



Planning & Development Services

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Memorandum: Deliberation 2021 Docket

To: Board of County Commissioners
From: Peter Gill, Long Range Planner
Date: May 10, 2021
Re: Deliberation on Petitions for 2021 Docket of Proposed Policy, Code, and Map Amendments

Background

The County Commissioners are in the process of establishing the 2021 Docket of Comprehensive Plan, Map and Code amendments. This memo addresses the Board of County Commissioners potential action at the May 11 meeting and the comments received during the open comment period April 15 – May 5th.

Skagit County received thirteen timely petitions to amend the Comprehensive Plan, Comprehensive Plan Map, or development regulations. Another five amendments were proposed by the County. The Department released these proposals, along with its docketing recommendations for public review and comment on April 15, 2021. The Board held a public hearing on May 3rd and took written comments through May 5th at 4:30 pm.

For each proposal, the Department has provided a summary of the proposal, analysis against the docketing criteria, and a recommendation found in the April 15th Staff Report. This Staff Report, public comments, and full text of each petition is available on the [2021 Docket webpage](https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm) (<https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm>).

Requested Action

The Board of County Commissioners may choose to take action at the May 11 meeting. It is important to note that a decision to include a proposed amendment in the docket is procedural and does not constitute a decision as to whether the petition will ultimately be approved.

The Board establishes the annual Comprehensive Plan amendment docket through a resolution. The resolution will contain one of the following decisions for each of the proposals:

- **Include, petition in docket for further review**
- **Defer**, the proposal until the next annual amendment cycle
- **Exclude** from the docket, without prejudice

Items that are **Included** in the docket will move as a group through the legislative process with the intent of completing the docket by the end of 2021. The Board can docket some modified form of the proposal.

Items that are **Excluded** from the docket will not move forward for any further review or consideration at this time. This does not prevent the applicant from bringing the petition back in the future for consideration.

The petitions included in the docket move forward for SEPA analysis, Department of Commerce review, legal review, and subsequent review by the public, Planning Commission, and the Board through the process described in SCC 14.08.080-090 as shown in Figure 1.

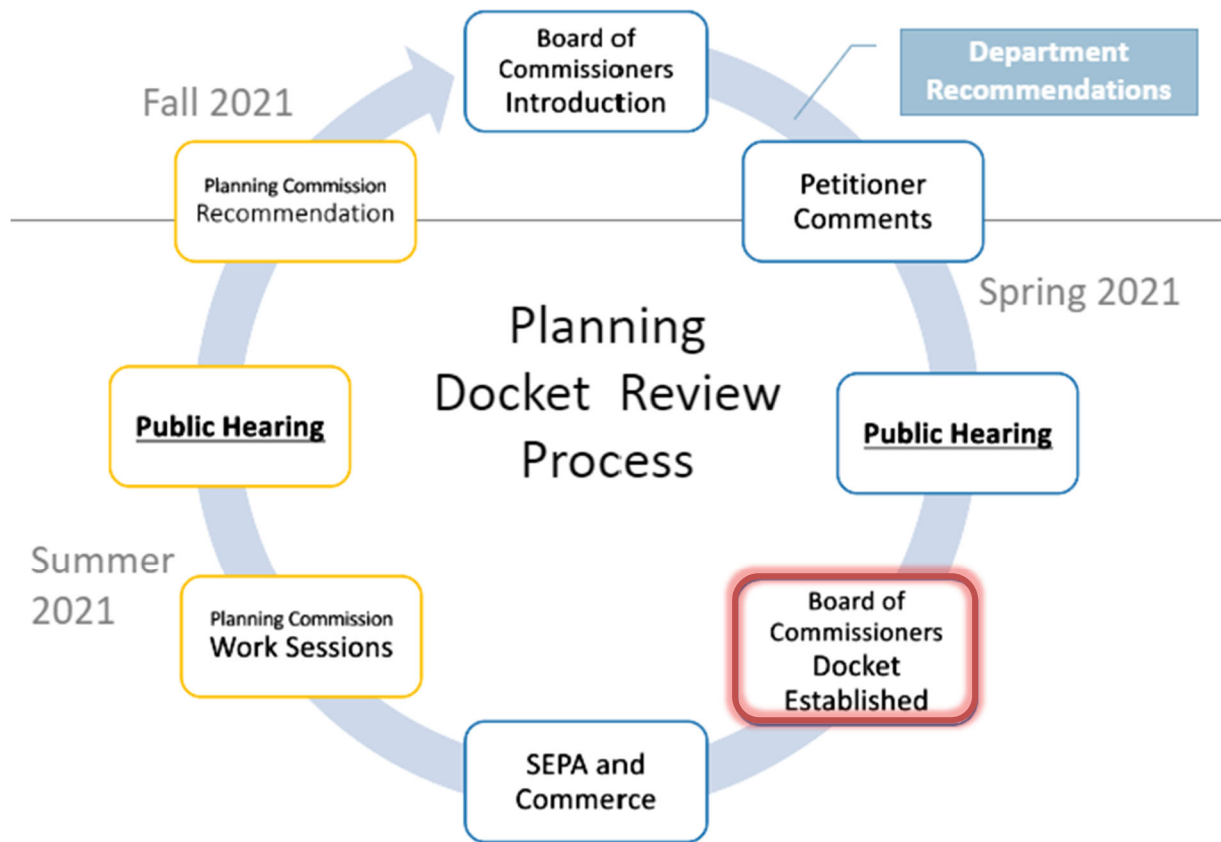


Figure 1: Simplified diagram of the annual docketing process (Red outline showing next step in the process).

Petitions and Recommendations Summary

The tables below provide a summary description and title for each petition being considered for the docket. The last column indicates the Department’s recommendation on whether to docket the proposal.

Citizen Amendments Summary Table

Number	Title & Petitioner	Description	Department recommendation (Include, Exclude, or Defer)
Map Amendment/Rezone			
PL19-0396	Buchanan Acres Map Amendment and Rezone , Lisser & Associates PLLC	Rezone a 32 acre parcel from Rural Reserve to Rural Village Reserve. This open space is Lot 9 is of the Buchanan Acres Long CaRD (Conservation and Reserve Area).	Exclude
PL19-0419	Nielsen Brothers Map Amendment and Rezone , Nielsen Brothers, Inc. (Nielsen)	Change 11.89 acres, east of Sedro Woolley, from Agriculture – Natural Resource Lands to Natural Resource Industrial.	Include
Comprehensive Plan/Development Code Amendments			
LR20-02	Small Scale Business Zone Use Modification , Terramar LLC (Barker)	Amend SCC 14.16.140 Small Scale Business (SSB) zone to include restaurants as a permitted use.	Include
LR20-04	Fully Contained Community proposal , Skagit Partners, LLC (Sygitowicz)	Amend the Comprehensive Plan, Development Regulations, and Countywide Planning Policies to establish a process for consideration and approval of a new fully contained community, consistent with RCW 36.70A.350.	Include – Limit to Comprehensive Plan amendments only
LR20-05	Public Notice Amendment for Mineral Resource Extraction area , Skagit River Alliance (Burrows)	Amend SCC 14.06.150, Public Notice Requirements. For mineral extraction activities notice must be provided within one mile and be posted at any post offices of nearby communities.	Include
LR20-06	Outbuildings in Rural Zones , Robert Burrows	Amend the development code to allow rural landowners in rural residential zones to legally have more than one 200 square foot outbuilding per five acres.	Exclude, part of Building Code update
LR20-07	Accessory Dwelling Unit Code Amendment , Robert and Kimber Burrows	This proposal relaxes the family member occupancy requirement and removes the current Accessory Dwelling Unit size restrictions for existing structures.	Include

LR20-08	Robert Burrows; Mineral Resource Overlay Review	The petitioner requests a comprehensive review of the mineral resource overlay (MRO) from Concrete to Marblemount.	Exclude
LR21-01	Delvan Hill Road MRO reconsideration and moratorium, Delvan Hill Road Residents (Dolstand, Donnelly, etc.)	Reconsider the MRO granted under 2017 docket item, Weide Quarry C-20. Place at least a three year moratorium relating to mining and restrict truck traffic to historical standards.	Exclude
LR21-02	Clarify CaRD Land Divisions and the “Reserve” Function, Friends of Skagit County (Bynum)	Clarify the definition and function of the Conservation and Reserve Developments (CaRD) within the Comprehensive Plan and code.	Include
LR21-03	Prohibit mitigation banks and mitigation service areas in Skagit County, Friends of Skagit County (Bynum)	Prohibit the future development of additional wetland mitigation banks in Skagit County along with mitigation bank service areas from other counties.	Exclude
LR21-04	Agricultural processing facilities in BR-Light Industrial, Island Grown Farmers’ Cooperative (IGFC) (Shephard)	Clarify “Agricultural and food processing, storage and transportation”, a permitted use in Bayview Ridge Light Industrial (BR-LI) zone, by adding Agricultural slaughtering facilities as an accessory use incidental to Agricultural and food processing, storage and transportation facilities, provided that the portion of the premise dedicated to slaughtering is (1) entirely enclosed within the interior of the facility, and (2) occupies less than 5,000 square feet of the total processing facility.	Include
LR21-05	Expand pre-existing natural resource- based uses in Ag- NRL, Nielsen Brothers, Inc. (Nielsen)	Amendment to Comprehensive Plan policies and development regulations on Agricultural Resource Lands. The proposed amendments would allow for expansion of pre-existing natural resource-based uses in Agricultural resource lands subject to administrative special use review.	Exclude

County Amendments Summary Table

Number	Department	Description	Petitioner
C21-1	2020 Comprehensive Parks & Recreation Plan	Update the Comprehensive Plan to incorporate the 2020 Comprehensive Parks & Recreation Plan. This includes review of zoning and consistency of park classifications.	Parks & Recreation Department
C21-2	SEPA Determination Review Timing	The code for independent SEPA reviews does not require the submittal of a development permit when in the feasibility stage. This amendment would clarify that an appeal can be filed prior to a permit decision.	Planning & Development Services
C21-3	Hamilton zoning & Comprehensive Plan updates	Changes to the County Comprehensive Plan are needed to reflect the 2019 Hamilton annexation. This change will clean up zoning references that don't exist anymore.	Planning & Development Services
C21-4	Front setback to include Class 19 roads	14.16.340(5)(c) BR-R zoning - front setback for primary residence should include both class 09 & 19 for the reduced front setback of 20'. Both are considered local neighborhood or minor access.	Planning & Development Services
C21-5	Pre-Application Requirement	Pre-application requirement associated with a Project permit would no longer be required.	Planning & Development Services

Citizen Comments Summary

The following section provides the number of comments, written and verbal, as well as the source of the comments and a basic overview. There is no attempt to capture all of the comments made in this summary. All timely comments are provided to the Board of County Commissioners and compiled for the public to view. Those comments can be located here, listed by petition number and name: <https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm>.

Comments received up to 24 hours after the comment period are included at the end of the compiled comments, but are not considered part of the formal record.

PL19-0396 Buchanan Acres Map Amendment/ Rezone **Comments Summary**

4 - Written Comments: Citizens, Friends of Skagit County
1 - Hearing testimony

There were a number of letters in opposition to the rezone from neighbors. There is concern over drainage and stormwater conveyance on the hillside as well as spoiled views. It is also noted that this

would expand the Clear Lake “LAMIRD” (limited area of more intense rural development) beyond its 1990 boundaries, which is illegal under state law.

PL19-0419 Nielsen Brothers Comprehensive Plan & Zoning Map Amendment

Comments Summary

4 - Written Comments: Citizens, Skagit River System Cooperative, Friends of Skagit County

1 - Hearing testimony

Comments in favor of docketing cite the need for improvements for their shop facility and to the site overall in order to support the forestry industry. Comments against include the need to protect the rural atmosphere and the GMA requirement to protection natural resource lands.

LR20-02 Small Scale Business Zone Use Amendment

Comments Summary

16 - Written Comments: Citizens, Economic Development Alliance of Skagit County, Friends of Skagit County

0 - Hearing testimony

There are a significant number of comments from Edison residents against docketing this petition. Many of these center around factors related to the outdoor events on the premises. Another complaint is that the permitting of the business has transitioned from its original intent.

There are comments in favor of this change, among them the Economic Development Alliance of Skagit County and Friends of Skagit County. The proponent has provided a public petition with signatures from over 400 people from 4/15/21 – 5/5/21.

LR20-04 Fully Contained Communities

Comments Summary

Roughly 700 - Written Comments (still being sorted as of 5/10): Citizens, Skagitonians to Preserve Farmland, Evergreen Islands, Skagit Land Trust, Friends of Skagit County.

7 - Hearing testimony

There are a range of concerns voiced in the testimony and comments received. The vast majority of the comments center around the loss of the rural way of life due to increased traffic, increased runoff, water use, insufficient infrastructure, etc. There is concern that this could convert resource land to suburban type development. Commenters also express concern about whether the proposed fully contained community will be affordable to the Skagit County residents who need it most. Citizens ask that infrastructure be assessed prior to any development. Community members have questioned whether the new community could really be “fully contained” since it would not have adequate commercial, retail, or health services. Comments noted that King and Snohomish Counties have had negative experiences with existing fully contained communities. Comments

about the potential for sprawl associated with any fully contained community are included in most statements against docketing this proposal.

Many comments communicate that this is not the way to deal with the existing housing crisis. Comments point out the lack of evidence that local municipalities cannot accommodate growth within existing UGAs and that working with the cities through the GMA Steering Committee is a better way to address the population spilling over into the unincorporated County.

Other comments note that this topic would be better studied during the Comprehensive Plan “periodic review” process that occurs every eight years.

Many commenters reference a specific development that was initially proposed in 2015, called “Avalon.” This is not the current proposal. There is no fully contained community proposed with this petition. This proposal requests that the County reviews the policies and regulations needed to permit a fully contained community and set aside a population reserve for any new fully contained community. All three of these items would need to be completed prior to a development being permitted.

The Department recommends including only the Comprehensive Plan amendments related to this petition in the docket. Due to the significant changes to code and policies, GMA legal issues, and considerable public interest, this petition should be addressed incrementally starting with amendments to the Comprehensive Plan.

The Department’s recommendation would allow for a public discussion of fully contained communities, and the policies the community would like to see associated with any new urban growth area regardless of where it was located.

LR20-05 Public Notice Amendment for Mineral Resource Extraction Area Comments Summary

2 - Written Comments: Citizens
0 - Hearing testimony

We received two comments in support of the proposal.

LR20-06 Outbuildings in Rural Zones

Comments Summary

4 - Written Comments: Citizens, Agricultural Advisory Board, Friends of Skagit County
0 - Hearing testimony

We received two comments in support of the proposal and two in opposition.

LR20-07 Accessory Dwelling Unit Code Amendment

Comments Summary

3 - Written Comments: Citizens, Agricultural Advisory Board, Friends of Skagit County

0 - Hearing testimony

We received one comment in support and two comments against this petition. One comment against noted: “These proposals would erode the current protections of the Ag-NRL zone and increase the pressure to develop farmland.”

LR20-08 Mineral Resource Overlay Review

Comments Summary

2 - Written Comments: Citizens, Friends of Skagit County

1 - Hearing testimony

We received two comments in support of this petition. One comment emphasized the importance of revisiting past zoning to reflect the current situation, and expressed concern about the possibility of future mining occurring at Big Bear Mountain. At the public hearing, a commenter in support of this petition expressed concern for the local residences and the sensitive natural environment surrounding the mineral resource overlays.

LR21-01 Delvan Hill MRO Reconsideration and Moratorium

Comments Summary

6 - Written Comments: Citizens, Friends of Skagit County

3 - Hearing testimony

We received comments from the Delvin Hill Road neighborhood in support of this petition. There is concern that if the mine exists unlawfully and that the truck traffic has far exceeded the historic use on the property. There are neighbors that believe it is a health and safety issue for the residents.

Those in opposition note the importance of the quarry as a natural resource of long term significance close to development in the County.

At the hearing two spoke in opposition and one in favor of this petition. One comment in opposition explained that the pit has been there for 45 years and has a permit with Department of Natural Resources, which has no restrictions on truck traffic. The commenter also noted truck traffic may be busy for one week then quiet for several months.

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

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

We received comments from the proponent in support of this petition.

LR21-03 Prohibit mitigation banks and their service areas in Skagit County

Comments Summary

- 1 - Written Comments: Friends of Skagit County
- 0 - Hearing testimony

The proponent requests modification of their original application to: “We modify the request to be only a revision to code to specify wetland mitigation bank credits be used for development applications within Skagit County. The concern stems from the proposed Bellingham Urban Mitigation Bank’s map of its service area to include parts of northern Skagit County.”

LR21-04 Agricultural Processing Facilities in BR-Light Industrial

Comments Summary

- 3 - Written Comments: Port of Skagit County, Agricultural Advisory Board, Friends of Skagit County
- 1 - Hearing testimony

There are comments in support of the proposal, one noting the importance of “opportunities for locally produced value added agricultural products that will reinforce the diverse capabilities of Skagit County Agriculture.”

LR21-05 Expand Pre-Existing Natural Resource-Based uses in Agricultural Resource Lands (AG-NRL)

Comments Summary

- 3 - Written Comments: Citizens, Agricultural Advisory Board, Friends of Skagit County
- 1 - Hearing testimony

The written comments are in opposition to docketing this petition.

At the public hearing there was a testimony in favor of this petition, noting that there are some cases where non-conforming uses in agricultural resource lands should be allowed through an administrative special use permit.

All timely comments are provided to the Board of County Commissioners and compiled for all at the Comprehensive Plan Amendments website,

(<https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm>).

County-Initiated – Comprehensive Plan or Code

C21-1 2020 Comprehensive Parks & Recreation Plan

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

The comments request improving references, data sources, and clarification of definitions if docketed. The comment is in support of docketing.

C21-2 SEPA Determination Review Timing

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

The comment is in support of docketing.

C21-3 Hamilton Zoning & Comprehensive Plan updates

Comments Summary

1 - Written Comments Friends of Skagit County

0 - Hearing testimony

The comment is in support of docketing.

C21-4 Reduced Front Setback to Include Class 19 roads

Comments Summary

1 - Written Comment: Friends of Skagit County

0 - Hearing testimony

The comment is in support of docketing.

C21-5 Pre-application requirement

Comments Summary

1 - Written Comment: Friends of Skagit County

0 - Hearing testimony

The comment is in support of docketing.

All timely comments are provided to the Board of County Commissioners and compiled for all at the Comprehensive Plan Amendments website, (<https://www.skagitcounty.net/Departments/PlanningAndPermit/2021CPA.htm>).
