



Comprehensive Plan/Zoning Map Amendment Request

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273
voice 360-416-1320 · inspections 360-416-1330 · www.skagitcounty.net/planning

Per RCW 36.70A.470(2), this form is intended for use by any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to request amendments to the Skagit County Comprehensive Plan/Zoning Map. Please do not combine multiple unrelated map amendments on a single form. This form is for changes to the map; use the Policy or Development Regulation Suggestion form for changes to those regulations.

LR23-04 7/29/2022

Submitted By

Name	<u>Theodore P Cummings</u>	Organization	<u></u>	
Address	<u>11881 Olga Rd</u>	City, State	<u>Anacortes, WA</u>	Zip <u>98221</u>
Email	<u>muddyroad@comcast.net</u>	Phone	<u>206-321-1513</u>	

Request Type

Choose one of the following:

- Site-specific map amendment, as defined in SCC 14.08.020(6), but NOT to a commercial/industrial designation.
- Site-specific map amendment to a commercial/industrial designation per SCC 14.08.020(7)(c)(iii).

Required Submittals

All map amendments and rezones:

- Fees
- Land Use Map
- Lot of Record Certification
- Ownership Certification (if required below)

Commercial-Industrial map amendments and rezones:

- Site Plan
- Commercial/Industrial Phasing Plan; optional, see SCC 14.08.020(7)(c)(iii)

Subject Property

Site Address	<u>11881 Olga Rd</u>	City, State	<u>Anacortes, WA</u>	Zip	<u>98221</u>
Parcel No(s)	<u>P32600</u>	Existing Zone	<u>Rural Reserve</u>		
Acreage	<u>10</u>	Requested Zone	<u>Rural Intermediate</u>		

Property Interest

Are you the owner of the subject property?

- Yes Please attach Ownership Certification
- No Describe your interest in the subject property:

Proposal Description

Please answer the questions that are applicable to your suggestion. You may answer questions on a separate sheet if needed.

1. Describe your proposed amendment.

Please see attached.

2. *Describe the reasons your proposed amendment is needed or important.*

Please see attached.

3. *Describe why existing Comprehensive Plan map designations should not continue to be in effect or why they no longer apply.*

Please see attached.

4. *Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.*

Please see attached.

5. *Describe the impacts anticipated to be caused by the change, including geographic area affected and issues presented.*

Please see attached.

6. *Describe how adopted functional plans and Capital Facilities Plans support the change.*

Please see attached.

7. *Describe any public review of the request that has already occurred.*

Please see attached.

8. *Describe how the map amendment/rezone complies with Comprehensive Plan land use designation criteria in Chapter 2, the Urban, Open Space & Land Use Element; Chapter 3, the Rural Element; or Chapter 4, the Natural Resource Lands Element.*

Please see attached.

9. *Population forecasts and distributions.*

If you are proposing an urban growth area boundary change, describe how it is supported by and dependent on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated natural resource lands, and the presence of critical areas.

If you are proposing a rural areas or natural resource land map designation change, describe how it is supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.

Please see attached.

10. *If you are proposing a natural resource land map designation change, describe how the change is necessary based on one or more of the following:*

- (A) A change in circumstances pertaining to the Comprehensive Plan or public policy.*
- (B) A change in circumstances beyond the control of the landowner pertaining to the subject property.*
- (C) An error in initial designation.*
- (D) New information on natural resource land or critical area status.*

Please see attached.

Notices

Fees. For review that requires more than 80 hours of staff time, the applicant will be billed at the hourly rate as shown on the fee schedule.

Refunds. If an application is not approved for further review under SCC 14.08.030(2), or when an application is withdrawn or returned before such a preliminary decision is made, a refund of not more than 80% may be authorized by the Planning and Development Services Director. Refunds must be requested in writing within 180 days of the date the fee is collected.

SEPA. The SEPA checklist and fee, if required, are due upon request from the Department if the Board of County Commissioners docket this application for further consideration. This application may be considered complete without payment of the SEPA fee.

Docketing. SCC Chapter 14.08 governs the process for docketing of Comprehensive Plan amendments. Docketing is procedural only and does not constitute a decision by the Board of County Commissioners as to whether the amendment will ultimately be approved. Amendments are usually concluded by the end of the year following the request. State law generally prohibits the County from amending its Comprehensive Plan more than once per year.

Submission deadline. A complete application for a map amendment must be received by the last business day of July for docketing. Requests received after that date will not be considered until the following year's docket.

How to Submit. Submit your requests via email (preferred) to pdscomments@co.skagit.wa.us or to Planning & Development Services at the address above.

Proposal Description:**1. Describe your proposed amendment.**

The proposed amendment (“Olga Road proposal” or “proposal”) to the Skagit County Comprehensive Plan (“Comprehensive Plan” or “CP”) is to change the Comprehensive Plan (“CP”) designation of approximately 10 acres of land from Rural Reserve (“RRv”) to Rural Intermediate (“RI”). The subject property (“Property”) is also in a mineral resource overlay zone due to its proximity to properties designated Rural Resource – Natural Resource Lands (“RRc-NRL”). See *Skagit iMap County Zoning*. The zoning change requested here would allow 2.5 of the 10 acres to be used for a second single family residence, leaving the remaining 7.5 acres for the existing single-family residence, not further division. Here, the purpose is to provide an additional lot for the applicant’s son on land owned by the family for decades.

Currently, the Property is surrounded by RI zoned parcels to the west and south. A portion of the eastern property line borders RRc-NRL land, the remainder RRv. The number of lots zoned RI have only increased in this area as County zoning has evolved over the years, consistent with the evolving needs of the greater Anacortes and Skagit County communities. For years, the Property has been home to one single-family residence and granting this rezone would only result in one additional home on the Property. The slight increase in density remains consistent with the County’s approach to zoning in the immediate vicinity. It is also consistent with the purpose of the RI zoning designation—“provide and protect land for residential living in a rural atmosphere.” WCC 14.16.300(1). While the designation would change from RRv to RI, the addition of one home to the 10-acre area is similarly consistent with the purpose of the RRv zone—“to allow for low-density development.” WCC 14.16.320(1).

Protecting the remaining rural areas in Skagit County, especially in areas as unique as Anacortes, is crucial. As a result of this proposal, there will be no impact on the rural, low density, transitional nature of the Property or any of the neighboring parcels. There is no need for added infrastructure or utilities under this proposal. Ultimately, the purpose of the RI zone—to protect and provide for residential living in a rural area—is easily met and the County and local community will see no adverse impact if this proposal is adopted.

2. Describe the reasons your proposed amendment is needed or important.

The proposed amendment for this specific Property will allow for the development of an additional single-family residence on the 10-acre parcel, consistent with the state’s Growth Management Act (“GMA”). The GMA goes further and requires that counties include “a rural element” in their Comprehensive Plans to “provide for a variety of rural densities and uses” and this proposal would do just that—retain the rural element while meeting the goal of a variety of rural densities. CP, p. 72. More parcels have been designated RI over the years for the purpose of promoting a variety of rural densities. Bringing this 10-acre parcel under the RI zone would be consistent with that evolution at the County level and requirements set out by the GMA at the State level.

3. Describe why existing Comprehensive Plan map designations should not continue to be in effect or why they no longer apply.

While the applicant is proposing a change to the zoning designation of his property, the applicant is committed to maintaining the rural area, lifestyle, and community on the Property and in the surrounding neighborhood. The zoning of neighboring parcels—as well as the general character of the developed neighborhood to the west—has changed over the years as the zoning and determinations from the County have become more consistent with the needs of the area.¹ This is precisely why it is the applicant’s position that the RRv zoning should no longer be in effect or apply to the Property; rather, the RI zoning of the neighboring parcels is more appropriate and consistent here.

Because both RRv and RI fall under the greater Rural Area land use designation, the goals, policies, and directives (addressed in more detail below) will continue to be met while balancing the housing needs of the property owner and consistency with the surrounding use and development of neighboring properties. The applicant is the sole owner of the Property stretching back decades, with an invested interest in maintaining the rural nature of the area. The RRv designation no longer provides a realistic or productive use of the Property and therefore its restrictions should no longer apply here.

4. Describe how the amendment complies with the Comprehensive Plan’s community vision statements, goals, objectives, and policy directives.

➤ **Applicable Community vision statements and description of how the Proposal complies with the statements:**

The Proposal not only complies but is consistent with the Community vision statements (CP, pp. 15-17), as detailed specifically below:

Statement: *Preserve the high quality of life*

- **Description:** The Proposal complies with this vision statement and has no impact on the quality of life of residents of Skagit County. The Proposal, rather, allows for the continued protection of Rural Lands and the natural beauty of the County.

Statement: *Strive for government efficiency*

- **Description:** The Proposal complies with this vision statement as it will not increase the burden on government services or impact the government’s ability to provide for the community. The Property has sufficient government services/utilities for the planned use.

Statement: *Support economic opportunities*

¹ Two neighboring parcels, P113247 and P115708, both zoned RRv, have been granted lot certifications for under 10 acres.

- **Description:** N/A. This Proposal does not involve economic considerations to the greater community but it is intended to provide the opportunity for the owner's son to obtain a lot adjacent to his father. The forthcoming home construction will cost in the neighborhood of \$600,000.

Statement: *Increase the housing choices for all residents*

- **Description:** This Proposal complies with this vision statement because it specifically seeks to provide an additional single-family residence in a rural area.

Statement: *Ensure that necessary transportation facilities and services are available to serve development at the time of occupancy and use*

- **Description:** This Proposal complies with this vision statement as all transportation related facilities and services are accounted for and no additional infrastructure will be required under the proposed use of the Property.

Statement: *Balance urban uses and environmental protection*

- **Description:** This Proposal complies with this vision statement as it maintains a balance between the Property and the neighboring parcels. The use will continue to be low density on a larger lot with minimal increased impact on the environment.

Statement: *Protect and retain rural lifestyles*

- **Description:** This Proposal complies with this vision statement due to the mere fact that the proposed zoning is within the Rural Lands land use designation. The Proposal is consistent with maintaining the "unique rural lifestyle for which Skagit County is widely known and cherished."

Statement: *Protect and conserve agricultural, forest, and mineral resource lands*

- **Description:** This Proposal complies with this vision statement as it will have no impact on agricultural, forest, and mineral resource lands. The rural nature of the Property, even with the Proposal, will require the ongoing protection of such neighboring resource lands.

Statement: *Protect and conserve the environmental and ecologically sensitive areas, and preclude development and land uses which are incompatible with critical areas*

- **Description:** This Proposal will not adversely impact any identified critical areas. The Property borders a creek on part of the east property line. Any approved short plat to add an additional lot will require a critical areas assessment and any impacts to the creek will be avoided or mitigated.

Statement: *Respect property rights . . . Planning, land use regulations, and zoning protect individual and community rights in the following ways: by avoiding nuisances through ensuring against incompatible neighboring land uses; by providing predictability that enhances the value of private property; by attaining the widest range of land uses without degradation, risk to health or safety, or*

other undesirable and unintended consequences; and by recognizing that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the protection and enhancement of the environment

- **Description:** This Proposal complies with this vision statement and furthers the goal of protecting both individual and community property rights. The Proposal would ensure a use that is compatible with the neighboring land uses, especially the increased number of RI zoned properties surrounding the Property. The Proposal suggests a use that should be expected in the area and undoubtedly increases the value of the private property. There is no degradation, risk of health or safety, or otherwise undesirable or unintended consequences associated with the Proposal. And, given the limited impact and absence of additional infrastructure necessitated by the Proposal, it does not impact anyone's fundamental and inalienable right to a healthful environment.

Statement: Encourage citizen participation

- **Description:** This Proposal complies with and is considerate of the strong citizen engagement that went into developing the Comprehensive Plan. It represents an example of continued citizen engagement and public participation in the ongoing planning process.

➤ **Applicable Goals, Objectives, and Countywide Planning Policies (CPP) and description of how the Proposal complies with the goals and policies:**

Goals for Rural Area Land Use Designation – Rural Intermediate (RI) (CP, pp. 82)²:

Goal 3C: *Provide for a variety of rural residential land use densities while retaining the rural landscape, character, and lifestyles.*

- **Description:** As explained throughout this narrative, the Proposal seeks to not only comply with but achieve this goal—to *continue* to provide for a variety of rural residential land use densities while retaining the rural landscape, character, and lifestyle of the neighboring properties and greater community. Increasing the density from one to two single-family residences—which is consistent with the majority of neighboring, developed properties—will meet that goal and continue to maintain the rural living aspects of the greater Rural Lands land use designation.

Countywide Planning Policies for Rural Area Land Use Designation (CP, pp. 70-72):

CPP 1.8: *All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban governmental services, except in those limited circumstances shown to be necessary to the satisfaction of both the County and the affected city to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.*

² Note that the Policies that immediately follow Goal 3C (Policy 3C-1.3 and Policy 3C-1.4) are addressed in the response to Question No. 8 below as they provide the designation and density criteria specific to that question.

- **Description:** No additional urban governmental services are necessary; no urban development will be permitted/allowed under the Proposal.

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, and 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.*

- **Description:** Sufficient public services exist; road access exists; no impact on agricultural, timber, mineral lands, critical areas, shorelands, historic landscapes or cultural areas; no issues with drainage or impacts on ground water. The additional lot and homesite will be served by an existing well.

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

- **Description:** The Proposal remains consistent with the goal of protecting neighboring natural resource lands. The Property is currently in Rural Lands and will so remain.

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

- **Description:** One additional home on the 10-acre parcel is consistent with, if not less of an impact, than the surrounding neighborhood, particularly the Pointe neighborhood to the west of the Property, all zoned RI and presently developed. No change or impact will be felt by neighboring properties.

CPP 5.6: *Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and lifestyles.*

- **Description:** The Proposal helps meet a single future housing need and does not adversely affect neighboring natural resource lands nor the lifestyles or expectations of neighboring property owners surrounding the Property.

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

- **Description:** By keeping the Property's zoning within the Rural Lands land use designation, the rural character of the Property and surrounding area will be preserved—minor, low-density development with little to no environmental impact will result.

5. Describe the impacts anticipated to be caused by the change, including geographic area affected and issues presented.

This Proposal is not anticipated to cause any impacts on either the geographic area affected by the change or the issues presented herein. The change in use of the Property will remain consistent with the geographic area and neighboring properties, even more so now that many of the neighboring properties are also zoned RI and most nearby parcels are less than 5 acres. The low-density, rural nature

of the Property and surrounding area will be maintained, not negatively impacted, by the proposed change.

6. Describe how adopted functional plans and Capital Facilities Plans support the change.

Not applicable. Water will be served by an existing well. Natural gas currently runs through the Property and electrical power is supplied to the Property access. Septic system would be installed. No additional utilities will be needed for the intended use of the Property.

7. Describe any public review of the request that has already occurred.

No public review of the Proposal has occurred at this time.

8. Describe how the map amendment/rezone complies with Comprehensive Plan land use designation criteria in Chapter 2, the Urban, Open Space & Land Use Element; Chapter 3, the Rural Element; or Chapter 4, the Natural Resource Lands Element.

Chapter 2: Urban, Open Space and Land Use Element

Not applicable. Chapter 2 addresses the general distribution and location, and the appropriate intensity and density, of Urban and Open Space land uses. This Proposal is specific to the Rural Area land use category, discussed in Chapter 3.

Chapter 3: Rural Element

The Proposal seeks to rezone a 10-acre parcel from RRv to RI, which are both within the Rural Element. Thus, this Proposal necessarily complies with the designation criteria in Chapter 3. The use designation criteria are the same under both RRv and RI. Further, the purpose of the rural area land use designation is to “provide a variety of living environments at lower than urban densities . . .” *Skagit County Comprehensive Plan*, p. 61.

Specifically here, Goal 3C, Policy 3C-1.3 provides the designation and density criteria for the RI designation. The designation applies to “rural areas where the average existing and/or surrounding parcel density is predominantly more than or equal to 1 parcel per 2.5 acres . . .” CP, p. 82. That is the situation here. As mentioned in detail above, most of the neighboring properties are currently zoned and developed under the RI designation—one density per 2.5 acres. The number of such neighboring properties with such a density has increased as zoning has evolved overtime in the County. The approval of this Proposal will not impact sprawl and will continue to maintain a concentration of growth in only urban areas, not rural areas such as the Property. The Proposal, therefore, complies with this designation criteria.

Further, Policy 3C-1.4 identifies that the purpose of the RI designation “is to provide and protect land for residential living in a rural atmosphere...” The Proposal in no way disrupts the rural

atmosphere of the neighboring properties and will continue to provide and protect it moving forward under the RI designation just as it has done under the RRv designation.

Chapter 4: Natural Resource Lands Element

Not applicable. Chapter 4 addresses Natural Resource Lands and the Proposal here is specific to the Rural Area land use category, discussed in Chapter 3.

9. Population Forecasts and Distributions

If you are proposing an urban growth area boundary change, describe how it is supported by and dependent on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designation natural resource lands, and the presence of critical areas.

Not applicable. This Proposal does not include a request for an urban growth area boundary change.

If you are proposing a rural areas or natural resource land map designation change, describe how it is supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.

While this Proposal is for a change within the rural area land designation, it is not dependent on population forecasts nor will it have any measurable effect on the non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.

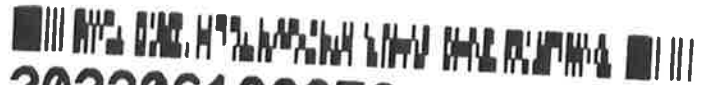
10. If you are proposing a natural resource land map designation change, describe how the change is necessary based on one or more of the following:

a. A change in circumstances pertaining to the Comprehensive Plan or public policy.
Not applicable.

b. A change in circumstances beyond the control of the landowner pertaining to the subject property.
Not applicable.

c. An error in initial designation.
Not applicable.

d. New information on natural resource land or critical area status.
Not applicable. This Proposal does not propose a natural resource land map designation change.



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06/10/2022 01:04 PM Pages: 1 of 2 Fees: \$204.50
Skagit County Auditor

Return Name & Address:

SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES

LOT OF RECORD CERTIFICATION

File Number: PL 22-0016

Applicant Name: Pat Cummings

Property Owner Name: Pat Cummings & Leslie Cummings

Having reviewed the information provided by the applicant, the Department hereby finds that the parcel(s) bearing Skagit County Parcel Number(s):

P#(s): 32600; 350135-3-001-0000; within a Ptn of the SE ¼ of the SW ¼ of Sec. 35, Twp. 35, Rge 1. As a single unit.

Lot Size: approximately 10 acres

1. CONVEYANCE

X **IS**, a Lot of Record as defined in Skagit County Code (SCC) 14.04.020 or owned by an innocent purchaser who has met the requirements described in SCC 14.18.000(9) and RCW 58.17.210 and therefore IS eligible for conveyance.

IS NOT, a Lot of Record as defined in SCC 14.04.020 or owned by an innocent purchaser who has met the requirements described in SCC 14.18.000(9) and RCW 58.17.210 and therefore IS NOT eligible for conveyance or development.

2. DEVELOPMENT

X **IS**, the minimum lot size required for the Rural Reserve zoning district in which the lot is located and therefore IS eligible to be considered for development permits.

IS NOT the minimum lot size required for the _____ zoning district in which the lot is located, does not meet an exemption listed in SCC 14.16.850(4)(c) and therefore IS NOT eligible to be considered for development permits.

Authorized Signature:  Date: 6/10/2022

See attached map for Lot of Record boundaries.

