



PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

To: Board of County Commissioners
From: Planning and Development Services
Date: October 11, 2011
Re: 2011 Comprehensive Plan Amendments (CPAs) Docket Process

Planning and Development Services (the Department) received four timely applications in this year's Comprehensive Plan Amendment (CPA) cycle, all of them proposing to amend the Skagit County Comprehensive Plan and Zoning Map.¹ They are:

1. James Ritchie, map amendment proposal (PL11-0239)
2. Art Jensen, map amendment proposal (PL11-0240)
3. Triton-America LLC, map amendment proposal (PL11-0249)
4. Lake Erie Trucking (Bill Wooding), map amendment proposal (PL11-0250)

The Department is also proposing three county-initiated Comprehensive Plan policy amendments:

- C-1. Policy amendment proposal to further refine rezone requirements for Rural Intermediate and Rural Village land use designations.
- C-2. Minor "housekeeping" policy and text amendments to correct scrivener's errors.
- C-3. Amendment to integrate the outcome of the Bayview Ridge PUD Ordinance and Master Site Plan process into the Bayview Ridge Subarea Plan.

This memorandum includes a review of the docketing process, brief summaries of each of the citizen-proposed map amendments and associated maps; and brief summaries of the two proposed county-initiated comprehensive plan text amendments.

The Department will meet with the Board of County Commissioners (BCC) on October 18th to briefly review the docketing process and criteria and schedule a date and time for a public hearing before the BCC on whether to docket the various proposals. That public hearing has been tentatively set with the Clerk of the Board for 1:45 to 2:30 pm, on Tuesday, November 8th. The period from 1:30 to 1:45 is proposed for the Department's brief summary of and recommendation on each of the proposals.

¹ An additional application was submitted by the City of Burlington to expand the city's urban growth area (UGA) boundary to include the Raspberry Ridge farmworker housing developments. The purpose of that map amendment proposal was to include those developments in the UGA in order to provide them sanitary sewer service. However, the city withdrew that application on September 26, 2011 and may reintroduce this proposal during a future comprehensive plan update cycle.

The Department will forward its docketing recommendations to the BCC and to applicants in the near future. All of the above materials will also be placed on the Department website.

Docketing Criteria and Process: Pursuant to SCC 14.08.030(3), the Department must consider the following criteria when making its docketing recommendations to the BCC:

- ✓ Whether 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 BCC;
- ✓ Whether the proposed amendment, to be adopted, would require additional amendments to the Comprehensive Plan or development regulations that are not addressed in the petitioner's application, and is consistent with other goals, objectives and policies adopted by the BCC;
- ✓ Whether the 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; or
- ✓ Whether the proposed amendment contains some legal or procedural flaw that would prevent its legal implementation.
- ✓ Whether the proposed amendment conforms to the submittal requirements of SCC 14.08, Legislative Actions, and other applicable provisions of Skagit County Code.

The Department then forwards its recommendations to the BCC and applicants as to which of the CPA requests it recommends should be "docketed," or listed to receive further consideration through public, agency and environmental review, hearings, and possible adoption by the BCC.

The BCC shall hold a public hearing to allow applicants and the general public to comment on the amendment proposals and the Department's recommendations. During a subsequent public meeting, the BCC shall consider applicant and public testimony and the Department's recommendation and decide which petitions will be reviewed further as part of the annual amendment cycle.

If the BCC finds that one or more amendment requests is unsuitable for docketing in the current comprehensive plan amendment cycle, it may remove those requests from the docket. Upon the BCC's approval, a portion of the application fees may be refunded to the appropriate applicants.²

A decision by the BCC to include a proposed amendment in the current year's docket is procedural only and does not constitute a decision as to whether the amendment will ultimately be approved. Similarly, a decision by the BCC to deny further review of a petition terminates that petition without prejudice to the applicant or the proposal. The applicant may request a

² Up to 80% of the application fee may be refunded per SCC 14.08.030(4)(b) and Resolution R20040311, or as amended.

refund of the unused portion of any application fees, and may request the same, or similar amendment be considered as part of a future amendment or review cycle.

Citizen-Initiated Amendment Requests

The following is a brief summary of the four citizen- initiated Comprehensive Plan/Zoning Map amendment requests. The Department will forward additional materials from the amendment applications to the BCC prior to its public hearing.

1. James Ritchie – PL11-0239 (See Map No. 1)

Mr. Ritchie is requesting to redesignate a 5.5 acre parcel (P69432) from Ag-NRL to Rural Reserve (RRv) located in the Skagit Beach Community plat adjacent to the Swinomish Channel. The applicant has owned the parcel since 1989 and desires to construct a single-family home on the parcel.³ The applicant has obtained Lot of Record certification from Skagit County (#PL04-0495) that identifies the lot as a substandard lot of record subject to SCC 14.16.850(4). Skagit County has approved a septic system for the property.⁴ The parcel contains a barn, built in 1992, and evidence of agricultural activities, including horse grazing and limited cultivation.

2. Art Jensen – PL11-0240 (See Map No. 2)

Mr. Jensen is requesting to rezone two contiguous parcels – Jensen (P35204) 5.9 acres, and Peck (P112774) 5.0 acres – from Rural Reserve (RRv), with an allowed residential density of one unit per 10 acres, to Rural Intermediate (RI) with an allowed residential density of one unit per 2.5 acres. Parcels are located at the intersection of Bay View-Edison and Bay View Roads. The Jensen parcel already has a single-family residence on it. The Peck parcel is undeveloped. The applicant is requesting an up-zone to create two additional rural development rights—one for each parcel. According to the information submitted by the applicant, these two parcels were previously (twice) reviewed for 2.5 acre RI zoning as part of the County’s GMA planning process—first in 1996 and secondly, a year later, in 1997. RI zoning was denied in both cases⁵.

³ Applicant also sold a 0.9 acre portion of the original parcel (Parcel B) in 1997 (the extreme northern portion of the original tract). This is now parcel P69435. A single-family residence was subsequently built on that parcel which still retains its original Ag-NRL zoning.

⁴ Design and soils approval. Septic system is not built.

⁵ Applicant includes letter dated April 13, 1997 to County Commissioner Hart indicating a request for 2.5 acre zoning after their property was reviewed and designated RRv in the comprehensive plan adopted in 1996. Also included in the applicant’s file is a letter dated April 30, 1997 from the BCC indicating a free “*window of opportunity*” for them during the “*first year of comprehensive plan review*” to request a change in land use designation based on the possibility that their (RRv) “*designation [was] based on a technical mapping error or by inadvertent application of designation criteria*”. The BCC ultimately declined RI designation again on the property after the second review of the parcel in 1997. This current 2011 CPA proposal appears to be seeking a “third look” at RI zoning on the same property within the past 15 years.

3. Triton-America, LLC – PL11-0249 (See Map No. 3)

The applicant requests a map designation change on a 47 acre parcel (P19669) from Ag-NRL to NRI—located between the Twin Bridges Marina on SR 20 and Padilla Bay—in order to construct up to a 150,000 square foot building for the “fabrication of marine vessels and associated parts, as well as other energy and aviation-related fabrication and manufacturing work.” Applicant also seeks to dedicate an adjacent 124 acre Ag-NRL parcel (P19663) bordering on Padilla Bay as a “wildlife sanctuary.”⁶ The properties have a mature stand of poplar trees which were planted for pulp and/or other by-products.

The applicant submitted a CPA proposal in 2006 affecting the same parcels (PL06-0689). At that time, the applicant requested a land use map designation change from Ag-NRL to Rural Marine Industrial (RMI) in order “to construct a 15-slip luxury boat marina and channel, a boat storage area with associated boat maintenance, dry dock, and painting facilities. Access through the proposed new channel would be through a planned lock.” The 2006 proposed CPA was denied for docketing by the BCC.

4. Lake Erie Trucking (Bill Wooding) – PL11-0250 (See Map No. 4)

The applicant proposes to redesignate an approximately 35 acre parcel (P19168) from Rural Resource-Natural Resource Land (RRc-NRL) to Rural Reserve (RRv). The parcel is located along Rosario Road on Fidalgo Island. The parcel is forested and undeveloped. Its topography includes slopes ranging from 10-15 percent. It is one of the few remaining RRc-NRL parcels on Fidalgo Island. The applicant is requesting an up-zone to RRv in order to secure additional residential development rights. The parcel is adjacent to another RRc-NRL parcel (also owned by the applicant) on its northern border that is utilized for surface mining activities (large gravel pit) and contains a Mineral Resource Overlay (MRO) designation.⁷ The applicant has obtained Lot of Record certification from Skagit County (#PL11-0210) that identifies the lot as a substandard lot of record eligible to be considered for development permits subject to SCC 14.16.850(4).

County-Initiated Amendment Requests

Following is a brief summary of the two county- initiated Comprehensive policy amendment proposals.

⁶ Since no zone change is requested for the 124 acre parcel, it will not be reviewed in any detail here. A comprehensive plan amendment to dedicate open space or conduct estuarine habitat restoration on this parcel is not required. Habitat restoration in the Ag-NRL zone is allowed per comprehensive plan policy 4A-4.6 and permitted as a hearing examiner special use under SCC 14.16.400(4)(d).

⁷ The contiguous parcel owned by the applicant is actively used for gravel mining and is accessed by a private hauling road that crosses the parcel subject to this rezone request. The MRO overlay on the adjacent parcel includes a density policy (4D-1.4) that restricts CaRD developments from within ¼ mile from the nearest boundary of the MRO. That would require any CaRD development to generally be clustered on the central and southern portion of the subject parcel.

C-1. Rural Intermediate (RI) and Rural Village (RV) Comprehensive Plan Policy Amendments

This first amendment would address the issue of potential Rural Intermediate (RI) and Rural Village (RV) expansions. These two land use designations are considered limited areas of more intensive rural development (LAMIRDs) under the Skagit County Comprehensive Plan and the Growth Management Act. This amendment proposes to revise the applicable Rural Intermediate (RI) and Rural Village (RV) policies in the Comprehensive Plan. The proposed policy revisions would aim to treat potential RI and RV⁸ expansion requests (i.e., rural up-zone requests) with greater consistency. Such LAMIRD rezones could only be considered when proposed as part of a community subarea plan, and when transfer of development rights, conservation easements or other mechanisms are considered—as part of any applicable proposed LAMIRD expansion—to facilitate density transfer or extinguishment of an equivalent number of rural or resource land development rights elsewhere in the county.

C-2 Housekeeping Revisions to Comprehensive Plan Policies and Text

This amendment proposes to review and make minor un-substantive revisions to Comprehensive Plan policies and text to correct inconsistencies in policy enumeration, SCC references, and/or update policy language references to GMA requirements that have changed since the 2005 Comprehensive Plan Update (e.g., change “7 year GMA Updates” to “GMA-Mandated Updates,” etc.).

C-3. Bayview Ridge Subarea Plan Amendments to Integrate Outcome of Bayview Ridge PUD Ordinance & Master Site Planning Process (See Map No. 5)

The County recently committed to work with the Port of Skagit County to develop a Planned Unit Development ordinance that would implement the Subarea Plan and ultimately allow significant residential development at Bayview Ridge. As part of that process, the owners of land in the Bayview Ridge Community Center (BR-CC) zone will develop a master site plan for that zone and their other Bayview Ridge holdings. The Department expects that process—which will likely complete before the Department finishes processing this batch of comprehensive plan amendments—will necessitate amendments to the Subarea Plan to allow greater flexibility in an approved PUD development or master site plan, such as allowing the relocation of the community center, allowing mixed uses or live/work spaces, or adjustment of the BR-CC parks requirement to better fit the County Parks Comprehensive Plan. This amendment proposal will be further developed in that process before referral to the Planning Commission and reintegration with the remainder of the docket before final consideration by the BCC.

⁸ Including Rural Village Residential (RVR) and Rural Village Commercial (RVC) zones.