



Skagit County Planning & Development Services

DALE PERNULA, AICP *Director*

JACK MOORE, CBCO *Building Official*

Staff Report

From: Dale Pernula, AICP, Director
Re: Comprehensive Plan 2016 Update
Date: March 8, 2016

Contents

Overview.....	1
Background.....	3
Scoping.....	3
Formatting.....	4
Proposed Comprehensive Plan Policy Amendments.....	4
Countywide Planning Policies.....	13
Proposed Map Amendments.....	14
Lake Erie Trucking (PL15-0363).....	14
Concrete Concepts (PL15-0378).....	18
Edison Granary (PL15-0379).....	23
Sedro-Woolley UGA (PL13-0299).....	27
City of Burlington UGA (CP-2).....	44
Proposed Development Code Amendments.....	56
Process.....	63
Public Notices.....	63
SEPA Threshold Determination.....	63
Public Comment.....	63
For More Information.....	63

Overview

Skagit County is conducting its periodic review and update of its Comprehensive Plan, Land Use/Zoning map, and Development Regulations pursuant to the Washington State Growth Management Act (GMA), RCW 36.70A.130(4). This non-project legislative action proposes plan, map and code amendments to address GMA requirements and consistency measures and to address local circumstances. A summary of proposed changes follows:

- Update population and employment forecasts and allocations selected by the GMA Steering Committee. Between 2015 and 2036, Skagit County is expected to grow by 35,751 people and 18,853 jobs, for a total population of 155,452 and 70,617 jobs.
- Amend Countywide Planning Policy 1.1 to reflect updated population and employment allocations, and to implement an annual land use monitoring program by the County, cities and towns.
- Update Comprehensive Plan elements to reflect updated land use and demographic data and to updated GMA requirements and local circumstances.
- Update the Comprehensive Plan Transportation Element and supporting documents, including the transportation inventory, land use assumptions, travel forecasts, Level of Service (LOS) standards, current and future transportation needs, and a transportation financial plan.
- Update the County's Housing Needs Assessment and Comprehensive Plan Housing Element.
- Incorporate by reference existing subarea plans, the County's Parks and Recreation plan, and the Capital Facilities Plan, and consolidate appropriate components into the Capital Facilities Element.

The following amendments to the Skagit County Comprehensive Land Use/Zoning Map are proposed:

- Lake Erie Trucking (PL15-0363): Expand the Mineral Resource Overlay (MRO) to boundaries of four parcels on Fidalgo Island now designated Rural Resource-NRL and partially included in the MRO.
- Concrete Concepts (PL15-0378): Redesignate P72958 in the Edison Rural Village from Rural Village Residential (RVR) to Rural Village Commercial (RVC).
- Edison Granary (PL15-0379): Redesignate a portion of P48536 in Edison Rural Village from RVR to RVC.
- Sedro-Woolley UGA (PL13-0299): Expand the Sedro-Woolley urban growth area (UGA) by up to 156 acres near Bottomless Lake to accommodate population and employment allocations, and add approximately 4.3 acres of city-owned land west of Janicki Fields for public use. In both cases the land is currently designated Rural Reserve in the County. The proposal also would add approximately 11 acres of city-owned land south of the city, currently zoned Ag-NRL in the County, for use as a stormwater drainage facility.
- City of Burlington UGA (CP-2): Expand the Burlington urban growth area (UGA) by approximately 32 acres to include adjacent properties owned by the Skagit Housing Authority known as Raspberry Ridge. The land is currently designated Ag-NRL and has existing residential development and related septic systems on it.

Skagit County is also proposing to amend portions of Skagit County Code, Title 14, to ensure consistency with state laws that have changed since the County adopted its last periodic update in 2008, and to improve code clarity and permitting efficiency.

Background

Like other counties, cities and towns around the state, Skagit County is required under the Growth Management Act to conduct a periodic review and update of its comprehensive plan and development regulations to ensure consistency with state laws and population and employment projections for the next 20 years (RCW 36.70A.130). Skagit County must complete its current periodic update, referred to here as the 2016 Update, by June 30, 2016.

The Comprehensive Plan may be amended annually as well, but the periodic update requires a more comprehensive review to consider:

- Updated population and employment projections;
- Urban growth area sizing;
- Consistency with GMA and any recent updates to the act and related state statutes; and
- Evolving local circumstances.

Scoping

To initiate the scoping process, the Planning and Development Services Department (the Department) reviewed the Comprehensive Plan and development regulations against the Washington State Department of Commerce's [Periodic Update Checklist for Counties](#). The checklist is designed to help counties identify components of their comprehensive plan and development regulations that may need to be updated to reflect new information or to comply with recent changes to GMA.

The Department issued a memo in October 2014 proposing the scope for the 2016 Update based on that checklist review. The Board of County Commissioners held a public hearing and comment period on the proposed scope in the fall of 2014, generating 36 written or spoken comments. In December, the Board adopted [Resolution R20140374](#) which found that "the Comprehensive Plan is generally working well as currently written and needs only minor changes, not a major overhaul....," and established the scope and work plan accordingly.

In terms of the Comprehensive Plan, the resolution directed the Department to:

- Focus greatest attention on the Rural, Transportation and Housing elements.
- Update population and employment allocations and, in consultation with the cities, consider any required changes to urban growth boundaries.
- Update land use and demographic data where needed in the plan.
- Integrate existing subarea plans, the Skagit County Parks and Recreation plan, and the Capital Facilities Plan with the Comprehensive Plan; and
- Review policies and narrative regarding availability of water for rural development in light of recent court decisions and actions by the Department of Ecology.

The resolution also directed the Department to:

- Move forward with some 30 code amendments necessary to implement updates to state law, improve permit processing efficiencies, or resolve inconsistencies between policies and code; and
- Conduct public work sessions with the Planning Commission on the above topics in the process of developing the proposal; and
- Hold up to four additional community work sessions with the Planning Commission and public in various communities in the county.

The Department and Planning Commission held three separate public workshops in the spring of 2015 on the Transportation, Housing, and Rural elements. The Department and Planning Commission held four additional community outreach meetings in 2015 in Concrete, Fidalgo Island, Edison and Big Lake.

The County created an additional opportunity for input into the 2016 Update process by determining that policy, code or map amendment proposals submitted by members of the public by the end of July 2015 – the normal deadline for annual Comprehensive Plan and code amendments – would be considered for inclusion in the 2016 Update.

Through that process, the County received 17 policy and code amendment proposals from members of the public, and 5 map amendment proposals from property owners and one city (Sedro-Woolley). Again, the Board held a public hearing and written comment period on the amendment proposals in October 2015, and adopted [Resolution R20150390](#) in December 2015 establishing which proposals would be added to the 2016 Update.

Formatting

The public release draft of the Comprehensive Plan is formatted consistent with our new format for the Capital Facilities Plan and other county plans to improve viewing and navigation electronically. Every page in the PDF contains a sidebar with quick links to other sections of the document.

After applying a strict outlining scheme to the document, it became evident that several places in the existing document have missing goals or missing or extra heading text in the hierarchy of goals, subgoals, and policies. These areas are identified in the draft document as [missing goal] or [missing heading]. Strictly for the sake of organization, it would be useful to insert text in these areas. The Department will be working on identifying appropriate existing text to reorganize to better achieve a consistent organization and formatting scheme for the document. There are also “general policy goals” in some sections that are not really goals, and should be recharacterized as “general principles” (which is what the explanatory text that follows them calls them). Also notably, goal numbers now have the chapter heading prepended, i.e., goal A becomes goal 4A; the policies always had the chapter number prepended so those numbers did not change. The Department will also update the fonts and styles (which are currently based on the formatted 2007 plan fonts) to better match other county documents.

Proposed Comprehensive Plan Policy Amendments

Policy amendments to the various Comprehensive Plan Chapters are summarized below.

Element Goal	Summary of Policy Updates	Discussion
Introduction	No policies are included in the introduction	<ul style="list-style-type: none"> • Updates are made to the list of appendices and the list of related studies and plans • A reference to the Skagit County iMap website replaces a list of available maps • The planning framework is updated to include recent planning milestones • The list of Skagit County subarea plans is updated • A description is included of the population and employment growth forecasts for this update • The 2016 Update process is described and major themes of the update are added • Other minor text changes are made where clarifications or improvements needed
Urban, Open Space & Land Use Element	<ul style="list-style-type: none"> • Updates to the applicable CPPs are made • Proposed policy 2A-1.6 is added regarding the Sedro-Woolley UGA expansion. Addition of a policy • Policy 2B-1.3 is revised to acknowledge adoption and encourage implementation of the UGA Open Space Plan Concept • A policy on Agricultural Land Preservation is added to implement existing policy discussion • Essential public facilities policies are moved to the Land Use Element from the Capital Facilities Element 	<ul style="list-style-type: none"> • Land use designation acreages are updated • The urban growth areas designated within Skagit County are added • The sections profiling Bayview Ridge and the Swinomish UGAs are updated with current information • A description of essential public facilities, as well as a list of existing facilities in Skagit County, is added to the element since the essential public facilities policies were moved into the Land Use Element from the Capital Facilities Element.

Element Goal	Summary of Policy Updates	Discussion
Rural Element	<ul style="list-style-type: none"> • References to several Countywide Planning Policies related to rural development are added • Two sub-policies added to policy 3A-2.1 regarding water availability and seeking resolution to the rural water crisis • Policy 3A-2.7 added regarding addressing noise impacts of rural development • Policy 3A-3.2 added supporting expansion of piped water in rural areas of more intensive development. • Policy 3C-1.5 regarding Bayview Ridge Urban Reserve zone is removed. • Policy 3C-1.7 amended to say County should consider identifying some additional Rural Villages. • Policy 3C-2.3 amended to remove time limit for exercising commercial rezone. • Policy 3C-5.5 regarding Ag Industrial Park proposed for deletion • Home Based Business policies modified for consistency with code and to recognize HBB 3. 	<ul style="list-style-type: none"> • Rural growth and development trends and rural designation acreages updated. • Text references to Bayview Ridge Urban Reserve removed. • New language provides background information regarding the 2001 instream flow rule (and subsequent legal challenges), as well as language reflecting the County’s ongoing commitment to developing solutions to water supply issues resulting from the rule.

Element Goal	Summary of Policy Updates	Discussion
<p>Natural Resources Element</p>	<ul style="list-style-type: none"> • Additional criteria for designation of resource lands added referencing the Department of Commerce Minimum Guidelines to classify these lands • Goal A-2 and Policy 4A-2.8 now include mention of the Voluntary Stewardship Program. • Added language about the criteria for de-designation requests • Strengthened Policy 4B-2.11 on wildfire planning and implementation of a Firewise program • Modified references to the Natural Resource Lands Information Clearinghouse throughout the policy sections 	<ul style="list-style-type: none"> • Land acreage numbers are updated in the Natural Resource Lands profile

Element Goal	Summary of Policy Updates	Discussion
Environment Element	<ul style="list-style-type: none"> • Reference added to CPP 10.10 regarding usual and accustomed activities on natural resource lands and aquatic resource areas • The Fish and Wildlife Habitat Conservation Areas classification description is updated (5A-1.3) • Reference to outdated plans removed (5A-4.1) • Added Policy 5A-5.1(l) on considerations of changing climate conditions and the impact on frequently flooded areas • Added reference to special consideration of anadromous fisheries based on Best Available Science and GMA directive. Previously not included due to oversight. (5A-5.1(t)). • Added additional protection of habitat for threatened and endangered species as a response to FEMA’s Biological Opinion (5A-5.2) • Added policy 5A-5.3(w) to consider potential policies addressing regional ecological assessments and biodiversity that prioritize conservation • Air Quality section deleted from the policies because there was no policy; narrative moved to profile 	<ul style="list-style-type: none"> • Summaries of related plans and policies are updated • A brief discussion of the changing climate and its local impacts is added
Shoreline Master Program Element	<ul style="list-style-type: none"> • No changes; update of this element is occurring separately as part of the overall update of the Shoreline Master Program 	

Element Goal	Summary of Policy Updates	Discussion
Housing Element	<ul style="list-style-type: none"> • Housing goals and policies are reorganized under relevant headings • Overall wording changes made for clarity • New policy 7A-1.8 added to encourage development of growth strategies and housing programs in order to plan for affordable housing on a regional level and address countywide housing needs with a goal of having 40 percent of housing stock affordable at or below 80 percent of the area median income. • Policy 7B-1.4 moved from a goal to a policy, where it fit more appropriately • Goal C1 moved to Goal D where it fit more appropriately with policy 7D-1.1 • Policy 7E-1.1, on farmworker housing, is revised to include more detail about ensuring an adequate supply of farmworker housing 	<ul style="list-style-type: none"> • A section is added outlining the role of the County in addressing regional housing issues • Demographic and housing data and trends are updated in the housing profile • A discussion of farmworker housing is added • Statistics on housing supply and demand, as well as affordability and rents, are updated • Discussion added of the affordable housing strategy approved by the Housing Affordability Committee

Element Goal	Summary of Policy Updates	Discussion
Transportation Element	<ul style="list-style-type: none"> • Minor wording edits made throughout the policies for clarity and improvement • Goal A1 tweaked to specifically reference agriculture and forestry industries • Policy 8A-1.7 added re: considering transportation needs of ag and forestry industries • Policy 8A-1.8 added to ensure transportation and land use are coordinated • Policy 8A-3.6 added to ensure coordination between public transit and non-motorized • Policy 8A-4.3 tweaked regarding road closures at rail lines. • Policy 8A-6.3 includes additional text explaining the distinction between placing a project in the 20-year non-motorized plan and in the 6-year TIP • Policy 8A-6.4 expanded regarding public education and “sharing the road” • Policies 8A-6.11 and 8A-6.12 added to encourage implementation of non-motorized facilities where appropriate and to ensure maintenance of non-motorized facilities • Policy 8A-13.11 added regarding electric vehicle infrastructure 	<ul style="list-style-type: none"> • The list of supporting documents is updated • Regional transportation policy updates from the SCOG’s draft 2040 Plan are incorporated • A section on traffic impacts to state-owned facilities is added • Descriptions of the road network profile and other transportation facilities are updated • All LOS, finance, demand, and government coordination sections are addressed and updated • Finance section significantly expanded • Intergovernmental coordination discussion updated • Discussion of non-motorized transportation expanded.

Element Goal	Summary of Policy Updates	Discussion
Utilities Element	<ul style="list-style-type: none"> • Minor wording edits made throughout the policies for clarity • Policy 9A-8.2 revised to include a subsection regarding State law that does not allow the County to issue residential building permits or approve subdivisions unless there is a lawful water supply • Narrative text regarding water issues is moved from the policy section to the profile section. 	<ul style="list-style-type: none"> • Updates made to the list of capital functional plans for the different service providers • Sections on the County’s coordinated water system plan and the water rights agreement revised to include current information • New language provides background information regarding the 2001 instream flow rule (and subsequent legal challenges), as well as language reflecting the County’s ongoing commitment to developing solutions to water supply issues resulting from the rule. • References to the 1996 Memorandum of Agreement (“MOA”) regarding water supply are removed because Skagit County formally withdrew from the MOA in 2012.
Capital Facilities Element	<ul style="list-style-type: none"> • Minor wording edits made throughout for clarity • Essential public facilities policies moved to the Land Use chapter • Policy 10A-1.1 containing a definition of public facilities revised to align with the annual CFP • Park standards, stated in 10A-1.7, are updated • The public facility needs policy (10A-1.98) is revised to clarify how needs are calculated • Policy 10A-2.16 is revised to clarify that municipal UGAs require a partnership between the city and county for planning services 	<ul style="list-style-type: none"> • The chapter and profile are reorganized • Information from the Capital Facilities Plan is pulled into the element and profile where it appropriately aligns with the Comprehensive Plan and a 20-year planning horizon • Much of the narrative and explanation of the capital facilities planning process that currently exists in the annually updated Capital Facilities Plan is moved from that document into the Comprehensive Plan itself.

Element Goal	Summary of Policy Updates	Discussion
Economic Development Element	<ul style="list-style-type: none"> • Minor wording edits made throughout for clarity • Policy 11F-1.2 revised to include specific areas where the Port's economic development activities may occur 	The profile is updated with current demographic data, housing data, industry and employment trends, and implementation projects for the Skagit County Comprehensive Economic Development Strategy (CEDS)
Plan Implementation & Monitoring Element	<ul style="list-style-type: none"> • Minor wording edits made throughout for clarity • Policy 12A-4.1 is revised to include current information on subarea and community plans • Policy 12A-4.2 added to acknowledge adoption and incorporation by reference of the Alger, Bayview Ridge, Guemes Island, and Hamilton Subarea Plans, 	Discussion is added to the introduction regarding the balance between protection of citizen property rights and achieving land use goals and policies
Appendix A	<ul style="list-style-type: none"> • Minor edits made to acronyms and definitions 	
Appendix B	No changes	This appendix lists milestones in Comprehensive Planning process up through adoption of 1997 Comprehensive Plan.
Appendix C	<ul style="list-style-type: none"> • Current Appendix C, descriptions of related plans, studies and regulations, is proposed for removal. • The Transportation Systems Plan, an updated and consolidated version of the Transportation Systems Plan, is proposed to become the new Appendix C. 	<ul style="list-style-type: none"> • Many of the plans and studies cited are outdated. More recent versions of relevant plans are cited in the Introduction chapter. • Skagit County Code Title 14 is the comprehensive body of land use regulations.
Appendix D	Appendix D is proposed to be eliminated.	Appendix D is a list of ordinances adopting and amending the Comprehensive Plan. An updated version of this list is now maintained on the Planning & Development Services website.

Countywide Planning Policies

The proposal contains two proposed changes to Countywide Planning Policy¹.

- The first is proposed amendments to the 20-year population and employment forecasts agreed to by Skagit County and the cities and towns for the purposes of comprehensive planning under the Growth Management Act.
- The second would implement an annual land use monitoring program to be conducted by the county and cities and towns with the assistance of the Skagit Council of Governments, to assist those jurisdictions with annual and periodic comprehensive plan updates.

The Growth Management Act (GMA) requires that counties consult with cities and allocate population growth within a range of projections provided by the Washington State Office of Financial Management (OFM). GMA also requires that counties consult with cities and size their Urban Growth Areas (UGAs) based on projected population and employment growth over a 20-year period. (RCW 36.70A.110 and 115) The County's project population and employment growth, as well as specific allocations to the County and each city and town, are formalized in Countywide Planning Policy 1.1.

In 2014, the Growth Management Act Steering Committee adopted a county population target of 155,452 for 2036, or 35,751 new residents over the next 20 years (2016 – 2036). The Steering Committee based its decision on the recommendation of a technical committee of County, city and town planners who reviewed the population forecast range by the state Office of Financial Management (OFM) and the local ability to accommodate growth. The OFM forecast a range from 128,123 to 198,189. The adopted number of 155,452 is approximately half-way between the Office of Financial Management's low and medium estimates. The target was further broken down into numbers for the cities, towns and their municipal UGAs (104,488), the County and tribal UGAs (5,299), and the rural area population (45,655). These numbers provide the basis for comprehensive plan updates in each jurisdiction.

The adopted population allocations do not include population numbers for future fully contained communities or non-municipal UGAs such as Bayview Ridge (other than a minor population allocation to Bayview Ridge reflecting existing buildable residential lots). Based on review of historical data and local knowledge, the GMA Steering Committee concluded that new non-municipal UGAs or fully contained communities should not be necessary to accommodate future population growth within the 20-year planning period. The selection of the medium population forecast also recognizes the unique quality of life and rural character of Skagit County and that planning efforts for further growth should reflect the desire to protect and preserve that character while promoting a robust economy that compliments the policy to preserve and protect Skagit County's rich agricultural and resource heritage.

In addition, the Growth Management Act Steering Committee adopted an employment target for the County of 70,617 jobs for 2036, an increase of 18,853 jobs over the 2015 total of 51,764. (The

¹ Countywide planning policies (CPPs) are developed and adopted by a county and its cities to establish a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to the Growth Management Act (RCW 36.70A.210). Countywide planning policies ensure that city and county comprehensive plans are consistent with the Growth Management Act and with each other.

GMASC set the initial employment target at 67,762 in 2014, but then increased it to 70,617 in 2015 to reflect projected job growth at the Center for Innovation and Technology/North Cascades Gateway Center in Sedro-Woolley). The employment projection is based on several factors, including historic ratios of job growth to population growth in Skagit County, and projections by the state Employment Securities Division for the growth of certain industries present in Skagit County. The process is documented in the [Skagit County Growth Projections Summary of Methods and Results, July 2014](#).

The aggressive job growth projection also reflects an intent by local elected officials to implement strategies to strengthen the local economy and emphasize growth in family-wage jobs. Examples include Skagit County's designation of additional industrial acreage at Bayview Ridge through 2013 and 2014 amendments to the Bayview Ridge Subarea Plan, and the ongoing partnership between the City of Sedro-Woolley, the Port of Skagit, and Skagit County to establish the Center for Innovation and Technology on a portion of the old Northern State Campus north of Sedro-Woolley.

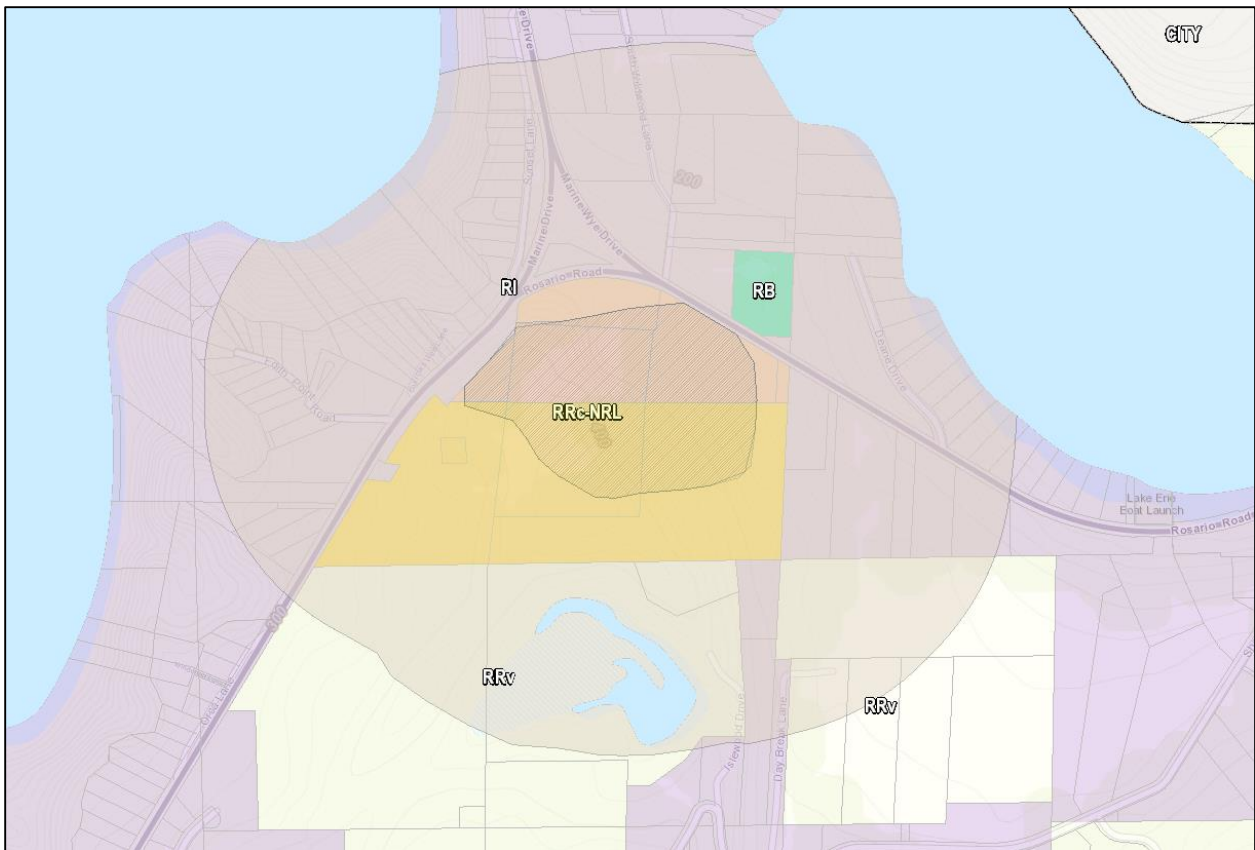
Proposed Map Amendments

The County is considering several proposed Comprehensive Land Use and Zoning Map amendments through the 2016 Update process. Property owners and one city (Sedro-Woolley) submitted map amendment petitions to the County as part of the annual 2015 Comprehensive Plan Amendment docket. The Board held a public hearing and accepted written comments on the various proposals in October 2015. Through [Resolution R20150390](#), adopted in December 2015, the Board of County Commissioners determined that five map amendment proposals would move forward with the 2016 Update process. Those Comprehensive Land Use and Zoning Map amendment proposals are further described below.

Lake Erie Trucking (PL15-0363)

SUMMARY

The proposal would expand the Mineral Resource Overlay (MRO) to the parcel boundaries of four parcels on Fidalgo Island (P19158, P90028, P19165, and P19164) currently designated Rural Resource-NRL and partially included in the MRO. The area currently included in the MRO is the Lake Erie Pit which is an existing sand and gravel mine. The size of proposed MRO expansion is approximately 23 acres. If the MRO expansion is approved, the property owner has indicated he will seek a special use permit from the County to expand the Lake Erie Pit on the added area.



Map of area with existing MRO, center, in cross-hatch; proposed expansion of MRO to entirety of parcels P19158, P90028, P19165, and P19164 highlighted in light orange

CONSISTENCY

The MRO designation policies (found in the 2007 Comprehensive Plan Chapter 4, beginning on page 4-26) indicate that land may be designated MRO if it meets certain criteria in policy 4D-1.3 for the presence of mineral resources. Based on the submitted application materials, the subject parcels appear to meet those criteria.

The policies state that all land meeting the policy 4D-1.3 criteria shall be further evaluated based on additional criteria including the land use designation of, and existing residential densities on, the subject land and surrounding properties.

The property is designated Rural Resource-NRL (RRc-NRL), which is one of the land use designations that may be designated MRO per policy 4D-1.3 (a)(i). The residential densities on the subject land are less than one residence per 10 acres, which is also a requirement per policy 4D-1.3 (a)(iii).

The following MRO designation policies discuss surrounding land use densities:

Policy 4D-1.3 (b)

Appropriate surrounding land use zoning for MRO lands include: Industrial Forest, Secondary Forest, Rural Resource, Rural Reserve, Natural Resource Industrial and other industrial uses;

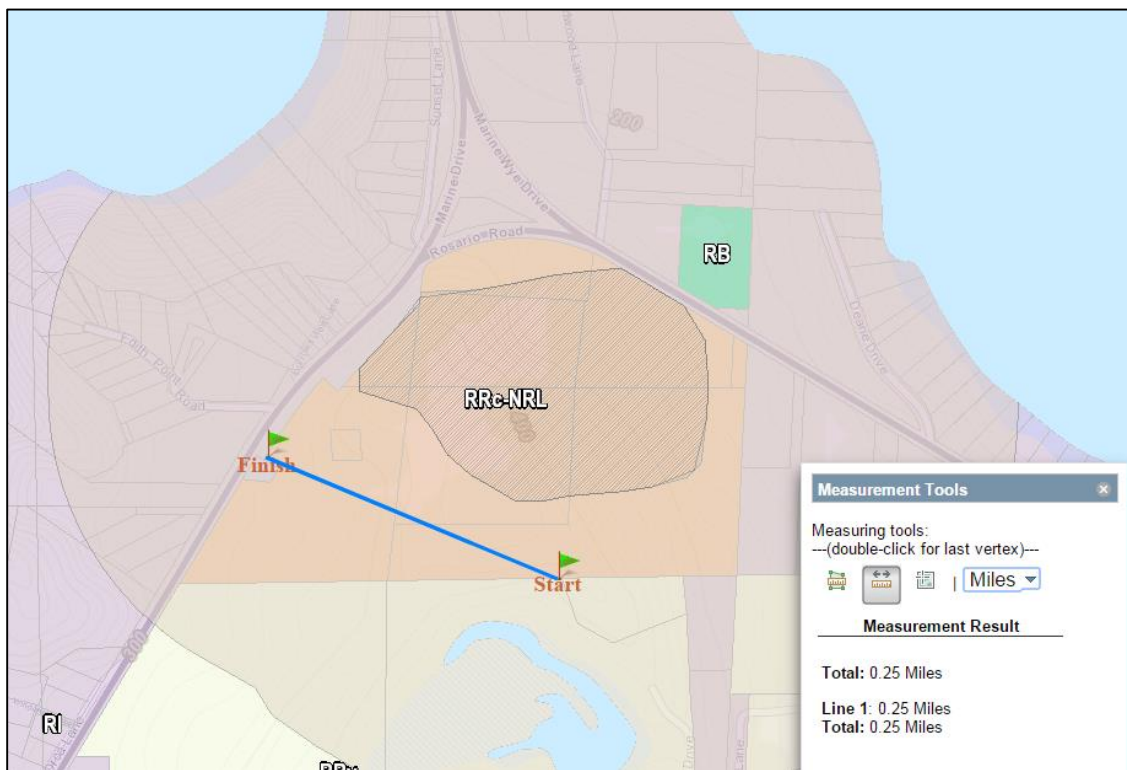
The land immediately south of the property is designated Rural Reserve, consistent with this policy.

Policy 4D-1.3 (d)

Designate MRO areas $\frac{1}{4}$ mile away from Rural Villages, **Rural Intermediate**, and Urban Growth Areas, **except in limited cases where pre-existing MRO areas may be retained** to address unique economic circumstances or proximity to market. **(Bold emphasis added)**

The entire area proposed to be added to the MRO is within $\frac{1}{4}$ mile of land zoned Rural Intermediate (RI) to the east and west, as indicated below. This would appear to preclude the subject area from being added to the MRO. However, the policy also states an exception: “except in limited cases where pre-existing MRO areas may be retained...” This exception appears to be the reason that the existing MRO is there, in recognition of the pre-existing Lake Erie Pit, despite the fact that in some cases the existing MRO is immediately adjacent to Rural Intermediate (RI) zoning and in all cases is closer than $\frac{1}{4}$ mile.

After the initial designation process, the policy is somewhat ambiguous as to whether *new* MRO areas that are extensions of *existing* mineral resource operations can also be designated MRO.



Map illustrating $\frac{1}{4}$ -mile scale; Rural Intermediate zoning (purple)



Aerial view of the existing Lake Erie Pit and proposed MRO area

Identifying, classifying, and conserving natural resource lands (agriculture, forestry, and mineral) are a requirement under the Growth Management Act, and is a stated policy in Skagit County's Comprehensive Plan, and implementing regulations. Assuring that commercially-viable mineral resource materials (rock, sand, and gravel) are readily available and locally accessible reduces development costs and is an important commodity for growth.

New and expanding mining and quarry operations require a Hearing Examiner special use permit and public hearing under Skagit County Code. The special use permit review process requires the applicant to submit a report that addresses mineral operational plans, impacts and mitigation (noise, vibration and dust levels), and includes a reclamation plan, a geologist report characterizing the area's groundwater and aquifer protection, identification of critical areas, traffic studies, effects on surrounding properties, stormwater runoff and erosion impacts, impacts on public interests (i.e., fishing, boating, hiking, camping), establishment of buffers, and hours of operation.

RECOMMENDATION

Given the presence of mineral resources on the property meeting the required thresholds, and the special use permitting process required for expansion of the mining operation if the MRO designation is approved, the Department recommends approval of the request to expand the Mineral Resource Overlay (MRO) to include the approximately 23 additional acres.

Concrete Concepts (PL15-0378)

This proposal is one of two to amend Edison Rural Village comprehensive plan/zoning designations. Each petition is described and analyzed separately below, following background on the Edison community.

The community of Edison is designated as a Rural Village. Rural Villages represent pre-existing, rural enclaves that have historically been a place for small-scale, rural commerce and business. Rural Villages are established as LAMIRDS (RCW 36.70A.070(5)(d)), limited areas of more intensive rural development. The Skagit County Comprehensive Plan acknowledges these rural communities and encourages rural businesses to locate there.

The Edison Rural Village has a mix of rural businesses (cafes, taverns, galleries, second hand/antiques stores, liquor store, bakery, former timber company, and a cabinet/woodworking shop) and public uses (fire station, and school). Edison is an active, lively, eclectic community, with a narrow county road that winds its way through the rural village. It has several side streets and is surrounded by Skagit Valley prime farmland. It is a walkable, quaint rural community, and is busy both day and night, and especially on weekends. Rural homes are scattered about on small lots. The Edison Slough meanders around the rural community. The school and fire station lie east of the Rural Village center.

A community septic system, with a fixed capacity, provides for treatment of sanitary waste for many of the lots. A few lots have on-site septic systems. The entire community of Edison is located within the 100-year floodplain.





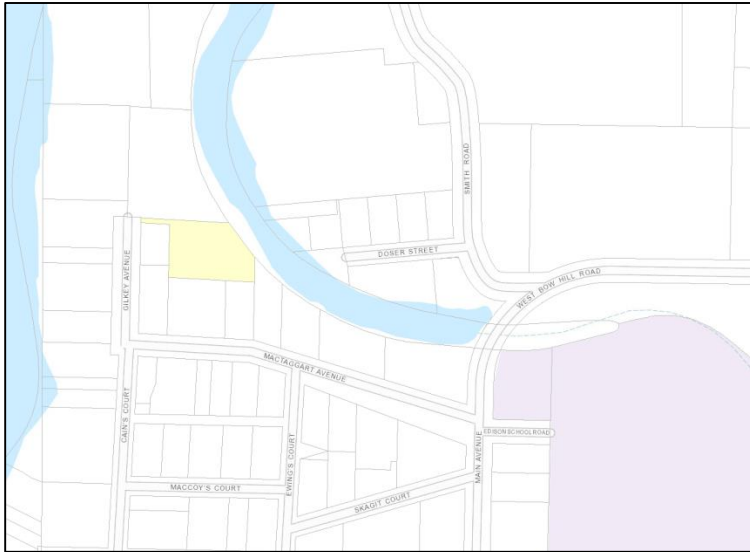
Scenes of Edison Rural Village



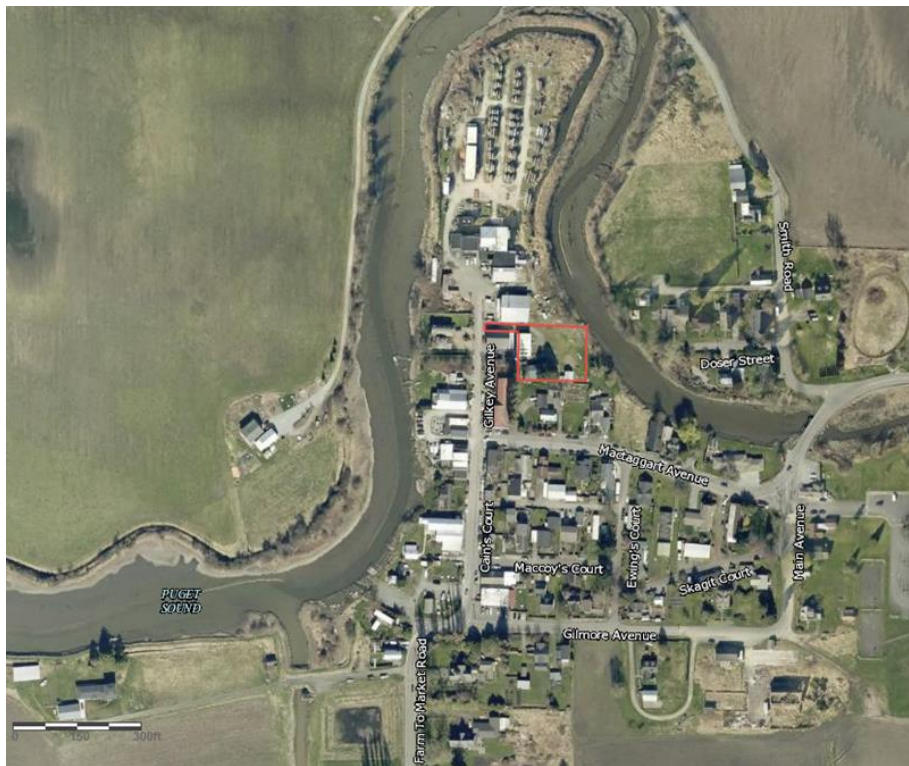
Aerial view of Edison Rural Village

SUMMARY

The proposal seeks to redesignate P72958 (0.5 acres) in the Edison Rural Village from Rural Village Residential (RVR) to Rural Village Commercial (RVC), to allow small retail or services businesses permitted in that designation and zone. The parcel contains two metal buildings not intended for residential use and is adjacent to other parcels designated RVC.



Map of Edison with parcel P72958 highlighted in yellow



Aerial view with property outlined in red

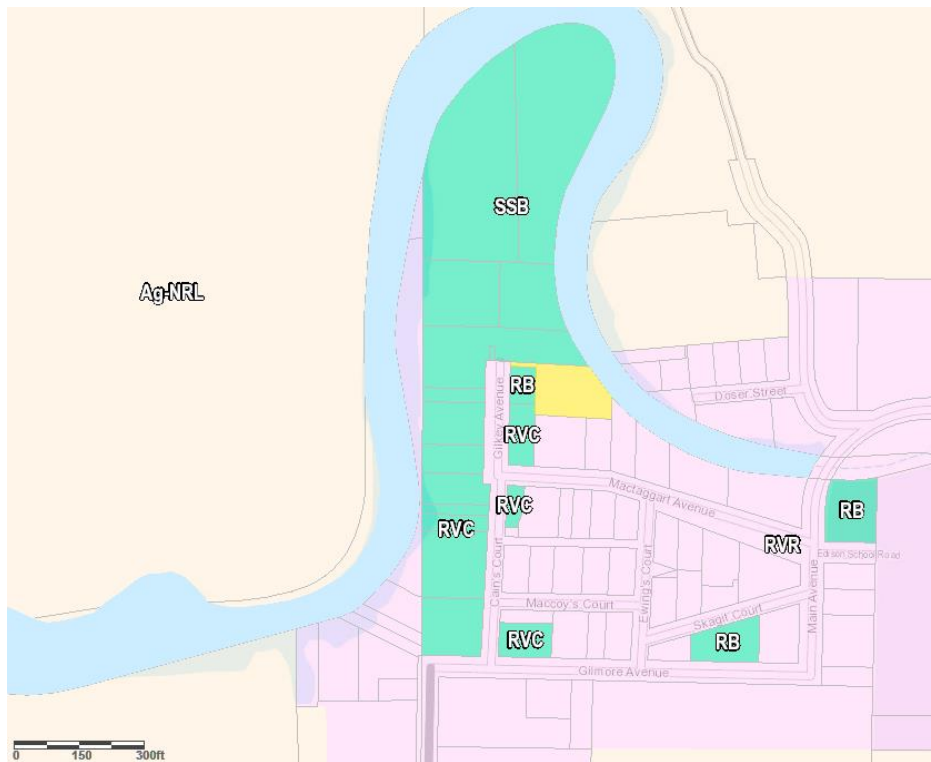
CONSISTENCY

The applicant is seeking the proposed map amendment to allow a pre-existing building (the blue one shown in the below photo) to be used for an art gallery/studio. Two buildings are located on the property.



Structures located on the property

The subject parcel has Rural Village Residential (RVR) zoning to the south, Rural Business (RB) and Rural Village Commercial (RVC) to the west, Small-Scale Business (SSB) to the north, and the Edison Slough to the east.



Edison Rural Village and surrounding property zoning

The property has a residential use permit associated with the community septic system. Subsequent commercial businesses must comply with, but are not limited to: zoning and building setbacks; shoreline regulations; floodplain requirements; and, health, sanitary, and building codes.

The proposed map amendment is consistent with and addressed by the following comprehensive plan policies:

Rural Villages

3C-1.8(c)

Because Rural Villages are the preferred location for commercial uses in the Rural area, the establishment of new Rural Village Commercial designations *within existing Rural Village boundaries* may occur through the annual Comprehensive Plan amendment process, and is not required to occur through a community plan.

Rural Village Commercial (RVC)

3C-2.5

The Rural Village Commercial District provides for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries and to provide goods, services, and lodging for travelers and tourists to the rural area.

3C-2.6

Generally, there should be only one contiguous area designated Rural Village Commercial in each Rural Village. New uses should be clustered around the existing Rural Village Commercial district, unless the particular nature of the new use justifies an alternative location within the Rural Village.

3C-2.7

Typical uses in the Rural Village Commercial district include small retail and service businesses that primarily serve the needs of the surrounding population or support natural resource businesses and industries, art and performance galleries and studios, overnight lodging and related services for visitors to the rural area, and minor public uses.

3C-2.8

Maximum size limits for uses within the Rural Village Commercial district are intended to retain the rural character of the Rural Villages and are based on the size of existing commercial uses within the Rural Villages. A community plan may modify the dimensional standards for a particular Rural Village Commercial district, provided that the newly developed standards are consistent with existing commercial uses within that Rural Village.

3C-2.9

Land within a Rural Village may be redesignated to one of the other rural commercial or industrial designations, based on the appropriate land use designation criteria, and subject to a Rural Village community plan if one has been adopted.

RECOMMENDATION

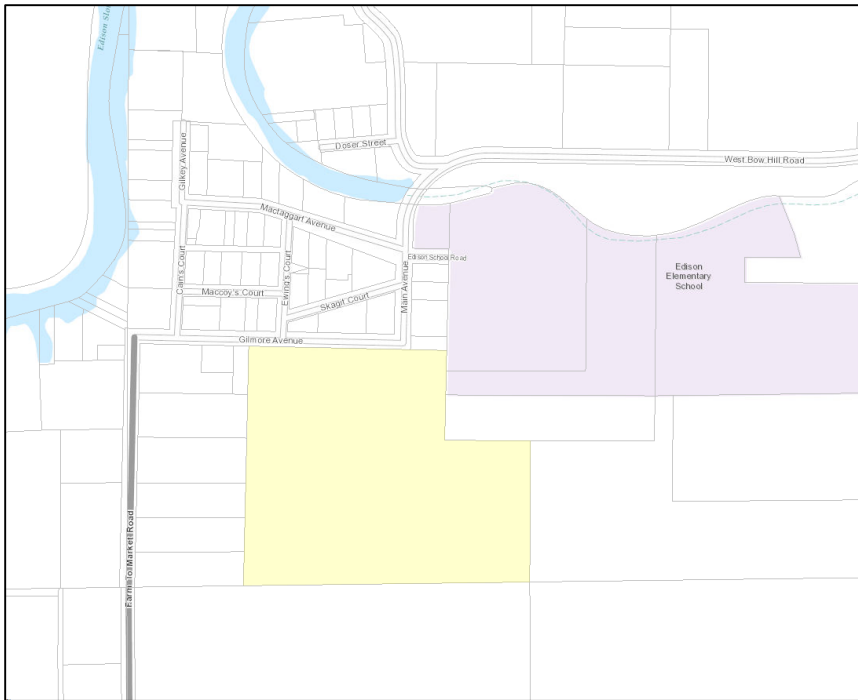
The Department recommends approval of the redesignation from Rural Village Residential (RVR) to Rural Village Commercial (RVC).

Edison Granary (PL15-0379)

For background on the Edison Rural Village, please see page 18.

SUMMARY

The proposal seeks to redesignate a portion of P48536 (approximately 2.5 acres) in the Edison Rural Village (RV) from Rural Village Residential (RVR) to Rural Village Commercial (RVC). The petitioner seeks to convert the existing granary building on site into a community events space, grange hall, and seasonal weekly farmers' market to support local producers and growers in the area. The property is adjacent to parcels zoned Rural Village Residential (RVR) and Rural Business (RB); and, the southern portion of the property is zoned Ag-NRL, which it is not proposed for change.

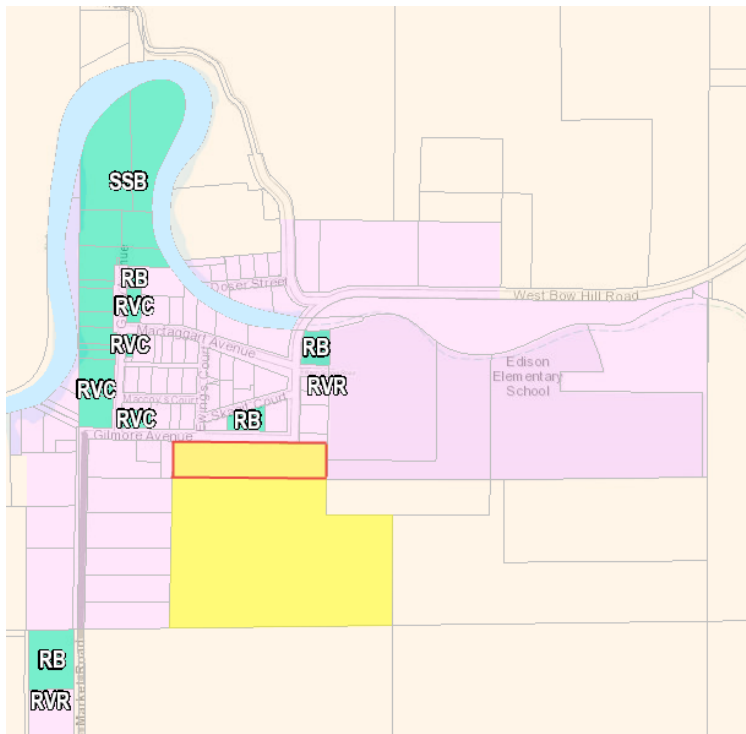


Map of Edison with parcel P48536 highlighted in yellow; portion of parcel proposed for redesignation outlined in red in aerial photo below.



Aerial view with subject portion of parcel outlined in red

As shown in the map below, the subject property is adjacent to and south of Gilmore Ave, has primarily Rural Village Residential (RVR) zoning to the west, north and east; with some Rural Business (RB) and Rural Village Commercial (RVC) zoning in close proximity; and, to the south is Agricultural – Natural Resource Land (Ag-NRL) zoned properties.



Edison Rural Village and associated area zoning, property outlined in red

CONSISTENCY

There is an existing granary building on the property and the intention is to convert it into a fully functional community events space and grange hall, and to establish a seasonal weekly farmer’s market to showcase and support the many small-scale local producers and growers in the area. Event parking can be accommodated on-site. The property has a residential sanitary use permit associated with the community septic system. There is an existing residence on the property and associated structures. The granary building will require some minor construction, including the installation of a new on-site septic system, plumbing, bathrooms, noise-proofing and finish work. The barn and granary are both over 45 years old.



Aerial view of the subject property with the granary highlighted in red



Looking westerly, with granary building in the back



Granary building

The proposed map amendment is consistent with and addressed by the following comprehensive plan policies:

Rural Villages

3C-1.8(c)

Because Rural Villages are the preferred location for commercial uses in the Rural area, the establishment of new Rural Village Commercial designations *within existing Rural Village boundaries* may occur through the annual Comprehensive Plan amendment process, and is not required to occur through a community plan.

Rural Village Commercial (RVC)

3C-2.5

The Rural Village Commercial District provides for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries and to provide goods, services, and lodging for travelers and tourists to the rural area.

3C-2.6

Generally, there should be only one contiguous area designated Rural Village Commercial in each Rural Village. New uses should be clustered around the existing Rural Village Commercial district, unless the particular nature of the new use justifies an alternative location within the Rural Village.

3C-2.7

Typical uses in the Rural Village Commercial district include small retail and service businesses that primarily serve the needs of the surrounding population or support natural resource businesses and industries, art and performance galleries and studios, overnight lodging and related services for visitors to the rural area, and minor public uses.

3C-2.8

Maximum size limits for uses within the Rural Village Commercial district are intended to retain the rural character of the Rural Villages and are based on the size of existing commercial uses within the Rural Villages. A community plan may modify the dimensional standards for a particular Rural Village Commercial district, provided that the newly developed standards are consistent with existing commercial uses within that Rural Village.

3C-2.9

Land within a Rural Village may be redesignated to one of the other rural commercial or industrial designations, based on the appropriate land use designation criteria, and subject to a Rural Village community plan if one has been adopted.

RECOMMENDATION

The Department recommends approval of the redesignation from Rural Village Residential (RVR) to Rural Village Commercial (RVC).

Sedro-Woolley UGA (PL13-0299)

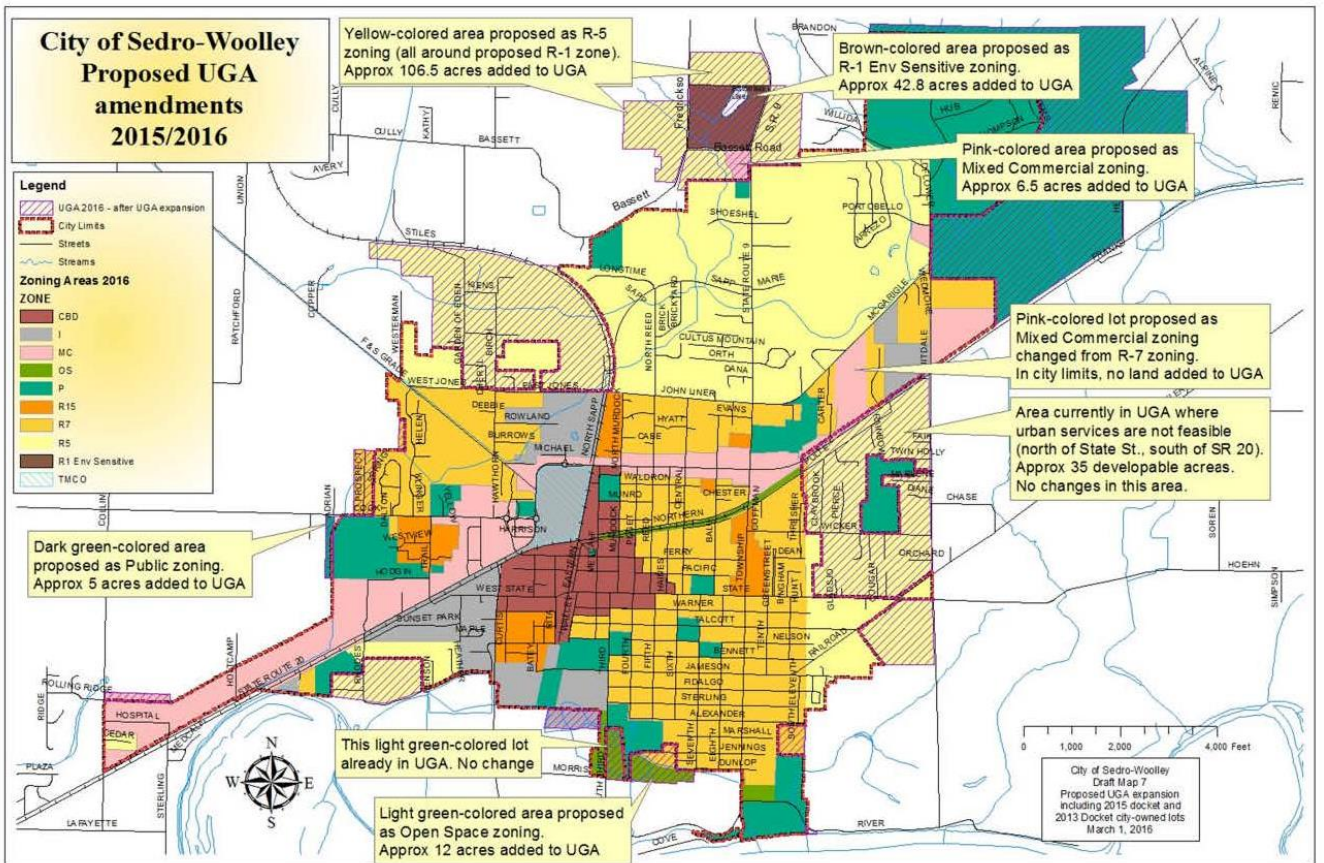
SUMMARY

The proposal seeks to add enough land to the Sedro-Woolley urban growth area (UGA) to accommodate the projected employment growth and population growth over the 20-year planning horizon (2016 to 2036). Based on a land capacity study prepared on behalf of the City by E.D. Hovee LLC, Sedro-Woolley needs to accommodate an additional 359 jobs and 128 residents beyond what the existing UGA can handle. The proposal seeks to do this by 1) adding up to 156 acres of land to the UGA north of the city, mostly for residential and a limited amount of commercial development, and 2) changing zoning on a 21.6 acre parcel within the city limits from residential to commercial.²

Additionally, and unrelated to population and employment capacity needs, the city's proposal seeks to add approximately 4.3 acres of city-owned land west of Janicki Fields, currently zoned Rural Reserve in the County, to the UGA for public use; and to add approximately 11 acres of city-owned land south of the city, currently zoned Ag-NRL in the County, for use as a stormwater drainage facility. The proposed UGA boundary changes and zoning are shown below:

² This rezone recommendation within city limits is not under consideration by the County, being outside of the County's land use jurisdiction, but it does factor into the city's accounting for its UGA expansion needs.

Exhibit 1. Proposed Sedro-Woolley Urban Growth Area (UGA) and Land Use/Zoning Designations



PROPOSAL HISTORY

The city initially submitted a UGA expansion proposal to Skagit County as part of the 2013 comprehensive plan amendment docket. That proposal sought to expand the UGA to the north; contract the current UGA on the east side of the city; and add the above-mentioned city-owned properties on the west and south edges of the city. The Board of County Commissioners placed that proposal on the 2013 amendment docket but the County did not consider it further because the city did not submit a required buildable lands analysis in a timely manner.

The city subsequently submitted a revised UGA proposal to the County as part of the 2015 docket cycle, along with the required buildable lands analysis. The Board of County Commissioners approved that proposal for further consideration through the 2016 Update, including consideration of the two city-owned properties submitted previously.

The city subsequently conducted Planning Commission public hearings on the 2015 UGA expansion proposal, and the city's Planning Commission issued a recommendation in January of 2016. The Sedro-Woolley City Council forwarded that recommendation to the County in the form of City Council Resolution 936-16, dated February 10, 2016, as a refinement of its 2015 UGA proposal.

The Sedro-Woolley Planning Commission made the following recommendation for the northern UGA expansion area:

- **Employment:** Rezone one approximately 21.6-acre parcel in the city limits from Residential 7 designation to Mixed Commercial³ and expand the UGA to add approximately 6.5 acres of Mixed Commercial designation to accommodate the projected jobs growth.
- **Residential:** Add to the UGA approximately 106.5 acres of Residential 5 designation and 42.8 acres of a new "Residential 1 Environmentally Sensitive" zoning designation to accommodate the projected residential growth and growth that cannot be accommodated with urban services in the 35 acres within the eastern portion of the existing UGA.

In sum, the Planning Commission's recommended UGA expansion area to the north totals 155.8 acres – 6.5 acres of which would be zoned for commercial development and the remainder for residential. The in-City redesignation is 21.6 acres.

Originally, the City's 2015 UGA amendment application to the County proposed two options for a portion of the city's eastern UGA totaling 170 acres (the area described in the above map as "currently in UGA where urban services are not feasible"). The city's buildable lands analysis concluded that only 35 acres of this area is developable. Further, the city says that provision of urban services here is infeasible due to previous development patterns averaging 1-acre lot sizes, and that extension of sewer service would cost more than could be recouped with typical subdivision development.

Those two options were:

- Option 1: remove the eastern area from the UGA in favor of the area to the north
- Option 2: retain the eastern UGA area with zoning at a density (R-1)⁴ that matches its current condition until such time as funding for urban services can be implemented. The City has prepared a new R-1 zone in such a case.

CITY OWNED PROPERTIES

In its 2013 proposal, the City identified a study area to the south of the City designated Agricultural—Natural Resource Lands (Ag-NRL). The City owns the land and is considering the need for stormwater management. The City proposed a designation of Urban Reserve Public-Open Space (URP-OS). Stormwater facilities are permitted in the current Ag-NRL designation, subject to a special use permit, as well as in the proposed URP-OS designation. Skagit County docketed the portion not presently in agricultural use. See the map below.

Exhibit 1. Southern Sedro-Woolley UGA Request

³ This rezone recommendation within city limits is not under consideration by the County, as it is outside of the County's land use jurisdiction, but it does factor into the city's accounting for its UGA expansion needs.

⁴ Areas proposed for R-1 zoning were developed using a "shadow platting" provision that is no longer available in County code. That development resulted in an average lot size of one acre.



The City is also proposing a 4.3-acre UGA expansion west of the UGA for public purposes west of Janicki fields, owned by the City, and currently zoned Rural Reserve (RRv). See below.

Exhibit 2. Sedro-Woolley – Public Property UGA Expansion Request



EXPANSION AREA REVIEW

Critical Areas

Northern expansion area: Bottomless Lake, located roughly in the center of the northern expansion area, is 7.5 acres in size.

The 7 1/2-acre volcanic lake is fed by several glacial springs that originate in the glacial field at Mount Baker. A biologist, using electrical gear, determined the average depth of the lake at 350 feet. (Skagit River Journal 2003)⁵

A Bald Eagle nest has been documented as of 2010 (occupied, activity unknown).⁶ A Type F stream is located at the south end of lake. Wetlands ring the lake, and are found in other areas west of the lake.

The City proposes a future zone of R-1 around the lake given its current development pattern and critical areas.

Southern expansion area: To the south, the land proposed for a stormwater facility lies within the 100-year floodplain, and is mapped with wetlands and hydric soils.

Western expansion area: Brickyard Creek lies between the Janicki Playfields and the property to be added for public purposes to the west.

Utilities

The Skagit County PUD provides water to the northern UGA expansion area, the proposed public land west of Janicki Playfields, and the proposed stormwater site via the Judy Reservoir System, which serves the cities of Burlington, Mount Vernon and Sedro-Woolley as well as surrounding rural and suburban areas.

The City's 2005 sewer plan addresses a 2025 citywide population of over 15,755, a little lower than the projected 2036 citywide population of 17,069. There are no existing sewer lines in the northern UGA expansion area, but the southern portion of that expansion area was mapped as part of Township Street Basin F which is served by a SR-9 Trunk Line. The area with the proposed stormwater facility use does not have sewer service.

Current and Future Land Uses

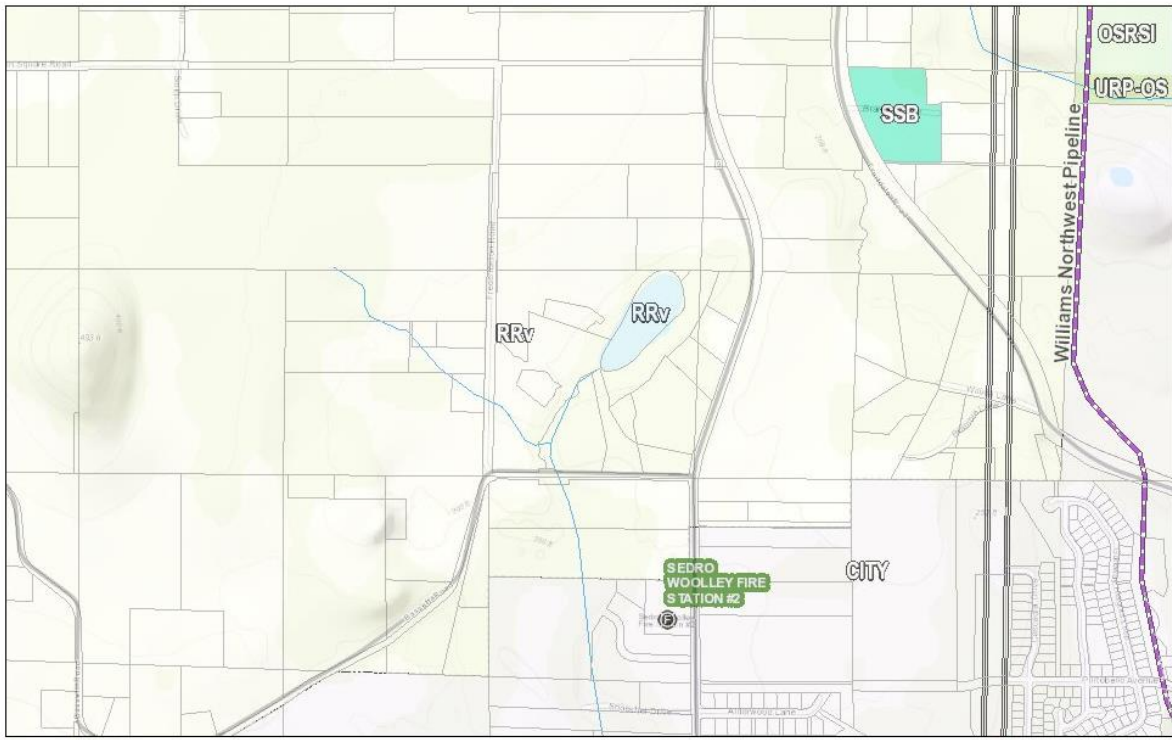
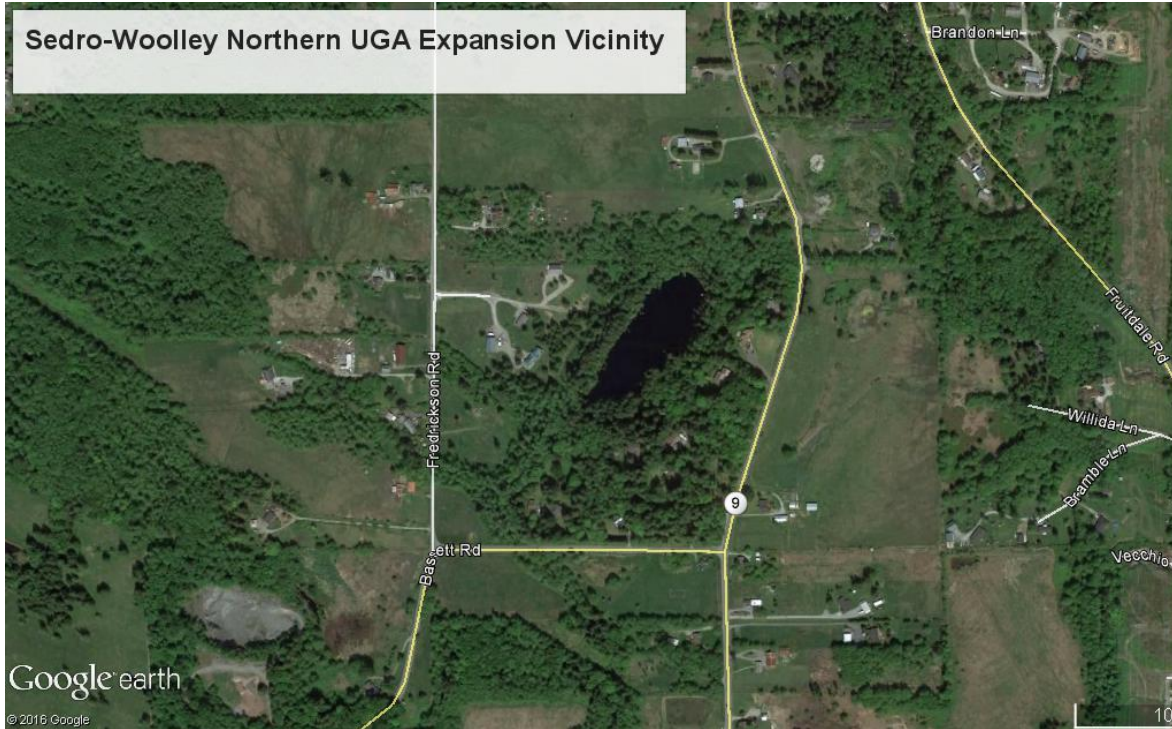
Northern expansion area: Much of the land in the northern area is residential in character, and some of it has resource uses (including 30 acres of County-owned gravel pit).⁷ It is designated and zoned on the Comprehensive Plan Map as Rural Reserve.

⁵ See website: <http://www.stumpranchonline.com/skagitjournal/S-WArea/BottomlessLake1-Intro.html>.

⁶ See website: http://wdfw.wa.gov/conservation/bald_eagle/territory/territory.php?id=1843&orderby=SurveyYear%20DESC

⁷ Current Land Use 2010, Figure 5a, Draft Skagit Shoreline Analysis Report. (The Watershed Company and ICF International, 2011)

Exhibit 3. Northern Urban Growth Area (UGA) Expansion Area – Vicinity Map and Zoning



February 21, 2016

Legend

- | | | |
|-----------------|--------------------|-----------|
| Tax Parcels | Utilities | Powerline |
| County Boundary | <all other values> | |
| City Limits | Pipeline | |

0 0.075 0.15 0.3 mi
0 0.1 0.2 0.4 km
Data Accuracy Warning: All GIS data was created from available public records and existing map sources. Map features have been adjusted to achieve a best-fit registration. While great care was taken in this process, maps from different sources do not always agree as to the precise location of geographic features. Map discrepancies can be as great as 300 feet.

The intent of the Rural Reserve zone is to maintain a lower density and open space character:

The purpose of the Rural Reserve district is to allow low-density development and to preserve the open space character of those areas not designated as resource lands or as urban growth

areas. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment and service opportunities for rural residents. They establish long-term open spaces and critical area protection using CaRDs as the preferred residential development pattern.

Representative permitted uses include single-family homes and accessory structures, agriculture, and home based businesses. Allowed densities are 1 unit per 10 acres unless development is clustered through a Conservation and Reserve Development (CaRD). A maximum height is 40 feet. Front setbacks are 35 feet, and side setbacks are eight feet.

If the area is added to the UGA, Skagit County would apply the Urban Reserve Residential (URR) zone, with the following intent:

The purpose of the Urban Reserve Residential district is to allow for the residential use of land in certain unincorporated UGAs at lower than urban densities and without requiring the provision of urban services and/or utilities. It is also intended to reserve the remainder of the land for more intensive urban residential development in the future. More intensive development than that allowed under the Urban Reserve Residential district requires annexation to the appropriate jurisdiction or requires approval of an urban reserve development permit pursuant to SCC 14.16.910.

The minimum lot size is one home per 5 acres. Maximum height is 40 feet. Front setbacks are 25 feet, and side setbacks are eight feet.

Sedro-Woolley's proposed zones, once the property is annexed, have the following intents:

- **Mixed Commercial:** The intent of this zone is to encourage a compatible mix of commercial and residential development. Standards are intended to present an attractive and welcoming appearance to visitors at the entrances to the city and at selected nodes along major roads; manage traffic impacts; encourage more non-motorized trips and reduce stormwater runoff. Commercial development should be scaled down when adjacent to residential areas to improve compatibility between uses.
- **Residential -5:** The intent of the R-5 zone is to provide a variety of housing opportunities in parts of the city characterized by more rolling terrain or areas that serve as a transition to the unincorporated rural area.

The Mixed Commercial zone allows for vertical mixed uses with 8 units per building, and a maximum height of 35 feet. Setbacks are dependent on whether lower density zones abut.

The R-5 zone has a maximum density of 5 units per acre. The maximum building height is 35 feet, with front setbacks of 20 feet and side setbacks of five feet. The proposed R-1 zone is similar to the R-5 zone but the density is at 1 home per acre.

Southern expansion area: The present use is open space. The Comprehensive Plan Map designation is Ag-NRL. The City proposes a designation of URP-OS. Either implementing zone allows a special use process to install a stormwater facility. To be considered for de-designation, an analysis is required demonstrating the land does not meet the designation criteria for Ag-NRL (County Natural Resources Element Policies and WAC 365-190-050).

Western expansion area: The property is owned by the City and abuts the Janicki Playfields, Rural Reserve lands to the west, and agricultural lands to the south and further west. There appears to be a clustered rural development in the vicinity to the west as well as larger lot rural development.

EVALUATION – NORTHERN UGA AREA

Site-specific reclassification requests to the Comprehensive Plan must be reviewed in accordance with the criteria outlined in the Skagit County Code Section 14.08.

Exhibit 4. Evaluation Matrix

	Criteria	Evaluation
1.	Proposal is consistent with the requirements of the Growth Management Act	<ul style="list-style-type: none"> • The Northern UGA expansion proposal would include lands that are either characterized by urban growth or that are adjacent to territory already characterized by urban growth (RCW 36.70A.110). Several properties are 1-2 acres in size and others are up to 9.5 acres in size. The City proposes a designation of 5 units per acre, except around the lake where the lot pattern and critical areas would be more consistent with the R-1 designation. The predominant density of 5 units per acre and Mixed Commercial allowing vertical mixed use and other commercial uses would make efficient use of land. The City is also upzoning an area to Mixed Commercial in the city limits to help reduce the size of the expansion area and rural zone conversion. • The City’s proposed sizing of the northern UGA is based on three factors. 1) A deficit in housing capacity in the UGA-wide analysis of 128 persons; 2) The rezone of 21.6-acres within the city from R7 to MC to accommodate a job deficit, thereby creating a need for residential land elsewhere; and 3) the transfer of 35 acres of buildable land capacity from the eastern UGA due to lack of urban services. To best meet GMA goals for urban growth, reducing sprawl, and providing urban services to the City’s full UGA, the Department recommends the northern UGA be sized to address the deficit in housing capacity in the UGA-wide analysis of 128 persons, and the rezone of a 21.6-acre parcel from R7 to MC to accommodate a job deficit. However, sizing of the northern UGA should not assume a full transfer of development capacity from the eastern UGA. Additionally, the County and City should conduct a joint study of service delivery to address service delivery costs and funding options.⁸

⁸ See Growth Management Hearings Board Cases indicating that capital facilities plans should address the 20-year horizon and full urban growth area (UGA) boundaries, and existing un-served areas in the UGA must be addressed as well as new UGA expansion areas.

- Diel et al. v. Mason County (06-2-0005)
- Irondale Community Action Neighbors V. Jefferson County (04-2-0022 and 03-2-0010)
- KCRP VI v. Kitsap County (06-3-0007)
- Suquamish Tribe et al. v. Kitsap County (Suquamish II) (07-3-0019c)

Criteria	Evaluation
	<ul style="list-style-type: none"> • City sewer plans have considered a portion of the northern UGA property; the City has provided a letter stating there is adequate sewer treatment capacity and that it is feasible to extend sewer collection systems. If the area is added to the UGA, it would be zoned Urban Reserve Residential (URR). Urban services would not be extended until annexation. • While some lower density areas are planned for the UGA, specifically around Bottomless Lake, they allow for protection of open space and habitat. (RCW 36.70A.160) • Countywide Planning Policy goals are similar to Growth Management Act goals and are addressed below.
2.	<p>Proposal is consistent with Countywide Planning Policy</p> <p>Urban Growth Goal: Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.</p> <p><i>See Row 1 of table, above.</i></p> <p>Reduce Sprawl Goal: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.</p> <p><i>See Row 1</i></p> <p>Transportation Goal: Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.</p> <p><i>The County has modeled cumulative growth consistent with the countywide 2036 allocations. County levels of service can be met as of 2014 and 2036. Transportation improvements are planned to address growth and system function.</i></p> <p>Housing Goal: Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.</p> <p><i>Once annexed, the area would predominantly develop with single family residential densities at 5 units per acre, as well as opportunities for Mixed Commercial with live-work and upper story residential opportunities.</i></p> <p>Economic Development Goal: Encourage economic development throughout the state that is consistent with</p>

• Fallgatter v. City of Sultan (Fallgatter V, 06-3-0003; Fallgatter VI, 06-3-0017; Fallgatter IX, 07-3-0017)

Criteria	Evaluation
	<p>adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.</p> <p><i>The UGA expansion is partly accomplished to address a shortfall in job capacity in the UGA. Upzoning in the city limits and UGA expansion area is proposed for commercial purposes.</i></p> <p>Property Rights Goal: Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.</p> <p><i>All property would be designated with zoning allowing a reasonable use of property.</i></p> <p>Permits: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.</p> <p><i>The proposal does not affect permit procedures.</i></p> <p>Natural Resource Industries Goal: Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.</p> <p><i>No designated resource lands of long-term commercial significance would be converted.</i></p> <p>Open Space and Recreation Goal: Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.</p> <p><i>The lake would be protected by critical areas regulations. R-1 zoning would match the clustered development pattern and retain open space.</i></p> <p>Environment Goal: Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.</p> <p><i>Stormwater regulations would apply. In order to comply with NPDES requirements use of robust regulations would occur by the County or City.</i></p> <p>Citizen Participation Goal: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.</p>

Criteria	Evaluation
	<p><i>The City has held hearings with its Planning Commission. Additional hearings will be held with the City Council and the Skagit County Planning Commission.</i></p> <p>Public Facilities and Services Goal: Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.</p> <p><i>See Row 1.</i></p> <p>Historic Preservation Goal: Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.</p> <p><i>Federal and state cultural resources laws would apply under either County or City governance.</i></p>
3.	<p>Proposal is consistent with Skagit County Comprehensive Plan</p> <p>The following analysis compares the proposal to the County Comprehensive Plan Vision in the Preface of the plan:</p> <ul style="list-style-type: none"> A. Preserve the high quality of life: The proposal would allow more opportunities for single-family and mixed use housing and commercial services to provide home ownership and commercial service opportunities for the Sedro-Woolley Community. B. Strive for government efficiency: The proposal relies primarily upon the City and PUD as the providers of local facilities and services such as sewer, water, and others. C. Support economic opportunities: See Row 2. D. Increase the housing choices for all residents: See Row 2. E. Ensure that necessary transportation facilities and services are available to serve development at the time of occupancy and use: See Row 1. F. Balance urban uses and environmental protection: See Row 2. G. Protect and retain rural lifestyles: This plan seeks to maintain the unique rural lifestyle for which Skagit County is widely known and cherished. Skagit County's rural communities and open spaces require protection and conservation from urban sprawl and suburban development patterns. Rural community character and open spaces are a valued part of Skagit

Criteria		Evaluation
		<p>County's diversity.</p> <p>H. Protect and conserve agriculture, forest and mineral resource lands: See Row 2.</p> <p>I. Protect and conserve the environment and ecologically sensitive areas, and preclude development and land uses which are incompatible with critical areas: See Row 2.</p> <p>J. Respect Property Rights: See Row 2.</p> <p>K. Encourage Citizen Participation and Involvement: See Row 2.</p>
4.	Land Capacity is sufficient to provide a minimum 10- and a maximum 20-year supply of vacant and buildable lands within the UGA to accommodate Population and Employment Forecast Allocation	The proposal is designed to reduce Sedro-Woolley's capacity deficit for housing and jobs in the 20-year planning period.
5.	Planning and zoning regulations currently in place	Both the County and City apply zoning and critical areas regulations. City urban zoning would not apply until such time as the area is annexed.
6.	Proposal is supported by capital facility and functional plans / How a full range of urban-level infrastructure and services would be provided within potential expansion areas, including appropriate capital facility analysis	<p>The Skagit County PUD provides water to the northern UGA expansion area via the Judy Reservoir System, and would continue to do so after annexation.</p> <p>The City's 2005 sewer plan addresses a 2025 citywide population of over 15,755, a little lower than the projected 2036 citywide population of 17,069. There are no existing sewer lines in the northern UGA expansion area, but the city mapped the southern portion of this area as part of Township Street Basin F, which is served by a SR-9 Trunk Line. The City has provided supporting information that it can serve this area with sewer if added to the UGA and annexed.</p> <p>The City would provide stormwater, fire protection and parks services if added to the UGA and annexed. The City would apply similar stormwater standards as Skagit County to comply with NPDES requirements. Once annexed, the City would provide fire services at urban rather than rural standards based on Countywide Planning Policies levels of service standards. City parks plans would need to be prepared with the added Bottomless Lake UGA in mind, though much of the area would likely be retained in open space due to its habitat.</p>
7.	Evaluation of reasonable alternatives, other than	The City has upzoned an area in the city limits to help accommodate future growth. The eastern UGA was further

Criteria		Evaluation
	expanding the UGA to accommodate the forecast UGA population or employment allocation	analyzed for capacity, and has limited capacity due to county-allowed 1-acre development. The area cannot annex without adequate urban infrastructure. It is recommended that the full development capacity of 35 acres not be transferred to the northern UGA and instead a lesser amount should be transferred (see below). Also, joint County and City service planning is an option for this area, and such a policy should be added to both agencies' plans.
8.	Consistency with any applicable inter-local agreement between the affected municipality and the County	Not applicable.
9.	Review the planning and zoning regulations and any incentive programs in place to determine expected densities in the existing UGA consistent with the GMA	See Application Summary: Current and Future Land Uses in Expansion Area.
10.	Consider Countywide implications for other UGAs and their population and employment sub-allocations	The UGA expansion does not affect other cities' plans or allocations.
11.	In cases of residential lands proposed for inclusion within a UGA, annexation or incorporation should be encouraged to occur if immediately feasible, or an interlocal agreement shall be executed between the city/County	The County's Urban Reserve Residential zoning requires annexation before urban densities can be achieved.
12.	Excludes areas that are designated as natural resource lands (agricultural, forest, or rural resource) except if there is a TDR program or the lands have been re-designated to an appropriate non-resource land use designation	No natural resource lands of long-term commercial significance are included in the proposed UGA expansion.
13.	Public involvement has been early and continuous	The City has held hearings with its Planning Commission. Additional hearings will be held with the City Council and Skagit County Planning Commission.
14.	County and City have coordinated UGA boundary	The City proposed the UGA expansion as part of the 2013 and 2015 County Dockets. The County is considering the

Criteria		Evaluation
	change proposals	request.
15.	Proposal is justified by changed or changing conditions	The proposal is the result of new growth allocations and capacity studies for the 2016 Comprehensive Plan Update.
16.	Proposal avoids creating an isolated land use designation (spot zone) unrelated to adjacent designations	The proposed zoning is generally compatible with adjacent zones. The Mixed Commercial designation is on a single property but is relatively large, and would develop in accordance with City policies and regulations.
17.	Proposal will be compatible with neighboring properties and not adversely affect the value of those properties	The purpose of the R-5 zone that would abut County Rural Reserve zoning is to allow for a compatible transition to rural areas: “provide a variety of housing opportunities in parts of the city characterized by more rolling terrain or areas that serve as a transition to the unincorporated rural area.”
18.	Proposal bears a substantial relationship to the public general health, safety, morals or welfare	Anticipating growth over the next 20-year period and accommodating it in a phased manner through the 2016 periodic comprehensive plan review supports the public welfare and health.

UGA SIZING CONSIDERATIONS – NORTHERN UGA EXPANSION AREA

The City proposes to transfer all 35 acres of development potential it calculates exists in the eastern UGA area to the northern UGA expansion area, due to the lack of sewer in the eastern area and the difficulty of developing at urban densities.⁹ The Department, however, believes it is appropriate to transfer only a portion of that development potential to the northern UGA area. This is based on a review of various Growth Management Hearings Board cases regarding the failure of cities to provide urban services within their designated urban growth areas within a 20-year period.

At the same time, the Department acknowledged that state law¹⁰ makes it difficult to require mobile home parks to hook up to sewer, and some mobile home parks are located in the eastern UGA. Additionally, the area includes recent low-density developments with new homes and septic systems that would be difficult to efficiently serve with sewer service.

Considering local circumstances, the Department believes it is supportable to further discount the land capacity of the eastern UGA through a higher market factor. The City has proposed a 15% market factor on vacant land and 20% on land with a home on it (E.D. Hovee 2015). Market factors of 25% are common and this was the City’s prior assumption. The Department suggests that that the City apply a greater market factor to the eastern UGA land only.

⁹ Per the City’s 2015 supplemental report by E.D. Hovee, the 35 acres can be considered as gross land capacity— before taking into account infrastructure and market factors to arrive at net developable capacity. The City transferred the 35 acres to the north and then applied the market and infrastructure factors to size the northern UGA (the City also did the same with other areas such as the 21.6 acre property to be upzoned for employment purposes and the residential area transferred).

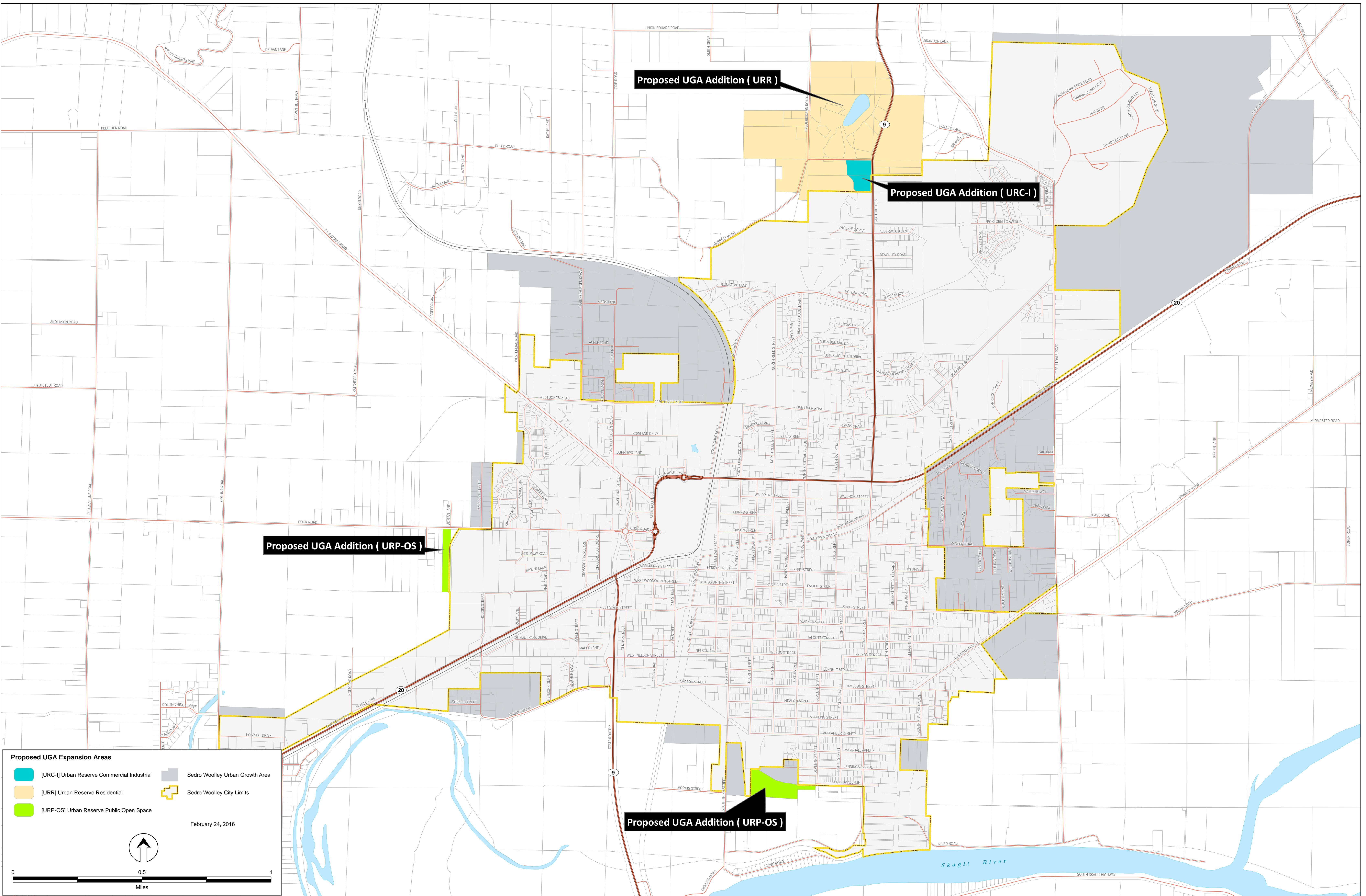
¹⁰ See [RCW 35.67.370](#).

For example, the City could assume that 35 developable acres multiplied by a 25% market factor = 8.75 acres to transfer. This analysis would support retaining 26.25 acres of capacity in the eastern UGA at a density supportable by future sewer service. The County and City could then conduct joint planning for sewer service for the eastern UGA to determine the methods and cost to extend sewer and potentially to identify alternative UGA boundaries.

RECOMMENDATIONS – NORTHERN UGA

The Department recommends approval of the northern UGA expansion with the following provisions (the first two of which are proposed as new policies in the Comprehensive Plan’s Land Use Element):

1. By June 30, 2018, or prior to annexation, whichever comes first, the City shall provide a sewer plan amendment or other documentation to the County showing the sewer service extension plan for the northern UGA expansion area.
2. The northern UGA should not be sized to accommodate a full transfer of development capacity from the eastern UGA; instead, a lesser transfer consistent with the above analysis should be considered. Further, the County and City should adopt a policy to conduct joint planning of the Sedro-Woolley eastern UGA to identify methods, costs, and funds to extend urban services and achieve urban densities or to define alternative UGA boundaries. This could include removing some land from the eastern UGA area and transferring its full urban development capacity to the northern area.
3. The northern area that is added to the UGA should be designated Urban Reserve Residential and Urban Reserve Commercial-Industrial as shown in the below map, consistent with the city’s request for residential and mixed commercial zoning.








Proposed UGA Addition (URR)

Proposed UGA Addition (URC-I)

Proposed UGA Addition (URP-OS)

Proposed UGA Addition (URP-OS)

Proposed UGA Expansion Areas

 [URC-I] Urban Reserve Commercial Industrial	 Sedro Woolley Urban Growth Area
 [URR] Urban Reserve Residential	 Sedro Woolley City Limits
 [URP-OS] Urban Reserve Public Open Space	

February 24, 2016

0 0.5 1
Miles

↑

Skagit River

EVALUATION – SOUTHERN EXPANSION AREA

Policies in the Comprehensive Plan's Natural Resource Lands Element support inclusion of land with prime soils in the floodplain as Ag-NRL:

Policy 4A-1.1 Agricultural Resource Lands Designation Criteria

The following criteria shall be considered when designating Agricultural Resource Lands:

(a) Generally, all lands in unincorporated Skagit County which are parcels 5 acres or greater, and that contain "prime farmland soils" as determined by the USDA Natural Resource Conservation Service, shall be identified (see Agricultural Lands Profile for a description of prime farmland soils).

(b) Then those lands meeting the parcel size and soils shall be retained in Agricultural Resource Lands designation, provided that a majority of the area falls within the 100-year floodplain as adopted by the U.S. Federal Emergency Management Agency (FEMA).

(c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Agricultural Resource Lands based upon the following additional factors:

(i) The land is in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture.

(ii) The land is currently in agricultural use or has been in agricultural use within the preceding ten years.

(iii) Existing land uses are primarily agricultural and minimal financial commitment to non-farm uses has been made.

(iv) The area includes special purpose districts (such as diking and drainage districts) that are oriented to enhancing agricultural operations, including drainage improvement and flood control.

(v) Adjacent lands are primarily in agricultural use.

(vi) Land use in the area demonstrates a pattern of landowner capital investment in agricultural operation improvements such as irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, agricultural worker housing, etc.

(d) Parcels that may not meet any of the criteria described in (a), (b), and (c) above may nonetheless be included to provide logical boundaries to the Agricultural Resource lands designation and to avoid small "islands" or "peninsulas" of conflicting non-resource land uses in the midst of resource lands. Similarly, parcels that meet some or all of the criteria described in (a), (b), and (c) above may be excluded to provide logical boundaries to the Agricultural Resource lands designation and to avoid conflict with existing land uses.

Soils reports indicate most of the land is prime farmland if drained or protected from flooding. The site appears unprotected from flooding, and may have poor drainage based on brief field reviews by County staff. The area lies adjacent to the UGA which is urban in character.

In order to de-designate the land, the County would need to find that the land no longer meets the County's Ag-NRL designation criteria or the State's minimum guidelines to classify agricultural lands listed above. De-designation of the area south of the Sedro-Woolley UGA does not appear necessary since the City could apply for a special use permit to consider a stormwater facility.

RECOMMENDATION – SOUTHERN UGA

The Department does not recommend that the land be de-designated from Ag-NRL or added to the UGA at this time.

EVALUATION – WESTERN EXPANSION AREA

The western UGA expansion proposal is limited in scope, would affect only Rural Reserve property, and would allow the City owned property to be part of the city limits, abutting other public land (Janicki Playfields).

The City has held public meetings for public comment. The proposal does not affect the capacity of the UGA for housing or employment. Designated resource lands are not affected. Critical areas can be protected through City ordinances and the SEPA process. This small expansion of the UGA boundary appears to be limited in scope and compatible with adjacent properties. It would minimally abut resource lands. It would not adversely affect the character of adjacent rural residential uses, some of which is in a clustered pattern.

RECOMMENDATION – WESTERN UGA

The Department recommends approval of the proposal to add the approximately 4.3 acre parcel to the UGA with a zoning designation of Urban Reserve-Public Open Space, as shown in the map above.

City of Burlington UGA (CP-2)

SUMMARY

The County initiated this proposal to expand the Burlington UGA to take in the adjacent properties owned by the Skagit Housing Authority known as Raspberry Ridge. The properties are bounded on the west by Gardner Road and the north by Lafayette Road. Total area of the Raspberry Ridge properties is about 32 acres. To form a logical boundary, two southern parcels, owned by Sager (2.1 acres) and Rohweder (1.4 acres), and one northern parcel that is currently bisected by the UGA boundary (0.6 acres), could also be included in the UGA. These parcels were docketed by the Board of County Commissioners, but have not yet been evaluated by the City of Burlington through its own Comprehensive Plan update process.

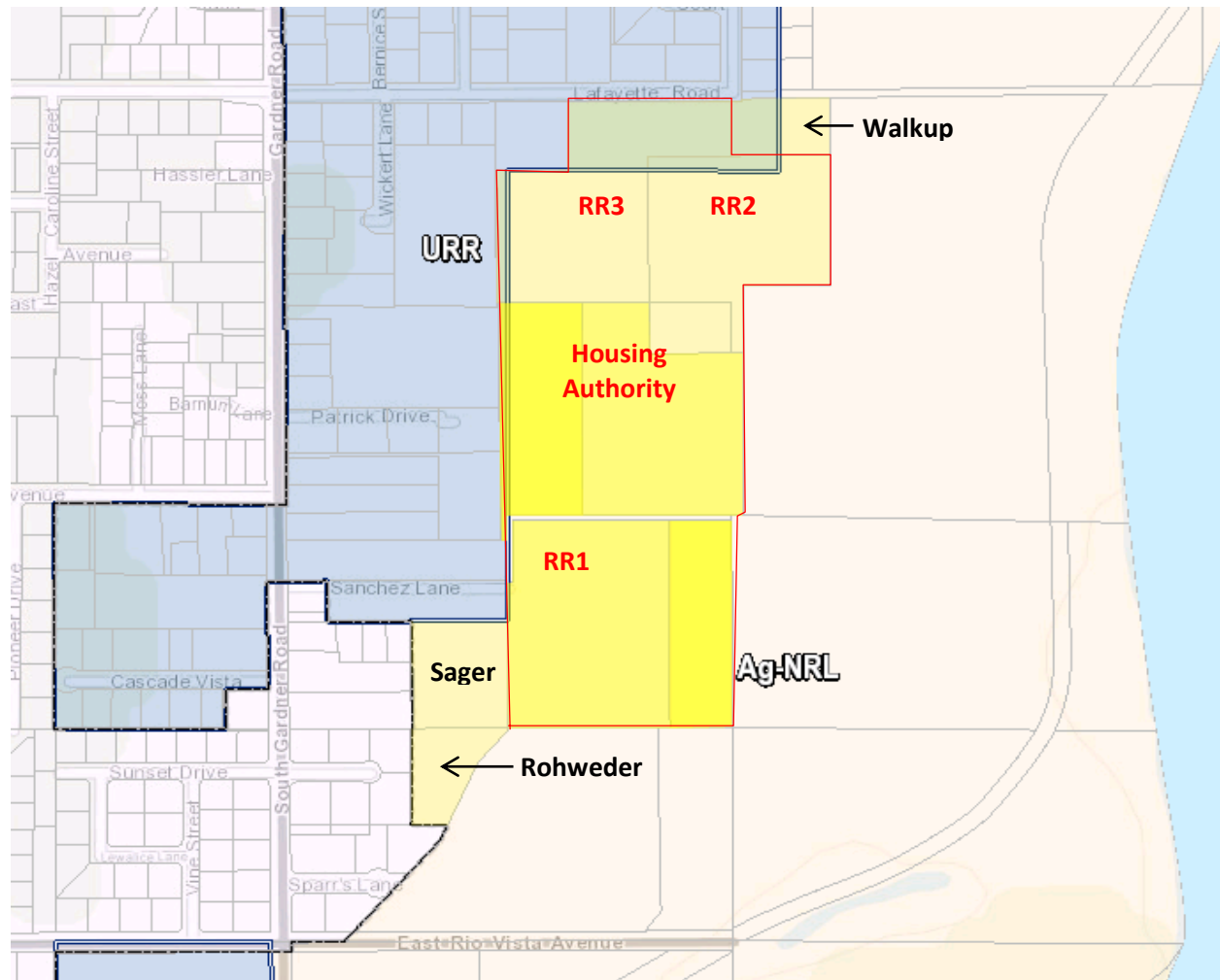
Two existing Raspberry Ridge multifamily housing developments are located on the property currently, both served by septic systems. The State Department of Health sent a letter in January 2012 to the Housing Authority expressing its determination that the repeated failures of the septic systems and the poor soil conditions made it unlikely the systems could be permanently repaired and declaring it “necessary for RR1 and RR2 to connect to the Burlington sanitary sewer system to protect basic public health and safety and the environment.” City officials have also expressed concern that river floods could sweep effluent outside the property boundaries.

Since last year, Skagit County has worked cooperatively with the City of Burlington and the Housing Authority of Skagit County on the proposed third phase of housing development at Raspberry Ridge.¹¹ The County’s objectives in this process have been to facilitate the connection of the existing Raspberry Ridge 1 and Raspberry Ridge 2 housing developments to public sewer, both to protect

¹¹ This third phase, like the first two existing phases, has already been authorized by resolutions adopted by the Board of County Commissioners in the early and mid-2000s.

public health and the environment, and to help the Housing Authority provide affordable housing for essential seasonal farmworkers.

The Housing Authority (an independent government agency that provides, facilitates, and finances housing for a diverse population of low-income and medium-income residents of Skagit and San Juan counties) is currently pursuing a phase three housing development, and has secured an appropriation of \$625,000 from the State Legislature to extend sewer to these three projects. In order for the Housing Authority to use the appropriation, it must build phase three; in order for the City of Burlington to connect phase three to sewer, phase three needs to be inside the UGA.



Map of Proposed Burlington UGA Expansion; affected parcels in yellow highlight

PROPOSAL HISTORY

The Housing Authority property is zoned Agricultural-Natural Resource Land (“Ag-NRL”), which does not allow multifamily dwellings. RR1 was permitted in 2000, however, after the Board of County Commissioners invoked the State Housing Cooperation Law (RCW Chapter 35.83) to waive the zoning restrictions on the development.¹² RR2 was permitted in 2005 through a resolution that waived the zoning restrictions for development of up to 75 additional units on eight specified parcels.¹³ The City of Burlington unsuccessfully appealed the waiver resolution. RR1 has 51 units

¹² Resolution 18081 (2000).

¹³ Resolution R20050358 (2005).

(50 affordable units and one manager's unit) and sits on elevated ground near the south end of the property. RR2 has 30 units and sits above ground level parking at the north end.

The Housing Authority proposes a **new 7-duplex seasonal farmworker housing development** on its property. This project also falls under the resolution approved by the County Commissioners in 2005 waiving the Ag-NRL zoning restrictions. The Housing Authority has obtained grant funding from USDA for the housing project and is working with a non-profit, the Office of Rural and Farmworker Housing, to design and develop the project. Under the grant terms, only seasonal farmworkers would be eligible for this housing. More information about this proposal and process is available at www.skagitcounty.net/sfhr.

Public Sewer

The RR1 and RR2 housing developments were constructed on Large Onsite Septic Systems, permitted by the State Department of Health, that have repeatedly shown signs of failure. In 2012, State Health determined the repeated failures and the poor soil conditions made it unlikely the systems could be permanently repaired and declared it "necessary for RR1 and RR2 to connect to the Burlington sanitary sewer system to protect basic public health and safety and the environment." State Health reaffirmed that determination in November 2015. City officials have also expressed concern that river floods could sweep effluent outside the property boundaries.

The Housing Authority has been exploring options to fund connections of RR1 and RR2 to sewer for many years. At the Housing Authority's request, the Legislature in 2015 appropriated \$625,000 to solve the Raspberry Ridge septic problems by connecting the existing housing developments to Burlington sewer. The caveat: the appropriation is from a state capital housing fund that requires construction of new housing.

The State Growth Management Act allows the connection of sewer outside the urban growth area ("UGA") to protect public health (i.e., for RR1 and RR2), but would not allow the connection of sewer to a facility that does not yet exist (i.e., RR3). To utilize the grant money to connect RR1 and RR2 to sewer, it is necessary to build RR3. To build RR3 and connect it to sewer, it is necessary to expand the City's UGA.

Infrastructure Proposal

Skagit County and Housing Authority recognize that multifamily development with rural infrastructure within the urban growth area limits the City's ability to achieve urban infrastructure standards later on. Based on the list of infrastructure elements that City staff provided, the County and Housing Authority have assembled a proposal to upgrade the neighborhood infrastructure as a condition of expanding the urban growth area and permitting the sewer connection.

The City of Burlington, the HASC, and Skagit County have agreed to the following terms for extension of the UGA and sewer to the Raspberry Ridge developments, which will be memorialized in a future interlocal agreement:

1. **UGA.** Burlington and Skagit County would agree to add the Raspberry Ridge area to Burlington's UGA. After inclusion in the UGA, Burlington would be able to zone the area to its liking. Skagit County has docketed the proposed UGA expansion as part of its 2016 Update, pending Burlington approval.

2. **Sewer.** HASC would build a sewer connection and pay connection fees to connect all three housing phases at Raspberry Ridge to Burlington sewer.
3. **Sewer franchise.** Burlington currently lacks a franchise agreement with Skagit County, which the City needs to use the County's right-of-way for sewer (and by separate agreement, for fiber optic, if desired). The County and City would commit to accomplishing a franchise agreement before the end of 2016.
4. **Road improvements.** Skagit County would build out Lafayette Rd from Gardner Rd to the eastern end before its turn north (approximately 1320 ft) to 36 ft of pavement with two travel lanes, a center turn lane, and curb, gutter, and sidewalk on both sides. See the attached diagram. The Housing Authority would contribute \$145,000 to the road improvements; Skagit County would contribute \$200,000 from the County Road Fund; and Burlington and Skagit County would submit a joint application for \$100,000 of County economic development money to help fund the road improvements.

Burlington administration has indicated that sidewalks are still needed on portions of Gardner Road. Skagit County cannot spend County Road Fund dollars on Gardner Road, because it is inside the City of Burlington. But if the City pays for the cost, Skagit County could combine sidewalk upgrades to the north end of Gardner into the Lafayette project.

5. **Stormwater.** HASC would build the new housing development to the standards in Ecology's 2014 Stormwater Manual, which includes appropriate testing and verification for infiltration rates.
6. **Play areas.** HASC would provide an onsite children's play area between RR2 and the new development. RR1 already has a play area in its NE corner.
7. **School bus access.** HASC would add a school bus turnout off Lafayette Rd such that school buses would not need to stop on Lafayette to pick up students from Raspberry Ridge.
8. **Emergency access.** With construction of the new housing, both it and RR2 would have two access roads for emergencies. For RR1, HASC would commit to construction of an emergency vehicle access, or interior road, between the third phase and RR1, at the time of build out of a subsequent fourth phase of housing.
9. **Impact fees.** After planning for the UGA, submitting its Capital Facilities Plan, and signing the County's standard impact fee collection agreement, Skagit County would collect impact fees for Burlington on future development in the UGA.
10. **Nuisance abatement.** Skagit County would commit to an aggressive enforcement effort against nuisance land uses within this area of the UGA, especially along Sanchez Lane.

EVALUATION

Site-specific reclassification requests to the Comprehensive Plan must be reviewed in accordance with the criteria outlined in the Skagit County Code Chapter 14.08.

Exhibit 5. Evaluation Matrix

Criteria	Evaluation
1.	<p>Proposal is consistent with the requirements of the Growth Management Act</p> <p>The proposed expansion area would include lands that are either characterized by urban growth or that are adjacent to territory already characterized by urban growth (RCW 36.70A.110).</p> <p>The expansion area is immediately adjacent to urbanized land within the city limits to the west and southwest and urbanized land in the Burlington UGA to the north. The area is already characterized by urban growth, including two multi-family farmworker housing developments with a total of 81 units, as well as two currently operating septic systems (including drain fields), as well as an abandoned drain field area. Together this development constitutes about 22.6 acres. Another 75 residential units are authorized by the Board of County Commissioners second resolution, including the 14 (7 duplex) units proposed as part of the current project.</p> <p>The expansion area would make efficient use of the land: at full build-out under the Commissioners’ resolution, the 32-acre site would accommodate 156 residential units, for a gross density of about 5 units/acre. The three-party interlocal agreement would recognize the vested development rights granted by the County’s 2005 Housing Cooperation Law resolution, and permit no additional rights.</p> <p>Overall, Burlington is agreeing to accommodate 3,808 new residents through this update without any of other expansions of its UGA boundary; instead, it is looking to substantially increase densities and infill and mixed use development potential in and around its downtown and existing commercial areas.</p> <p>As described above, the City, County, and Housing Authority are working together to provide full urban services to the UGA expansion area.</p>
2.	<p>Proposal is consistent with Countywide Planning Policy</p> <p>Urban Growth Goal: Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.</p> <p><i>See Row 1 of table, above.</i></p> <p>Reduce Sprawl Goal: Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.</p> <p><i>See Row 1</i></p> <p>Transportation Goal: Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.</p>

Criteria	Evaluation
	<p><i>The County has modeled cumulative growth consistent with the countywide 2036 allocations. County levels of service can be met as of 2014 and 2036. Transportation improvements are planned to address growth and system function. Road improvements are proposed as part of the UGA expansion.</i></p> <p>Housing Goal: Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.</p> <p><i>Skagit County's updated Housing Needs Analysis shows a very large shortfall of affordable housing in the County and its cities generally, and specifically a shortage of housing available to and dedicated for farmworkers. The 2010-2015 Skagit County Farmworker Housing Action Plan (March 2011) indicates an immediate need for about 844 farmworker housing units, which this UGA expansion would help to address.</i></p> <p><i>The proposal is consistent with Housing Element Goal D: Farm-worker housing, which states: Strive for an adequate supply of housing to meet the needs of farm workers and the agricultural industry.</i></p> <p><i>It would also help to complement Comprehensive Plan policy 7D-1.1 Work in partnership with other public agencies and the private sector to ensure an adequate supply of farm-worker housing.</i></p> <p>Economic Development Goal: Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.</p> <p><i>The availability of a reliable supply of farmworkers is an essential component of a healthy Skagit County agricultural industry, and affordable housing is one of the key economic and social needs of Skagit County farmworkers.</i></p> <p>Property Rights Goal: Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.</p>

Criteria	Evaluation
	<p><i>All property would be designated with zoning allowing a reasonable use of property.</i></p> <p>Permits: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.</p> <p><i>The proposal does not affect permit procedures.</i></p> <p>Natural Resource Industries Goal: Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.</p> <p><i>As noted above, the availability of a reliable supply of farmworkers is an essential component of a healthy Skagit County agricultural industry. The proposed de-designation of Ag-NRL land and its inclusion within the Burlington UGA is discussed elsewhere.</i></p> <p>Open Space and Recreation Goal: Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.</p> <p><i>Children's play areas are included as part of existing and will be included as part of proposed new residential areas. See the interlocal agreement terms above.</i></p> <p>Environment Goal: Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.</p> <p><i>The ability to connect all three Raspberry Ridge developments to sewer will result in a significant improvement to public and environmental health. Stormwater regulations consistent with the Western Washington Phase II NPDES permit would apply.</i></p> <p>Citizen Participation Goal: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.</p> <p><i>The City has held several City Council meetings focused on the UGA expansion proposal, including one advertised public comment period. An additional public hearings will be held with the Skagit County Planning Commission and through the City of Burlington's process.</i></p>

Criteria	Evaluation
	<p>Public Facilities and Services Goal: Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.</p> <p><i>See Row 1.</i></p> <p>Historic Preservation Goal: Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.</p> <p><i>Federal and state cultural resources laws would apply under either County or City governance.</i></p>
3.	<p>Proposal is consistent with Skagit County Comprehensive Plan</p> <p>The following analysis compares the proposal to the County Comprehensive Plan Vision in the Preface of the plan:</p> <p>L. Preserve the high quality of life:</p> <p>The proposal would help to meet the extreme shortage of housing for farmworkers in Skagit County. It would also enable all three Housing Authority farmworker housing projects to connect to sanitary sewer and thereby improve public and environmental health.</p> <p>M. Strive for government efficiency:</p> <p>The proposal relies upon the City, County, and PUD as the providers of local facilities and services such as sewer, water, and others.</p> <p>N. Support economic opportunities: See Row 2.</p> <p>O. Increase the housing choices for all residents: See Row 2.</p> <p>P. Ensure that necessary transportation facilities and services are available to serve development at the time of occupancy and use: See Row 1.</p> <p>Q. Balance urban uses and environmental protection: See Row 2.</p> <p>R. Protect and retain rural lifestyles:</p> <p>This plan seeks to maintain the unique rural lifestyle for which Skagit County is widely known and cherished. Skagit County's rural communities and open spaces require protection and conservation from urban sprawl and suburban development patterns. Rural community character and open spaces are a valued part of Skagit County's diversity.</p> <p>S. Protect and conserve agriculture, forest and mineral</p>

Criteria	Evaluation
	<p>resource lands: See Row 2.</p> <p>T. Protect and conserve the environment and ecologically sensitive areas, and preclude development and land uses which are incompatible with critical areas: See Row 2.</p> <p>U. Respect Property Rights: See Row 2.</p> <p>V. Encourage Citizen Participation and Involvement: See Row 2.</p>
4.	<p>Land Capacity is sufficient to provide a minimum 10- and a maximum 20-year supply of vacant and buildable lands within the UGA to accommodate Population and Employment Forecast Allocation</p> <p>Burlington has indicated through its buildable lands analysis cited in the SEPA checklist for this action that it can accommodate its 20-year population growth forecast, which calls for 3,808 additional residents, within its existing UGA through increased densities and infill and mixed use development in and around its downtown and existing commercial areas.</p> <p>The additional development capacity created through this UGA expansion is minimal compared to Burlington’s overall projected growth total. The proposed residential development within this UGA expansion will specifically address the needs of a very particular subset of the population, specifically farmworkers. As noted in row 2, there is a projected need countywide for more than 800 farmworker housing units but there is little such housing being built; and farmworker housing is difficult to site, finance and build. The UGA expansion area represents one of the few current opportunities to expand the supply of farmworker housing.</p>
5.	<p>Planning and zoning regulations currently in place</p> <p>Both the County and City apply zoning and critical areas regulations. City urban zoning would not apply until such time as the area is annexed.</p>
6.	<p>Proposal is supported by capital facility and functional plans / How a full range of urban-level infrastructure and services would be provided within potential expansion areas, including appropriate capital facility analysis</p> <p>The Skagit County PUD provides water via the Judy Reservoir System, and would continue to do so after annexation.</p> <p>Sewer: the Housing Authority has committed to build a sewer connection and pay connection fees to connect all three housing phases at Raspberry Ridge to Burlington sewer. The City of Burlington has indisputed capacity to serve this area and has indicated it is willing to serve this area subject to the interlocal agreement described above.</p> <p>The City would provide stormwater, fire protection and parks services if added to the UGA and annexed. The City would apply similar stormwater standards as Skagit County to comply with NPDES requirements. Once</p>

Criteria		Evaluation
		annexed, the City would provide fire services at urban rather than rural standards based on Countywide Planning Policies levels of service standards.
7.	Evaluation of reasonable alternatives, other than expanding the UGA to accommodate the forecast UGA population or employment allocation	Burlington is planning to accommodate 3,808 new residents through this Comprehensive Plan update without any of other expansions of its UGA boundary; instead, it is looking to substantially increase densities and infill and mixed use development potential in and around its downtown and existing commercial areas.
8.	Consistency with any applicable inter-local agreement between the affected municipality and the County	The County, City, and Housing Authority are working on an interlocal development that will guide planning and development within the expansion area.
9.	Review the planning and zoning regulations and any incentive programs in place to determine expected densities in the existing UGA consistent with the GMA	The expansion area would make efficient use of the land: at full build-out under the Commissioners' resolution, the 32-acre site would accommodate 156 residential units, for a gross density of about 5 units/acre. The number of dwelling units would be capped as described above.
10.	Consider Countywide implications for other UGAs and their population and employment sub-allocations	The UGA expansion does not affect other cities' plans or allocations.
11.	In cases of residential lands proposed for inclusion within a UGA, annexation or incorporation should be encouraged to occur if immediately feasible, or an interlocal agreement shall be executed between the city/County	An interlocal agreement has been negotiated among the County, the City and the Housing Authority and will be adopted.
12.	Excludes areas that are designated as natural resource lands (agricultural, forest, or rural resource) except if there is a TDR program or the lands have been re-designated to an appropriate non-resource land use designation	The land proposed for inclusion within the UGA is currently designated Ag-NRL. However, because of development that has already occurred on the property authorized by Board of County Commissioner resolutions, the land no longer meets the designation criteria for Ag-NRL and is being proposed for de-designation through this action.
13.	Public involvement has been early and continuous	The City has held hearings. Additional hearings will be held with the Skagit County Planning Commission.

Criteria		Evaluation
14.	County and City have coordinated UGA boundary change proposals	The County and City have been coordinating closely on this boundary change proposal since 2015.
15.	Proposal is justified by changed or changing conditions	The proposal is justified by Board of County Commissioner resolutions adopted in the 2000s authorizing farmworker housing development on the land; and funds from the State Legislature enabling the Housing Authority to connect the two existing farmworker housing projects, and the proposed project, to city sewer, if the property is brought within the UGA. The dire shortage of farmworker housing in the County also justifies the proposal.
16.	Proposal avoids creating an isolated land use designation (spot zone) unrelated to adjacent designations	The proposed zoning is adjacent to related and compatible zones and does not create disconnected islands.
17.	Proposal will be compatible with neighboring properties and not adversely affect the value of those properties	The new housing proposal is designed to integrate well into the neighborhood; the existing housing developments are in fact better characterized as urban development than rural development.
18.	Proposal bears a substantial relationship to the public general health, safety, morals or welfare	The proposal will help address the dire shortage of farmworker housing in Skagit County; allow orderly urban development of the Housing Authority property; allow provision of urban services to farmworker housing developments that to date have been developed subject to rural standards; and connect the two existing and any future farmworker housing projects on site to city sewer, which will address public health, environmental safety, and water quality concerns.

Analysis of Proposal

The situation facing the County, the City of Burlington, and the Housing Authority of Skagit County on the eastern edge of Burlington is unique in Skagit County.

- Although the Housing Authority property is designated Ag-NRL, it already supports 81 farmworker housing units built at urban densities and an additional 75 units are authorized under binding County resolutions.
- The existing housing units are served by septic systems that have failed previously and are likely to fail again.
- The Housing Authority has funds (and County zoning approval based on those binding resolutions) to build a new farmworker housing project on its property on public sewer; and those funds would also pay for the connection of Raspberry Ridge 1 and 2 to public sewer.
- Sewer can only be extended to the Housing Authority property, including the existing and planned projects, if the property is brought within the urban growth area.

GMA allows land to be brought into a UGA if it is “characterized by urban growth....or is adjacent to territory already characterized by urban growth.” (RCW 36.70A.110(1)). This describes the Housing Authority property, despite its Ag-NRL zoning.

Land brought into an urban growth area must be capable of being developed at urban densities and intensities. The proposal would zone the Housing Authority land as Burlington Urban Development District, which would put in place the city’s residential zoning of its choosing, but the interlocal agreement would cap the number of development rights at the number vested in the 2005 Housing Cooperation Law resolution.

For land to be added to an urban growth area, plans must be in place to provide a full range of urban governmental facilities and services. This requirement is addressed by the agreement between Skagit County, the City of Burlington, and the Housing Authority of Skagit County described above.

The UGA expansion is supported by 20-year population and employment allocations to the city.

Because the property is largely already developed, and will not add significantly to Burlington’s residential development capacity, the proposal is consistent with the preliminary population allocation provided to the City of Burlington by the GMASC in 2014. Additionally, there is a very limited supply of farmworker housing in the County as a whole; this property is one of the few meeting this specific need. As such, the proposal is consistent with the preliminary population allocation provided to the City of Burlington by the GMASC in 2014.

De-Designation of Ag-NRL

Under SCC 14.08.010(4)(b)(iv), any proposed natural resource land map designation changes shall recognize that natural resource land designations were intended to be long-term designations and shall further be dependent on 1 or more of the following:

- (A) A change in circumstances pertaining to the Comprehensive Plan or public policy.
- (B) A change in circumstances beyond the control of the landowner pertaining to the subject property.
- (C) An error in initial designation.
- (D) New information on natural resource land or critical area status.

In this instance, there is new information on the status of the natural resource land; namely, the area is now characterized by urban growth, including two multi-family farmworker housing developments with a total of 81 units, as well as two currently operating septic systems (including drain fields), as well as an abandoned drain field area. Together this development constitutes about 22.6 acres. Another 75 residential units are authorized by the Board of County Commissioners second resolution, including the 14 (7 duplex) units proposed as part of the current project. The land is not being farmed nor is it any longer capable of being farmed.

The land’s current designation of Ag-NRL is inconsistent with the following designation criteria, under CP policy 4A-1.1, that are used under the Skagit County Comprehensive Plan to designate and de-designate agricultural lands of long-term commercial significance:

(c) Parcels meeting both (a) and (b) above shall be further evaluated for inclusion or exclusion in Agricultural Resource Lands based upon the following additional factors:	
(i) The land is in a current-use tax assessment program derived from the Open Space Taxation Act, RCW 84.34 as it pertains to agriculture.	The Housing Authority land is not in current use tax status.
(ii) The land is currently in agricultural use or has been in agricultural use within the preceding ten years.	The Housing Authority land is not currently in agricultural use; the vacant land is largely used as septic drain field.
(iii) Existing land uses are primarily agricultural and minimal financial commitment to non-farm uses has been made.	Existing land uses are not agricultural. The Housing Authority has made significant financial commitment to non-farm uses, specifically housing developments.
(vii) The land is not already characterized by urban growth, and designation considers the effects of proximity to population areas. ¹⁴	The Housing Authority land is already characterized by urban growth; is immediately adjacent to urban growth within the Burlington city limits, and is authorized for additional urban-density growth by County resolution. The third phase housing project will go forward whether the land is added to the UGA; if it is not added to the UGA, it cannot be connected to sewer.

Because the Housing Authority property does not meet these key criteria for Ag-NRL designation, the proposal is to de-designate the property; and to add it to the urban growth area.

Skagit County, the Housing Authority of Skagit County and the Office of Rural & Farmworker Housing have been working cooperatively for over a year to find a way to provide public sewer service to Raspberry Ridge and to allow for its expansion. Although the project will only supply a small portion of the needed farmworker housing, it is an important start.

RECOMMENDATION

Approve the proposed Burlington UGA expansion.

Proposed Development Code Amendments

Each of the following proposals for amendments to the County development code was included in the Board of County Commissioner’s scope of the 2016 Update. Some were not included in the 2016 Update package; those exclusions are noted below.

¹⁴ This designation criterion is proposed to be added to the Comprehensive Plan, consistent with WAC 365-190-050.

S-1 Transfer of Jurisdiction for Forest Practices

This item will be pursued in the second half of the year, along with related changes to clearing, and critical areas review of forest practice areas. It is not included in the 2016 Update.

S-2 CAO Update

The Department of Ecology updated its wetland rating system in 2014. This proposal updates our code references to the new wetland rating manual, code references to how wetland delineation is to be done, and other minor changes.

S-3 EV Charging Stations

RCW 36.70A.695 requires the development regulations of any jurisdiction planning under this chapter to allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. Changed all instances in SCC Chapter 14.06 of “Gas stations” and “Gasoline service stations” and “Gas and fueling stations” to “Vehicle fueling and charging stations” and added new definitions. Where a gas station was not an allowed use in a required zone, added only a vehicle charging station use.

S-4 Time Limits for Preliminary Subdivision

State law drives the required time limits for preliminary subdivisions to complete infrastructure build out before they can obtain a final subdivision approval. This proposal replaces the hard limit in our code with a reference to the limit in the state statute.

S-5 Impact Fees

This code amendment was already accomplished through adoption of the 2016-2021 Capital Facilities Plan.

S-6 SMP Update

This code amendment is not included in the code amendment package because it is being implemented through the Shoreline Master Program Update process.

C-1 Vesting of Applications

Recent case law has established that state law prescribes that building permits and subdivisions are the only types of applications that must vest. This update modifies our code to reflect that new determination.

C-2 through C-6 Comprehensive Plan and UGA Boundary Amendments

Restructured for easier understanding in an outline format. Substantive changes include:

1. Addition of a new definition for “Comprehensive Plan Periodic Update” and elimination of the phrase “7-Year Update” because the Legislature has changed the interval at which updates need to be done.
2. Clarified that urban growth area (UGA) boundary amendments are due by same deadline as all other annual Comprehensive Plan amendments, and may only be submitted by the jurisdiction (county, city, town or tribe) whose UGA is proposed to be modified.

3. Addition of the explicit ability to submit a petition to amend the development code, which is required by GMA but is not in the current code.
4. Deletion of requirement that development projects in a new commercial/industrial zone must be commenced within two years of redesignation.
5. Clearly articulate that each petition type above is a legislative matter, except a rezone that is permitted by an existing Comprehensive Plan designation and does not require a simultaneous amendment to the Comprehensive Plan is a quasi-judicial matter.
6. Clarification that petitions for rezones within a UGA or associated with a UGA expansion proposal are not required to include a detailed development proposal.

C-7 Cleanup: Watershed Management

The proposal removes this use, which is undefined and covered by other allowed uses.

C-8 Cleanup: Tasting Rooms

These uses were removed in previous code updates, except in one zone.

C-9 CaRD Density Shifting

The Department has received applications for CaRD developments that span zoning boundaries. The existing CaRD code seems to allow shifting of development rights from one zone to another, which we believe is inconsistent with the intent of the CaRD code. This change fixes that issue.

C-10 Unclassified Uses/Essential Public Facilities

GMA requires local governments to have a process for siting “essential public facilities”—a discrete list of uses that are of regional or substantial importance that are typically difficult to site. SCC 14.16.600, titled “Unclassified Uses” but dealing with Essential Public Facilities, has long been a confusing arrangement that has led to some unnecessary litigation. Based on the County’s recent experience navigating the City of Mount Vernon’s Essential Public Facilities process for siting the new County jail, the Department proposes eliminating the concept of the unclassified uses from this section, making it only about essential public facilities, and following the Mount Vernon model for processing them.

Under the new code, an application for an essential public facility would first be characterized as regional or local. Based on the new table in the document, the applicant could identify where the desired type of EPF could be located by zone (based on the existing zoning designations in the existing code). Applications for local EPFs would go to staff for a recommendation, then to the Hearing Examiner for decision (a Type II application under SCC Chapter 14.06). Applications for regional EPFs would go to the Hearing Examiner for recommendation, and to the Board of Commissioners for decision (a Type III application).

Some additional cleanup: the proposal removes Type III-PC applications from Chapter 14.06, as they are not used anywhere in the code. We also noted that recommendations on development agreements of fewer than 50 lots were Level II applications, but Level II applications result in a decision, not a recommendation, and by statute the Board must approve all development agreements. We took this opportunity to simply make all development agreements Level III applications, where the Hearing Examiner makes a recommendation to the Board.

C-11 Personal Wireless Services Facilities

This proposal makes a number of updates to bring our code regarding cell towers into compliance with federal telecommunications law, which has strict bookends on the criteria local governments may use to decide applications for cell towers.

C-12 and C-13 NRL Disclosure Mailing and Title Notice

This update removes the obligation on the County to regularly mail a notice to all owners of and near natural resource land. The County has not complied with this requirement in recent history.

The second update changes the obligation for the existing title notice disclosure-on-sale for natural resource land to the buyer, from the seller. This provision is enforced by the title companies, if it is enforced at all, so it makes the most sense to have the *buyer* sign the notice so that the buyer is the one to be sure to receive the notice.

C-14 Notification of Development adjacent to NRL land

This section currently requires an applicant to record a title notice before applying for a development permit if they are within 500 ft of natural resource lands. This provision introduces a significant delay into permit processing, contributes to pollution of the title record, and is redundant with the provision described in C-13. The Department proposes to instead simply require the applicant to sign such a notice as part of their permit application.

C-15 Cleanup: MRO

This minor change makes the MRO language parallel with how it is written in other zones.

C-16 Fueling Stations [see S-3]

This code amendment is addressed through the changes in S-3.

C-17 Temporary Events in Commercial and Industrial

This change moves “temporary events” to a permitted use in the URC-I zone.

C-18 SEPA Admin Appeals

State law allows only one administrative appeal for SEPA threshold determinations. This proposal simply adds a line to the permit processing section of code addressing that pre-existing requirement.

C-19 Administrative Reduction in Setbacks

This proposal clarifies that administrative reductions in setbacks are to be treated as administrative variances, and that the variance criteria must be applied. It also limits administrative reductions in setbacks to 50% of the required setback; greater reductions are a hearing examiner variance. Finally, it clarifies that other types of administrative variances, that have their own special criteria, do not have to comply with the standard variance criteria.

This code change would also delete the requirement in 14.16.810(7) to obtain the adjacent property owner’s consent. Permit technicians report it is a cumbersome process to contact the

owner(s) of adjacent property, and the existing code allows the Department to waive the requirement.

C-20 and C-21 Home-Based Business

This proposal moves the existing HBB2 and HBB3 code provisions to the section of code where HBB1 is currently located, so that all three types of HBB are located sequentially and next to each other. It also clarifies where business activity can occur in HBB2, subject to a size limit.

C-22 Setbacks for Fences

This code change would move the setback exemption for fences out of the definition of the word setback and into the setback code section. It also excepts 8ft fences in the airport and commercial industrial zones from setbacks.

C-23 Adult group care facility

This change eliminates the requirement in the definition of adult group care facility to be state licensed as a nursing home. The state issues several relevant licenses other than nursing home licenses.

C-24 Concurrency

The existing chapter includes Levels of Service (LOS) that were replaced with references to the LOS in the Comprehensive Plan Capital Facilities Element so that all LOS are in one place. The timeline in SCC 14.28.110 for special purpose districts to submit capital facilities data to the County is not being followed and the deadlines were adjusted to make it easier for those agencies to comply. Superfluous definitions and Appendix 1 (which doesn't have a section number) were removed.

C-25 Latecomers Agreement

The Department did not complete drafting of these provisions to accommodate latecomer agreements consistent with recent changes to RCW 35.91. This item will be added to a list of trailing issues.

C-26 Guemes Island Subarea Plan

The Guemes Island Planning Advisory Committee (GIPAC) asked the County to implement into code a select list of policies from the adopted Guemes Subarea Plan. The Department proposes to implement these requirements through a Guemes Island Overlay, which would modify the standards in the existing underlying Guemes Island zones, and through changes to the Critical Areas Ordinance. Briefly, these items are:

PROHIBIT CARD DENSITY BONUES ON GUEMES

GIPAC asked the County to amend SCC 14.18.310 CaRD General Approval Provisions to remove any density bonus for CaRD developments on Guemes Island. However, that provision already exists and no changes are proposed as part of this update.

PROHIBIT ADU IN AREAS OF SALTWATER INTRUSION

GIPAC is concerned that adding additional development in areas of existing seawater intrusion can have detrimental effects on existing surrounding wells and the larger aquifer. Even relatively low

levels of chlorides indicate that seawater intrusion is already occurring in the area. Skagit County identifies 25 ppm chlorides as a key threshold in its Seawater Intrusion Policy, defining the chloride level at which poor water quality requires lower well pumping rates. ADUs represent more density, and therefore more or bigger “straws” into the aquifer, which can only exacerbate seawater intrusion problems in these areas. Property owners would still have the option of utilizing rainwater collection or a reverse osmosis system to serve an ADU.

SIDE SETBACKS

This proposal modifies the side-yard setbacks to total 30 percent of the maximum width of the lot or 30 feet (whichever is less) for the combination of the two side-yards, with an eight-foot minimum setback on each side; and to establish a 12-foot height limit at each side-yard setback line, with one additional foot of building height allowed for each foot inside the required side- yard setback, up to the maximum height of 30 feet.

HEIGHT LIMITS

Most of Guemes Island is zoned either Rural Reserve or Rural Intermediate, with a few small areas of commercial zoning. Building heights are currently limited to 40'. Few island buildings, however, are even as tall as 30'.

A 40' building would be vastly out of scale with the existing low scale of development on the island, and would represent a significant conflict with the island’s rural character. With many, if not most, existing homes being only 1-1/2 stories tall, a building of 40' could be twice as tall as its neighbor. The fact that many Rural Intermediate lots are much smaller than the minimum lot size for this zone makes the problem even more acute. These very small Rural Intermediate lots are mainly located on the shoreline where issues of incompatible scale and other development impacts such as view blockage would be greatest. A 30' height overlay would provide better consistency and protection for the island’s character, while still allowing significantly larger buildings than most of what exists today.

SETBACKS FOR FENCES

The purpose of this requirement is to preserve views of the water and generally throughout the island. In addition, it is intended to protect sight distances at driveway entrances for pedestrian safety. This type of fence regulation is not uncommon in rural communities.

SEAWATER INTRUSION POLICY

The Skagit County Health Department has long maintained an “Interim Seawater Intrusion Policy” as a Board resolution. GIPAC supports codification of this policy as part of the Critical Areas Ordinance protections for aquifer recharge areas. The Department worked collaboratively with GIPAC and county water staff and the county hydrogeologist to craft this provision.

C-27 Other Amendments

Most of these amendments are self-explanatory, involving renumbering and deletion of archaic language. Bubble comments in the proposal document help explain. The stormwater modification addresses an inconsistency the Department identified in the recent stormwater code update whereby an applicant could be required to hire an engineer to design a stormwater plan even when no stormwater design requirements that need an engineer apply.

C-28 AEO Maps

The maps that were adopted in 2014 with revisions to the Airport Environs Overlay around Skagit Regional Airport showed elevations based on sea-level, rather than ground elevation. These new maps are the same, but show elevation above the ground, for ease in calculating allowed height.

C-29 AEO Maximum Building Size

The Port of Skagit and the Department have identified the “maximum building size” column in the existing Airport Environs Overlay code as an extraneous, vestigial element, that is not related to the WSDOT aviation land use guidelines. The Department has consulted with WSDOT, who agrees, and proposed to delete the building size limitation.

C-30 Title Notice Requirements

This item was addressed through C-12 and C-13.

C-31 Storage of Junk and C-32 Recreational Vehicles

Storage of junk and large numbers of recreational vehicles are the most frequent code enforcement problems in Skagit County, yet the County lacks a clear provision in a single line of code that it can use to describe non-compliance. Instead, staff rely on existing multipurpose zoning code requirements surrounding the definition of the word “temporary” (meaning less than six months) and other development code-style provisions. The County Sheriff has established a proactive crime prevention team that would like to be able to help enforce our junk and RV limitations, but needs clear, concise language that can be cited in a civil infraction notice (a “ticket”). This code proposal would establish a new section of code listing prohibited uses, and move the existing language from other portions of the code into that section. The proposal also adds a new restriction on the number of occupied RVs that can be maintained on a property at any one time.

C-33 Zoning Use Matrix

SCC 14.16.700 is administrative, rather than regulatory, and describes a matrix that does not exist. This proposal deletes the section.

C-34 Rural Business Code Amendment

Businesses in the Rural Business zone are limited as to how much they may expand. This code amendment would exempt natural resource industries in the Rural Business zone from the expansion size restriction.

NC-1 Maximum Lot Coverage in Rural Reserve

A member of the public suggested that the 35% lot coverage limit that currently exists in Rural Reserve is too much. The Department proposes that limit be replaced with a sliding scale that would allow a greater percentage of the lot to be covered on smaller parcels, and progressively smaller percentages on larger parcels, with a 50,000 sq ft cap in call cases.

Process

The 2016 Update proposal was developed with assistance from the Planning Commission and the public in 2015 and early 2016. The County is releasing the proposal for public review and comment, and review under the State Environmental Policy Act (SEPA), on March 4, 2016.

A public hearing is scheduled before the Skagit County Planning Commission on Tuesday, April 5, 2016, beginning at 6:00 pm. The deadline for written comments is Thursday, April 14, 2016, at 4:30 pm. Additional information regarding public comment is available in this [Notice of Availability](#) on the proposal.

Planning Commission deliberations are currently scheduled for May 10 and May 17. The Planning Commission will develop a recorded motion on the proposal, which the Department will forward to the Board of County Commissioners for its consideration following the procedures outlined in Skagit County Code [14.08.090](#).

The Board is required to adopt the County's 2016 Update proposal by June 31, 2016, per RCW 36.70A.130.

Public Notices

Skagit County has issued the following public notices related to this proposal:

Document Type	Content	Outlet	Date
Advertisement	Notice of availability	Guemes Tide	3/1/2016
Advertisement	Notice of availability	Concrete Herald	3/2/2016
Legal Notice	Notice of availability	Skagit Valley Herald	3/3/2016
Legal Notice	Notice of availability	PDS e-mail list	3/8/2016
Press Release	Notice of availability	County e-news list	3/8/2016
Letter	Notice of potential map amendment	Mail to property owners within 300 ft	3/8/2016
Short message	Notice of availability	Social Media	Ongoing
Advertisements	Comment period and public hearing	Skagit Valley Herald	Late March

SEPA Threshold Determination

The Skagit County SEPA Responsible Official has issued a Determination of Non-Significance for this non-project legislative proposal.

Public Comment

The proposal will receive at least one public hearing and written comment period before the Planning Commission, consistent with the process for adoption of land use regulations in SCC Chapter 14.08. The Board of County Commissioners must approve the final adoption.

For More Information

Please visit the project website at www.skagitcounty.net/2016update.