



# Planning & Development Services

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## Memorandum: 2023 Planning Docket

To: Planning Commission  
From: Sarah Ruether, Senior Planner  
Date: October 2, 2023  
Re: Docketing Proposed Annual Comprehensive Plan, Map, and Development Code Amendments

### Summary

Planning and Development Services (PDS) is providing this staff report in advance of the September 12, 2023, Planning Commission work session. This report describes the regulatory background for the yearly amendments; provides a synopsis of the public review process; analyzes the proposed changes pursuant to local and State requirements; and describes the Department’s (PDS) recommendations to the Planning Commission for deliberation. The previous staff reports, draft maps, citizen comments, public noticing documents, and other supporting materials concerning the 2023 docket are available at the following project webpage: [www.skagitcounty.net/2023cpa](http://www.skagitcounty.net/2023cpa).

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## Introduction and Background

The Growth Management Act (GMA) provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”<sup>1</sup> and requires Skagit County to periodically accept petitions for amendments or revisions to the Comprehensive Plan policies or land use map. Skagit County implements this requirement through Skagit County Code Chapter 14.08, which describes the process for annual amendments.

Skagit County received five timely petitions for consideration through the annual Comprehensive Plan, Map, and Development Regulation Docket, another eleven petitions were proposed by the County. Two additional petitions, LR2-04 and LR22-02, were added for consideration after being deferred from previous dockets. Following a public comment period, petitioner presentations, a public hearing, and consideration of public comments, the Board of County Commissioners established a docket. The docket was approved by resolution #R20230087, on May 8, 2023, to include twelve petitions for review.

Public comments can be located on our project webpage listed by petition number and name. The previous staff memos, public noticing documents, and other supporting materials concerning this year’s Docket are available at the following project webpage: [www.skagitcounty.net/2023cpa](http://www.skagitcounty.net/2023cpa).

### Timeline of the Yearly Docketing Process.

Date	Hearing Body	Meeting Type	Actions
<b>Spring 2023</b>	BoCC	Public Hearing	Accepted testimony on which proposals merited inclusion in the Docket.
<b>Spring 2023</b>	BoCC	Deliberations	Docket established via Resolution.
<b>May 5, 2023</b>	Planning Commission	Workshop	Discussed the 2023 Docket items
<b>July 11, 2023</b>	Planning Commission	Applicant Presentations	Docket applicants presented their proposals to the Planning Commission
<b>September 12, 2023</b>	Planning Commission	Workshop	Staff to present recommendations along with expert testimony on certain docket items
<b>October 24, 2023</b>	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
<b>November 14, 2023</b>	Planning Commission	Review of Comments	Staff presents public comments on the proposals
<b>December 12, 2023</b>	Planning Commission		Recorded motion with recommendations to the BoCC.
<b>January 2024</b>	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.

**Table 1** Summarizes the review process with approximate timing of each action. RCW 36.70A.130(2)(a) states that the Comprehensive Plan, with few exceptions, may not be amended more than once per year.

<sup>1</sup> RCW 36.70A.130(1)(a).

This staff report includes an analysis of the proposals for consistency with county and state requirements, and the Department's recommendations, as required by SCC 14.08.080. The Department's recommendations are based on the proposals' application materials, additional research, and evaluation of the proposals' consistency with relevant policies and criteria in the Skagit County Comprehensive Plan and provisions in Skagit County Code.

Following the procedures described in SCC 14.08.070 through 14.08.090, the Planning Commission will deliberate and make recommendations on the various amendment proposals and transmit its recommendations to the Board in the form of a recorded motion. The Board will then meet to consider and take formal action in the form of an ordinance approving or denying the proposed amendments to the comprehensive plan, land-use/zoning map and development regulation.

The remainder of this memo describes the docketing criteria and process; summarizes the amendment proposals; and includes the Department's recommendations as required by SCC 14.08.080(1).

## Findings of Fact

### SEPA and Chapter 14.08 SCC

The following sections demonstrate the County's compliance with the procedural requirements for legislative actions pursuant to local and State requirements:

1. *Compliance with the State Environmental Policy Act (Chapter 97-11 WAC, SCC 14.08.050, and SCC 16.12):*

- Staff prepared an environmental checklist for the proposed amendments, dated October 3, 2023.
- Pursuant to 14.08.050, an environmental checklist for the Dunlap and Port of Skagit Comprehensive Plan & Zoning Map Amendments, items LR23-01 and LR23-03, were provided by the petitioners and reviewed by staff.
- Determinations of Nonsignificance were issued based on the environmental checklists on October 3, 2023
- Any comments received prior to the close of the comment period will be presented to the Planning Commission at the scheduled public hearing.

***Conclusion – The proposed code amendment will satisfy local and State SEPA requirements at the conclusion of the comment period.***

2. *Procedural Compliance with the Growth Management Act (RCW 36.70A.106):*

- The County requested review from the Department of Commerce on October 3, 2023
- The County must notify the Department of Commerce, at least 60 days in advance, of its intent to adopt comprehensive plan and development regulation amendments.
- Staff will file the ordinance with the Department of Commerce within 10 days of the County Commission's action.

***Conclusion – The proposed code amendment will meet the Growth Management Act requirements.***

3. *Public Notice and Comments*

- The County published a Notice of Availability, Public Comment, and SEPA threshold determination in the Skagit Valley Herald on October 5, 2023
- The County mailed notices to the property owners within 300 feet of the Dunlap and Port of Skagit Comprehensive Plan & Zoning Map Amendments, items LR23-01 and LR23-03, on October 3, 2023
- Any comments received prior to the close of the comment period will be presented to the Planning Commission at the scheduled public hearing.

***Conclusion – The County has met the public notice requirements of SCC 14.08.070.***

## **2023 Citizen Petitions and Department Recommendations**

Skagit County received the following petitions and suggestions to amend the Comprehensive Plan policies, map, or development regulations for this docket cycle. For each proposal, the Department has provided a summary of the proposal, analysis of the docketing criteria, and a recommendation. The full text of each petition is available on the Comprehensive Plan Amendment [webpage](#).

### **LR23-01 Dunlap Rural Reserve Rezone (Quasi-Judicial: 14.08.060 Petitions—Approval criteria for map amendments and rezones.)**

#### **Summary**

This proposal seeks to rezone approximately 21 acres, a portion of five parcels, from Agriculture-Natural Resource Land to Rural Reserve. The applicant has requested rezoning five parcels, P95578, P15190, P15173, P15174, and P15175, pictured below in Figure 1. The properties are located just south of the Town of La Conner, along Conner Way, and just east of the Swinomish Channel.



*Figure 1 Proposed Dunlap Rezone*

These parcels are currently zoned Ag-NRL, but the properties are not farmable because they are on the upland side of a hill and the soils are not productive or agricultural or commercially significant. According to the USDA soils map, the area has a soil type of Fidalgo-Lithic Xerochrepts – Rock Outcrop Complex, 3-30 percent slope, which does not constitute farmable soils. The applicant has requested the County to rezone the parcels along the toe of the hill, which would separate the areas which are still farmable from parcels which are not suited for agriculture.

Parcel numbers P15173, P15174, P15177, P15182, and P95578 are certified as one lot of record which contains 2 existing single-family residences. The applicant is requesting the rezone in order to subdivide the subject parcels in the future, which would allow the applicants to segregate the 2 existing single-family residences, so they are each contained in a separate lot of record. Ag-NRL properties are limited to one home per 40-acres and therefore they cannot be subdivided as there is insufficient acreage to meet the minimum lot size requirements. The applicant with the rezone may apply for a CaRD development to subdivide the property per SCC 14.18.300.

The proposed re-zone would be to Rural Reserve, which if developed as a CaRD development per SCC [14.18.310\(2\)](#) would allow for a maximum residential density with a CaRD of 2 per 10 acres or 2 per 1/64 of a section and therefore the subject 21.19 acres could be subdivided into 4 lots. The re-zone would provide a pathway to bring these properties into conformance with zoning and would allow for the opportunity to apply for a subdivision with a CaRD development.

Parcel	Acres	Approx Acres Rezoned	Existing Structures	Zoning/Ownership
P15174	24.85	14	Misc. Outbuildings	Ag-NRL, Dunlap Family Trust
P95578	1.14	1.14	SFR	Ag-NRL, Dunlap Family Trust
P15175	1.0	.75	SFR	Ag-NRL, Jenson Sybil
P15190	2.03	1.3		Ag-NRL Jenson Thomas/Mary Trust
P15173	31.97	4.0		Ag-NRL Dunlap Family Trust
	60.99	21.19	2 SFR	

### Recommendation

The Department recommends **approval** of this petition.

### Analysis

The purpose of the Rural Reserve zone is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as Urban Growth Areas (UGA) ([SCC 14.16.320](#)). These areas are meant to be transitional between resource lands and non-resource lands for uses that require moderate acreage. The properties proposed for a rezone would be surrounded by parcels zoned Ag-NRL and Open Space of Regional or Statewide Significance (OSRSI) to the south, and the city of La Conner borders the property to the north.



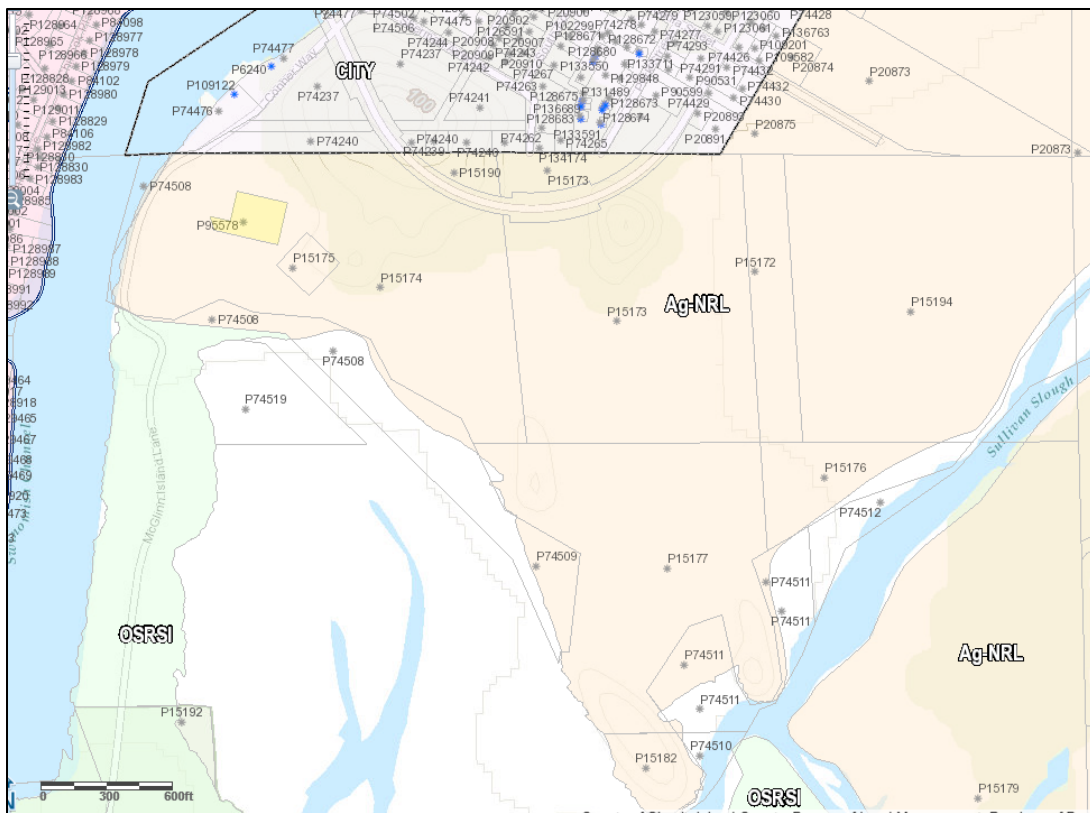


Figure 2 Parcel Map of Proposed Dunlap Rezone

The petitioner states they believe the parcels were zoned incorrectly when agricultural land was originally designated in Skagit County. Prior to the Growth Management Act in 1990, Skagit County designated unincorporated areas into five basic categories: natural resource lands, rural, urban growth areas, public open space, and public lands. The 1968 Skagit County Comprehensive Plan stated the intent of the Planning Department was to designate agricultural areas based on ongoing farming activity and properties with commercially significant soils.<sup>2</sup> The Growth Management Act regulates the designation and conservation of agricultural lands through [WAC 365-190-040](#) and [RCW 36.170A.170](#), which, provides that the County “shall designate where appropriate: (a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.” The 1997 Skagit County Comprehensive Plan went on to state agricultural lands more specifically were to be designated based on existing farming activity, presence of prime farmland soils, minimum lot size, and provided that the majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).<sup>3</sup>

WAC 365-190-040(10)(b) states,

<sup>2</sup> Skagit County Comprehensive Plan, January 1968  
<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan/Comprehensive%20Plan%20-%20August%2026%201968.pdf>

<sup>3</sup> Skagit County Comprehensive Plan, June 1, 1997, Chapter Four, Land Use Element



(b) Reviewing natural resource lands designation. In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel process. Designation amendments should be based on consistency with one or more of the following criteria:

- (i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (iii) An error in designation or failure to designate;
- (iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or
- (v) A change in population growth rates, or consumption rates, especially of mineral resources.

The petitioner argues the parcels in question are the result of an error in designation as the properties are not farmable and do not consist of commercially significant soils. If the rezone is approved, there will be multiple parcels with a split zoning designation between Ag-NRL and Rural Reserve. WAC 365-190-040(7) allows for overlapping designations if the overlapping designations are not inconsistent or incompatible with each other. The petitioner may use the CaRD process to bring the property into compliance with zoning. There are other examples of agricultural land being zoned along the toe of the hill, see Figure 3 below, where parcels zoned Ag-NRL are abutted against Rural Reserve parcels. Figure 3 is located Southwest of the Town of La Conner off Dodge Valley Road.

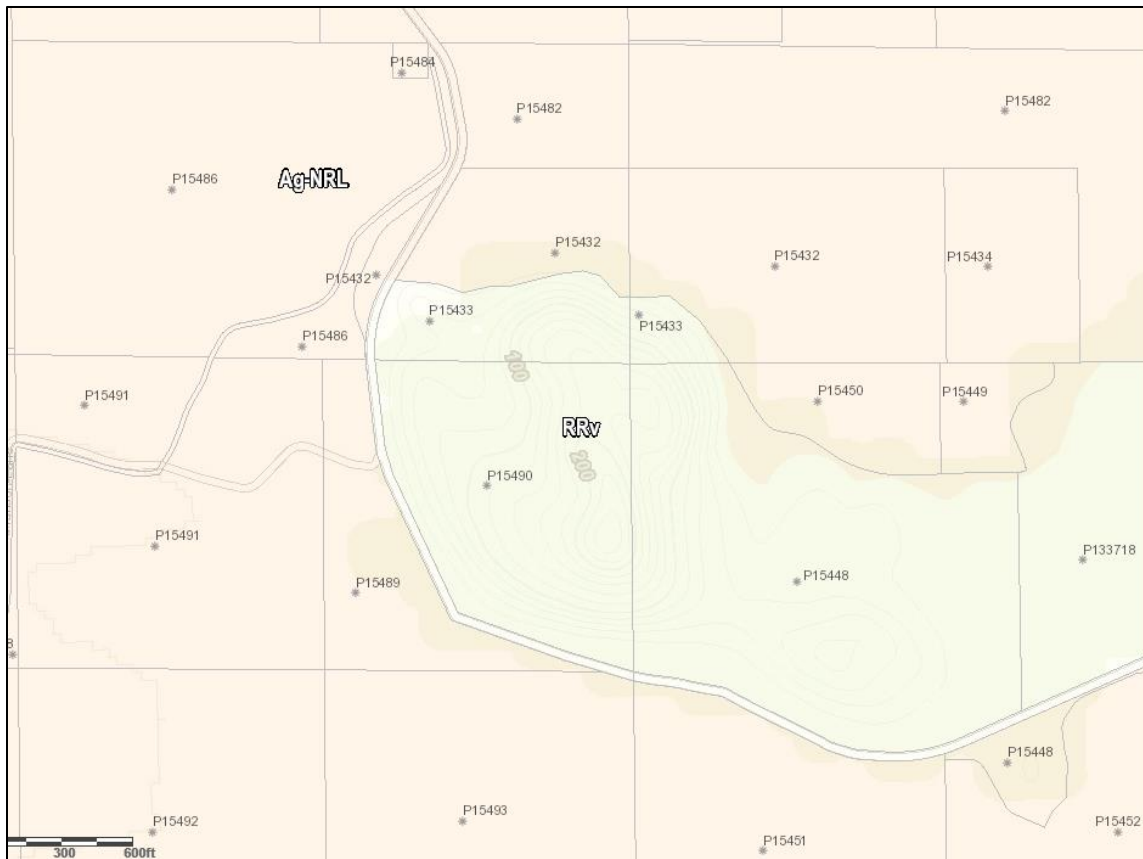


Figure 3 Zoning Map of Agricultural Land following the toe of the hill

### Consistency Review with Skagit County Code 14.08

- 1. A rezone or amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.**

Skagit County Comprehensive Plan states, “Agricultural Resource Lands are those lands with soils, climate, topography, parcel size, and location characteristics that have long-term commercial significance for farming. Skagit County designates agricultural lands primarily based on the presence of prime agricultural soils.”

The petitioner has requested the identified parcels to be rezoned from Agricultural-Natural Resource Lands to Rural Reserve because the parcels do not contain soils of commercial significance and the properties are on an upland slope, which is not suitable for farming activities. The petitioner has delineated the farmable areas of the properties to remain in the Ag-NRL designation. This is consistent with Comprehensive Plan Goal 4A-1, “Maintain land use designation criteria and densities for agricultural natural resource lands. Designate and map long-term commercially significant agricultural resource land accordingly,” because the rezone would remove lands that are not farmable from the Ag-NRL designation while maintaining the farmable parcels for future agricultural uses.

**2. A change to a rural or natural resource land map designation must also be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.**

The change from a natural resource land map designation to a residential designation is supported by the existing population forecasts and allocated non-urban population distributions. The parcels are currently being used for residential purposes and the new designation would help this property come into compliance with zoning.

**3. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan? Does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

Comprehensive Plan Goal 3A(d) states, "Protect the rural landscape, character, and lifestyle by allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values." The rezone request is consistent with this goal because it ensures the farmable areas are maintained in a natural resource zone, while changing the designation of the requested parcels from agriculture to a residential zone.

The parcels have been in residential use since before the Growth Management Act of 1990 and there are no records which show the parcels were used for farming previously. The amendment would preserve the integrity of the Comprehensive Plan and assure its systematic execution by ensuring the uses of each parcel matches the intent of the zone.

**4. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

The proposal is supported by the Capital Facilities Plan and other functional plans. The parcels have been used for residential purposes prior to the requested change and the rezone will not have a major impact on the current services needed in the CFP.

**5. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act, WAC 365-190-040(10)(b), states,

(b) Reviewing natural resource lands designation. In classifying and designating natural resource lands, counties must approach the effort as a county-wide or regional process. Counties and cities should not review natural resource lands designations solely on a parcel-by-parcel process. Designation amendments should be based on consistency with one or more of the following criteria:

- (i) A change in circumstances pertaining to the comprehensive plan or public policy related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (ii) A change in circumstances to the subject property, which is beyond the control of the landowner and is related to designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3);
- (iii) An error in designation or failure to designate;

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- (iv) New information on natural resource land or critical area status related to the designation criteria in WAC 365-190-050(3), 365-190-060(2), and 365-190-070(3); or
  - (v) A change in population growth rates, or consumption rates, especially of mineral resources.

The GMA also establishes the goal to “Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries’ encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses,” (RCW 36.70A.020(8)).

Countywide Planning Policy 8.2 states, “Land uses adjacent to agricultural, forest, or mineral resource lands and designated aquatic resource areas shall not interfere with the continued use of these designated lands for production of food, agricultural and aquatic based products, or timber, or for the extraction of minerals.”

The proposal is consistent with both the Growth Management Act and the Countywide Planning Policies stated above. The request to rezone the parcels from Ag-NRL to Rural Reserve is the result of an error in the original designation as the properties do not include soils of commercial significance and are on an upland slope. The parcels have been used for residential purposes and do not infringe on the ability for neighboring properties to continue to farm.

**6. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

The proposal does not bear a substantial relationship to the public general health, safety, morals, or welfare.

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## **LR23-03 Bayview Ridge Light Industrial Rezone**

### **Summary**

The petition requests to rezone part of one parcel, approximately 7.54 acres, from Bayview Ridge Residential to Bayview Ridge Light Industrial. Currently, the parcel has a split zoning designation, see Figure 5 below. The rezone would designate the entire parcel as Bayview Ridge Light Industrial and permit the applicant to use the property for industrial and/or commercial purposes. The split zoning designation was the result of the 2014 update to the Bayview Ridge Subarea plan, which vastly reduced the amount of land zoned for residential use. Approximately 110 acres were rezoned to from residential to industrial uses to be compatible with the new airport safety zone regulations.

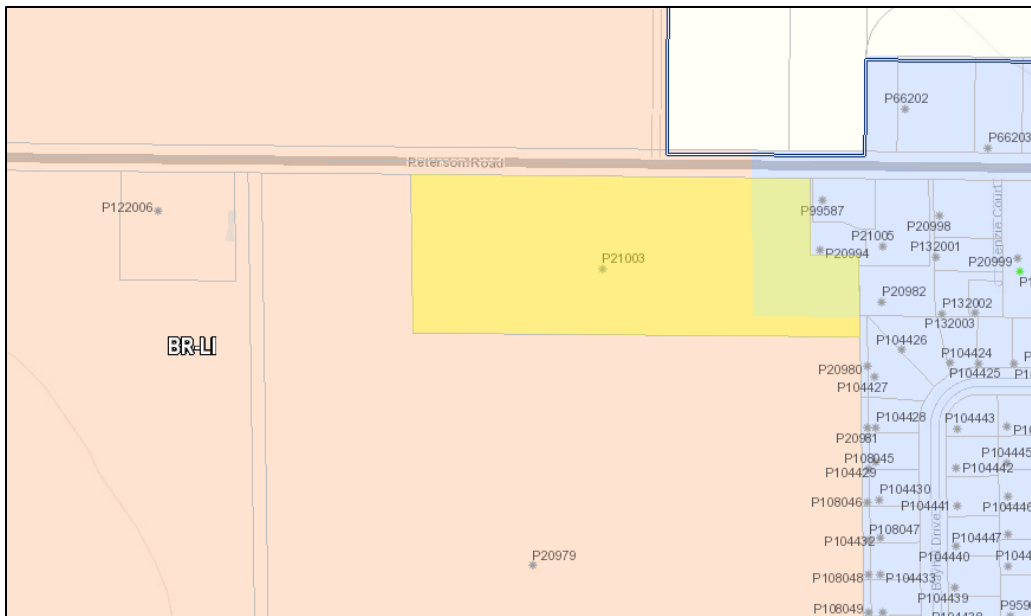


Figure 4 Parcel Map of P21003

## Recommendation

The Department recommends **approval** of this petition.

## History

This is a new petition that has not been docketed in the recent past.

## Analysis

The Bayview Ridge Subarea is a “non-municipal urban growth area” approximately one mile west of Burlington and one-and-one-half miles northwest of Mount Vernon. After first designating Bayview Ridge as an urban growth area in 1997, the County drafted a “subarea plan” – a subset of the County’s Comprehensive Plan for Bayview Ridge. Subarea plans guide the creation of development regulations, which govern the land uses and permit procedures for land development. Skagit County approved the first Bayview Ridge subarea plan in 2004, which went through a significant update in 2013 and 2014.<sup>4</sup>

When urban growth areas (UGAs) are created for incorporated communities (i.e., cities, towns) the zoning allows for more urban development, if capital facilities have the capacity for growth. The purpose of a UGA is to allow for 20 years of buildable land that allows a city to grow, while protecting agricultural and forest resource lands. Non-municipal urban growth areas—like Bayview Ridge—are not adjacent to or affiliated with a city or town. Outside of UGAs, growth can occur only if it is not urban in nature (e.g., rural, natural resource lands, open space). Expansion of existing cities had been constrained due to surrounding resource lands or island geography, which is why in 1997, Skagit County chose Bayview Ridge, which is outside the floodplain, not prime farmland, and not timberland, as a location for additional urban-level densities.

<sup>4</sup> History of the Bayview Ridge Urban Growth Areas

<https://www.skagitcounty.net/Departments/PlanningAndPermit/BayviewRidgeSubareaHistory.htm>

The County planned for new residential development in the Bayview Ridge UGA; however, there were two significant roadblocks. First, the Burlington-Edison School District was already over capacity and would need to build a new school to accommodate for increased growth in the district. There was an extensive search done, but no properties were found which would suit the district's requirements. Second, the Washington State Department of Transportation released new regulations which increased the size of flight path overlay safety zones. The new safety zones meant there were hundreds of acres in the Bayview Ridge, zoned for housing, which were no longer compatible for residential uses.<sup>5</sup>

In 2014, the Port of Skagit formally requested Skagit County amend the Bayview Ridge subarea plan to reflect the new Airport Environs Overlay maps and safety zones.<sup>6</sup> The new subarea plan, adopted in November 2014, changed approximately 110 acres of residential zones to Bayview Ridge-Light Industrial and eliminated the Community Center zone entirely.<sup>7</sup> The areas zoned for Bayview Ridge Residential, and which were already developed, were kept in the residential zone. The acreage between the Bayview Ridge residential neighborhood and the airport was rezoned to Bayview Ridge Light Industrial. In Figure 5, the parcel in question is on the edge of the area previously rezoned for Light Industrial and buffers the residential neighborhood. When the lines were drawn for the new zones, this parcel was mapped with a split zoning designation between light industrial and residential.

Skagit County Code has provisions to include buffer requirements to separate residential use from industrial use. This will protect neighboring properties from the noise and other externalities from industrially zone property. The light industrial buffers for Bayview Ridge light industrial (BR-LI) per SCC 14.16.180 (6)(a) are 35 feet for the front setback. For the side setbacks, per SCC 14.16.180 (6)(a) (ii) "they shall be in conformance with the adopted building code of Skagit County, if adjacent to other commercial/industrial zoning designations, and 50 feet if adjacent to other residential zoning designations. Additional code to protect the separation from land zoned industrial and land zoned residential are: SCC 14.16.180(7) " Buffering between Industrial and Residential Zoned Land: The following measures are intended to minimize impacts from noise, vibration, dust, other industrial impacts, and to maintain privacy and aesthetic compatibility: (a) Loading Areas: Truck loading operations and maneuvering areas may not be located within 250 feet of areas zoned for residential use, unless the loading and maneuvering area is located on the opposite side of a building from a residential zone. (b) Building Height: Building height may not exceed 35 feet for those portions of a building located within 100 feet from a residential zone. (c) Within 250 feet of a residential zone all outdoor lighting must be full cut-off. (d) Within 100 feet of a residential zone, mechanical equipment located on the roof, façade, or

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<sup>5</sup> County shrinks residential zoning for Bayview Ridge, Skagit Valley Herald, June 18, 2014  
[https://www.goskagit.com/all\\_access/county-shrinks-residential-zoning-for-bayview-ridge/article\\_c95a422a-f738-11e3-9a7f-001a4bcf887a.html](https://www.goskagit.com/all_access/county-shrinks-residential-zoning-for-bayview-ridge/article_c95a422a-f738-11e3-9a7f-001a4bcf887a.html)

<sup>6</sup> Port of Skagit Resolution No. 14-01  
<https://www.skagitcounty.net/PlanningAndPermit/Documents/BayviewRidgeSubarea/Port%20Resolution%2014-01.pdf>

<sup>7</sup> Skagit County Ordinance O20140005  
<https://www.skagitcounty.net/PlanningAndPermit/Documents/BayviewRidgeSubarea/Ordinance%20Adopting%20CPAs%20BVR%20with%20attachments.pdf>



external portion of a building shall be architecturally screened by incorporating the equipment in the building and/or site design so as not to be visible from adjacent residential zones or public streets.” These code sections demonstrate how careful consideration in zoning has been made to assure that the uses from light industrial are buffered and separated from residential uses.

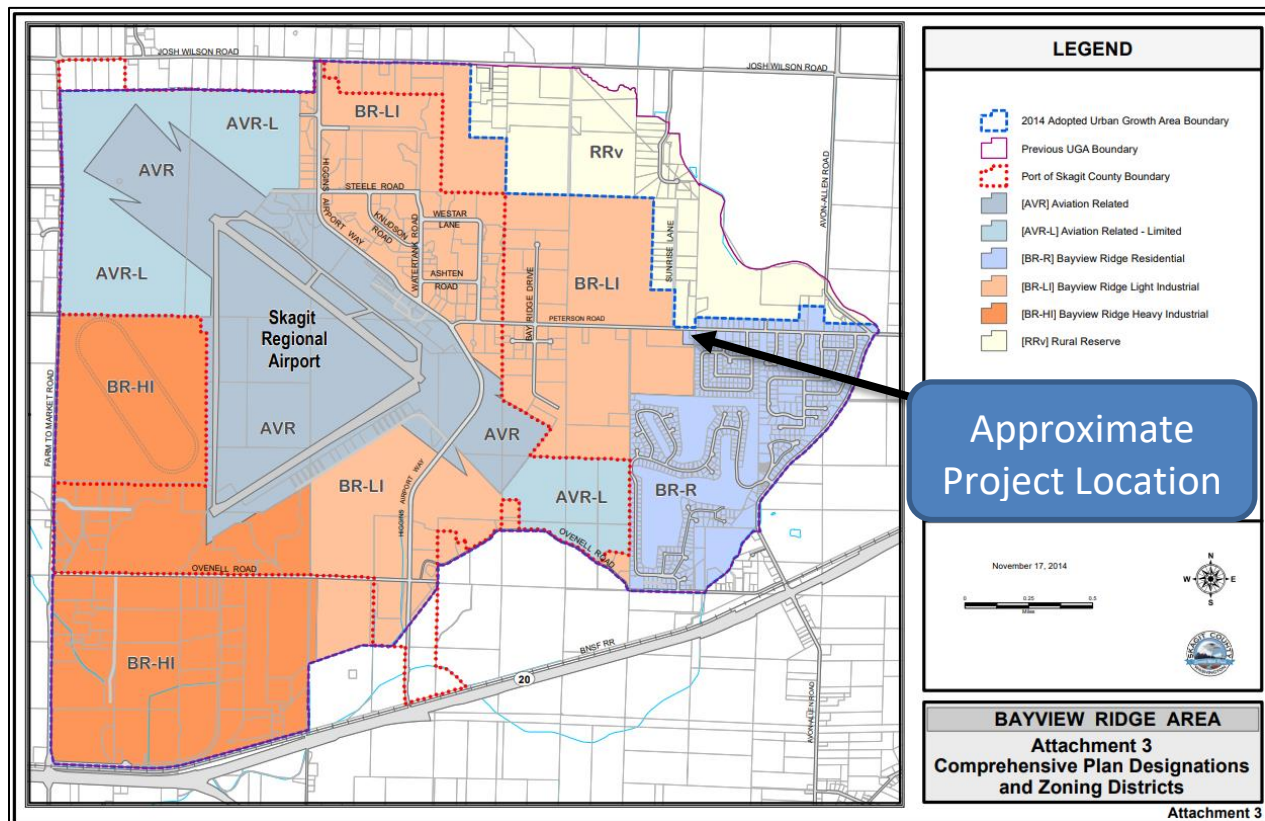


Figure 5 Bayview Ridge Subarea Zoning Designations

### Consistency Review with Skagit County Code 14.08

1. A rezone or amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.

The Bayview Ridge Subarea Plan was updated in 2013 and 2014 to expand the area within the UGA available for industrial development and to remove the UGA lands previously intended for new urban residential development. The plan states, “The Light Industrial (BR-LI zone provides for light manufacturing and related uses, encompasses the majority of the Port of Skagit ownership and additional properties east and south of the airport. This zone is designed for compatibility with the Skagit Regional Airport [...] Where the BR-LI zone abuts residential properties, buffers are required to protect the residential development.”

The property requested for rezone currently has a split zoning designation between Bayview Ridge-Light Industrial and Bayview Ridge-Residential. The rezone request is consistent with the Skagit County Comprehensive Plan and the Bayview Ridge subarea plan because the rezone

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would ensure the entire parcel is suitable for industrial development. The parcel lies within the Airport Environs Overlay (AEO) and the proposed industrial uses would be more appropriate in the AEO and existing development regulations ensure there will be a buffer between industrial activities and the adjacent residential neighborhood.

**2. A change to a rural or natural resource land map designation must also be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.**

The requested rezone from a split BR-LI and BR-R to solely BR-LI would not have an impact on the population forecasts.

**3. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

The proposal is supported by the following goals and policies within the Bayview Ridge Subarea Plan:

**Goal 2A** “Provide for urban development within the Bayview Ridge UGA, which integrates existing and proposed uses, creating a cohesive community.”

**Policy 2A-1.1** “Develop regulations for Bayview Ridge Heavy Industrial and Light Industrial zones that provide areas for industrial development compatible with Skagit Regional Airport and adjacent residential use, and are largely devoid of nuisance factors, hazards, or exception demands on public facilities.”

**Policy 2A-1.2** “Discourage uses that conflict with the continued operation of the Skagit Regional Airport, as identified in the Skagit Regional Airport Master Plan and the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook, through the Airport Environs Overlay (AEO).”

The proposal would encourage the parcel to be used for industrial purposes rather than for residential purposes. This map amendment is consistent with the intent and purpose of the Bayview Ridge Subarea Plan and the operations of the Skagit Regional Airport.

**4. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

The proposal currently does not require an extension or a change in services to the parcel. The Skagit County Capital Facilities Plan would not be impacted by the zoning change.

**5. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act Planning Goals require the County to “encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.”

The proposed rezone is within the Bayview Ridge Urban Growth Area and the parcel is owned by the Port of Skagit. The development is appropriate given its proximity to the Skagit Regional Airport and

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location in the Airport Environs Overlay. The Port of Skagit is prepared to ensure any future development has adequate services and provisions for the new activity.

The proposal is also consistent with Countywide Planning Policy 1.5, “Cities and towns shall encourage development, including greenbelt and open space areas, on existing vacant land and in-fill properties before expanding beyond their present corporate city limits towards urban growth boundaries.”

The Port of Skagit owns this parcel and the rezone will allow the Port to develop the property for industrial uses in an area previously designated for industrial purposes.

**6. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

This proposal does not bear a substantial relationship to the public general health, safety, morals, or welfare.

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## **County-Initiated – Comprehensive Plan or Code**

### **C23-1 Seawater Intrusion Area Well Drilling Requirements**

#### **Summary**

This petition would require county review prior to drilling a well in a sole source aquifer (SSA) area with documented seawater intrusion. Guemes Island is the only area which is currently designated a sole source aquifer (SSA) in Skagit County and has documented issues of seawater intrusion. The Environmental Protection Agency (EPA) is who designates sole source aquifers (SSA). The petition will add language to [SCC 14.24.380\(2\)](#) to require the following information listed in [SCC 14.24.380\(2\)\(a\)](#) to be submitted to the Department prior to drilling any new well in a sole source aquifer:

- A site plan, including:
  - A dedicated inland well site location;
  - Estimated depth of proposed well;
  - An estimated land elevation of the well, except that if the well is within 250 feet of the shoreline, or if determined a hydrogeologist engaged or employed by the County, the elevation of the well must be surveyed by a licensed surveyor; and
  - Depth and chloride levels of surrounding wells;
- A drilling plan; and
- Payment of applicable fees.

#### **History**

There have been two previous citizen-initiated petitions regarding well drilling in seawater intrusion areas. A similar petition was docketed in 2018 as P-2 Guemes Island Wells. The 2018 petition intent was to ensure that new wells do not undermine the senior water rights of the existing wells on Guemes Island. The petitioners specifically requested three changes:

1. Require the county to review and approve of all new wells prior to drilling, not just new wells that are linked to a development permit;
2. Require assessment of hydrogeological impacts of any new well as part of the review process; and
3. Clarify that rainwater catchment can be permitted on Guemes Island without first drilling a well to prove that using a well is not feasible.

The Planning Commission recommended P-2 be denied in part due to questions of authority over well drilling.

A second petition was submitted in 2021 to amend Skagit County health code to implement a seawater intrusion protection monitoring system on Guemes Island. When considering a new well in a sole source aquifer, the new regulations would require the county health department to determine if the proposed well would be likely to have chlorides higher than 100 ppm, or to cause chlorides higher than 100 ppm on the aquifer and/or neighboring wells. If the county determines the well would meet the 100-ppm threshold, the request for a new well would be denied. The petitioner modeled the suggested code amendments after Island County Code 8.09.099 Seawater Intrusion Protection. The 2021 petition was not docketed by the Board of County Commissioners because the petition requested to amend Skagit County health code which is not permitted through the docketing process. Only changes to development code and the Comprehensive Plan may be approved through the docketing process.

### **Recommendation**

The Department recommends **approval** of this petition.

### **Analysis**

Guemes Island has documented seawater intrusion on its wells for decades. The island is a sole source aquifer (SSA) which makes it crucial to protect the water source for Guemes residents, as there are no other options for potable water on the island. A sole source aquifer designation is made by the Environmental Protection Agency (EPA). The EPA defines a sole source aquifer (SSA) as “an aquifer that supplies at least 50 percent of the drinking water for its service area; and that has no reasonably available drinking water sources, should the aquifer become contaminated.”<sup>8</sup> The EPA’s authority to designate aquifers as sole source is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et. Seq), which states: “If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination to the Federal Register.”

Skagit County Code [14.24.380\(2\)\(a\)](#) regarding seawater intrusion areas currently requires “an application proposing use of a well” to be “submitted for review prior to drilling any new well.” Currently, these requirements are only applicable when a development application is submitted which includes the use of a well on site. As a result, a well can be drilled without any county review if it is not associated with a development permit.

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<sup>8</sup> [https://www.epa.gov/dwssa/overview-drinking-water-sole-source-aquifer-program#What\\_Is\\_SSA](https://www.epa.gov/dwssa/overview-drinking-water-sole-source-aquifer-program#What_Is_SSA)

RCW 18.104.043 requires a property owner or the owner’s agent to notify the Washington Department of Ecology (Ecology) of their intent to begin well construction, reconstruction, or decommissioning procedures at least 72 hours prior to commencing work. At this time, Ecology does not share this information with the County directly prior to the well permit being approved or denied. Therefore, the rationale for this docket item is to assure notification to the County of any new well drilled at the same time that the Department of Ecology is notified. Given that this is a sole source aquifer (SSA) this notification assures that proper data and monitoring is done with whatever wells are drilled whether or not they are separate from development.

The new proposed language would now require any applicant who wishes to drill a well in a sole source aquifer to submit an application regardless of a development proposal. Previously, Skagit County has not regulated well drilling prior to development because the impact on the aquifer generally occurs with the use of the water; however, with seawater intrusion the siting, depth, and the other information required for the drilling of a well is necessary to protect against the well negatively affecting the aquifer. The Growth Management Act requires counties to protect critical areas and sole source aquifers. The new code language would require applicants to work with staff prior to the well being drilled to ensure the well incurs the least amount of impact on the aquifer.

### **Consistency Review with Skagit County Code 14.08**

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

The proposal is consistent with the following Comprehensive Plan goals and policies:

**Goal 5A** “Protect aquifer recharge areas, and well-head areas, ground and surface water quality and quantity for supplying all needs within Skagit County, including potable water for human use.”

**Policy 5A-5.1** “Critical Areas shall be designation and protected to prevent their continued loss and degradation. Furthermore, priority shall be given to the avoidance of impacts to Critical Areas, followed by the minimization of impacts and full mitigation respectively.”

**Policy 5A-1.3(b)** “Aquifer recharge areas shall be classified based on their vulnerability, susceptibility to contamination, and potable water quality and quantity.

(b) Aquifer Recharge Areas

(i) Water resources shall be protected using natural systems and non-structural methods wherever possible.

(ii) Ground Water Management Areas (according to WAC 173-100) Wellhead Protection Areas and Significant Use Zones shall be established to further protect the quality and quantity of ground and surface water.

(iii) Skagit County will review and update its Saltwater Intrusion Policy for the islands and those coastal areas of the mainland where seawater intrusion has been documented.

(iv) Skagit County will update the county code to address instream flow, mandated sewage code changes and water code changes. Aquifer recharge areas will be evaluated and protected under the revisions to the Critical Areas Ordinance.

(v) Consistent with State law (RCW 19.27.097), Skagit County will not issue a permit for a building requiring potable water unless the applicant can demonstrate they have a legal and adequate source of water and the source meets drinking water standards.”

**Policy 5A-5.2** “Land uses that are incompatible with critical areas shall be discouraged.”

The petition would require additional materials from the applicant prior to a well being drilled in a sole source aquifer with documented seawater intrusion issues. This new requirement will help the County protect areas with vulnerable water resources and ensure current and future residents in these areas will have access to potable water.

**2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

This proposal will not have an impact on the Capital Facilities Plan or other functional plans.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act Goal 10 requires the County to protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

The proposal is consistent with the following Countywide Planning Policies:

**CPP 10.2** “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

**CPP 10.4** “Wetlands, woodlands, watersheds, and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.”

**CPP 10.6** “Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.”

The proposal is consistent with the Growth Management Act and Countywide Planning Policies as the new regulations would ensure that new development in protected critical areas will not have an impact on current or future residents and ensures good management of groundwater quality.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**



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The proposal will have a positive benefit on the general health, safety, and welfare of the public by providing protections for groundwater quality and sole source aquifers for future drinking water needs.

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## **C23-2 Qualified Professional Definition**

### **Summary**

This petition seeks to update the definition for qualified professional in SCC [14.04](#) as the requirements for a qualified professional are not consistent with surrounding jurisdictions. The updated definition would increase the required number of years of applicable work experience, specify types of work experience qualifies for certain specialties, and aligns the definition for stormwater professionals to match the Skagit County Stormwater Manual.

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

The Department recommends **approval** of this docket item.

### **Analysis**

Qualified professionals provide expertise on several different types of tasks required for land use and building permits in Skagit County. The work performed is highly specialized and technical, requiring an individual to have the necessary qualifications, experience, and education to provide the right expertise for the project. Staff have compared the current definition with surrounding jurisdictions to evaluate the years of experience required in different specialties. The proposed updated definition would raise the overall required experience in critical areas and stormwater management from two to four years, separates the qualifications necessary for watercourses and wildlife habitat conservation areas, and specifies the type of experience needed for qualified professionals providing geotechnical work. The definition for stormwater management qualified professionals will now direct to the Skagit County Stormwater Manual.

Skagit County maintains a list of pre-approved firms and consultants which meet the requirements for a qualified professional. The proposed increase of required experience would not eliminate any consultants on the current list. Qualified professionals are not all required to be licensed by the State of Washington. Professionals which do require a Washington State license have met several experience, testing, and education prerequisites to be licensed; however, Skagit County stipulates the number of years of experience required for two reasons. First, some qualified professionals are not licensed and therefore have not necessarily met the experience needed for work in Skagit County. Second, licensed geo specialists or engineers may not have specific experience in the fields deemed necessary for the type of reports they are completing. The Department requires professionals with experience in specific land use work which may be more specialized than is required for a license in the State of Washington. The Department also sometimes requires work experience in environments which are similar to those in

Skagit County. See Table 2 below for a list of the types of professionals defined under the qualified professional definition and experience needed to be approved for work in Skagit County.

The Department is recommending this change to ensure reports and other work done by qualified professionals is completed by individuals with the necessary qualifications. If reports are submitted with inaccuracies or missing information, the Department must request revisions which slows down the permitting process for the applicant and staff, and potentially leads to additional costs for the applicant by the contracted professional. The proposal to increase the number of years of experience from two to four years is based on other jurisdiction requirements and to align Skagit County code with the 2019 Stormwater Management Manual. To receive a professional license or certificate in the State of Washington for engineering or geology, at least four years of professional experience under the supervision of a licensed professional is already required.<sup>9</sup> The change will have the most impact on work done in wetlands, watercourses, and wildlife habitat conservation areas since those professionals are not required to have a Washington state license or certification.

*Table 2 Qualified Professional Requirements in Skagit County*

Type of Work	Type of Professional Required	Washington State License or Certification Required?	Skagit County Experience Required
<b>Wetlands, Watercourses, and Wildlife Habitat Conservation Areas</b>	Wetland, Watercourse, or Wildlife Habitat Conservation Specialist	No	Bachelor’s degree or equivalent in relevant field of work and four years professional experience in comparable ecological systems to Western Washington
<b>Geotechnical Reports and Geotechnical Design Recommendations</b>	Professional Engineering Geologist or Civil Engineer	Washington State license required	Four years of relevant experience in geotechnical engineering and landslide evaluation
<b>Critical Aquifer Recharge Areas</b>	Hydrogeologist, geologist, or professional engineer	Washington State license required	Four years of relevant professional experience analyzing geologic, hydrologic, and groundwater flow systems

<sup>9</sup> <https://brpels.wa.gov/engineers/get-your-engineer-license/get-your-professional-engineer-license-exam-or-comity>

<b>Stormwater Management</b>	Civil engineer, Geotechnical engineer, geologist, engineering geologist, or hydrogeologist	Washington State license required for Skagit County	Four years of relevant experience which meets the 2019 Stormwater Manual requirements
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**Consistency Review with Skagit County Code 14.08**

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

The proposal is consistent with the following goals and policies of the Comprehensive Plan:

**Policy 5A-5.1** “Critical Areas shall be designated and protected to prevent their continued loss and degradation. Furthermore, priority shall be given to the avoidance of impacts to Critical Areas, followed by the minimization of impacts and full mitigation respectively.”

**Policy 5A-5.2** “Land uses that are incompatible with critical areas shall be discouraged.”

**Policy 5A-5.3** “Development allowed in critical areas shall be conducted without risk to lives, and with minimum risk to property, infrastructure, and resources.”

**Policy 5A-5.4** “Impacts to critical areas should be monitored to ensure the long-term success of mitigation measures.”

**Policy 5A-5.5** “Critical areas should be avoided, maintained, restored, acquired, replaced, or enhanced.”

**Policy 5A-5.6** “Continue to implement enforcement procedures to ensure compliance with applicable Skagit County ordinances.”

**Policy 5A-5.8** “All activities that are exempt under the Critical Areas Ordinance (CAO), shall be carried out in ways that cause the least impact on critical areas and their buffers.”

The amendments to the requirements for a qualified professional will ensure Skagit County codes are protecting critical areas and stormwater requirements for development and that they are followed appropriately.

**2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act Goal 10 requires the County to protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

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The proposal is also consistent with the following Countywide Planning Policies:

**CPP 10.1** “Natural resource lands, including aquatic resource areas and critical areas shall be classified and designated, and regulations adopted to assure their long-term conservation. Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated.”

**CPP 10.2** “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

**CPP 10.4** “Wetlands, woodlands, watersheds and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.”

**CPP 10.7** “Development shall be directed away from designated natural resource lands, aquatic resource areas, and critical areas.”

**CPP 10.9** “Septic systems, disposal of dredge spoils and land excavation, filling and clearing activities shall not have an adverse significant effect on Skagit County waters with respect to public health, fisheries, aquifers, water quality, wetlands, wildlife habitat, natural marine ecology and aquatic based resources.”

**CPP 10.11** “When evaluating and conditioning commercial, industrial or residential development, local governments shall consider threatened or endangered wildlife.”

#### **4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

The proposal will have a positive impact on the general health, safety, and welfare of the public by protecting critical areas, endangered species, and ensuring stormwater requirements are met for development.

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## **C23-3 OSRSI Allowed Uses Amendment**

### **Summary**

This petition would amend [SCC14.16.500\(3\)](#) to allow for trails in the Public Open Space of Regional/Statewide Importance (OSRSI) to be an outright permitted use. Currently trails are listed as both permitted outright and as an administrative special use in the OSRSI zone. This is a conflict in the code and should be clarified. Additionally, if there is conflicting code, the applicant is required to adhere to the more restrictive code. Therefore, all trails permitted under [SCC14.16.500\(3\)](#) for OSRSI are only permitted as an administrative special use.

### **History**

A similar petition was docketed in 2019 to allow for trails as an outright permitted use and delete trails as an administrative special use in the code. The Planning Commission amended the petition during deliberations and recommended to the Board to remove trails as an outright permitted use and as an

administrative special use, and establish “Trails, primary, and secondary trailheads as a Hearings Examiner Special Use.”<sup>10</sup> The reasoning for the amendments was to ensure adequate notice is provided to interested parties so they may participate in the review of proposed trails and trailheads.

The Board of County Commissioners remanded the issue back to the Department for further evaluation.<sup>11</sup>

## **Recommendation**

The Department recommends **approval** of this docket item.

## **Analysis**

The OSRSI zone was created to designate certain public open space areas which have recreational, environmental, scenic, cultural, and other open space benefits which extend beyond Skagit County in significance. A few examples of OSRSI areas are Deception Pass State Park, Bayview State Parks, and the Skagit Wildlife Refuge. OSRSI areas are intended to be publicly owned and are managed by federal, state, and local government agencies. The Growth Management Act and the Skagit County Comprehensive Plan requires the preservation of open space and encourages governments to enhance recreational opportunities. Trails are an example of low-impact recreational development which allows residents to enjoy local parks and public open space. The Department is recommending the conflicting code be fixed by removing the requirement for an administrative use permit for trails. Instead it would become that trails are an outright permitted use.

Removing trails as an administrative special use would not eliminate requirements for review and permitting in the OSRSI zone. Applicants will still need to request a standard critical areas review and could be subject to a grading permit depending on the type of work completed for the project. Grading permits can also trigger a State Environmental Protection Act (SEPA) evaluation which would include noticing to nearby property owners and interested parties.

SEPA would be triggered for a grading permit if there are more than 500 cubic yards of fill and grade proposed at the project stage per [SCC 16.12.080\(1\)\(e\)](#). Additionally, if there are wetland impacts or if the trail is in the shoreline or crosses a stream, SEPA would be required. If a shoreline permit is required, that will also have a public notification process.

Some examples of Parks that are zoned OSRI in Skagit County are Deception State Park, North Cascades National Park, Larrabee State Park, Bay View State Park, Hope Island Marine Park, Burrows Island Marine State Park. These parks attract visitors and protect and conserve beautiful unique places. Deception Pass State Park will expand by 78 acres with a partnership between Skagit Land Trust and Washington State Parks and Recreation and Skagit County Parks and Recreation and South Fidalgo community members.<sup>12</sup>

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<sup>10</sup> Skagit County Planning Commission Recorded Motion Regarding the 2019 Docket  
[https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/PC%20Recorded%20Motion\\_2019Docket\\_FinalSigned\\_2020\\_0623.pdf](https://www.skagitcounty.net/PlanningAndPermit/Documents/2019CPA/PC%20Recorded%20Motion_2019Docket_FinalSigned_2020_0623.pdf)

<sup>11</sup> Skagit Board of County Commissioners Ordinance Adopting the 2019 Docket  
<https://www.skagitcounty.net/Common/Documents/LFDocs/COMMISSIONERS000016/00/00/2a/00002aab.pdf>

<sup>12</sup> <https://www.seattletimes.com/life/outdoors/deception-pass-state-park-to-expand-by-78-acres/>

## Consistency Review with Skagit County Code 14.08

### 1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The amendment is consistent with the following goals and policies of the Comprehensive Plan:

**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 of their recreational, environmental, scenic, cultural and other open space benefit extend beyond the local areas to be regional or statewide in significance.”

**Policy 2B-1.3** “Consistent with RCW 26.70A.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.”

The proposed amendment will allow for government agencies owning properties in the Open Space of Regional or Statewide Importance zone to build trails more easily on existing recreational or protected open space. This change would save proposed trails and park projects time and money, which would help make more park and trail projects feasible. These areas have been designated previously for recreation or conservation and the Comprehensive Plan encourages the County to pursue more opportunities for citizens to enjoy open space areas.

### 2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

### 3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

The Growth Management Act Goal 9 requires the County to retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The proposal is also supported by the following Countywide Planning Policies:

**CPP 9.4** “Expansion and enhancement of parks, recreation and scenic areas and viewing points shall be identified, planned for and improved in shorelands, and urban and rural designated areas.”

**CPP 9.7** “The Skagit Wild and Scenic River System (which includes portions of the Sauk, Suiattle, Cascade and Skagit Rivers) is a resource that should be protected, enhanced and utilized for recreation purposes when there are not potential conflicts with the values (fisheries, wildlife and scenic quality) of the river system.”



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**CPP 9.9** “A park and recreation system shall be promoted which is integrated with existing and planned land use patterns.”

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

This proposal would have a positive impact on the general health and welfare of the public by providing additional opportunities for trails in recreational areas.

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## **C23-4 Master Planned Resort Designation**

### **Summary**

This petition would modify SCC [14.16.900\(1\)\(d\)](#) to remove all language referring to Master Planned Resorts. [SCC 14.16.900](#) regulates special use permits. Master Planned Resorts are a Comprehensive Plan map designation, not a use, so it should not be included as a use which requires a special use permit.

### **History**

A similar petition was docketed in 2018 to remove language in [SCC 14.16.900\(1\)\(d\)](#) that refers to a Master Planned Resort as a special use. The petition was deferred by the Department because of changes to the long-range work plan for that year.

### **Recommendation**

The Department recommends **approval** of this docket item.

### **Analysis**

Master Planned Resorts (MPRs) are “self-contained and fully integrated planned unit development(s), in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities.”<sup>13</sup> These developments are built to provide services and amenities for extended stays and take advantage of the area’s recreational opportunities. Examples of these resorts in Washington state are Crystal Mountain, Skamania Lodge, and Sun Mountain Resort. MPRs were added as an allowed designation in the Growth Management Act to ensure localities could allow for development in rural areas where typically growth would not be permitted. For an applicant to develop an MPR in Skagit County, the applicant must submit to the County a map amendment request to change the zoning of the desired location and a draft resort master plan prepared to meet the requirements of [SCC 14.20.060](#).

MPRs are considered a Comprehensive Plan designation and do not require a special use permit. The language in [SCC 14.16.900\(1\)\(d\)](#) is incorrectly written to refer to MPRs as a use which would require a

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<sup>13</sup> RCW 36.70A.360(1)

special use permit and thus be subject to the regulations in SCC 14.16.900(1)(d). Because the current language is incorrect and conflicts with the regulations for MPRs in [SCC 14.20](#), it should be removed.

### **Consistency Review with Skagit County Code 14.08**

#### **1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

The proposal is supported by the following goals and policies of the Comprehensive Plan:

**Goal 3C-8** “Provide for the siting of Master Planned Resorts, consistent with the requirements of the Growth Management Act, in locations that are appropriate from both an economic and environmental perspective.”

**Policy 3C-8.** “Designation of Master Planned Resorts requires amending the Comprehensive Plan and Zoning Maps, prior to, or concurrent with an application for master plan review. The comprehensive plan amendment process should evaluate all the probable significant adverse environmental impacts from the entire proposal, even if the proposal is to be developed in phases, and these impacts shall be considered in determining whether any particular location is suitable for a Master Planned Resort.”

The proposal to amend Skagit County Code to ensure all language refers to Master Planned Resorts as a zoning designation and not an allowed use within a zone is consistent with the language in the referred Comprehensive Plan goal and policy above.

#### **2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

#### **3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act states, “Counties that are required or choose to plan under RCW 36.70A.040 may include existing resorts as master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. An existing resort means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort.” (RCW 36.70A.362)

The GMA allows for the County to designate current or new master planned resorts, if they meet certain requirements, in the Comprehensive Plan. The proposal will ensure development regulation language matches both the Comprehensive Plan and GMA requirements for master planned resorts.

#### **4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

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This proposal does not bear a substantial relationship to the public general health, safety, morals, or welfare.

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## C23-5 Fire Marshal Code Amendment

### Summary

This petition seeks to amend [SCC 14.16.850\(6\)](#) to remove the requirement for foam applicators on fire hoses in a building located outside of a Skagit County fire district. Firefighting foam has been known to have carcinogenic elements and many sources have been recalled due to the hazardous impacts on users and the surrounding environment. Water is now the accepted standard for fire suppression in wildland environments.

### History

This is a new petition that has not been docketed in the recent past.

### Recommendation

The Department recommends **approval** of this docket item.

### Analysis

Nineteen fire districts have jurisdiction over most of unincorporated Skagit County's fire service; however, there are some areas, particularly small islands, where there is no fire district to provide service (See Figure 6 below). Building permits shall not be permitted for residential and/or commercial structures if the applicant is not located within the boundaries of a fire district unless they qualify for an exception. A resident may apply for a building permit outside of a fire district, if they are not zoned Industrial Forest-Natural Resource Lands or on a saltwater island that does not contain land designated Natural Resource Lands or Public Open Space of Statewide/Regional Importance, if they are able to meet several alternative fire protection requirements as determined by the Fire Marshal.

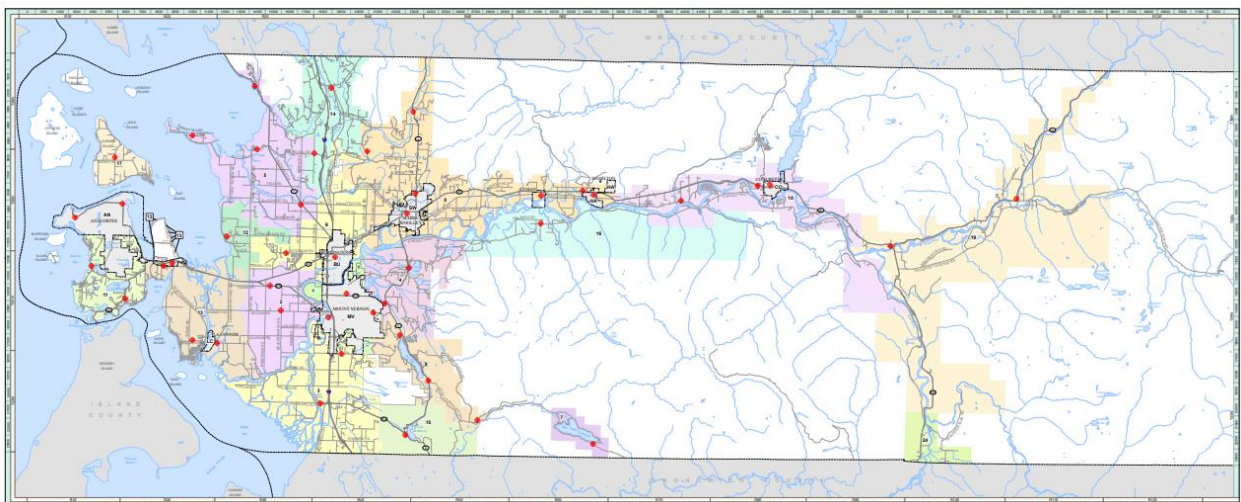


Figure 6 Skagit County Fire District Map

One of the requirements for a building permit in these areas is to have 300 gallons of water on-site, 400 feet of 1-inch fire hose with foam applicator, and an internal combustion engine powered pump, or an equivalent system as approved by the Skagit County Fire Marshal. The Department is requesting to remove the requirement for a foam applicator in these instances for the safety of both the user and the surrounding environment. The U.S. Fire Administration has issued a warning about firefighting aqueous film forming foam (AFFF) solutions, which can include two per- and polyfluoroalkyl substances (PFAS) compounds, perfluorooctane acid (PFOA) and perfluorooctanesulfonic acid (PFOS). These compounds can accumulate and stay in the human body for long periods of time and long-term exposure to PFAS/PFOA/PFOS can have negative health effects like a risk of thyroid disease and certain types of cancers.<sup>14</sup> The National Fire Protection Association (NFPA) has also started a project to develop a strategy to transition the fire service from the use of fluorinated foam to fluorine-free foam technology.

Residents required to use firefighting foam under the current regulations are not trained on how to handle firefighting materials and the foam types are often recalled and will expire. The Department recommends the standard for Skagit County residents in these areas to use only water for firefighting rather than subjecting residents without training to dangerous materials.

### **Consistency Review with Skagit County Code 14.08**

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

The proposal is consistent with the following goals and policies of the Comprehensive Plan:

**Policy 9A-8.2** “Water supply infrastructure expansion shall be designed to meet local needs and urban or rural levels or service standards and comply with this Comprehensive Plan’s land use densities.”

**Policy 10A-1.4** “Rural water service provided by individual wells, community systems, or extensions of urban water systems shall be designed to meet the rural water supply needs of the rural area users consistent with the Skagit County Comprehensive Plan and the Coordinated Water System Plan for rural domestic water supply and fire protection [...] Facilities must maintain a WSRB public protection classification No. 8 or better, and fire flow in accordance with the CWSP Section 4, Minimum Design Standards.”

**Goal 5A-5** “Skagit County shall, protect and conserve critical areas in cooperation with federal, state, local, and tribal jurisdictions.”

The Comprehensive Plan requires the County and rural residents to plan for minimum levels of water resources to ensure there is appropriate fire suppression available in areas without a fire district available. The proposed amendment will not remove or reduce the requirements for water resources

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<sup>14</sup> February 11, 2020, The Hidden Dangers in Firefighting Foam <https://www.usfa.fema.gov/blog/cb-021120.html#:~:text=Certain%20PFAS%20can%20accumulate%20and,testicular%2C%20kidney%20and%20bladder%20cancers>

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for rural residential development but will ensure the fire suppression methods will not have a detrimental impact on the homeowner and the surrounding environment.

**2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

The proposal will not have an impact on the Capital Facilities Plan or other functional plans. This amendment only impacts developments which occur outside of a Skagit County fire district and the property owner is required to provide their own fire suppression facilities.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act Goal 10 requires the County to protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

The proposal is also consistent with the following Countywide Planning Policies:

**CPP 10.2** “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

**CPP 10.6** “Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.”

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

The proposal to remove potentially hazardous fire suppression materials will have a positive impact on the general health and safety of the public.

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## **C23-6 Temporary Manufactured Homes Title Notice Requirement**

### **Summary**

This petition would amend the code to require applicants for temporary manufactured homes to submit a title notice to the County. [SCC 14.16.900](#) details the regulations for special use permits. A special use permit is required to install a temporary manufacture home. Currently, only documentation of the need for nearby care by a doctor and/or physician is required for the special use permit application. The petition would add a title notice that the property has documentation which states the temporary manufactured home must be removed when there is no longer a need for nearby care.

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

The Department recommends **approval** of this docket item.

## Analysis

Temporary manufactured homes are permitted in certain zones with a special use permit ([SCC 14.16.900\(2\)](#)). The extra dwelling unit can be used to accommodate the housing needs of disabled or elderly family members or to accommodate agricultural workers and their families employed on the premises. For an elderly or disabled family member, documentation of the need for nearby care by a doctor and/or physician is required for the special use permit application. For agricultural workers the property must meet the definition of farmland in RCW 84.34.020, demonstrate compliance with the temporary worker standards in Washington state law, and documentation that the nature of the employee's work requires said employee to be immediately available to the job site.

[SCC 14.04](#) states temporary manufactured homes must be removed from the property when the family member or farm employee is no longer using the manufactured homes. The Department has encountered numerous properties with temporary manufactured homes which were not removed when the use was completed. This has led to new homeowners continuing to utilize the manufactured homes for personal use or as additional rental properties. The intent of requiring a title notice for new temporary manufactured homes is to ensure that when the property is sold to a new owner, they are aware the manufactured home needs to be removed and cannot be used for other purposes. If the property owner does not already have an accessory dwelling unit, they may apply for a permit to make the mobile home permanent through this permitting process. However, the code provision for these mobile homes are temporary, and therefore the title process should reflect that.

### Consistency Review with Skagit County Code 14.08

#### 1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The proposal is supported by the following goals and policies of the Comprehensive Plan:

**Goal 3A(d)** "Protect the rural landscape, character, and lifestyle by allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values."

**Policy 3A-2.1** "Manage development in rural areas through density requirements that protect and maintain existing rural character, natural resource lands, open space, critical areas, significant cultural resources, and water resources, and that manage traffic volumes."

The Comprehensive Plan requires the County to ensure rural densities are maintained and do not infringe on the rural character of the community. The proposal to require a title notice for all temporary manufactured homes will ensure that the structures are removed when the home is no longer being used in accordance with Skagit County Code.

#### 2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The proposal is supported by the Capital Facilities Plan by ensuring development in the rural area remains rural and does not require additional resources and services from the County.



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**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act Goal 2 requires the County to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

The proposal is also consistent with the following Countywide Planning Policies:

**CPP 2.1** “Contiguous and orderly development and provision of urban services to such development within urban growth boundaries shall be required.”

**CPP 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.”

**CPP 4.6** “Provisions in Comprehensive Plans for the location of residential development shall be made in a manner consistent with protecting natural resource lands, aquatic resources, and critical areas.”

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

This proposal will have a positive impact on the general health and welfare of the public by ensuring the protection of the rural character and reducing sprawl in the unincorporated areas of Skagit County.

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## **C23-7 Flow Sensitive Basin Rules**

### **Summary**

This petition would amend SCC [14.24.350-370](#) to remove language in the Critical Areas Ordinance (CAO) which refers to flow-sensitive basins. The current language refers to limits on groundwater withdrawals in flow-sensitive basins; however, these regulations have been superseded by the Washington State Department of Ecology Skagit River and Stillaguamish River Instream Flow Rules. The CAO now only needs to refer residents to Washington Administrative Code 173-503 and 173-505 for regulations regarding groundwater withdrawal limits.

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

The Department recommends **approval** of this docket item.

### **Analysis**

Ecology implemented the Skagit River Basin Instream Resources Protection Program rule (WAC 173-503) on April 14, 2001, to protect certain river functions and senior water rights. The WAC provided limits on how much groundwater could be pulled from each individual water source in the Skagit and Stillaguamish River basins. The rule was amended in 2006 in response to a lawsuit which stated the rule did not provide adequate water resources for future Skagit County property owners. The current language in Skagit County code refers to the 2006 Skagit Instream Flow rule for groundwater withdrawal limits. This petition would not change any current requirements for water usage in the Skagit and Stillaguamish River basins but would delete code language which is out of date.

### **Consistency Review with Skagit County Code 14.08**

#### **1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

The amendment is consistent with the following goals and policies of the Comprehensive Plan:

**Goal 5A** “Protect aquifer recharge areas, and well-head areas, ground and surface water quality and quantity for supplying all needs within Skagit County, including potable water for human use.”

**Policy 5A-5.1** “Critical Areas shall be designated and protected to prevent their continued loss and degradation. Furthermore, priority shall be given to the avoidance of impacts to Critical Areas, followed by the minimization of impacts and full mitigation respectively.”

**Policy 5A-5.2** “Land uses that are incompatible with critical areas shall be discouraged.”

**Policy 5A-5.3** “Development allowed in critical areas shall be conducted without risk to lives, and with minimum risk to property, infrastructure, and resources.”

**Policy 5A-5.4** “Impacts to critical areas should be monitored to ensure the long-term success of mitigation measures.”

**Policy 5A-5.5** “Critical areas should be avoided, maintained, restored, acquired, replaced, or enhanced.”

The proposed amendment would ensure residents within the Skagit and Stillaguamish River basins are referred to the Washington State Ecology rules for water availability and withdrawal limits. These regulations protect current and future water availability for residents.

#### **2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

The proposal does not have an impact on the Capital Facilities Plan or other functional plans.

#### **3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act Goal 10 requires the County to protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

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The proposal is also consistent with the following Countywide Planning Policies:

CPP 10.1 “Natural resource lands, including aquatic resource areas and critical areas shall be classified and designated, and regulations adopted to assure their long-term conservation. Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated.”

CPP 10.2 “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

CPP 10.4 “Wetlands, woodlands, watersheds and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.”

CPP 10.7 “Development shall be directed away from designated natural resource lands, aquatic resource areas, and critical areas.”

#### 4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

Yes, the proposal has a positive impact on the general health and welfare of the public because it is protecting the availability of water for current and future residents living in the Skagit and Stillaguamish River basins.

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## C23-9 Primitive Campground Definition

### Summary

This petition seeks to update the definition for primitive campgrounds in [SCC 14.04](#) to clarify which amenities may be included in a campground and still be designated as primitive. The new definition limits the number of recreational vehicles permitted on site, pursuant to [SCC 14.16.945](#), and adds language to specify minimal amenities should be shared.

### History

This is a new petition that has not been docketed in the recent past.

### Recommendation

The Department recommends **approval** of this docket item.

### Analysis

Skagit County Code 14.04 defines and regulates campgrounds with three levels of infrastructure:

- **Campground, primitive:** a campground with a minimal level of amenities, including, at a minimum, vault or chemical toilets and garbage service, and which may include running water.

- **Campground, developed:** a campground with a moderate level of amenities, including any of the following: plumbed restrooms, individual campsites or cabins with sewer and water, a dump station, laundry facilities, sports courts, on-site offices, or picnic shelters.
- **Campground, destination:** a campground with a high level of amenities, including the amenities of a developed campground and any of the following: snack bars, small retail shops, restaurants, recreation halls, or other similar activities to serve the campground patrons.

Certain zones allow for different levels of campgrounds to limit impact and ensure compatibility with surrounding land uses. Some zones allow for primitive campgrounds as an allowed use without the need for a special use permit. See chart below for an example of where camping is permitted under current zoning.

**Zoning Designations that permit Camping**

<b>Code Section/Zone</b>	<b>Type of Campground</b>	<b>Use Requirements</b>
14.16.120/Rural Freeway Service	Campground Developed And Campground Primitive	Administrative Special Use
14.16.130/Small Scale Recreation and Tourism	Campground Destination, Campground Developed, Campground Primitive	Outright Permitted
14.16.320/ Rural Reserve	Campground Destination (pre-existing 30 acres or less)	Administrative Special Use
14.16.320/ Rural Reserve	Campground Primitive	Administrative Special Use
14.16.320/ Rural Reserve	Campground Developed	Hearing Examiner
14.16.330 Residential District	Primitive and Developed Campgrounds	Hearing Examiner Special Use
14.16.385 Hamilton Urban Reserve	Campground Primitive as long as there is no conversion of natural resource land and the campground does not interfere with resource management	Permitted Outright
14.16.410/Industrial Forest Natural Resource Lands	Primitive Campgrounds as long as there is not permanent conversion of forest land and the campground does not interfere with resource management	Outright Permitted
14.16.420 Secondary Forest Natural Resource Lands	Campground primitive; provided that there is no permanent conversion of natural resource land and the campground does not interfere with resource management	Outright Permitted
14.16.430/Rural Resource Natural Resource Lands	Campground primitive; as long as there is no conversion of natural resource land and the	Permitted Outright

	campground does not interfere with resource management	
14.16.450 Urban Reserve Public Open Space	Campground primitive	Administrative Special Use
	Campground Developed	Hearing Examiner
14.16.500 OSRSI	Campground primitive; campground developed; campground destination	Administrative Special Use

With the current definition, it is unclear if recreational vehicles can or should be allowed on a primitive campground and the Department would like to ensure amenities are kept minimal for these sites. As the current definition reads, there is potential for landowners to have individual water and other hook ups for each campsite. The intent of the use would be for the campground to have minimal shared amenities to limit the number of utilities used for the activity. The proposed new language would be:

- Campground, primitive: a campground with a minimal level of shared amenities, including vault or chemical toilets and garbage service, and which may include running water; does not include any amenities listed in developed campground or destination campground; and which complies with SCC 14.16.945.

SCC 14.16.945 consists of uses prohibited in Skagit County, including limitations for recreational vehicles. SCC 14.16.945(3) prohibits using a recreational vehicle as a permanent dwelling unit, occupying a recreational vehicle for more than 180 days, maintaining more than one occupied recreational vehicle, and no more than two recreational vehicles on one lot. Requiring residents with a primitive campground to abide by SCC 14.16.945 will ensure campgrounds, which are intended to be low impact, do not include more than two recreational vehicles.

### Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The proposal is consistent with the following goals and policies of the Comprehensive Plan:

**Goal 3A(d)** “Protect the rural landscape, character, and lifestyle by allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values.”

**Goal 5A** “Minimize risk to life, property, infrastructure, and resources caused by disrupting geologically hazardous areas or by locating development in areas subject to naturally hazardous geologic processes.”

**Policy 4D-7** “Recreational Interests: When feasible, access to local recreational activities, such as fishing, boating, hiking, and camping shall be preserved.”

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The proposal will continue to allow for primitive campgrounds in zones which allow the activity; however, the amendment ensures the campgrounds stay the appropriate size and do not have a detrimental effect on the environment.

**2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act Goal 2 requires the County to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. GMA Goal 9 states, “retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities. GMA Goal 10 requires the County to also protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

The proposal is also consistent with the following Countywide Planning Policies:

**CPP 5.2** “Home occupations that do not significantly change or impact neighborhood character shall be permitted.”

**CPP 5.7** “Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural lifestyles.”

**CPP 6.2** “The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety or welfare purpose is served by more restrictive regulation.”

**CPP 10.2** “Land use decisions shall take into account the immediate and long-range cumulative effects of proposed uses on the environment, both on- and off-site.”

**CPP 10.6** “Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.”

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

This proposal will have a positive impact on the general health and welfare of the public by ensuring primitive campgrounds do not include multiple recreational vehicle hook ups and that amenities are shared to reduce the overall impact of the development.

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## C23-10 Countywide Planning Policies Update

### Summary

This petition would amend the Countywide Planning Policies to direct the Board of County Commissioners to disband the Boundary Review Board by June 30, 2025, when the next periodic Comprehensive Plan update is due.

### History

This is a new petition that has not been docketed in the recent past.

### Recommendation

The Department recommends **approval** of this docket item.

### Analysis

Countywide Planning Policies (CPPs) are “a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter.”<sup>15</sup> CPPs are required for counties, in coordination with cities within their boundaries, planning under the Growth Management Act (GMA) to provide policies and guidance on how population growth and investment will be directed within a given county.

Boundary Review Boards (BRB) were established by Washington State to provide local independent review of certain actions proposed by cities, towns, and special purpose districts, most commonly annexations. The Skagit BRB consists of five members, all from Skagit County, appointed by elected officials of the cities, special purpose districts, the county, and the Governor. RCW 36.93.230 permits counties the power to disband boundary review boards when a county and the cities and towns have adopted a comprehensive plan and consistent development regulations pursuant to the provisions of chapter 36.70A RCW.<sup>16</sup>

Goal 12.17 of the Skagit CPPs currently includes language for when the Skagit BRB could be disbanded:

12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal

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<sup>15</sup> RCW 26.70A.210(1) <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.210>

<sup>16</sup> RCW 36.93.230 <https://app.leg.wa.gov/rcw/default.aspx?cite=36.93.230>



agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transference of governance or annexation of the service area consistent with the requirements of applicable RCWs.

The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements and voted in December 2021 to direct the County Commissioners to disband the Skagit BRB and provided the following new language for CPP 12.17:

12.17 Cities and towns are the appropriate purveyors of urban services. In the interest of facilitating the cost effective and orderly provision of urban services, the annexation of urban growth areas shall be encouraged and facilitated. The following policies are intended to promote municipal annexation, discourage urban growth in advance of annexation, and ensure that urban services can be provided in a logical cost-effective manner:

1. On or before June 30, 2025 the Board of County Commissioners shall, as authorized by RCW 36.93.230, take action to disband the Washington State Boundary Review Board for Skagit County. Subsequent to the disbandment of the boundary review board, municipal annexations shall be subject to the following:
  - a. Annexations of land recently included in an urban growth area shall not be final until any appeal periods, or any proceedings associated with the urban growth area change, have lapsed or concluded;
  - b. With the exception of existing non-municipal urban growth areas, Skagit County shall ensure that urban growth does not occur in advance of municipal annexation;
  - c. The area(s) to be annexed shall be contiguous with existing municipal boundaries and shall avoid irregular boundaries by following existing features such as parcel lines or roadways, provided that such boundaries remain consistent with Chapter 36.70A RCW;
  - d. Consistent with Washington state law, the annexation should include consideration of services and applicable infrastructure, as well as providing for the assumption of assets and obligations affected by the transfer of governance within the annexation area(s);
  - e. If a public hearing is required by Washington state law on the proposed annexation, it shall be held at least 60 days prior to the effective date of the annexation. Notice of the hearing shall be provided to Skagit County and any affected special purpose districts; and
  - f. Annexations shall be consistent with the Skagit County Countywide Planning Policies.

The 2002 Framework Agreement includes guidance for how draft CPPs are to be referred to member jurisdictions for public comment and input by cities and county commissioners. SCOG circulated the draft language for feedback prior to the December 2021 meeting. GMASC is the recommending authority to the Skagit Board of County Commissioners and then the County Commissioners may take one of two actions on any CPP recommendation from the GMASC:

1. Adopt any new CPP or CPP amendment proposed by the GMASC, but not change the proposed CPP or CPP amendment in any manner whatsoever; or
2. Decline to adopt any new CPP or CPP amendment proposed by the GMASC.

**Consistency Review with Skagit County Code 14.08**

**1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?**

The Comprehensive Plan states, “All of the goals, objectives and policies of the Comprehensive Plan are based on theses community vision statements and are an expansion of the Countywide Planning Policies and State GMA goals.”

**Goal 2A** “Guide most future development into concentrated urban growth areas where adequate public facilities, utilities, and services can be provided consistent with the Countywide Planning Policies.”

**Policy 2A-1.2** “Proposals for Urban Growth Area expansions shall be evaluated for their consistency with the Urban Growth Area Modification Criteria developed and approved by the Growth Management Act Steering Committee. These criteria address issues including: land capacity analysis; ability to provide urban services; impacts on critical areas, natural resource lands, and hazard areas; and compliance with related Countywide Planning Policies. Urban Growth Area expansion proposals shall demonstrate that expansion is necessary within the 20-year planning period, that public facilities and services can be provided concurrent with development, and that reasonable efforts have been made to encourage infill and redevelopment within existing Urban Growth Area boundaries before those boundaries can be expanded.”

The Comprehensive Plan is based on the goals of the Countywide Planning Policies so the amendment is consistent with all of the goals and vision statements of the Comprehensive Plan.

**2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?**

The amendment to the Countywide Planning Policies will not have an impact on the Capital Facilities Plan or other functional plans.

**3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?**

The Growth Management Act Goal 1 requires the County to encourage development in areas where adequate public facilities and services exist or can be provided in an efficient manner.

**CPP Goal 12.17** currently includes language for when the Skagit BRB could be disbanded:

“The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and

services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transformance of governance or annexation of the service area consistent with the requirements of applicable RCWs.”

The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements.

**4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?**

The proposal does not bear a substantial relationship to the public general health, safety, morals, or welfare.

## C23-11 General Code Language Clean Up

### Summary

The Department updated the Skagit County stormwater, land disturbance, and wireless facilities code in 2022. After the approved new code language was implemented, staff found several inconsistencies which need to be fixed. Below is a table with updated code language.

Project	Code Section	New Language		
Ordinance O20220003	SCC 14.16.340(c)(i)(A)	<b>Front Setback</b>	<b>House</b>	<b>Garage</b>
		Road classes 09 and 19 (local neighborhood streets)	20	25
		Roads other than classes 09 <u>and 19</u>	35	40
Ordinance O20220006	SCC 14.22.020(3)(a)	(3) Exemptions. The following activities are exempt from the requirements of this Chapter: (a) Except as provided in Subsections (3)(b) and (3)(c) of this Section, cumulative land disturbing activity, over a five-year period, totaling: (i) Less than 7,000 square feet within the NPDES permit area; and		

		(ii) <del>Less than 14,000</del> <del>Fourteen thousand</del> square feet outside the NPDES permit area cumulatively.
	SCC 14.32.060(2)(a)(i)	(2) Modified Minimum Requirements for Residential Projects Wholly Outside of the NPDES Permit Area. (a) Minimum Requirement No. 1, Stormwater Site Plan. (i) The infiltration test for the stormwater site plan <u>may</u> be performed consistent with the simplified procedure provided by the Department.
	SCC 14.32.060(2)(e)(iii)	(2) Modified Minimum Requirements for Residential Projects Wholly Outside of the NPDES Permit Area. (e) Minimum Requirement No. 5, On Site Stormwater Management. (iii) Geotechnical Analysis. A geotechnical analysis <u>must be required</u> when: (A) Grading or the construction of retention facilities, detention facilities, or other stormwater and drainage facilities is proposed within 200 feet of slopes steeper than 15 percent; or (B) The Administrative Official deems that the proposed construction poses a potential hazard due to its proximity to a geologically hazardous area or Category I aquifer recharge area.
<b>Ord. O20220012</b>	14.16.100(3)(g) and (5)(c)(i), 14.16.110(3)(e) and (5)(c)(i), 14.16.120(3)(i) and (5)(c)(i), 14.16.130(5)(f) and (6)(c)(i), 14.16.140(5)(d) and (6)(d)(i), 14.06.100, 14.06.210, 14.16.150 through 14.16.200, 14.16.300 through 14.16.340, 14.16.370, 14.16.385, 14.16.400 through 14.16.430, 14.16.450, 14.16.500,	Strike reference to “personal wireless service towers” and “personal wireless services” and replace with “wireless facilities” and “wireless facility services”

	14.16.810, 14.16.850 and 14.18.00.	
	14.04.020	Strike definitions for personal wireless facilities services and personal wireless service facilities

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

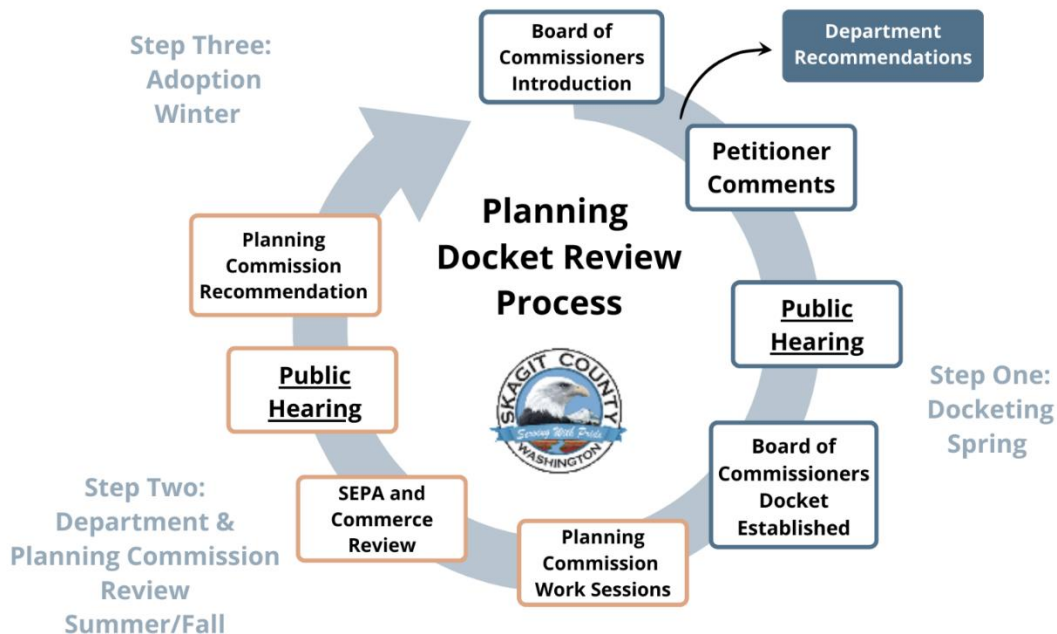
The Department recommends **approval** of this docket item.

## Next Steps

There will be an opportunity to hear from the petitioners and the public regarding the items in this staff report following work sessions with the Planning Commission. See the tentative schedule below for more information or go to the link below for more information on the work session on the docket.

<https://www.skagitcounty.net/Departments/PlanningCommission/PCminutes.htm>

Date	Hearing Body	Meeting Type	
<b>September 12, 2023</b>	Planning Commission	Work Session	Present Staff Recommendations for the Docket
<b>October 24, 2023</b>	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
<b>November 14, 2023</b>	Planning Commission	Review of Comments	Staff presents public comments on the proposals
<b>December 12, 2023</b>	Planning Commission	Deliberations	Recorded motion with recommendations to the BoCC.
<b>January 2024</b>	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.



2023 Petitions and Supporting Documents can be found at:

[www.skagitcounty.net/2023CPA](http://www.skagitcounty.net/2023CPA)

## How to Comment

The public may submit written comments via email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) (preferred) or via US mail. All paper comments must be submitted on 8½" x 11" paper to the address below:

Skagit County Planning & Development Services  
re: Comments "Skagit County's 2023 Docket of Proposed Policy, Code, and Map  
Amendments"  
1800 Continental Place  
Mount Vernon, WA 98273

All comments must be received by **October 26, 2023, at 4:30 p.m.** and include (1) your full name, (2) your mailing address. Comments not meeting these requirements will not be considered.

You may also provide verbal comments at the Public Hearing. The public hearing is scheduled for **October 24, 2023, at 6:00 p.m.** in the Skagit County Commissioners Hearing Room at 1800 Continental Place, Mount Vernon, WA 98273.

If you wish to provide testimony via the online meeting option, please send an email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us), with your name, phone number, and include a request to be added to the speakers list in the body of the email. All requests must be received 24 hours prior to the public hearing date. Public hearing testimony is usually limited to three minutes, so written comments are preferred.

**Attachment 1** - Amendments to Skagit County Comprehensive Plan and Development Regulations  
(Published under a separate cover)