



# Planning & Development Services

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## Supplemental Staff Report Proposed 2023 Docket Code Changes

To: Skagit County Planning Commissioners  
From: Sarah Ruether, Senior Planner  
Date: November 14, 2023  
Re: Comments Received on 2023 Docket

### Summary

Planning and Development Services (PDS) is providing this staff report in advance of the Planning Commission work session to discuss public comments on the 2023 Docket. This report supplements the September 12, 2023, Staff Report, by providing a summary of the public comments from the formal comment period which ended October 26<sup>th</sup> 4:30 pm. The comment period was from October 5<sup>th</sup> to October 26<sup>th</sup> 4:30pm. Department responses are given to clarify facts and do not address opinions. All comments received during this comment period are listed in an appendix, grouped for each docket item we received comments on.

### Public Notice and Participation

On October 5th, 2023, the Staff Report for the 2023 Docket was published to the County website. Skagit County published and gave notice of the opening of the comment period on the 2023 docket code changes. This included notice of the public hearing and the environmental (SEPA) determination, a determination of non-significance. Notice was published on October 5th, to the Skagit Valley Herald, and on October 5<sup>th</sup> an email was sent to the PDS email distribution list. On October 5<sup>th</sup>, 2023, the SEPA DNS was mailed to the SEPA distribution list and on the same date the notice was posted to the PDS and legal notice webpage. For the two citizen rezone applications: LR23-01 Dunlap Rural Reserve rezone and LR23-03 Bayview Ridge Light Industrial Rezone, notification was mailed to all properties within 300 feet on October 4, 2023.

On October 24, 2023, the Planning Commission held a public hearing on the proposed changes as authorized by Skagit County Code (SCC) 14.08.080. The hearing was attended by seven Planning

Commission members. Two participants gave testimony at the public hearing. A full transcript of the meeting can be found on the [Planning Commission Agenda and Archive page](#)<sup>1</sup>.

Comments on the proposed code changes were sent by email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) and or mailed or delivered as hard copy at the public hearing on October 24th. A total of 23 comments were submitted during the comment period from October 5, 2023, to October 26, 2023, at 4:30. One additional comment was submitted after the comment period. The comments on the 2023 Docket are presented in Attachments 1-5. All of the public comments for this proposal can be found in these attachments. Each attachment includes a table of contents with each comment numbered. The remainder of this report summarizes the comments and provides a department response, if required

Pursuant to SCC 14.08.080(4) and (5), the Planning Commission shall consider public comments and deliberate on any proposed plan, plan amendment, or development regulation. At the completion of its deliberations, the Planning Commission shall vote to recommend adopting, not adopting, or amending the proposed amendments. Recommendations shall be by a recorded motion which shall incorporate findings of fact and the reasons for the recommendations.

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<sup>1</sup> <https://www.skagitcounty.net/Departments/PlanningCommission/PCminutes.htm>



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## Public Comment Summary

*Planning Commission Comment Period: October 5, 2023, to October 26, 2023*

### 2023 Proposed Docket

#### Attachment 1: Comments on LR23-03 Bayview Ridge Light Industrial Rezone

Comments with concerns about LR23-03

- 2– Written Comments
- 0– Hearing Testimony

<u>Issue / Person or Group Commenting</u>	<u>Comment Numbers/Attachment Number</u>	<u>Department Response</u>
<p><b><i>Complete Comments are attached – see Attachment Number</i></b></p> <p><b>Issue:</b> My property, Parcel #20994, will be directly impacted by the development of Parcel 21003. From the diagram included in the notice to property owners dated 10/5/23, it looks as though the development will surround my property on the South and West.</p> <p>In the Community information meeting, held at the Port in April, we were told that Project #1, affecting the West (and South?) side of my property, would be "Environmental Research" businesses. Does this type</p>	<p>Attachment 1 Comment 1</p>	<p><i>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 of industrial property. Light Industrial Buffers for Bayview Ridge per SCC 14.16.180(6)(a) are 35 feet for the front</i></p>

<p>of business fall into the "light industrial" category the Port plans to include or has this been shelved for more 'industrial' businesses? How close to my property will these 'industrial' activities be allowed to come?</p> <p>I'm very concerned about the noise that will be generated by other than "office-type" businesses--the impact of more speeding on Peterson, the possibility of more abandoned buildings (e.g., Amazon, Ashley, etc), and other safety issues when industrial areas grow. I hope the Planning Department and the Port are addressing these issues so as to protect the owners of property in the surrounding areas.</p> <p>Jessica E Broghan, 16482 Peterson Road, Burlington</p>		<p><i>setback. For the side setbacks, per SCC 14.16.180(6)(a)(iii) 50 feet if adjacent to other residential zoning designation; SCC 14.16.180(7) "Buffering between Industrial and Residential Zoned Land –(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 within on the opposite side of a building from a residential zone. (b) Building Height will not exceed 35 feet for those portions of a building located within 100 feet of 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 external portion of the 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.</i></p> <p><i>Noise is regulated under the performance standards per SCC 14.16.840(5)3 Additionally, the increased buffers between residentially zoned property and industrial zoned property are for the purpose of reducing noise for adjacent properties.</i></p>

<p><b>Issue:</b></p> <p>As a property owner on Peterson Road, the rezoning of this parcel would create excessive noise and traffic to an area already disrupted by all the new development at the port. Peterson road has become a thoroughfare of speeding cars, speeding delivery trucks, and more traffic than the road can handle.</p> <p>We built our house in 1986 for its beautiful views and peaceful neighborhood. In the time we have lived here it has grown into an industrial nightmare. Cars do not respect the speed limit at any hour. The follow of traffic at times makes it almost impossible to even leave our house. It is only a matter of time before it becomes a dangerous accident-prone street because of this increased building activity.</p> <p>This project is so close to our house that the additional noise and traffic will destroy any peace we once enjoyed since building our house. I cannot imagine what the people who live right next to this project feel. You are destroying our homes.</p> <p>Industrial parks in a residential area are just begging for criminal activity. Allowing this rezoning to happen will make us feel even less safe than we already do. Our city and county first responder resources are already tapped out with the number of people and businesses that continue to expand our area.</p> <p>This also creates a decrease in our property value, having an industrial park 300 feet from our house. But I can only imagine that our property taxes will not decrease as a result. This is unfair to residents who built here and live here.</p> <p>Our once beautiful Skagit County cannot sustain this continued development. Our resources are maxed, our safety is in jeopardy, our peace disrupted, and this will drive more people away from the valley in</p>	<p>Attachment 1 Comment 2</p>	<p><i>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 of industrial property. Light Industrial Buffers for Bayview Ridge 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)(iii) 50 feet if adjacent to other residential zoning designation; SCC 14.16.180(7) "Buffering between Industrial and Residential Zoned Land –(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 within on the opposite side of a building from a residential zone. (b) Building Height will not exceed 35 feet for those portions of a building located within 100 feet of 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 external portion of the 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.</i></p>
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<p>hopes of escaping this encroachment. We do not need more industry in this valley. We need more safety. We need solutions for the homeless. We need to help our residents and small businesses thrive. This project will have an incredibly negative impact on our community. We urge you to reconsider this rezoning. Think of the community. Think of the beauty of the area we live in. Think about what this will do to first responders and other resources we have.</p> <p>Industry and residential do not belong together. You must find another location. You must preserve what little peace we have left.</p> <p>Jennifer Brown, Burlington, WA</p>		<p><i>Noise is regulated under the performance standards per SCC 14.16.840(5)3</i></p> <p><i>Additionally, the increased buffers between residentially zoned property and industrial zoned property are for the purpose of reducing noise for adjacent properties.</i></p>
		<p><i>The Port of Skagit addressed the comments from both letters in a letter dated October 30, 2023. The entire letter can be viewed in Attachment 2. A summary of the letter is below.</i></p>

## Attachment 2: Port of Skagit Response Letter

The Port of Skagit Responded to the two comment letters received on LR23-03 Bayview Ridge Light Industrial Rezone with a letter dated October 30, 2023. The Port Response letter to these comments is included in Attachment 2. A summary of the Port Response letter is included in the table below.

<b><u>Issue / Person or Group Commenting</u></b>	<b><u>Comment Numbers/Attachment Number</u></b>	<b><u>Department Response</u></b>
<p><b><i>Complete Comments are attached – see Attachment Number</i></b></p> <p>Port Response Letter to Comments on October 30, 2023:</p> <p>If approved, the Port’s request will result in rezoning approximately 1 acre of P21003 from Bayview Ridge Residential to Bayview Ridge Light</p>	<p>Attachment 2</p>	

Industrial, creating consistent zoning with the remaining 124-acres of contiguous Port-owned property. The Port plans to develop P21003 and adjacent existing Light Industrial zoned land as Watershed Business Park. Development over time will occur overtime in multiple phases.

The Port's goal for Watershed Business Park is to create an economically productive business park while ensuring compatibility with neighboring residential, airport and pipeline uses. To address impacts to residential neighbors, the Port is planning:

- A 100-ft separation between residential and new development. County Code requires a 50-ft separation between residential and new commercial/industrial.
- Fencing and a vegetated buffer within the 100-ft separation between residential and new commercial/industrial development to reduce visual and noise impacts and provide a physical barrier between properties.
- Truck traffic from tenants in Watershed Business Park will be required to use Higgins Airport Way
- Widening of Peterson Road adjacent to Port-owned property in order to extend the existing Peterson Road sidewalk.
- New trails throughout Watershed Business Park to eventually connect with the Port's existing 10+ miles existing trail system throughout Bayview Business Park.

On April 27, 2023, the Port hosted a Community Open House to share the vision for the property and discuss early planning. Invitations were sent through a targeted mailing, to reach as many Bayview Ridge and Peterson Road neighbors as possible, and several Port staff and engineers were present to answer questions and clarify information. The attached materials conceptually depicting development areas and the 100-ft buffer were shared at the Open House and are available on the Port's website. One concept shared for Watershed Project 1 shared

<p>at the Open House includes expansion opportunities for value-added agriculture businesses, a growing sector at the Port of Skagit.</p> <p>Bayview Ridge Light Industrial zoning provides opportunity for a variety of different uses ranging from light manufacturing to office space and the Port is taking this into account during planning to reduce impacts to residences.</p> <p>Thriving industrial lands provide a variety of good-paying jobs for local residents and generate tax revenues to support local and state services. By way of example, the Port’s existing Bayview Business Park provides employment for approximately 955 people in 39 diverse businesses in the aerospace, maritime, manufacturing, and value-added agriculture sectors.</p> <p>Heather A Rogerson, Director of Planning</p>		
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**Attachment 3: Comments on C23-1 Seawater Intrusion Area**

- 3 – Written Comments
- 1 – Hearing Testimony

Organizations that commented on this: **Guemes Island Planning Advisory Committee (GIPAC)**

<u>Issue / Person or Group Commenting</u>	<u>Comment</u>	<u>Department Response</u>
<b><i>Complete Comments are attached – see Attachment Number</i></b>	<b><u>Numbers/Attachment Number</u></b>	
<b><u>Issue:</u></b> Commenter does not support the C23-1 Docket for the following reasons. They feel that the requirement would make building parcels	Attachment 3 Comment 1	



<p>worthless as it would put the burden of obtaining information regarding the location, depth, and chloride levels of surrounding wells. The commentor also thinks that the proposal analysis has a false and nonrelevant narrative. They think that the proposal analysis does not justify the cost or impact of requiring an unnecessary study. They note that the sole aquifer source is filled with the 3 billion gallons of rainwater that is filtered through the ground. They think that there is plenty of water that is safe and that there is little risk of seawater intrusion.</p> <p>Mark Madden Anacortes, WA</p>		
<p><b>Issue:</b> The Guemes Island Planning Advisory Committee supports the language in the current Docket item C23-1, Saltwater Intrusion Area Well Drilling Requirements to address the ongoing problem of seawater intrusion on Guemes Island. This language is necessary to address the ongoing problem of well drilling on Guemes without regard to the cumulative impact of wells exacerbating the problem of seawater intrusion and effectively transferring the senior water rights to new junior rights wells.</p> <p>To wit, the following section and its subsections: (d) For Wells in a sole source aquifer area. Prior to drilling any well in an area designated a sole source aquifer, the information set forth in subsection(2)(a) must be submitted to the Department.</p> <p>Thank you for the opportunity to participate in addressing the Saltwater Intrusion Area Well Drilling Requirements which are specific to Guemes Island.</p> <p>Stephen Orsini (Guemes Island Planning Advisory Committee)</p>	<p>Attachment 3 Comment 2</p>	
<p><b>Issue:</b> Commenter is in support of this docket item and Stephen Orsini's comment.</p> <p>Michael</p>	<p>Attachment 3 Comment 3</p>	<p><i>This comment was received at 10/30/23 so officially is off the record.</i></p>

## Attachment 4: C23-2 Qualified Professional Definition

01– Written Comments

0– Hearing Testimony

Organizations that commented on this: **Washington Department of Natural Resources**

<u>Issue / Person or Group Commenting</u>	<u>Comment Numbers/Attachment Number</u>	<u>Department Response</u>
<p><b><i>Complete Comments are attached – see Attachment Number</i></b></p> <p><b>Issue:</b></p> <p>Comments are focused on areas related to WGS work.</p> <p>There are no changes to geologically hazardous areas proposed. There are no changes related to mineral resource lands.</p> <p>There are changes to the qualified professional definition. Kudos to you for making changes! Those changes look good. Note, as written the geologist must have the engineering specialty, a non-engineering geologist would not be qualified to do the geotechnical reports and geotechnical design recommendations you describe.</p> <p>For consideration in your plan and code updates, and in your work in general:</p> <ul style="list-style-type: none"> <li>Consider adding a reference to the WGS Geologic Information Portal. If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. <a href="#">Geologic Information Portal   WA - DNR</a></li> </ul>	<p>Attachment 4 Comment 1</p>	<p><i>The recommended changes to add reference to WSG Geological Information portal could be considered as part of our comprehensive plan update process.</i></p>

<ul style="list-style-type: none"> <li>If you have not checked out our Geologic Planning page, you may wish to do so. <a href="#">Geologic Planning   WA - DNR</a></li> </ul> <p>Tricia R. Sears, Geologic Planning Liaison, Washington Department of Natural Resources</p>		
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## Attachment 5 C23-3 OSRSI Allowed Uses Amendment

Comments From Citizens about the docket item C23-3 OSRSI Allowed Use Amendment

18- Written Comments

0- Hearing Testimony

**Organizations that commented on this:** Skagit County Parks and Recreation Advisory Board

<u>Issue / Person or Group Commenting</u>	<u>Comment Numbers/Attachment Number</u>	<u>Department Response</u>
<p><b><i>Complete Comments are attached – see Attachment Number</i></b></p> <p><b><u>Issue:</u></b> Commenter supports the C23- 3 Amendment. They like that trails will be permitted uses in the OSRI zone. They like that it will reduce barriers and costs with building trails.</p> <p>Charlotte Scofield, Mount Vernon, WA</p>	<p>Attachment 5 Comment 1</p>	

<p><b>Issue:</b> Comment on the C23-3 Amendment:</p> <p>8 of my friends and I walk 6 to 7 miles every Tuesday and Thursday on the trails in the Northern State Recreation Area, formerly known as the Northern State Mental Hospital. Yesterday near the end of our walk we met several parties including 2 busloads of school age children followed by a group of about 20 grey haired adults.</p> <p>This place is being added to the American Volkswalk Association of approved walks. The local chapter “Northwest Tulip Trekers” plans a gathering there on November 18<sup>th</sup>.</p> <p>Please do not change the status of this place.</p> <p>Everett Hobson, Sedro-Woolley, WA</p>	<p>Attachment 5 Comment 2</p>	<p><i>The proposed code change would not change the status of this place.</i></p>
<p><b>Issue:</b> Commenter supports the C23-3 Amendment. They note the connection between access to nature and positive mental wellbeing. Trail building organizations allow people to get together share a common goal, form friendships, and feel better part of the community.</p> <p>Hal Lee, Mount Vernon, WA</p>	<p>Attachment 5 Comment 3</p>	
<p><b>Issue:</b> Commenter supports the C23-3 docket item. As a volunteer with Skagit Trail Builders, they are impressed with the new trails at Northern State. There are hikers of all ages using those trails, and many of them thank us when we are out doing trail work. Trails are a treasure of Skagit County.</p> <p>Janice Postler, Mount Vernon, WA</p>	<p>Attachment 5 Comment 4</p>	
<p><b>Issue:</b> Commenter supports the C23-3 docket proposal. Would like to amend SCC 14.16.500(3) to allow trails to be permitted use in the OSRSI zone, while trailheads are kept as an administrative special use.</p> <p>Louis Nottingham, Ph.D. Washington State University</p>	<p>Attachment 5 Comment 5</p>	

<p><b>Issue:</b> Commenter supports the C23-3 Amendment. They noted that this amendment would have many benefits for the community and environment. It would help with building and maintaining trail systems, improve access to natural areas, and provide an economic benefit as they attract people to our region.</p> <p>Mark Pearson, Sedro-Woolley Innovation for Tomorrow</p>	<p>Attachment 5 Comment 6</p>	
<p><b>Issue:</b> I am writing in favor of C23-3 OSRSI Allowed Uses Amendment: to amend SCC 14.16.500(3) to allow trails to be a permitted use in the OSRSI zone, while trailheads are kept as an administrative use. Volunteer trail builders provide a tremendous public service. Let the county staff determine if a trail project requires more research or mitigation. Thank you for supporting this amendment.</p> <p>Mary J. McGoffin, Sedro-Woolley, WA</p>	<p>Attachment 5 Comment 7</p>	
<p><b>Issue:</b> I'm writing in support of the following amendment: "Amend 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.</p> <p>Mat Hixon</p>	<p>Attachment 5 Comment 8</p>	
<p><b>Issue:</b> Commenter supports the C23-3 Amendment.</p> <p>As the population continues to grow in Skagit County the use of primitive trails built by volunteer trail organizations has experienced a huge increase in use. Trail organizations and their volunteers are the backbone of trail building and maintenance when the County does not have the funds or power to do this. It is a great public service.</p> <p>As the land is developed there are fewer places for the public to enjoy, and by allowing volunteer organizations to build trails that open public areas for use it is a benefit to the lifestyle of Skagit County.</p> <p>Paul and Lisa Klein</p>	<p>Attachment 5 Comment 9</p>	

<p><b>Issue:</b> Commenter supports the C23-3 Amendment. They state that “this amendment will remove some of the barriers and costs to building community trails on public lands.”</p> <p>Thank you for consideration in passing this valuable amendment.</p> <p>Ellie and Robert Slabodnik, Trail Volunteers with Skagit Trail Builders, Sedro-Woolley, WA</p>	<p>Attachment 5 Comment 10</p>	
<p><b>Issue:</b> Commenter supports the C23-3 Amendment. Writing as a property owner and veteran user of the trails in this County.</p> <p>Robert L. Johnson, Sedro-Woolley, WA</p>	<p>Attachment 5 Comment 11</p>	
<p><b>Issue:</b> Commenter supports the C23-3 Amendment.</p> <p>As a volunteer trail builder, maintainer, and user in Skagit County, I know the positive effect and value trails bring to our county residents. As our county’s population grows, a robust trail system is one of the best and most cost effective ways to help maintain Skagit County’s quality of life.</p> <p>Kip Jacob, Sedro-Woolley, WA</p>	<p>Attachment 5 Comment 12</p>	
<p><b>Issue:</b> Amendment of Skagit County Code</p> <p>The Skagit County Parks and Recreation Advisory Board supports the amendment of SCC 14.16.500(3), while allowing for trails to be an outright permitted use in the OSRSI zone. As a greater number of lands with high recreational value are lost to development, it’s important that public lands have attainable access to their open space lands. The amendment will allow us to keep costs down while creating greater efficiency.</p> <p>If there is a further opportunity to create greater efficiencies by amending codes for parklands within other zoning designations, it would create a consistency at a cost savings to our taxpayers. As an Advisory</p>	<p>Attachment 5 Comment 13</p>	

<p>Board to a parks department with limited resources, we know how important it is to reduce bureaucracy and costs.</p> <p>Kevin Loy, Chairman of Skagit County Parks and Recreation Advisory Board Brian Adams, Director of Skagit County Parks and Recreation</p>		
<p><b>Issue:</b> Commenter supports the C23-3 Amendment. The Parks work provides a beautiful environment for themselves and family to enjoy the outdoors. The trails are thoughtful and seem to be built with regard to natural surroundings. We appreciate the work of volunteers such as the Skagit Trail Builders that make these trails possible. Yes for trails!</p> <p>Jessica Bishop, Director of Marketing Scratch and Peck Feeds, Sedro-Woolley, WA</p>	<p>Attachment 5 Comment 14</p>	
<p><b>Issue:</b> I am pro expanding trails and recreational access in Skagit County and fully support the adoption of the C23-3 Amendment.</p> <p>Peter Wheeler, Mount Vernon Parks and Foundation Board Member since 2014</p>	<p>Attachment 5 Comment 15</p>	
<p><b>Issue:</b> I am expressing my support for simplified permitting on volunteer built trails. Please approve C23-3 OSRSI Allowed Uses Amendment: amend SCC 14.16.800(3) to allow trails to be a permitted use in the OSRSI zone, while trailheads are kept as an administrative special use.</p> <p>Lydia Baumgardner, Sedro Woolley</p>	<p>Attachment 5 Comment 16</p>	
<p><b>Issue:</b> I am writing to express my strong support for the C23-3 OSRSI Allowed Uses amendment, as advocated by Skagit Trail Builders. The prospect of allowing trails as a permitted use in the OSRSI zone while maintaining trailheads as an administrative special use is a commendable initiative that has the potential to benefit our community significantly.</p>	<p>Attachment 5 Comment 17</p>	

<p>Trails play an essential role in connecting people with the natural beauty of Skagit County. They promote physical activity, wellness, and a sense of community. The proposed amendment to amend SCC 14.16.500(3) is a crucial step toward removing obstacles and making it easier to create and maintain these valuable trails on public lands.</p> <p>I believe it will not only enhance our recreational opportunities but also contribute to the overall quality of life in our region.</p> <p>I appreciate the effort put forth by Skagit Trail Builders and its volunteers in advocating for this change and am eager to show my full support for this cause.</p> <p>Jamie Weiss, City County Ward 5, City of Burlington</p>		
<p><b>Issue:</b> I am writing to express my support for C23-3 OSRSI Allowed Uses Amendment. I believe that trails and greenspace are essential to the health and well-being of people and communities. Government leaders should lead the way in making it easier for communities to create access to these spaces.</p> <p>Please pass the amendment.</p> <p>Jenny Sandbo, Mt Vernon, WA</p>	<p>Attachment 5 Comment 18</p>	

## Next Steps

The Planning Commission is scheduled to consider the proposed 2023 docket for deliberations on November 28, 2023. Pursuant to SCC 14.08.080(4) and (5), the Planning Commission shall consider public comments and deliberate on any proposed plan, plan amendment, or development regulation. At the completion of deliberations, the Planning Commission shall vote to recommend adopting, not adopting, or amending the proposed amendments. Recommendations shall be by a recorded motion which shall incorporate findings of fact and the reasons for the recommendations.