



PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

To: Board of County Commissioners
From: Gary Christensen, Kirk Johnson, Guy McNally, Carly Ruacho
Cc: Will Honea, Arne Denny, Jill Olson
Date: July 24, 2007
Re: Planning Commission Recorded Motion and Recommendations on the 2005 Growth Management Act Update

This memorandum accompanies the Planning Commission's Recorded Motion and Recommendations on the 2005 Growth Management Act Update (GMA Update). Planning and Development Services will use the memo as the basis for its July 24 briefing of the Board of County Commissioners (Board) on the GMA Update. The memo is organized into the following sections:

1. Contents of the Planning Commission Recorded Motion
2. Remainder of the GMA Update Record
3. Board Deliberation Process and Schedule
4. Issues of Concern
5. Conclusion

The Department would like to take this opportunity to thank the Planning Commission for investing nearly two years of its time in study sessions, public hearings and comment review, and deliberations on the GMA Update. The Planning Commission has made a major contribution in ensuring that the Countywide Planning Policies, Comprehensive Plan, Zoning Code and Land Use Map are compliant with the Growth Management Act and have stayed in touch with emerging trends and issues in Skagit County. Their work, foresight and determination deserve recognition by the Board of County Commissioners. The Department would also like to repeat its appreciation for the Growth Management Act Update Steering Committee and individual citizens who contributed their time to the Update.

1. Contents of the Planning Commission Recorded Motion

The Recorded Motion package includes the following documents:

- a. The **Recorded Motion**, which includes recitals and findings summarizing the GMA Update process, the major changes being proposed through the Update, and how those changes comply with the Growth Management Act and address emerging needs in Skagit county.
- b. Proposed amendments to **Countywide Planning Policies 1 and 2** (Attachment 1). The proposed amendments are shown in underline/strikethrough format.

- c. The proposed update to the **Skagit County Comprehensive Plan** (Attachment 2). Because the Comprehensive Plan has been significantly reorganized and streamlined, there is not an underline/strikethrough version showing the current and proposed versions. The underline/strikethrough in the text (identified by yellow pages) does reflect changes made by the Planning Commission during its deliberations as compared to the version first released for public review and comment. An updated acknowledgements page, a more detailed table of contents, and appendices will be added following adoption and for final publication.
- d. Proposed amendments to **Skagit County Code** (Attachment 3). Only those sections where changes are proposed are included. All proposed changes are shown in underline/strikethrough format on yellow paper.
- e. Proposed amendments to the **Comprehensive Plan Land Use/Zoning Map** (Attachment 4).

The 47-page Recorded Motion is essential reading to understand the contents and rationale for the proposed update. This memo does not repeat a summary of the contents. There are two important Appendices to the Recorded Motion.

Appendix A is a list of “trailing issues” – matters that the Planning Commission has determined are important but that are outside the scope of the Update or required more time and analysis than was available during the timeframe of the Update. These will be discussed in greater detail under item 3: Suggested Board Deliberation Process.

Appendix B lists the proposed amendments to the Comprehensive Plan Land Use/Zoning Map that were considered through the update process – whether initiated by private citizens, the County, the Agricultural Advisory Board, or suggested through public comment. The text of the Recorded Motion includes findings primarily for those map amendments recommended for approval by the Planning Commission. However, the recommendation for all map amendment proposals can be seen by reviewing Appendix B. (The exception is those amendments originally submitted by the Forest Advisory Board or FAB; part-way through the deliberations process the FAB requested that its map amendments be withdrawn.)

Also included with this transmittal is the transcript of the Planning Commission’s July 9, 2007, final deliberations and votes on the GMA Update proposal. The Planning Commission requested that this transcript be provided to the Board so that you can read the explanations provided by different members of the Planning Commission for why they voted for or against various components of the GMA Update proposal.

2. Remainder of the GMA Update Record

Under Skagit County Code 14.08, Legislative Actions, and the Planning Enabling Act, the Planning Commission is the primary hearing body for amendments to the Comprehensive Plan and development regulations. The Board of County Commissioners acts on recommendations provided by the Planning Commission (SCC 14.08.090). Between study sessions, public hearings, and deliberations we estimate the Planning Commission has met more than 30 times on the GMA update. For obvious reasons, the Board cannot reconsider the entire record reviewed by the Planning Commission. However, the Department has taken steps to ensure that the Board has been provided key documents along the way and has access to the entire record as needed.

Previously the Board was provided with the GMA Update proposal as released for public review and comment, including the Integrated SEPA/GMA report and proposed texts of the Countywide Planning Policies, Comprehensive Plan, County Code, and the proposed Land Use Map. Each Commissioner was provided three volumes of written comments received during the public comment period. Transcripts of the Planning Commission hearings and deliberations, and various memos produced by the Department for the Planning Commission, have been made available for Board review and use. An index of these memos and transcripts is attached to this memo. Finally, the Department is hereby transmitting the full Planning Commission Recorded Motion and Recommendations. The process and resulting documents outlined above reveal that all proposals, whether initiated by the County, an advisory Board, or citizens, have been duly considered up to this point by the Department and Planning Commission. All of the map amendment proposals will be subject to final approval or denial by the Board.

If you would like assistance in following any particular issue or map amendment proposal through the process, please let us know and we would be happy to assist.

3. Board Deliberation Process and Schedule

The Department recommends that the Board work through the Planning Commission Recorded Motion in the following order: Countywide Planning Policies; Comprehensive Plan; County Code; Land Use Map, and Trailing Issues. The following dates and times have tentatively been scheduled with the Clerk of the Board:

August 7, 9:00 – 10:00 a.m.

- Countywide Planning Policies
- Comprehensive Plan and related recommendations

August 13, 10:00 – 11:00 a.m.

- County Code and related recommendations
- Land Use Map (if time allows)

August 21, 11:00 a.m. - Noon

- Land Use Map
- Trailing issues

August 28, 11:00 a.m. - Noon

- Outstanding issues (if necessary)

September 10, 10:00 – 11:00 a.m.

- Board review and signature of adopting ordinance.

The Planning Commission has made essentially two sets of recommendations. First, by the votes indicated in the Recorded Motion, it has recommended that the Board adopt the proposed amendments to the Countywide Planning Policies, the Comprehensive Plan, the Skagit County Code, and the Land Use/Zoning Map, as shown in the attachments to the Recorded Motion.

The Planning Commission has also made additional recommendations beyond what is contained in these core documents. These would take additional action by the Board to enact. They are located in two separate places:

- 1) Planning Commission recommendations not addressed through the core documents are identified in the Recorded Motion by an "R." Comprehensive Plan recommendations are R1 through R9, pps. 19-21. County Code recommendations are R10 through R13, p. 26-27. There are no separate Comprehensive Plan Land Use/Zoning map recommendations. The Department recommends addressing these one-by-one with the Board based on the above schedule.
- 2) Appendix A to the recorded motion is a list of "Trailing Issues" identified through the GMA Update process. These are issues that the Planning Commission believes deserve additional consideration but that could not be addressed through the 2005 Update itself. The Planning Commission was asked to prioritize those items and those rankings are shown.

There is some but not complete overlap between the numbered Recommendations in the Recorded Motion and the Trailing Issues in Appendix A.

The choice for the Board on the Recommendations and Trailing Issues is: should each item receive further consideration and, if so, within what time frame? These decisions have budgetary and staffing implications for the County and the Department. We urge the Board to be judicious and realistic in terms of commitments that it makes. The Board runs the risk of creating unfilled community expectations if it commits the County to move forward on a large number of planning issues but does not or cannot provide a commensurate level of staff and financial resources to conduct the work in the timeframe specified.

4. Planning and Development Services Issues of Concern

As noted earlier, the Department commends the Planning Commission for its work on the GMA Update and is in agreement with the vast majority of the Planning Commission's recommendations. However, there are a few issues about which the Department has serious concerns and recommends a change by the Board. These concerns have been shared with the Planning Commission on several occasions, both during their deliberations on the particular issues and in advance of the Commission's final votes on the GMA Update proposal.

These recommendations have been grouped below as either (1) new policy and code items or (2) map amendments. New policy and code items are those recommendations that were not part of the original proposal available for public comment. The Planning Commission, either responding to specific comments or their own initiative, has included certain new policy or code provisions as part of its recommendation to the Board. The Department is concerned that these items were not duly considered as part of the public process, were outside the scope of the original proposal and/or SEPA threshold determination, or may be inconsistent with other provisions of the County's Comprehensive Plan or the Growth Management Act.

The Department disagrees with the Planning Commission's recommendations on the map amendments listed below either because they are inconsistent with the County's Comprehensive Plan designation criteria or are otherwise flawed. The Department can provide additional information and rationale when these matters are discussed with the Board. The Department will also consult with legal counsel as to the options available to the board under the Planning Enabling Act and SCC 14.08 if the Board wants to modify these Planning Commission recommendations.

New Policy & Code Items
1. Change in Comprehensive Plan policy 3C-4.2 to allow Small Scale Recreation and Tourism designations on Industrial Forest-NRL. (Recorded Motion finding #49, p. 12)
2. Elimination from code (SCC 14.16.410(3)(c)(i) and (iii)) of requirements that residences in Industrial Forest-NRL be within 200 feet of a County road and be accessory to a forest operation; replace with language requiring an approved Forest management Plan that incorporates "Firewise" principles. (Recorded Motion finding #95, p. 23)
3. Reduction from 100 feet to 50 feet for building setbacks in Industrial Forest-NRL and Secondary Forest-NRL, to be consistent with building setback in Rural Resource-NRL. (Recorded Motion finding #96, p. 24)
4. Removal of requirement that adjacent Industrial Forest-NRL land-owner approve waiver to allow development adjacent and within 200 feet of Industrial Forest-NRL. (Recorded Motion finding #99, p. 24)
Land Use Map Amendments
5. LaConner UGA proposal – rejection of UGA designation for Town of LaConner's existing public services yard. (Recorded Motion finding 170, p. 43)
6. Rural Freeway Service designation for "Carbert, Kopp, Dickson" property at Interstate 5 and Old Highway 99 Overpass. (Recorded Motion finding #168, p. 42)

5. Conclusion

The Department looks forward to discussing these matters with the Board on July 24th and on the subsequent scheduled days. Because the County may only amend its Comprehensive Plan once every year, the Department will also ask the Board to consider along with the 2005 GMA Update the one amendment proposal docketed for the 2006-2007 Comprehensive Plan Amendment cycle: Van's Properties II LLC. A separate memorandum has been provided on this matter.