to be amended.

**Policy 4E-1.3: Recording with Property Deed:** *A standard disclosure form shall be recorded with deeds for all real estate transactions involving development on or within one quarter (1/4) mile of Natural Resource Lands. The disclosure form shall include recorded documentation of the residential owners' acknowledgment of the potential natural resource management activities and receipt of the Right-to Manage Natural Resource Lands information*

Many other jurisdictions have notification requirements for mineral extraction activities. Below is a table showing nearby counties' requirements for notifying the public:

| COUNTY           | REQUIRED NOTIFICATION DISTANCE |
|------------------|--------------------------------|
| <b>SNOHOMISH</b> | 2,000'                         |
| <b>WHATCOM</b>   | 1,000'                         |
| <b>KING</b>      | 1,320'                         |
| <b>CHELAN</b>    | 500'                           |
| <b>LEWIS</b>     | 1,320'                         |

*Table 2 Summarizes the required notification distance for mineral resource extraction activities in five other localities.*

### Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The proposed amendment would follow Goal 4E-1 in the Natural Resource Lands section of the Comprehensive Plan:

- 
- Goal 4E-1: Provide notice, through a disclosure statement, of the potential incompatibilities, inconveniences and discomforts, which may arise from natural resource land management activities.

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2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

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3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time.

The proposal will further various CPP's, including the following:

- CPP 11.1: Maintain procedures to provide for the broad dissemination of proposals and alternatives for public inspection; opportunities for written comments; public hearings after effective notice; open discussions; communication programs and information services; consideration of and response to public comments; and the notification of the public for the adoption, implementation and evaluation of locally adopted comprehensive plans.
- CPP 11.5: Encourage citizen participation throughout the planning process as mandated by Washington state statute and codes for environmental, land use, and development permits.

This proposal would align with Goal 8 and 11 of the Growth Management Act by requiring nearby residences to be notified of the possible disturbances of mineral resource extraction:

- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

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4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal to add noticing requirements for mineral extractions activities will allow the public to be better notified of potential mining activities at least a year before they occur. This better informs the publics about the noise or other disturbances potentially generated from the mineral extraction. This proposal does bear a substantial relationship to the public general health, safety, morals, or welfare.

## LR20-07 Accessory Dwelling Unit Code Amendment

### Summary

This is a citizen-initiated proposal seeking to amend the family member occupancy requirement and current Accessory Dwelling Unit (ADU) size restrictions for existing structures. This proposal would eliminate the family member occupancy requirements and would increase the allowable ADU square footage not to exceed the primary residence when an existing structure is converted to an ADU. This would retain the existing code for new construction of ADUs.

### Recommendation

The Department recommends the proposed amendments to the Skagit County Code be **approved** with proposed modifications. Staff have developed the below options for the Planning Commission to consider. The Department recommends Option A:

- Option A: Remove the familial relation requirement for Accessory Dwelling Units and remove the size limitation relating to 50% of the total square footage of the principal unit. This proposal would retain the max size of 900 square feet for new or existing structures.
- Option B: Recommend the petitioners' proposal for approval.
- Option C: In addition to adopting the petitioners' proposal, increase new Accessory Dwelling Unit size limitation from 900 feet to 1,200 feet.

### Analysis

The applicant notes that property owners may have an existing shop or barn onsite that could be converted to a dwelling unit if the size restriction was lifted. This change would provide an opportunity for the owner to create an affordable living space from an existing building. Removing the family member restriction (**SCC 14.16.710 (1)(a)**) as the petitioners suggest, may help to increase the number of houses available for rent and provide an additional revenue source for property owners.

The two code sections proposed to be changed would occur in the following Skagit County Code sections:

**SCC 14.16.710 (1)(a):** "Owner Occupancy. Either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner." The petitioners would like to repeal this code.

**SCC 14.16.710 (1) (d):** "Size and Scale. The square footage of the accessory dwelling unit shall be the minimum allowed by the building code and a maximum of 900 square feet excluding any garage area; provided, however, the square footage of the accessory dwelling unit shall not exceed 50% of the total square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified."

The petitioners would like to include additional wording in SCC 14.16.710 (1) (d): "The square footage of a **newly constructed** accessory dwelling unit shall be the minimum..." The petitioners would add, "An existing structure may be converted to an ADU with a square footage that shall not exceed the total

square footage of the principal unit of the single-family dwelling excluding the garage area as it exists or as it may be modified”.

### Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

Limiting the increase in residences in rural areas is consistent with the Comprehensive Plan vision statement *“Protect and retain rural lifestyles: This plan seeks to maintain the unique rural lifestyle for which Skagit County is widely known and cherished. Skagit County's rural communities and open spaces require protection and conservation from urban sprawl and suburban development patterns. Rural community character and open spaces are a valued part of Skagit County's diversity.”*

#### Rural Element

**“Goal 3A-2** Provide for a variety of residential densities and business uses that maintain rural character, respect farming and forestry, buffer natural resource lands, retain open space, minimize the demand and cost of public infrastructure improvements, provide for future Urban Growth Area expansion if needed, and allow rural property owners reasonable economic opportunities for the use of their land.”

**“Policy 3A-2.2** The rate of development in rural and resource areas should be in accordance with adopted Countywide Planning Policies stating that urban areas should accommodate 80 percent of new population growth, with the remaining 20 percent locating in non-urban areas. Monitor the pace of development in conjunction with the maintenance of data describing the inventory of available buildable land.”

On the other hand, according to the growth estimates in the Comprehensive Plan, there will be a need for approximately 4,800 affordable housing units in the Urban Growth Areas and another 1,200 affordable units in rural areas by the year 2036. The Comprehensive Plan mentions Accessory Dwelling Units specifically as a way to provide affordable housing options. The following goals and policies are supportive of ADU’s:

#### Comprehensive Plan Goal 7A

- Goal 7A Ensure that the supply of housing and sufficient land capacity keep pace with population growth in the County.

#### Comprehensive Plan Goal 7A-1

- Goal 7A-1 Maintain a progressive program of financial, regulatory, and development measures that will produce opportunities for a full range of housing affordability.

#### Comprehensive Plan Policy 7A-1.1

- Policy 7A-1.1: Work with housing producers and stakeholders in urban and rural areas to apply creative solutions to infill and development using techniques such as attached dwelling units, co-housing, home-sharing, accessory dwelling units, clustering, planned unit developments and lot size averaging, consistent with the community’s vision for urban growth areas and rural character

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time.

The proposal will further various CPP's, including the following:

- CPP 2.5: Rural commercial and industrial development shall be of a scale and nature consistent and compatible with rural character;
- CPP 4.1: Local governments shall allow for an adequate supply of land use options to provide housing for a wide range of types, densities, and incomes;
- CPP 6.2: The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety, or welfare purpose is served by more restrictive regulation.

Additionally, this proposal furthers Planning Goal 4 of the Growth Management Act (new wording in effect from July 25<sup>th</sup>, 2021. [House Bill 1220](#)):

- (4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal to remove owner-occupancy requirements for ADU's will encourage more housing options for residents of Skagit County. The cost of living has risen quickly in Skagit County and around the country, and eliminating this regulatory requirement is a step toward addressing housing affordability.

## LR21-02 Clarify CaRD Land Divisions and the “Reserve” Function

### Summary

This citizen-initiated petition requests a clarification of the intent of Conservation and Reserve Developments (CaRD) within the Comprehensive Plan. The petitioner requests that the definition in the Comprehensive Plan and the Skagit County Code be made consistent and their function clarified so the public can fully understand the intent of CaRD land divisions. More specifically, the petitioner is requesting changes to the Comprehensive Plan definition of CaRD and clarification of when the “reserve” function is used for future development and when it is for conservation. This includes reviewing the ability to rezone open space reserve tracts.

### Recommendation

The Comprehensive Plan and development code is clear that the reserve tract of a CaRD plat can be further developed in limited circumstances. What is less clear is when the rezone could occur that would allow the redevelopment of the reserve tract.

In order to clarify when a reserve tract could be rezoned for additional density, two options could be pursued:

- Option A: Remove the proximity to Rural Villages from the criteria to designate the reserve parcel as Open Space Urban Reserve (Os-UR) for plats approved after 2021.

This approach would remove the implication that a lot or tract designated as Os-UR could be rezoned for additional units in the future.

- Option B: Amend the code to so a rezone of the reserve tract could only be done as part of the Comprehensive Plan periodic update cycle, instead of through an annual Comprehensive Plan amendment.

This would allow a rezone in the case it was supported through a change in the State GMA regarding LAMIRDs and was supported by the County as part of a 20 year growth needs analysis.

### Analysis

CaRD land divisions consist of building lots and a reserve tract. The number lots and size of the reserve tract are determined by allowed density in each zone and the size of the parcel to be divided. There are multiple requests for clarification stated by the petitioner relative to Conservation and Reserve Developments. The first is regarding the definition of CaRDs in the Comprehensive Plan versus the Development Code (SCC 14.04) as shown below.

#### Comprehensive Plan

A technique of land division characterized by the placement of dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance and retains larger expanses of property available for agriculture,

#### Development Code

A technique of residential land development characterized by the placement of lots, dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance, and retains larger expanses of property available for agriculture, forestry, recreation, future development or continuity of open space or ecological functions characteristic of the property to be

forestry, or continuity of ecological functions characteristic of the property to be developed

developed. A CaRD, in some cases, allows higher densities than normally permitted in the zone, but also has greater design requirements. A CaRD may also modify certain requirements of the zone, as specifically allowed by this Code. When the creation of lots is desired, a CaRD is done in conjunction with a land division.

The added specificity in the develop code definition is fairly common, since the Comprehensive Plan is a policy document. They do not need to be the same as long as they are consistent.

Another point of clarification requested by the petitioner is around the designation of the open space tract. *“The current definition does not state that it is not a zoning regulation, nor how a CaRD development interfaces with zoning. Nor does it state that in some instances the reserve parcels can be developed and how that might happen – a future Comprehensive Plan amendment or other mechanism”*

There are two parts to this request, how CaRDs interface with zoning and when an open space reserve parcel can be developed.

### **CaRD Interface with Zoning**

CaRDs are land divisions and located in SCC 14.18. This section states that CaRDs are “an overlay permit that allows for variations in the underlying zoning regulations but are not intended as and do not constitute rezoning.” There is also text in the definition to clarify this, “... A CaRD, in some cases, allows higher densities than normally permitted in the zone, but also has greater design requirements. A CaRD may also modify certain requirements of the zone, as specifically allowed by this Code. When the creation of lots is desired, a CaRD is done in conjunction with a land division.”

The Comprehensive Plan recognizes the need to allow flexibility to zoning dimensional standards in order to achieve the stated purpose.

**Policy 2G-1.3** CaRD land divisions may achieve some or all of the following benefits:

- (a) Flexibility in site development, which may result in more compact, clustered lots or environmentally sound use of the land, while maintaining the County’s rural character.
- (f) Allowance of bonus development lots when a landowner meets the various requirements of the CaRD provisions.
- (g) Large tracts of open space land held for recreation, natural resource management, and protection of critical areas and significant cultural resources.

In order to better understand the historical use and intention of CaRD land divisions an analysis of 155 of the 182 total CaRDs since 2000 was completed.

The zoning decides the number of residential building lots and the type of reserve tract that can be established. The table below shows the number of building lots and open space by zone type. All of which were created as a result of the 155 CaRDs included in this analysis. This is a strategy the County has taken to protect sensitive critical areas and working landscapes.

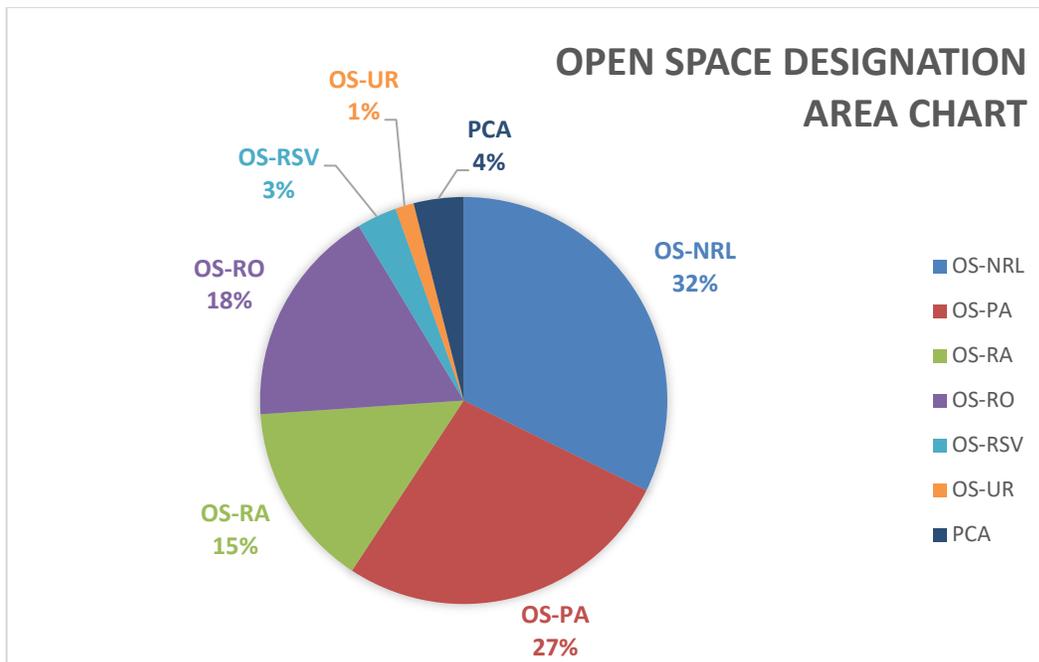
| Zoning                    | Sum of Building lots | Sum of Open Space (ac) |
|---------------------------|----------------------|------------------------|
| Agriculture-NRL           | 31                   | 1103.07                |
| Rural Intermediate        | 26                   | 54.6                   |
| RRc                       | 11                   | 97.8                   |
| Rural Reserve-NRL         | 40                   | 436.66                 |
| Rural Reserve             | 428                  | 1943.6                 |
| Rural Village Residential | 34                   | 18.33                  |
| Secondary Forest-NRL      | 15                   | 269.74                 |
| Urban Reserve Residential | 4                    | 15.48                  |
| Industrial Forest-NRL     | 3                    | 265.68                 |
| <b>Grand Total</b>        | <b>592</b>           | <b>4204.96</b>         |

*Table 3 shows how many building lots have resulted from CaRDs and how much open space has been designated with those building lots.*

The next table shows the open space designation of the reserve tract and how many acres of open space are within each designation as compared to the number of building lots in the associated subdivision. Of the two open space tracts that can be further divided, OS-RSV and OS-UR (Bolded below), there are 195.61 acres of the total 4202.96 acres in reserve tracts. This amounts to 4.6% of total reserve tract acreage that could be further divided.

| OS-Designation     | Sum of Open Space (ac) | Number of Building lots |
|--------------------|------------------------|-------------------------|
| OS-NRL             | 1357.54                | 59                      |
| OS-PA              | 1133.47                | 116                     |
| OS-RA              | 617.33                 | 179                     |
| OS-RO              | 734.45                 | 197                     |
| <b>OS-RSV</b>      | <b>134.01</b>          | <b>24</b>               |
| <b>OS-UR</b>       | <b>61.6</b>            | <b>16</b>               |
| PCA                | 166.56                 | 1                       |
| <b>Grand Total</b> | <b>4204.96</b>         | <b>592</b>              |

*Table 4 shows open space area by type and number of associated building lots.*



**Figure 7:** a sample of how many acres have been designated as each type of open space as a result of CaRD development since 2000. See the Table 2 above for exact figures.

### Development of the Open Space Reserve Parcel

The second part of the request had to do with how the reserve tract could be further developed. The Comprehensive Plan and development code is clear that the reserve tract of a CaRD can be further developed in limited situations. When CaRD land divisions are created the reserve lot of the subdivision is given an open space designation that is maintained through a plat restriction. There are six open space categories for the reserve lot depending on the underlying zoning (see table in SCC 14.18.310). The applicable sections of the Comprehensive Plan are shown in bold below.

**Policy 2G-1.3** CaRD land divisions may achieve some or all of the following benefits:

**(e) More flexible land development options in areas with potential to be designated urban growth areas in the future.**

There are two open space designations in the code that allow for future development of the open space lot:

1. Open Space Reserve, (OS-RSV) this is used only when the development rights of the parent parcel are not extinguished in the development of the CaRD.
2. The second instance is when the Open Space Urban Reserve (OS-UR) is applied, which allows future development when the area is rezoned. This designation is only allowed on lands zoned Rural Village Residential, Rural Intermediate, or Rural Reserve, and only if these areas are located on a parcel of which 50% or greater is located within one-quarter mile of urban growth areas or Rural Villages.

Staff believe it would be useful to clarify in which instances the reserve parcels can be redeveloped and how that might happen. In the second instance the ability to redevelop the reserve portion of the CaRD rests with the ability to rezone the underlying zoning. This can only occur within one-quarter mile of

urban growth areas or Rural Villages where future residential growth is intended to occur. The only way to get additional density is to rezone to Rural Village Residential, Rural Intermediate, or be annexed by a city. None of these changes can be initiated by individuals. All lands designated Rural Intermediate and Rural Village Residential are considered to be part of a LAMIRD (limited areas of more intense rural development) that was predominantly developed by 1990 and contained by a logical outer boundary consisting of the “built environment.” Rural Village Residential and Rural Intermediate cannot be added outside the boundary without a change to state laws. Additional density through annexation is initiated with a municipality.

The table below shows how many acres of the Open Space – Urban Reserve (OS-UR) and Open Space – Reserve (OS-RSV) exist within the 155 CaRDs reviewed in Skagit County. These are the two types of open space which can be further split. According to [SCC 14.18.310](#), the OS-UR designation is assigned to retain areas of open space until such time that urban development is deemed appropriate for that area and then to continue to require a portion of that original space to be preserved. This open space may only be used within CaRDs on lands zoned Rural Village Residential, Rural Intermediate, or Rural Reserve, and only if these areas are located on a parcel of which 50% or greater is located within one-quarter mile of urban growth areas or Rural Villages. The OS-RSV designation is only for those parcels which have not exhausted all of their development rights otherwise permitted under the zoning designation. Of all the reserve tracts reviewed in the 155 CaRD subdivisions, only three open space designations are the subject of this petition.

| Open Space-Designation | Zoning        | Sum of Open Space (ac) | Reserve Tracts |
|------------------------|---------------|------------------------|----------------|
| OS-UR                  | <b>RRv</b>    | 61.6                   | 3              |
| OS-UR Total            |               | <b>61.6</b>            | <b>3</b>       |
| OS-RSV                 | <b>RR-NRL</b> | 11.71                  | 1              |
|                        | <b>RRv</b>    | 122.3                  | 8              |
| OS-RSV Total           |               | <b>134.01</b>          | <b>9</b>       |

*Table 5 shows the Open Space – Urban Reserve and Open Space – Reserve designations and underlying zone.*

### Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

This proposal aligns with Policy 3A-2.5 The design of rural residential developments near urban areas should include means to further subdivide at urban densities should these developments be added to the urban area in the future, using techniques such as conservation and reserve development (CaRD) land divisions.

The Comprehensive Plan and development code is also clear that CaRDs and guidelines for CaRDs can be further developed.

Policy 2G-1.3 CaRD land divisions may achieve some or all of the following benefits:

- 
- (a) Flexibility in site development, which may result in more compact, clustered lots or environmentally sound use of the land, while maintaining the County’s rural character.
  - (b) Buffer areas to reduce land use conflicts between Rural and natural resource uses and the loss of Natural Resource Lands.
  - (c) Reduction in housing costs due to reduced engineering, infrastructure, and development costs, smaller lot sizes, and more intense use of buildable areas.
  - (d) Greater opportunity for property owners to derive reasonable economic use of the land by maintaining larger open space areas that may be used for the production of food, fiber, or minerals.
  - (e) More flexible land development options in areas with potential to be designated urban growth areas in the future.
  - (f) Allowance of bonus development lots when a landowner meets the various requirements of the CaRD provisions.
  - (g) Large tracts of open space land held for recreation, natural resource management, and protection of critical areas and significant cultural resources.

Policy 2G-1.4 CaRD land divisions shall be designed to minimize impacts on neighbors, infrastructure systems, and the surrounding environment.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time. The proposal will further various CPP’s, including the following:

- CPP 11.1: Maintain procedures to provide for the broad dissemination of proposals and alternatives for public inspection; opportunities for written comments; public hearings after effective notice; open discussions; communication programs and information services; consideration of and response to public comments; and the notification of the public for the adoption, implementation and evaluation of locally adopted comprehensive plans.
- CPP 11.5: Encourage citizen participation throughout the planning process as mandated by Washington state statute and codes for environmental, land use, and development permits.

Additionally, this proposal furthers Planning Goal 4 of the Growth Management Act (new wording in effect from July 25<sup>th</sup>, 2021. [House Bill 1220](#)):

- 
- (4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

This proposal for clarification of the historical intent of Conservation and Reserve Developments (CaRD) within the Comprehensive Plan will help fully inform the public and potential developers. This proposal is technical in nature, creating consistency between the Comprehensive Plan and the Skagit County Code. It will not have any negative effects on the health, safety, morals or welfare of the public.

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## **LR21-04 Agricultural Processing Facilities in BR-Light Industrial**

### **Summary**

Petitioners are requesting adding a use to the Bayview Ridge -- Light Industrial (BR-LI) zone. Island Grown Farmers' Cooperative would like to add agricultural slaughtering facilities as an accessory use incidental to agriculture and food processing, storage and transportation facilities.

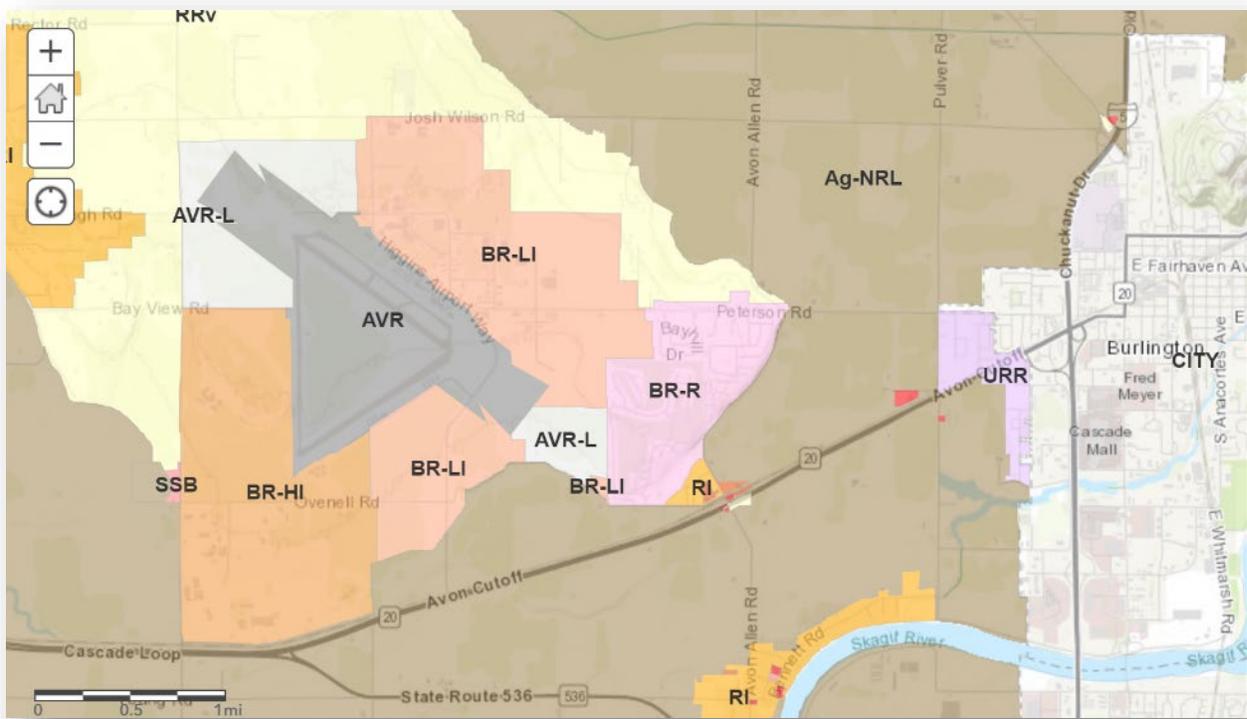
### **Recommendation**

The Department recommends the petitioners amendment to the development regulations be **approved**.

### **Analysis**

The petitioners would like to see agricultural slaughtering facilities added as an accessory use to the Bayview Ridge – Light Industrial (BR-LI) zone. This is a very specific zone located near the Skagit Airport, and would only impact the Bayview Ridge Urban Growth Area. Agricultural slaughtering facilities would have to be accessory to a permitted use “agricultural and food processing, storage and transportation facilities.” The proposal also includes language to limit conflicts with neighbors and the size of the facility, “provided that the portion of the premise dedicated to slaughtering is (1) entirely enclosed within the interior of the facility, and (2) occupies less than 5,000 square feet of the total processing facility.”

Currently, agricultural slaughtering facilities are only allowed as permitted uses in Natural Resource Industrial (NRI) SCC14.16.160(2)(iii), and as an Administrative Special Use in Agricultural – Natural Resource Lands (Ag-NRL) SCC 14.16.400(3)(a) zones. Forty-one (41) percent of the farms in Skagit County Are categorized by the U.S. Department of Agriculture as “residential or lifestyle” farms. Small processing facilities are critical to fostering continued agriculture in the County.



*Figure 8: Map of the only BR-LI zones in Skagit County*

Allowing this use within the BR-LI zone supports local agriculture and keeps farmable soils within the AG-NRL zone from being permanently removed from agriculture with the construction of slaughtering facility. Expanding this type of use within the BR-LI zone is consistent with major visions and policies within the Comprehensive Plan including:

**“Support economic opportunities:** This plan strives to promote a strong and diverse economy for Skagit County residents through policies and programs that promote new business opportunities, increase family wage jobs and create a predictable regulatory environment for businesses and citizens. Sustainable economic development efforts will focus on providing all communities with a balance of jobs and housing and helping communities with redevelopment or new economic initiatives.”

The Light Industrial (BR-LI) zone provides for light manufacturing and related uses, encompasses the majority of the Port of Skagit ownership and additional properties east and south of the airport. This zone is designed for compatibility with the Skagit Regional Airport and establishes performance standards, including restrictions on building height and particulate and smoke emissions. Where the BR-LI zone abuts residential properties, buffers are required to protect the residential development. The Island Grown Farmers Cooperative project site is within Port of Skagit County Boundaries and does not border residential property.

This proposal would foster more economic growth and employment opportunity in Bayview Ridge, which would work toward the Bayview Ridge Subarea Plan Objective 3A-1 “Create and maintain diverse employment opportunities that meeting changing income needs of Skagit County residents.”

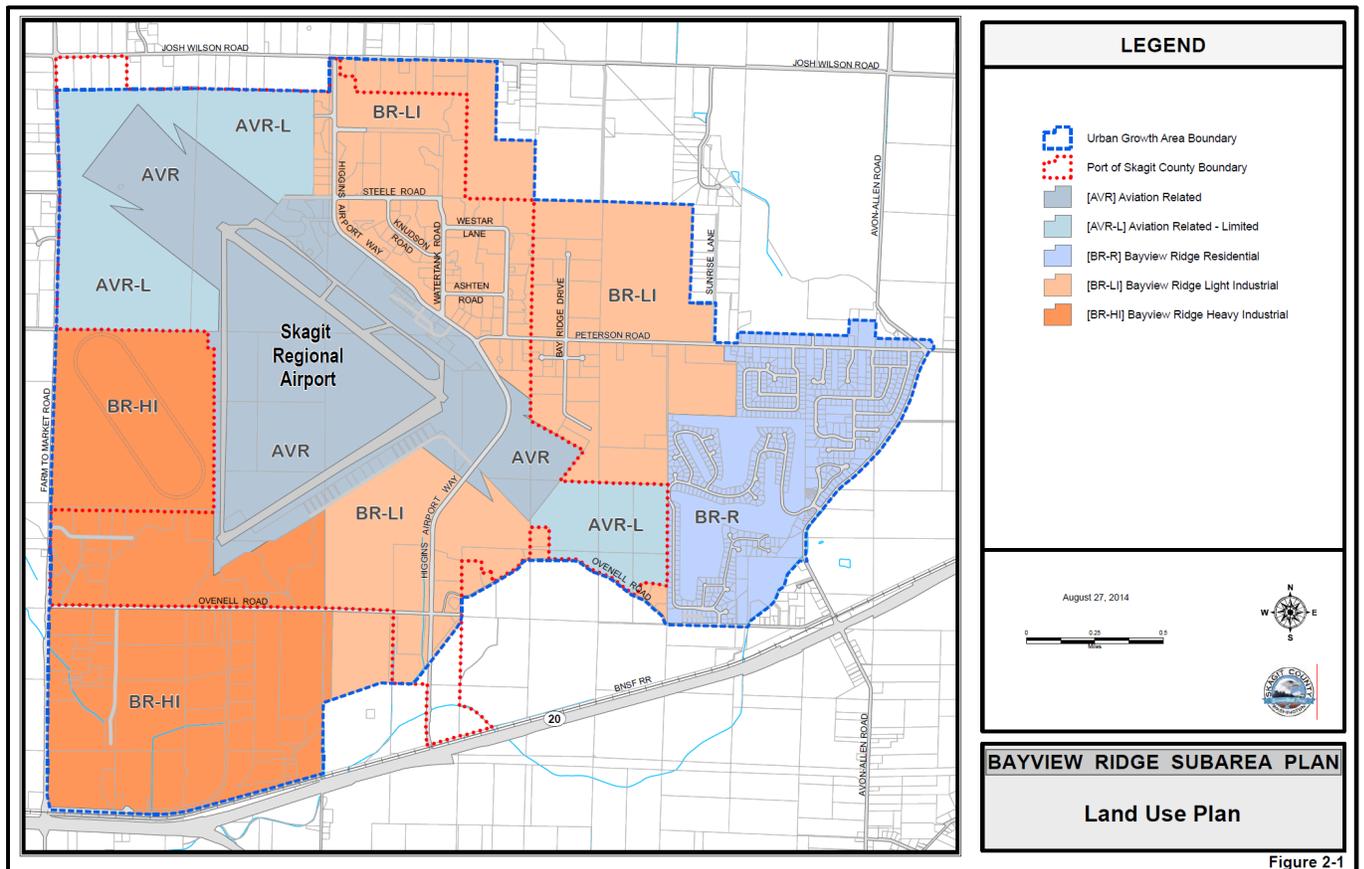


Figure 9: Bayview Ridge Subarea Land Use Plan

There are two BR-LI zones in the Bayview Ridge Urban Growth Area, the zone is not found anywhere else the county.

### Consistency Review

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

This proposal is consistent with the Comprehensive Plan vision, *“Protect and conserve agriculture, forest and mineral resource lands: Natural resource lands, such as farms and timber lands, provide economic, social, cultural and environmental benefits. This plan ensures that these areas, including mineral resource lands, continue to be viable today and into the future.”* Having local processing facilities helps protect and conserve agriculture.

Further, the change is supported by the objectives and policies of the [Bayview Ridge Subarea Plan](#): Policy 3A-1.3 *“Actively encourage business investments that provide economic and employment opportunities to meet the employment needs of all county residents.”*

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Both of these visions and policies are consistent with allowing an agricultural slaughtering facility to support local production of a commodity associated with natural resource lands of long term commercial significance.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. Nor does it require any new capital projects in order to be implemented. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time.

The proposal will further various CPP's, including the following:

- CPP 5.3: Economic diversity should be encouraged in rural communities where special incentives and services can be provided
- CPP 5.15: Comprehensive Plans shall support and encourage economic development and employment to provide opportunities for prosperity.

Additionally, this proposal furthers Planning Goal 8 of the Growth Management Act:

- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The petition to allow agricultural slaughtering facilities in the Bayview Ridge-Light Industrial zone will encourage a more diverse economy and provide employment opportunities. Allowing more uses in this zone will provide economic opportunities for landowners in Skagit County.

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## County-Initiated – Comprehensive Plan or Code

### C21-1 2020 Comprehensive Parks & Recreation Plan

#### Summary

The proposal is to “incorporate by reference” the recently updated [2020 Parks and Recreation Comprehensive Plan](#) into the Skagit County Comprehensive Plan. The proposed amendment would also add parks to zones where they already exist and where supported by existing Comprehensive Plan goals and policies. The Parks and Recreation Comprehensive Plan will not become a chapter in the Comprehensive Plan and will remain a separate functional planning document. This includes review of zoning and consistency of park classifications.

#### Recommendation

Staff recommends including the 2020 Parks and Recreation Comprehensive Plan into the Skagit County Comprehensive Plan by reference and;

- Option A: amend the development regulations by adding parks as a Administrative and Hearing Examiner Special use in zones where they exist and are supported by the Comprehensive Plan, or
- Option B: amend the Comprehensive Plan and the Development Regulations to add parks as a “Public Use”

#### Analysis

The Skagit County Parks and Recreation Comprehensive Plan is a subset of the County’s regional comprehensive plan. The Parks and Recreation Comprehensive Plan is defined as a “functional plan” whose purpose is to focus on specific regional governmental services and/or utilities (i.e., water, wastewater, transportation, housing). Functional plans must be consistent with the Skagit County Comprehensive Plan and serve to implement its goals, policies and programs. The Plan was last updated in 2013 and required by the Washington State Recreation and Conservation Office (RCO) to be updated every six years. This update allows for Skagit County to be eligible for RCO grants.

On February 3, 2020, by Resolution [#R20200017](#), the Skagit County Board of Commissioners adopted the 2020 Skagit County Parks and Recreation Comprehensive Plan. The 2020 Skagit County Parks and Recreation Comprehensive Plan update relied on: four (4) public meetings in 2018 and the review and recommendations of a citizen-based Skagit County Parks and Recreation Advisory Board adoption in January 2020.

#### Zoning Consistency

Currently there are a number of existing parks in zones that do not support parks as a use. Without being a use allowed in these zones, the Parks and Recreation Department is not able to permit changes to the facilities at the parks. The pre-existing park uses may continue and be maintained but cannot be expanded. The addition of these parks as a permitted use will allow the Skagit County Parks and Recreation Department to make the necessary upgrades, such as safety upgrades and infrastructure expansions, to ensure the park continues to meet the needs of the community.

There are fifteen parks located in zones without the designated park classification as a permitted use. Existing parks shown in Table 4 should be considered in zones where consistent with Comprehensive Plan policies, including: Rural Reserve, Rural Village Residential, Urban Reserve Residential, Industrial Forest – NRL, and Secondary Forest – NRL.

| <b>Park Classification</b>    | <b>Name</b>                                | <b>Zone</b>  |
|-------------------------------|--|--|
| <i>Community</i>              | Samish Island Park                         | Rural Intermediate                                 |
|                               | Donovan Park                               | Rural Intermediate                                 |
|                               | Guemes Island School House Park            | Rural Reserve                                      |
|                               | Allen Community Park                       | Rural Reserve                                      |
|                               | Clear Lake Park                            | Rural Village Residential                          |
| <i>Open Space/Undeveloped</i> | Frailey Mountain Park                      | Industrial Forest – NRL                            |
|                               | Ann Wolford Park                           | Agricultural – NRL                                 |
|                               | Sharpe Park                                | Public Open Space of Regional/Statewide Importance |
|                               | Pressentin Park                            | Public Open Space of Regional/Statewide Importance |
|                               | Squires Lake Park and Trail                | Rural Reserve                                      |
|                               | Pilchuck Tree Farm                         | Secondary Forest – NRL                             |
|                               | Hoag Memorial Park                         | Urban Reserve Residential                          |
| <i>Regional</i>               | Padilla Bay Shore Trail – South Trailhead  | Agricultural – NRL                                 |
|                               | Conway Boat Launch                         | Agricultural – NRL                                 |
|                               | Swinomish Channel Boat Launch              | Agricultural – NRL                                 |
|                               | Grandy Lake                                | Industrial Forest – NRL                            |
|                               | Sauk Park                                  | Industrial Forest – NRL                            |
|                               | Young’s Park                               | Rural Reserve                                      |
|                               | Pomona Grange and Interpretive Trail       | Rural Reserve                                      |
|                               | Padilla Bay Shore Trail – North Trailhead  | Rural Village Residential                          |
|                               | Howard Miller Steelhead Park               | Rural Village Residential                          |
|                               | Conway Ballfield                           | Rural Village Residential                          |
|                               | Cascade Trail - West                       | Urban Reserve Residential                          |
|                               | Northern State Recreation Area - Trailhead | Urban Reserve Public Open Space                    |

*Table 6 shows parks under Skagit County jurisdiction and the corresponding classification from the 2020 Parks and Recreation Plan*



Listed below are the park classifications that would be added to zones where they are currently not allowed:

- Rural Reserve
  - New park classifications allowed: Regional, Recreation Open Space
- Rural Village Reserve
  - New park classification allowed: Regional
- Urban Reserve Residential
  - New park classification allowed: Regional
- Industrial Forest – Natural Resource Lands
  - New park classification allowed: Regional
- Secondary Forest – Natural Resource Lands
  - New park classification allowed: Recreation Open Space

#### Option B:

An alternative approach is to add parks as a “Public Use” subject to an administrative or hearing examiner special use permit wherever public uses are currently allowed. The Comprehensive Plan currently describes public uses as “Public Uses, generally, are government or quasi-government owned and operated facilities such as primary and secondary schools, libraries, postal services, offices, training facilities, fire and police stations, and courts. Public Uses under this section do not necessarily include Essential Public Facilities.”

“Goal 2E Allow public uses as special uses in most comprehensive land use designations, to be reviewed on a site-specific basis.

“Policy 2E-1.1 In most comprehensive plan land use designations, public uses are to be allowed as either administrative or hearing examiner special uses. They are reviewed as site-specific projects so that public benefits and land use impacts can be analyzed and, if necessary, mitigated.

(a) Public uses on Natural Resource Lands are limited to those providing emergency services.”

#### **Consistency Review with Skagit County Code 14.08**

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

This is part of coordinating between the Skagit County Comprehensive Plan and the Parks and Recreation Comprehensive Plan. Specifically, this is incorporating the Parks and Recreation plan to the

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Comprehensive Plan by reference. The proposed code changes abide by the following goals and policies of the Skagit County Comprehensive Plan:

Consistent with the vision to “*Preserve the high quality of life*: Residents of Skagit County choose to live here for many reasons: natural beauty, clean air, good jobs, a good place to create a home and family. This plan seeks to foster this high quality of life for residents and their children by providing for social, cultural, educational, economic, recreational, civic, transit, health, and safety needs.”

### **Urban, Open Space, and Land Use Element**

“**Goal 2B** Recognize the important functions served by private and public open space, designate and map public open space of regional importance, and designate open space corridors within and between urban growth areas.”

“**Policy 2B-1.1** Public open space areas shall be 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. These open space areas may include:

(a) Neighborhood and community parks. These should be linked by open space networks whenever possible.

(b) Land that offers special natural resource-based and recreational opportunities, such as: federal, state and local regionally important parks and recreation areas; islands; federal wilderness areas; wildlife refuges; lakes; reservoirs; creeks; streams; river corridors; shorelines and areas with prominent views.

(c) Lands which include a significant historic, archaeological, scenic, cultural or unique natural feature.

(d) Areas that take advantage of natural processes, wetlands, tidal actions and unusual landscape features such as cliffs and bluffs.”

### **Rural Element**

“**Goal 3A-3** Ensure that public facilities, services, roads and utilities are properly planned for and provided, consistent with rural character, needs, and lifestyles.”

“**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 such designed, constructed, and provided to minimize the alteration of the 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.”

“**Policy 3C-1.4** The purpose of the Rural Intermediate designation is to provide and protect land for residential living in a rural atmosphere, taking priority over, but not precluding, limited non-residential uses appropriate to the density and character of this designation. Long-term open space retention and critical area protection are encouraged.”

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### Natural Resources Element, Allowable Land Uses

“**Policy 4B-5.4** Recreational and Park Uses: Recreational opportunities on Forest Resource land shall be permitted uses where they will not conflict with forest practice activities on these lands or when such impacts can be fully mitigated. Proposed acquisitions of forest land for public recreational, scenic and park purposes shall be evaluated to determine the potential impacts on the economic viability and sustainability of forestry. Lands removed from forestry production for recreation and park uses shall be included in the Converted Natural Resource Lands Database (Policy 4F-1.4).”

### Economic Development Element, Visitor Services

“**Policy 11C-2.2** Through adopted parks, transportation, and community plans, implement strategic efforts to develop and maintain scenic open space and cultural and heritage resources that are attractive to residents and visitors alike.”

The following mandated **GMA Planning Goals** are directly relevant to park matters addressed in this amendment:

- *Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.*
- *Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and **develop parks and recreation facilities.***
- *Identify and encourage the preservation of lands, sites, and structures that have historical or archeological significance.*

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### 2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Parks and Recreation Facilities are considered to be a Capital Facility according to the Comprehensive Plan (page 279), and including the 2020 Parks and Recreation Comprehensive Plan will ensure consistency and accurate information.

This proposal would also further the following CFP policies:

- Policy 10A-1.9 Review of Other Providers’ Plans - The County shall acknowledge and incorporate the Capital Facilities Plans of other public facility and service providers that are consistent with this Comprehensive Plan.
- Policy 10A-2.18 Land Use Compatibility of Category-A and Category-C Capital Facilities - Public capital facility improvements should be consistent with the adopted land use map and the goals and policies of other elements of this Comprehensive Plan. (Category-C includes parks and recreation)

Staff has found the proposed amendment to be consistent with the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

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### 3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than

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once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time.

The proposal will further various CPP's, including the following:

- CPP 9.4: Expansion and enhancement of parks, recreation and scenic areas and viewing points shall be identified, planned for and improved in shorelands, and urban and rural designated areas.
- CPP 9.6: Development of new park and recreational facilities shall adhere to the policies set out in Comprehensive Plans.
- CPP 12.1: Public facilities and services shall be integrated and consistent with locally adopted comprehensive plans and implementing regulations.

Additionally, this proposal furthers Planning Goal 9 of the Growth Management Act:

- (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

Parks and open space are an important part of life in Skagit County and improve the health and mental well-being of residents. Updating the Comprehensive Plan to include the updated Parks and Recreation Plan by reference is essential ensuring an accurate and consistent Comprehensive Plan.

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## C21-2 SEPA Determination Review Timing

### Summary

This amendment would clarify that a SEPA threshold determination can be appealed prior to the underlying development permit review, when the principal features of a proposal and its environmental impacts can be reasonably identified. This change is not allowed under current state law.

### Recommendation

The Department recommends the proposed Comprehensive Plan amendment be **denied**.

### Analysis

Independent SEPA reviews do not require the submittal of a development permit in order to issue a threshold determination. Currently, SEPA review of projects in the feasibility stage can be held up by appellants requesting an application of a development permit. This is due to portions of Skagit County Code favoring a single consolidated public comment period of the environmental review, land use permits, and development permit, SCC 14.06.070(2)(a).

State Rules encourage environmental review at the earliest stage in the case of a non-project SEPA review, ie, Comprehensive Plan amendment, Master Plan, etc. This is not the case for project-specific

SEPA review where a development permit is being considered. When a Determination of Non-significance (DNS) SEPA determination is issued the law is clear that regardless of when SEPA review occurs, SEPA requires a decision on the underlying governmental action for an appeal<sup>3</sup>. The governmental action is the permit decision.

The 2018 SEPA handbook (page 56) reinforces that the appeal of a Determination of Non-significance (DNS) happen in conjunction with the underlying action (development permit) with limited exceptions:

“Procedural and substantive SEPA appeals in most instances must be combined with a hearing or appeal on the underlying governmental action (such as the approval or denial of a permit). If a SEPA appeal is held prior to the agency making a decision on the underlying action, it must be heard at a proceeding where the person(s) deciding the appeal will also be considering what action to take on the underlying action. SEPA appeals that do not have to be consolidated with a hearing or appeal on the underlying action are related to:

- A determination of significance (DS);
- An agency proposal;
- A non-project action; or
- The appeal of a substantive decision to local legislative bodies.”

## **C21-3 Hamilton Zoning & Comprehensive Plan updates**

### **Summary**

Changes to the County Comprehensive Plan are needed to reflect the 2019 Hamilton annexation. This change will clean up code references for zones that do not exist anymore. Code citations include: SCC 14.16.175, 14.16.380, and 14.16.385 Hamilton Urban Reserve is maintained, while the other sections are no longer needed.

### **Recommendation**

The Department recommends the proposed Comprehensive Plan amendment be **approved**.

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<sup>3</sup> RCW 43.21C.075(1),(2)(a)

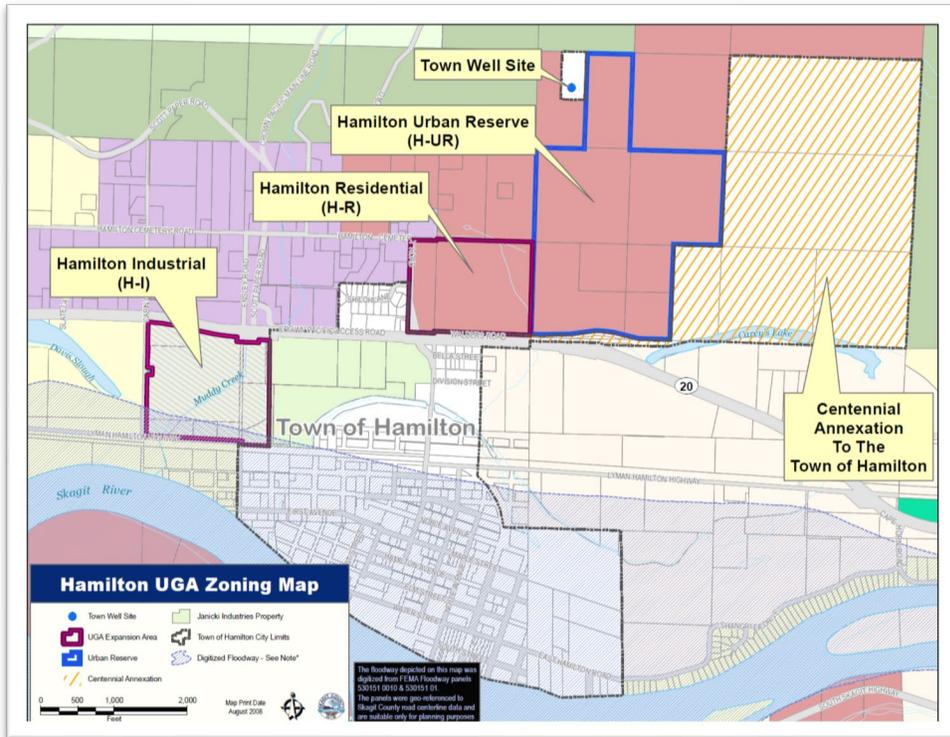


Figure 10: Hamilton Subarea Plan 2008 Zoning Map

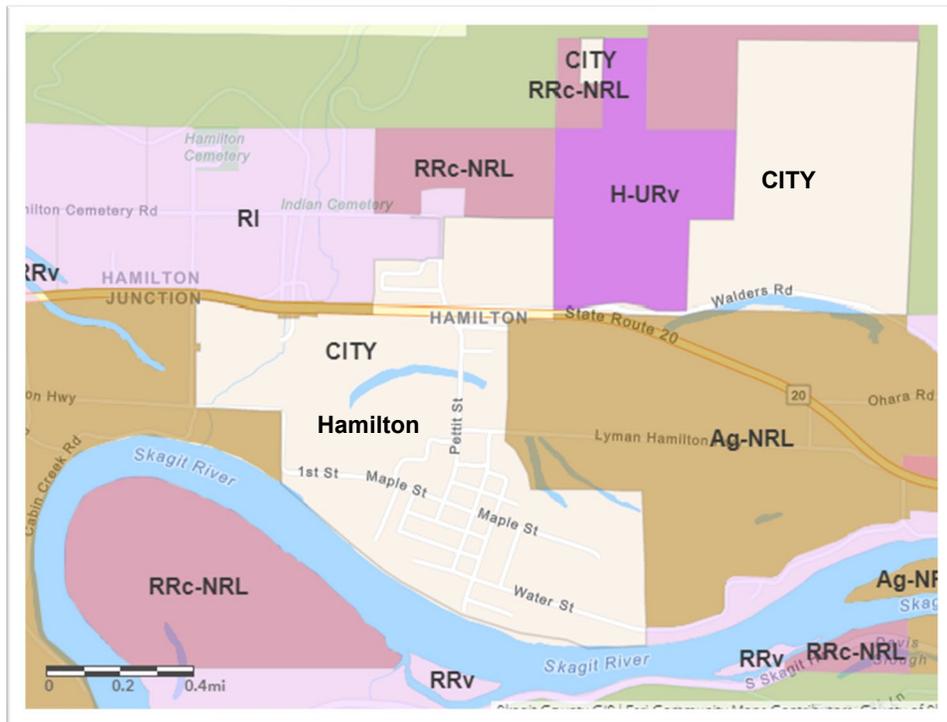


Figure 11: Hamilton Current Zoning Map

## Analysis

Due to the Hamilton annexation, several zones are no longer in use or needed and references to them should be removed from Skagit County Code. The zones being removed are: Hamilton Industrial (H-I) and Hamilton Residential (H-R). Hamilton Urban Reserve (H-URv) is being maintained.

The majority of references to these two zones are in Chapter 14.16 of Skagit County Code. Codes referencing outdated zones include: SCC 14.16.175 Hamilton Industrial (H-I), and 14.16.380 Hamilton Residential (H-R), while SCC 14.16.385 Hamilton Urban Reserve (H-URv) is still in use. There is also a reference to the Hamilton Industrial zone which is no longer in use in SCC 14.16.720.

Chapter 14.18 includes references to the Hamilton Residential zone in sections SCC 14.18.300, 14.18.310 and 14.18.330. Any mentions of these obsolete zones should be removed to avoid confusion.

## Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

This amendment will increase consistency between the comprehensive Plan and the Development regulations by removing references to zones that no longer exist. The annexation of areas of the Hamilton UGA is consistent with Urban Growth Area, “**Goal 2A** Guide most future development into concentrated urban growth areas where adequate public facilities, utilities, and services can be provided consistent with the Countywide Planning Policies.”

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time.

The proposal will further various CPP’s, including the following:

- CPP 11.2: Continue to encourage public awareness of Comprehensive Plans by providing for public participation opportunities and public education programs designed to promote a widespread understanding of the Plans’ purpose and intent
- CPP 12.1: Public facilities and services shall be integrated and consistent with locally adopted comprehensive plans and implementing regulations.

By removing obsolete zoning code from Skagit County Code, this petition is part of coordination between jurisdictions and aligns with Goal 11 from the Growth Management Act.

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- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal to eliminate obsolete references to code is to reflect current conditions following the annexation from Hamilton. Ensuring no unused zones are mentioned in the Comprehensive Plan or Skagit County Code will encourage public participation by keeping the process simple and accurate.

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## C21-4 Reduced Front Setback to Include Class 19 roads

### Summary

The proposed amendment allows for 20 foot residential setbacks for all local access roads in the Bayview Ridge Residential zone (BR-R). Currently local access, class 09 roads and private roads qualify for a 20 foot setback in the BR-R zone, while local access, class 19 roads require a 35 foot front setback. This change would make front setback for the primary residence, consistent for residential development in this zone. The Bayview Ridge Residential zone is only found east of the Port of Skagit County within the Urban Growth Area.

### Recommendation

The Department recommends that the proposed amendment to the Skagit County Development Regulations be **approved**.

### Analysis

14.16.340(5)(c) BR-R zoning - front setback for primary residence should include both Class 09 & 19 for the reduced front setback of 20'. Both are considered local neighborhood or minor access roads. The 20 foot setback meets both of the Washington State Department of Transportation Clear Zone distances and the Vision Clearance Triangle as shown in Figure C-2 of Skagit County Road Standards.

### Section 3.2.A of Skagit County Road Standards

A minimum clear zone width of 10 feet from the edge of the traveled way shall be maintained for all roads with shoulder sections with a posted speed of 35 MPH or less. For posted speeds over 35 MPH, the WSDOT Clear Zone distances as per the WSDOT Design Manual shall be used for evaluation, placement and relocation of roadside features within the County right-of-way. In urban curbed sections, the minimum clear zone width is 1.5 feet back of the curb face.

Exhibit 1600-2 Design Clear Zone Distance Table

| Posted Speed (mph) | Average Daily Traffic | Cut Section (Backslope) (H:V)           |     |     |     |     |      | Fill Section (H:V) |     |     |     |     |      |
|--------------------|-----------------------|---|-----|-----|-----|-----|------|--------------------|-----|-----|-----|-----|------|
|                    |                       | 3:1                                     | 4:1 | 5:1 | 6:1 | 8:1 | 10:1 | 3:1                | 4:1 | 5:1 | 6:1 | 8:1 | 10:1 |
| 35 or Less         |                       | The Design Clear Zone Distance is 10 ft |     |     |     |     |      |                    |     |     |     |     |      |
| 40                 | Under 250             | 10                                      | 10  | 10  | 10  | 10  | 10   | *                  | 13  | 12  | 11  | 11  | 10   |
|                    | 251 – 800             | 11                                      | 11  | 11  | 11  | 11  | 11   | *                  | 14  | 14  | 13  | 12  | 11   |
|                    | 801 – 2,000           | 12                                      | 12  | 12  | 12  | 12  | 12   | *                  | 16  | 15  | 14  | 13  | 12   |
|                    | 2,001 – 6,000         | 14                                      | 14  | 14  | 14  | 14  | 14   | *                  | 17  | 17  | 16  | 15  | 14   |
|                    | Over 6,000            | 15                                      | 15  | 15  | 15  | 15  | 15   | *                  | 19  | 18  | 17  | 16  | 15   |

Table 7: WSDOT Clear Zone distances

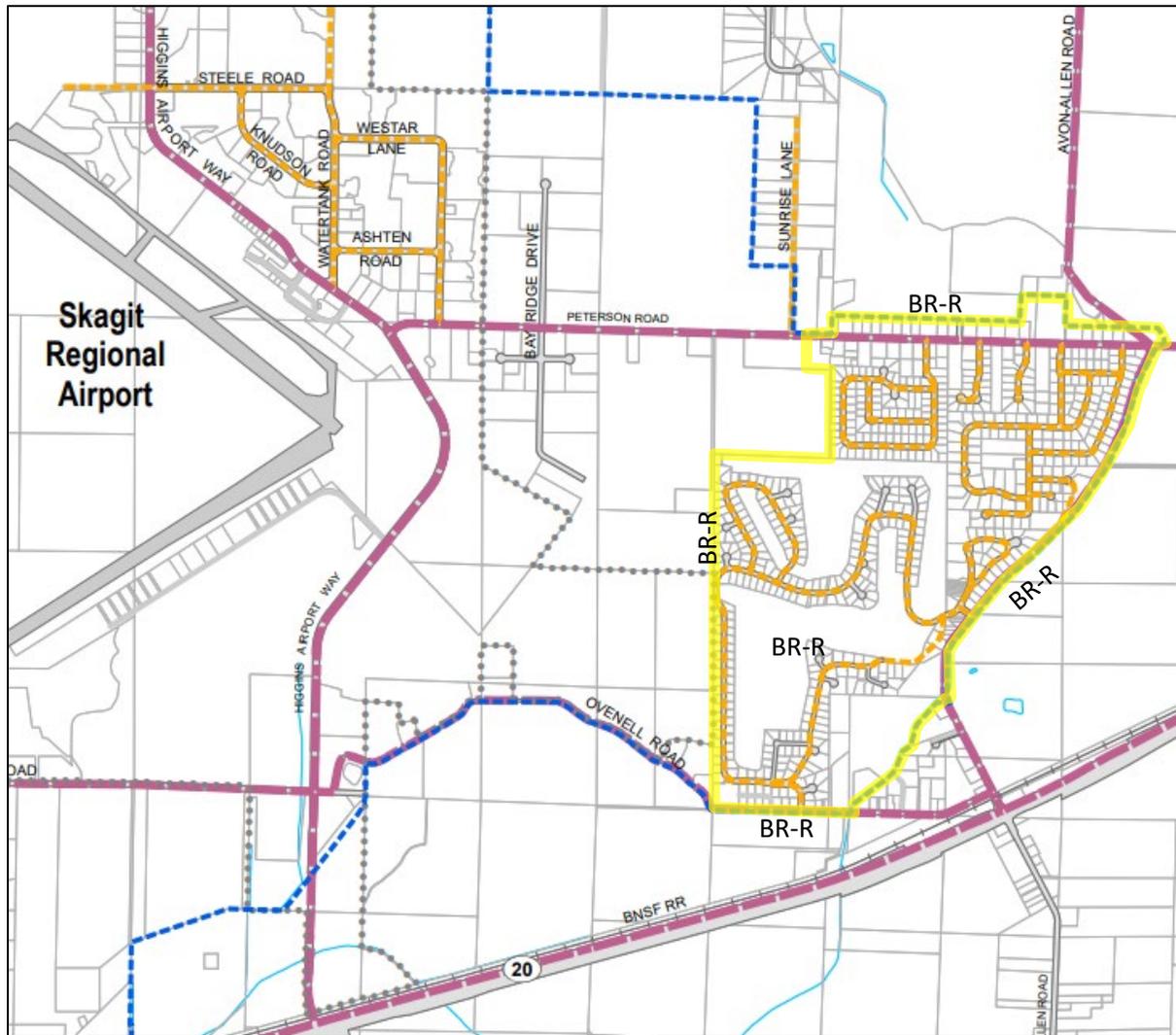


Figure 12: Local Access road class (orange) and Bayview Ridge Residential zone (Yellow) from Bayview Ridge Subarea Plan.

Additionally, the new 20' setback would be more consistent with similar residential zones in nearby localities. In each of the seven cities and counties analyzed, similar road types in residential areas have

minimum setback requirements that are closer to the 20’ setback than the 35’ setback. The table below shows how similar roads would likely be assigned setbacks in other localities. Click on the setback number to view the correlating code.

| Locality         | Residential Front Minimum Setback |
|------------------|-----------------------------------|
| Sedro-Woolley    | <a href="#">10'</a>               |
| Mount Vernon     | <a href="#">20-25'</a>            |
| Burlington       | <a href="#">17'</a>               |
| Marysville       | <a href="#">20-25'</a>            |
| Lynden           | <a href="#">15-20'</a>            |
| Snohomish County | <a href="#">15'</a>               |
| Whatcom County   | <a href="#">20-25'</a>            |

*Table 8: Summarizes the minimum road setbacks for similar residential zones and road types in nearby cities and counties.*



## Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

This furthers the following policies from the Comprehensive Plan by maintaining safe and reasonable setbacks:

- Policy 8A-2.3 Design Standards – Maintain urban and rural design standards for structures, roads, and utility systems constructed either by the county or other public or private sponsors. These standards shall reflect the character of the communities as defined in the Land Use, Rural, and Community Planning Elements.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. The goals and policies of the Capital Facilities Plan are incorporated directly into Chapter 10 of the Comprehensive Plan. Staff has found the proposed amendment to be consistent with the Comprehensive Plan. Staff therefore finds the proposal is supported by the Capital Facilities Plan.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time.

The proposal will further various CPP's, including the following:

- CCP 3.5: Provisions in Comprehensive Plans for the location and improvement of existing and future transportation networks and public transportation shall be made in a manner consistent with the goals, policies and land use map of the locally adopted comprehensive plan.
- CPP 3.8: Level of service (LOS) standards and safety standards shall be established that coordinate and link with the urban growth and urban areas to optimize land use and traffic compatibility over the long term. New development shall mitigate transportation impacts concurrently with the development and occupancy of the project

This proposal is consistent with Goal 6 of the Growth Management Act by ensuring that property owners are allowed to build as close to the road as is safe according to WSDOT.

- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal to reduce the minimum front setbacks on some roads is a change to ensure consistency with the Washington State Department of Transportation Design Manual, and the setbacks are determined to be appropriate according to the WSDOT Exhibit 1600-2 Design Clear Zone Distance Table. This proposal will not have a substantial impact on the public's health or safety and has already been deemed an appropriate minimum setback by WSDOT.

## C21-5 Pre-application requirement

### Summary

This code amendment to SCC 14.06.080 makes the pre-application meeting optional and the pre-development meeting required. Currently, project applicants often take advantage of a free pre-development meeting with staff when their project is in the feasibility stage. The pre-development meeting is often requested rather than the more thorough pre-application meeting that has a fee associated with it.

### Recommendation

The Department recommends that the proposed amendment to the Skagit County Development Regulations be **approved**.

### Analysis

Pre-Development meetings are informal meetings between County staff and the applicant with the purpose to "discuss, in general terms, the proposed development, application requirements, design standards, design alternatives, other required permits and the approval process."

The Pre-Application meeting is a much more in-depth process with County staff, staff of affected jurisdictions, and the project applicant. "The purpose of the meeting is to conduct a review of the development application prior to submittal to the Department. Pre-application review will include discussion of requirements for application completeness, permit or approval requirements, fees, review process and schedule, and responding to questions from the applicant." These meetings involve a fee that is incorporated into permit fees at the permit application stage.

This meeting can improve permit review times and quality of proposals by catching issues related to land use, natural resources, stormwater, and building codes. This preliminary project review can save the applicant time and money before projects are fully designed and applications submitted. However, the Pre-Application meeting does have a fee which could unnecessarily cost applicants if they don't need a more in-depth review. Currently, the base rate of the fee is \$539.14 as per the current [fee schedule](#) approved by the Board of County Commissioners. Full credit is applied to any complete project application submitted within six months of the Pre-Application meeting.

This change from requiring a pre-application meeting to a pre-development meeting will be more consistent with current practices while removing the need for pre-application waiver. This will save staff time from preparing for and conducting the more rigorous pre-application meetings when the applicant does not wish to have one.

## Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

This will further the GMA Planning Goal as mentioned in the Skagit County Comprehensive Plan:

- Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The subject amendment does not change any elements of the CFP or other functional Plans. This proposal is aiming to simplify the permit application process and will not affect capital facilities in any way.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

RCW 36.70A.130 – Comprehensive plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan Land Use Map no more than once per year through the Docket. SCC 14.08.020(6) states that the BOCC may adopt or amend development regulations at any time.

The proposal will further various CPP's, including the following:

- CPP 7.2: Upon receipt of a complete application, land use proposals and permits shall be expeditiously reviewed and decisions made in a timely manner.
- CPP 7: Permits Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Additionally, this proposal furthers Planning Goal 7 of the Growth Management Act:

- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

The docketing of this proposal was evaluated pursuant to the criteria in the Implementation Element of the Comprehensive Plan:

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1408.html#14.08.040>

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

This will strengthen the working relationship between the county and the public.

## Next Steps

Following Planning Commission work sessions, there will be a chance to hear from the petitioners and the public regarding the items in this staff report. See below for more information.

<https://www.skagitcounty.net/Departments/PlanningCommission/PCminutes.htm>

## How to Comment

The public may submit written comments via email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) (preferred) or via US mail. All paper comments must be submitted on 8½" x 11" paper to the address below:

Skagit County Planning & Development Services  
re: Comments "Skagit County's 2021 Docket of Proposed Policy, Code, and Map  
Amendments"  
1800 Continental Place  
Mount Vernon, WA 98273

All comments must be received by **January 13, 2022, at 4:30 p.m.** and include (1) your full name, (2) your mailing address. Comments not meeting these requirements will not be considered.

You may also provide verbal comments at the Public Hearing. The public hearing is scheduled for **January 11, 2021 at 6:00 p.m.** Due to the COVID-19 Pandemic the hearing will be held as a remote meeting. If you wish to provide verbal testimony, please send email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us), with your name, phone number, and include a request to be added to the speakers list in the body of the email. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

Virtual meeting access information can be found on the Planning Commission agenda, posted Thursday prior to the meeting, here:

<https://www.skagitcounty.net/Departments/PlanningCommission/PCminutes.htm>

Public hearing testimony is limited to three minutes, so written comments are preferred

(Please note, your internet connected computer must have a microphone and speakers if you choose to give remarks via computer).

**Attachment 1 - Amendments** to Skagit County Comprehensive Plan and Development Regulations  
(Published under a separate cover)