



Skagit County Planning & Development Services

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2016 Comprehensive Plan Update Supplemental Staff Report #1

To: Planning Commission
From: Kirk Johnson, AICP, Senior Planner, Team Supervisor, Project Manager
Re: 2016 Comprehensive Plan Update: Response to Public Comments
Date: May 3, 2016

This memo prepares for the Planning Commission deliberations on the 2016 Update starting May 10 and addresses public comments received during the written comment period between March 3 and April 14, 2016, and testimony received at the public hearing on April 5.

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The Proposal

Now that the comment period has concluded, the Planning Commission is charged with generating a recommendation on the proposal, i.e., proposed amendments to the:

- Countywide Planning Policies
- Comprehensive Plan
- Development Regulations, and
- Comprehensive Land Use and Zoning Map

The Planning Commission's recommendation takes the form of a Recorded Motion, including findings of fact, reasons for action, and recommendations. Planning Commissioners who are unfamiliar with the recorded motion format may wish to review the Planning Commission's recent Recorded Motions on [marijuana](#) and [stormwater](#).

Deliberations Process

As we discussed at your January 5 meeting, the Planning Commission will follow a structured deliberation protocol on the Comprehensive Plan Update, similar to the process used for the Shoreline Master Program deliberations.

1. **Ask questions.** Although we've already had several opportunities for Planning Commissioners to ask questions, members are encouraged to first take the opportunity to get any last minute questions answered before they begin.
2. **Lay it out.** Planning Commissioners should each identify the issues they want to address in their recorded motion. *It would be helpful if members have their issue lists prepared in advance.* As each PC member speaks, staff will type the issue list on screen.
3. **Set the scope and sequence of the discussion.** Staff will help the PC organize the list of issues into an outline for discussion. The PC should then informally adopt the outline as a rule for proceeding with the discussion.
4. **Take each concept one at a time.** The chair should require discussion to follow the outline and, on his or her own, rule out of order any member who strays from the topic on the floor. If the chair does not interrupt a member who strays from the topic, any planning commissioner can call for a point of order.
5. **Focus on the content of the recorded motion.** The PC's objective is to generate a Recorded Motion that captures their recommendation and reasons for it. Staff has prepared a draft Recorded Motion to work from. As the discussion proceeds and coalesces into specific points, PC members should make motions using the following process:
 - a. Articulate, in general terms, and as many words as you need, what finding/reason or recommendation you want included in the Recorded Motion.
 - b. Staff will type that into a concise statement in Track Changes on the screen.
 - c. Say, "I move that we add the [statement on the screen] to the Recorded Motion."
 - d. If the motion is seconded, discuss *only* the motion, and then take a voice vote.
 - e. Move to the next recommendation or finding.

The Planning Commission should not walk through the entire 2016 Update section by section. That is not an efficient use of the Commission's time. The Planning Commission's recommendations should be relatively high level, and should not attempt to wordsmith or rewrite the document.

Key Issues Addressed by Public Comment

Staff has organized the public comments into the following issue groups for the purpose of responses. This is staff's best attempt at grouping the issues. This list does not need to be how the Planning Commission organizes its deliberations, nor does the Commission have to address all the topics on this list, nor is the Commission constrained to the topics on this list.

CPPs and Comp Plan

- CPPs
- Open space
- Water availability
- Rural development
- Wildfire planning
- References to other plans
- Affordable housing
- Transportation
- Capital facilities
- Implementation
- Appendices
- Formatting

Comp Plan/Zoning Map

- Concrete Concepts
- Edison Granary
- Lake Erie Trucking
- Burlington UGA
- Sedro-Woolley UGA

Process

- No public work session on code or CPPs
- Too little time for public comment
- Request additional time for review
- Planning Commission's role in update

Development Regulations

- Guemes subarea planning implementation
- Essential public facilities approval criteria and water
- 14.18.100 – land divisions and water availability
- Rural Reserve lot coverage
- Natural Resource Lands protection
- Landslides
- SEPA appeals
- Junk vehicles and RVs

Responses to Public Comments, Part 1

Staff has included responses to the CPPs, Comp Plan, Land Use/Zoning Map issues, and the 2016 Update process in this memo, and will respond to comments on code amendments in a later memo.

Public comments are in bold marked with 🗨️ and followed by the Department response. Where the Department agrees with a particular change, we have marked proposed language for the Planning Commission recommendation with “RC-#” in the margin.

Countywide Planning Policies

The County received substantive comments on the Countywide Planning Policies (CPPs) from Tim Trohimovich (Futurewise) and Ellen Bynum (Friends of Skagit County).

🗨️ **The rural growth allocation of 20% is unsustainable due to water limitations and wildfire and landslide risks and should be reduced.**

The issue of the 80/20 allocation was discussed with the GMA Steering Committee that works with the County in developing the 20-year population and employment forecasts and allocations in the Countywide Planning Policies. That committee did not indicate an interest in modifying the 80% urban/20% rural population allocation established indirectly by CPP 1.2. As discussed later in this report, the County has effective policies and codes in place to protect groundwater supplies and instream flows and to minimize wildfire risks. The County will be evaluating its critical areas ordinance specifically to address geohazards by June of 2017.

🗨️ **As part of the next periodic update there should be a public process to review and revise, if needed, the CPPs.**

This could be considered as part of the next periodic update. The County proposed a comprehensive review of Countywide Planning Policies to the GMA Technical Committee early in the 2016 Update process. The other jurisdictions expressed no interest in modifying the CPPs other than the proposed amendments to CPP 1 updating population and employment projections and allocations and establishing an annual land use monitoring process. The County can't modify the CPPs unilaterally.

Open Space

The County received substantive comments on open space and the Skagit Countywide UGA Open Space Concept Plan (“Open Space Concept Plan”) from Adams/Semrau (County Parks and Recreation Dept/Board), Kasey Bell, Marjorie Bell (United General), Ellen Bynum (Friends of Skagit County), Marie and John Erbstoesz, Molly Dorn (Skagit Land Trust), Jeroldine Hallberg, Liz McNett Crowl, Katie McNett, Mitchell Metcalf, Mark Pearson (United General), Perry/Manns (Skagit Audubon), and Mike Ware (Skagit County Cattleman's).

🗨️ **The large majority of commenters indicated support for the proposed revisions to policy 2B-1.3 stating that Skagit County should implement the adopted Skagit Countywide UGA Open Space Concept Plan.**

Current policy 2B-1.3 stating that Skagit County shall adopt a UGA open space plan by December 31, 2007 is outdated. The Board of County Commissioners adopted such a plan in 2009. Now that the plan is adopted, the policy needs to be updated. The logical update,

consistent with chapter 4 of the plan itself (“Chapter 4: Action Plan”), is to implement the plan. The use of the word *should* rather than *must* or *shall* gives the County discretion as to when and how that would occur. The policy continues to emphasize the voluntary nature of any land acquisition under the plan.

- 🗨️ **Trails continue to be the most important recreational amenity we can provide the public. As [the County Parks and Recreation Board], we have been involved in numerous local surveys and community forums in our community and can say with absolute conviction that trails and waterfront access continue to rank one and two respectively on the recreational needs list for the people of Skagit County. Open Space Lands support a network of trails in Skagit County and we believe we need to continue to expand our recreational spaces as our population continues to increase.**

The Department agrees with this comment.

- 🗨️ **Implementation of the Skagit Countywide UGA Open Space Concept Plan will support the conservation of natural resource lands, the preservation of wildlife habitat and migration corridors, community health and quality of life, and tourism and economic development.**

The Department agrees that the plan supports all of these important goals.

- 🗨️ **Establishing a formal process to prioritize open space and trail projects will help to address concerns over property rights and public access; the current uncertainty is not helpful.**

The Department agrees with the comment.

- 🗨️ **The County should play a leadership role in advancing a countywide bond for open space, including provisions for cities to compete for open space funding with bonuses for locating trails and open space in conjunction with affordable housing.**

A bond is one option discussed in chapter 4, the implementation section of the plan. Linking a bond for open space protection with the provision of affordable housing is an innovative idea that deserves further consideration.

- 🗨️ **The Skagit Countywide UGA Open Space Concept Plan was adopted by resolution not ordinance; was not supported by the Planning Commission.**

These statements are false, and the Department has repeatedly corrected the commenter on this issue. The Board of Commissioners adopted the plan in September 2009 by [Ordinance 020090009](#). As the recital on p. 3 of that ordinance clearly states: “the Planning Commission recommended approval of the UGA Open Space Concept Plan as amended Attachment as well as adoption of specified recommendations by a vote of 8 to 0.” The Planning Commission’s recorded motion is attached as an exhibit to the ordinance.

💡 **Some parts of the plan fulfill GMA requirements and some go beyond them. The plan should be rewritten before it is implemented.**

The County is not limited to adopting plans that only fulfill the minimal GMA requirements. The plan was adopted by the Board of County Commissioners, based on the unanimous approval of the Planning Commission after recommending significant revisions, and following an extensive public process involving input from numerous individuals and organizations. It is the best distillation available of the Skagit County community's desires for open space conservation. Implementation could emphasize some aspects of the plan over others but the plan does not need to be rewritten.

💡 **All references to the open space plan should be removed from the comprehensive plan.**

The plan was adopted by the Board of County Commissioners after an extensive public process, serves an important community planning need, and fulfills a GMA requirement (RCW 36.70A.160). The plan was developed and adopted due to a finding of non-compliance against the County for failure to have such a plan. References to the plan need to stay in the Comp Plan.

💡 **Open spaces have not been mapped. Ika Island is privately owned and it shouldn't be designated OSRSI.**

Some open space areas have been mapped, specifically those meeting the criteria for Public Open Space of Regional/Statewide Importance (OSRSI). Private open space areas could be mapped, as the commenter suggests, through the process of implementing the plan.

The commenter is correct that Ika Island is privately-owned and should be considered for removal from OSRSI through the 2017 annual Comp Plan amendment cycle. N.B. that the OSRI designation is a comp plan map designation/zone and predates the Open Space Concept Plan.

💡 **The open space goal should say "within and between UGAs" not "within and around."**

The Department agrees with the proposed revision, which would make the goal consistent with GMA (RCW 36.70A.160).

RC-1. Revise Land Use Goal 2B – Open Space to say "between" rather than "around" urban growth areas.

Water availability

The County received substantive comments on water issues from Ellen Bynum (Friends of Skagit County) and Tim Trohimovich (Futurewise).

💡 **Conduct a comprehensive evaluation of potable water supplies compared to planned growth, densities, and uses. Where water supplies do not appear adequate, downzone rural lands. Amend Land Use Element policy 2G-1.6 and Utilities Element policy 9A-8.8 accordingly.**

The Department believes the County's current policies – including amendments released as part of this Comp Plan proposal and as further discussed below – are adequate to protect groundwater supplies and instream flows as required by GMA. The County's Comp Plan

designations, zones, and densities have been found compliant with GMA in two major rounds of updates and appeals (2000 and 2005). The County is following the guidance provided by the Department of Ecology for processing building permits and land divisions where water is limited; specifically, the County will not issue building permits or land division approvals unless the applicant can demonstrate they have a legal and adequate source of water.

The Skagit River Basin Instream Flow Rule prohibits issuance of permits for projects relying on new exempt wells and that cannot show the legal availability of water. However, in some cases other legal sources of water are available, including public water systems, a Department of Ecology-approved mitigation plan, or an approved rainwater catchment system. With these safeguards in place, the Department does not believe the County has a further obligation under GMA to conduct a comprehensive review of rural development capacity relative to available water supplies and downzone properties as a result.

For the same reason, the Department opposes the commenter's similar proposed revisions to Utilities Element policy 9A-8.8.

💡 Amend policy 3A-2.1 on approval of building permits and land divisions to protect water resources and comply with state law.

The Department agrees with several of the refinements the commenter proposes to policy 3A-2.1 to ensure that the policy applies to all building permits that require potable water and to subdivisions of land, consistent with state law. Specifically, the Department supports the following two amendments:

RC-2. Revise policy 3A-2.1(a) to refer to "a building requiring potable water" rather than a "residential building," and add language at the end of the policy stating that the water source meets drinking water standards.

RC-3. Add a new policy comparable to policy 3A-2.1(a) that applies to subdivisions and land divisions; however, exclude the proposed language regarding rainwater catchment systems which currently cannot be used for land divisions.

The Department does not agree with the commenter's suggested language regarding parcels currently or formerly in common ownership. The proposed policy seeks to distill a complicated body of case law into one sentence. The County is already bound by state water law which prohibits the so called "daisy-chaining" of multiple development projects off of one well approved for a single use.

💡 Add a new policy 4A-3.3 to maintain water for natural resource industries.

Having an adequate water supply for natural resource industries is an important goal but it is not appropriately addressed through the proposed Comp Plan policy. The Department of Ecology regulates water rights, not the County. Where necessary, irrigators can work (and some are) directly with water purveyors such as the City of Anacortes and Skagit PUD to secure water needs above and beyond those guaranteed to them through existing water rights.

🗨️ **Amend policy 5A-5.1(k) on approval of building permits and land divisions to protect water resources and comply with state law.**

The Department agrees with the commenter’s suggested amendment to policy 5A-5.1(k) to ensure that the policy applies to all building permits that require potable water and to subdivisions of land.

RC-4. Add a reference in policy 5A-5.1(k) to RCW 58.17.110, include the suggested language regarding subdivision approvals, and refer to “a building requiring potable water” rather a “residential building.”

🗨️ **Add approved rainwater catchment systems as a legal and adequate source of water to various Comp Plan policies and narrative sections, similar to the addition to Rural Element policy 3A-2.1 made before release of the proposal at the Planning Commission’s suggestion.**

RC-5. The Department agrees with the comment that approved rainwater catchment systems should be listed in Comp Plan policies and narrative where that is an available and legal option.

Rural Development

The County received substantive comments on rural development issues from Ellen Bynum (Friends of Skagit County), Carol Ehlers, Nels Lagerlund (Agricultural Advisory Board), and Tim Trohimovich (Futurewise).

🗨️ **Amend Rural Element policy 3A-3.6 on extension of urban services to rural areas to protect rural character and comply with state law.**

The commenter notes that policy 3A-3.6 generally matches GMA (RCW 36.70A.110(4)) but that it omits two of the five requirements that must be met to extend urban services to rural areas. The Department agrees and recommends the following amendment:

RC-6. Revise policy 3A-3.6 by adding the following two additional conditions in GMA: services must be financially supportable at rural densities and will not permit urban development.

🗨️ **Retain Natural Resource Industrial (NRI) policy 3C-5.5 regarding establishment of an ag industrial park on Ag-NRL land.**

The proposal as released would delete Rural Element policy 3C-5.5. This policy states that the County should designate an area (or areas) in which to concentrate agriculture-related industrial uses and support services in an agricultural industrial park; and this is the one instance where Ag-NRL land may be converted to a NRI designation. The Department proposed the policy for removal because a large amount of industrial land was recently added at Bayview Ridge, this is a logical place for agricultural industrial uses, and several such uses are already located there.

The Agriculture Advisory Board commented that the policy should be retained, rather than deleted, because “No one knows what Skagit County's agriculture future will look like. Someday it may be beneficial to the ag economy to have an ag industrial park in the current Ag-NRI [sic] zone providing ag services and showing Skagit County's agriculture.”

The Planning Commission should discuss and decide whether it agrees with the proposal as released or with the AAB's request to leave the policy in the Comp Plan.

💡 **If Rural Element policy 3C-5.5 is deleted, then indicate in the Comp Plan text how the potential need for an ag industrial park is otherwise met.**

This can be done if policy 3C-5.5 is deleted.

💡 **Opposes proposed changes to policy Rural Element policy 3C-10.7 regarding Home Based Business 3 in Ag-NRL lands. HBB 3 in Ag-NRL should be accessory to ag use and should have limits on the number of employees**

The proposal as released replaced the requirement that a Home Based Business 3 in Ag-NRL must be "clearly secondary and incidental to an actively managed agricultural operation." Instead, the proposal states that a HBB3 on Ag-NRL or other designated Natural Resource Land "may be conditionally permitted only if no conversion of resource land is required to accommodate the business activity." The goal was to modestly ease the requirements for HBB3 on Ag-NRL, allowing home businesses not directly related to an active farm operation provided there is no conversion of resource land, and thereby allowing landowners to supplement their farm income. An example might be a small bookkeeping business run out of a farmer's residence. The proposed code for HBB 3 allows up to three additional employees.

The Ag Advisory Board commented in opposition to this change.

The Department stands by its recommendation. The HBB3 would be allowed only if there is no conversion of resource land. The number of outside employees would be tightly limited. The change would have the further benefit of allowing income opportunities to those people whose parcels are Ag-NRL in name only – such as small residential lots in Blanchard or around the intersection of McLean Rd. and Beaver Marsh Rd – that have no way to conduct a farm operation and are ineligible for Home Based Business 3 under the current policy.

RC-7. However, if the Planning Commission chooses to leave the HBB3 policies as they currently are, HBB3 should be removed from Ag-NRL altogether. A home based business that is "secondary and incidental to an actively managed agricultural operation" is the same thing as a "farm based business" which is already outright permitted in Ag-NRL.

💡 **Supports new Rural Business policy language 3C-11.5 exempting uses that support natural resource industries from standard Rural Business expansion limits.**

The Department appreciates the comment from the Ag Advisory Board in support of the proposal.

💡 **Recommends against adoption of proposed policy 3C-1.7(a) authorizing designation of additional Rural Villages; the County's non-conforming lot and other provisions allow development on existing small lots in the rural area and on agricultural lands of long-term commercial significance.**

County code generally does not allow development on existing small lots in designated agricultural lands of long-term commercial significance (Ag-NRL). This can present a real problem for landowners whose property is located in a pre-existing rural, mostly residential

area with a small-lot development pattern like Blanchard. There is some logic to providing a zoning designation – such as Rural Village – more consistent with actual conditions on the ground. At the same time, there is some risk that such an area, once provided a zoning foothold other than Ag-NRL, could generate pressure over time to expand outward.

The Department recognizes there are pros and cons associated with this proposed inclusion of policy 3C-1.7. The Planning Commission should consider the issues and make its own recommendation.

💡 **Please add language that allows the residents of the proposed new village to determine the development of their community.**

If retained, policy 3C-1.7 could be amended as follows:

RC-8. Amend policy 3C-1.7 to indicate that landowners and residents of an area being considered as a new Rural Village should be involved in that planning.

Wildfire Planning

💡 **Wildfire planning should be coordinated with other requirements of the Comp Plan. Example: the Firewise program often removes understory plants from land which would be detrimental to areas concerned with geo-hazards, shorelines and/or stormwater management.**

Applying the Firewise program consistent with the Natural Hazards Mitigation Plan and with agency partners such as the Skagit Conservation District, as proposed by policy 4B-2.11, should provide the coordination with other elements of the Comp Plan that the commenter is seeking. Most understory removal is close to residences so potential conflicts with geo-hazards, stormwater management and shorelines would be rare. The Skagit Conservation District is doing a very thorough job developing Firewise prescriptions that prevent conflicts with vegetation removal in critical areas farther away from residences.

The policy incorrectly refers to “the Department of Natural Resource’s Firewise program” when actually it is the National Fire Protection Association’s (NFPA’s) Firewise Communities program. The Department recommends the following correction:

RC-9. Policy 4B-2.11 should be corrected to note NFPA not DNR.

💡 **Supports policy 4B-2.11 regarding wildfire planning and protection with edits to further strengthen it.**

The challenge in moving forward with the recommendations in the Skagit County Community Wildfire Protection Plan is that the wildfire hazard maps referenced in plan require updating to more accurately reflect changes in the physical fire environment and improvements in fire behavior modeling. These maps were created in 2002 by DNR using a hazard assessment program that was more suited for intermountain states. Local fire experts believe that the maps produced by that program may over-rate fire risk in many parts of the county and should be updated prior to becoming a basis for changes in zoning or codes. Some newer maps have been produced as a project for the Western Governors Association that DNR is reviewing as possible upgrades to the existing hazard risk maps.

The Department believes this matter deserves further attention over time, but also that the existing fire protections in the Industrial Forest, Secondary Forest and Rural Resource zones and in Skagit County Code 14.16.850(6) provide strong protections against wildlife risks.

References to Other Plans

Substantive comments were received from Carol Ehlers and Ellen Bynum.

🗨️ Opposes removal of older water quality plans and watershed subarea plans from Comp Plan, including from policy 5A-4.1.

The revised policy states that “The County encourages the implementation of Total Maximum Daily Load (TMDL) plans, which are the current way the Department of Ecology plans water quality improvements.” The 1990s plans are 20 years old and not based on best available science. They are useful from a historical perspective and remain in pre-2016 versions of the Comprehensive Plan which are available on the Planning and Development Services website.

🗨️ Opposes removal of detail describing proposed scope of Fidalgo Subarea Plan from policy 12A-4.1(c).

Upon further review, the Department realizes that the descriptions of past subarea planning efforts under policy 12A-4.1 belong in narrative rather than policy. A policy properly describes what *should* be done rather than what *has* been done. Accordingly, the Department recommends the following revisions to the policies and narrative regarding subarea planning:

RC-10. The descriptions currently listed in policy 12A-4.1, subsections (a) through (d), should be moved into narrative text above policy 12A-4.1. The previous scope for the South Fidalgo Subarea Plan should not be re-added because there is no current plan to reinitiate that process and the original scope can be found in pre-2016 versions of the Comp Plan.

RC-11. Policy 12A-4.2 regarding completed subarea plans should be moved ahead of policy 12A-4.1 and the text “will help” should be changed to “should help.”

RC-12. Policy 12A-4.3 should remain as proposed, describing potential future subarea planning efforts.

🗨️ Hyperlinks should be provided to plans referenced in the Comp Plan.

The Department will implement this at the final formatting stage.

Affordable Housing

Substantive comments were received from Gary Hagland (Citizens Alliance for Property Rights), Jeroldine Hallberg, and Jennifer Johnson (Skagit County Public Health).

🗨️ Draft Housing Element identifies a number of important goals, policies, and strategies for promoting affordable housing. Please add language to policy 7B-1.8 emphasizing “an intentional focus on expanding the supply of housing affordable at or below 50 percent AMI [area median income].”

The Department supports adding the proposed language to the policy. As the commenter notes, the County is far from meeting the housing affordability needs of its lowest income

residents. The added policy language draws greater attention to the County's most significant and difficult to address housing needs.

RC-13. Add the suggested language to policy 7B-1.8 to expand the supply of housing affordable at or below 50% of area median income.

💡 The affordable housing problem is of the County's and the cities' own making and would be alleviated by providing more developable land in the urban growth areas and relaxing development limits in the rural area.

Cities are required through their comprehensive plan update processes to ensure they have an adequate supply of buildable land to accommodate projected population growth. GMA requires the County to limit growth in the rural area to maintain rural character and lifestyles, protect environmental resources, and protect natural resource industries. As the commenter notes, a majority of Skagit County residents appear to support these goals as embodied in and implemented through the Skagit County Comp Plan.

💡 Cities are reluctant to increase residential densities to levels that make affordable housing affordable (to grow "up," not "out"). It is costly to provide the infrastructure that makes such housing attractive and livable. Skagit County should help the cities compete for quality developers of attractive affordable neighborhoods through a countywide bond for open space, including provisions for cities to compete for open space funding with bonuses for locating trails and open space in conjunction with affordable housing.

This is a creative idea that could be explored further as the County and the cities work together on affordable housing and on open space conservation.

Transportation

Substantive comments were received from Kasey Bell, Marjorie Bell (United General), Gary Clancey, Debbie Clough, Liz McNett Crowl, Molly Doran (Skagit Land Trust), Marie and John Erbstoeszler, Diane Freethy (Skagit Citizens Alliance for Rural Preservation), Randy and Aileen Good, Gary Hagland, Jeroldine Hallberg, Harold Lee, Cindy McGuinness, Katie McNett, Mitchell Metcalf, Connie Muncie, Mark Pearson (United General), Perry/Manns (Skagit Audubon), Gabe Phillips (Skagit Council of Governments), Maggie Potter, Kit Rawson, Brandon Roozen (Western Washington Agricultural Association), Kathy Thornburgh, Jack Wallace and Mike Ware (Skagit Cattlemen's).

💡 County transportation plan must have 20-year forecasts of all transportation revenues and needs, which serve as the basis for the County's 6-year TIP. SCOG, as the regional transportation planning organization, is required to review and certify Skagit transportation element for compliance with regional plan and GMA.

The Comp Plan has 20-year forecasts of all transportation revenues and needs, as contained in the Transportation Technical Appendix and summarized in the Transportation Profile. The Department has continued to work with SCOG since release of the proposal in early March to ensure that its 20-year finance plan is adequately detailed to meet GMA requirements. The revised version of the Transportation Technical Appendix's Section 8, the Financing Plan, and corresponding edits to the Comp Plan's Transportation Profile, reflect that additional work

(see Attachments 1 and 2 to this staff report). The only items being updated in the Finance Plan and the related section of the Transportation Profile are revenue and expense data and analysis; no changes to policies or projects are proposed.

RC-14. The Department recommends replacing Section 8, the Finance Section, of the Transportation Technical Appendix, and the corresponding discussion of transportation finance in the Transportation Profile, with the proposed updated text and data shown in Attachments 1 and 2.

- 💡 **The majority of commenters expressed support for Transportation Element policies and narrative that promote trails, biking and walking (non-motorized transportation), and that will enhance public health, environment, quality of life, property values, and local economy.**

The Department acknowledges the comments, which support the proposal. The County's Transportation Element is required to have a non-motorized component that includes "collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles." (RCW 36.70A.070(6)(a)(vii))

As reflected by the numerous supportive comments, there is a growing interest in and need for these facilities in the community. There is also increasing understanding among planning and public health professionals that the physical environment can positively or negatively affect health outcomes. If people have access to safe and pleasant trails, bike paths and sidewalks and other non-motorized facilities, they will use them, and the increased physical activity will improve public health.

- 💡 **Supports a non-motorized implementation plan that includes goals, prioritization criteria, and 6- and 20-year benchmarks and performance measures.**

- 💡 **Would like to see volunteer citizen group or task force to develop a master pedestrian and bicycle plan.**

The Department believes that the most appropriate organization to appoint a citizen group to develop a master pedestrian and bicycle plan would be the Skagit Council of Governments, which serves as the regional transportation planning organization. The Planning Commission could recommend that the Board of County Commissioners encourage SCOG to establish such a committee to develop a plan.

- 💡 **Skagit County has an annual plan, budget, and schedule for roadwork and should have one for non-motorized transportation as well.**

The County has an annual transportation construction program. To the extent that non-motorized projects are identified for construction in a given year, they are included in that annual plan, budget, and schedule.

- 💡 **The County's Comp Plan/Transportation Element supports the goals of the trail planning group in the Town of Concrete, which has done planning and surveying**

work and identified numerous ways that an improved trail system can facilitate a movement towards improved community health.

The comment is appreciated. It's important that the County and the cities and towns work together and coordinate where possible to provide desired facilities and services to their residents.

💡 **Supports policy 8A-6.11 regarding development of pedestrian, bicycle and equestrian facilities through community and subarea plans.**

This need was identified at the 2016 Comp Plan Update community meeting in Edison and is a logical topic for community plans. Motorized and non-motorized transportation needs were addressed in the Alger and Bayview Ridge Subarea Plans. Big Lake is in need of better non-motorized planning, particularly around the school.

💡 **Use scarce transportation funds for essential road and bridge upgrades/maintenance, not non-motorized transportation.**

As noted above, planning for non-motorized transportation is a GMA requirement. It also addresses a growing community desire and need. The majority of transportation funds are spent on road and bridge upgrades and maintenance, with only a small percentage spent on non-motorized projects. Analysis by SCOG shows that only about 5% of federal transportation obligations in Skagit County in 2015 were for non-motorized projects. Proposed non-motorized projects included in the County's 20-year plan represent about 12% of overall proposed transportation spending. Most of the non-motorized funding spent locally comes from state and federal sources specifically dedicated for those uses, and those funds would be used to benefit other communities if they were not used in Skagit County. Increasingly state and federal requirements for road and other motorized transportation projects require the inclusion of non-motorized facilities. If those facilities are not included in the projects when proposed, they would not compete well for federal and state road project funding.

💡 **Remove non-motorized projects from Tech Appendix project list that are not on the 6-Year TIP.**

The commenters misunderstand the purpose of the 20-year transportation plan and 20-year project list relative to the 6-year TIP. In fact, they're getting the relationship backwards. As noted above, the County is required to have a 20-year transportation plan that includes proposed projects – including non-motorized projects – to meet community needs. Like the Comp Plan itself, the 20-year transportation plan represents the County's long-term transportation vision. By its very nature, the 20-year project list associated with that plan includes more projects than the 6-year TIP, and the projects on the 20-year list are described at a more conceptual level.

Exhibit 26 in the Transportation Technical Appendix (the 20-year project list) "shows the projects anticipated for the transportation system in Skagit County **over the next 20 years**. This list includes **projects from the County's 2016-2021 Six-Year TIP** as well as **projects anticipated beyond the six-year timeframe.**" (emphasis added)

This relationship is also described in Transportation Element policy 8A- 6.3:

“The Non-Motorized Transportation Plan is a long-term plan to meet County multimodal goals and needs **over 20 years**. The inclusion of a project in the plan **does not constitute a commitment that the County will fund or construct that project**. Like all transportation projects, non-motorized transportation projects **must be added to the Six-Year Transportation Improvement Program (6-Year TIP) in order to be funded.**” (emphasis added)

By contrast, the 6-year TIP includes *only* those projects the County intends to build during the upcoming 6-year period. These projects have gone through a more detailed level of planning and development than projects on the 20-year list.

💡 **There has been no public process and County Commissioners have not voted on these projects.**

Again, these comments are incorrect and reflect a misunderstanding of the 20-year project list. The public hearing on the Comp Plan, the Transportation Element and the Transportation Technical Appendix *is the public process* for the County’s 20-year transportation plan and associated projects. Those who commented for or against non-motorized projects are making their views known to the decision-makers. Based on that input, projects may be retained, added, modified, or removed.

Per Comp Plan policy 8A-6.3 and RCW 36.81.121 an *additional* public process is required if and when a specific project is proposed to be placed on the 6-year TIP. That annual process includes an open house with Public Works staff, a presentation to the Planning Commission, and a public hearing before the Board of County Commissioners.

💡 **Remove reference to “eminent domain” (p. 70 of Transportation Technical Appendix) from policy addressing public process and right of way acquisition for non-motorized projects.**

The policy simply states that the same process should be used for potential right of way acquisition from private interests for non-motorized facilities as for general transportation facilities. This is a reasonable and practical policy that has been in place for more than 10 years without any record of abuse.

💡 **Dike trail feasibility study should not be referenced in Comp Plan update. Dikes are private property not open for public use.**

The language regarding trails on dikes has been in the County’s non-motorized transportation plan (until now, part of the Transportation Systems Plan), since 2005. It is simply being retained as the Transportation Systems Plan becomes the Transportation Technical Appendix. Also being retained from the 2005 non-motorized plan are the following policies governing the development of future trail projects proposed for locations on dikes, developed to address landowner and dike district concerns:

- Any future trail projects proposed on dikes shall require the Planning and Development Services Department to meet, consult, and obtain the approval of any involved dike district and affected property owner.

- The County will complete necessary and adequate environmental review prior to issuing a Mitigated Determination of Non-Significance for each specific project proposal on dikes or levees.

Contrary to the statement above, there are several examples where dikes are open for public use, resulting from negotiated agreements with dike districts and underlying property owners. These include the Padilla Bay Shore Trail; the Burlington Dike Trail along the eastern side of the Skagit River Park/Playfields; the Skagit Riverwalk Trail that runs along the downtown waterfront in Mount Vernon and will eventually extend down to the city’s wastewater treatment plant south of downtown; and Riverloop Trail, north of Lions Park in Mount Vernon that includes .2-miles of river levy owned by the city. These examples indicate in some instances direct, substantive, and respectful discussions between public entities looking to encourage public access and dike districts and property owners can result in cooperative public access agreements.

- ☛ **We note that the Transportation Technical Appendix briefly addresses the concept of trails on dikes and levees. We strongly support our county government pursuing every opportunity to open public dikes to public recreational access.**

The comment illustrates the fact that there are various views in the community on the issue of trails on dikes.

- ☛ **The Burlington Edison Multi Modal Pathway (Tiger Trail) should be removed from the comprehensive plan because it is incompatible with Agricultural activities, because it would create undue safety risks, and because the right of way that the County seeks to acquire no longer exists.**

- ☛ **Many ag operations, procedures and functions have a high likelihood of impact with construction of the “Tiger Trail Project” and other proposed projects. Please consider more closely working with private landowners and businesses, and drainage and irrigation districts prior to and during planning of these projects.**

The Tiger Trail, like other projects on the 20-year list, represents a conceptual project the County may move forward with over time. In developing its vision for a long-term non-motorized network – as illustrated in technical appendix Exhibit 25 – the County has identified potential routes or corridors that link popular destinations, are currently used for walking or biking, and are likely to see increased use over time.

The SR 11/Chuckanut Drive corridor is already heavily traveled by bicyclists and even some pedestrians. It links the Burlington/Mount Vernon area with many popular sites and public facilities including the Allen Elementary School and Allen Community Park (both within the Allen Rural Center), the East Edison Rural Center, the community of Blanchard, Larrabee State Park, and many other scenic and recreational features along Chuckanut Drive. It’s also a main route to the Edison Rural Village which is growing in popularity as an art, food, and tourism hub. The current conditions for bicyclists and pedestrians are not particularly safe and their legal use of a substandard facility can create potential conflicts with motorized travel as well.

If and when the County decides to propose this project for the 6-year TIP, the public – including potentially affected property owners – will have another opportunity to review and comment on it through an open house with Public Works staff, a presentation to the Planning Commission, and a public hearing before the Board of County Commissioners. If the project is then added to the 6 year TIP, it would go through a much more detailed level of review and development, including meetings with affected property owners to address the types of concerns raised by the two commenters.

Rather than being viewed as a threat, perhaps the trail could be developed in a manner that showcases the wonders of agriculture in Skagit County.

🗨️ **Supports a non-motorized trail on Guemes Island Road from School House Park to the Guemes ferry dock. Frequently walks home from events at Community Hall and would feel safer with designated trail.**

The County has met with Guemes Island residents interested in construction of the proposed trail. The County is currently occupying the majority of right of way for operational use. As such, the local residents would need to work with private property owners in the area to acquire property or an easement for that portion of the proposed trail. The County does have additional right of way from the Community Center to the park that has the potential to support a trail. The Parks Department and Public Works have agreed to work with the community to ensure the trail would comply with County trail standards, if or when funds are obtained.

🗨️ **Add the following language to policy 8A-7.3 on expansion of freight rail service: “with priority given to the return of the Sedro Woolley to Concrete rail service to revitalize east county’s economic recovery.”**

The Department of Transportation did an East Skagit County Rail Feasibility Study in 2006 looking at the possibility of reestablishing rail service on the existing rail corridor, which currently serves as the Cascade Trail. Although the study did not conclude outright that the project was not feasible, it did identify numerous challenges and obstacles, including the need for an estimated \$60 to \$87 million dollars to reestablish rail service.

The study explored potential use of the line by shippers. It found that “the number of carloads per year on the new rail line may be quite limited” and concluded: “Unless there is sufficient traffic on the line to generate enough revenue to keep the rail line in a state of good repair, the owner of the rail line may have to provide some type of operating subsidy to maintain the tracks, bridges, ballast, ties, and public crossings. If the owner is a public agency, then these operating subsidies must be provided through taxes collected by some public entity.”

Reestablishing east county rail service does not appear to be viable at this time. The Department recommends against this proposed policy addition, until there is a large increase in potential rail shippers in east Skagit County in which case the policy may be warranted.

Capital Facilities

Substantive comments were received from Tim Trohimovich (Futurewise).

💡 **Clarify policy 10A-1.4 regarding LOS for urban and rural domestic water levels of service**

As the commenter points out, the rural LOS is listed in the urban column, and vice versa. We agree with reversing the LOS.

RC-15. In policy 10A-1.4, reverse rural and urban water LOS so that they are listed in the correct column.

💡 **Include required parts of the CFP in the Capital Facilities Element.**

The commenter notes that the statute requires “inventory, the forecast of future needs, the locations of needed facility expansions, the funding plan, or the provision calling for a reassessment of the land use if funding falls short” in a capital facilities element. These parts of the County’s capital facilities plan are updated yearly and are contained in the annual CFP document.

The draft plan describes the relationship between the Capital Facilities Element and the annually updated Capital Facilities Plan in the Profile on page 341.

RC-16. In the Capital Facilities Profile, clarify the description of the relationship between the Capital Facilities Element and the annually updated Capital Facilities Plan.

Appendices

Substantive comments were received from Ellen Bynum (Friends of Skagit County) and Carol Ehlers.

💡 **The Citizen Advisory Committee for the 2005 Update should be added to the Comp Plan, as should the current Planning Commission members.**

This is a new update to the Comp Plan. The older 2005 version will remain available on the website where the Citizen Advisory Committee for it can be viewed on the credits page. In this update, the current Planning Commission members will be listed on an updated title page.

💡 **The section on milestones in the development of the Comp Plan should be updated and remain in the Comp Plan appendices.**

Appendix B will remain, describing major milestones in the development of the 1997 Comp Plan. Major milestones after that are either discussed in the Introduction section or will be kept up to date on the PDS website.

💡 **Appendices C and D should be reinstated.**

Plans and studies used in the original development of the 1997 Comp Plan are included as Appendix C in pre-2016 versions of the plan, which are available on the PDS website. Appendix D, adopting and amending ordinances, are available on the PDS website. Older ordinances need not be included in the text of this plan, because this plan replaces older versions and amendments of the plan.

Formatting

The previous version of the Comp Plan was formatted by an outside firm, at significant expense. The proposed version was formatted in house, to match our new standard format for other County plans, and to make future updates easier. Applying a strict hierarchical numbering scheme to the existing document revealed some inconsistencies in the existing numbering and resulted in “[missing heading]” appearing in several places throughout the document. See, e.g., page 82. The Department recommends that the PC address these issues with the following recommendations:

RC-17. Move Comp Plan goal headings (where they exist) above the goal number to eliminate need for “missing heading” text.

The effect of the change would be to highlight the text of each goal better than the current formatting does, while not requiring the creation of any new heading text. Goals without existing headings would simply not have headings. Where the goal headings duplicate existing headings, we would retain only one set of headings. There should be no substantive effect of this change, but the document will appear cleaner and the numbering will be consistent. It will also be easier to identify the text of each goal because it will match the formatting of the goal number.

In the natural resource sections of chapter 4, the document lists several unnumbered “General Policy Goals” before the actual Comprehensive Plan goals and policies. See, e.g., page 134. The Department believes this is undesirable wording, because it confuses these guiding principles with binding goals and policies, which could create the opportunity for legal challenges. These principles are sometimes too broad to be strictly interpreted and applied, but are useful high-level value statements. We propose relabeling these principles to avoid this confusion.

RC-18. Relabel the “General Policy Goals” in Chapter 4 as “Guiding Principles.”

Land Use/Zoning Map Amendments

Concrete Concepts

Substantive comments were received from the applicant, Houston Foist, and from Sarah Baker.

- 🗨️ **Owner seeks redesignation from Rural Village Residential to Rural Village Commercial to allow artist’s studio and small retail shop where he can sell his artwork. Would also employ 2-3 other people. Use would be compatible with several adjacent uses that are also commercially zoned.**

These comments are consistent with the proposal. No comments were received in opposition.

Edison Granary

Substantive comments were received applicant Sarah Baker, Christy Erickson, Houston Foist, John Highest, and Robert and Wendy Pare.

- 🗨️ **Supports redesignation of Edison Granary property to Rural Village Commercial. It will complement existing businesses, provide community event space, allow local farmers to sell their products locally, retain an existing historic building, and also help address Edison’s overall parking shortage.**

Comments are consistent with the proposal.

- 💡 **Have heard this project will be allowed to have own septic system. Any new business in Edison should be required to meet all current commercial codes and participate in the local sewage assessment and water association. Please send septic/sewage information for this project.**

If the project has adequate land and appropriate soil conditions to support an individual septic system that meets County code, the option of an individual septic system is available to the project. The Department understands this is the case. Under these circumstances, there is no way to require the project to connect to the community septic system.

Lake Erie Trucking

Substantive comments were received from applicant Bill Wooding, his consultant, Stephen Taylor, and from Calvert Wilson, Carol Ehlers, and Diane, David and Nancy Fulton.

- 💡 **The proposal would expand the Mineral Resource Overlay by 23 acres to the south, west and east of the current MRO designation and existing gravel pit. The area contains approximately 3 million cubic yards of sand and gravel. Goal is not to start mining immediately, but preserve the resource for future. Approval to mine new area would require a special use permit with extensive analysis of impacts and mitigation.**

The Department recommends that the Planning Commission review the materials submitted by the applicant, the MRO designation criteria contained in the Comprehensive Plan (policies 4D-1.1 through 4D-1.4; with particular attention given to 4D-1.3), and the public comments received on the proposal, in developing its recommendation of whether to expand or not expand the MRO as requested.

The Planning Commission may also want to review the Department's evaluation of those designation criteria in [its staff report recommendation in support of the proposal](#) (March 8, 2016, pages 14-17). There are some tensions between recognizing demonstrated mineral resources and existing mineral resource operations versus avoiding MRO designations within ¼ mile of areas zoned Rural Intermediate.

- 💡 **Area proposed to be added has been gravel pit since 1930s. He purchased it in 1980s as a buffer for his pit with understanding it would be recognized as an existing pit. County did not include it in the MRO or contact him when the MRO was updated in 2005.**

The old pit that is not currently mined and not currently included in the MRO has never been licensed by the County or the state and is what is considered a "borrow pit." When the County did its comprehensive review of the MRO as part of the 2005 Update, it used the best available geologic data to develop the draft MRO. Letters were then sent to all landowners within and adjacent to the existing and proposed MRO seeking comments. Where landowners presented solid evidence of mineral resources meeting the commercial thresholds and otherwise consistent with the MRO designation criteria, those properties were added. The 2005 Update record indicates Mr. Wooding did not comment on the MRO proposal.

- ☛ **Opposes expansion of Lake Erie Trucking due to impacts on neighboring residential properties; if expansion is approved, must do better job controlling impacts.**

A mining special use permit or modification of the existing permit would be required for the applicant to expand his mining operation. Evaluating any impacts resulting from mine operation and/or expansion, and prescribing mitigations to avoid or minimize those impacts, would be a key part of that process.

- ☛ **Will gravel trucks cross Rosario Rd. or impact adjacent properties? Will there be a change to the alignment of Rosario Rd? Where will the entrance be? Has there been sufficient discussion of runoff/potential landslide impacts on sandy soil on cliff to west?**

A mining special use permit application would require a traffic plan to evaluate access routes and any impacts to traffic patterns. Significant impacts to traffic routes or patterns would require mitigations, including possibly roadway modifications. At this point the Department can't say where the entrance would be. The special use application and review process would also require a hydrogeologic site assessment to evaluate the movement of groundwater on the site, and once infiltrated into the ground, through the surrounding area.

Burlington UGA

Substantive comments were received from Ellen Bynum (Friends of Skagit County), Brad Johnson (City of Burlington), Richard Rohweder, and Ray Wickert.

- ☛ **The City supports the County's efforts to address the preexisting sewer and infrastructure problems at the Housing Authority's Raspberry Ridge development by expanding the UGA to include the Housing Authority's property.**

The County appreciates the city's support for this portion of the proposal.

- ☛ **While it may be appropriate to include the Sager and Rohweder parcels in a future UGA expansion, the City does not support their inclusion at this time.**

See response below.

- ☛ **Owner of P62681 (Rohweder) does not want his property included in Burlington UGA expansion.**

The Department recommends the proposal be modified to remove the properties not owned by the Housing Authority, which we believe will be consistent with Burlington's approval of the UGA expansion.

RC-19. Remove the Walkup, Sager, and Rohweder properties from the Burlington UGA expansion.

- ☛ **Concerned about impact of UGA expansion for Housing Authority property on property values of adjacent properties. Housing Authority should be required to build a 6' fence between its property and adjacent properties to the west.**

Expansion of the UGA allows sewer connection for the Housing Authority's new project. That project would be permitted even without expansion of the UGA, but would not be connected to

sewer. The UGA expansion would likely have a positive impact on neighboring property values by eliminating the neighboring Large Onsite Sewage Systems.

The redesignation would not require any such fence. Once the property is zoned consistent with Burlington's designation, the Burlington zoning would control, and future development would be required to comply with their development regulations. The County does not have the ability to require such a fence as a condition of the rezone.

💡 **A comparable amount of land should be removed from the UGA in order to maintain the same amount of buildable land consistent with the city's population allocation.**

The Department does not support this suggestion. 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.

The additional development capacity created through this UGA expansion is minimal compared to Burlington's overall projected growth total. The proposed development within this UGA expansion will specifically address the needs of a very particular subset of the population, specifically farmworkers. 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.

Sedro-Woolley UGA

💡 **The northern UGA expansion is needed to provide land for Sedro-Woolley's 20-year allocation of population and employment growth. Approximately 35 acres of development potential is being transferred from the eastern UGA area that can't be developed at urban densities with urban services.**

The Department agrees that a large portion of the City's proposed UGA expansion is needed to accommodate the city's 20-year allocation of population and employment growth.

💡 **County analysis does not specify how many acres by which it proposes to reduce the UGA. In addition, the city purchased two parcels in the eastern UGA area totaling 10 acres that will be used for public uses, thus the city can apply the development potential in those parcels as "credit" to the UGA expansion area to the north. Adding this land plus a market factor and critical areas restrictions in the northern UGA area, we may be pretty close to what the city has actually recommended.**

The City of Sedro-Woolley has developed a detailed UGA expansion proposal and supporting documentation on land capacity and desired zoning. The proposal has been well vetted by its Planning Commission, City Council, and members of the public.

Skagit County's role under the Growth Management Act is to set growth allocations and UGA boundaries considering Growth Management Act goals and requirements, Countywide

Planning Policies, regional input from the Growth Management Act Steering Committee, and the City of Sedro-Woolley.

As described in the March 8, 2016, staff report, the Department believes it would be prudent to consider a lesser transfer of land from the eastern UGA to the northern UGA. This is due to a review of various Growth Management Hearings Board cases regarding land capacity analysis factors and the failure of cities to provide urban services within their designated urban growth areas within a 20-year period.

Since the time of the land capacity analysis, the City has provided information on its purchase of about 10 acres of land near the cemetery in the eastern UGA. Based on the analysis described in [Appendix A](#) below, the Department recommends that the northern UGA expansion area be approximately 130 acres rather than the roughly 149.3 acres requested by the City. The City should identify its preferred configuration of the UGA boundaries with this direction on sizing.

RC-20. Limit the northern UGA expansion area to approximately 130 acres, while allowing Sedro-Woolley to identify which parcel(s) should be removed from its proposal to meet that acreage goal.

Supports his property on Willida Lane (P38644) not being included in UGA.

The parcel is not included in the proposed UGA expansion.

Owns property (P37308) between Janicki Fields and property to west proposed for inclusion in SW UGA. Supports public use but not misuse (drug deals; public urination; unauthorized camping). Will there be a fence, and will city property to the west be gated at night?

According to city planning director John Coleman, the city does not have specific plans for the property at this time. Once the property is brought into the city, police services will be under the city's jurisdiction and the commenter can call the police to report any suspect or illegal behavior.

Owner of 20+ acres at north boundary of city limits (P36413 and adjoining parcels) supports expansion of UGA to include subject property and accommodate projected growth over next 20 years.

The subject property is included in the UGA expansion proposal as released. Given the subject property abuts the present city limits, it is likely the subject property would be included for a logical service area, even if the overall acreage of the UGA expansion is modestly reduced.

Concerned about potential addition of 11 acres of city-owned property to UGA in the south, for use as a drainage facility. His property (P76277) adjoins this property and experiences regular flooding from the existing drainage ditch/slough.

The proposal as released by the County excludes this land from the UGA expansion and the Department continues to recommend against its inclusion. The commenter may want to talk further with the city's Public Works department regarding maintenance of the city-owned drainage ditch near his property.

2016 Update Process

💡 **There was no public work session on the code amendments or the CPPs.**

This statement is false. A public work session on the code amendments was held with the Planning Commission on June 16, 2015 ([agenda](#)). A public work session on the CPPs was held with the Planning Commission on January 5, 2016 ([agenda](#)). Both sessions featured a public comment period on those specific issues.

💡 **There was too little time for public comment. The Planning Commission should request additional time for review.**

The 42-day formal public comment period on the proposal was substantially longer than the code-required 15-day public comment period. This followed a yearlong process of working with the Planning Commission and the public in developing the proposal in 2015.

The proposed two nights of deliberations (with the possibility of a third night, if needed) should be adequate for the Planning Commission's review of the proposal at an appropriate level of detail. It is also the maximum amount of time available if the proposal is to be forwarded to the Board of County Commissioners with adequate time for their consideration and adoption by the June 30, 2016, deadline.

💡 **What is the Planning Commission's role in its deliberations on the 2016 Update?**

In Resolution R20140374, the Board of County Commissioners directed the Department to work with the Planning Commission "in developing the 2016 Update proposal, ensuring that the Planning Commission has ample opportunity to vet major elements of the proposal before the complete draft is released for formal public review and comment." This occurred throughout 2015.

Beyond that, the Planning Commission's role is the same as for any legislative proposal brought before it, as described in SCC 14.08.080 (Review by Planning Commission): "(4) The Commission shall consider public comments and deliberate on the proposed plan, plan amendment or development regulation. At the completion of its deliberations, the Commission shall vote to recommend adopting, not adopting or amending the proposed plan, plan amendments, or development regulation."

Appendix A: Sedro-Woolley UGA Sizing Analysis

The City of Sedro-Woolley has developed a detailed UGA expansion proposal and supporting documentation on land capacity and desired zoning. The proposal has been well vetted by its Planning Commission, City Council, and members of the public. 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.

Skagit County's role under the Growth Management Act is to set growth allocations and UGA boundaries considering Growth Management Act goals and requirements, countywide planning policies, regional input from the Growth Management Act Steering Committee, and the City of Sedro-Woolley.

As described in the March 8, 2016, staff report, the Department believes it would be prudent to consider a lesser transfer of land from the eastern UGA to the northern UGA. This is due to a review of various Growth Management Hearings Board cases regarding land capacity analysis factors and the failure of cities to provide urban services within their designated urban growth areas within a 20-year period.

Since the time of the land capacity analysis, the City has provided information on its purchase of about 10 acres of land near the cemetery in the eastern UGA. In light of that, and the City's request for more specific direction on the transfer of the eastern UGA land to the northern UGA, we have recommended the following parameters that affect the northern UGA sizing:

- The eastern UGA should have its developable acres reduced by the acreage purchased by the City (about 10 acres) since it is no longer available for development; the 10 acres can be transferred to the northern UGA.
- Per the March 2016 staff memo, the eastern UGA area exhibits a development pattern of on-average 1 acre lots developed based on the County's former platting standards. It is challenging to subdivide; thus, the market factor could be increased and that portion of land could be transferred (relying on a 25% market factor for partially vacant land rather than 20%). Given the updated land capacity in the eastern UGA, this would transfer about 5.9 acres of capacity to the northern UGA.
- Regarding the UGA expansion area near Bottomless Lake, proposed R-1 zoning would address the potential sensitive areas around the lake. It is assumed that the larger lot sizes would allow achievement of density on non-sensitive portions of the property without critical area discounts.

With the above parameters the size of the northern UGA should be approximately 130 acres rather than the roughly 149.3 acres requested by the City. The City can identify its preferred configuration of the UGA boundaries with this direction on sizing.

See Exhibits 1 through 5 below these responses to comments for additional information.

Supporting Tables

Exhibit 1. Deficit or Loss of Capacity: City Estimate

Area	Useable Acres Needed for Residential	Plus Market Factor (15%)	Plus Infrastructure (25%)	Acres Needed (including factors)	Units	Population (HH size of 2.59)
New 14 acres R-5 needed	10	1.5	2.5	-14	-50	-129.5
R-7 converted to Mixed Commercial	21.5	3.225	5.375	-30.1	-150.5	-389.8
35 Acres Eastern Area R-5	35			-35	-175	-453.3
	66.5	4.7	7.9	-79.1	-375.5	-972.5

Units and population based on usable acres to accommodate about 376 units and 973 people.

Assumes no development capacity in eastern UGA.

Assumes 66.5 net usable acres and 79.1 acres with market and infrastructure discounts are needed. See Exhibit 3 regarding critical area discounts.

Exhibit 2. Deficit or Loss of Capacity: Alternative Estimate – Consultant Recommended

Area	Useable Acres Needed for Residential	Plus Market Factor (15%, 20%)	Plus Infrastructure (25%)	Acres Needed (including factors)	Units	Population (HH size of 2.59)
New 14 acres R-5 needed	10	1.5	2.5	-14	-50	-129.5
R-7 converted to Mixed Commercial (MC)	21.5	3.225	5.375	-30.1	-150.5	-389.8
Eastern Area R-5 Developable	15.9	2.39	4.0	-22.3	-79.6	-206.1
	47.4	7.1	11.9	-66.4	-280.1	-725.4

Units and population based on usable acres to accommodate about 280 units and 725 people.

Assumes that there is a need to restore capacity equivalent to 15.9 acres in eastern UGA.

Assumes 47.4 usable acres and 66.4 acres with market and infrastructure discounts. See Exhibit 3 for critical area discounts.

Exhibit 3. Eastern UGA Calculations – City Proposed Transfer (35 acres) / Consultant Recommended Transfer (15 acres)

Zone	Vacant Buildable	Part Vacant Buildable	Vacant Un-developed ROW	Total Buildable	Market Factor Deduction (V15%, PV20% or 25%)	Infrastructure Deduction (25%)	Net Developable	Area To Be Transferred	Eastern UGA Dwelling Capacity	Eastern UGA Population Capacity
Residential 5 (R5)	9.8	24.7		34.5						
Residential 7 (R7)	0.4	0		0.4						
Public (P)	0	0		0						
Pre-Transfer Land Capacity	10.2	24.7		34.9	6.5	8.7	19.7		98.5	255.2
Land Capacity Transfer: City Purchased Acres	4.84	4.25	0.91	10				10.0		
Land Capacity Transfer: Market Factor Acres					5.9			5.9		
Post-Transfer Land Capacity Eastern UGA				24.9	5.9	6.2	12.8	15.9	63.8	165.2

Illustrates with the City purchase of 10 acres the amount of buildable acres is about 24.9.

The alternative approach provides a higher market factor for part vacant land at 25% instead of 20%. Retains vacant market factor at 15%.

Acres to be transferred to northern UGA: 10 acres of city-owned land +5.9 acres of market factor land = 15.9 acres

Exhibit 4. City Purchased Parcels



Exhibit 5. Northern UGA Sizing Approach

Summary of Residential Deficit/Need	Consultant	
	City Proposed	Recommended
Acres of R-1 proposed (Bottomless Lake)	40	40
Proposed R-5 replacement	79	66
Acres of Residential needed with Market and Infra. Factor	119	106
Critical Areas & Buffers Factor (25%)	29.8	16.6
Minimum acres needed (all factors)	148.9	123.0

Recommended: Apply critical areas and buffers factor to R-5 zone. R-1 would have lots sized/arranged based on sensitivity of the resources.

Exhibit 6. Proposed New Northern Residential Area - City Proposed

Area	Size (acres)	Size (useable acres)	Proposed Zoning	Potential Units	Population Capacity
Northern R-5	106.5	60.9	R-5	304	788
Northern R-1	42.8	24.5	R-1	24	63
Total	149.3	85.3		329	851

Size is based on City proposed zoning map submitted to Skagit County with UGA request.

Usable acres is theoretical based on discount factors.

Potential units and population based on theoretical usable acres. Units and population are less than Exhibit 1 due to the difference between R-7 and R-5 densities.

Exhibit 7. Proposed New Residential – Adjusted – Consultant Recommended

Area	Size (acres)	Size (useable acres)	Proposed Zoning	Potential Units	Population Capacity
Northern R-5	87.2	49.8	R-5	249	645
Northern R-1	42.8	30.6	R-1	31	79
Total	130.0	80.4		280	724

R-1 zone discounted for market and infrastructure factors though not critical areas factor due to flexible lot size of R-1.

Potential units and population based on theoretical usable acres. More R-5 acres than Exhibit 2 to make up for R-7 and R-5 difference in Exhibit 2.

Reduces the sizing of the Northern UGA to approximately 130 acres to achieve the 280 needed dwellings in Exhibit 2.