

**2007 Proposed Comprehensive Plan Amendments
 Planning and Development Services Department
 Response to Comments and Testimony
 Received Through November 13, 2008**

Note: The responses to comments, below, follow the order of proposals as presented in the Memorandum to the Planning Commission re: Recommendations Regarding the 2007 Docket of Proposed Comprehensive Plan Amendments, October 9, 2008. Map numbers refer to the maps attached to the above memorandum, unless otherwise indicated.

Part A: Citizen-Initiated Map Amendment Requests

1. Windward Group, LLC – PL07-0597 (See Map No. A-1)

Speaker/ Correspondent	Issue Raised	Staff Response
Marianne Manville-Ailles , (Skagit Surveyors & Engineers) Owner's Representative	<ul style="list-style-type: none"> • Site plan submitted as requested by Department staff for compliance with SRT designation. • Site plan indicates allowance for a new lodge/office for the Guemes Island Resort and additional cabins. • Existing caretaker residence (mobile home) may be removed in the future after new lodge/office is built. 	<ul style="list-style-type: none"> • New site plan indicates compliance with the SRT designation criteria. • Staff recommends approval of the proposal.
June Kite (Friends of Skagit County)	Recommends that SRT proposal be evaluated under the Guemes Island sub-area planning process.	<ul style="list-style-type: none"> • Draft Guemes Island Sub-Area Plan was prepared by GIPAC. • See CPA docketing letter dated March 10, 2008 from GIPAC co-chairs Joost Businger and Marianne Kooiman indicating no compelling reason to deny consideration of SRT until sub-area plan is complete.

2. Bouslog Investments, LLC – PL07-0808 (See Map No. A-2)

Speaker/ Correspondent	Issue Raised	Staff Response
June Kite (Friends of Skagit County)	Recommends that proposal be evaluated in the ongoing sub-area planning process for Bay View Ridge.	The Department agrees with the commenter and has recommended denial of this request for this, and other, reasons.

Speaker/ Correspondent	Issue Raised	Staff Response
Jon Sitkin	Supports rezoning of property from BR-CC to BR-LI.	See Attachment 1.
Burlington Edison School District	Supports rezoning of property from BR-CC to BR-LI based on ‘increased buffers’.	No increase in setbacks or development standards specific to the BR-CC/BR-LI interface have occurred since the initial adoption of the BVR Subarea plan. Increased regulations do not exist relating to development on BR-LI adjacent to BR-CC. The only requirements that could be construed as a ‘buffer’ are the landscaping requirements which mandate ‘screening of areas to reduce the visual impact’. The requirements include the planting of trees and shrubs, and initially, a 5’ tall fence.

Part B: County-Initiated Map Amendment Proposals

1. MT Enterprises and surrounding (See Map No. B-1)

Speaker/ Correspondent	Issue Raised	Staff Response
Don Bates	Supports redesignation of property to RRv to facilitate the development of the property with an additional residence to accommodate the owner.	The subject property is currently developed with one single family residence, occupied by a family member of the landowner. If there is a need for the owner to live on the property, there are several regulatory mechanisms available to achieve that without the redesignation of the property.
Daryl Hawes	<ul style="list-style-type: none"> • Commenter supports change in designation from Ag-NRL to RRv. • The better boundary between the Ag-NRL land and RRv land in the area is Thomas Creek, not F&S Grade Road. • The properties have never been actively farmed and the characteristics of the property more closely fit with the RRv zone. Agriculture is a permitted use in RRv. 	<ul style="list-style-type: none"> • The Department continues to recommend that the property remain in the Ag-NRL district. All comments received were considered by the Department and do not necessitate a change in the recommendation. • Historical information suggests that farming has occurred on the subject properties in the past. The properties meet the designation criteria for the

Speaker/ Correspondent	Issue Raised	Staff Response
	<ul style="list-style-type: none"> • 90% of the 5 parcels in question are located on a wet rocky hillside with soils not suitable for agriculture purposes. The subject parcels are substandard to the Ag-NRL zoning district lot size requirements. • The 100 year floodplain rests at the bottom of Butler Hill or the bottom portion of the subject properties making up a minority portion of the overall acreage. 	<p>Ag-NRL zone (Attachment 2).</p> <ul style="list-style-type: none"> • The applicant’s property appears to be incorrectly drawn on the soil survey map included in his comments. Approximately 21.5 of the 35 total acres (61%) are comprised of prime alluvial (Ag-NRL) soils (Soil Survey #136 Sumas Silt Loam). The prime alluvial soils are less on the westerly properties, but increase to the east to fully cover 2 of the parcels. Although the remaining soil is not a prime alluvial soil, it is the minority of the acreage. • The 100 year floodplain is an official mapped boundary determined by FEMA. Whether or not it can be argued that flood water would actually reach the official FEMA floodplain line, property included within the mapped line is nonetheless included within the 100 year floodplain. Approximately 30 of the 35 total acres (85%) are located within the 100 year floodplain as mapped by FEMA.
<p>June Kite (Friends of Skagit County)</p>	<p>Commenter opposes the conversion of Ag-NRL lands due to potential for permanent/entire loss of farmland and contradiction of GMA and CP policies.</p>	<p>The Department agrees the farmland should be protected in accordance with the Comprehensive Plan policies and has recommended denial of this proposal.</p>
<p>Allen Rozema (Skagitonians to Preserve Farmland)</p>	<ul style="list-style-type: none"> • Commenter opposes redesignation from Ag-NRL to RRv. • The loss of farmland threatens open space in the County. • The County should not consider further dedesignation of Ag-NRL zoned lands until a critical mass study is conducted. • Allowing more homes near actively farmed land creates conflicts and hardships on agriculture. • The current boundary of F&S Grade Road provides a buffer between farmland and non-ag uses. • Thomas Creek is a 303D listed 	<ul style="list-style-type: none"> • The Department issued a revision to the original staff report and now recommends no redesignation in this area. • The Department agrees the farmland and open space should be protected in accordance with the Comprehensive Plan policies. • The Department agrees that caution should be exercised in considering dedesignation of Ag-NRL zoned lands. As part of the Alternative Futures project, the local Washington State University Research Station will lead a

Speaker/ Correspondent	Issue Raised	Staff Response
	<p>waterway which can be better protected with properly managed adjacent agriculture than with residential development.</p> <ul style="list-style-type: none"> • The Department previously recommended denial of two such requests in previous CPA cycles. 	<p>study of the various “critical thresholds” essential to maintaining a viable agricultural industry; one of those thresholds is the Ag-NRL land base.</p>

2. Ron Bates and surrounding area (See Map No. B-2)

Speaker/ Correspondent	Issue Raised	Staff Response
<p>Bill Vaux (Port Gardner Timber, Co INC)</p>	<p>Representative of property owner who wishes to continue current use of property as rental manufactured home and access road for gravel pit. Does not oppose redesignation from RRc-NRL/MRO if current uses can be allowed in RRv.</p>	<p>Manufactured homes are allowed in RRv, as are private access roads.</p>
<p>William & Nancy Joy, Daniel & Evilo Adkinson, Steve & Lou Lorton</p>	<p>Property owners (?) adjacent to Ron Bates parcel (P42211) who agree (?) with the Department recommendation to maintain RRc-NRL designation in the area. Commenters cite CP policy 4C-1.1, salmon stream bordering property and low flow stream restrictions as basis for concurrence.</p>	<p>Although commenter supports the Department recommendation and salmon and low flow stream protections are important issues, they are not included in the designation criteria. The Department maintains a recommendation to retain RRc-NRL on the subject and surrounding properties based on the designation criteria.</p>
<p>June Kite (Friends of Skagit County)</p>	<p>Commenter opposes the conversion of resource lands as cumulative effects of such losses threaten the county’s economic drivers (farming and forestry).</p>	<p>As indicated in the October 9 Department Report, development potential on the subject parcels would be unchanged.</p>
<p>Kevin McGoffin (Janicki Family Trust)</p>	<ul style="list-style-type: none"> • Commenter opposes the recommended redesignation of several small properties near Hwy 20. • RRv is to be a transition zone between resource and non-resources lands. 	<ul style="list-style-type: none"> • Department agrees with the commenter’s characterization of the purpose of the RRv zoning district, but disagrees that proposed redesignation would violate that purpose. • Commenter states their property is a ‘resource’ property due to its NRI designation. NRI is in fact not a resource designation, but instead an

Speaker/ Correspondent	Issue Raised	Staff Response
	<ul style="list-style-type: none"> • The RRc-NRL designation is appropriate due to the Resource use of the surrounding properties. • RRv will allow incompatible uses such as preschools, adult group care facilities, churches. • Setbacks of RRv will result in hardship for the NRI property uses. • Staff incorrectly applied the redesignation criteria. 	<p>industrial one. Industrial lands are not provided protections similar to resource lands.</p> <ul style="list-style-type: none"> • Designation of properties can consider surrounding uses, however, subject properties must themselves meet applicable designation criteria. In this case, the smaller properties near Hwy 20 do not meet the RRc-NRL designation criteria and should not be retained as such. Although the purpose of the RRc-NRL zone speaks to adjacent sites, the designation criteria pertain to the subject properties. • The Department understands the commenter’s desire to avoid future conflicts. While redesignation may potentially allow uses viewed as incompatible with NRI uses, the designation criteria must nonetheless be followed. The properties surrounding the NRI property are currently developed with single-family residences and it is unlikely that the use of these properties will change significantly as a result of this redesignation. • Although RRv does allow lesser setbacks than those required in RRc-NRL, it is untrue that the NRI property would be made to ‘provide’ any additional setbacks to compensate. • The Department does not believe that the current recommendation results in an illogical zoning district boundary and therefore does not support the position that the inclusionary designation criteria should be used.
Ron Bates	<ul style="list-style-type: none"> • Commenter supports redesignation of parcel P42211 from RRc-NRL to RRv and opposes the Department recommendation to maintain RRc-NRL. 	<ul style="list-style-type: none"> • Based on comments received, the Department does not feel that a change in the recommendation is necessitated.

Speaker/ Correspondent	Issue Raised	Staff Response
	<ul style="list-style-type: none"> • Parcel P42211 was the only parcel subject of a request for redesignation in 2005. • Several locational and property characteristic issues are debated. • Densities equivalent to RRv are allowed in RRc-NRL through 'clustered development'. • Department recommendations are based on the location of the parcel and the county's goals and objectives rather than the true characteristics of the parcel which are more similar to the surrounding 10 acre parcels. 	<ul style="list-style-type: none"> • As part of its recommendation on the 2005 GMA Update, the PC instructed the Department to review this property as well as surrounding properties north of Hwy. 20 for recommendations regarding possible appropriate redesignation. • Locational and property specific attributes were thoroughly addressed in the Department's October 9 Staff Report. • The 'clustered development' referred to by the commenter is a CaRD development. Although CaRD's do allow a 4/40 density bonus in RRc-NRL, no density bonus is afforded those properties located within a lowflow stream basin. As this property is located within such a lowflow basin, no density bonus is available. • The Department agrees that the recommendations are based on County goals, policies and objectives as described in the Comprehensive Plan. Such a basis is required by GMA. The Department does not agree that the subject 40 acre parcel is more similar to the neighboring 10 acre RRv parcels than the surrounding 40 acre RRc-NRL and SF-NRL parcels.

3. Birdsvie Rural Resource (See Map No. B-3)

Speaker/ Correspondent	Issue Raised	Staff Response
Roy Rathvon	Property owner (certified tree farm) who opposes proposed re-designation from RRc to RRv. Wants to maintain existing Rural Resource-NRL designation.	Comment noted.
Glenna Finney	<ul style="list-style-type: none"> • Owner of two parcels within 300 feet of the proposal. 	Comments noted.

Speaker/ Correspondent	Issue Raised	Staff Response
	<ul style="list-style-type: none"> • Opposes the proposed re-designation from RRc to RRv. Wants to maintain existing Rural Resource-NRL designation. 	
June Kite (Friends of Skagit County)	Opposes the proposed re-designation from RRc to RRv. Wants to maintain existing Rural Resource-NRL designation.	Comment noted.

4. Spinnaker Lane (See Map No. B-4)

Speaker/ Correspondent	Issue Raised	Staff Response
June Kite (Friends of Skagit County)	Does not oppose remedying “split-zoned” parcels if the remedy does not increase permitted development density.	Comment noted. The proposed zoning realignment would not increase development potential on either parcel.

5. Gregg Cooley/Frank Adams (See Map No. B-5)

Speaker/ Correspondent	Issue Raised	Staff Response
June Kite (Friends of Skagit County)	<ul style="list-style-type: none"> • Supports the County’s efforts to correct split-zoning on individual parcels. • Recommends the proposal be evaluated under the Alger sub-area plan. 	The Draft Alger Sub-Area Plan has already been subject to a public hearing and recommendation from the PC. It is awaiting review and decision from the BCC. The comment period on proposed site-specific amendments in the draft Sub-Area Plan is now closed. The split-zoning remedy proposal is docketed separately from the Alger Sub-Area Plan.

6. Bill Schmidt and surrounding (See Map No. B-6)

Speaker/ Correspondent	Issue Raised	Staff Response
<p>Bill Schmidt</p>	<ul style="list-style-type: none"> • Parcel sizes of parcels P107935 and P30606, and their depiction in the October 9 Staff Report are incorrect. • Commenter seeks to clarify timing of the “discovery” of the mineral resources on the subject property. County erred in not applying the MRO designation sooner. • “The MRO designation is something new that was recently added as a prerequisite to a mining permit application” • The MRO designation should be a data layer, as opposed to a Comprehensive Plan designation, and a Comp Plan amendment should not be required to obtain an MRO. • “... County unprofessionally editorializes how future mining activities would have unknown impacts to the future use and enjoyment of the Boy Scout Camp and puts out a plea to hear the Scouts’ ‘important’ viewpoint.” 	<ul style="list-style-type: none"> • This issue was addressed and corrected in the November 6, 2008 memorandum to the PC. • The Department’s use of the word “discovery” is duly noted. Clarification is appropriate. The countywide review of mineral resources originally excluded this area. The Department does not find this to be an error, as several opportunities were afforded landowners to call attention to marketable quantities of mineral resources that were not revealed through a review of the scientific literature. Despite these opportunities to comment, the landowner seeking the MRO designation did not make his wishes known until after close of the final comment period of the 05 Update. • The Mineral Resource Overlay designation was adopted as policy on September 17, 1996, by Ordinance 16291. Mining regulations, including the requirements relating to mining within the MRO, were adopted in November, 1998, by Ordinance 17210. • Comment noted. • A significant role of the Department, and a requirement of the GMA, is to involve the public in decision making. Mining related impacts not anticipated during the MRO-designation process, are determined as part of the review of a mining-permit application. This review includes consideration of potential impacts identified by neighboring property owners.

Jill Holdal	Commenter supports designation of the subject property as MRO. The County is “finally correcting their error and should have done so years ago.”	Comment noted. See above for further discussion.
June Kite (Friends of Skagit County)	Commenter acknowledges and states no objection to the proposed amendment.	Comment noted.

7. Sauk River (See Map No. B-7)

Speaker/ Correspondent	Issue Raised	Staff Response
June Kite (Friends of Skagit County)	Commenter “opposes the conversion of resource lands to other zonings which would effectively allow rural development.”	As indicated in the October 9 Staff Report, development potential on the subject parcels would be unchanged.

8. State Parks to OSRSI (See Map No. B-8a to 8d)

Speaker/ Correspondent	Issue Raised	Staff Response
Cunningham Crushing Inc.	The written comment voices concerns about the effect this proposed zoning change might have on their parcel (P45543) which is adjacent to the proposal.	Concern is unnecessary since the proposed change will not affect the MRO designation of P45543, only the MRO designation in Obrien –Riggs St. Park.
Friends of Skagit County	Supports staff recommendations.	Comment noted.

9. Healy Road area (See Map No. B-9)

Speaker/ Correspondent	Issue Raised	Staff Response
June Kite (Friends of Skagit County)	Supports staff recommendation.	Comment noted.

Part C: Alger Community Plan

Speaker/ Correspondent	Issue Raised	Staff Response
June Kite (Friends of Skagit County)	Supports consideration of sub-area plans in all cumulative impact reviews of proposed land use and zoning changes.	Comment noted.
Susan Struthers, Dean Jackson	<ul style="list-style-type: none"> • Owns three contiguous lots in Alger Village along Lake Samish Road. • Alger Sub-Area Plan includes two of the three lots in proposed rezone from RVR to RVC. • Would like the remaining third lot to also be rezoned to RVC. 	<ul style="list-style-type: none"> • This is not a 2007 docketed CPA and therefore, the PC can take no action on the proposal. No public notice of the proposal has been given to neighbors or other parties who may be impacted or wish to comment. • The CAC reviewed all the parcels along Lake Samish Road in the village and made its recommendations as shown in the Alger Sub-Area Plan. • The lots appear to have been combined since the Alger Sub-Area Plan was prepared, indicating that the parcel may now be subject to split-zoning. • The applicant is invited to submit the proposed rezone for a future annual CPA docketing cycle.
Don Pulver, John Pulver	Would like consideration of a parcel owned by the commenter along Old Highway 99 in the Alger Rural Village to be rezoned from RVR to RVC .	<ul style="list-style-type: none"> • This is not a 2007 docketed CPA and therefore, the PC can take no action on the proposal. No public notice of the proposal has been given to neighbors or other parties who may be impacted or wish to comment. • The CAC reviewed all the parcels along Old Highway 99 in the village and made its recommendations as shown in the Alger Sub-Area Plan. • The applicant is invited to submit the proposed rezone for a future annual CPA docketing cycle.
Tom Solberg, Ed Stouffer, Steven Smith, John Barnard, Tom Henry, Linda Storbakken	Alger residents and CAC members (Solberg, Storbakken) who support Alger Sub-Area Plan as written and recommended by PC.	Comments noted.

Part D: County-Initiated Policy Amendment Proposals

Speaker/ Correspondent	Issue Raised	Staff Response
[None]	[No substantive comments received]	

Miscellaneous Comments

Speaker/ Correspondent	Issue Raised	Staff Response
<p>Elizabeth Sjoström (WA State Dept. of Transportation - WSDOT)</p>	<p>WSDOT comments in general regarding possible future development that may result from the 2007 Comprehensive Plan amendments, but does not comment on any specific amendment proposal. In the interest of safety, traffic mobility, and continued cooperation, the agency reminds the County that, “As always, when proposed development impacts the state highway, WSDOT will need to review a detailed Traffic Impact Analysis and determine an acceptable form of mitigation for those impacts.”</p>	<p>The Department will continue to work closely with developers, Skagit County Public Works, WSDOT, and the general public to determine and mitigate potential impacts on development proposals.</p>

Acronym List

Ag-NRL	Agricultural-Natural Resource Lands
AVR	Aviation Related
BCC	Board of County Commissioners
BR-CC	Bayview Ridge Community Center
BR-LI	Bayview Ridge Light Industrial
BVR	Bayview Ridge Residential
BVR-URv	Bayview Ridge Urban Reserve
CaRD	Conservation and Reserve Development
C/I	Commercial/Industrial
CAC	Citizen Advisory Committee
CP	Comprehensive Plan
CPA	Comprehensive Plan Amendment
CPP	Countywide Planning Policies
FEMA	Federal Emergency Management Agency
GIPAC	Guemes Island Planning Advisory Committee
GIS	Geographic Information System
GMA	Growth Management Act
MRO	Mineral Resource Overlay
NRI	Natural Resource Industrial
PC	Planning Commission
RRc-NRL	Rural Resource-Natural Resource Lands
RRv	Rural Reserve
RVC	Rural Village Commercial
RVR	Rural Village Residential
SCC	Skagit County Code
SF-NRL	Secondary Forest-Natural Resource Lands
SRT	Small-Scale Recreation and Tourism
UGA	Urban Growth Area
WSDOT	Washington State Department of Transportation

Response to Comments and Department Analysis 2007 CPA PL07-0808

I. Overview of Bayview Ridge Work Program

The Department's work on the Bayview Ridge Urban Growth Area (UGA) the last year focused entirely on compliance with appeal issues upheld in the decision of the Western Washington Growth Management Hearings Board. That hurdle was successfully resolved, pending a decision on the County's proposal for sewer service. A decision on that one remaining issue is expected next month.

Now the County is moving ahead to work on issues anticipated in the plan and the remaining challenges for infrastructure and utility funding. A contract has been negotiated with a local firm to provide additional fiscal analysis and ongoing assistance in moving toward a complete package for the UGA. The contract includes measures to assure that future taxpayers will not bear undue costs to bring the existing rural infrastructure up to the necessary urban standards.

The Department, through this contract, is taking a comprehensive approach to the remaining details, now that the general plan is in place and has been found to be compliant. We will work with all property owners and residents as we move forward. The Department urges the Planning Commission to recommend deferral of specific rezone proposals until completion of the contract work so that the area is developed under a unified vision and options are not precluded by piecemeal changes.

II. Response to Comments

A. Demand for commercial uses, avoiding unused commercial land adjacent to residential and school areas

The purpose of the Bayview Ridge Community Center zone is to accommodate "public and private services and amenities."

Goal 4a

"Develop a Community Center area that serves as a community focal point and provides public and private services and amenities."

Thus it is not strictly a "commercial" zone as asserted in the applicant's comments. The permitted uses include fire and police facilities, parks, community clubs, post office, libraries and minor utility developments. Commercial uses are allowed with a master site plan (SCC 14.16.155(4)(b)). It is a suitable buffer between the impacts of the industrial area to the west and the residential zone to the east. The size of the zone was increased during the 2006 plan adoption in recognition of the need to identify a site for a park consistent with the Parks chapter of the plan.

Rather than an "illogical staff concern," as asserted by the applicant, the department analysis regarding strip development reflects the adopted language of the subarea plan as stated below. Countywide Planning Policy 2.5, cited in Chapter 4 Community Center, of the Bayview Ridge Subarea Plan states:

"Commercial areas should be aggregated in cluster form, be pedestrian oriented, provide adequate parking and be designed to accommodate public transit. Strip commercial development shall be prohibited." (Emphasis added)

B. Industrial land requirements

Countywide Planning Policies (CPP)

Countywide Planning Policy 1.1 allocates 750 acres of new Commercial/Industrial (C/I) Land to the Bayview Ridge UGA. The effective date for the 750 acres is construed to be the date the CPPs were adopted with this provision, which was the year 2000.

A few shifts in C/I acreage and between Light and Heavy industry zoning were made during the Bayview Ridge plan deliberations leading to the 2006 adoption and the subsequent 2008 update. In the 2008 update, the C/I acreage was recalculated using improved GIS technology. As modified in the 2008 update, the C/I acreage remains roughly in balance with the 750-acre allocation.

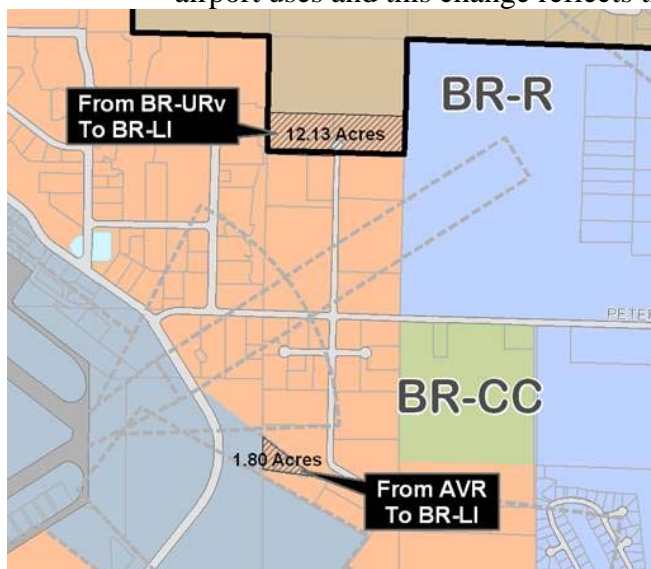
Hearings Board Compliance Finding for C/I Sizing

The sizing of the UGA with respect to adopted 2006 Commercial/Industrial zoning was found to be compliant with state law. (Western Washington Growth Management Hearings Board, Compliance Order/Final Decision and Order, Cases No. 97-2-0060c and 07-2-0002, August 2, 2007, p. 75) The appellant in that case asserted that the 2006 industrial portion of the UGA was oversized.

Mr. Bouslog has asserted that the current rezone request is necessary to remedy an earlier taking of light industrial land for the Urban Reserve. In fact, that rezoning was ‘undone’ earlier this year and has been fully rectified. Ordinance O20080009, the second of two county compliance actions, includes a rezone of two areas owned by Mr. Bouslog. In both cases, land was rezoned to BR-LI from other categories, as follows and illustrated in the figure below.

Area A 12.13 acres from Bayview Ridge Urban Reserve (BR-URv) to Bayview Ridge Light Industrial (BR-LI) This action reflects the fact that a binding site plan was approved under the previous zoning at the same time the Planning Commission was conducting deliberations on the plan.

Area B 1.8 acres from Aviation Related (AVR) to BR-LI. The AVR zone is intended for airport uses and this change reflects the current ownership.



Source: Figure 7A from the proposal documents for the Bayview Ridge Subarea Plan update.

Further additions to the industrial zoning could jeopardize the compliance standing of the plan as adopted in O20080009.

C. Park land requirements

The adopted plan calls for a “re-assessment” of the recommended park system that included a 25-acre park. It does not assert that a 25-acre park is no longer needed as indicated by the applicant. Instead of the precise acreage developed using previous Level of Service Standards, the Bayview Ridge Capital Facilities Plan (chapter 7) calls for a more detailed plan using the current Level of Service Standards. The result of the plan may be more or less than 25 acres, or parks sited throughout the urban growth area. Conversion of the BR-CC to Light Industrial would preclude those options. Precise siting is best left to the master site planning process. It is also premature to decide the size of the BR-CC zone based on allowed but theoretical park and open space uses such as school playfields as the applicant would have you do. No schools or parks have been built or committed to by any party and the simple allowance of such uses should not be used as consideration to reduce the BR-CC zone.

D. Compatibility through regulations

Contrary to the applicants assertion that the County “sought a regulatory approach, rather than a zoning map approach to assure compatibility amongst adjacent uses,” the adopted plan uses both zoning and regulations to assure compatibility among potentially incompatible uses such as industrial uses, airport uses, and residences. The Bayview Ridge Community Center zone as currently configured provides an appropriate buffer between the existing Light Industrial and the Bayview Ridge Residential zones.

III. Rezone Criteria

In addition to other criteria, Skagit County Code 14.08.020(6) requires the following criteria be evaluated when reviewing Comprehensive Plan Amendments:

- (i) A detailed development proposal that is consistent with the applicable designation criteria.

As no development proposal has been submitted for this request, it is impossible to determine if the criteria have been met.

IV. Summary

When master site planning is completed for the Bayview Ridge Subarea, it may be that modifications to countywide planning policies would be appropriate, which would be necessary before increasing the amount of Light Industrial acreage within the UGA. The Department is developing a work plan to begin the master site planning process in the latter half of 2009, following further analysis of capital facilities needs and specific urban utility funding mechanisms. The master site planning process would also be the appropriate time to consider reconfiguration of the BR-CC zone, if indeed that is necessary. A smaller BR-CC zone (15 acres) was considered prior to final adoption of the Subarea Plan and, after full vetting, was rejected as inadequate. The BR-CC zone is sized in accordance with the adopted plan and should not be downsized absent the comprehensive master site planning process. In the same way that the Alger Subarea Plan can only be reviewed for cumulative effects, the Bayview Ridge Subarea Plan can not be changed without additional public process. The plan identifies specifically that the BR-CC zone will be 40 acres in size and any zoning changes that would result in a smaller acreage would be inconsistent with the plan and thus with GMA which requires internal consistency between goals and policies and implementing regulations, including the zoning map.

Policy 4A-1.1 Agricultural Resource Lands Designation Criteria

The following criteria shall be considered when designating Agricultural Resource Lands:

- (a) Generally, all lands in unincorporated Skagit County which are parcels 5 acres or greater, and that contain “prime farmland soils” as determined by the USDA Natural Resource Conservation Service, shall be identified (see Agricultural Lands Profile for a description of prime farmland soils).
- (b) Then those lands meeting the parcel size and soils shall be retained in Agricultural Resource Lands designation, provided that a majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).
- (c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Agricultural Resource Lands based upon the following additional factors:
 - (i) The land is in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture.
 - (ii) The land is currently in agricultural use or has been in agricultural use within the preceding ten years.
 - (iii) Existing land uses are primarily agricultural and minimal financial commitment to non-farm uses has been made.
 - (iv) The area includes special purpose districts (such as diking and drainage districts) that are oriented to enhancing agricultural operations, including drainage improvement and flood control.
 - (v) Adjacent lands are primarily in agricultural use.
 - (vi) Land use in the area demonstrates a pattern of landowner capital investment in agricultural operation improvements such as irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, agricultural worker housing, etc.
- (d) Parcels that may not meet any of the criteria described in (a), (b), and (c) above may nonetheless be included to provide logical boundaries to the Agricultural Resource lands designation and to avoid small “islands” or “peninsulas” of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria described in (a), (b), and (c) above may be excluded to provide logical boundaries to the Agricultural Resource lands designation and to avoid conflict with existing land uses.