



Planning & Development Services

1800 Continental Place ▪ Mount Vernon, Washington 98273
office 360-416-1320 ▪ pds@co.skagit.wa.us ▪ www.skagitcounty.net/planning

Memorandum

To: Skagit Board of County Commissioners
From: Robby Eckroth, AICP, Senior Planner
Re: 2024 Comprehensive Plan, Map, and Development Regulation amendments
Date: December 03, 2024

Summary and Background

Planning and Development Services (PDS) is providing this staff report in advance of the December 9, 2024, meeting of the Board of Commissioners on the 2024 Comprehensive Plan, Map, and Development Regulation amendments (Planning Docket). The Washington State Growth Management Act (GMA) allows the County to amend its Comprehensive Plan and land use/zoning map once per year, with a few exceptions, through an annual docket process. Skagit County received four timely petitions for consideration through the annual Comprehensive Plan, Map, and Development Regulation Docket, three of the four petitions were placed on the established on the docket. Another four petitions were proposed by the County.

Below is a summary and Department and Planning Commission recommendations for each petition. Additional analysis can be found in the September 10, 2024, Planning Commission Staff report which is attached in Exhibit C. The proposed development regulation amendments are attached in Exhibit B. The Planning Commission Recorded Motion is attached in Exhibit A.

Citizen Petitions

LR24-01 Deception Pass State Park OSRSI Rezone

Summary

This proposal seeks to rezone 77.85 acres of parcel P19610, a 115.50-acre parcel, from Rural Reserve (RRv) to Public Open Space of Regional/Statewide Importance (OSRSI). The remaining 37.62 acres is zoned OSRSI, pictured below in Figure 2. The property is located on Rosario Road, approximately 1,500 feet northwest of the Rosario Road and State Route 20 intersection and is just west of Pass Lake (Figure 1).

The Washington Parks and Recreation Commission owns the property and is requesting to rezone following approval of a boundary line adjustment recorded on January 26, 2023. The parcel has been incorporated into the boundary of Deception Pass State Park. Changing the zoning from RRv to OSRSI will allow the Washington State Parks and Recreation Commission to provide recreational needs, environmental protection, and protection and conservation of forest lands within the park. The requested rezone will also bring the parcel into consistent zoning with the rest of the Deception Pass State Park that is within Skagit County.



Figure 1 Rezone Location

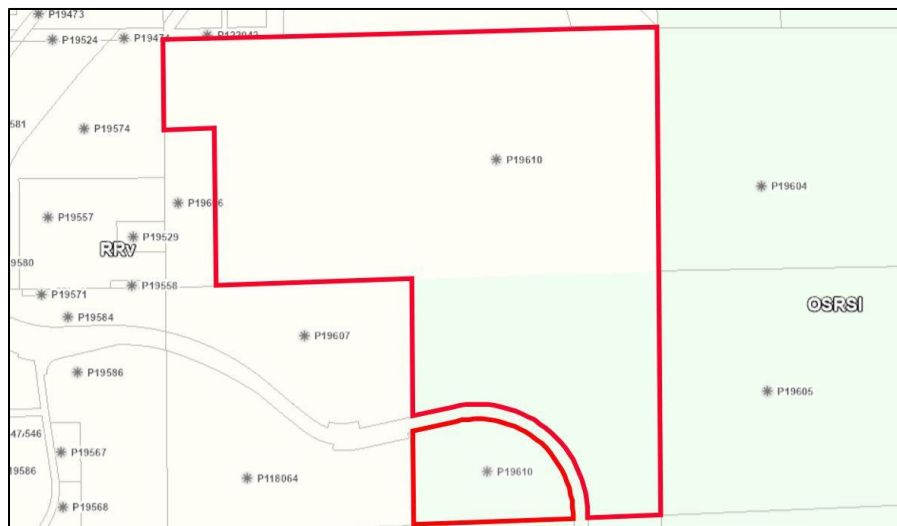


Figure 2 Parcel P19610 Existing Zoning Boundaries

Department Recommendation

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

Planning Commission Recommendation

The Planning Commission recommends **approval** of this petition.

LR24-02 Bayview Ridge Light Industrial (BR-LI) Buffer Requirement Reduction and Landscape Amendments

Summary

This petition requests to amend SCC 14.16.180(7) by reducing the buffering requirement for loading areas between loading areas in the Bayview Ridge Light Industrial (BR-LI) zone and residential zoned land. Additionally, it requests to amend SCC 14.16.830(f), the landscaping requirements for industrial development in Bayview Ridge abutting residential zoned land.

The petitioner originally proposed an amendment to reduce the 250-foot buffer from loading areas associated with development in the BR-LI zone to residential properties to 50-feet. The Port of Skagit submitted a public comment to the Department on April 25, 2024, supporting the original petition as there are a limited number of large-lot industrial lands in Skagit County and reducing the buffer will provide more land for economic development. The Department had concerns that the petitions could have adverse impacts to neighboring properties.

The Department worked with the petitioner and the Port of Skagit to develop a new version of the amendment that requests less reductions to the buffering requirements while also increasing the amount of landscaping required to mitigate noise and visual impacts. The amendment now reduces the buffer from 250-feet to 100-feet, which is consistent with other counties and still provides a buffer from development to residential zones. Additional landscaping requirements are also proposed to help mitigate noise and visual impacts.

Skagit County received 48 comments and testimony from four citizens with concerns regarding amendments to the Bayview Ridge Light Industrial zoning buffer amendment. Many of the comments call for the retention of the 250-foot buffer and request additional mitigation measures. A more detailed summary of the comment and the compiled comments can be found in Exhibit D.

Department Recommendation

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

Planning Commission Recommendation

The Planning Commission recommends **denial** of this petition.

LR24-04 Airport Environs Overlay Amendments

Summary

The petition requests the Planning & Development Services Department update SCC 14.16.210 – Airport Environs Overlay (AEO). The update would improve awareness of the Skagit Regional Airport and address airport compatibility of future development in the airport vicinity by adding a disclosure requirement upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means. Currently, Skagit County Code 14.16.210 requires title notices, specifically avigation easement, etc., be recorded for subject properties at the time of permit application or other alteration. The Port of Skagit (Port) proposes that a separate Airport Environs Overlay disclosure be recorded whenever property is transferred. The proposed title disclosure is an airport protection tool recognized by the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook. The petition proposes a new section, SCC 14.16.210(6), be added to the code.

The petition also requests to amend SCC 14.16.210(3)(c)(ii)&(v) which regulates exhaust plumes and electronic interference as a compatibility requirement in the AEO. These amendments come from the latest guidance from the Federal Aviation Administration (FAA) Airport Advisory Circular 150-5190 (4)(b) and WSDOT Airport and Compatible Land-Use Program Guidebook.

Department Recommendation

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

Planning Commission Recommendation

The Planning Commission recommends **approval** of this petition.

County Petitions

C24-1 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. RCW 36.93.230 permits the County—at the BOCC’s discretion—to disband boundary review boards (“BRB”) if the County and the Cities have adopted comprehensive plans and consistent development regulations under the Growth Management Act (“GMA”).

The BRB’s role has, as for cities and towns, been supplanted by the Growth Management Act (“GMA”) and the requirement for the county and the cities to develop comprehensive plans and create countywide planning policies (“CPPs”). As such, RCW 36.93.230 permits the County—at the BOCC’s discretion—to disband boundary review boards (“BRB”) if the County and the Cities have adopted comprehensive plans and consistent development regulations under the Growth Management Act

("GMA"). The County and the Cities all plan under the GMA and have memorialized how the relationship between the County and the Cities relating to the CPPs is governed by the 2002 Framework Agreement.

However, the role of the BRB for the special purpose districts ("SPD"), which do not plan under the GMA, has not been supplanted. Consequently, the primary impact will be on SPDs, which do not have alternative means for addressing the issues that the BRB addresses. A boundary change would proceed directly to the process set out in the relevant statute for the SPD without having any review of whether it is a logical and reasonable proposal. While this won't likely be an issue for more sophisticated SPDs (e.g., the PUD), it could be an issue for the smaller ones.

The role of the BOCC, if any, depends on the kind of SPD and the nature of the boundary change (e.g., formation, annexation, dissolution, merger, etc.). This role does not depend on the existence of the BRB. But without the BRB, where the BOCC is required to conduct fact finding prior to a boundary change, it will no longer have the benefit of the BRB doing much of that work prior to reaching the BOCC.

If the BRB is disbanded, in most cases there is still opportunity for public participation as many special district changes require an election of those living within the district. City annexations also require a petition for annexation which includes signatures of owners of at least 60% of the assessed value of the annexation area and can only occur in established urban growth area boundaries.

Department Recommendation

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

Planning Commission Recommendation

The Planning Commission recommends **approval** of this petition.

C24-2 Fencing Zoning Code Section

Summary

This petition seeks to create a new section in SCC 14.16 to consolidate and reference all fencing regulations in the chapter that pertain to fences. The new section will also add restrictions to razor wire and barbed wire fencing. Skagit County Code chapter 14.16 – Zoning does not have a specific section that regulates fences. Language regulating fences are spread throughout the code, making it difficult for the public and Department staff to locate fencing regulations.

The new section also includes new language prohibiting razor wire fencing and restricts the height of barbed wire fencing material in all zones except commercial, industrial, and aviation-related zones unless permitted as part of an agricultural use, essential public facility, marijuana production/processing facility, wireless facility, utility development, and does not apply to wildlife fencing. Razor wire fencing and barbed wire on top of chain-link fencing detracts from neighborhood and rural character, giving the appearance of an industrial zone. Prohibiting razor wire fencing and restricting the height of barbed wire

fencing in residential zones also adds clarity for home-based businesses, which are required to be clearly incidental and secondary to the use of the property for dwelling purposes.

Department Recommendation

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

Planning Commission Recommendation

The Planning Commission recommends **approval** of this petition.

C24-3 Storage of Unlicensed and/or Inoperable Vehicles

Summary

This petition would remove storage of unlicensed and/or inoperable vehicles as an Administrative Special Use or Hearing Examiner Special Use from every zoning district in Skagit County. Storage of unlicensed and/or inoperable vehicles is considered storage of junk, which is limited to 500 square feet, except when conducted entirely within an enclosed structure, unless permitted with a special use permit.

The vehicle storage use does not align with the purpose of any of the zoning districts that allow the use, except for the Urban Reserve Commercial-Industrial and Rural Freeway Service zones. The vehicle storage use exceeds the scale of the type of business that is typically allowed in the rural commercial/business zones and is not compatible in the Rural Intermediate zone, which is primarily a low-density residential zone.

The Department recommends eliminating the storage of unlicensed and/or inoperative vehicles as a use allowed with a special use permit, and instead recommend creating a vehicle storage facility use. The vehicle storage facility is proposed to be defined as “[a] commercial enterprise devoted to the storage of personal vehicles, including unlicensed/inoperable vehicles. A vehicle storage facility does not include establishments where the principal use is the rental or sale of vehicles.” This definition makes it clear that the use is for commercial enterprises and not personal storage, which would still be allowed, but limited to 500 square feet. The vehicle storage facility would also allow for storage of all vehicles, not exclusively unlicensed and/or inoperable vehicles.

The Urban Reserve Commercial-Industrial zone allows for limited commercial and industrial uses in areas with limited urban services and utilities. The Rural Freeway Service zone provides small scale commercial uses along Interstate 5 interchanges outside of urban growth areas. Both zoning districts are commercial and allow similar uses such as vehicle repair garages in both zones, and mini-storage and warehousing in the URC-I zone. Locating vehicle storage in these zones would avoid potential impacts to neighboring property owners as there are limited locations of each zoning district. The locations of each zone are also primarily along the Interstate 5 and Highway 20 corridor, which would accommodate truck towing and hulk hauler uses. As both zones allow automobile repair garages, the vehicle storage use could also be permitted as a secondary use to the automobile repair use.

Department Recommendation

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

Planning Commission Recommendation

The Planning Commission recommends **approval** of this petition.

C24-4 General Code Language Clean Up

Summary

This petition contains proposed amendments to SCC 14.16 – Zoning and SCC 14.18 – Land Divisions, to fix inconsistencies and grammar in the code. This year’s general code language clean up includes two amendments:

- Correct the height limit restriction of the Guemes Island Overlay in SCC 14.16.360(7)(b)(i) to only apply to proposed development in flood hazard areas. The intent of the Guemes Island Overlay height regulation was to apply to structures located in a flood hazard area. As written, it could be interpreted to apply to all of Guemes Island.
- Eliminate duplicate language in SCC 14.18.300(1)-(4) which pertains to CaRD land divisions.

Department Recommendation

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

Planning Commission Recommendation

The Planning Commission recommends **approval** of this petition.

Public Notice and Participation

A public comment period was open from October 3 to October 31, 2024, at 4:30 PM. A total of 50 comments were received. Please refer to Exhibit D for summary of comments received and complete list of comments. The Planning Commission held a public hearing on the on October 29, 2024, and the Planning Commission received testimony from five (5) community members. After closure of the public hearing the Planning Commission deliberated on the proposed amendment and provided recommendations in the Recorded Motion (Exhibit C).

Exhibits:

Exhibit A – Planning Commission Recorded Motion

Exhibit B – Amendments to 2024 Comprehensive Plan and Development Regulations

Exhibit C – September 10, 2024, Planning Commission Staff Report

Exhibit D – October 22, 2024, Planning Commission Supplemental Staff Report with Public Comments