

SKAGIT COUNTY COMPREHENSIVE PLAN UPDATE

Draft Rural Element Amendments & Relationship to Public and Planning Commission Comments

INTRODUCTION

On May 19, 2015 Skagit County's Planning Commission hosted a public meeting to consider rural opportunities and challenges in Skagit County. The purpose of this document is to summarize the findings of the meeting and to relate the early input to draft amendments to the Rural Element.

Meeting Overview

The May 19 Planning Commission Meeting included an open house, followed by presentations from various individuals involved in rural planning issues in Skagit County.

The meeting materials and summary meeting notes are posted on the 2016 Comprehensive Plan Update website (www.skagitcounty.net/2016update), under 2015 Public Workshops.

A summary of key Rural trends included:

- In 2012, the population of the rural area was estimated to be 38,277 – or about one-third of the County's total population of 117,949.
- By 2036, the rural population is expected to grow to an estimated 45,665, an increase of 7,338 new residents or roughly 3,000 new households.
- That population would represent about 29% of the County's total projected 2036 population of 155,452.
- Rural Element policy 3A-2.2 states: "The rate of development in rural and resource areas should be in accordance with adopted Countywide Planning Policies stating that urban areas should accommodate 80 percent of new population growth, with the remaining 20 percent locating in non-urban areas."
- A 2012 review of permit trends indicates growth has tended to occur in UGAs and the rural area as directed by GMA, the Countywide Planning Policies, and policy 3A-2.2.
- Skagit County saw an estimated growth pattern of 79% urban and 21% rural growth over the years 2000-2010.
- An estimated 5,700 rural lots in the Skagit River Basin are affected by the state's 2001 instream flow for the Skagit River. State law prohibits the issuance of building permits or approval of subdivisions without a demonstrated legal source of water.

Workshop participants broke up into small groups to discuss key questions around rural character and development:

1. How do you define Skagit County's rural character?
2. What do you value or cherish about the rural community in which you live, work, or recreate?
3. What concerns do you have for the present and the future of Skagit County's rural areas?

4. Are current Comprehensive Plan policies and development regulations effective at promoting the following rural area goals (from Rural Element Goal A – Rural Area Characteristics)?

The small groups presented their responses to each other and to the Planning Commission. The Planning Commission then reflected on the small group discussions and their own perspectives.

Key themes in the [small group discussions](#) and resulting [Planning Commission reflections](#) included, but were not limited to:

- Appreciation for the diversity of the rural landscape: the scenic beauty, presence of water, islands, mountains, forest and farmland.
- Easy access to recreational opportunities close to home.
- People co-existing with wildlife, and working to maintain ecological connectivity and protect habitat areas critical to birds and other species.
- The sense of community that exists in the rural area; people supporting each other.
- The farm and forest lands that are a fundamental part of Skagit’s rural character
- The ability to provide for oneself; not looking for government to provide support.
- The rural area’s provision of elbow room; it’s quiet and peaceful, a buffer between urban areas and natural resource lands.

Concerns were expressed about the following:

- Sprawl, urban expansion, and the loss of open space.
- Loss of natural resource lands to development or to non-resource (e.g. habitat) uses.
- Perceived urban bias in planning, loss of home rule, property rights.
- Loss of access to water and water rights
- Lack of housing for farmworkers, rural residents, seniors

Participants expressed mixed views on the provision of amenities in rural areas. Some wanted better access to health care, fiber optic, transportation (public transit and ferry), trails and pedestrian facilities. Others were concerned about increasing costs and the urbanizing influence associated with these services and amenities.

Another area of tension was determining the right balance between protecting rural character and limiting growth and urban sprawl, versus allowing economic opportunities, new rural businesses, and ways for people to support themselves and utilize their property.

The workshop results including these themes have been considered in the review of current Rural Element policies. The Department has proposed targeted amendments to address the themes, to improve internal consistency of the Comprehensive Plan policies, and to ensure the County’s GMA obligations are met.

DRAFT ELEMENT AND LINK TO KEY DISCUSSION POINTS

Attachment B provides the draft element, including an updated introduction and profile, as well as limited amendments to policies. Certain goals and policies are proposed to address the themes described above. There are no proposed substantive changes to the Countywide Planning Policies (CPP) referenced in the Rural Element, only reordering and renumbering of those policies to reflect changes to the CPPs made in the 2005 Update.

Only those sections of the Rural Element proposed for amendment are included in full below. Sections where no policies are proposed to change are identified by goal and policy number, but the full text of those policies is not included.

Matrix of Goals and Policies, Draft Amendments and Themes

| Row # | Current Goals and Policies with Selected Amendments | Discussion |
|-------|---|--|
| 1. | <p>Goal A</p> <p>Protect the rural landscape, character and lifestyle by:</p> <p>(a) Defining and identifying rural lands for long-term use and conservation;</p> <p>(b) Providing for a variety of rural densities and housing opportunities;</p> <p>(c) Maintaining the character and historic and cultural roles of existing rural communities;</p> <p>(d) Allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values;</p> <p>(e) Encouraging Assuring—economic prosperity for rural areas; and</p> <p>(f) Assuring Ensuring that appropriate and adequate rural levels of service are provided.</p> | <p>Re the proposed edit to (e): some Rural Workshop participants felt it was not government’s job to assure (or ensure) economic prosperity.</p> <p>Regarding (f): Skagit County is obligated under GMA to ensure appropriate and adequate rural levels of public services are provided. (Ensure is the appropriate verb here rather than assure.)</p> |
| 2. | <p>MONITORING RURAL GROWTH</p> <p>3A - 1.1 Monitor rural growth in relation to the target established in Countywide Planning Policy 1.2 that 80 percent of new growth should locate in urban areas. Analyze development trends to determine if changes in land use designations are necessary or additional regulatory techniques or measures are needed to assure compliance with targeted urban/rural population distribution goals.</p> | No change proposed. |
| 3. | <p>Goal A 2</p> <p>Provide for a variety of residential densities and business uses that maintain rural character, respect farming and forestry, buffer natural resource lands, retain open space, minimize the demand and cost of public infrastructure improvements, provide for future Urban Growth Area expansion if needed, and allow rural property owners reasonable economic opportunities for the use of their land.</p> | No change proposed. |
| 4. | <p>3A-2.1 Manage development in rural areas through density requirements that protect and maintain existing rural character, natural resource lands, open space, critical areas, significant cultural resources, and water resources, and that manage traffic volumes.</p> | <p>Sub-policy a. reflects the County’s current practice in issuing permits, consistent with State law and the Washington Supreme Court’s ruling in</p> |

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| | <p>a. <u>Consistent with State law (RCW 19.27.097), Skagit County will not issue residential building permits or approve subdivision applications unless the applicant can demonstrate they have a legal and adequate source of water, such as a water right from Washington State Department of Ecology, or a letter from an approved public water purveyor like Skagit PUD.</u></p> <p>b. <u>Work with the state legislature, state agencies, landowners, tribes, and other affected parties to resolve the uncertainty over rural water availability and achieve a long-term solution that meets the needs of all affected parties consistent with state law.</u></p> | <p><i>Swinomish v. State, Wa. Sup. Ct. Case No. 87672-0.</i></p> <p>Sub-policy b. is proposed to encourage the County to pursue all avenues available to resolve the rural water crisis consistent with State law, either as currently written or as amended by the Legislature.</p> |
| 5. | <p>3A-2.2 The rate of development in rural and resource areas should be in accordance with adopted Countywide Planning Policies stating that urban areas should accommodate 80 percent of new population growth, with the remaining 20 percent locating in non-urban areas. Monitor the pace of development in conjunction with the maintenance of data describing the inventory of available buildable land.</p> | No changes proposed. |
| 6. | <p>3A-2.3 Rural residential development near designated natural resource lands shall minimize potential conflicts and not contribute to the conversion of farm and forest land to non-resource uses. Encourage techniques such as land conservation, clustering and buffering.</p> | No changes proposed. |
| 7. | <p>3A-2.4 Encourage rural conservation and reserve development (CaRD) land divisions through public outreach and communication with property owners and developers.</p> | No changes proposed. |
| 8. | <p>3A-2.5 The design of rural residential developments near urban areas should include means to further subdivide at urban densities should these developments be added to the urban area in the future, using techniques such as conservation and reserve development (CaRD) land divisions.</p> | No changes proposed. |
| 9. | <p>3A-2.6 Rural land-use designations within ¼ mile of the designated Mineral Resource Overlay shall be no greater than one dwelling unit per ten acres, except for isolated situations where higher densities, and an existing mining operation within the MRO, already exist. Where greater densities would normally be possible through a CaRD subdivision, such increase in density can be transferred to a</p> | No changes proposed. |

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| | portion of the property located outside the ¼ mile. | |
| 10. | <p>GOAL A 3</p> <p>Assure–<u>Ensure</u> that public facilities, services, roads and utilities are properly planned for and provided, consistent with rural character, needs, and lifestyles.</p> | Ensure is the proper verb here rather than assure. It is the County’s responsibility under GMA to ensure public facilities are properly planned for and provided. |
| 11. | <p>3A-3.1 Priorities for funding public investment in rural areas shall be to maintain or upgrade existing facilities, services, and utilities to serve existing development at rural service standards. New facilities, services, roads, and utilities which support planned rural growth shall meet rural service standards.</p> | No proposed changes. |
| 12. | <p><u>3A-3.X Continue to work with water providers such as Skagit PUD to extend public water service in rural areas where ground water supplies are limited, with the greatest emphasis being on areas already identified as pre-existing higher density rural areas with corresponding Comprehensive Plan designations and zoning, specifically limited areas of more intensive rural development (LAMIRDs) including Rural Villages and Rural Intermediate.</u></p> | This proposed policy is consistent with comments the County made to the Skagit PUD when it was updating its Water System Plan in 2008, and that the PUD subsequently incorporated into its plan. |
| 13. | <p>3A-3.2 Standards and plans for structures, roads and utility systems, and other public services and facilities shall be consistent with rural densities and uses. Such facilities and services shall be such designed, constructed, and provided to minimize the alteration of the landscape and the impacts to rural residents and community character, to preserve natural systems, to protect critical areas, to protect important land features such as ridgelines, to retain historic and cultural structures/landscapes, and scenic amenities.</p> | No proposed changes |
| 14. | <p>3A-3.3 The County’s public health responsibility for ensuring adequate wastewater treatment includes the determination of failing on-site septic systems, technical assistance to property owners, and actions to require necessary improvements. These services may include community plans and other strategies for creating area-wide solutions when surface waters or groundwater is threatened.</p> | No proposed changes |
| 15. | <p>3A-3.4 On-site wastewater systems are preferred to treat and dispose of effluent in rural areas. Community on-site systems or decentralized treatment systems may be used in</p> | No proposed changes |

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| | <p>land divisions or to serve limited areas of more intensive rural development (LAMIRDs).</p> <p>a. The size of a community or large on-site sewage system for a designated LAMIRD shall be limited to the build-out potential of all development within the LAMIRD’s designated boundaries, unless it is also needed to addresses existing public health, safety or welfare issues of properties outside of the LAMIRD.</p> <p>b. The size of a community or large on-site sewage system for a land division shall be limited to the number of residential units allowed under the land division. The system may not be used for development that is not part of the proposal land division unless it is found to be needed, in the land division review process, to address existing public health, safety and welfare issues of existing development.</p> | |
| 16. | <p>3A-3.5 Consistent with the Countywide Planning Policies, urban services shall not be extended into or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment.</p> | No proposed changes |
| 17. | <p>Limited Areas of More Intensive Rural Development</p> <p>Goal B</p> <p>Policies 3B-1.1 through 3B-1.9</p> | No changes proposed. |
| 18. | <p>Goal C</p> <p>Provide for a variety of rural residential land use densities while retaining the rural landscape, character, and lifestyles.</p> | No changes proposed. |
| 19. | <p>Rural Residential Designations</p> <p>Rural Reserve, Rural Intermediate, and Rural Village Residential are the main residential land use designations in the Rural area. There is also a Bayview Ridge Urban Reserve (BV-URv) designation adjacent to the Bayview Ridge Urban Growth Area to allow expansion of the Urban Growth Area in the future if necessary. All lands designated Rural Intermediate and Rural Village Residential are considered to be part of a limited area of more intensive rural development (LAMIRD) as described in policy 3B-1.2 and as authorized by RCW 36.70A.070(5)(d)(i). These designations reflect areas that were generally already developed or platted at land use densities of 1 residence (or “dwelling unit”) per 2.5 acres, or greater, when the Growth</p> | The Bayview Ridge Urban Reserve district and zone no longer exists due to the 2015 changes to the Bayview Ridge UGA Subarea Plan. |

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| | Management Act was implemented in 1990. The Rural Reserve designation identifies portions of the Rural area that were not already developed at these higher densities. The Rural designation and density criteria follow: | |
| 20. | 3C-1.1 Rural Reserve (RRv). The Rural Reserve designation applies to all rural areas outside of the following designations: Natural Resource Lands, Rural Intermediate, Rural Village, any of the various Rural commercial/industrial designations, Open Space of Statewide/Regional Significance, or Urban Growth Area. The maximum allowed residential gross density is 1 residence per 5 acres in conservation and reserve development (CaRD) land divisions, and 1 residence per 10 acres in standard land divisions. | No changes proposed. |
| 21. | 3C-1.2 All lands shown as Rural Intermediate and Rural Village Residential on the Comprehensive Plan/Zoning map were designated following the criteria for limited areas of more intensive rural development, or LAMIRDs, under RCW 36.70A.070(5)(d)(i), as described in policy 3B-1.2 above. | No changes proposed. |
| 22. | 3C-1.3 Rural Intermediate (RI). The Rural Intermediate (RI) designation applies to rural areas where the average existing and/or surrounding parcel density is predominantly more than or equal to 1 parcel per 2.5 acres or 1/256th of a section, not including any lands within a UGA. If rural lands proposed to be added to the RI designation have a density of less than 1 parcel per 2.5 acres, these lands must be included in any calculation of "average existing and/or surrounding parcel density." These RI designations are intended to balance property rights in the legally vested lots and the built environment that is reflected in certain rural areas of the County with the GMA requirements to minimize sprawl and concentrate growth in urban areas. Areas may be considered for designation as RI by identifying clearly-contained logical boundaries that are delineated predominantly by the built environment existing on July 1, 1990, per policy 3B-1.2 above. However, in some cases, where lots were legally created since that time, but prior to adoption of the Comprehensive Plan and have either been developed, or have vested rights to develop at those densities, RI designation may be appropriate on those lots as well. Finally, as described in more detail under the Rural Study Areas policies in the Plan Implementation and Monitoring Element, some RI density may be appropriate in one or more of those study areas, but only after completion | No changes proposed. |

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| | <p>of the necessary community plan.</p> <p>a. The RI designation does not necessarily apply to every existing lot smaller than 2.5 acres in the County since, to do so, could result in a pattern of scattered and unconsolidated areas of more intense rural development.</p> <p>b. Within the Rural Intermediate designation, the minimum lot size that may be created through a land division is 2.5 acres, resulting in a maximum residential gross density of 1 dwelling unit per 2.5 acres.</p> | |
| 23. | <p>3C-1.4 The purpose of the Rural Intermediate designation is to provide and protect land for residential living in a rural atmosphere, taking priority over, but not precluding, limited non-residential uses appropriate to the density and character of this designation. Long-term open space retention and critical area protection are encouraged.</p> | No changes proposed. |
| 24. | <p>3C-1.5 Bayview Ridge Urban Reserve (BR-URv). The Bayview Ridge-Urban Reserve designation is intended to indicate where the UGA may expand at some future date. Development regulations for the Urban Reserve area require clustering of development within designated areas outside the UGA so as not to preclude future urban residential development, and provide for a transition from rural to urban infrastructure. The maximum allowed residential gross density is 1 residence per 10 acres in a standard land division, or 1 residence per 5 acres in conservation and reserve development (CaRD) land divisions.</p> | The Bayview Ridge Urban Reserve district and zone no longer exists due to the 2015 changes to the Bayview Ridge UGA Subarea Plan. |
| 25. | <p>Rural Village policies</p> <p>3C-1.6 Rural Villages shall be located only in designated Rural areas. Rural Village designation and densities are based on existing rural residential and commercial development patterns and uses, environmental constraints, presence of critical areas, proximity to designated natural resource lands, and adequate capacity to maintain existing rural levels of service.</p> | No changes proposed. |

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| 26. | <p>3C-1.7 Rural Villages represent historical communities throughout the County with future development limited to infill within designated boundaries, as described further in policy 3B-1.2.</p> <p><u>a. Consider designating additional areas as Rural Village that meet the Rural Village designation criteria under the Comprehensive Plan and the Growth Management Act, and that have the same characteristics, land uses and functions as areas already designated Rural Village.</u></p> | <p>Question: Does the Planning Commission want to propose a policy regarding possible designation of additional areas as Rural Village that meet the Rural Village criteria and look and act like other already-designated Rural Villages? Commissioner Lohman has raised this issue in the past. The two most frequently mentioned areas are Blanchard (currently zoned Ag-NRL) and Allen (mostly zoned Rural Reserve). In the past, when the Ag Advisory Board has been asked if areas such as Blanchard should be redesignated from Ag-NRL to something else such as Rural Village, they have advised against it.</p> |

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| 27. | <p>3C-1.8 The community planning process is the preferred method to determine the sizes, configurations, uses, and development potentials specific to each Rural Village. As discussed in greater detail in Chapter 12, community plans draw upon the local knowledge, experience, and preferences of community residents, provided that such is consistent with the Growth Management Act, Countywide Planning Policies, and the Comprehensive Plan.</p> <p>a. Issues appropriate for consideration through a community plan include suitable land uses within the Rural Village, community infrastructure requirements, and development standards and design guidelines to protect and retain important features valued by the community.</p> <p>b. The outer boundaries of a Rural Villages shall only be amended through a community plan or through a periodic state-mandated GMA comprehensive plan update, provided that the boundaries of the historic Rural Villages shall be defined predominantly by the built environment that existed on or before July 1, 1990.</p> <p>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.</p> | No proposed changes. |
| 28. | <p>Rural Village Density Policies</p> <p>3C-1.9 Single-family residential densities for land designated as Rural Village Residential are:</p> <p>a. 1 residential dwelling unit per acre, with public water and an approved on-site septic system;</p> <p>b. 1 dwelling unit per 2.5 acres, with private water and an approved on-site septic system; or</p> <p>c. a Rural Village Community Plan may recommend smaller lot sizes, provided public sewer and water are available, and if those smaller lots are consistent with existing Rural Village development patterns and/or are appropriate to better protect critical areas, open spaces or public health and safety.</p> | No proposed changes. |

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| 29. | <p>3C-1.10 Subdivisions of undeveloped parcels on the east side of the Big Lake Rural Village are allowed with lot sizes of 5 acres or greater unless those parcels are divided through conservation and reserve developments (CaRD), utilize public utilities, and protect Big Lake Water quality. Prior to the adoption of a Big Lake Rural Village Plan, property that is commonly referred to as the Overlook Golf Course may be subdivided according to provisions contained in the Unified Development Code.</p> | No proposed changes. |
| 30. | <p>RURAL COMMERCIAL AND INDUSTRIAL DESIGNATIONS</p> <p>GOAL C 2 Support the rural economy by fostering opportunities for rural-based employment, home businesses, natural resource-related industries, and economic diversification in tourism and recreation, of an appropriate size and scale to maintain rural character.</p> | No proposed changes. |

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| 31. | <p>General Policies</p> <p>3C-2.1 New rural commercial and industrial uses should be located principally within designated commercial areas to avoid the proliferation of commercial businesses throughout the rural area. However, certain limited commercial uses, resource-related uses, home based businesses and other non-residential uses may be permitted if carefully reviewed, conditioned and found to be compatible with rural areas. To encourage efficient use of the land, the broadest range of commercial and industrial uses should be allowed in areas already accommodating such use and development, with greater limitations placed upon such uses within areas devoted predominantly to residential use (i.e., Rural Intermediate, Rural Village Residential and Rural Reserve areas). Comprehensive Plan and Zoning designations devoted principally to commercial and industrial uses in the unincorporated portions of the county are:</p> <ul style="list-style-type: none"> a. Rural Village Commercial b. Rural Center c. Rural Freeway Service d. Small-Scale Recreation and Tourism e. Natural Resource Industrial f. Rural Marine Industrial g. Major Industrial Developments h. Master Planned Resorts i. Small Scale Business j. Rural Business | No proposed changes. |
| 32. | <p>3C-2.2 Comprehensive Plan Amendment applications to any of the rural commercial or industrial designations must meet the following criteria in order to be found consistent with the Comprehensive Plan. The proposed designation and use must:</p> <ul style="list-style-type: none"> a. be consistent with the existing rural character of the area; b. not create conflicts with surrounding agricultural, forest, and mineral resource lands and practices; and c. provide for the protection of critical areas, frequently flooded areas, and surface water and ground water resources, including sole source aquifers. | No proposed changes. |

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| 33. | <p>3C-2.3 An applicant for any of the rural commercial or industrial designations available under this plan must submit, at the time of application, a development proposal that is consistent with the appropriate designation criteria, and that will commence or may be phased within a specified amount of time following the property's redesignation and rezone. The time lines for commencement and phasing are specified in the development regulations. A development project that has not commenced according to the specified timeline, or those portions of a phased project that have not proceeded according to an approved phasing schedule, will lose its rural commercial or industrial designation and zoning, and will be returned to its prior designation and zone.</p> | <p>The Department does not believe the timeline provision serves a useful purpose. It does not account for economic downturns and the fact that the Comp Plan amendment/rezone process is sufficiently rigorous that map changes should be long-term.</p> |
| 34. | <p>3C-2.4 Public services and public facilities necessary for rural commercial and industrial uses shall be rural in nature, limited to those necessary to serve the use, and provided in a manner that does not permit low-density sprawl. Uses may utilize urban services that previously have been made available to the site.</p> | <p>No proposed changes.</p> |
| 35. | <p>Rural Village Commercial (RVC) Policies 3C-2.5 through 3C-2.9</p> | <p>No proposed changes</p> |
| 36. | <p>Rural Center (RC) Policies 3C-2.10 through 3C-2.18</p> | <p>No proposed changes</p> |
| 37. | <p>Rural Freeway Service (RFS) Policies 3C-3.1 and 3C-3.2</p> | <p>No proposed changes</p> |
| 38. | <p>Small-Scale Recreation and Tourism (SRT) Policies 3C-4.1 through 3C-4.5</p> | <p>No proposed changes</p> |
| 39. | <p>Natural Resource Industrial (NRI) GOAL C5 – NRI USES Facilitate the production of agricultural, forestry, and aquatic products by allowing related processing facilities, limited direct resource sales, and limited natural resource support services that support local natural resource activities.</p> | <p>No proposed changes.</p> |

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| 40. | 3C-5.1 The NRI designation applies to agricultural, forestry, and aquatic industries and products. Mineral processing activities are generally guided by separate policies found in the Land Use and Resource elements of the Skagit County Comprehensive Plan. | No proposed changes. |
| 41. | 3C-5.2 Permitted uses include natural resource processing facilities; wholesaling and storage of products associated with natural resources; limited direct resource sales; and limited natural resource support services. | No proposed changes. |
| 42. | <p>3C-5.3 New Natural Resource Industrial designations may be located on lands currently in one of the other Rural designations. In certain circumstances designated Natural Resource Lands may be redesignated to NRI, subject to the following provisions and the specific policies for each natural resource land or industry contained below.</p> <p>a. The NRI designation may generally be located on land currently in a Natural Resource Land designation for uses directly involved in the extraction, sorting, and primary processing of natural resources.</p> <p>b. NRI uses that are not directly involved in the extraction, sorting, and primary processing of natural resources should generally locate on rural lands, including in Rural Villages. These activities include support services, and certain storage and processing uses that serve natural resource industries but are not directly involved in the on-site extraction or primary processing of natural resources.</p> <p>c. NRI uses may be located in more densely populated rural areas, including Rural Villages, provided their operations do not present an unreasonable threat to the health, safety and welfare of rural residents.</p> <p>d. Development of the proposed NRI site would have minimal adverse impacts on nearby primary natural resource activities.</p> | No proposed changes. |
| 43. | 3C-5.4 In considering NRI designation requests, priority consideration will be given to properties that have had prior industrial activity and site improvements, but that may now be vacant or under-utilized, rather than to entirely undeveloped sites. | No proposed changes. |

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| 44. | 3C-5.1 The NRI designation applies to agricultural, forestry, and aquatic industries and products. Mineral processing activities are generally guided by separate policies found in the Land Use and Resource elements of the Skagit County Comprehensive Plan. | No proposed changes. |
| 45. | 3C-5.2 Permitted uses include natural resource processing facilities; wholesaling and storage of products associated with natural resources; limited direct resource sales; and limited natural resource support services. | No proposed changes. |
| 46. | <p>3C-5.3 New Natural Resource Industrial designations may be located on lands currently in one of the other Rural designations. In certain circumstances designated Natural Resource Lands may be redesignated to NRI, subject to the following provisions and the specific policies for each natural resource land or industry contained below.</p> <p>a. The NRI designation may generally be located on land currently in a Natural Resource Land designation for uses directly involved in the extraction, sorting, and primary processing of natural resources.</p> <p>b. NRI uses that are not directly involved in the extraction, sorting, and primary processing of natural resources should generally locate on rural lands, including in Rural Villages. These activities include support services, and certain storage and processing uses that serve natural resource industries but are not directly involved in the on-site extraction or primary processing of natural resources.</p> <p>c. NRI uses may be located in more densely populated rural areas, including Rural Villages, provided their operations do not present an unreasonable threat to the health, safety and welfare of rural residents.</p> <p>d. Development of the proposed NRI site would have minimal adverse impacts on nearby primary natural resource activities.</p> | No proposed changes. |
| 47. | 3C-5.4 In considering NRI designation requests, priority consideration will be given to properties that have had prior industrial activity and site improvements, but that may now be vacant or under-utilized, rather than to entirely undeveloped sites. | No proposed changes. |

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| 48. | <p>Policies Specific to Agriculture-NRL</p> <p>3C-5.5 Skagit County should designate an area (or areas) in which to concentrate agriculture-related industrial uses and agricultural support services in an “agricultural industrial park.” This would allow for these services and their impacts to be concentrated, rather than dispersed throughout the rural area. Designation of an agricultural industrial park is the only instance where Ag-NRL land may be converted to a NRI designation, and only based on a finding that the agricultural sector is better served by having the land in NRI designation to permit an agricultural industrial park.</p> | <p>The Department proposes to strike this policy, which has been accomplished through the designation of abundant industrial land at Bayview Ridge (and its use by a growing number of ag industrial businesses). The existing policy contemplates the conversion of land designated Ag-NRL for ag industrial use, which is not consistent with the preservation of Ag-NRL for cultivation.</p> |
| 49. | <p>Policies Specific to Forest-NRL</p> <p>3C-5.6 Certain forestry-related industrial activities are permitted outright through the Industrial Forest-NRL, Secondary Forest-NRL, and Rural Resource-NRL zoning districts and do not require a Comprehensive Plan designation to NRI.</p> | <p>No proposed changes.</p> |
| 50. | <p>3C-5.7 Certain forestry-related industrial activities are not permitted, or are only permitted on a temporary basis, in the Industrial Forest-NRL, Secondary Forest-NRL, and Rural Resource-NRL zoning districts. The NRI designation is an appropriate place for these uses to occur on a permanent basis.</p> | <p>No proposed changes.</p> |
| 51. | <p>Policies Specific to Aquatic Industries</p> <p>3C-5.8 Aquatic and marine uses permitted through the NRI designation shall only be located on non-NRL designated lands.</p> | <p>No proposed changes.</p> |
| 52. | <p>3C-5.9 Additionally, the proposed site should be close to:</p> <ul style="list-style-type: none"> a. the natural resource or natural resource activities it intends to serve; b. major transportation facilities associated with the proposed use (highway, rail, water, or air); and c. non-urban or existing urban services necessary for the proposed resource-related industrial use. | <p>No proposed changes.</p> |
| 53. | <p>Rural Marine Industrial</p> <p>Goal C6</p> <p>Policies 3C-6.1 through 3C-6.3</p> | <p>No proposed changes.</p> |

| Row # | Current Goals and Policies with Selected Amendments | Discussion |
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| 54. | <p>Major Industrial Development</p> <p>Goal C7 Policy 3C-7.1</p> | No proposed changes. |
| 55. | <p>Master Planned Resorts</p> <p>Goal C8 Policies 3C-8.1 through 3C-8.3</p> | No proposed changes. |
| 56. | <p>Small-Scale Business</p> <p>Goal C9 Policies 3C-9.1 through 3C-9.7</p> | No proposed changes. |
| 57. | <p>Home-Based Business (HBB1-2, HBB2 and HBB3)</p> <p>Goal C10</p> <p>Provide opportunities for rural entrepreneurs to establish work places within their homes that are compatible with surrounding uses.</p> | Amendments are proposed to the Home Based Business (HBB) policies to add HBB3 which exists in code but is not referenced in policy, and to ensure consistency between the policies and the HBB code. |
| 58. | <p>3C-10.1 Home-Based Businesses (HBB) are intended to provide increased rural economic opportunities by providing the ability to supplement a family income, start a business, or establish a work place at home.</p> | No proposed changes. |
| 59. | <p>3C-10.2 HBBs are located inside single family homes or a permitted accessory outbuilding and remain clearly incidental and secondary to the primary residential use. <u>HBB activities may consist only of business activities that are compatible with the primary use of a property as residential or resource based. The activities must support and may not diminish rural character.</u></p> | Provides additional detail consistent with code. |
| 60. | <p>3C-10.3 Home-Based Business 1 (HBB1) consists of services or fabrication—a business that is carried on exclusively by residents of the household and which does not involve client or customer visits. On-premises signs are not permitted. These businesses are permitted outright. <u>HBB1 are smaller in size than HBB2 or HBB3.</u></p> | Provides additional detail consistent with code. |

| Row # | Current Goals and Policies with Selected Amendments | Discussion |
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| 61. | <p>3C-10.4 Home-Based Business 2 (HBB2) consists of a business commercial or industrial activities involving the provision of services or fabrication or production of goods that is similar in character and compatibility with rural character as HBB1 but is larger in size. Examples include but are not limited to: dressmaking, upholstering, weaving, baking, limited metal working activities, and computer software development. The HBB2 activities are carried on exclusively by residents of the household. Clients or customers may visit the site. A single small, on-premises sign is permitted. Limits on the number of employees are established in the development regulations.</p> | Provides additional detail consistent with code. |
| 62. | <p>3C-10.5 Home-Based Business 3 (HBB3) are larger than HBB 1 and HBB 2. In addition to being carried out by household residents, HBB3 may also employ a small number of employees. Clients or customers may visit the site. A single small, on-premises sign is permitted.</p> | Provides additional detail consistent with code. |
| 63. | <p>3C-10.56 For any type of HBB, tThere shall be no off-premises signs or other indications of a commercial or industrial enterprise visible off-premises, and auto and truck traffic, noise, and pollutant emissions shall not exceed that normally associated with a residential property. No outside storage is allowed.</p> | Provides additional detail consistent with code. |
| 64. | <p>3C-10.67 Within resource lands of long-term commercial significance, care must be paid to protection of the primary resource activity and code requirements may limit the use in a manner to avoid conversion of resource lands and promote the primary resource-based uses. On lands of long-term commercial significance (Ag-NRL, IF-NRL, SF-NRL and RRc-NRL), HBB2 and HBB3 may be conditionally permitted only if no conversion of resource land is required to accommodate the business activity. Limitations on new structures may also be conditions. A Home-Based Business 2 is only allowed on land designated Ag-NRL if it is clearly secondary and incidental to an actively managed agricultural operation.</p> | Clarifies when Home Based Businesses are allowed on natural resource lands. |

| Row # | Current Goals and Policies with Selected Amendments | Discussion |
|-------|---|--|
| 65. | <p>RURAL BUSINESS (RB)</p> <p>GOAL C11</p> <p>The Rural Business designation is intended to accommodate significant commercial and industrial uses that existed as of July 1, 1997 but do not qualify for other rural commercial and industrial Comprehensive Plan designations.</p> | No proposed changes. |
| 66. | <p>3C-11.1 The County in 1999 – 2000 conducted an extensive review of existing commercial and industrial uses in the rural area and provided a Rural Business designation to many commercial or industrial uses that were in existence as of June 1, 1997, when the County implemented its Comprehensive Plan under the Growth Management Act.</p> | This is narrative rather than policy and is already discussed in the Profile where such narrative belongs. |
| 67. | <p>3C-11.2 Commercial and industrial uses not designated Rural Business or other rural commercial/industrial designation – for instance those operating under a special use permit – may apply for designation as Rural Business through the annual Comprehensive Plan amendment process.</p> | No proposed changes. |
| 68. | <p>3C-11.3 The designation shall be evaluated based on whether the use is similar in nature and location to other uses designated Rural Business; and whether the granting of the designation would be compatible with the rural character of the area, would conflict with the conduct of natural resource activities of long-term commercial significance; and would be consistent with any adopted Community Plan for the area.</p> | No proposed changes. |

| Row # | Current Goals and Policies with Selected Amendments | Discussion |
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| 69. | <p>Expansion of Use</p> <p>3C-11.4 All uses designated RB may expand by up to 50 percent of the existing building footprint and/or up to 50 percent of the existing outdoor working area, provided that the total expansion does not exceed a total of 1,500 square feet of gross floor area. The expansion must occur on the same lot upon which the existing use is located. The total square footage of allowable expansion is determined on a onetime basis, based on the area of use as of June 1, 1997.</p> <p>3C-11.5 Uses that were established as of July 1, 1990 may expand beyond the 1,500 sq. ft. limitation with an approved Hearing Examiner Special Use Permit, subject to criteria contained in the Unified Development Code.</p> | <p>May need a new or revised policy to reflect proposed code amendment to allow additional expansion for natural resource related businesses designated RB.</p> <p>The proposed code amendment will explore the possibility of providing some additional expansion potential for natural resource-related businesses zoned Rural Business. The amendment would not allow expansion of Rural Business uses onto adjacent Natural Resource Lands.</p> |
| 70. | <p>Change of Use</p> <p>3C-11.6 Properties with a Rural Business designation may change uses provided that the new use is rural in nature and does not result in a substantial change to rural character or create substantially greater impacts on surrounding properties, critical areas, natural resource lands, and other factors as further identified in the development regulations. A change to a new use does not create a new expansion opportunity.</p> <p>a. Changes from one use to an identical or "substantially similar" use are subject to Administrative Review only. The Administrative Official will determine if the new use is an identical or substantially similar use based on a definition contained in the development regulations.</p> <p>b. A Hearing Examiner special use permit is required to change from one use to another use that is determined not to be identical or substantially similar to the prior use. The Hearing Examiner shall grant a special use permit for change of use only if is determined that the change of use would not result in significantly adverse impacts or be inconsistent with an adopted community plan.</p> | <p>No proposed changes.</p> |

Edits to Profile

Most of the proposed edits to the Rural profile simply update population numbers and acreages of rural land use designations, or amend the narrative discussion to match proposed policy amendments in the Rural Element.

There is also the following proposed new language at the end of the Rural Profile that describes the impacts on development in the rural area resulting from the Supreme Court's 2008 decision regarding the 2001 Instream Flow Rule for the Skagit River Basin. This statement reflects the County's current policy in processing permit applications affected by that rule.

RURAL WATER

Pursuant to RCW 19.27.097 and RCW 58.17.110, Skagit County legally cannot issue residential building permits or approve subdivision applications unless the applicant has a lawful and adequate water supply. Typically, the applicant provides a letter of availability from a public water source such as PUD, provides demonstration of a water right, or proposes to use a permit-exempt well. Under Washington law, the State of Washington regulates water and its availability for appropriation, determining whether an applicant's proposed use of a well is lawful.

In 2001, the State of Washington adopted an Instream Flow Rule for the Skagit River Basin, establishing minimum river and stream flows for salmon habitat. Although the 2001 Rule in draft form allocated water for rural landowners and agriculture, the published 2001 Rule failed to provide a water allocation for rural landowners or agriculture.

In 2006, the State amended the 2001 Rule in an effort to fix this problem, establishing a small allocation for rural landowners and agriculture in the Skagit River Basin and each of its tributaries (the "2006 Amendment").

In 2008, the Swinomish Indian Tribal Community ("Swinomish") filed suit against the State in an effort to invalidate the 2006 Amendment. On October 3, 2013, the Washington Supreme Court ruled in favor of Swinomish, invalidating the 2006 Amendment. *Swinomish v. State, Wa. Sup. Ct. Case No. 87672-0*.

As a result of the Swinomish lawsuit, the State Department of Ecology provided the following guidance to Skagit County:

"Skagit County is legally required to stop issuing building permits and subdivision approvals in the Skagit Basin that rely on new wells, unless Ecology approves a plan for mitigation (or a plan for reliance on an alternative water source during times when the minimum instream flow requirements set in WAC 173-503 are not met)."

Consistent with this, Skagit County is directing all building permit and subdivision applicants that propose to rely on new use of an exempt well within the Skagit Basin as their source of water to obtain Ecology's approval of the applicant's proposed water use prior to submittal of a permit or subdivision application to Skagit County.

Skagit County is working with the State, PUD, and other stakeholders to ensure that rural landowners are able to utilize their land consistent with rural zoning requirements.