



Planning & Development Services

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Memorandum: 2023 Planning Docket

To: Board of County Commissioners
From: Jenn Rogers, Long Range Planner
Date: March 23, 2023
Re: Proposed Annual Comprehensive Plan Amendments, 2023 Docket

Background

The Growth Management Act (GMA) provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”¹ 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.

The County also accepts suggestions for development regulation amendments. An analysis for each map and text proposal describes how each proposed amendment is either consistent or inconsistent with the annual amendment review criteria, and maps are included for each proposed zoning amendment.

The remainder of this memo describes the docketing criteria and process and briefly summarizes the amendment proposals.

Process Summary

SCC Chapter 14.08 provides the following criteria for analyzing petitions:

- Petitions for amendments are accepted until the last business day of July of each year.
- The Department analyzes the petitions against the docketing criteria in SCC 14.08.030 and issues a recommendation to the Board.
- The Board holds a public hearing to allow applicants and the public to comment on the recommendation.

¹ RCW 36.70A.130(1)(a).

- The Board decides which petitions to include in the docket at a subsequent meeting. The Board has three options with respect to any proposal:
 - include a proposal for docketing
 - defer the proposal until the next annual amendment cycle
 - exclude the proposal without prejudice

The Board’s decision to include a proposed amendment in the docket is procedural and does not constitute a decision as to whether the amendment will ultimately be approved.

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

Timeline of the Yearly Docketing Process.

Date	Hearing Body	Meeting Type	Actions
Spring 2023	BoCC	Public Hearing	Accept testimony on which proposals merit inclusion in the Docket.
Spring 2023	BoCC	Deliberations	Docket established via Resolution.
Summer 2023	Planning Commission	Workshop(s)	Discussion of upcoming Docket public hearing.
Summer 2023	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
Fall 2023	Planning Commission	Deliberations	Recorded motion with recommendations to the BoCC.
Fall 2023	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.

Table 1 Summarizes the review process with approximate dates 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.

Department Docketing Criteria

SCC 14.08.030 requires the Department to make a recommendation to the Board as to which of the petitions the Department should be included in the docket. The Department must consider each of the following factors (“the docketing criteria”) in making its recommendation:

- (a) The petition complies with the filing requirements;
- (b) The proposed amendment, in light of all proposed amendments being considered for inclusion in the year’s docket, can be reasonably reviewed within the staffing and operational budget allocated to the Department by the Board;
- (c) A proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the petitioner’s application, and is consistent with other goals, objectives and policies adopted by the Board;
- (d) A proposed amendment raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of a regular review cycle;
- (e) Some legal or procedural flaw of the proposal would prevent its legal implementation;
- (f) The proposal lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable Comprehensive Plan designation criteria. This does not preclude the Department from asking for additional information at a later date.

2023 Petitions and Department Recommendations

Skagit County received the following timely petitions and suggestions to amend the Comprehensive Plan or development regulations. The full text of each petition is available on the 2023 docket [webpage](#).

Proposal Naming Convention

The proposals are organized and identified as described below, depending on whether they are policy, code or map amendments submitted by members of the public, or were initiated by the County:

LR##-##: Proposal submitted by a member of the public or property owner for an amendment to Comprehensive Plan policies, development regulations, or a map amendment.

C##-#: Proposal initiated by the County to amend the Comprehensive Plan policies, map, or development regulations.

Citizen Petition Summary

The public has submitted five timely petitions for consideration in this year’s docket. Two petitions deferred from previous docket cycles have also been added for consideration.

Table 1. Citizen Petitions for the 2023 Docket

Number	Title	Description	Petitioner
Rezoning/Map Amendments			
LR23-01	Dunlap Rural Reserve Rezone	Rezone 21 acres from Ag-NRL to Rural Reserve to allow for additional residential units on four parcels.	James Dunlap
LR23-02	Chavda Rural Center Rezone	Rezone one 2.65-acre parcel from Small Scale Business to Rural Center to allow for the applicant to use the parcel for other commercial purposes.	Kesh Chavda
LR23-03	Port of Skagit Bayview Ridge Rezone	Rezone a portion of one parcel, which has a split zoning designation, from Bayview Ridge-Residential to Bayview Ridge-Light Industrial.	Heather Rogerson, Port of Skagit
LR23-04	Cummings Rural Intermediate Rezone	Rezone one 10-acre parcel from Rural Reserve to Rural Intermediate to allow for the applicant to subdivide the lot into two parcels.	Theodore Cummings
Comprehensive Plan/Development Code Amendments			
LR23-05	Rural Business Use Amendment	Amend the Rural Business zone to allow for more diverse commercial uses.	Sarah Bucko
LR20-04	Fully Contained Community Proposal	Amend the Comprehensive Plan-to allow for consideration of fully contained communities.	Skagit Partners, LLC
LR22-02	Fully Contained Communities	Amend the Countywide Planning Policies and Skagit County development regulations to establish a process for consideration and approval of a new fully contained community, consistent with RCW 36.70A.350	Skagit Partners, LLC

Department Amendments Summary

The Department has recommended eleven amendments for consideration in this year’s docket.

Table 3. Department Amendments for the 2023 Docket.

Number	Title	Description	Petitioner
C23-1	Seawater Intrusion Area Well Drilling Requirements	Prior to drilling a well in a seawater intrusion area, applicants must submit an application and supporting materials for review by the Department.	Planning & Development Services
C23-2	Qualified Professional Definition	Update the definition of “Qualified Professional” in SCC 14.04 to ensure consistency with surrounding jurisdictions and competency of consultants for Skagit County.	Planning & Development Services
C23-3	OSRSI Allowed Uses Amendment	Amends SCC 14.16.500(3) to allow trails to be outright permitted in the OSRSI zone, while trailheads are kept as an administrative special use.	Planning & Development Services
C23-4	Master Planned Resort Designation	Amend code language to refer to a Master Planned Resort as a zone designation, not a special use, to remain consistent with the Comprehensive Plan.	Planning & Development Services
C23-5	Fire Marshal Code Amendment	Amend SCC 14.16.850(6) to remove the requirement for a foam applicator for firefighting in a building located outside of a Skagit County fire district.	Planning & Development Services
C23-6	Temporary Manufactured Homes Title Notice Requirement	Require a title notice for temporary manufactured homes.	Planning & Development Services
C23-7	Flow Sensitive Basin Rules	Update and remove flow sensitive basin regulations which have been superseded by the Skagit Instream Flow Rule.	Planning & Development Services
C23-8	Wind Turbine Use Amendment	Remove definition in SCC 14.02 for wind turbine, net metering. Develop definition and regulations for wind turbine use which does not include net metering.	Planning & Development Services
C23-9	Primitive Campground Definition Amendment	Amend the primitive campground definition to clarify which amenities would qualify a site as a primitive campground.	Planning & Development Services
C23-10	Countywide Planning Policies Update	Adopt amended countywide planning policies recommended by the Skagit Council of Governments.	Planning & Development Services
C23-11	General Code Language Clean Up	Amend stormwater and wireless facilities code language to reflect inconsistencies found by code revisers during updates in 2022.	Planning & Development Services