



# Planning & Development Services

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## Memorandum

To: **Planning Commission**

From: Michael Cerbone, AICP  
Nick Schmeck, Long Range Planning Intern

Date: October 8, 2019

Re: **Planning Commission Workshop – Docket Item C-4**

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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-4 Trails in the OSRSI Zone. Docket item C-4 proposes two code amendments in Skagit County's Code; Modify code language to reflect trails as an outright permitted use and that trailheads require an Administrative Special Use Permit in the OSRSI Zone.

### Action Requested of the Planning Commission:

Action requested from the Planning Commission is a recorded motion approving docket item C-4 to be accepted as a 2019 Policy/Code 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.

The purpose of the Public Open Space of regional/Statewide Importance (OSRSI) is to provide a zoning designation for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic amenities, or for the protection of environmentally sensitive areas. Examples of public open space areas of importance for the State and region are: Deception Pass, Bayview, Larrabee, Rasar, and Rockport State Parks as well as the following County parks: Sharpes Park, Howard Miller Steelhead Park, and Pressentin Park. This district encompasses public open space for having Statewide and regional importance and that is the main reasoning for its designation of OSRSI.

Currently, in the OSRSI trails are reviewed as an administrative Special Use, otherwise known as a level I decision. A special use permit must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district. The proposed changes to SCC will

allow trails in the OSRSI as an outright use and will ease the permit process as well as the erection of trails. The general purpose of this proposal was to add new trails to already existing trail systems.

### **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

- Goal 2E: *Allow public uses as special uses in most comprehensive land use designations, to be reviewed on a site-specific basis.*
- Goal 2B: Recognize the important functions served by private and public open space, designate and map public open space of regional importance, and designate open space corridors within and between urban growth areas.
- Policy 2B-1.2: Of these public open space areas, the County has designated certain ones on the Comprehensive Plan/Zoning Map as Public Open Space of Regional/Statewide Importance (OSRSI). These areas are so identified because their recreational, environmental, scenic, cultural and other open space benefit extend beyond the local area to be regional or statewide in significance.
- policy 2B-1.3: Consistent with RCW 36.70A.160, Skagit County should continue to work with its partners—partner governments, organizations, residents, and property owners— to identify, prioritize and conserve open space corridors within and between urban growth areas, including lands useful for recreation, wildlife habitat, trails, and connection of critical areas.

#### County Wide Planning Policies

- CPP 9.1: Open space corridors within and between urban growth areas shall be identified; these areas shall include lands useful for recreation, fish and wildlife habitat, trails, and connection of critical areas.
- CPP 9.2: To preserve open space and create recreational opportunities, innovative regulatory techniques and incentives such as but not limited to, purchase of development rights, transfer of development rights, conservation easements, land trusts and community acquisition of lands for public ownership shall be encouraged.

#### Comprehensive Parks and Recreation Plan

- Assure the acquisition of parkland for community parks, neighborhood parks, water access and trails in Urban Growth Areas and rural subareas.

**List of Attachments:**

Attachment A: Proposed Amendments to Skagit County Code 14.16.500

**Attachment A: Proposed Amendments to  
Skagit County Code 14.16.500**

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

**Skagit County Code:**

**14.16.500 Public Open Space of Regional/Statewide Importance (OSRSI).**

(1) Purpose. The purpose of the Public Open Space district is to provide a zoning designation for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic amenities, or for the protection of environmentally sensitive areas. This district encompasses public open space having Statewide and regional importance. For example, Deception Pass, Bayview, Larrabbe, Rasar and Rockport State Parks are included in this zoning designation, as are the following County parks: Sharpes Park and Montgomery-Duban Headlands, Howard Miller Steelhead Park, and Presentin Park. Publicly owned portions of Burrows Island, Cypress Island, Hope Island, Huckleberry Island, Saddlebag Island, and Skagit Island are also included. Also, Glacier Peak Wilderness, Noisy Diobsud Wilderness, Mount Baker National Forest, portions of the Northern State Recreation Area, PUD No. 1 Judy Reservoir, North Cascades National Park, Ross Lake National Recreation Area, Seattle City Light wildlife mitigation lands and Endangered Species Act lands, Washington Department of Natural Resources natural resource conservation areas and natural area preserves and Skagit Wildlife Refuge are included in this district.

(2) There may be Federal or State regulations or limitations which may further limit the use of some OSRSI designated facilities. In addition, the County may not have jurisdiction over some OSRSI designated facilities.

(3) Permitted Uses.

(a) Historic sites open to the public.

(b) Interpretive/information centers and museums.

(c) Parks that showcase significant historic, archaeological, scientific, cultural and/or unique natural features, unusual landscape features such as cliffs and bluffs or natural processes on wetlands and tidal actions.

(d) Public open space areas of regional and Statewide importance including County, State and Federal parks, recreational areas, and wildlife management areas, including those that provide linkages between neighborhood and community parks.

- (e) Caretaker dwelling unit for on-site resident park manager accessory to the primary public use.
- (f) Trails or educational enterprises designed to offer special access to natural resource-based and recreational opportunities on lakes, creeks, streams, river corridors, shorelines, and areas with prominent views.
- (g) Maintenance, drainage.
- (h) Net metering system, solar.
- (i) Repair, replacement and maintenance of water lines with an inside diameter of 12 inches or less.
- (j) Recycling drop box facility, accessory to a permitted public, institutional, commercial or industrial use.
- (k) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.

(l) Trails.

(4) Administrative Special Uses.

- (a) Campgrounds, destination.
- (b) Campgrounds, developed.
- (c) Campgrounds, primitive.
- (d) Expansion of existing major public facilities up to 3,000 square feet.
- (e) In remote areas only, such as east of Concrete and on saltwater islands without ferry service, employee housing sufficient to operate the OSRSI operation.
- (f) Minor public use.
- (g) Minor utility developments.
- (h) Outdoor recreation facilities.
- (i) Personal wireless services towers, subject to SCC 14.16.720.
- (j) Roadside stands not greater than 300 square feet.
- (k) Stables/riding clubs.
- (l) Temporary events.
- (m) ~~Trails and p~~Primary and secondary trailheads.

- (n) Water diversion structure.
- (5) Hearing Examiner Special Uses.
- (a) Animal preserve.
  - (b) Impoundment.
  - (c) Marinas not greater than 20 slips.
  - (d) Major public use and expansions of existing major public use, 3,000 square feet and greater.
  - (e) Major utility development.
  - (f) Parks, community.
  - (g) Shooting club, outdoor.
- (6) Dimensional Standards. No minimum lot size where the proposed development can meet the requirements of the Skagit County Code.
- (a) Setbacks:
    - (i) Front: 35 feet.
    - (ii) Side and rear: 35 feet.
  - (b) Maximum height: 40 feet.
    - (i) Height Exemptions. Flagpoles, ham radio antennas, church steeples, water towers, meteorological towers, and fire towers are exempt. The height of personal wireless services towers is regulated in SCC 14.16.720.
- (7) Additional requirements related to this zone are found in SCC 14.16.600 through 14.16.900 and the rest of the Skagit County Code.



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## Memorandum

To: **Planning Commission**

From: Michael Cerbone, AICP  
Andrew Graminski, Long Range Planning Intern

Date: July 25, 2019

Re: **Planning Commission Workshop Follow up – Docket Item C-4**

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This is a supplemental staff report outlines questions from planning commissioners from the July 2 2019 Planning Commission workshop on docket item C-4. Questions and responses from staff are outlined below.

**Question:** Why was this docket item put on the 2019 CPAs?

**Response:**

Two years ago, a similar long-range work plan item was brought forward via a staff member regarding non-motorized trails as an outright permitted use in the Industrial Forest-Natural Resource Lands Zone (2017). This docket item branches off the 2017 work plan item to address trails in other zones in the County.

**Question:** What have other jurisdictions done with the definition of trails in their code? Are some outright permitted and other type's administrative special use?

**Response:**

Several nearby Counties reference trails in their code. Of the researched Counties which include Whatcom, Snohomish, Island, San Juan, King, and Kitsap, Whatcom County was the only jurisdiction to define trails in their code. Please see below for their full definition.

Whatcom County Code Trail definition: 20.97.435.3 Trails.

*“Trails” mean areas used for walking and hiking. Where these are adequately constructed, then they may be used for bicycling and may meet ADA standards for wheelchair accessibility. Trails may also be used for mountain biking, cross-country skiing and horseback riding where appropriate. (Ord. 2008-043 § 1, 2008; Ord. 2004-026 § 1, 2004. Formerly 20.97.435.2).*

Whatcom County allows trails as an outright permitted use in most of their zones. In the remaining sections of their zoning code, trails are either an administrative special use or not included.

King County references trails in their zoning code, superficially with their Recreational/Cultural land uses section (*King County Code 21A.08.040 Recreational/cultural land uses*). Trails are a permitted use in this zone.

The other remaining Counties do not mention trails in their zoning codes as either an outright permitted use or an administrative special use.

**Question:** How does Skagit County deal with trails in other zones?

**Response:**

Skagit County Code mentions two types of trails; Non-motorized trails and trails. Depending on the zone, trails are either outright permitted use or administrative special use.

Trails are an outright permitted use in the following zones:

- Small Scale Recreation and Tourism (SRT)
- Bayview Ridge Residential (BR-R)
- Urban reserve Public-Open Space (URP-OS)

Trails are an administrative special use in the following zones:

- Rural Village Commercial (RVC)
- Rural Center (RC)
- Rural Freeway (RFS)
- Small Scale Business (SSB)
- Natural Resource Industrial (NRI)
- Hamilton Industrial (H-I)
- Bayview Ridge Heavy Industrial (BR-HI)
- Urban Reserve Commercial-Industrial (URC-I)
- Aviation Related (AVR)
- Rural Intermediate (RI)
- Rural Village Residential (RVR)
- Rural Reserve (RRv)
- Urban Reserve Residential (URR)
- Hamilton Residential (HR)
- Hamilton Urban Reserve (H-URv)
- Agricultural-Natural Resource Lands (Ag-NRL)
- Industrial Forest-Natural Resource Lands (IF-NRL)
- Secondary Forest-Natural Resource Lands (SF-NRL)



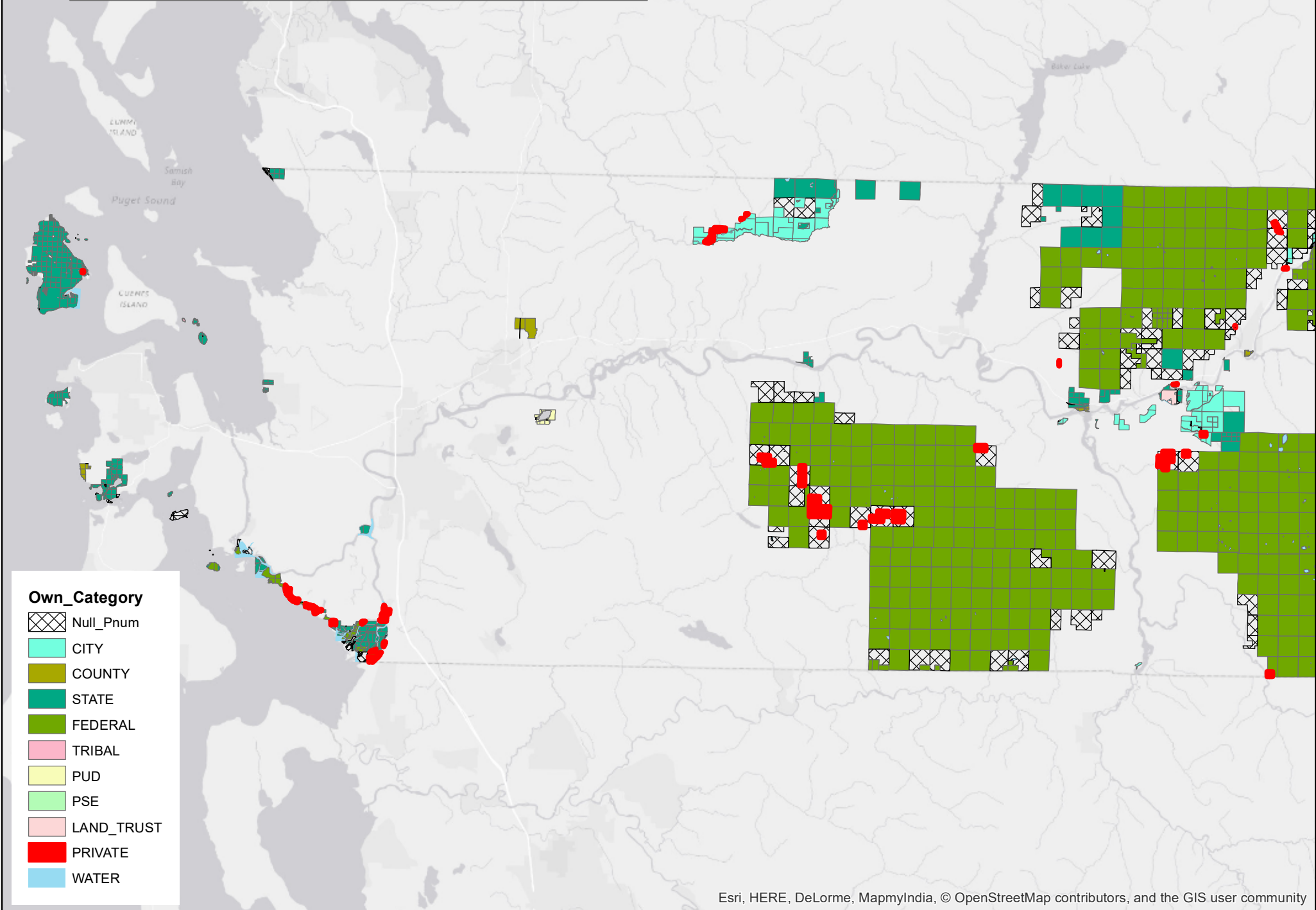
- Rural Resource-Natural Resource Lands (RRc-NRL)

**Question:** Is there any private property in the OSRSI zone?



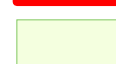
**Response:**

There are 224 private properties in OSRSI. Please see the attached maps for more detail on the extent and location of the private property within the OSRSI.

# Properties Zoned OSRSI in Skagit County December 2017



# Properties Zoned OSRSI within the Mount Baker-Snoqualmie National Forest

-  Federal Admin Boundary
-  OSRSI Private Owner
-  OSRSI



**DRAFT FOR REVIEW**

Map ID	PARCELID	Owner Name	Acres
1	P30728	LONGVIEW TIMBER CORP	160.0
2	P30711	CHRISTIAN FUTURES INC	120.0
3	P31028	SIERRA PACIFIC HOLDING CO	266.0
4	P113122	PORTER WILLIAM DANIEL	1.7
5	P131714	SIERRA PACIFIC INDUSTRIES	41.7
6	P51780	PITTLE LESTER	23.1
7	P51779	FIDALGO PROPERTIES LLC	6.9
8	P18995	HADLEY J AURELIA	20.0
9	P18995	HADLEY J AURELIA	20.0
10	P131714	SIERRA PACIFIC INDUSTRIES	41.7
11	P51783	MIDKIFF ALAN & MIDKIFF DEBORAH	6.9
12	P30716	CHRISTIAN FUTURES INC	160.0
13	P30718	LONGVIEW TIMBER CORP	320.0
14	P30729	LONGVIEW TIMBER CORP	176.6
15	P18994	HADLEY J AURELIA	20.0
16	P30723	LONGVIEW TIMBER CORP	40.0
17	P30717	LONGVIEW TIMBER CORP	40.0
18	P30713	CHRISTIAN FUTURES INC	160.0
19	P30712	CHRISTIAN FUTURES INC	40.0
20	P31028	SIERRA PACIFIC HOLDING CO	266.0
21	P31005	SIERRA PACIFIC HOLDING CO	128.5
22	P45393	FRENCH FRANCES S	5.8
23	P31029	SIERRA PACIFIC HOLDING CO	39.8
24	P30727	SIERRA PACIFIC HOLDING CO	77.5
25	P46326	OHERN JOHN D	21.4
26	P44432	LONGVIEW TIMBER CORP	155.8
27	P51820	HANSEN MARK D	3.5
28	P131710	SIERRA PACIFIC INDUSTRIES	30.1
29	P51780	PITTLE LESTER	23.1
30	P51782	OLHEISER ROBERT J	6.9
31	P131717	BLOEDEL TIMBERLANDS DEV INC	3.0
32	P131709	SIERRA PACIFIC INDUSTRIES	54.4
33	P51784	PITTLE LESTER	2.0
34	P51781	MILLER JAMIN L & MILLER TRICIA M	6.9
35	P131716	BLOEDEL TIMBERLANDS DEV INC	8.1
36,37	P45607	SKAGIT LAND TRUST	262.0
<b>TOTAL</b>			<b>2,759.2</b>

