



Planning & Development Services

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Memorandum

From: Dale Pernula, AICP, Director
Re: Public Comments on 2016 Comprehensive Plan Update
Date: June 24, 2016

The public comment period on the 2016 Comprehensive Plan Update before the Board of County Commissioners on the 2016 Update proposal closed Thursday, June 23. The written comments are now posted on the [2016 Update website](#). The written comments received during the [Planning Commission public comment period](#) are also available for review.

There are just two issues that received public comment that warrant consideration at this time: (1) the side setbacks and height limit proposed for Guemes Island, and (2) inclusion of the project list in the Economic Development element.

Guemes Island Height/Setback Limit

The development regulation proposal as released on March 3 included a Guemes Island Overlay that imposes special height/setback limitations on Guemes Island to implement policy in the Guemes Island Subarea Plan (adopted 2011). In response to public comments and discussions with property owners and the Guemes Island Planning Advisory Committee, the June 10 proposal evolved the height/setback limitation by setting measurement of height from the base flood elevation (instead of average ground level) and providing for the possibility of an administrative variance.

While the County received a number of comments in opposition to this height/setback limit, it also received many comments in favor of the limitation and in favor of implementation of the Subarea Plan generally. Many of the comments in opposition seemed to be unaware that height would be measured from the base flood elevation. The Department believes the regulation as currently proposed is reasonable, and provides opportunity for reasonable development even on small lots while protecting open space and views on Guemes Island, and **the Department recommends no change to this portion of the proposal.**

Projects in the Economic Development Element

A few commenters pointed out that the proposed Economic Development Element of the Comprehensive Plan includes a list of Skagit County capital projects that qualify as economic development projects. The plan narrative explains that SCOG included these projects, at the County's request, in its 2013 update of the Comprehensive Economic Development Strategy (CEDS) implementation plan. Because these projects largely exist in other adopted County plans that are part of the Comprehensive Plan (e.g., the Parks Comprehensive Plan, the Capital Facilities Plan, and the Transportation Improvement Program), inclusion of the list in the Economic Development

Element is superfluous, and **the Department recommends deletion of the list.** The Parks, Public Works, and Facilities departments concur with this recommendation.

Other Issues

The Department has identified one place in proposed SCC 14.16.810(4) where the proposed code specifies that an administrative variance allows only up to 50% setback reduction. (We changed the limit from 50% to 100% in the variance chapter.) We plan to delete this duplicative paragraph to resolve the conflicting language with the variance chapter.

Next Steps

The Department is scheduled to meet with the Board at 9:00 am next Tuesday, June 28, to receive final direction regarding adoption of the 2016 Comprehensive Plan Update proposal. Generally, your options are to (1) adopt the revised proposal as released on June 10; (2) adopt the proposal as released on March 3; or (3) make no change to existing policy or code.

The attached draft ordinance would adopt the revised proposal as it was released for public review and comment on Friday, June 10. That version incorporated the Planning Commission's recommendations from its recorded motion, and Board's modifications identified by the Board at your June 7 public meeting.

If you want to make a change from the June 10 proposal, we will need direction on what part or parts of the proposal should be revised, and your reasons for amending the proposal, which will be added to the ordinance as findings.

We have scheduled your review and adoption of the final draft on Thursday, June 30, at 9am.

**An Ordinance Adopting the 2016 Comprehensive Plan Update;
Amending the Comprehensive Plan Land Use/Zoning Map;
Amending the Countywide Planning Policies; and
Amending Skagit County Code Title 14, Unified Development Code**

Whereas Skagit County is required by the Growth Management Act (GMA), RCW 36.70A.130, to conduct a periodic review and update of its comprehensive plan and development regulations to ensure consistency with updated state laws and population and employment projections;

Whereas work on the 2016 Update began in 2014, and included discussions with the cities and towns on updated population and employment forecasts; identification of new state laws that the Comprehensive Plan and development regulations must comply with; the conduct of a public comment period and hearing before the Board of County Commissioners (“Board”) to help the County determine the scope of the 2016 Update;

Whereas based on that preliminary work, the Board adopted Resolution R20140374 on December 16, 2014, establishing the scope of work and work program for the 2016 Update;

Whereas the Planning & Development Services Department (“the Department”) and the Planning Commission held numerous public work sessions and community meetings in 2015 and early 2016, taking public input on various Comprehensive Plan elements, proposed code amendments, and other aspects of the 2016 Update;

Whereas based on significant input from the Planning Commission and the public, Skagit County developed and then released the 2016 Comprehensive Plan Update proposal for public review and comment in early March of 2016;

Whereas, after a 42-day public comment period which included a public hearing in early April, the Skagit County Planning Commission met four times in May to deliberate on the proposal, completing its work and its recorded motion on May 31, 2016;

Whereas the Board met on June 7 to consider the Planning Commission’s recorded motion, and directed that the County hold an additional public comment period, focusing primarily on 38 changes to the original proposal as recommended by the Planning Commission and several additional changes directed by the Board at that meeting;

Whereas the second public comment period ran from June 10 through June 23, 2016, and included a June 20 public hearing before the Board;

Whereas the Board met with the Department on June 28 to give final direction, based on the entire record before it, on what should be included in the ordinance adopting the 2016 Comprehensive Plan Update;

Whereas, under RCW 36.70A.130(5)(b), Skagit County must complete this periodic update by June 30, 2016;

Now Therefore, Be It Ordained by the Board of County Commissioners that:

Section 1. The Board of County Commissioners adopts the following findings of fact, in addition to the findings of fact included in the Planning Commission's Recorded Motion:

- A. The County's 2016 Update process included extensive opportunities for public input, review and comment, including opportunities for the public to comment on the scope of the update process; to propose policies, code amendments and map amendments for inclusion in the update proposal; and to comment in public workshops on key elements of the Comprehensive Plan and development regulations identified by the scope as being updated through the process. After releasing the 2016 Update proposal, the County held two separate public review and comment periods including public hearings—one before the Planning Commission and one before the Board of County Commissioners. The public input process met and exceeded the requirements in SCC Chapter 14.08 Legislative Actions, and in the Growth Management Act (RCW 36.70A.130(2)(a), RCW 36.70A.140, and RCW 36.70A.035).
- B. Directing the Planning & Development Services Department to work directly with the Planning Commission during the development of the 2016 Update proposal, rather than with a separate citizen advisory committee, helped to ensure that the Planning Commission was familiar with the various aspects of the Comprehensive Plan, development regulations, and land use/zoning map, and with relevant GMA requirements, once the process entered the formal public review and comment period and the Planning Commission's deliberations and generation of recommendations on the proposal.
- C. The second formal public review and comment period, before the Board of County Commissioners, allowed the public an opportunity to comment on the 38 revisions to the original proposal as recommended in the Planning Commission's Recorded Motion, and on additional revisions directed by the Board at its June 7 meeting, consistent with Skagit County Code (SCC) 14.08.090, Review and decision by Board.
- D. The Board respects the Planning Commission's recommendation to move reference to the adopted 2009 Skagit Countywide UGA Open Space Concept Plan from policy to narrative. At the same time, it is important for Skagit County to continue to work with its partners to identify, prioritize, and conserve open space corridors within and between urban growth areas, as described in the revised language in policy 2B-1.3 being adopted by this ordinance. There was significant public comment in the comment period before the Board of County Commissioners in support of this policy regarding continued cooperation with local partners on open space conservation.

- E. Existing code allows administrative variances for standard zoning setbacks to reduce those setbacks up to 100%. While the original proposal reduced the allowable reduction to 50%, variable lot sizes and configurations may frequently necessitate 100% reductions when no purpose would be served by Hearing Examiner review (proposed SCC 14.10.020(1)(d)).
- F. The proposed Guemes Island Overlay combined setbacks/height limit may adversely affect a number of small properties that ought to be able to receive relief through an administrative variance process because no purpose would be served by Hearing Examiner review (proposed SCC 14.10.020(1)(f)).
- G. The 2016 Update process revealed confusion about the process for adding transportation projects to the Comprehensive Plan's 20-year transportation project list, the County's Six-Year Transportation Improvement Program, and the Skagit Council of Government's regional transportation plan and regional transportation program. The additional narrative and flow charts added to the Transportation Element describing these processes will help clarify these issues for all participants in the planning process now and in the future.
- H. There was significant public comment before the Board of County Commissioners supporting inclusion of non-motorized transportation projects in the Transportation Element, and thereby enhancing safety and mobility and benefiting public health and the local economy. Comments also noted that it is important to respect property that neighbors trails and other public access points with regard to trespass, trash, privacy, and animal waste.
- I. The public comment period before the Board included a limited amount of comment in opposition to the proposed code amendments regarding storage of junk. This requirement already exists in Skagit County Code and has been enforced for many years. No substantive change has been proposed. The code amendment will simply make the prohibitions clearer by not having to refer to both permitted uses in various zoning districts and to definitions. A decision not to adopt the proposed amendments will have no effect on current enforcement practices, but will forfeit an opportunity to make the code clearer and more understandable to the public and easier to implement for the Department.
- J. **Burlington Urban Growth Area.** 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. The Housing Authority property is improperly designated Ag-NRL, as it already supports 81 farmworker housing units built at urban densities and an additional 75 units are authorized under binding County resolutions enacted pursuant to the Housing Cooperation Law, RCW Chapter 35.83. The existing housing units are served by septic systems that have failed previously and are likely to fail again.

- K. 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 new Housing Authority development if the property is brought within the urban growth area.
- L. Because the property is largely already developed, it will not add significantly to Burlington's residential development capacity. 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.
- M. The UGA expansion is effective with the adoption of this ordinance, which applies County zoning of Burlington Urban Development District, allowing the city to implement the residential zoning of its choosing. The city has yet to determine the effective zoning of the property, as it is not yet done with its 2016 update.
- N. **Sedro-Woolley Urban Growth Area.** The City of Sedro-Woolley has documented the need, through its buildable lands analysis, to expand its northern UGA area to accommodate projected population and employment growth over the next 20 years. The Planning & Development Services Department and Planning Commission have carefully scrutinized the city's UGA expansion proposal and find it consistent with the range of discretion provided to a city under the Growth Management Act. Approval of the UGA expansion is accompanied by a policy stating that "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."
- O. 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 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.

- P. **Lake Erie Trucking.** The subject property meets the criteria in policy 4D-1.3 for the presence of mineral resources as required for a property to be included within the MRO. The property is designated Rural Resource-NRL (RRc-NRL), and residential densities on the subject land are less than one residence per 10 acres, also meeting the designation criteria for MRO. Although portions of the property are less than one quarter mile away from areas designated Rural Intermediate, any expansion of mining and quarry operations requires a Hearing Examiner special use permit and public hearing. That process and the MRO development regulations will address issues including mineral operational plans, impacts and mitigation (noise, vibration and dust levels), reclamation, 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.
- Q. **Edison Granary.** 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.
- R. The redesignation is consistent with applicable policies in the Comprehensive Plan's Rural Element, including: policies 3C-2.5 regarding Rural Village Commercial uses serving "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 regarding the clustering of new commercial uses around existing such uses; 3C-2.7 regarding typical uses within Rural Village Commercial districts; and 3C-2.8 regarding size limits for uses within the Rural Village Commercial districts intended to retain the area's rural character.
- S. **Concrete Concepts.** The map amendment will allow a pre-existing building on site to be used for an art gallery/studio. The parcel contains two metal buildings not intended for residential use and is adjacent to other parcels designated Rural Village Commercial. The property has a residential use permit associated with the community septic system.
- T. As with the Edison Granary, the redesignation is consistent with applicable policies in the Comprehensive Plan's Rural Element, including: policies 3C-2.5 regarding Rural Village Commercial uses serving "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 regarding the clustering of new commercial uses around existing such uses; 3C-2.7 regarding typical uses within Rural Village Commercial districts; and 3C-2.8 regarding size limits for uses within the Rural Village Commercial districts intended to retain the area's rural character.

Section 2. The Skagit County Comprehensive Plan is adopted as shown in Attachment 1 to replace all prior versions of the Comprehensive Plan; the existing Shoreline Master Plan policies in Chapter 6 are retained.

Section 3. The Countywide Planning Policies are amended as shown in Attachment 2.

Section 4. The Skagit County Comprehensive Plan Land Use/Zoning Map is re-adopted and amended to implement the changes shown in Attachment 3.

Section 5. The Airport Environs Overlay maps shown in Attachment 4 are adopted.

Section 6. Skagit County Code Title 14 is hereby amended as shown in Attachment 5.

Section 7. Resolution 15570 (December 12, 1994) adopting an interim seawater intrusion policy, is repealed.

Section 8. This ordinance is effective on July 1, 2016.

Witness Our Hands and the Official Seal of Our Office this 30th day of June, 2016.

**Board of County Commissioners
Skagit County, Washington**

Section 1. ATTEST:

Lisa Janicki, Chair

Clerk of the Board

Ron Wesen, Commissioner

APPROVED AS TO CONTENT:

Kenneth A. Dahlstedt, Commissioner

Dale Pernula, Director
Planning & Development Services

APPROVED AS TO FORM:

Will Honea, Civil Deputy
Skagit County Prosecutor's Office