

ORDINANCE NO. 16550

An Ordinance Relating to Comprehensive Planning for Skagit County in Accordance with the Washington State Growth Management Act (RCW 36.70A); Repealing the Following: the 1982 Eastern District Comprehensive Plan; the 1980 South Central District Comprehensive Plan; the 1980 Southwest District Comprehensive Plan; the 1973 North Central District Comprehensive Plan; the 1975 Northwest District Comprehensive Plan; and, the 1976 Islands District Comprehensive Plan; Addressing Western Washington Growth Management Hearings Board Case No. 95-2-0075 Issues; Amending Natural Resource Lands Ordinance No. 16291 Map Designations; and Identifying Priority Items Requiring Further Studies, Reports and Recommendations.

**Whereas**, in 1990 the Washington State Legislature passed and the Governor signed into law the Growth Management Act (RCW 36.70A) which mandates significant changes to comprehensive plans; and

**Whereas**, the legislature found that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of the state; and

**Whereas**, the Washington State Growth Management Act requires all counties and cities in the state to do some planning and the fastest growing counties, and the cities within them, to plan extensively in keeping with state goals on: sprawl reduction, affordable housing, economic development, open space and recreation, regional transportation, environmental protection, property rights, natural resource industries, historic lands and buildings, permit processing, public facilities and services, and early and continuous public participation; and

**Whereas**, the Washington State Growth Management Act requires all counties and cities within the state to classify, designate, and conserve natural resource lands (forest, agricultural, and mineral) and protect critical areas (wetlands, geologically hazardous areas, fish and wildlife habitat conservation areas, aquifer recharge areas, and frequently flooded areas); and

**Whereas**, the Washington State Growth Management Act requires counties, including the cities within the county, to plan if it has a population of 50,000 or more and a population increase of 10 percent or more over the past 10 years; and

**Whereas**, on March 20, 1997, the Planning Commission after having reviewed the record on the draft Skagit County Comprehensive Plan (March 1997) adopted a Recorded Motion with findings recommending approval of a comprehensive plan and forwarded such to the Board of County Commissioners for review and action; and

**Whereas**, on March 25, 1997, the Planning Commissions Recorded Motion of March 20, 1997 which included a recommendation to approve the draft comprehensive plan was

transmitted to the Board of County Commissioners; and

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**Whereas**, on March 31, 1997, the Board of County Commissioners met in a public work session to discuss the Planning Commission recommendation and identified several issues which the Board of County Commissioners wanted the Planning Commission to consider further; and

**Whereas**, on April 1, 1997, the Board of County Commissioners passed Resolution No. 16503 which listed nine issues which they wanted the Planning Commission to consider further and called for the Planning Commission to hold another public hearing on these issues and on any changes that had been made to the comprehensive plan since the last (November 1996) public review draft; and

**Whereas**, on April 3, 1997, the County published notice of an additional written comment period and notice of a public hearing on the changes and the Board of County Commissioners Resolution No. 16503; and

**Whereas**, on April 3, 1997, copies of the Planning Commission Recorded Motion, the April 3, 1997 revised draft of the Comprehensive Plan and the Board of County Commissioners Resolution No. 16503 were made available to the public for review and comment, and a Notice of Availability of the same was sent to approximately 2,500 people; and

**Whereas**, on April 9, 1997, the County received a Compliance Order from the Western Washington Growth Management Hearings Board ("WWGMHB") in Case No. 95-2-0075, regarding the County's Natural Resource Lands Ordinance No. 16291, identifying two issues of noncompliance; and

**Whereas**, on April 15, 1997, the Planning Commission held an additional public hearing on the changes to the draft comprehensive plan and the Board of County Commissioners Resolution No. 16503 issues; and

**Whereas**, on April 21, 22, 24, and 29, 1997, the Planning Commission met in public meetings to deliberate on the comments received from the public, on the Board of County Commissioners Resolution No. 16503 issues and on the two items of noncompliance from WWGMHB Case No. 95-2-0075; and

**Whereas**, on April 29, 1997, the Planning Commission after having reviewed the record on the draft Skagit County Comprehensive Plan (April 3, 1997) adopted a Recorded Motion with findings recommending approval of a comprehensive plan and forwarded such to the Board of County Commissioners for review and action; and

**Whereas**, on May 6, 1997, the Planning Commission's Recorded Motion of April 29, 1997 which included a recommendation to approve the draft comprehensive plan was transmitted to the Board of County Commissioners; and

**Whereas**, the Board of County Commissioners met on May 12, 13, and 14, 1997 in open public meeting to review and deliberate on the merits of the Planning Commission's

recommendation on the draft comprehensive plan; and

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**Whereas**, on November 13, 1996 the Draft Supplemental Environmental Impact Statement (DSEIS) for the Skagit County Comprehensive Plan was issued and on May 2, 1997, the Final Supplemental Environmental Impact Statement (FSEIS) for the Skagit County Comprehensive Plan was issued; and

**Whereas**, the Board of County Commissioners after review and deliberations adopts in Sections 1 through 3 below the following findings of fact made in the Planning Commission's Recorded Motions dated March 20, 1997 and April 29, 1997 renumbered as follows (including minor redrafting edits in the following findings 1.7, 1.10, 1.13, 1.14, 1.16, 2.3, 2.4, 3.9, 3.31):

### **Section 1: Comprehensive Plan**

- 1.1 According to figures released by the Washington State Office of Financial Management, Skagit County's 1990 population was 79,545. Between 1980-1990 the county population increased by 24%. This decade of population growth placed Skagit County among the fastest growing counties in the State of Washington. The Office of Financial Management forecasted 20 year medium (most likely to occur) population projection for Skagit County is 137,714. This would add approximately 45,000 persons to the county by the year 2015, an increase of 48% over the 1995 population of 93,101.
- 1.2 Skagit County has experienced and will continue to experience population growth and accompanying development, resulting in competing demands for public facilities, services and land uses, and is required to conduct and adopt a comprehensive plan and land use regulations pursuant to the Washington State Growth Management Act.
- 1.3 Growth management requires that land be managed properly and wisely. Otherwise, meeting the demands of a rapidly growing county population is likely to cause urban and suburban sprawl, commercial strip development, development at inappropriate locations and densities, damage to environmentally sensitive areas, and the loss of natural resource lands, rural character, open space and critical areas. Also, this pattern of development is likely to create demands for urban services and utilities which are insufficient to support their extension.
- 1.4 Skagit County comprehensive planning efforts can be traced back 30 years. The county adopted its first comprehensive plan in 1965. The plan was updated and revised in 1968. During the 1970's, the plan was divided into six smaller geographic districts to address land use needs on a local basis. The North Central District plan was adopted in 1973, the Northwest in 1975, Islands in 1976, and the Southwest and South Central in 1980. In 1982, the Eastern District plan was completed.
- 1.5 In the fall of 1990, the public and elected officials started a process to review existing district comprehensive plans. Twenty-six county-wide town hall meeting were held

over a six month period providing the public extensive citizen participation opportunities in their attempts to define and develop a community vision. Skagit County community vision statements include: preserve the high quality of life, strive for government efficiency, support economic opportunities; increase the housing choices for all residents; ensure that necessary transportation facilities and services are available to serve development at the time of occupancy and use; balance urban uses and environmental protection; protect and retain rural lifestyles; protect and conserve agriculture, forest and mineral resource lands; protect and conserve the environment, ecologically sensitive areas, and preclude development and land uses which are incompatible with critical areas; respect property rights; and, encourage citizen participation and involvement.

- 1.6 Skagit County and the cities/towns within have jointly developed and adopted county-wide planning policies (adopted in 1992 and amended in 1996). These policies provide a blueprint for the general land use pattern of future development in the county: high density residential and non-resource based commercial and industrial development occur within urban growth areas, and that outside of such designated areas, the rural character, open space and other benefits of the land be maintained along with the county's commercially, significant natural resource lands.
- 1.7 In the fall of 1992, Citizen Advisory Committees (CACs) were formed to ensure that community vision statements were represented in the planning process. During a two year period, CACs met frequently to review policy documents, data and other information and to develop policy recommendations on the natural resource conservation (agriculture, forest, mineral), rural, housing, transportation, economic, environment, and utility elements. The Land Use Element is reflective of CAC recommended designation criteria and densities and incorporates additional measures to address issues raised through the public participation process and review. The capital facilities, urban growth area, community development plan, and essential public facilities, and shorelines master program elements were completed without the assistance of a CAC.
- 1.8 Beginning in the Fall of 1993 and through March 1997, the Skagit County Planning Commission conducted numerous (approximately 120) study sessions to review background information, data, reports, citizen advisory committee and staff recommendations, public testimony and written correspondence, and exhibits during the development and drafting of the comprehensive plan and implementing regulations for natural resource lands and critical areas.

The Skagit County Planning Commission held public hearings on draft elements of the comprehensive plan on February 24, 1994; March 28, 1994; April 18, 1994; May 9, 1994; January 23, 1995; and October 30, 1995; on the Draft Environmental Impact Statement for the Land Use Element of the Skagit County Comprehensive Plan on January 31, 1994; and on the Final Environmental Impact Statement (FEIS) for the Land Use Element of the Skagit County Comprehensive Plan and the Planning Commission Proposed Comprehensive Plan Element Policy Documents on July 11 and

12, 1994. At each public hearing the public was afforded an opportunity to testify or submit written correspondence both for or against the proposal.

- 1.9 On May 24, 1995, the May 1995 Draft Skagit County Comprehensive Plan was released for a thirty (30) day public review with the written comment period expiring on June 23, 1995. Between August 1995 and January 1996, the Planning Commission conducted study sessions to review written correspondence and to make changes and additions.
- 1.10 On November 12, 1996, the Draft Skagit County Comprehensive Plan (November 1996) was released for a thirty (30) day public review with the written comment period expiring on December 13, 1996. A public hearing was held on December 2, 1996 and the public was afforded an opportunity to testify or submit written correspondence both for and against the proposal. Between January 6, 1997 and March 20, 1997, the Planning Commission conducted nineteen (19) study sessions to review written correspondence and public comment and to make changes and additions to the draft Plan.
- 1.11 The Western Washington Growth Management Hearings Board (WWGMHB) has reviewed several aspects of Skagit County's GMA planning efforts, in particular in WWGMHB Case No. 95-2-0065. In general, the WWGMHB has required the County to first designate and protect critical areas and Natural Resource lands before completing its comprehensive planning efforts. The WWGMHB has further required the County to take steps necessary to prevent urban growth outside urban growth areas. The County adopted a critical areas ordinance on May 13, 1996 with an effective date of June 13, 1996 (Ordinance #16156). The County adopted Natural Resource land designations and an ordinance on September 17, 1996 (Ordinance #16291 and as amended).
- 1.12 Skagit County, with the assistance of citizens of Skagit County, business and community representatives, special interest organizations, the incorporated cities and towns, tribes, public agencies, and service providers, has studied and considered draft comprehensive plan goals, objectives, policies, programs, strategies and a land use planning concept for organizing, distributing and serving growth across the county through 2015.
- 1.13 Efforts were made to collect and disseminate information to the public explaining the Growth Management Act (GMA) and Skagit County's comprehensive planning program. Community "town meetings" and appearances before community organizations were held to explain the GMA and the plan development process. The public was notified of meetings, hearings, and study sessions by means of newspaper display ads, news releases, letters, brochures, "tabloid" publications, and by notice to those requesting information on Skagit County comprehensive planning efforts. Board of County Commissioners and Planning Commission meetings, hearings, and study sessions requiring "legal notice" were advertised in the local paper of record pursuant to the requirements of RCW 36.70 and the Skagit County Code. Draft copies of the

Skagit County Comprehensive Plan were broadly disseminated for public review and on occasion a limited number of Plans were made available to the public at no charge. All meetings and hearings to which the public was invited were conducted in an open forum. At hearings all persons desiring to speak were given an opportunity to do so. Public testimony and written correspondence was given full consideration as part of the development of the comprehensive plan.

- 1.14 In compliance with the State Environmental Policy Act (RCW 43.21C) environmental review has been conducted on Skagit County's comprehensive planning process. A Determination of Significance and Scoping Notice was issued on August 30, 1993 to provide information to decision-makers and the public on the potential impacts, to evaluate alternative courses of action, and to identify mitigation measures which would diminish, or avoid, impacts to the Land Use Element of the Skagit County Comprehensive Plan; the Draft Environmental Impact Statement was issued on January 13, 1994; the Final Environmental Impact Statement (FEIS) was issued on June 30, 1995; and an Addendum to the FEIS was issued on May 24, 1995. A Determination of Non-Significance was issued on June 8, 1995 on the Skagit County Comprehensive Plan Natural Resource Conservation (agriculture, forestry, and mineral), Rural, Urban Growth Areas, Housing, Transportation, Utilities, Capital Facilities, Economic Development, Environment, Community Development Plans, and Essential Public Facilities Elements. On November 13, 1996, Skagit County issued a Draft Supplemental Environmental Impact Statement (DSEIS) on the Draft Skagit County Comprehensive Plan (November 1996).
- 1.15 The Skagit County Comprehensive Plan is consistent with the Washington State Growth Management Act (RCW 36.70A); the Procedural Criteria for Adopting Comprehensive Plans (WAC 365-195) and the Skagit County adopted County-wide Planning Policies (Resolution No. 14378 and as amended). The Skagit County Comprehensive Plan (April 3, 1997) was developed in accordance with the statutory goals pursuant to RCW 36.70A.020; includes the mandatory elements pursuant to RCW 36.70A.070 and WAC 365-195-300; outlines comprehensive plan provisions governing its amendments pursuant to RCW 36.70A.130 and WAC 365-195-630; provided(s) for early and continuous public participation in the development and amendment of the comprehensive plan pursuant to RCW 36.70A.140 and WAC 365-195-600; identifies land useful for public purposes pursuant to RCW 36.70A.150 and WAC 365-195-430; identifies open space corridors pursuant to RCW 36.70A.160 and WAC 365-195-420; designates natural resource lands pursuant to RCW 36.70A.170 (a-c) and WAC 365-195-400; and, includes a process for siting of essential public facilities pursuant to RCW 36.70A.200; provides for the coordination and regulation of public and private development; and bears a substantial relationship to, and is necessary for, the public health, safety, and general welfare of Skagit County residents.
- 1.16 The Skagit County Comprehensive Plan governs principally the unincorporated areas of Skagit County and replaces the existing 1982 Eastern District, 1973 North Central District, 1980 South Central District, 1975 Northwest District, 1980 Southwest District, and 1976 Island District comprehensive plans.

- 1.17 Community development planning is an important part of the planning process in Skagit County and represents the County's and community's view of how subarea and joint plans of the County should be initiated and developed. The community development planning process provides for expanded sub-regional (portions of the county representing smaller geographical areas; e.g., watersheds, islands, rural communities, and urban growth areas) comprehensive planning opportunities to address issues of local importance and diversity and at a greater level of detail not otherwise addressed in the countywide comprehensive plan.
- 1.18 The Skagit County Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide community development planning, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, implementing regulations and land development decisions.
- 1.19 In 1995 the Washington State Legislature passed and the Governor signed into law an amendment to the Growth Management Act (RCW 36.70A.480) requiring that locally adopted and state approved Shoreline Master Program (SMP) goals and policies be integrated into a local government's comprehensive plan. Under current law, any changes to the county's SMP must comply with the procedures of RCW 90.58. For that reason, the Planning Commission is not recommending any changes to the county's SMP at this time. Generally, the County's existing SMP goals and policies approved pursuant to the Shorelines Management Act (RCW 90.58) are to be considered as an element of the county's comprehensive plan. Generally, the SMP goals, policies and shoreline designations are consistent with the comprehensive plan. Any inconsistencies will be addressed in future amendments to comprehensive plan and SMP pursuant to the requirements of RCW 36.70A and 90.58.
- 1.20 The designation of urban growth areas (UGAs) included consultation with each city and town in Skagit County. City/town UGA proposals were submitted to the County for review, analysis, and public comment. UGAs proposals were guided by county-wide planning policies and the procedural criteria for developing such (WAC 365-195-335). Minor revisions were made to the proposed UGA boundaries after further consultation with the cities, towns and tribes. Some UGA boundaries were revised: to remove designated natural resource lands which were characterized as having long-term commercial significance for the production of food or other agricultural products and which were also located in frequently flooded areas; to eliminate unincorporated lands from the Big Lake non-municipal UGA and the Town of Concrete's UGA until additional studies, reports, and plans are completed and recommendations made; and, to include/exclude lands which either possessed urban growth development suitabilities or constraints.
- 1.21 It is the intent of the Planning Commission to have the rural area of the county reflect the existing historic character and variety of densities in the County. To that effect, the historic Rural Villages of Conway, BayView, Edison, Alger, Clear Lake, Lake McMurray, Lake

Cavanaugh, Rockport and Marblemount have been designated as Rural Villages in the Comprehensive plan, with potential densities as high as 1 DU per acre, if public water is available. In addition, several areas in the County are characterized by an historic, existing legal lot and development pattern of 1 DU per 2.5 acres or greater density. These existing areas have been identified as Rural Intermediate in the comprehensive plan. The current Rural Villages and Rural Intermediate designations largely reflect historic, existing development patterns. Additional Rural Intermediate expansion, or new Rural Intermediate areas will be considered based on the Rural Intermediate designation criteria found in the Land Use Element of the comprehensive plan. It is the Planning Commission's intent to begin review of those requests for new or expanded Rural Intermediate designation that it has already received as part of the comments on this comprehensive plan as soon as the Planning Commission has completed its work on this draft of the comprehensive plan. Additional review and public comment will be conducted before making any additional recommendations on these Rural Intermediate requests.

- 1.22 The public comment, Volume 1 & 2, received on the November 1996 draft comprehensive plan included the following comments that the Planning Commission intends to consider further, beginning as soon as it has completed its work on this draft of the comprehensive plan:

14, 22, 28, 66, 76, 98, 102, 152, 155, 172, 203, 213, 214, 229, 231, 243, 252, 255, 269, 270, 294, 295, 304, 306, 310, 311, 312, 315, 319, 334, 338, 340, 341, 343, 346, 351, 352, 353, 355, 357, 367, 377, 379, 384, 389, 463, 473, 480, 495, 508, 552, 559, 561, 575, 596, 599, 603, 606, 608, 609, 610, 611, 627, 630, 632, 636, 654, 732, 735, 781, 897, 912, 918, 919, 920, 935, 940, 945, 964, 974, 975, 985, 1011, 1036, 1042, 1063, 1068, 1179, 1201, 1222, 1226.

- 1.23 The protection of natural resource lands of long-term commercial significance is a very high priority for Skagit County. The Planning Commission finds that existing lot prices in the Rural areas of the County as compared to the natural resource areas of the County already are approaching a point where resource lands may be acquired for a price similar to rural residential lands. Limiting the supply of rural residential lots too severely would likely exacerbate this threat to resource lands and should, therefore, be considered carefully.
- 1.24 County-wide Planning Policy (CWPP) 2.3 requires that "rural development [shall] have access through suitable, county roads...". There are islands and other properties throughout unincorporated Skagit County which do not have county roads or rely on state highway and to a lesser extent, private roads for ingress and egress. It was never the intent of CWPP 2.3 to limit rural development to only those areas which were accessible by county roads. CWPP 2.3 should be amended to reflect this intention and when implementing development regulations are developed a broader interpretation should be made.
- 1.25 Lands within the exterior boundaries of the Swinomish Indian Reservation which have been designated as Secondary Forest in the draft Comprehensive Plan (November 1996)

have unique circumstances. The following findings apply:

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- (a) Lands on the Swinomish Indian Reservation near LaConner were shown as potential "Resource Conservation" in the May 23 Addendum. However, these lands do not have either PFLG 1-3 or Prime Agricultural soils that are part of the recommended Rural Resource criteria.
- (b) These lands consist of a combination of fee ownership and tribal/trust ownerships, with associated potentially conflicting tribal and county land use jurisdiction.
- (c) These reservation lands do have PFLG 4 and 5 soils and consist of some acreage in excess of 500 acre blocks.
- (d) These reservation lands were proposed for Resource Conservation designation in the Addendum because the Industrial Forest designation did not seem appropriate, given the ownership patterns and potential for resource management conflicts and because the Secondary Forest designation was only used for the 1/4 mile buffer area.
- (e) These reservation lands are also the subject of an agreement between Skagit County and the Swinomish Tribal Community supporting preparation of a joint land use plan for reservation lands. A draft plan and EIS were prepared in 1990 and 1992, respectively, but have not been formally adopted. That draft plan proposes natural resource use for these reservation lands.
- (f) The Board of County Commissioners should decide what are the legal effects of the agreement with the Swinomish Tribal Community and the draft land use plan and should explore with the Tribe whether GMA resource lands designation is the appropriate designation. The Planning Commission is forwarding these finding, together with a recommended Rural designation to the Board of County Commissioners for its review.
- (g) The development and adoption of a sub-area or joint plan with the Swinomish Tribal Community for lands within the exterior boundaries of the reservation should be given a high priority to address these designation criteria issues, the rights of affected property owners and the interest of the Tribe.

1.26 It may be possible that an individual's property receives a comprehensive plan land use designation based on a technical mapping error or by inadvertent application of designation criteria to the subject property. To address inadvertent mapping errors in the first year of comprehensive plan review, a property owner may present the County with information through July 31, 1997 indicating that its property did not meet the land use designation criteria and was therefore designated in error. The County shall review this information as part of its first annual review of the comprehensive plan. The property owner shall not be required to pay the fees otherwise required for a comprehensive plan amendment, if the sole reason for the request is to correct an error in applying the designation criteria. This comprehensive plan land use designation review process is not intended to change any of the land use designation criteria approved by the County, including, but not limited to those criteria that allow inclusion of some parcels that may not individually meet a land use designation criteria if they are contained within a larger area of parcels that do meet the designation criteria. First year amendments to the comprehensive plan should be primarily limited to comprehensive plan land use designation mapping errors. The procedures and

timelines for processing the amendments will follow those as prescribed in the comprehensive plan, unless otherwise stated above.

- 1.27 Airport Environs. A few commenters raised questions regarding potential land use conflicts between the Bayview Ridge UGA land use designations or the Concrete UGA land use designations and the long-term plans for airports in both those areas. The Planning Commission finds that existing comprehensive plan policies, together with the existing airport environs provisions of the Skagit County Code adequately address the need to avoid any such land use conflicts at least until subarea planning is completed. A future subarea planning process for these UGAs is the appropriate forum to address these issues. No change is recommended to the comprehensive plan.
- 1.28 Conservation and Reserve Development ("CaRD"). Several commenters expressed support for, but raised a few clarifying questions regarding the proposed CaRD land division policies. In response to these questions, the Planning Commission recommends the following changes to clarify the intent of the CaRD land division sections.
- a. Page 4-29, lines 7 and 8 should be revised to read as follows:
 

....protects and conserves natural resource lands, rural lifestyles and critical areas.  
allows landowners to maintain some equity and development potential on the land...
  - b. Page 4-29 lines 15-19 should be revised to read as follows:
 

....PUDs and CaRDs are different from standard land divisions, because they routinely involve density bonus beyond what is normally permitted in a given land use designation or zone in exchange for meeting certain land use management objectives such as setting aside land for open space, natural resource land and critical area conservation or to reserve lands for potential future development. PUDs differ from CaRDs in that PUDs normally involve permitting of mixed uses (commercial/residential). Under these comprehensive plan policies, PUDs will also involve higher urban densities than the rural densities found in CaRDs. PUDs are more appropriately located in urban growth areas where urban services and utilities are provided.
  - c. Page 4-29, lines 26 and 27 should be revised to read as follows:
 

....encouraged. The duration of any conservation easement or conditions, covenants and restrictions (CCRs) provided in a CaRD land division should not be less than the duration of the natural resource lands designation.
  - d. Page 4-30, line 11, change "private open space/reserve" to "a CaRD" and delete the words "and development".
  - e. Page 4-30, police 1.2.1 should be revised to read as follows:

1.2.1 Flexibility in site development which may result in more compact clustered lots or environmentally sound use of the land, while assuring compatible development and maintaining the county's rural character.

f. Page 4-31, line 12, delete "and development projects"

g. Page 4-31, line 15, delete "and development"

h. Page 4-31, policy 1.6.4 should be revised to read as follows:

1.6.4 specific criteria addressing the location and amount of conservation and reserve land on the parcel;

i. Page 4-32 and 4-33 should be revised to read as follows:

1.8 When CaRD land divisions are approved their conservation easements or conditions/covenants/restrictions (CCRs) shall be in place for a specified period of time.

1.8.1 Certain identified critical areas shall be set-aside as a Native Growth Protection Area in perpetuity. Designated natural resource, urban growth areas and rural lands shall be set-aside as a conservation easement in perpetuity when such lands are part of a transfer of development rights, purchase of development rights, conservation futures, or similar type of financial compensation or acquisition program.

1.8.2 A CaRD land division which has designated natural resource lands (NRL) not satisfying 1.8.1 above shall have the remaining NRL set-aside as a condition/covenant/restriction which removes the development right on such lands until such time as the land no longer has long-term commercial significance for the production of food, agricultural products, timber, or extraction of minerals.

1.8.3 A CaRD land division which has designated Rural lands not satisfying 1.8.1 above shall have the undeveloped lands set-aside as a land reserve until the land is reclassified as part of a comprehensive plan amendment or is included within an Urban Growth Area.

1.8.4 A CaRD land division which has designated Urban Growth Area lands not satisfying 1.8.1 above shall have the undeveloped lands set-aside as a land reserve until urban facilities and services are available concurrent with proposed development.

1.29 Because of the significance of the CaRD land division technique in implementing the policies and objectives of the comprehensive plan, the Planning Commission recommends the County prepare and begin review of a proposed CaRD ordinance as a high priority

development regulation.

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- 1.30 The Planning Commission does not recommend any additional changes to chapter 11, Capital Facilities, based on the comments received. The comments are either adequately addressed in the existing plan documents, or can be addressed in future public participation in future amendments.
- 1.31 The Planning Commission does not recommend any changes to the Anacortes UGA boundary based on the comments received. The proposed land use designations recommended in the April 3 draft Plan, as reflected in the City's comment letter are appropriate for the existing uses and are consistent with the CWPPs.
- 1.32 The Planning Commission does not recommend any changes to the Burlington UGA boundary based on the comments received. The farmland west of the current city limits, north of the Skagit River, east of Pulver Road and south of SR 20 are frequently flooded and designated as long-term, commercially-viable agricultural land. Drainage and other interjurisdictional issues of concern to the city can best be addressed through inter-local agreements between the City and County.
- 1.33 The Planning Commission does not recommend any changes to the Big Lake UGA boundary based on the comments received. Landowners requesting inclusion into the Big Lake UGA will be addressed during the comprehensive plan amendment "batch" review and/or through sub-area planning for the Big Lake UGA. Natural resource lands and sewer service area incompatibilities may be addressed through a sub-area planning process and coordinated land use and capital facilities planning between the County and Sewer District #2. The Planning Commission finds that adequate capital facilities planning has been completed for the Big Lake UGA.
- 1.34 The Planning Commission does not recommend any changes to the Bayview Ridge UGA boundary based on the comments received. Current comprehensive plan policies address potentially incompatible land uses. Additional detail can be addressed in development regulations and subarea planning for this UGA.
- 1.35 The Planning Commission recommends including language in April 3 draft plan Appendix C (Related Plans, Studies & Regulations) of the comprehensive plan referencing the 1985 Anacortes-Fidalgo Island Coordinated Water Supply Plan and reorganizing the description of those plans in chronological order. A copy of recommended language is attached to (Planning Commission Recorded Motion (April 29, 1997) as Exhibit G.
- 1.36 The Planning Commission recommends adding the following language to Policy 10.4, page 10-11 which was inadvertently deleted from the April 3 draft of the Plan:

Water supply development and service shall be consistent with all related plans, including but not limited to, ....

- 1.37 The Planning Commission received several comments challenging the Secondary Forest criteria. The Planning Commission recommends retaining the Secondary Forest land use designation criteria as drafted in April 3 draft Plan. Re-evaluation of the designation criteria and/or map designations may occur during annual comprehensive plan amendment policy and map reviews or through the subarea planning process.
- 1.38 The Planning Commission agrees that Rural Intermediate designation criteria should consider not only the existing parcel size but also the surrounding parcel density. The Planning Commission's intention is to allow a larger undeveloped parcel to be subdivided to 2.5 acre tracts when it is surrounded by parcels which meet the existing 2.5 acre threshold criteria. Policy 7.8.2 on page 4-20 of the April 3 draft Plan should be revised to read as follows:

...applies only to rural areas where existing and/or surrounding parcel density is predominantly greater than or equal to 1 dwelling unit per 2.5 acres....

- 1.39 The Planning Commission recommends the following edits to April 3 draft plan:

Page 1-16, line 21. Welfare (Article XI Section 11 of the state constitution), must not exceed its constitutional limits on its authority,....

- a. Page 4-4, line 7. For illustrative purposes a Generalized Land Use map has been created from pre-Plan zoning districts and a Land Cover map indicates satellite imagery of the Skagit County landscape. Both maps are located in the supplemental Map Portfolio and referenced as Maps #3 and #5.
- b. Page 4-5, line 15. ....significance. Public Open Space designated areas are publicly owned lands that have been set aside, dedicated....
- c. Page 4-6, line 25. ....dwelling unit per five acres by requiring conditions, covenants, and/or restrictions on the majority of the land....
- d. Page 4-9, line 14. ....Open Space. Land which is not suitable for intensive development.
- e. Page 4-12, line 33. ...Parcels that may not meet the criteria described in 3.1-3.3 above may...
- f. Page 4-13, line 14. ....The majority of the area contains WA State Department of Revenue - Private Forest Land Grade (PFLG) soils 1-5.
- g. Page 4-14, line 25. ....The majority of the area contains WA State Department of Revenue - Private Forest Land Grade (PFLG) soils 1-5.
- h. Page 4-6, line 1. ...5.1.2 WA State Department of Revenue – Private Forest Land Grades (PFLG) 1-3.

- i. Page 4-18, line 34. ...property located outside of ¼ mile form the MRA lands, consistent with the CaRD policies in this element.
  - j. Page 4-25, line 11. 4.1.2 Uses shall be directly related to natural resource enhancement, production, or utilization.
  - k. Page 4-28, line 4. 1.4 The continuing validity of Variances, Special Uses, Planned Unit Development (PUDs) and Conditional Uses...
  - l. Page 5-3, line 22. ... Goal C: Stabilize the loss of prime farmland and limit the intrusion of non-agricultural uses into agricultural designated areas.
  - m. Page 5-10, line 12. ...Growth Areas and forestry or agricultural designated areas.
  - n. Page 5-22, line 18. 4.8.3 The map submitted with the application ....
  - o. Page 6-1, line 24. Add County-wide Planning Policy 1.8 to the introduction of the Rural Element.
  - p. Page 7-6, line 41. ....remaining acreage shall have conditions, covenants, and/or restrictions until such time as urban....
  - q. Page 9-4, line 13. ...adopts a minimum of 600 vph and a maximum of 2000 vph.
- 1.40 The Planning Commission recommends adding a new second sentence to the section on Urban Growth Areas on page 4-5, line 41 that acknowledges that "urban growth areas" and their character in Skagit County should be distinguished from some of the "urban growth area" character that may be found in the more urban Puget Sound Counties:
- The County recognizes that while these areas are characterized as "urban" for Skagit County, they are nonetheless to be distinguished from the type of "urban" development that is found in many of the cities in the Seattle metropolitan area.
- 1.41 The Planning Commission recommends that all of the map designation comments received during the public comment periods on this comprehensive plan, together with any map requests received on or before July 31, 1997, be reviewed concurrently and "batched" by county geographic area and land use designation as part of the first year's comprehensive plan amendment review. The Planning Commission may begin review of some of these individual requests prior to the July 31 submittal deadline for additional requests, but will process all of them together as a single "batch" of comprehensive plan amendments.

## Section 2: WWGMHB Case No. 95-2-0075 Issues:

Density of residential development within 1/4 mile of designated mineral resource lands: **16550**

- 2.1 The WWGMHB Case No. 95-2-0075 order indicated that current County plans and regulations might allow residential densities greater than 1 dwelling unit per 10 acres within 1/4 mile of a designated mineral resource land and this was inconsistent with the evidence in the record that such densities would be inconsistent with long-term commercially significant mineral resource production.
- 2.2 Recommended Comprehensive Plan policy 6.6, page 4-18 of the April 3 draft plan provides that all Rural designated lands within 1/4 mile of a designated mineral resource land should not be developed with a residential density greater than 1 dwelling unit per ten acres and that for any properties that are located both within and without that 1/4 mile distance, the residential development rights may be transferred to and clustered on that portion of the property located outside of 1/4 mile from the mineral resource lands. This addresses the density issue for Rural designated lands.
- 2.3 There are a few situations in the County where existing residential development density and/or legal lots of record exceed one dwelling unit per 10 acres within 1/4 mile of designated mineral resource lands. This occurs where lands are designated RI, RV or UGA. The Planning Commission reviewed each of these potential conflict areas, as shown on the maps attached to the Planning Commission Recorded Motion (April 29, 1997) as Exhibits A.1--A.8, and considered the following principles to address the potential conflicts:
  - a. where existing legal lots of record at a density greater than 1 dwelling unit per 10 acres are located partially within and partially without the 1/4 mile distance from designated mineral resource lands, and where those lots are not predominantly already developed with residential structures, both land use designations can remain as originally recommended, but the residential density in excess of 1 dwelling unit per 10 acres should be transferred to and clustered on that portion of the parcel outside the 1/4 mile distance, consistent with Comprehensive Plan policy 6.6 on page 4-18 of the April 3 draft plan.
  - b. where developed residential lots already exist at a density greater than 1 dwelling unit per 10 acres within 1/4 mile of a designated mineral resource land and where the mineral resource land designation is not part of an ongoing mining operation, the mineral lands designation should be pulled back to the 1/4 mile separation, since the potential land use conflicts from the existing development would preclude long-term commercial significance of the proposed mineral resource designation.
  - c. where developed residential lots already exist at a density greater than 1 dwelling unit per 10 acres within 1/4 mile of a designated mineral resource land and where the mineral resource is part of an existing, ongoing mining operation, both designations should remain, since any land use conflicts are existing and the

Planning Commission does not believe it is necessary to make either existing use a nonconforming use.

- 2.4 The Planning Commission recommends the following revisions to the land use designations as shown on the maps attached to the Planning Commission Recorded Motion (April 29, 1997) as Exhibits A.1-A.8, based on the principles described in finding 3 above:
- a. Map A.1: (Havakost Road, Fidalgo Island) The mineral resource designation within 1/4 mile of the existing, developed residential lots in the northern portion of this area should be pulled back to a 1/4 mile separation, since these lots all exist and are all developed and since the existing mineral operations are located east of this area, or are on the opposite side of Havakost Road. The parcels in the southern portion of this map can be developed with RI density transferred to that portion of the parcel located outside the 1/4 separation from the designated mineral lands.
  - b. Map A.2: (Lake Erie and Gibraltar Road, Fidalgo Island) Here the residential development and the mineral operations are both existing. The Planning Commission has not heard of any significant complaints from either existing use regarding conflicts. Because both are existing uses, the Planning Commission does not recommend any change to the designations at either location on Map A-2.
  - c. Map A.3: (Wilder). In this location, existing platted residential development north of the road is just barely within 1/4 mile of the property line of the parcel with the mineral lands designation. However, since during permit review for any mineral operation at this location, a buffer will be required between the mineral operation and the road, that buffer would put any mineral operation outside the 1/4 mile separation. Therefore, no change to the designations is proposed.
  - d. Map A.4: (South Mount Vernon) This UGA area within 1/4 mile of the mineral resource designation is city-owned land, currently used for a quarry operation and to eventually be converted to a park. Because of this ownership, residential development is not proposed in this UGA area; so no change in designation is recommended.
  - e. Map A.5: (Hamilton UGA) As described in the previous Planning Commission recorded motion, the Town of Hamilton needs a UGA outside the floodway, which is then within 1/4 mile of the mineral lands designation north of Hamilton. Because of this UGA need, the Planning Commission recommends pulling back the mineral lands designation to the 1/4 mile separation from the proposed UGA.
  - f. Map A.6: (Lake McMurray) The Rural Village development adjacent to the mineral lands designation is existing development. Therefore, the mineral lands designation should be pulled back to the 1/4 mile separation.
  - g. Map A.7: (Lake Cavanaugh) The residential development within 1/4 mile of the mineral lands designation is existing development. Therefore, the mineral lands

designation should be pulled back to 1/4 mile separation.

16550

- h. Map A.8: (Wilderness Village) The information in the record indicates that a portion of this area has already been developed into small residential lots and an additional portion of this area north of South Skagit Highway is the subject of an approved PUD for additional residential development. There are a couple of existing mineral extraction operations south of the South Skagit Highway. To minimize existing conflicts, the Planning Commission recommends removing mineral lands designation from lands north of South Skagit Highway and leaving the mineral designation south of the South Skagit Highway.
- i. Map A.8: (Lake Shannon/Concrete UGA) These designations reflect existing city limits and an existing mineral operation and, therefore, the Planning Commission does not recommend any change to these designations.

20 vs. 40 acre sorting and lot size in Rural Resource (RRc) Designation

2.5 The WWGMHB also ruled in the RRc designated lands that the County should either "preclude subdivision of 40 acre parcels into 20 acre parcels, or include 20 acre parcels in the rural resource area," because of an internal inconsistency between the sort size used and the minimum lot size required after designation. The WWGMHB on April 9, 1997 gave the County 120 days from the date of the compliance order to comply with this issue.

2.6 Even though the County has 120 days to comply with this issue, the Planning Commission is desirous of responding to the WWGMBH's order as part of its additional recommendations on the comprehensive plan, to attempt to comply with the WWGMHB's order at the earliest possible time and to minimize potential conflict with GMA requirements. As a result, the Planning Commission balanced the property rights issues of affected property owners, the need for public notice and comment for any changes to the Rural Resource designations and the long term resource value of clustering development and conservation easements and recommends that the comprehensive plan be changed to establish a minimum lot size of 40 acres in the Rural Resource designation, with the possibility of 4 units per 40 acres (one unit for each increment of 10 acres for parcels that are not 40 acres) with a Conservation Easement or protective covenants on the balance ("CaRD land division as described in the comprehensive plan). No such CaRD divisions would be permitted until the County had adopted a CaRD ordinance that addresses the Rural issues described in comprehensive plan policies 1.1-1.8 Land Division, Objective 5 on pages 4-29 - 4-33 of the April 3 draft plan and as amended through finding #34 below. The recommended comprehensive plan changes are as follows:

- a. Policy 4.16, page 4-16

4.16 A maximum residential gross density of 1 dwelling unit per 10 acres or 1/64 of a section for a conservation and reserve development (CaRD) land division or a 40 acre or minimum lot size of 1/16 of a section for standard land divisions shall be allowed.

b. Policy 1.2, page 5-16

16550

1.2 The dwelling unit density shall be 1/16 of a section or 40 acres.

1.2.1 A density increase of 400% should be permitted if a condition, covenant, restriction (CCR) or a conservation easement is executed that is designed to encourage long-term forest and agricultural land conservation consistent with the CaRD policies found in the Land Use Element of this Plan.

### Section 3: Board of County Commissioners Issues From Resolution No 16503

#### Mount Vernon UGA (Resolution No. 16503 Issues 1-3)

- 3.1 That portion of the proposed Mount Vernon UGA known as the "Salem Lutheran Church Property" consists of both church ownership that is the subject of a current agreement between the City and the Church for the City to acquire it and use it for parks and recreation purposes and some additional private ownerships between this church property and the upland portion of the proposed UGA to the East (See Exhibit B, attached). These lands all consist of designated Agriculture-NRL lands under the County's natural resource lands ordinance.
- 3.2 The Planning Commission finds that the City of Mount Vernon needs additional parks and recreation space to accommodate its projected population growth and recommends including the Salem Lutheran Church property into the UGA to meet this need.
- 3.3 If the Salem Lutheran Church property is left in the UGA and the upland area to the east is also within the UGA, the other private agriculture land in between would create an illogical "finger" of potential incompatible land use (Agriculture between active recreation/park area and urban growth area) that should be avoided. This area also contains a large amount of wetlands. The City hopes to acquire these additional properties for wetlands mitigation banking.
- 3.4 The Planning Commission is recommending that all of these lands remain in the City's UGA, but with the understanding that these lands will only be used for public park, recreation and open space uses and for wetlands mitigation banking. The interlocal agreement between the City of Mount Vernon and the County to implement the urban growth areas should include commitments to these uses before annexation. The Planning Commission recommends the City's proposal to designate this property P (public), with the additional use restrictions identified in this finding.
- 3.5 The Planning Commission also recommends that the Mount Vernon UGA in the vicinity of the northwest corner of Barney Lake be pulled back to the Swan road right of way and the north-south section line, as shown on the November 1996 version of the comprehensive plan. The April 3 draft plan inadvertently moved the UGA line to the topography line.

However, existing conservation easements and sensitive drainage issues for Barney Lake make the road right of way and section line a more appropriate UGA boundary.

- 3.6 The Planning Commission reconsidered the designation for properties in the southwest corner of the Mount Vernon UGA known as the "Rundgren/Pederson" properties. In particular, the Christensen Seed Company is now proposing to enter into a conservation easement for a period of 5 years, limiting use of their property that is located within the UGA to exclusively agricultural purposes. The City and the Seed Company have not and may not be willing to rezone the Seed Company property to a zoning density similar to the County's Agriculture-NRL, (1 unit per 40 acres). Similarly, the City and the Seed Company have considered, but rejected "de-annexation" of the Seed Company property from the City limits.
- 3.7 The proposed West Mount Vernon UGA extension along Memorial Highway reflects predominantly existing commercial development. Any redevelopment in this area would likely trigger public sewer extensions that can be provided by the City of Mount Vernon. The Planning Commission recommends leaving this UGA boundary as proposed in the April 3 draft plan, with the added requirement that the UGA interlocal agreement between the City and County require the City to adequately address the service area and fiscal impacts to Fire District # 2 and any service area or fiscal impacts to other affected Commissioner districts in this area prior to annexation.
- 3.8 The Smith Tractor property located north and west of the Old 99/ I-5 interchange was inadvertently left out of the April 3 draft plan proposal for the Mount Vernon UGA and should be included, since this is existing commercial development.
- 3.9 The Planning Commission has considered and recommends that the proposed land use designation for the properties located generally south of Blackburn Road and west of the Burlington Northern Railroad should be changed to the designations shown in the City's comment letter, Map 2, page 32 of the Volume of Written Correspondence. See Exhibit C, attached to the Planning Commission Recorded Motion (April 29, 1997).

Sedro-Woolley UGA (Board of County Commissioners Resolution 16503 Issue 4)

- 3.10 The property commonly known as the "Northern State Hospital" lands that are currently in County ownership are planned for public recreational facilities that would need public services from Sedro-Woolley. As a result, all of the land owned by the County as shown on page 176 of the Volume of Written Comments, a copy of which is attached to this Recorded Motion as Exhibit E should be included within the Sedro-Woolley UGA and should be given a "P" Public land use designation.
- 3.11 When the Planning Commission previously recommended deletion of some Open Space designated lands in the southern portion of Sedro-Woolley's UGA, the April 3 draft plan revised map inadvertently also removed a small parcel of land that had been designated SF-2. This parcel is shown on the map on page 181 of the Volume of Written Comments on the April 3 draft plan, a copy of which is attached to this Recorded Motion as Exhibit F.

This land was included in Sedro-Woolley's UGA land capacity analysis and should be included in Sedro-Woolley's UGA.

- 3.12 The Planning Commission does not recommend including additional RI designated lands to the north of Sedro-Woolley's UGA, at least until some future review of the RI designation requests as part of a future subarea planning process.
- 3.13 The Planning Commission recommends including the edits to chapter 2 suggested by Sedro-Woolley as follows:
- a. The hyphen should be added to "Sedro-Woolley."
  - b. The last sentence of Policy 2.5.1 Single-Family 1 and Policy 2.5.2 Single-Family 2 on page 4-9 of the April 3 draft plan should both be revised to read as follows:  

"Allows clustered residential development and PUDs with varying residential densities as a conditional use."
  - c. The word "Agriculture" should be deleted from the title of Policy 2.5.3 on page 4-9 of the April 3 draft plan.
  - d. A new policy 2.5.5 Light Industrial should be added on page 4-9 of the April 3 draft plan as follows:  

"2.5.5 Light Industrial. Allows office parks, medical services and light industrial activities such as wholesaling and light manufacturing. Multi-family residential uses may be allowed as a conditional use if compatible and with buffers, with the density not to exceed 15 dwelling units per acre."
  - e. A new policy 2.5.6 Public should be added on page 4-9 of the April 3 draft as follows:  

"2.5.6 Public. Allows parks, schools, public infrastructure and other developments intended primarily for public use."
- 3.14 The Planning Commission does not find any reason in the additional public comment to change the Sedro-Woolley land capacity analysis or the UGA boundaries. The Planning Commission further notes that Sedro-Woolley UGA is one of the principle municipal UGA's for the County that is not located in a floodplain, making it suitable to urban growth.

Swinomish Reservation (Board of County Commissioners Resolution 16503 Issue 5)

- 3.15 The Planning Commission received additional comment regarding this issue, but the information submitted was basically the same as that previously reviewed. The Planning Commission does not recommend any change to the proposed designation shown in the

Pre-existing Uses (Board of County Commissioners Resolution 16503 Issue 6)

- 3.16 Based on the public comment, there appears to continue to be some confusion regarding how pre-existing uses will be treated after adoption of the comprehensive plan, particularly pre-existing commercial and industrial uses. The Planning Commission reconsidered the policies found on pages 4-24 through 4-28 of the comprehensive plan and recommends that the following introductory paragraph be added on page 4-24, prior to Objective 2 to help explain the intent and substance of these objectives and policies:

“Commercial and industrial uses throughout unincorporated Skagit County will be guided by the goals, objectives and policies articulated below. All such uses do not require a commercial or industrial comprehensive plan land use designation under this Plan. Existing and new commercial and industrial land uses will be subject to this Plan's land use policies. Implementing development regulations will more specifically identify commercial and industrial development opportunities and limitations and through code language will explain how the comprehensive plan policies will be put into practice. Those regulations would expand upon the policies describing how existing uses can continue, under what circumstances they can expand, and under what circumstances they can change from one commercial or industrial use to another. The zoning map to be adopted with the implementing development regulations will illustrate where such commercial and industrial zoning districts will be located throughout the county. In general, it is expected that existing commercial and industrial zones outside the UGA will retain commercial and/or industrial zoning, but with the rural and resource related restrictions described in these policies. In the future, new commercial and industrial development proposals if consistent with the comprehensive plan will only require a rezone and not a comprehensive plan map amendment.”

- 3.17 The Planning Commission further recommends that the term "development rights" as used in Objective 1 on page 4-27 of the April 3 draft plan is not clear and should be revised to read as follows:

“OBJECTIVE 1: Recognize existing development approvals that have been granted but may not have yet been constructed or acted upon, such as subdivisions, short plats, PUDs, special use permits, conditional use permits, and contract rezones that are nonconforming with Comprehensive Plan land use map designations and policies when they do not threaten the health and safety of residents.”

- 3.18 To further clarify what interchanges are appropriate for highway oriented commercial uses, in response to the Board of County Commissioners resolution and to public comment received, the Planning Commission recommends that highway-oriented commercial uses be allowed only at the below identified I-5 interchanges and that such uses along SR 20 may be considered at a later date through a comprehensive plan policy amendment. Therefore, policy 6.2 on page 4-27 is to read as follows:

“6.2 Highway-oriented commercial uses outside the UGA's shall be limited to the Alger, Cook Road, Bow Hill and Starbird interchanges within the designated Rural Areas along Interstate 5 to serve the needs of the travelling public.”

- 3.19 To further clarify the Planning Commission's intent that islands without an incorporated area or an existing Rural Village are one example of where rural commercial would be deemed to be outside the service area of a Rural Village, policy 3.1 on page 4-24 should be revised to read as follows:

“3.1 New rural commercial should be located within Rural Villages to avoid incompatible land uses and the proliferation of commercial business throughout the rural area. Such uses may be located in other rural areas if it can be demonstrated that the use is located beyond the service area of a Rural Village, such as on an island that does not contain a Rural Village or an incorporated area. New rural commercial uses should be limited to those typically located in and intended to serve the rural community.”

- 3.20 The Planning Commission finds that there may be ways to address fire protection issues that do not require location of the residential structures within 200 feet of an existing county road. The hearing examiner special use permit process will address this.

Capital Facilities Planning for Special Purpose Districts (Board of County Commissioners Resolution 16503 Issue 9)

- 3.21 The Planning Commission agrees that to the extent permissible by law, special purpose districts should be required to prepare capital facilities plans consistent with the County's comprehensive plan and that these plans should be in place before County approval of any significant new capital facilities construction. The Planning Commission recommends the following new policy on page 11-26 of the April 3 draft plan:

“1.7 Special Purpose Districts providing public facilities and services should complete at least a basic level of capital facilities planning consistent with the County's comprehensive plan before the County will approve any land use or construction permits for new capital facilities improvements.”

- 3.22 The Planning Commission further finds that more cooperation is needed between the County, the Cities and the special purpose districts to address public facility and service provision, especially as areas designated for urban growth are transferred from one service provider to another through annexations. The Planning Commission recommends that policy 6.6 on page 11-38 be revised to read as follows:

“6.6 Planning Coordination. The County will enter into interlocal/joint planning agreements with municipalities and other providers of public services and facilities to coordinate planning and provision of facilities and services (including any transfer of responsibilities for provision of services or facilities) in the annexation and development of the Urban Growth Area.”

## Section 4: Board of County Commissioners Additional Findings of Fact

The Board of County Commissioners does not adopt Planning Commission Recorded Motion of March 20, 1997 Findings No. 19, 27 and 29 and Recorded Motion of April 29, 1997 Findings No. 13, 17, 28, and 30 and instead makes the following additional findings of fact:

- 4.1 The Skagit Regional/Bayview Airport is located in the Bayview Ridge UGA and reducing or mitigating potential land use incompatibilities between the airport and any new residential UGA development within the runway approach and departure protection zone is in the community's best interest. Therefore, as part of the review and approval of any future residential land divisions within an airport runway approach and departure protection zone a statement will be required to be recorded with the County auditor that provides affected property owner notice that such area is within an airport runway approach and departure protection zone. The following language is to be added to the Land Use Element, page 4-10 of the draft Plan (April 3, 1997).
- 2.10.2 Residential. The purpose of this designation... for future airport expansion. "The review and approval of any future residential land divisions within an airport runway approach and departure protection zone requires that a statement be recorded with the County auditor that provides affected property owner notice that such area is within an airport runway approach and departure protection zone."
- 4.2 In response to the Board of County Commissioners issue regarding a possible variance to the 200 foot from a county road requirement for residential uses in the IF designation, the Planning Commission received significant public comment also challenging the 200 foot requirement entirely. The Planning Commission recommended revising the April 3 draft of the plan to allow residential uses in the IF designation as a permitted use if located within a fire district and if located within 200 feet of an existing county road or state highway, and as a hearing examiner special use if located within a fire district, but not located within 200 feet of an existing county road or state highway. The Board of County Commissioners find that an on-site water requirement of 300 gallons of water with a hose foam applicator will provide sufficient fire protection for residential development.
- a. Policy 4.6 on page 4-14 of the April 3 draft plan should be revised to read as follows:
- "4.6 The minimum parcel size for land designated as Industrial Forest shall be 80 acres or 1/8 of a section. The practice of Forestry shall be the preferred use on Industrial Forest land. Residential development shall be limited to those areas located within an existing fire protection district.
- 4.6.1 Residential development is a permitted use on parcels within an existing fire protection district that are within 200 feet of an existing county road or state highway.

- 4.6.2 Residential development may be permitted as a hearing examiner special use if the parcel is located within an existing fire protection district, but not within 200 feet of an existing county road or state highway if the applicant can demonstrate to the hearing examiner that:
- (a) all uniform fire code requirements for construction of that residential structure can be met, and
  - (b) fire prevention and suppression requirements for construction of that residential structure can be met as follows:
    - (i) ingress and egress for fire vehicles meets the standards of the Uniform Fire Code Section 902, as amended;
    - (ii) there is a 200 foot slash abatement maintained around the exterior portion of the dwelling;
    - (iii) there is a safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on sloped ground;
    - (iv) the dwelling or any accessory structure is constructed of a non-combustible roofing material; and
    - (v) there is availability of 300 gallons of water onsite, 400 feet of 1 inch fire hose with foam applicator, and an internal combustion engine powered pump.

- b. Policy 5.4 on page 5-14 of the April 3 draft plan should be revised to read as follows:

“5.4 Residential development on Industrial Forest land shall be designed to have limited impact on forest resource management operations and minimize conflicts and shall be limited to those areas located within an existing fire protection district.

5.4.1 Residential development shall be a permitted use within 200 feet of an existing county road or state highway.

5.4.2 A hearing examiner special use shall be required if located beyond 200 feet from an existing county road or state highway and shall only be permitted as a special use if the hearing examiner can find, based on substantial evidence, that:

- (a) all uniform fire code requirements for construction of that residential structure can be met, and
- (b) fire prevention and suppression requirements for construction of that residential structure can be met as follows:
  - (i) ingress and egress for fire vehicles meets the standards of the Uniform Fire Code Section 902, as amended;
  - (ii) there is a 200 foot slash abatement maintained around the exterior portion of the dwelling;
  - (iii) there is a safety zone cleared of flammable vegetation 30 feet from any portion of the exterior of any structure on level ground and 100 feet downhill on sloped ground;

- (iv) the dwelling or any accessory structure is constructed of a non-combustible roofing material; and
- (v) there is availability of 300 gallons of water onsite, 400 feet of 1 inch fire hose with foam applicator, and an internal combustion engine powered pump.

4.3 Property that is commonly referred to as the "Rundgren/Pederson" properties are to be included in the Mount Vernon UGA based on its proximity to urban services and nearby residential development. The subject area is also surrounded on three sides by incorporated properties which makes it difficult to sustain long-term agricultural operations. The area described as east of the Alf Christianson Seed Company property, south of Dike Road, and west of Britt Slough Road will be designated as "RA" on the UGA map consistent with that of the City's land use designation for the Alf Christianson Seed Company property.

4.4 Use of existing network of dikes for nonmotorized trails should be considered if property rights and liability concerns can be first be adequately addressed. A new policy (9.4) should be added to the Transportation Element after existing policy 9.3, page 9-8, of the draft plan (April 3, 1997) which reads:

"The county should explore with affected property owners, diking and drainage districts the possibility of using existing dikes for trails if the underlying property owners cooperate and liability issues for all affected property owners are satisfied."

4.5 Based on the following findings, the Board of County Commissioners has determined that Secondary Forest-NRL land use designations is the most appropriate for the Swinomish Indian Reservation:

- a. In 1987, Skagit County and the Swinomish Tribal Community entered into an agreement (Memorandum of Understanding) to develop jointly a comprehensive land use plan for both fee-simple and tribal/trust owned lands within the reservation boundaries. A Swinomish Land Use Advisory Board was established as part of the Memorandum of Understanding to make land use recommendations to each respective government. The Secondary Forest designation is the most appropriate classification that supports the agreed-to land use as recommended by the Advisory Board. The designated Secondary Forest Natural Resource Lands within the Reservation do not warrant an Industrial Forest or Rural Resource Natural Resource Land designation. The Industrial Forest designation is more appropriately reserved for the eastern  $\frac{3}{4}$  quarters of Skagit County where large scale, commercial/ industrial forest operations have historically and will continue to be managed for timber production for those more isolated areas of the County where there is less potential for land use conflicts. The Reservation, because of its location in the western, more populated area of the County has greater potential for adjacent land use conflicts and therefore smaller scale forestry operations are more appropriate. A consistent land use designation for all lands, regardless of ownership, creates a land development pattern that eliminates land use policy conflicts, creates opportunities for a cooperatively administered land use policy and retains the forest resource

development investment that has been made on the Reservation on both fee simple and tribal/trust lands over time.

- b. These lands consist of a combination of fee ownership and tribal/trust ownerships, with associated potentially conflicting tribal and county land use jurisdiction.
- c. These reservation lands do have PFLG 4 and 5 soils and consist of some acreage in excess of 500 acre blocks.
- d. These reservation lands are also the subject of an agreement between Skagit County and the Swinomish Tribal Community supporting preparation of a joint land use plan for reservation lands. A draft plan and EIS were prepared in 1990 and 1992, respectively, but have not been formally adopted. That draft plan proposes natural resource use for these reservation lands.
- e. The subject reservation lands that currently have a 1 dwelling unit per 20 acre Secondary Forest-NRL density requirement is nothing more, nothing less than previously applied County land use regulations (Forestry, 20 acre minimum lot size) and is less restrictive than current Tribal Forest land use regulations that require a 30 acre minimum lot size.

- 4.6 The Board of County Commissioners adopts the following new policy 4.10 for the Land Use Element, page 4-15 of the April 3, 1997 draft Plan as follows:

“In addition to these land use designation criteria the Swinomish Indian Reservation should be designated Secondary Forest-NRL. While these lands are not located within a ¼ mile buffer of the Industrial Forest-NRL much of these lands are in forest production and management and are designated as such in the draft Swinomish Comprehensive Plan (September 19, 1990).”

Policies 4.10 and 4.11 of Land Use Element, page 4-15 of the April 3, 1997 draft Plan are renumbered.

- 4.7 An extreme hardship is experienced by property owners whose ability to use their land is restricted beyond the intent of the comprehensive plan and therefore the County is committed to a rigorous schedule for adopting a complete implementing development code that fully address the comprehensive plan goals and policies.

## Section 5: Priority Items Requiring Further Studies, Reports, and Recommendations

- 5.1 The Board of County Commissioners based upon the forgoing findings identifies the following "priority items" for further studies, reports, recommendations and implementation:
- a. Community development plans (sub-area and/or joint plans) for the two non-municipal UGAs (Bayview Ridge and Big Lake) and the Swinomish Tribal Community/Skagit County Joint Comprehensive Plan
  - b. A CaRD land division ordinance
  - c. Land use designation reconsideration requests which have been identified as: (a) finding 1.22 above comments on the draft Plan (November 1996), (b) the draft Plan (April 3, 1997) and (c) comments received from June 1 – July 31, 1997 will be considered as part of the first year amendments to the comprehensive plan and no fees be required
  - d. Secondary Forest- NRL (SF) designation criteria should be re-evaluated and additional criteria should be considered as part of the first year amendments to the comprehensive plan to address the following:
    - (i) whether the presence of identified critical areas renders SF designated property unbuildable and if so whether a Industrial Forest- NRL (IF) designation is more appropriate;
    - (ii) if access to SF is through IF designated lands whether a more appropriate designation is SF for those currently designated IF lands;
    - (iii) review county-owned, DNR managed State Forest Board Transfer lands and reassess its appropriate Forest designation;
    - (iv) whether additional SF designation criteria should be considered, such as but not limited to: ownership, topography, and access; and
    - (v) any SF or IF land use designation reconsideration requests from Subsection (iii) above should be reviewed for consistency with the revised SF designation criteria

NOW THEREFORE BE IT ORDAINED that the Board of County Commissioners adopts the 1997 Skagit County Comprehensive Plan (including all maps and technical appendices referenced therein); and

NOW THEREFORE BE IT FURTHER ORDAINED that the following comprehensive plans are repealed in their entirety: the 1982 Eastern District Comprehensive Plan; the 1980 South Central District Comprehensive Plan; the 1980 Southwest District Comprehensive Plan; the 1973 North Central District Comprehensive Plan; the 1975 Northwest District Comprehensive Plan; and, the 1976 Islands District Comprehensive Plan; and

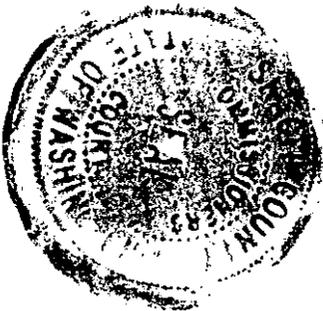
NOW THEREFORE BE IT FURTHER ORDAINED that the Natural Resource Lands map adopted as part of the Natural Resource Lands Ordinance No. 16291 is hereby repealed; and

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners hereby requests studies, reports and recommendations on those "priority items" identified in Section 5 above; and

NOW THEREFORE BE IT FURTHER ORDAINED that the effective date of the Skagit County Comprehensive Plan is June 1, 1997.

Dated this 19 day of May, 1997.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



*Harvey Wolden*  
Harvey Wolden, Chairman  
*Robert Hart*  
Robert Hart, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

*Debby Sims*  
Debby Sims, Clerk of the Board

Approved:

By: *Rexen Richel*  
Department Head

Approved as to form only:

By: *John R. [Signature]*  
Deputy Prosecuting Attorney

