



# Planning & Development Services

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## Memorandum

To: **Planning Commission**

From: Michael Cerbone, Assistant Director  
Nick Schmeck, Long-Range Planning Intern

Date: October 1, 2019

Re: **Planning Commission Workshop – Docket Item C-2**

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### Summary:

Planning and Development Services (PDS) is providing this staff report in advance of the October 8, 2019 Planning Commission workshop on docket item C-2 Codify Comprehensive Plan Policy 4A-5.6. The purpose of this Comprehensive Plan amendment is to codify language to Comprehensive Plan Policy 4A-5.6 that discusses collaboration with the Drainage Districts with the goal to develop code language authorizing their review and comment of development applications within their jurisdictions.

### Action Requested of the Planning Commission:

Action requested from the Planning Commission is a recorded motion approving docket item C-6 to be accepted as a 2019 Comprehensive Plan amendment.

### Background/Discussion:

RCW 36.70A.130 – Comprehensive Plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket. On March 19, 2019 the 2019 Docket for amendments to the Comprehensive Plan, Zoning Map, and/or Development Regulations was voted into action by Skagit County's Board of County Commissioners (BoCC's) via approval of Resolution R20190052. SCC 14.08.080(6) and (7) requires code revisions to be reviewed by the Planning Commission.

This docket item intends to add language to SCC 14.23.020. The new code would allow Skagit County Drainage Districts to have the opportunity to review and comment for any application for a commercial building permit, land division, special use permit, or variance through SEPA or other public comment process located in said drainage district.

### Next Steps:

- Planning Commission may task PDS with next steps such as research and development
- Planning Commission will host a public hearing prior to deliberating and deciding on a recommendation

- The recommendation will then be passed onto the BOCC's who will host a public hearing and consider the recommendation
- If approved, PDS staff will implement the code amendment as part of the development review process

### **Applicable County Policies:**

The following County Policies are applicable to this Comprehensive Plan Amendment item:

#### Comprehensive Plan

- Policy 4A-5.6 *Drainage Plans: Minimize and mitigate flooding and drainage impacts on agricultural lands. Skagit County Public Works shall develop criteria to review development proposals for drainage impacts on agricultural lands. Drainage plans for minimizing impacts of development shall be circulated to the affected Drainage District for comment prior to issuance of permits by Public Works.*
- Policy 2A-4.1: Joint planning should consider issues including, but not limited to: (a) coordination of development permit review.
- Goal 5A-4 Improve communication and seek cooperation and coordination among county, city, state, tribal, federal agencies, and the public to avoid duplication and achieve efficiency and effectiveness in development of standards, policies, regulations, programs, projects, planning and funding efforts that conserve and protect critical areas.
- Policy 9A-1.1: Utility Agreements - Agreements between the county and utility system providers shall provide for the coordination between functional plans and capital facility plans; address the joint use of corridors, installations, and rights-of-way; ensure that development permit reviews address all affected utilities; and mitigate impacts of utility improvement projects.
- Policy 9A-8.3: Interlocal agreements shall be developed with the cities, towns, and water suppliers in the coordination of water service to urban growth areas
- Policy 9B-1.10: Coordination of Regulations: The County shall work with other jurisdictions and agencies toward standardization and monitoring of regulations that affect storm water management.

#### Countywide Planning Policies

- Goal 2.3: Rural development shall be allowed in areas outside of the urban growth boundaries having limited resource production values (e.g. agriculture, timber, mineral) and having access to public services. Rural development shall have access through suitable county roads, have limited impact on agricultural, timber, mineral lands, critical areas, shorelands, historic landscapes or cultural resources and must address their drainage and ground water impacts.
- Goal 6.3: Surface water runoff and drainage facilities shall be designed and utilized in a manner which protects against the destruction of private property and the degradation of water quality.

### **List of Attachments:**

Attachment A – Code Amendment

## Attachment A

Plain text = existing code with no changes
<del>Strikethrough</del> = existing code to be deleted
<u>Underlined</u> = new code to be added
<del>Double Strikethrough</del> = existing code moved to another location
<u>Double Underline</u> = existing code moved from another location
<i>Italics</i> = instructions to code reviser

### SCC 14.32.020 Applicability

(1) No site development activity requiring review under this Chapter, including land clearing, grading, or other construction activity, may occur until the proposed activity has been reviewed and any required development permit has been issued. No site development activity may continue without an appropriate development permit.

(2) Drainage District Review. The Department shall provide an opportunity for the Drainage Districts to review and comment on any application requiring review under this Chapter. This subsection gives no authority to the Drainage Districts to require changes to the application.

(3) ~~(2)~~ SCC 14.32.030 through 14.32.080 apply to any activity within unincorporated Skagit County identified below:

(a) “New development,” meaning land disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in RCW Chapter 58.17. Projects meeting the definition of redevelopment are not considered new development.

(b) “Redevelopment,” meaning, on a site that is already substantially developed (i.e., has 35 percent or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.

(c) Any activity requiring a grading permit per SCC Chapter 15.04.

(4) ~~(3)~~ Exemptions. Consistent with Appendix 1, Section 1 of the County’s NPDES permit, the following activities are exempt from this Chapter:

(a) Forest Practices. Forest practices regulated under WAC Title 222, except for Class IV general forest practices that are conversions from timber land to other uses, are exempt from the provisions of the minimum requirements.

(b) Commercial Agriculture. Commercial agriculture practices involving production of crops or livestock as described in the County's NPDES permit, Appendix 1, Section 1. However, the conversion from timber land to agriculture, and the construction of impervious surfaces are not exempt.

(c) Oil and gas field activities or operations, as described in the County's NPDES permit, Appendix 1, Section 1.

(d) Pavement maintenance, as described in the County's NPDES permit, Appendix 1, Section 1.

(e) Underground Utility Projects. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement No. 2, Construction Stormwater Pollution Prevention. (Ord. O20150006 § 2 (Att. A))