



# Planning & Development Services

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## Memorandum: 2024 Planning Docket

To: Board of County Commissioners  
From: Robby Eckroth, Senior Long Range Planner  
Date: March 19, 2024  
Re: Docketing Proposed Annual Comprehensive Plan, Map, and Development Code Amendments

### Background

The Growth Management Act (GMA) provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”<sup>1</sup> 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. (See Petitions and Department Recommendations section below.)
- The Board holds a public hearing to allow applicants and the public to comment on the docketing recommendation.
- The Board must decide which petitions to include in the docket at a subsequent meeting under SCC 14.08.040. The Board has three options with respect to any proposal:
  - include a proposal for docketing;
  - defer the proposal until the next annual amendment cycle; or
  - exclude the proposal without prejudice.

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<sup>1</sup> [RCW 36.70A.130\(1\)\(a\)](#).

**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.

**Table 1. Timeline of the Yearly Docketing Process.**

Date	Hearing Body	Meeting Type	Actions
Spring 2024	BoCC	Public Hearing	Accept testimony on which proposals merit inclusion in the Docket.
Spring 2024	BoCC	Deliberations	Docket established via Resolution.
Summer 2024	Planning Commission	Workshop(s)	Discussion of upcoming Docket public hearing.
Summer 2024	Planning Commission	Public Hearing	Accept testimony on the proposals included in the Docket.
Fall 2024	Planning Commission	Deliberations	Recorded motion with recommendations to the BoCC.
Fall 2024	BoCC	Deliberations	Deliberate on whether to include, exclude, or defer amendments

*Table 1 Summarizes the review process with approximate timeframes 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 14.08.040 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; or*
- (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.*

## 2024 Petitions and Department Recommendations

Skagit County received the following timely petitions to amend the Comprehensive Plan or development regulations. For each proposal, the Department has provided a summary of the proposal, analysis against the docketing criteria, and a recommendation. The full text of each petition is available on the 2024 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 four timely petitions for consideration in this year’s docket.

**Table 2. Citizen Petitions for the 2024 Docket**

Number	Title & Petitioner	Description	Department Recommendation (Include, Exclude, or Defer)
<b>Rezoning/Map Amendments</b>			
<a href="#">LR24-01</a>	<b>Deception Pass State Park Rezone,</b> (Washington State Parks and Recreation Commission)	Rezone 77.85 acres from Rural Reserve (RRv) to Public Open Space of Regional/Statewide Importance (OSRSI). Following an approved Boundary Line Adjustment, the adjusted parcel is now held by Washington State Parks and Recreation Commission (WSPRC) and has been incorporated into the boundary of Deception Pass State Park. Changing the zoning will allow WSPRC to provide recreation and conservation of forest lands.	<b>Include</b>
<a href="#">LR24-03</a>	<b>Cedardale Road/Interstate 5 interchange Rezone,</b> (SMV LLC)	Rezone one 4.87-acre parcel from Agriculture-NRL to Rural Freeway Service to allow for the applicant to use the parcel for other commercial purposes.	<b>Exclude</b>
<b>Comprehensive Plan/Development Code Amendments</b>			
<a href="#">LR24-02</a>	<b>Bayview Ridge Light Industrial Buffer Reductions,</b> (John Bouslog)	Amend the Bayview Ridge Light Industrial Zone by reducing buffering requirements (SCC 14.16.180(7)).	<b>Include</b>
<a href="#">LR24-04</a>	<b>Airport Environs Overlay Disclosure,</b> (Port of Skagit, Heather Rogerson)	The Port of Skagit proposes updates to the Airport Environs Overlay Skagit County Code 14.16.210 to improve awareness of the Skagit Regional Airport and address airport compatibility of future development in the vicinity of the airport by adding a new property disclosure requirement.	<b>Include</b>

## Department Amendments Summary

The Department has recommended four amendments for consideration in this year's docket.

**Table 3. Department Amendments for the 2024 Docket.**

Number	Title & Petitioner	Description
<b>C24-1</b>	<b>Countywide Planning Policies Update</b> (PDS)	Adopt amended countywide planning policies recommended by the GMA Steering Committee.
<b>C24-2</b>	<b>Fences</b> (PDS)	Creation of a new section in SCC 14.16 – Zoning to regulate fencing. The new section would prohibit razor wire fencing in all zones that allow single-family residences.
<b>C24-3</b>	<b>Storage of Unlicensed and/or Inoperable Vehicles Amendment</b> (PDS)	Removes use allowing storage of unlicensed and/or inoperable vehicles from all zones except the Urban Reserve Commercial-Industrial (URC-I).
<b>C24-4</b>	<b>General Code Language Clean Up</b> (PDS)	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 and eliminate duplicate language in SCC 14.18.300(1)-(4).

## Citizen Petitions and Department Recommendations

Skagit County received the following timely petitions and suggestions to amend the Comprehensive Plan policies, map, or development regulations. For each proposal, the Department has provided a summary of the proposal, analysis of the docketing criteria, and a recommendation. The full text of each petition is available on the Comprehensive Plan Amendment [webpage](#).

### **LR24-01 Deception Pass State Park Public Open Space of Regional/Statewide Importance (OSRSI) Rezone (Quasi-Judicial: 14.08.060 Petitions—Approval criteria for map amendments and rezones.)**

#### **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 1. 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 Parcel P19610 Rezone*

The applicant is requesting to rezone following approval of a boundary line adjustment recorded on January 26, 2023<sup>2</sup>. The adjusted parcel is now owned by the Washington State Parks and Recreation Commission and 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

<sup>2</sup> Approved Boundary Line Adjustment recorded under [AF 202301260044](#).

the park. The requested rezone will also bring the parcel into consistent zoning with the rest of the of Deception Pass State Park that is within Skagit County.

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

The Department recommends the Board **include** this petition in the Planning Docket.

### **Analysis**

The purpose of the Public Open Space of Regional/Statewide Importance (OSRSI) zone is to provide a zoning designation for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic, amenities, or for the protection of environmentally sensitive areas.<sup>3</sup> The County has designated certain public open space areas on the Comprehensive Plan/Zoning Map as OSRSI because of their “recreational, environmental, scenic, cultural and other open space benefit extend beyond the local area to be regional or statewide in significance.”<sup>4</sup> Both the purpose statement of the OSRSI zone and the Comprehensive Plan both identify Deception Pass as a specific example of an OSRSI area. The property proposed for a rezone would be surrounded by parcels zoned Rural Reserve (RRv) to the north and the west and OSRSI to the south and the east. As the parcel requested for rezone is now owned by Washington State Parks and Recreation Commission, is within the boundaries of Deception Pass State Park, and is adjacent to other properties zoned OSRSI, the Department recommends including this petition in the 2024 docket.

## **LR24-02 Bayview Ridge Light Industrial Buffer Requirement Reduction**

### **Summary**

The petition requests to amend SCC 14.16.180(7) to reduce the buffering requirements between industrial and residential zoned land and alter the landscaping requirements in the Bayview Ridge Light Industrial (BR-LI) zone. The petitioner has noted in the application that the existing buffer requirements to residential uses exceeds other urban area buffers. The petitioner is requesting the amendment to accommodate more development of property owned by the applicant in the BR-LI zone located on the north side of Peterson Road and east of Sunrise Lane. The petitioner has proposed two alternative proposals for amendments.

Table 1 below lists the current buffer requirements in SCC 14.16.180(7)(a)-(f) and the petitioners two proposed alternatives for amendments. Table 2 is a list of current landscaping requirements in SCC 14.16.860(4)(f) and the petitioners two proposed alternatives for amendments.

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<sup>3</sup> SCC 14.16.500(1).

<sup>4</sup> Skagit County Comprehensive Plan, Page 36

<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan2016/comp-plan-2016-adopted-text-only.pdf>

**Table 4. Petitioner’s Proposed Changes to Buffering Between Industrial and Residential Zoned Land**

Code Section	Current Code	Alternative 1	Alternative 2
<b>SCC 14.16.180(7)(a) Loading Areas</b>	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 on the opposite side of a building from a residential zone.	Truck loading operations and maneuvering areas may not be located within 250 feet of <u>an existing and established single family residence, excluding outbuildings, garages, and accessory dwelling units unless the loading and maneuvering area is located on the opposite side of a building from a residential zone.</u> For adjacent properties with either (a) <u>established non-residential uses,</u> (b) <u>established single family residences located more than 200’ from the abutting property line,</u> or (c) <u>vacant land,</u> truck loading operations and maneuvering areas may not be located within 50 feet of the property line. <del>areas zoned for residential use, unless the loading and maneuvering area is located on the opposite side of a building from a residential zone.</del>	Truck loading operations and maneuvering areas may not be located within <del>50</del> 250 feet of areas zoned for residential <u>zone.</u> <del>use, unless the loading and maneuvering area is located on the opposite side of a building from a residential zone.</del>
<b>SCC 14.16.180(7)(b) Building Height</b>	Building height may not exceed 35 feet for those portions of a building located within 100 feet from a residential zone.	Building height may not exceed 35 feet for those portions of a building located within <u>50</u> <del>100</del> feet from a residential zone.	[Same as Alternative 1]
<b>SCC 14.16.180(7)(c) Outdoor Lighting</b>	Within 250 feet of a residential zone, all outdoor lighting must be full cut-off.	Within 250 feet of <del>a residential zone,</del> <u>an existing and established single family residence, excluding outbuildings, garages, and accessory dwelling units,</u> all outdoor lighting must be full cut-off- <u>unless the lighted area is located on the opposite side of a building from a residential zone and lighting is at or lower than building roof line.</u>	Within <u>50</u> <del>250</del> feet of a residential zone, all outdoor lighting must be full cut-off.

<p><b>SCC 14.16.180(7)(d)</b> <b>Mechanical Equipment</b></p>	<p>Within 100 feet of a residential zone, mechanical equipment located on the roof, facade, or external portion of a 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.</p>	<p>Within 100 feet of <u>an existing and established single-family residence, excluding outbuildings, garages, and accessory dwelling units</u> <del>a residential zone</del>, mechanical equipment located on the roof, facade, or external portion of a 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. <u>In all other circumstances, the buffer for this purpose shall be 50 feet from the property line.</u></p>	<p>Within <del>100</del> <u>50</u> feet of a residential zone, mechanical equipment located on the roof, facade, or external portion of a 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.</p>
<p><b>SCC 14.16.180(7)(f)</b> <b>Landscaping</b></p>	<p>Type V landscaping per SCC 14.16.830 is required between BR-LI and residential zones.</p>	<p>[No proposed change]</p>	<p>Type V landscaping per SCC 14.16.830 is required between BR-LI and residential zones, <u>provided that Type V landscaping are not required adjacent to parcels with established non-residential uses as the primary use. Further, any berms that may be constructed between lands zoned BR-LI or AVR-L adjacent to parcels with established non-residential uses as the primary use shall be grassed covered without plantings.</u></p>



**Table 5. Petitioner’s Proposed Changes to Landscaping for Industrial Properties Adjoining Residential Zoned Land in Bayview Ridge**

Code Section	Current Code	Alternatives 1 and 2
<p><b>SCC 14.16.830(4)(f)(ii)</b>  <b>Applicability</b></p>	<p>Type V landscaping is required along the entire property line for development within BR-LI or AVR-L where it abuts BR-R or RRv.</p>	<p>Type V landscaping is required along the entire property line for development within BR-LI or AVR-L where it abuts BR-R or RRv, <u>provided that Type V landscaping are not required adjacent to parcels with established non-residential uses as the primary use. Further, any berms that may be constructed between lands zoned BR-LI or AVR-L adjacent to parcels with established non-residential uses as the primary use shall be grassed covered without plantings.</u></p>
<p><b>SCC 14.16.830(4)(f)(iii)(A)</b>  <b>Landscaping Width</b></p>	<p>Plantings and screening must total 30 feet in width.</p>	<p>Plantings and screening must total 30 feet in width <u>with vegetation (existing and/or new) at 80% sight obscuring at planting, unless a fence or berm is used. With a 6’ berm or 6’ fence, the buffer is reduced to 15’ or to 10’ with a 6’ wall with landscaping.</u></p>
<p><b>SCC 14.16.830(4)(f)(iii)(B)</b>  <b>Plantings and Screening</b></p>	<p>(I) Existing vegetation within the required buffer width that functionally meets or exceeds these planting requirements must be retained.</p> <p>(II) At least three alternating rows of evergreen trees, with a minimum of two-and-one-half-inch caliper and planted at intervals of 20 feet or less on center.</p> <p>(III) Shrubs must be planted no more than five feet apart using plants that are at least three and one-half feet in height at the time of planting. A combination of plants and landscape materials must be placed so that the ground surrounding the shrubs will be covered within three years.</p>	<p>(I) Existing vegetation within the required buffer width that functionally meets or exceeds these planting requirements <u>may</u> <del>must</del> be retained.</p> <p>(II) At least three alternating rows of evergreen trees, with a minimum of two-and-one-half-inch caliper and planted at intervals of 20 feet or less on center.</p> <p>(III) Shrubs must be planted no more than five feet apart using plants that are at least three and one-half feet in height at the time of planting. A combination of plants and landscape materials must be placed so that the ground surrounding the shrubs will be covered within three years.</p> <p><u>(IV) The combination of existing vegetation, shrubs and evergreen trees should cover 70% of ground surface within 5 years of planting.</u></p>

<p><b>SCC 14.16.830(4)(f)(iii)(C)</b> <b>Screening</b></p>	<p>(I) A masonry, block, or textured concrete wall, or fully obscuring wood fence is required and must be architecturally integrated with colors and textures of the surrounding development.</p> <p>(II) Where existing vegetation exceeds 150 percent of the required landscaping width, no wall or fence is required.</p>	<p><del>(I) A masonry, block, or textured concrete wall, or fully obscuring wood fence is required and must be architecturally integrated with colors and textures of the surrounding development.</del></p> <p><del>(II) Where existing vegetation exceeds 150 percent of the required landscaping width, no wall or fence is required.</del></p>
<p><b>SCC 14.16.830(4)(f)(iii)(D)</b> <b>Existing Vegetation and Landscaping</b> <i>(Proposed addition)</i></p>	<p>[Not existing in code]</p>	<p><u>Existing vegetation, landscaping and/or wall or fence within the required buffer in Section (A) above, may suffice for the planting and screening requirements in Section (B) above if in the option of a landscape architect the existing landscaping, wall and fencing provides the functional equivalent of the landscaping and screening requirements in Section (B) above.</u></p>

## Recommendation

The Department recommends the Board **include** this petition in the Planning Docket.

## History

This is a new petition that has not been docketed in the recent past.

## Analysis

The Bayview Ridge Subarea is a non-municipal urban growth area approximately one mile west of Burlington and one-and-a-half miles northwest of Mount Vernon. After first designating Bayview Ridge for urban growth in 1997, the County drafted a subarea plan – a subset of the County’s Comprehensive Plan particularized to Bayview Ridge. Subarea plans guide the creation of development regulations, which govern the land uses and permit procedures for land development. Skagit County approved the first Bayview Ridge subarea plan in 2004, which went through a significant update in 2013 and 2014.<sup>5</sup>

*Chapter 2 – Land Use, Community Character, and Design* of the Bayview Ridge Subarea Plan<sup>6</sup> includes the following goals, objectives, and policies relating to community cohesion:

- **Goal 2A.** Provide for urban development within the Bayview Ridge UGA, which integrates existing and proposed uses, creating a cohesive community.
  - **Objective 2A-1.** Manage urban land use patterns in the community to optimize and balance the types and locations of uses.
  - **Policy 2A-1.1.** Develop regulations for Bayview Ridge Heavy Industrial and Light Industrial zones that provide areas for industrial development compatible with Skagit Regional Airport and adjacent residential use, and are largely devoid of nuisance factors, hazards, or exceptional demands on public facilities.
- **Goal 2B.** Strengthen community identity and maintain a high quality of life through creative, high-quality design.
  - **Objective 2B-2.** Adopt development standards that strengthen community character and identity.
  - **Policy 2B-2.3.** Require landscaping in all new commercial and industrial development, including streetscapes. Encourage use of native plants in such landscaping.
  - **Policy 2B-2.4.** Require industrial development adjacent to residential areas to provide a sight-obscuring buffer of a size and composition adequate to reduce visual and auditory impacts and provide vegetative relief, preferably retaining vegetation where it already exists.

The purpose of buffering between industrial and residential land is to minimize impacts from noise, vibration, dust, other industrial impacts, and to maintain privacy and aesthetic compatibility. The Department recognizes the existing buffering requirements could be cumbersome for new industrial development within Bayview Ridge. The Department also recognizes the importance of minimizing auditory and visual impacts to neighboring residences and maintaining the rural character of the properties to the north of Bayview Ridge that are zoned Rural Reserve by providing a transition through

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<sup>5</sup> History of the Bayview Ridge Urban Growth Areas

<https://www.skagitcounty.net/Departments/PlanningAndPermit/BayviewRidgeSubareaHistory.htm>

<sup>6</sup> Bayview Ridge Subarea Plan 2014

<https://www.skagitcounty.net/PlanningAndPermit/Documents/BayviewRidgeSubarea/BayviewRidgeSubarea2014-adopted.pdf>

buffering and landscaping. The petitioner has provided examples of buffering and landscaping from city jurisdictions in the area that have less substantial buffering requirements from industrial uses to residential zones. If the Board includes this petition on the Planning Docket, the Department will work with the petitioner to find a balanced buffering requirement that is less cumbersome for industrial development while maintaining consistency with the goals, objectives, and policies of the Bayview Ridge Subarea Plan to create community cohesion by continuing to mitigate visual and auditory impacts to neighboring residents.

## LR24-03 Rural Freeway Service Rezone

**(Quasi-Judicial: 14.08.060 Petitions—Approval criteria for map amendments and rezones.)**

### Summary

The petition requests to rezone two parcels, P16370 and P16372, from Agricultural—Natural Resource Lands (Ag-NRL) to Rural Freeway Service (RFS). P16370 is approximately 1.40 acres and P16372 is approximately 3.47 acres. The properties are located adjacent to the Interstate 5 exit to Old Highway 99 South and adjacent to Cedardale Road (see Figure 2). Both properties are vacant and based on aerial imagery, have historically been used for haying. In the rezone/comprehensive plan amendment application, the petitioners stated that agricultural uses of the parcels are not economically viable. The petitioner is requesting to rezone the parcels to Rural Freeway Service (RFS) to accommodate a use that can provide commercial freeway service to travelers on Interstate 5.



Figure 2 Parcel Map of P16370 and P16372

### Recommendation

The Department recommends **excluding** this petition from the docket.

### History

This is a new petition that has not been docketed in the recent past.

## Analysis

### Rural Freeway Service (RFS) areas

“were designated at portions of four Interstate 5 freeway interchanges in the rural area that had existing commercial development (or development commitments) as of 1990. They qualify as pre-existing LAMIRDs [Limited Area of More Intense Rural Development] surrounded by logical outer boundaries as allowed by RCW 36.70A.070(5)(d)(i) and (iv). The County conducted extensive research in 1998 – 2001 to establish and verify that the properties currently designated RFS meet the GMA and Comprehensive Plan LAMIRD requirements. Each RFS-designated area underwent close scrutiny by the Western Washington Growth Management Hearings Board following appeals of those designations. Because the RFS designation recognizes areas that had existing commercial development or development commitments in 1990, Skagit County does not expect that new RFS areas will be designated.”<sup>7</sup>

The RFS zoning designation is considered a Type 1 LAMIRD. LAMIRDs allow greater development than is generally allowed in the rural area, provided that certain limitations are maintained to retain rural character and prevent sprawl. There are three types of LAMIRDs. Type 1 LAMIRDs are zoning designations used to contain areas outside of urban growth areas that were existing before the Washington State Growth Management Act of 1990. Skagit County designated commercial and industrial uses occurring prior to the GMA with the one of the following zones:

- Rural Village Commercial (RVC)
- Rural Center (RC)
- Rural Freeway Service (RFS)
- Rural Business (RB)

The GMA requires jurisdictions to limit rural sprawl from areas with pre-existing development through a LAMIRD designation with a logical outer boundary primarily drawn with the built environment. These boundaries may not expand unless an argument can be made that the boundary was drawn incorrectly at the time of designation. As mentioned above, the two parcels requested to be rezoned are vacant and therefore do not contain pre-existing development as required for Type 1 LAMIRDs. Furthermore, Comprehensive Plan Policy 3C-3.2 restricts new RFS development in designated natural resource lands.<sup>8</sup> For these reasons, the Department recommends this petition be excluded from the 2024 docket.

## LR24-04 Updates to Airport Environs Overlay

### 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

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<sup>7</sup> Skagit County Comprehensive Plan, Page 66

<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan2016/comp-plan-2016-adopted-text-only.pdf>

<sup>8</sup> Skagit County Comprehensive Plan, Page 91

<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan2016/comp-plan-2016-adopted-text-only.pdf>

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 regulate 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.

### **History**

On January 10, 2014, the Port of Skagit adopted Resolution 14-01 requesting that Skagit County adopt a new AEO map and update regulations to be consistent with the Washington State Department of Transportation (WSDOT) Airport and Compatible Land-Use Program Guidebook. The Board of County Commissioners adopted [Ordinance O20140006](#) on November 14, 2014, which amended the AEO regulations and adopted a new AEO map. SCC 14.16.210(5) now requires title notices, specifically an AEO Avigation Easement Form, to be recorded for subject properties at the time of permit application. This petition proposes a separate AEO disclosure be recorded whenever property is transferred.

In a regular open public meeting of the Port of Skagit Board of Commissioners on July 11, 2023, the Port Commissioners approved application to Skagit County for the proposed amendment to include an AEO disclosure notice requirement in County Code.

This specific petition has not been docketed in the recent past.

### **Recommendation**

The Department recommends **including** this petition in the Planning Docket.

### **Analysis**

#### **Avigation Disclosure Notice**

The petitioner has requested to amend the AEO to require an avigation disclosure notice be recorded with the Skagit County Auditor at the time of property transfer. This would provide transparency and increase awareness for prospective property owners within the AEO and will help protect the long-term operation of the Skagit Regional Airport. This approach is recognized by the Washington State Department of Transportation Aviation for increasing awareness of possible aviation impacts.

Skagit County Bayview Ridge Subarea Plan includes the following goals and policies, which support the Port's proposed changes:

- Goal 2A Provide for urban development within the Bayview Ridge UGA, which integrates existing and proposed uses, creating a cohesive community.
  - Policy 2A-1.1 Develop regulations for Bayview Ridge Heavy Industrial and Light Industrial zones that provide areas for industrial development compatible with Skagit Regional Airport and adjacent residential use, and are largely devoid of nuisance factors, hazards, or exceptional demands on public facilities.
  - Policy 2A-1.2 Discourage uses that conflict with the continued operation of the Skagit Regional Airport, as identified in the Skagit Regional Airport Master Plan and the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook, through the Airport Environs Overlay (AEO).
- Goal 3B Ensure continued use of Skagit Regional Airport, recognizing its role as a major force for economic development countywide.
  - Objective 3B-1 Support the Port of Skagit in its efforts to provide airport facilities and services for all users in a manner that maximizes safety, efficiency, and opportunity for use.
  - Policy 3B-1.1 Maintain and ensure the continued preservation and utility of the Skagit Regional Airport during its expected future growth as identified in the Skagit Regional Airport Master Plan.
  - Policy 3B-1.2 Work with the Port of Skagit to adopt development standards that allow development of the airport consistent with the approved Master Plan while providing for a high-quality business and industrial development.
  - Policy 3B-1.5 Clearly identify any required land use constraints necessary to protect the long term viability of the airports in all Bayview Ridge development standards.

Adoption of the amendment will result in recording one additional document, Airport Environs Overlay Disclosure Notice, by the property buyer at the time of transfer of any property within the AEO boundaries. Recording fees would be paid by the property buyer and are currently \$303.50/first page and \$1.00 for each additional page, based on the Skagit County Auditor Recording Fee Schedule effective January 1, 2024.

### **Airport Environs Overlay Compatibility Requirements**

When SCC 14.16.210(3)(c) – *Compatibility Requirements* was first written, the FAA and WSDOT did not have guidance for compatibility requirements near airports. The current code language regarding exhaust plumes and electrical interference was based on guidance from Australian aviation authorities as the FAA was still developing guidance on the hazard of thermal plumes and electrical interference<sup>9</sup>. Now that the FAA Airport Advisory Circular 150-5190 (4)(b) and WSDOT Airport and Compatible Land-Use Program Guidebook are available as guidance, the Port requests to amend the AEO compatibility requirements to be consistent with those documents.

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<sup>9</sup> Skagit County Code – SCC 14.16.210(3)(c)(i)(A)

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1416.html#14.16.210>

# County-Initiated – Comprehensive Plan or Code

## 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, when the next periodic Comprehensive Plan update is due.

### History

The same petition was docketed in 2023 as petition C23-10. The Board of County Commissioners remanded the issue back to the Department for further evaluation of the implications of disbanding the Boundary Review Board and how it could affect future requests from special purpose districts to revise district boundaries.

### Recommendation

The Department recommends including this petition in the Planning Docket.

### Analysis

Countywide Planning Policies (CPPs) are “a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter.”<sup>10</sup> CPPs are required for counties, in coordination with cities within their boundaries, planning under the Growth Management Act (GMA) to provide policies and guidance on how population growth and investment will be directed within a given county.

Boundary Review Boards (BRB) were established by Washington State to provide local independent review of certain actions proposed by cities, towns, and special purpose districts, most commonly annexations. The Skagit BRB consists of five members, all from Skagit County, appointed by elected officials of the cities, special purpose districts, the county, and the Governor. RCW 36.93.230 permits counties the power to disband boundary review boards when a county and the cities and towns have adopted a comprehensive plan and consistent development regulations pursuant to the provisions of chapter 36.70A RCW.<sup>11</sup>

Goal 12.17 of the Skagit CPPs currently includes language for when the Skagit BRB could be disbanded:

12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of

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<sup>10</sup> RCW 26.70A.210(1) <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.210>

<sup>11</sup> RCW 36.93.230 <https://app.leg.wa.gov/rcw/default.aspx?cite=36.93.230>



service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transference of governance or annexation of the service area consistent with the requirements of applicable RCWs.

The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements and voted in December 2021 to direct the County Commissioners to disband the Skagit BRB and provided the following new language for CPP 12.17:

12.17 Cities and towns are the appropriate purveyors of urban services. In the interest of facilitating the cost effective and orderly provision of urban services, the annexation of urban growth areas shall be encouraged and facilitated. The following policies are intended to promote municipal annexation, discourage urban growth in advance of annexation, and ensure that urban services can be provided in a logical cost-effective manner:

1. On or before June 30, 2025 the Board of County Commissioners shall, as authorized by RCW 36.93.230, take action to disband the Washington State Boundary Review Board for Skagit County. Subsequent to the disbandment of the boundary review board, municipal annexations shall be subject to the following:
  - a. Annexations of land recently included in an urban growth area shall not be final until any appeal periods, or any proceedings associated with the urban growth area change, have lapsed or concluded;
  - b. With the exception of existing non-municipal urban growth areas, Skagit County shall ensure that urban growth does not occur in advance of municipal annexation;
  - c. The area(s) to be annexed shall be contiguous with existing municipal boundaries and shall avoid irregular boundaries by following existing features such as parcel lines or roadways, provided that such boundaries remain consistent with Chapter 36.70A RCW;
  - d. Consistent with Washington state law, the annexation should include consideration of services and applicable infrastructure, as well as providing for the assumption of assets and obligations affected by the transfer of governance within the annexation area(s);
  - e. If a public hearing is required by Washington state law on the proposed annexation, it shall be held at least 60 days prior to the effective date of the annexation. Notice of the hearing shall be provided to Skagit County and any affected special purpose districts; and
  - f. Annexations shall be consistent with the Skagit County Countywide Planning Policies.

The 2002 Framework Agreement includes guidance for how draft CPPs are to be referred to member jurisdictions for public comment and input by cities and county commissioners. SCOG circulated the

draft language for feedback prior to the December 2021 meeting. GMASC is the recommending authority to the Skagit Board of County Commissioners and then the County Commissioners may take one of two actions on any CPP recommendation from the GMASC:

1. Adopt any new CPP or CPP amendment proposed by the GMASC, but not change the proposed CPP or CPP amendment in any manner whatsoever; or
2. Decline to adopt any new CPP or CPP amendment proposed by the GMASC.

## **C24-2 Fences 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.

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

The Department recommends **including** this petition in the Planning Docket.

### **Analysis**

Skagit County Code 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. This petition consolidates all fencing regulations in SCC 14.16 into one section by adding references to all applicable areas of the code. 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 essential public facility or utility development. Razor wire fencing and barbed wire on top of 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.<sup>12</sup>The Skagit County Code 14.04 definition of a fence includes all “that which is constructed or composed of materials joined together in some definite manner in which the prime purpose is to separate, partition, enclose or screen.”<sup>13</sup> This definition is broad and therefore any code changes pertaining to fencing includes freestanding walls.

The proposed new language would be contained in a new section, SCC 14.16.825:

### **14.16.825 Fences**

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<sup>12</sup> Skagit County Code 14.16.730

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1416.html#14.16.730>

<sup>13</sup> Skagit County Code 14.04

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1404.html#14.04>

- (1) All fences on corner lots must meet the vision clearance requirements of [SCC 14.16.810\(2\)](#).
- (2) Setback requirements for fences are as specified in [SCC 14.16.810\(1\)\(b\)](#).
- (3) Front Setback for Fences in Guemes Island Overlay are as specified in [SCC 14.16.360\(7\)\(a\)\(i\)](#).
- (4) Razor wire is only allowed in commercial, industrial, and aviation-related zones unless permitted as part of an [essential public facility](#) or [utility development](#).
- (5) The maximum height of barbed wire fencing material shall not exceed five feet. This provision does not apply in commercial, industrial, and aviation-related zones and does not apply when permitted as part of [essential public facility](#) or [utility development](#).

## **C23-3 Storage of Unlicensed and/or Inoperable Vehicles Amendment**

### **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, except for the Urban Reserve Commercial-Industrial (URC-I) zone. The petition would also add a definition for the use. Table 6 below lists the zones that allow storage of unlicensed and/or inoperable vehicles, the land use permitting requirements, and the code section authorizing the use:

**Table 6. List of Zoning Districts that Allow Unlicensed and/or Inoperable Vehicles**

Zoning District	Permit Type Required	Code Section
Rural Village Commercial (RVC)	Hearing Examiner Special Use	<a href="#">SCC 14.16.100(4)(h)</a>
Rural Center (RC)	Hearing Examiner Special Use	<a href="#">SCC 14.16.110(4)(f)</a>
Rural Freeway Service (RFS)	Hearing Examiner Special Use	<a href="#">SCC 14.16.120(4)(d)</a>
Small Scale Recreation and Tourism (SRT)	Hearing Examiner Special Use	<a href="#">SCC 14.16.130(5)(i)</a>
Small Scale Business (SSB)	Hearing Examiner Special Use	<a href="#">SCC 14.16.140(5)(e)</a>
Rural Business (RB)	Hearing Examiner Special Use	<a href="#">SCC 14.16.150(4)(c)</a>
Natural Resource Industrial (NRI)	Administrative Special Use	<a href="#">SCC 14.16.160(4)(f)</a>
Urban Reserve Commercial-Industrial (URC-I)	Hearing Examiner Special Use	<a href="#">SCC 14.16.195(4)(e)</a>
Aviation Related (AVR)	Hearing Examiner Special Use	<a href="#">SCC 14.16.200(4)(f)</a>
Rural Intermediate (RI)	Hearing Examiner Special Use	<a href="#">SCC 14.16.300(4)(x)</a>

### **History**

This is a new petition that has not been docketed in the recent past.

### **Recommendation**

The Department recommends **including** this petition in the Planning Docket.

### **Analysis**

Storage of unlicensed and/or inoperable vehicles have been included as a use in the code since the adoption of the Unified Development Code on July 24<sup>th</sup>, 2000.<sup>14</sup> Since that date, Skagit County has not permitted any business operation under that use classification. A similar use was permitted in 2005, when a special use permit application was approved for a “car sales and restoration business” on a property in the Rural Business zone prior to the storage of unlicensed and/or inoperable vehicles being listed as a hearing examiner special use in the Rural Business zone.

This petition is proposed to be included on the docket because the vehicle storage use does not align with the purpose of any of the zoning districts that the use is allowed in, except for the Urban Reserve Commercial-Industrial zone. Below is a summary of land use districts intent.

- The Rural Village Commercial and Rural Center zones are intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents.
- The Rural Freeway Services district is intended to provide for small scale commercial uses at certain Interstate 5 freeway interchanges outside of urban growth areas to serve local populations and the traveling public.
- Small Scale Recreation and Tourism provides uses that create opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County’s abundant recreational opportunities and scenic and natural amenities.
- The Small Scale Business zoning district supports existing and new small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but that do enhance rural economic development opportunities and job opportunities for rural residents
- The Rural Business zone is intended to provide reasonable expansion and change of use opportunities for existing isolated nonresidential uses in the rural area that provide job opportunities for rural residents and that are not consistent with the other commercial and industrial Comprehensive Plan designations and zoning districts.
- The Natural Resource Industrial zone supports natural resource-related industrial uses that are commonly accepted in the rural area which facilitate the production of agricultural, forest, and aquatic products.
- The purpose of the Aviation Related district is to provide a place for regional airfields and uses which require proximity and access to an established airfield.
- The Rural Intermediate district is intended to provide and protect land for residential living in a rural atmosphere, taking priority over, but not precluding, limited nonresidential uses appropriate to the density and character of this designation.

The storage of unlicensed and/or inoperable vehicles use is not defined in SCC 14.04; however, the use is similar in nature to a junkyard which is defined. The key difference is that a junkyard (which has to be licensed by the state) breaks down and sells the parts. Vehicle storage can be a high impact use that has the potential to be a nuisance to neighboring properties and could have adverse environmental impacts.

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<sup>14</sup>Skagit County Ordinance 17938

<http://www.skagitcounty.net/Common/Documents/LFDocs/COMMISSIONERS2000001/00/01/92/000192bb.pdf>

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. Also, the use does not relate to natural resource, aviation, or tourism industries. The Urban Reserve Commercial-Industrial zone allows for limited commercial and industrial uses and is an appropriate zone to accommodate the vehicle storage use. The Bayview Ridge Heavy Industrial zone<sup>15</sup> allows automobile wrecking as a permitted use, similar to storage of unlicensed and/or inoperable vehicles. Therefore, this petition would leave two zoning districts available to accommodate this type of use.

## 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.

Below is a table with updated code language.

**Table 7. Requested General Code Clean Up**

Code Section	Current Language	New Language
SCC 14.16.360(7)(b)(i)	(b) Maximum Height.  (i) Structures. The actual height of the structure from base flood elevation may not exceed 30 feet.	(b) Maximum Height.  (i) Structures <u>Located in a Flood Hazard Area</u> . The actual height of the structure from base flood elevation may not exceed 30 feet.
SCC 14.18.300(1)-(4)	(1) [No Change]  (2) Applicability.  (a) A CaRD is an overlay permit, which must be accompanied by a land division permit (either a subdivision or a binding site plan developed as a condominium).  (b) CaRD approvals allow variations in the underlying zoning regulations but	(1) [No Change]  (2) Applicability.  (a) A CaRD is an overlay permit, which must be accompanied by a land division permit (either a subdivision or a binding site plan developed as a condominium).  (b) CaRD approvals allow variations in the underlying zoning regulations

<sup>15</sup> Skagit County Code – Bayview Ridge Heavy Industrial Zone

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1416.html#14.16.190>

	<p>are not intended as and do not constitute rezoning. Where land proposed to be part of a CaRD includes two or more zoning designations, development rights may not be moved from a higher density zone to a lower density zone.</p> <p>(2) Applicability.</p> <p>(a) A CaRD is an overlay permit, which must be accompanied by a land division permit (either a subdivision or a binding site plan developed as a condominium).</p> <p>(b) CaRD approvals allow variations in the underlying zoning regulations but are not intended as and do not constitute rezoning. Where land proposed to be part of a CaRD includes two or more zoning designations, development rights may not be moved from a higher density zone to a lower density zone.</p> <p>(c)-(d) [No Change]</p> <p>(3) [No Change]</p> <p>(4) [No Change]</p>	<p>but are not intended as and do not constitute rezoning. Where land proposed to be part of a CaRD includes two or more zoning designations, development rights may not be moved from a higher density zone to a lower density zone.</p> <p><del>(2) Applicability.</del></p> <p><del>(a) A CaRD is an overlay permit, which must be accompanied by a land division permit (either a subdivision or a binding site plan developed as a condominium).</del></p> <p><del>(b) CaRD approvals allow variations in the underlying zoning regulations but are not intended as and do not constitute rezoning. Where land proposed to be part of a CaRD includes two or more zoning designations, development rights may not be moved from a higher density zone to a lower density zone.</del></p> <p>(c)-(d) [No Change]</p> <p>(3) [No Change]</p> <p>(4) [No Change]</p>
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**History**

This is a new petition that has not been docketed in the recent past.

**Recommendation**

The Department recommends **including** this petition in the Planning Docket.

**Next Steps**

The Board will establish the Planning Docket, which authorizes the Department to begin environmental review of the non-project actions through SEPA; analyze and draft the proposed amendments for public review and Planning Commission; and request review from the Department of Commerce.

The Board of County Commissioners will host a public hearing on April 23, 2024, at 10:15 am. See below for more information.

Check the Board of County Commissioners webpage for viewing options.  
<https://www.skagitcounty.net/Departments/CountyCommissioners/main.htm>

## **How to Comment**

The comment period will begin April 4, 2024. The public may submit written comments via email to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) (preferred) or via US mail. All paper comments must be submitted on 8 ½ x 11” paper to the address below:

Skagit County Planning & Development Services  
RE: Comments “Skagit County 2023 Docket of Proposed Policy, Code, and Map Amendments”  
1800 Continental Place  
Mount Vernon, WA 98273

All comments must be received by April 25, 2024, at 4:30 p.m. and include (1) your full name, (2) your mailing address. Comments not meeting these requirements will not be considered.

Verbal comments can be provided at the public hearing. The Board of County Commissioners will host the public hearing in the Commissioner’s Hearing Room at 1800 Continental Place, Mount Vernon, WA 98273. You may attend in person, watch the hearing on TV21, or stream the hearing via Zoom on your phone, computer, or tablet. Please visit the Commissioner’s webpage for more information on viewing options. <https://www.skagitcounty.net/Departments/CountyCommissioners/main.htm>

Public hearing testimony is limited to three minutes, so written comments are preferred.