



Planning & Development Services

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Memorandum: Deliberation 2023 Docket

To: Board of County Commissioners
From: Jenn Rogers, Long Range Planner
Date: May 4, 2023
Re: Deliberation on Petitions for 2023 Docket of Proposed Policy, Code, and Map Amendments

Background

The County Commissioners are in the process of establishing the 2023 Docket of Comprehensive Plan, Map and Code amendments. This memo addresses the Board of County Commissioners potential action at the May 8th meeting and the comments received during the open comment period April 6th – April 27th.

Skagit County received five timely petitions and two deferred petitions from previous dockets to amend the Comprehensive Plan, Comprehensive Plan Map, or development regulations. The Department also received eleven amendments proposed by the County. The Department released these proposals, along with its docketing recommendations for public review and comment on April 6, 2023. The Board held a public hearing on April 24th and took written comments through April 27th at 4:30 pm.

For each proposal, the Department has provided a summary of the proposal, analysis against the docketing criteria, and a recommendation found in the April 6th Staff Report. This staff report, public comments, and full text of each petition is available on the [2023 Docket webpage](https://www.skagitcounty.net/Departments/PlanningAndPermit/2023CPA.htm). (<https://www.skagitcounty.net/Departments/PlanningAndPermit/2023CPA.htm>).

Requested Action

The Board of County Commissioners may choose to take action at the May 8th meeting. It is important to note that a decision to include a proposed amendment in the docket is procedural and does not constitute a decision as to whether the petition will ultimately be approved.

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

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

Items that are **Included** in the docket will move as a group through the legislative process with the intent of completing the docket by the end of 2023. The Board can docket some modified form of the proposal.

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

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

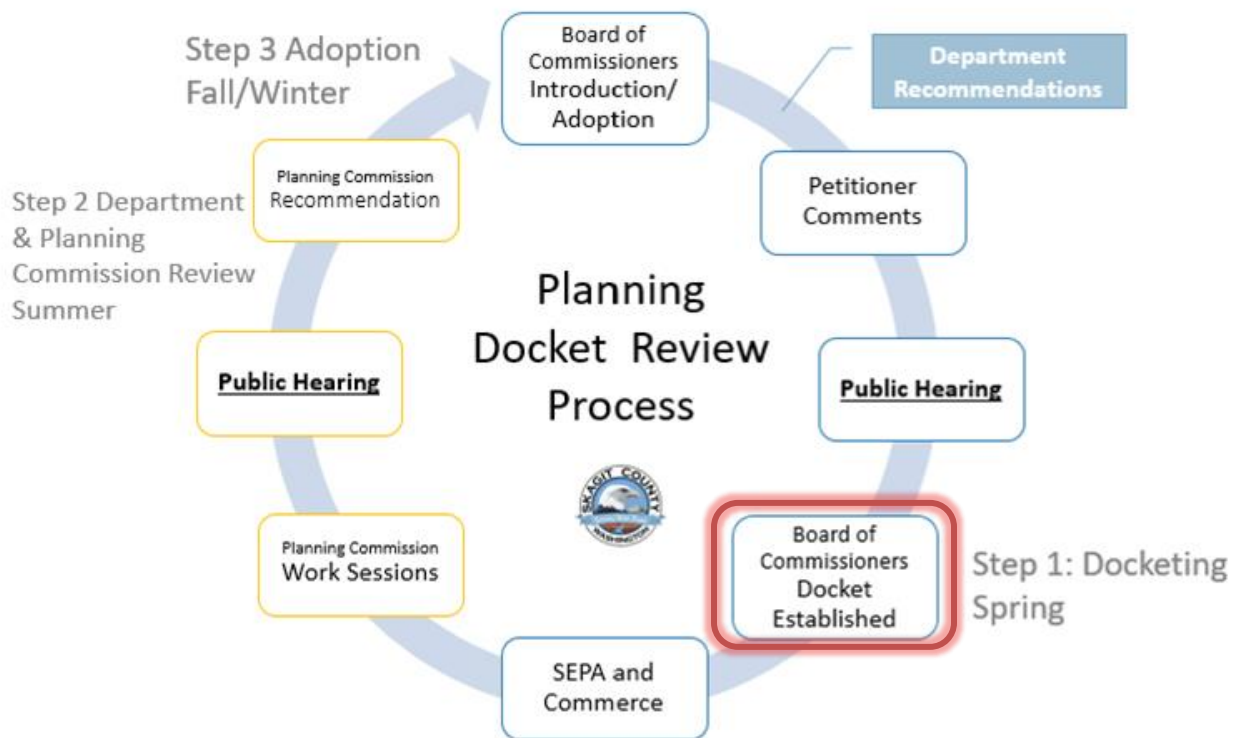


Figure 1: Simplified diagram of the annual docketing process

Petitions and Recommendations Summary

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

Citizen Amendments Summary Table

Number	Title & Petitioner	Description	Department Recommendation (Include, Exclude, or Defer)
Rezoning/Map Amendments			
LR23-01	Dunlap Rural Reserve Rezone (James Dunlap)	Rezone 21 acres from Ag-NRL to Rural Reserve to allow for additional residential units.	Include
LR23-02	Chavda Rural Center Rezone , (Kesh Chavda)	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.	Exclude
LR23-03	Port of Skagit Bayview Ridge Rezone , (Heather Rogerson)	Rezone a portion of one parcel, which has a split zoning designation, from Bayview Ridge-Residential to Bayview Ridge-Light Industrial.	Include
LR23-04	Cummings Rural Intermediate Rezone (Theodore Cummings)	Rezone one 10-acre parcel from Rural Reserve to Rural Intermediate to allow for the applicant to subdivide the lot into two parcels.	Exclude
Comprehensive Plan/Development Code Amendments			
LR23-05	Rural Business Use Amendment , (Sarah Bucko)	Amend the Rural Business zone to allow for more diverse commercial uses.	Exclude
LR20-04	Fully Contained Communities Proposal , Skagit Partners, LLC (Sygitowicz)	Amend the Comprehensive Plan to allow for consideration of fully contained communities.	Exclude
LR22-02	Fully Contained Communities , Skagit Partners, LLC (Sygitowicz)	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	Exclude

County Amendments Summary Table

Number	Title	Description	Department Recommendation (Include, Exclude, or Defer)
C23-1	Seawater Intrusion Area Well Drilling Requirements	Prior to drilling a well in a seawater intrusion area with a sole source aquifer, applicants must submit an application and supporting materials for review by the Department.	Include
C23-2	Qualified Professional Definition	Change the definition of “Qualified Professional” in SCC 14.04 to ensure consistency with surrounding jurisdictions and ensure competency of consultants for Skagit County.	Include
C23-3	OSRSI Allowed Uses Amendment	Amends SCC 14.16.500(3) to allow trails to be a permitted use in the OSRSI zone, while trailheads are kept as an administrative special use.	Include
C23-4	Master Planned Resort Designation	Change code language to refer to a Master Planned Resort as a zone designation, not a special use, to remain consistent with the Comprehensive Plan.	Include
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.	Include
C23-6	Temporary Manufacture Homes Title Notice Requirement	Require a title notice for temporary manufactured homes.	Include
C23-7	Flow Sensitive Basin Rules	Update and remove flow sensitive basin regulations which have been superseded by the Skagit and Stillaguamish Instream Flow Rules.	Include
C23-8	Wind Turbine Use Amendment	Work with Planning commission to create regulations for personal wind energy structures.	Include
C23-9	Primitive Campground Definition Amendment	Amend the primitive campground definition to clarify which amenities would qualify a site as a primitive campground.	Include
C23-10	Countywide Planning Policies Update	Adopt amended countywide planning policies recommended by the GMA Steering Committee.	Include
C23-11	General Code Language Clean Up	Update the stormwater and wireless facilities code language to reflect inconsistencies found by code revisers during the 2022 update.	Include

Citizen Comments Summary

The following section provides the number of comments, written and verbal, as well as the source of the comments and a basic overview. There is no attempt to capture all the comments made in this summary. All timely comments are provided to the Board of County Commissioners and compiled for the public to view. Those comments can be found here: www.skagitcounty.com/2023CPA

LR23-01 Dunlap Rural Reserve Rezone

Comments Summary

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

Friends of Skagit County wrote in opposition to the rezone proposal because the properties were historically used as a farm, and they believe it is unclear if the lots were created legally.

LR23-02 Chavda Rural Center Rezone

Comments Summary

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

The petitioner, Mr. Chavda, provided verbal testimony at the public hearing. Mr. Chavda stated the rezone would allow the petitioners to use the property for a small storage facility and owner operator living quarters. The petitioners would also like to expand the gas station on the adjacent property to allow for farm equipment fuels. Friends of Skagit County wrote this petition should be excluded from the docket because the proposed project does not meet the intent of the GMA in defining rural centers and limiting rural development.

LR23-03 Port of Skagit Bayview Ridge Rezone

Comments Summary

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

The petitioner, Ms. Rogerson, provided verbal testimony at the public hearing. Ms. Rogerson stated the rezone would allow for the property to be ready for future industrial development. The rezone would not be incompatible with neighboring uses and is in compliance with the Airport Environs Overlay zones. Friends of Skagit County wrote in support of this petition being included on the docket.

LR23-04 Cummings Rural Intermediate Rezone

Comments Summary

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

The petitioner, Mr. Cummings, provided verbal testimony at the public hearing. Mr. Cummings argued against the analysis provided by staff in the April 6th staff report, stating that the County does have the authority to expand a LAMIRD boundary and the development expansion would be in line with neighboring uses. The petitioner would like to rezone the property to allow for the parcel to be split and build a second residence. The petitioner stated they are not interested in doing a CaRD and only would like to split the property into two parcels.

Friends of Skagit County wrote in opposition to this petition being included on the docket because the County should not be in the business of facilitating inappropriate development.

LR23-05 Rural Business Use Amendment

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in opposition to this petition being included on the docket because staff and the applicant have not provided information as to how the changes would affect surrounding parcels or other properties zoned Rural Business.

LR20-04 and LR22-02 Fully Contained Communities

Comments Summary

97 - Written Comments: Friends of Skagit County, Indivisible Skagit, Skagit Land Trust, Skagit River System Cooperative, Skagitonians to Preserve Farmland

14 - Hearing testimony

There are a range of concerns voiced in the testimony and comments received. Much of the comments center around the loss of the rural way of life due to increased traffic, increased runoff, water use, insufficient infrastructure, etc. There is concern that this could convert resource land to suburban type development. Community members questioned whether the new community could really be “fully contained” since it would not have adequate commercial, retail, or health services. Comments noted that King and Snohomish Counties have had negative experiences with existing fully contained communities. Comments about the potential for sprawl associated with any fully contained community are included in most statements against docketing this proposal.

Of the 97 written comments, three comments were in support of the proposal and 94 were against docketing the petition. Three citizens at the hearing provided testimony in support of the proposal and the remaining eleven citizens spoke against the proposal.

*All timely comments are provided to the Board of County Commissioners and compiled for all at the Comprehensive Plan Amendments website:
<https://www.skagitcounty.net/2023CPA>*

County-Initiated – Comprehensive Plan or Code

C23-1 Seawater Intrusion Area Well Drilling Requirements

Comments Summary

3 - Written Comments: Guemes Island Planning Advisory Committee (GIPAC), Friends of Skagit County, Skagit Land Trust

1 - Hearing testimony

GIPAC wrote in support of the petition as it will help clarify requirements for pre-inspection of well sites before well drilling on Guemes Island. Skagit Land Trust wrote in support of the petition to increase review of wells in sole source aquifers with seawater intrusion. Friends of Skagit County wrote in opposition to this petition unless the well review requirements are extended across the entire county.

C23-2 Qualified Professional Definition

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in support of the Department's recommendation to docket.

C23-3 OSRSI Allowed Uses Amendment

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote that this petition should be revisited in the future after consultation with DNR, DOE, DOC, private landowners and other agencies whose policies might affect when a trail could be permitted and when there should be an administrative special use permit.

C23-4 Master Planned Resort Designation

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in opposition to this petition because the designation was only meant to solve a single zoning conflict for Clark's Cabins and should not be used across Skagit County.

C23-5 Fire Marshal Code Amendment

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in support of docketing this petition.

C23-6 Temporary Manufactured Homes Title Notice Requirement

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in support of docketing this petition.

C23-7 Flow Sensitive Basin Rules

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in support of docketing this petition.

C23-8 Wind Turbine Use Amendment

Comments Summary

2 - Written Comments: Friends of Skagit County

3 - Hearing testimony

Friends of Skagit County wrote in support of docketing this petition. One comment letter was submitted in opposition to the proposal as they argue wind turbines are harmful to wildlife, are not efficient, and can have negative affects on neighbors. Three citizens provided verbal testimony at the public hearing in opposition to this proposal. The testimony had similar reasoning to the submitted comment letter, but also argued that wind turbines are not true clean energy and there is not sufficient wind in the county to support wind energy systems.

C23-9 Primitive Campground Definition

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in support of docketing this petition and stated that RVs should not be allowed in primitive campgrounds.

C23-10 Countywide Planning Policies Update

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in support of docketing this petition.

C23-11 General Code Language Clean Up

Comments Summary

1 - Written Comments: Friends of Skagit County

0 - Hearing testimony

Friends of Skagit County wrote in support of docketing this petition.

*All timely comments are provided to the Board of County Commissioners and compiled for all at the Comprehensive Plan Amendments website:
<https://www.skagitcounty.net/2023CPA>*
