



PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

To: Board of County Commissioners
From: Carly Ruacho, Senior Planner
Date: September 14, 2009 ****REVISED OCTOBER 8, 2009****
Re: 2009 Comprehensive Plan Amendments (CPAs) Docket Process:
Keith Johnson map amendment (PL09-0295), Skagit Partners, LLC policy text amendment (PL09-0324) ****REVISED TO INCLUDE RECOMMENDATIONS****

By the last business day of July of each year, any citizen, group or agency may submit an application to amend: (1) Comprehensive Plan policies, or (2) amend the Comprehensive Plan/Zoning Map designation of one or more parcels of land¹. The Department received two timely applications in this year's Comprehensive Plan Amendment cycle; one to amend the Comprehensive Plan/Zoning Map and one to amend Comprehensive Plan policies. This memorandum includes a description of each proposal as well as general information on the docking process. On Tuesday, August 18, the Department provided an overview of the two CPA applications: Keith Johnson map amendment proposal (PL09-0295), and Skagit Partners, LLC Comprehensive Plan text amendment proposal (PL09-0324). On September 22, 2009, the Department presented the applications and the schedule for the public hearing on the proposals. This revised memorandum includes the Department's docket recommendations for the two proposals for Board consideration at the public hearing scheduled for October 20, 2009, at 9:30 a.m..

Docketing Process: At the close of the annual CPA application deadline, the Department begins processing the applications by first assessing whether the proposed amendment can be reasonably and completely reviewed, taking into account available resources; the relationship of the proposal to future or ongoing work programs; and any legal or policy issues that would prevent its legal implementation. Upon completion of this initial review, the Department then forwards its recommendations to the Board as to which of the CPA requests should be "docketed" (listed to receive further consideration through public, agency and environmental review, hearings, and possible adoption by the Board).

Upon receipt of the Department's docketing recommendations the Board shall hold a public hearing to allow applicants and the general public to comment on the Department's recommendations. During the next available public meeting of the Board of County Commissioners, the Board shall establish the docket of annual amendments. Should the Board

¹ Pursuant to SCC 14.08.020(2)

find that one or more of the CPA requests are unsuitable for docketing in the current CPA cycle, such request will be excluded from the docket, and upon the Board's approval, a portion of the application fees will be refunded to the appropriate applicants.² The criteria upon which the Department makes its docket recommendations, and the Board's decision on the docket, are procedural criteria that apply only to the current CPA applications. A decision to deny an application for inclusion on the docket is made without prejudice as to its future merits or fitness for consideration. Denying an application without prejudice at this early docketing stage does not preclude the applicant from re-applying during the appropriate future amendment cycle.

Docketing Criteria: Pursuant to SCC 14.08.030(3), the Department considers the following criteria when making its docket recommendations to the Board:

- ✓ 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 Board;
- ✓ 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 Board;
- ✓ 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.

Citizen-Initiated Amendment Requests

The following is a brief summary of the two citizen- initiated Comprehensive Plan/Zoning Map amendment requests. The Board may request additional clarifying information prior to any study sessions, hearings and action.

1. Keith Johnson – PL09-0295

Summary:

Per the application materials, Mr. Johnson is requesting the redesignation of approximately 230 acres of existing Industrial Forest - Natural Resource Land (IF-NRL) zoned land near Cascade Ridge, south of the Mount Vernon city limits, to Secondary Forest - Natural

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

Resource Land (SF-NRL). The proposal consists of 10 contiguous parcels and includes three land owners. Approximately 207.5 acres of the 230 acre proposal area are and have been owned by Mr. Johnson since at least 1989. With the exception of one 20 acre parcel, the entire proposal area is also included in the Mineral Resource Overlay (MRO). The property is currently managed for timber resources and includes an approximately 16 acre lake known as Ten Lake. There is one cellular communications tower located on the property. No other structures are known to exist within the proposal area and the majority of the property is included in the Classified Forest taxation program.

Mr. Johnson applied for a smaller, but similar CPA in 1999 (68.5 acres from IF-NRL to SF-NRL). Due to a settlement agreement in effect at that time, Mr. Johnson's request (PL99-0390) was unable to be processed. Mr. Johnson resubmitted an identical CPA amendment proposal in 2000 (PL00-0450) which was denied without prejudice. In 2005, Mr. Johnson submitted a CPA amendment as part of the 2005 GMA Update of the Comprehensive Plan. Mr. Johnson's 2005 request related to the MRO. Mr. Johnson requested the MRO designation on the totality of his ownership. Mr. Johnson's 2005 CPA (PL05-1018) was approved, and effective October 10, 2007, MRO was applied to Mr. Johnson's and surrounding property.

With his current application, Mr. Johnson seeks to maintain his recently applied MRO designation as well as resurrect the 1999-2000 proposal of redesignating his property from IF-NRL to SF-NRL.

Docket Recommendation:

The Department has significantly reduced staff resources and a large workload identified for 2010 and does not recommend that this petition be docketed at this time. Mr. Johnson has made a similar request in the past which was denied without prejudice. In 2007 the subject property received an MRO designation. At that time, Mr. Johnson indicated a desire to use the property for mineral resource activities. As the property now has the MRO designation, the Department does not feel that contemplating a higher residential density on the property is desirable. Denial of this request for docketing would be consistent with recent changes proposed to Skagit County Code 14.08.020(3), recommended for approval by the Skagit County Planning Commission, which states in part "Comprehensive Plan amendments and/or rezones will only be considered once in every seven (7) year period for any given property."

2. Skagit Partners, LLC – PL09-0324

Summary:

With this application, Skagit Partners, LLC seeks additional Comprehensive Plan provisions for the development of Fully Contained Communities. The application proposes policy amendments to Chapters 2, 3, and 11 of the Comprehensive Plan relating to the purpose, siting, and character of Fully Contained Communities. The applicant has also included

proposed development code language to address the permitting requirements of a Fully Contained Community.

Docket Recommendation:

Fully Contained Communities have drawn much interest lately (regionally and statewide) and there is ongoing debate as to whether they are consistent with growth management, resource protection, and rural conservation goals. The GMA defers to local government to make final decisions to allow Fully Contained Communities. The Washington Chapter of the American Planning Association (APA) is conducting research, surveying planners, and developing a position paper and/or policies on this subject. Recently, the Snohomish County Council elected to completely ban Fully Contained Communities. Also, apparently, a Washington State Representative is considering introducing legislation in the next session that would place greater limitations on the allowance of Fully Contained Communities.

The Department believes that the concept of Fully Contained Communities within unincorporated Skagit County is worth further consideration. The current proposal is not about allowing a Fully Contained Community at a specific site but rather to discuss the social, economic, environmental, political, and community issues with this type of urban development and the process, criteria, and the authority to approve, condition or deny at some later date a Fully Contained Community should one be proposed. If time and resources were available, the Department would be interested in engaging in a review and public process to determine if the concept is desired by citizens and interested parties and if such developments would achieve the goals, policies and objectives set forth in the Comprehensive Plan. The Department, however, has serious concerns with docketing the proposal at this time. With the limited resources currently allocated to the Department, it could not undertake adequate review of the proposal in the current amendment cycle. The Board of County Commissioner's has prioritized the Department's 2010 workplan and directed the Department to spend its Long Range Planning resources first on the processing of the Guemes Island Subarea Plan and second on the Master Planned Resort/RV Park review. If dedicated resources were made available sufficient to review the current request regarding Fully Contained Communities, or if the Department's workplan were reprioritized to shift other projects to a longer timeline, the Department would support docketing this proposal.