

**SKAGIT COUNTY PLANNING COMMISSION  
RECORDED MOTION RECOMMENDING APPROVAL OF THE PROPOSED  
GROWTH MANAGEMENT ACT 7-YEAR UPDATE INCLUDING AMENDMENTS TO  
THE SKAGIT COUNTYWIDE PLANNING POLICIES, COMPREHENSIVE PLAN,  
DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN LAND  
USE/ZONING MAP**

**WHEREAS**, Chapter 14.08 of the Skagit County Code establishes a process for consideration of amendments to the text and maps of the Comprehensive Plan and Development Regulations, consistent with the Growth Management Act (Chapter 36.70A RCW) and the Planning Enabling Act (Chapter 36.70 RCW). The process codified in Chapter 14.08 SCC solicits public involvement in identifying potential plan and code amendments, and provides ample opportunities for meaningful public comment on the proposed amendments. Early, continuous and meaningful public participation is achieved through broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective public notice, provisions for open discussion, information services, and consideration and response to public comments. Except as set forth in Section I, below, the process codified in Chapter 14.08 SCC is the process followed by the County in completing this 7-Year Plan and Code Update.

**WHEREAS**, the proposed amendments addressed in these findings, conclusions and recorded motion recommendations, as well as past amendments, have been undertaken in an effort to ensure that the Plan and Code are consistent with the goals and requirements of the Act, and to respond to emerging community trends and needs.

**WHEREAS**, despite any prior actions of the County to amend its Plan and Code, RCW 36.70A.130(4) clearly requires that Skagit County review, and if necessary amend, its Comprehensive Plan and Implementing Regulations at least once each seven years to ensure continued compliance with the goals and procedural and substantive mandates of the Act (see RCW 36.70A.130(4)). These findings, conclusions and recorded motion recommendations represent the Planning Commission's response to this statutory mandate.

**WHEREAS**, after conducting a thorough and systematic review, the Skagit County Planning Commission finds as elaborated upon below that adoption of the proposed GMA 7-Year Update amendments to the Skagit Countywide Planning Policies, Skagit County Comprehensive Plan, Comprehensive Plan Land Use/Zoning Map, and Skagit County Code (which are attached hereto and hereby made a part of this recorded motion recommendation) will ensure the County's ongoing compliance with the goals and requirements of the GMA.

**SECTION I – Public Involvement & Review Process:**

**FINDINGS:**

1. As required under the Act (see RCW 36.70A.210), and to ensure coordination and consistency between the comprehensive plans of Skagit County and the incorporated

municipalities within the County, Skagit County adopted Countywide Planning Policies in July, 1992, amended them in August 1996, and amended them again in June, 2000. Throughout the 7-Year Update process, these Countywide Planning Policies have been used as a policy guide for the development of proposed amendments.

2. In March of 2002, Skagit County and the municipalities within the County initiated a collaborative process to adopt countywide population projections and allocations to guide the 7-Year Update process. Using the range of population growth projections provided for Skagit County by the Washington State Office of Financial Management (OFM), the Growth Management Act Steering Committee (GMASC)<sup>1</sup> adopted a new growth-planning target for the year 2025.<sup>2</sup>

3. As set forth more fully in the findings below, the County has pursued a diversity of citizen participation techniques and measures over the course of the GMA Update process which, collectively, exceed the requirements set forth in RCW 36.70A.035, 36.70A.130, and 36.70A.140. Among these measures were the following:

- A continuously updated website providing news and information regarding the Update;
- An email subscription Listserve;
- A “GMA Update” email address for interested citizens to direct public comments prior to release of the proposal;
- Press releases and legal notices;
- Two direct mailings of over 62,000 notifications each, sent to all Skagit County mailboxes and non-county-resident property owners regarding the Update;
- News and information articles in Skagit County’s quarterly publication, “Community Report”;
- Regular televised Commissioner briefings; and
- Public meetings and open house events in various locations throughout Skagit County.

4. The Update process began in September 2004, with the County soliciting suggested Comprehensive Plan and Development Code amendments from the general public, property owners, and cities and towns. Planning and Development Services received more than 100 proposed Land Use Designation/Zoning Map amendments from citizens and municipalities, and numerous other proposals to amend Comprehensive Plan policies and development regulations.

5. Also in September 2004, the Board of County Commissioners appointed the Growth Management Update and Public Outreach Steering Committee (see Resolution No. O20040315, September 7, 2004). This 15-member body included, by design, representatives of a diverse cross-section of Skagit County’s citizenry and included business, government, tribal, resource, environmental, and geographic interests.

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<sup>1</sup> This Growth Management Act Steering Committee (GMASC) is a body comprised of the three Skagit County Commissioners and the Mayors of Anacortes, Burlington, LaConner, Mount Vernon and Sedro-Woolley.

<sup>2</sup> (GMASC) adopted the 2025 county population target of 149,080, and resulting allocations as shown on p.7 of the Skagit County Population & Employment Allocation Final Report, Berryman & Henigar, Inc. in association with Michael J. McCormick, December, 2003.

6. The Steering Committee conducted its work between October 2004 and December 2005. Meetings were initially held monthly, though later in the Committee's process they were held on a twice-monthly basis. All meetings were open to the public and conducted on weekday evenings in County facilities. During each meeting, the Committee provided an opportunity for a public comment period. Public notices of the meetings were made in the Skagit Valley Herald and posted on [www.skagitcounty.net](http://www.skagitcounty.net). As noted in finding 3, above, a web page for the Update was continually updated to include information about the progress of the work, upcoming meetings, and contacts. The Department maintained a file of citizens' comments provided by mail or through an email link on the website. As public comments were received, they were provided to the Committee for its consideration.

7. The Steering Committee was not tasked with making recommendations on citizen or County-initiated Land Use/Zoning Map changes. The Steering Committee was briefed on these proposals, but time constraints made it impossible for the Committee to engage in detailed review of the specific map amendment proposals. However, the Steering Committee did spend time on the Mineral Resource Overlay re-mapping process, because doing so required a review of the policy basis for the mineral lands designation criteria. Similarly, the Steering Committee process did not devote substantial time to the review of the Unified Development Code. Instead, the consultants and staff prepared summary evaluations of code issues that emerged from previous Planning and Development Services (Department) records, as well as code considerations related to the Comprehensive Plan policy recommendations.

8. The Steering Committee recommendations, coupled with the recommendations of the Department, became the basis for preparing the preliminary GMA Update proposal. The preliminary proposal was then returned to the Steering Committee for final review. This resulted in the preparation and transmittal of the Steering Committee Draft of the proposal, which was forwarded to the Board of County Commissioners on December 7, 2005. Based upon direction provided by the Board of County Commissioners in January 2006, the Steering Committee Draft became the foundation for the Proposed 2005 Update released to the Planning Commission, state agencies and the public in February 2006.

9. The Steering Committee's December 7, 2005, draft was transmitted to the state Office of Community Development with Board Resolution No. R20050049, "A Status Report and Adoption Schedule for the Review and Revision of the Skagit County Comprehensive Plan and Development Regulations under the Growth Management Act." These actions were intended to demonstrate the County's good faith effort in seeking to comply with the GMA requirement to update its comprehensive plan and implementing regulations. Although the statutory deadline of December 1, 2005 was not satisfied, substantial progress was made on proposed revisions to the Comprehensive Plan that exceeded the statutory requirements of RCW 36.70A.130.

10. During the 7-year GMA Update, the County suspended the typical annual docketing process, and instead encouraged continuous policy input from citizens and advisory groups. Some of this input came late in the Steering Committee review process. As a result, certain proposed policies were not sufficiently developed or analyzed to permit their adoption during this Update cycle. In consequence, the Board of County Commissioners approved a 2-track review process, consisting of "Group-A" and "Group-B" proposed amendments, as follows:

- Group-A amendments are the “preferred alternative,” and consist of those amendments identified as necessary to fulfill the requirements of the GMA update (RCW 36.70A.130);
- Group-B amendments include six policy initiatives or map amendments not required for GMA compliance, or which have not yet been sufficiently developed or analyzed to allow their adoption during this Update process.

Group-B policies were not slated for adoption, but were nevertheless released for public review along with the 2005 Update proposal in order to solicit public opinion, gather additional information, and obtain early agency feedback, all with a view towards potential adoption during a later amendment cycle.

11. All submitted map amendments (please see finding 4, above) were released for public review and comment, either as part of the “Preferred Alternative” (Group-A) map proposal or as part of the map reflecting all submitted amendment proposals (including Group-B map proposals).

12. The formal public comment period on the County’s 2005 GMA Update proposal spanned from February 17, 2006, to April 18, 2006. During that period, the Planning Commission conducted three open record public hearings and received more than 1,800 pages of written correspondence concerning the proposed amendments. These hearings were conducted on April 6, March 21 and March 23, respectively.

13. Following the conclusion of the public hearing phase, and after timely and effective notice, the Planning Commission held a series of twenty-one closed record meetings to deliberate upon the testimony received, propose revisions to the proposal, and to prepare these written findings, conclusions and Recorded Motion Recommendations for the advice of the Board of County Commissioners. These meetings were held on the following dates:

- August 4, 15, 22, 24 and 29;
- September 12, 19 and 26;
- October 3 and 10;
- November 2 and 14;
- December 5 and 12, 2006;
- January 23 and 30;
- February 13, 20 and 27; and
- May 22 and June 12, 2007.

14. The Planning Commission bases its findings, conclusions, and recommendations herein upon its review of the February, 2006 proposed GMA 7-Year Update amendments, the record of written and oral testimony, staff reports, analyses, supporting materials, maps, laws and other information as may be referenced. The Planning Commission by this reference incorporates these documents herein. Note: Where specific votes are not indicated, findings, conclusions, and recommendations were achieved either through consensus or general agreement with the proposal, SEPA/GMA analysis, or other supporting materials.

15. The Planning Commission specifically finds that Skagit County is not required to update the Shoreline Master Program (SMP) until 2012. Although the County has initiated work on the

SMP update and anticipates completion in advance of the 2012 deadline, the present 7-Year GMA Update proposal does not include revisions to the Shoreline Element of the Skagit County Comprehensive Plan. These policy provisions, which are an integral component of both the Plan and the SMP, will be updated through the subsequent SMP update process.

16. The Planning Commission finds that the Countywide Planning Policy, Comprehensive Plan, and Code amendments set forth within this recommendation (i.e., including all proposed Land Use/Zoning Map changes) have been subject to environmental review and threshold determination in compliance with the State Environmental Policy Act (SEPA, Chapter 43.21C RCW and Chapter 197-11 WAC). On February 17, 2006, the County's SEPA Responsible Official issued an Addendum and threshold determination of non-significance for the proposal. Consistent with WAC 197-11-706, the SEPA Addendum issued for the Update provides additional information and analyses that do not substantially change the analyses of significant impacts and alternatives in the environmental documentation prepared previously for the Comprehensive Plan and Code. The Addendum for the Update augments the Draft Environmental Impact Statement, Final Environmental Impact Statement, Supplemental Draft Environmental Impact Statement, and Supplemental Final Environmental Impact Statement previously prepared for the Skagit County Comprehensive Plan.

17. Additionally, the County has employed a "phased review" approach in its environmental review and analyses that adopts previous analyses and documents by reference where those previous findings are still valid. The County has also sought to integrate the analyses required under the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA). The SEPA rules expressly authorize such integration to ensure that environmental analyses under SEPA can occur concurrently with and as an integral part of the planning and decision-making under GMA (see WAC 197-11-210(1) and 197-11-228). The integrated SEPA/GMA analysis used for this Update process was based upon the following assumptions:

- The environmental impacts of growth in and of itself are not identified. In adopting growth targets within the mandated forecast range provided by the state, the overall impacts of growth in County jurisdiction are addressed in how the proposed policies and regulations will enable the County to accommodate the expected growth without significant adverse environmental impacts.
- Goals and policies serve as de facto mitigation measures. The basic premise of the Update was to review the current adopted policy framework, see how it relates to the forecast growth, and revise it to ensure that significant impacts would not result. The recommended changes to the goals, policies, and regulations proposed in the Update are as protective of the environment as those which they are proposed to replace.

18. The Planning Commission's review of the Plan and Code has revealed a number of important issues which, while not required to be addressed to ensure compliance with the statutory requirements of RCW 36.70A.130 and the Growth Management Act (GMA) generally represent important issues of local concern warranting attention by the County. Throughout the process, these issues have been consistently referred to as "trailing issues." Clearly identifying these issues, establishing clear parameters and timelines for their future study and resolution, and providing adequate staffing and resources to support the planning processes necessary for their

resolution, should be a high priority for the Board of County Commissioners. These trailing issues are further described and listed in Appendix A to this Recorded Motion.

## **SECTION II – Countywide Planning Policies (Attachment 1):**

### **FINDINGS:**

19. The Growth Management Act (GMA) at RCW 36.70A.210(2) requires adoption of countywide planning policies, which consist of written policy statements that establish a countywide framework from which county and city comprehensive plans are developed and adopted under the GMA. The GMA also requires that countywide planning policies govern inter-jurisdictional collaboration of county and city planning efforts and implementation of the GMA concerning urban growth area (UGA) designations (see RCW 36.70A.210).

20. Consistent with the authority and responsibility set forth in RCW 36.70A.210, Skagit County adopted Countywide Planning Policies in cooperation with the municipalities through Resolution No. 14378 in July, 1992. The County later amended those policies via Resolution No. 16272 in August 1996, and again amended the policies through Ordinance No. 17938 on July 24, 2000.

21. As part of the 7-Year Update process, Skagit County has proposed new amendments to the Countywide Planning Policies. The proposed amendment to Countywide Planning Policy 1.1 (Attachment 1) are necessary to update the County’s population, employment, and related commercial and industrial acreage allocations through the 2005 GMA Update planning horizon of 2025 (i.e., from the current 2015). As described in finding 2, above, these changes were previously endorsed by the Growth Management Act Steering Committee (GMASC) in a collaborative process that occurred in 2002.

22. The adopted County population planning target is 149,080, 2% below the midpoint between the OFM low and medium forecasts. This target is 46,102 people more than the County’s 2000 population of 102,978. Consistent with RCW 36.70A.110(2) and 36.70A.210, and Countywide Planning Policy (CPP) #1.2, the County and the municipalities also adopted allocations for the anticipated growth. These allocations require the County and the municipalities to plan to accommodate 80% of the forecast growth in municipal and unincorporated UGAs. This breaks down as follows: 69% within municipal UGAs<sup>3</sup>; 11% within unincorporated County UGAs, and 20% within the unincorporated rural portions of the County.

23. The Planning Commission finds that CPP #1.2 speaks to the sizing of UGAs sufficient to accommodate, as a target, 80% of the County’s 20 year population projection. The focus is on achieving that target by enabling development in the UGAs. This goal is consistent with the GMA’s directive that counties and cities adequately plan for projected urban growth, and allow growth outside of UGAs “only if it is not urban in nature.”

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<sup>3</sup> The term municipal UGA refers to both the incorporated (city or town) and unincorporated portion of the Urban Growth Area.

24. The Planning Commission further finds that the 80%-20% urban/rural target under the Plan and Countywide Planning Policies is an objective, not a mandatory decree. The County has taken myriad steps through its land use designations and zoning regulations to encourage an appropriate scale, intensity and amount of growth and development within unincorporated areas, and to direct the lion's share of growth to UGAs.

25. Population growth trend data suggest that the steps taken by the County and incorporated UGAs are achieving their intended effect, with an estimated 77 percent of population growth occurring within UGAs and 23 percent outside of UGAs between 1995 and 2005, based on the Office of Financial Management population data and on housing permit data for the unincorporated portions of the UGAs.

26. Nonetheless, the Planning Commission also acknowledges that the localized rate of growth within Skagit County's UGAs is strongly dependent upon the dynamics of the market. Although Skagit County has taken a number of policy and regulatory steps to direct growth and development from rural and resource areas into UGAs, and those steps appear to be working, the legislative actions of Skagit County cannot override the choices made by individuals (i.e. investment decisions by private individuals or corporations).

27. Unlike population forecasting, there is no similar state forecast range for likely employment growth. Therefore, the basis for extending the forecast and allocation of employment to 2025 is dependent upon the Skagit County jurisdictions acting together, using available information. The elected-official Growth Management Act Steering Committee (GMASC) oversaw two separate analyses of commercial/industrial acreage needs. Both analyses generated similar results: there would be only minimal need for an increase in urban commercial/industrial acreage between 2015 and 2025. On October 19, 2004, the GMASC concluded the County will need an increase in urban commercial/industrial acreage of 125 acres between 2015 and 2025 and recommended a corresponding revision to Countywide Planning Policy 1.1.

28. At the same time, the GMASC approved removal of language within CPP #1.1 that purported to allocate 584 acres of land within the rural area of the unincorporated County to commercial/industrial use.<sup>4</sup> The GMASC endorsed the replacement of this language with three new policies to be included under CPP #2 (CPP 2.4, 2.5, and 2.6, Attachment 1) identifying the type and scale of commercial/ industrial development permissible within the rural area consistent with the GMA. New development would be guided by the County's rural commercial/industrial designation policies and development regulations, which have been found to be compliant with GMA by the Western Washington Growth Management Hearings Board.

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<sup>4</sup> Removal of the 584 acre allocation for rural commercial/industrial development from CPP 1.1 appears to reduce the County's overall commercial/industrial allocation. In fact, the urban CPP 1.1 acreage allocation would increase by 125 acres; while the 584 acre rural allocation would be removed from a CPP dealing with urban population and employment forecasts and allocations, where it never truly belonged in the first place.

**MOTION:**

Based on the above findings, Carol Ehlers moved and Jason Easton seconded that the Skagit County Planning Commission recommends to the Board of County Commissioners pursuant to the authority of RCW 36.70 and RCW 36.70A, adoption of the proposed revisions to the Skagit County Countywide Planning Policies, as indicated in Attachment 1 to this transmittal.

**VOTE:**

	<u>Support</u>	<u>Oppose</u>	<u>Absent</u>	<u>Abstain</u>
Dave Hughes, Chair	X			
Jan Ellingson, Vice Chair	X			
Jason Easton	X			
Carol Ehlers	X			
Herb Goldston	X			
Jerry Jewett	X			
Bobbi Krebs-McMullen	X			
Bill Schmidt	X			
William Stiles III	X			
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**SECTION III – Skagit County Comprehensive Plan (Attachment 2):**

**FINDINGS:**

Significant Organizational Changes - Overall

29. The Planning Commission finds that the proposed Update changes to the Comprehensive Plan successfully simplify the document, making it more readily understood to the public and easier for the County to administer. In this regard, the Planning Commission takes specific note of the changes set forth in findings 30 and 31, below.

30. The 16 current Comprehensive Plan Elements (chapters) have been consolidated into 12 Elements. Most of the elements have been separated into a chapter, comprised of goals and policies, and a profile that provides the background information, data, and the rationales supporting the goals and policies. The Department anticipates that the profile section of each Element (which may also be viewed as technical appendices) may be updated more frequently than once-per-year. Those updates will not be subject to the Legislative Procedures requirements of Skagit County Code 14.08 as are the Comprehensive Plan’s substantive policy provisions.

31. The proposed plan reorganizes issues that are addressed in the current Land Use Element, Chapter 4, into three separate elements, as follows:

- Chapter 2: Urban, Open Space, and Land Use;
- Chapter 3: Rural; and
- Chapter 4: Natural Resource Conservation.

The GMA-required function of a Land Use Element is now served by Chapters 2, 3, and 4 read together. This organization allows the designation and use policies for each major land use category to be addressed in the same element.

32. The streamlining and simplification described above included the proposed removal of a number of bulleted statements regarding property rights presently set forth in the Plan's discussion of the community vision statements – although the property rights vision statement itself was retained (it can be found in Chapter 1 of the existing Comprehensive Plan as well as the proposed Update). However, and in light of public testimony, the Planning Commission recommends that this bulleted language be restored to make clear the County's commitment to protecting private property rights consistent with the GMA and constitutional principles and precedents.

### Urban, Open Space and Land Use (Chapter 2)

33. Chapter 2 of the proposed Update, the Urban, Open Space and Land Use Element, incorporates the Urban Growth Area goals and policies from current Chapters 4 (Land Use) and 7 (Urban Growth Areas). It also includes the Open Space policies from Chapter 4, as well as policies related to land use approvals, pre-existing non-conforming uses, public uses, lot certification, and land division.

34. The urban policies set forth within the Update do not significantly differ from those contained in the current Comprehensive Plan, though they have been streamlined and consolidated to make the document easier to read and use. The limited additions or significant revisions are described in findings 35 through 38, below.

35. A new proposed policy 2A-1.2 directs the County to work with the cities and towns to establish additional and more detailed submission and evaluation criteria for Comprehensive Plan map amendment proposals to expand Urban Growth Areas. These criteria were developed through the GMASC and are scheduled for adoption in late June, 2007. The criteria clarify the type and level of information necessary to substantiate UGA expansions (or contractions), and will result in more reasoned UGA decision-making supported by appropriate data.

36. Goal A7, Transformance of Governance, and A8, Development Process, and related policies, have been added to reflect development regulations adopted by the County for the municipal Urban Growth Areas in the spring of 2005 (see Ord. No. O20050007, April 12, 2005). These regulations, developed together with the cities and towns, have helped to end a period of uncertainty as to whether the development regulations of Skagit County or the involved municipal jurisdiction should apply within a specific UGA.

37. Goal A6, Quality of Life, and its related policies encourage clustered, mixed-use development in the UGAs that provide a variety of housing and employment opportunities, as well as schools and recreational facilities. Encouraging these development patterns will make more efficient use of infrastructure and help to keep housing affordable. Clustered and mixed-use development can also provide individuals with greater choice regarding transportation

options (e.g., walking, biking, and other non-motorized transportation modes) and promote healthier and more active lifestyles, consistent with the requirements of 36.70A.070(6)(a)(vii).

38. New policy 2B-1.3 states that by December 1, 2007, Skagit County will develop a program to identify and prioritize open space corridors and greenbelts within and between UGAs that include lands useful for recreation, wildlife habitat, trails, and connection of critical areas. This policy is consistent with a settlement agreement committing the County to take such action, and is reflective of planning efforts already underway.

39. Overall, the Planning Commission finds that the proposed changes to the Urban Growth Area policies (as well as implementing regulations) will strengthen the Plan and produce positive environmental impacts as growth is more effectively channeled to areas where urban services and facilities are available and where more concentrated development can occur. Moreover, the inclusion of policy language requiring that development in the municipal Urban Growth Areas be limited to rural densities until the time such areas are annexed, or until such areas are provided with urban services under conditions established by the affected city, has eliminated the potential for urban development without adequate urban infrastructure. It has also simplified the UGA development process for applicants, the County and the cities.

### Rural Areas (Chapter 3)

#### *Policy Direction Concerning LAMIRDs*

40. The Rural Element sets forth detailed policy direction relating to Limited Areas of More Intensive Rural Development (LAMIRDs) (see pages 7 through 11 of Update Chapter 3). These provisions consolidate, strengthen, and clarify the widely dispersed direction relating to LAMIRDs within the present Land Use Element of the Plan. The new language clarifies that many of the rural area designations (except the Rural Reserve designation) are types of LAMIRD authorized under the GMA.

41. The Planning Commission finds that these provisions neither expand the actual location and extent of LAMIRDs within the County, nor do they enable such expansions. Instead, the revisions seek to better identify how the LAMIRD provisions in GMA are implemented through various Rural land use designations within the County. The Planning Commission specifically finds that this change in nomenclature is necessary in light of recent Growth Management Hearings Board decisions concluding that rural development at densities greater than 1 unit per five acres must be located within LAMIRDs.

42. All lands designated Rural Intermediate and Rural Village Residential are considered to be part of a LAMIRD as described in Update policy 3B-1.2 and authorized by RCW 36.70A.070(5)(d)(i). These designations reflect areas that were generally already developed or platted at land use densities of 1 residence per 2.5 acres or greater when the Growth Management Act was implemented in 1990, and that are contained by a logical outer boundary consisting predominantly of the "built environment."

43. The Planning Commission specifically finds that the proposed Comprehensive Plan amendments do not include any substantive changes to the Rural Intermediate (RI) land use designation criteria and zoning regulations, and only minor changes to the RI mapping. The Planning Commission notes that the existing Rural Intermediate mapping was adopted in 1997 following extensive review of the pre-1990 built environment. The RI mapping was challenged in *Abenroth v. Skagit County* but found to be compliant with the GMA by the Hearings Board in its Final Decision and Order in that Case.

44. The Planning Commission finds further that inclusion of the Rural Intermediate and Rural Village Residential designations under the LAMIRD label will not result in any increased densities or uses in those areas; it is merely a change in nomenclature. Simply identifying the existing RI and RVR designations as LAMIRDS in no way changes the development regulations or development potential within these zones.

45. In the current Comprehensive Plan, the outer boundary of a Rural Village may only be changed through a community planning process (see current policy 4A-7.10(a)). Due to limits on County planning resources, some Rural Villages may not be the subject of a community plan for many years. The Planning Commission finds there must be an alternative route for Rural Village boundary changes, and recommends modification of the above-cited policy through proposed Rural Element policy 3C-1.6(b). This policy would allow a Rural Village outer boundary to be amended through a community plan or a 7-year GMA Update provided (as is currently the case) that the boundaries of the historical Rural Villages be defined predominantly by the built environment that existed on or before July 1, 1990.

46. The proposed Rural Element also clarifies (see proposed policy 3C-1.6 (b)) that the designation of new Rural Village Commercial uses not be required to occur through a community planning process. Current Plan policy (see 4A-7.10(b)) leaves the matter ambiguous. Rural Village Commercial districts are the top priority location in the Comprehensive Plan for rural commercial activities (see current Plan policy 4A-9.1 and Update policy 3C-2.1). Rural Village Commercial designations may only occur within the boundaries of an existing Rural Village established following the LAMIRD criteria. Therefore, obtaining a Rural Village Commercial designation should not be *more* difficult than obtaining one of the other rural commercial or industrial designations, which for the most part do not require community plan approval.

47. Finally, and with specific regard to the proposed LAMIRD provisions of the Rural Element, the Planning Commission finds that no aspect of the proposed amendments would constitute an area-wide upzone of South Fidalgo Island. Although a citizen advisory committee has recommended rezoning within a draft community (i.e., subarea) plan, that proposal is neither endorsed by Skagit County nor is it part of this Update proposal being considered by the County.

*Policy Direction Concerning Undeveloped Parcels in East Big Lake*

48. Proposed policy 3C-1.8, in conjunction with revisions proposed to SCC 14.16.310(7) are consistent with, and necessary, to fulfill the terms of a settlement agreement pertaining to Hearings Board Case No. 00-2-0046(c). The current Plan policy (policy 4A-7.14) places

restrictions on development of “larger undeveloped parcels on the east side of the lake” associated with the Overlook Golf Course. Under the proposed new policy direction and code provisions, subdivisions of undeveloped parcels into parcels of 5 acres or larger would be permitted, and smaller lots could be created through the conservation and reserve development (CaRD) process. However, all new subdivision development would be required to use public utilities (including sewer) and effectively protect Big Lake water quality. This revised policy direction and code will ensure the protection of Big Lake water quality while permitting appropriate rural development.

*Policy Direction Concerning SRT activities within Industrial Forest-NRL.*

49. The Planning Commission finds that compatible outdoor recreational activities associated with the Small Scale Recreation and Tourism zone may be appropriate within areas designated Industrial Forest-Natural Resource Land (IF-NRL), and should not be strictly barred under policy language within the Rural Element of the Plan (Policy 3C-4.2).

*(This recommendation was made by a 5-4 vote).*

Minority Finding: The minority is concerned that this change has the potential to allow a range and intensity of uses within Industrial Forest lands that are incompatible with the primary intent of the designation, and beyond the reach of fire and emergency services.

*Policy Direction Concerning Master Planned Resorts*

50. The Master Planned Resort (MPR) policies were initially adopted into the Comprehensive in July 2000 (Ordinance No. 17938). In June of 2005, implementing regulations were adopted for these polices and codified as SCC 14.22. With the codification of MPR requirements, the GMA Update Steering Committee recommended that the highly detailed policy direction within the current (2000) Comprehensive Plan be revised and simplified. The proposed Comprehensive Plan reflects those changes.

51. The Planning Commission notes that this is the first Comprehensive Plan amendment cycle in which a Master Planned Resort application will be reviewed under the MPR regulations cited above in finding 50. The Planning Commission finds that the proposed MPR policies and implementing development regulations closely reflect RCW 36.70A.360 & 36.70A.362, which permit urban uses and intensities within MPRs. Except as later set forth in this recorded motion within property-specific findings, the Planning Commission finds that the proposed MPR policies, in conjunction with the regulations set forth in SCC 14.22, will ensure that new Master Planned Resorts are appropriately located and sized to reflect local conditions.

52. The Planning Commission finds that Update policies and code provisions relating to MPRs establish a fundamental set of review and approval requirements which ensure that a resort will be appropriate to its proposed location, including how the proposed resort will relate to its setting and *significant* natural amenities (emphasis added). Unquestionably, Skagit County as a whole is beautiful, and includes natural amenities that are significant on a national scale. However, not every area within the county contains significant natural amenities justifying the establishment of a MPR. Accordingly, the Planning Commission finds that the proposed Update

policies and code provisions appropriately require a proportional and dependent inter-relationship between the significant natural amenities of the proposed MPR location, and the character and quality of the proposed MPR. In sum, an MPR should not simply call attention to itself, but to its setting of significant natural amenities, and Skagit County as an attractive tourist destination.

#### Natural Resource Conservation (Chapter 4)

53. The Planning Commission finds that the preservation of natural resource lands (NRLs), and ensuring their ongoing viability for NRL use, presents a substantial ongoing obligation of the County under the GMA, as well as a pressing concern for natural resource landowners and industry producers. Continuing pressure to convert the land base to non-NRL use, as well as concerns regarding the continuing viability of natural resource industries themselves, provide key motivations for the County to modify existing policies and propose new and more protective policy language. A clarion message delivered by all three Natural Resource Lands citizen advisory groups (i.e., Agricultural, Forestry and Mineral) is that the NRL policy provisions of the Plan must promote the highest standards for preservation and maintenance of NRLs and associated industries. The central theme of the discussions of all three NRL citizen advisory groups was that such lands must be reserved for natural resource production (i.e., the principal and primary use of agricultural land is farming, and of forest lands, forestry).

54. The review of the natural resource lands (NRL) policies within the current Plan confirmed their continued suitability, including those policies establishing the designation criteria for natural resource lands (i.e., agricultural, forest and mineral). The changes proposed in this Update primarily relate to strengthening the protections to the NRL land base, developing support and incentive programs, and increasing the diversity within the NRL industries.

55. Overall, the NRL citizen advisory groups (i.e., Agricultural, Forestry and Mineral) found that the County's criteria and methodology for designating resource lands serve their primary purpose under the Growth Management Act – that of protecting and preserving natural resource lands of long-term commercial significance.

56. With regard to Agricultural Resource Lands, the Planning Commission finds that there remains a need to gather more accurate data concerning the amount of land in active agricultural production, as well as to assess the state of the agricultural industry in Skagit County. The Planning Commission notes that The Natural Resource Lands database, described under Goal F-1, was conceived in part to create a repository, over time, for such data.

57. As relates to Forest Resource Lands, the Planning Commission notes that the efforts of the Forestry Advisory Board (FAB) revealed considerable divergence of opinion as to the proper function and purpose of the Secondary Forest designation. Specifically, the FAB discussed the intended location of Secondary Forest in relation to other natural resource lands, and the propriety of using density bonus incentives as a means to encourage active forest management in the Secondary Forest designation. Draft policies addressing these two issues were crafted as "Group – B" trailing issues," and therefore, are not yet fully developed and capable of adoption during this Plan amendment cycle (see Section I, finding 10, above). Nevertheless, they are

available for public comment to more fully discern citizen concerns and to assess the potential impacts and implications of adopting such policies. However, despite the diversity of opinion evident in the FAB deliberations, the advisory board concluded quite clearly that the Secondary Forest designation was achieving its stated purpose of buffering industrial forestlands, and further recommended that the Secondary Forest designation be applied along the outer boundary of all Industrial Forestlands. (See Comprehensive Plan Chapter 4, page 43, Alternative A).

58. In addition to the Group-B forestry issues identified in finding 57, above, the proposed Update would establish new and stronger policy language to discourage conversion of forestlands to other uses, and to require mitigation for conversions. Policy language has also been incorporated that would encourage the County to adopt the USDA DNR “Firewise” program and practices. These standards relate mainly to creating fire-safe defensible spaces around homes and subdivisions, and include the use of fire-resistant building materials, construction and landscaping techniques.

59. The Planning Commission recommends that parcel size remain a criterion for the designation of Industrial Forest lands. The Planning Commission finds that the use of parcel size in designating Forest-NRL lands is an appropriate designation consideration, and is expressly identified as such within the Minimum Guidelines (WAC 365-190-060(3)).

*(This recommendation was made by a 5-1 vote)*

60. The Planning Commission finds that no specific problems relating to the availability of public services as a criterion for forest land designations were identified in the public comments, and that this is not an issue warranting specific consideration during the current Plan and Code Update.

*(This recommendation was made by a 6-0 vote)*

61. The Planning Commission concludes that designating mineral lands of long-term commercial significance is a requirement of the Growth Management Act. The Commission finds that the basic MRO designation approach employed by the County to be sound and based upon a valid scientific method, but it also acknowledges that some refinements may be appropriate to further reduce potential use conflicts. Specifically, the Planning Commission finds that further refinements to the criteria should consider existing development patterns, rather than solely land use designations, to further reduce or mitigate impacts to developed neighborhood areas. Finally, the Commission formally adopts and incorporates by reference within its recommendation the staff reply to Mineral Resource Lands issues #1 and #2 as set forth in section C of the August 1, 2006 memorandum from PDS Staff to the Planning Commission entitled “Responses to Major Themes of Public Comment.”

*(This recommendation was made by a 6-1-1 vote)*

62. Overall, few changes are proposed to the designation criteria for the Mineral Resource Overlay (MRO). However, the Mineral Resource Committee and staff developed more refined designation criteria for the MRO, including refinements to the criterion establishing what constitutes a commercially significant sand and gravel deposit. This refined criterion would propose to use a roughly equivalent (i.e., quantity based) threshold, rather than the dollar value

threshold presently set forth in the Plan. Policy language has also been added that would commit the County to consider permitting certain mining activities through an administrative approval process.

63. In addition to the refinements described in finding 62, a significant undertaking of the Update included the reevaluation of the existing Mineral Resource Overlay for accuracy, omissions, and errors. To accomplish this, the County engaged a geotechnical firm to apply the designation criteria and the most recent geological data to review the extent of the current MRO, confirm known resources, identify previously omitted mineral resource-rich geologic formations, and map those areas of potential significance. Further review and field verification by the County geologist, mineral industry experts, and staff led to the final draft MRO that is recommended by the Planning Commission.

64. The Planning Commission finds that limiting the mineral resource lands overlay to designated resource areas only, leaves substantial areas containing significant mineral resources within the rural portion of the County without meaningful regulatory protections. Many of these rural areas contain mineral resources that may be more easily extracted than those present within resource-designated areas, and closer to the markets and populations to be served by the resource. The Planning Commission specifically finds that this potential inequity warrants further scrutiny by the County in the future, and that the County should contemplate providing protections for mineral resource extraction activities wherever they are located, provided that the impacts of such activities can be effectively mitigated.

*(This recommendation was made by a 8-1 vote)*

65. The County's mineral resource overlay designation encompasses areas containing a diversity of various mineral resources, including various hard rock resources (e.g., olivine and limestone) as well as a wide range of different types and qualities of sands and gravels with different properties and applications in construction. The Planning Commission finds that given the multiplicity of varying mineral resource types and qualities, that identification and designation of a 20-year supply of mineral resources is largely impractical, and that flexibility must be retained within the County's regulations to extract the resources needed by the market wherever they may be located within resource areas of the County.

#### Environment (Chapter 5)

66. The Planning Commission finds that the Update changes to the Environment Element are largely minor and non-substantive in nature at this time. However, the Planning Commission acknowledges the requirements under RCW 36.70A.130 and 36.70A.172 to classify, designate and regulate to protect critical areas using the "best available science," and notes that a comprehensive review and revision to the critical areas chapter of the Skagit County Code is in progress.

67. The Planning Commission received considerable public comment pertaining to the data sources used in classifying and designating floodplain areas within the County, as well as the potential impact of climate change on the potential extent of flood hazard areas. In this regard, the Planning Commission specifically finds that both the current Comprehensive Plan policies

(see Environment Policy 5A-1.3(c)) as well as the County's Critical Areas Ordinance classify and designate floodplains utilizing the 100-year floodplain designations adopted by the Federal Emergency Management Administration (FEMA) and used by the National Flood Insurance Program. These maps are adopted and incorporated by reference within both the Plan and Code; this approach is entirely consistent with the recommendations set forth in WAC 365-190-080(3) regarding the designation of critical areas, and represents the best flood hazard mapping available to the County. Finally, the Commission notes that FEMA is currently in the process of updating its flood hazard area mapping for Skagit County. It is anticipated that this mapping will, to the degree practicable, factor available climate change data.

68. By consensus, the Planning Commission finds that the mapping and redesignation of 100-year floodplain areas currently being conducted by the U.S. Army Corps of Engineers holds the potential to substantially expand the application and effect of Skagit County's existing policies relating to frequently flooded areas. Accordingly, the Commission specifically finds that a review, reassessment, and revision to these policies to be warranted if the extent of the 100-year floodplain is significantly expanded under the new maps prepared by the U.S. Army Corps of Engineers.

#### Shorelines (Chapter 6)

69. The Planning Commission acknowledges that the goals and policies of the Skagit County Shoreline Master Program (SMP) are an element of the County's Comprehensive Plan, and that all other portions of the SMP, including use regulations, are a part of the County's development regulations (see RCW 36.70A.480). All changes to the County's SMP must occur in a manner consistent with the procedures established under RCW 90.58. Skagit County's SMP is not required to be updated under the Department of Ecology's Shoreline Master Program Guidelines (WAC 173-26) until 2012. Accordingly, no changes are proposed to the Shoreline Element as part of this Plan and Code Update.

#### Housing (Chapter 7)

70. The Planning Commission finds that the Housing Element in the present Comprehensive Plan includes a wide range of goals and policies, which, while well intended, have in many instances not been implemented. Many of the goals and policies addressing the provision of affordable housing have been difficult for the County to achieve because of the GMA mandate to limit densities and development within rural and resource areas of the unincorporated County, and to direct the majority of growth and development to Urban Growth Areas (UGA).

71. Affordable housing is most likely to be achieved in the context of UGAs (which are typically municipal) where urban infrastructure can be efficiently provided and where permissible development densities allow economies of scale to be attained. In recognition of this planning context, the Update proposes to scale down the direction concerning the provision of affordable housing within the Housing Element to be more reflective of the strategies and measures that succeed in helping to make housing more affordable within the unincorporated County.

72. Consistent with findings 70 and 71, the proposed affordable housing policy direction set forth in the Update emphasizes methods to support increased housing production, preserving and enhancing existing housing resources; streamlining land use regulations to encourage creative housing solutions; and ensuring consistency with state laws for farm-worker housing. In addition to this simplification in the County's affordable housing strategy, an effort has been made to move policies that relate principally to land use, rather than housing, to more appropriate chapters within the updated Plan.

73. The Planning Commission concurs with findings of the GMA Update Steering Committee that the County should continue to work through the Skagit Council of Governments to undertake amendments to the Countywide Planning Policy that would set forth a regional strategy addressing regulatory, administrative, and financial measures to meet the challenge of providing affordable housing.

74. The Planning Commission finds that the provision of an adequate supply of housing to meet the needs of population growth is directly linked to an adequate supply of environmentally unconstrained and suitably zoned land. Accordingly, the Planning Commission recommends an amendment to Housing Element Goal A – "Housing Quantity," as shown in the Comprehensive Plan text included as Attachment 2.

75. The Planning Commission finds that periodic and systematic monitoring of the effectiveness of the County's affordable housing and land use strategy is needed to examine whether the objectives of adopted County policy are being achieved, and if not, to make policy adjustments as necessary.

76. The Planning Commission finds that a variety of innovative techniques and flexible regulatory approaches are necessary to encourage infill development and more affordable housing choices in a manner consistent with the GMA.

77. The Planning Commission finds that the concurrent provision of transportation infrastructure to new housing development is in the best interests of the public, and consistent with state law. Accordingly, the Planning Commission recommends a proposed revision to Housing Goal C, "Housing Distribution and Accessibility," as shown in the Comprehensive Plan text included as Attachment 2.

*(This recommendation was made by a 7-0 vote)*

78. The Planning Commission finds that Skagit County has not completed an updated Housing Needs Assessment since 1993, prior to the adoption of the County's GMA Comprehensive Plan. The Commission finds that the data contained in the assessment are obsolete and of decreasing utility with the continuing passage of time. The Commission finds further that the provision of affordable housing to all segments of the community is both a GMA priority as well as a vital regional issue that must be addressed through sound local policy and regulation founded on reliable and accurate information.

*(This recommendation was made by a 7-0 vote)*

## Transportation (Chapter 8)

79. In 2005, the Skagit County Council of Governments (i.e., acting as the Metropolitan Transportation Planning Organization and the Regional Transportation Planning Organization) adopted a plan based on a longer (20-year) horizon and updated land use and growth assumptions. The County intends to continue working closely with the Council of Governments to identify and plan for future transportation solutions as necessary.

80. With few exceptions, the Planning Commission finds that the substance of the transportation goals and policies proposed in the updated Transportation Chapter are largely carried over from the existing Plan, though in an edited and simplified format. Additionally, Regional Plan policies adopted by the Council of Governments have been incorporated in the GMA Mandate section. These new policies reinforce the transportation direction of the Countywide Planning Policies and provide a link between the County's policy framework and the regional strategy, which includes state highways.

81. The Planning Commission concludes that Transportation Policy 8A-5.4, which supports recovery of Guemes Island ferry costs in a manner consistent with that established by the Washington State Ferries, should be retained unchanged.

## Utilities (Chapter 9)

82. The Planning Commission finds that the proposed Update changes to the Utilities Element are non-substantive, and that the revisions succeed in streamlining the goal and policy direction within the present Plan without altering their essential direction.

## Capital Facilities & Essential Public Facilities (Chapter 10)

83. The Planning Commission finds that the proposed Update revisions to the Capital Facilities and Essential Public Facilities Chapter are necessary to ensure the County's continued compliance with the goals and requirements of the GMA.

84. The chapter includes a technical description of level of service calculations, as well as references to the applicable requirements of the GMA. Significant Update changes include the adoption of revised level of service standards for key facilities and services, and the inclusion of new goal and policy direction defining the procedure to identify and finance needed capital facilities. The revised CFP includes an inventory of County capital facilities, their locations, their capacities and present levels of service, as well as a level-of-service based and fully funded six-year financing plan based on the adopted 2025 population forecast for Skagit County (i.e., 149,080).

85. The Planning Commission finds that necessary capital facilities are fully funded and available at adopted levels of service through 2008. The Commission observes that during the implementation of this revised Comprehensive Plan, capital facilities inventories, projections of need, schedule of improvements and financing will be updated through 2012. Transportation improvements and funding capacity are updated annually consistent with RCW 36.81.121.

86. The Planning Commission also finds that the essential public facilities portion of the updated Element incorporates the adopted policy framework used by the County and cities and towns to meet GMA requirements (i.e., from the Countywide Planning Policies).

Plan Implementation & Monitoring (Chapter 12)

87. Though not a required Plan element under the GMA, Skagit County has elected to include this element and the direction it provides relating to sub-area planning, consistent with RCW 36.70A.080. As Updated, this chapter combines the implementation policies set forth in Chapter 2 of the present Comprehensive Plan with the community planning policies included in current Plan Chapter 14. The integration of these two elements facilitates a more coordinated and consistent framework for plan implementation and monitoring.

88. The Planning Commission expressly supports the proposed policy direction relating to Plan updates, which establishes revised review and amendment timelines that more effectively address the mandatory 7-year updates required under RCW 36.70A.130, and outlines clearer procedures for docketing and reviewing Plan amendments. Taken together, the policy direction contained within this Updated element will allow for a more coordinated approach to joint planning for UGAs, and promote more meaningful and comprehensive planning for, and monitoring of, commercial and residential land capacity, infrastructure capacities, annexations and transformation of governance. Additionally, the Planning Commission finds that limiting UGA boundary revisions to a 7-year cycle will help to reduce the pressure to incrementally expand UGAs.

**RECOMMENDATIONS:**

**R1. Forest Land Designation:** The Industrial Forest and Secondary Forest designation policies are intended to protect forest lands of long-term commercial significance, are consistent with the GMA guidelines for classifying and designating forest lands, and should not be revised as part of the 2005 Plan and Code Amendment Cycle. Nevertheless, the Planning Commission is concerned that some aspects of the designation criteria, and the application of the criteria to the map, are issues of compelling local policy that warrant the County's attention. The Planning Commission is particularly concerned with the following aspects of the criteria:

- a. The use of the Secondary Forest designation as a de facto "buffer" separating Industrial Forest lands from rural areas, rather than as a forestland designation that reflects forest land grades, parcel sizes and current use;
- b. The potential lack of consistency in the application of the Secondary Forest designation criteria to specific properties; and
- c. Permissible densities within the Secondary Forest land designation.

The Planning Commission recommends revisiting these issues after site-specific mapping proposals are reviewed and addressed during this amendment cycle. That process will help to inform what specific forestland designation issues, including those identified above, warrant further scrutiny and potential revision. If further study proves necessary, the Planning Commission recommends that the Board appoint a diverse, facilitated working group to develop a comprehensive and workable solution.

*(This recommendation was made by a 7-0 vote)*

**R2. Forestry Incentive Proposals:** The Planning Commission recommends that the FAB proposals, including proposed changes to the secondary forest designation criteria and the compensatory incentive program should receive further study and deliberation prior to being considered for adoption. The implications of each program cannot be fully understood without further information or research. The Planning Commission specifically recommends that the Board, following this GMA Update, appoint a diverse, facilitated working group to re-examine and build on the record in these matters, fully define the rationale, implications and impacts, and work with extensive public participation toward a comprehensive and workable solution.

*(This recommendation was made by a 5-1 vote)*

**R3. Secondary Forest CaRD Density Bonus:** The Commission finds that the policy decision as to whether or not to permit a 50% density bonus through the CaRD process within the Secondary Forest designation and zone is an issue that requires urgent and immediate attention by the County. Although not contemplated within the environmental documentation prepared for the 2005 Update process, and therefore not eligible for formal consideration and adoption during this cycle, the Commission nevertheless finds that this issue should be resolved without unnecessary delay. Accordingly, the Commission recommends that the Alternative Secondary Forest Parcel Density Policy set forth in the draft Plan at policy REM-4B-1.4 should be docketed and decided upon during the County's next Plan and Code amendment cycle.

*(This recommendation was made by a 9-0 vote)*

**R4. Mineral Resource Overlay in Rural Areas:** The Planning Commission recommends that the decision to restrict the MRO to areas with an underlying resource land designation should be revisited as a trailing issue. Consideration should be given to permitting the MRO in rural designated areas of the County.

*(This recommendation was made by a 8-0 vote)*

**R5. Mineral Resource Activities Outside of MRO:** The Planning Commission recommends that the use classification and approval process required of mineral extraction and processing activities occurring outside the MRO designation be evaluated and considered during the 2007 Plan and Code amendment cycle.

**R6. Development in the Floodplain:** The Planning Commission believes that the County's current system for regulating development in the floodplain – enacted and implemented through the Comprehensive Plan, the Critical Areas Ordinance (SCC 14.24), and the Flood Damage Prevention Ordinance (SCC 14.34) – is compliant with GMA. Nevertheless, and in light of recent catastrophic flooding events in this Country, the Planning Commission concludes that consideration of amended flood protection policies and regulations, as well as consideration of a transfer of development rights program, may be appropriate subsequent to the 2005 Plan and Code Update process. Accordingly, and because the implications of these polices are not yet fully understood, withdrawn (i.e., “track B”) policies REM 5A-6.1 and REM 5A-6.2 should be further considered and refined during a subsequent plan and code amendment process.

*(This recommendation was made by a 7-0 vote)*

R7. **Guemes Ferry Service:** The Planning Commission recommends that Transportation Element Policy 8A-5.2(d) warrants further evaluation and refinement by the County beyond this GMA Update process. The Commission believes that the Guemes Island ferry service should be expanded only if supported by demonstrated demand, if the service expansion is shown to be cost-effective, and if a thorough public participation process reveals broad public support for such expansion.

R8. **Transportation Project Planning:** Though the process is compliant with the public participation requirements of the GMA, the Planning Commission finds that greater effort should be made in the future to meaningfully involve the public in planning the County’s transportation projects.

R9. **Housing Needs Assessment Update:** The Planning Commission strongly urges the Board of County Commissioners to initiate, in collaboration with the Skagit Council of Governments, a comprehensive and updated Housing Needs Assessment that identifies deficiencies at both a regional (countywide) and local (municipal) level within Skagit County. In support of this recommendation, the Commission has recommended language for inclusion within the Housing Element of the County’s Plan, committing the County to initiating and completing an update to its Housing Needs Assessment on a recurrent and regular basis (e.g., every 7 years to coincide with the mandatory GMA Plan/Code Update) in order to effectively assess whether the County’s affordable housing strategy is achieving its intended effect, and if not, to adjust county policy accordingly.

*(This recommendation was made by a 7-0 vote)*

**MOTION:**

Based on the above findings and recommendations, Jason Easton moved and Jerry Jewett seconded that the Skagit County Planning Commission recommends to the Board of County Commissioners pursuant to the authority of RCW 36.70 and RCW 36.70A, adoption of the proposed revisions to the Skagit County Comprehensive Plan, as indicated in Attachment 2 to this transmittal.

**VOTE:**

	<u>Support</u>	<u>Oppose</u>	<u>Absent</u>	<u>Abstain</u>
Dave Hughes, Chair	X			
Jan Ellingson, Vice Chair	X			
Jason Easton				X
Carol Ehlers		X		
Herb Goldston	X			
Jerry Jewett	X			
Bobbi Krebs-McMullen		X		
Bill Schmidt		X		
William Stiles III	X			
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## **SECTION IV – Skagit County Code (Attachment 3):**

### **FINDINGS:**

#### General Code Findings

89. As described more fully in the findings set forth in Section I, above, the opportunities provided for meaningful citizen participation in the Skagit County Code review and amendment process are wholly consistent with the requirements of the GMA (RCW 36.70A.035, 36.70A.130, and 36.70A.140) and the code amendment procedures established under Skagit County Code (SCC) Chapter 14.08. The Planning Commission notes the extensive effort of Planning and Development Services staff to understand and effectively address the concerns and suggestions raised during the process by the Advisory Boards, Steering Committees and public.

90. The central purpose of the Code review and update was to ensure both external as well as internal consistency (i.e., consistency with the policy direction of the Skagit County Comprehensive Plan, and consistency within the Code itself). Some of the proposed Code changes are also necessary to ensure consistency with Comprehensive Plan policy provisions proposed to be amended through the Update process. The Planning Commission finds that the proposed Code changes, with the modifications recommended by the Commission, are consistent with and effectively implement the Skagit County Comprehensive Plan as required under RCW 36.70A.040(3).

91. Many of the proposed amendments are intended to refine and clarify administrative processes and requirements, while others are minor, wholly non-substantive, changes that seek to correct typographical errors and inadvertent additions and omissions. In addition to these minor revisions, the Planning Commission takes particular note of the more substantive proposed Code changes outlined below.

#### Uses in Rural Freeway Service Zone

92. In its deliberations during the 2000 Plan and Code Update, the Planning Commission recommended allowing uses within the Rural Freeway Services (RFS) zone that, a) were typical of existing uses in these areas, or b) were typically found at rural freeway interchanges in Western Washington. The Planning Commission specifically finds that mini-storage facilities and automobile sales lots are inappropriate uses within this zone, because they do not inherently cater to the service needs of the traveling public. The Planning Commission finds further that car washes can be an appropriate use within this zone, PROVIDED that the use makes adequate provision for wastewater disposal consistent with state and local environmental and health regulations. Accordingly, the Commission recommends that Skagit County Code (SCC) 14.16.120 should be revised to allow such uses within the RFS zone.

#### Conservation and Reserve Development (CaRD)

93. With regard to Conservation and Reserve Development provisions, the Planning Commission notes that it heard considerable public testimony expressing concern that the density

bonuses permitted through the CaRD process under SCC Chapter 14.18 were resulting in an inappropriate intensity and density of development that threatened rural character. After careful deliberation, the Planning Commission finds as follows:

- a. The Growth Management Hearings Boards have generally ruled that a density of 1 dwelling unit per 5 acres is a permissible rural density under the GMA. The County's CaRD provisions do not under any scenario result in densities exceeding 1 dwelling unit per 5 acres, and as such, are consistent with the Act regarding the issue of rural density. Additionally, the CaRD regulations were appealed and found to be compliant with the GMA in 2003 (see Compliance Order, Evergreen Islands v. Skagit County, WWGMHB Case No. 00-2-0046c, September 11, 2003).
- b. Certain modest amendments to the CaRD regulations found in SCC 14.18 are contained in the Update proposal. Additional future review and possible further refinement of the standards may be warranted during a subsequent code amendment cycle in order to achieve higher quality and more attractive Conservation and Reserve Developments. Based upon the public testimony received during the Update process, the Planning Commission recommends that consideration be given in the future to revising pod size limitations, additional cluster separation requirements and improved landscaping and screening standards to ensure that CaRDs are both visually attractive and protective of the visual character of rural areas.

#### Provisions Concerning Undeveloped Parcels in East Big Lake

94. The Planning Commission finds that the revisions to proposed SCC 14.16.310, in conjunction with proposed Plan policy 3C-1.8, are consistent with, and necessary, to fulfill the terms of a settlement agreement pertaining to Hearings Board Case No. 00-2-0046(c) (see also, Section III, finding 48, above). Current County Policy and Code was adopted in response to the Hearings Board Final Decision and Order in Case No. 00-2-0046(c). Present policy and code (SCC 14.16.130(6)(d)) restricts the development of "larger undeveloped parcels on the east side of the lake" associated with the Overlook Golf Course. Specifically, the present regulations establish highly restrictive minimum lot size requirements and development standards, and prohibit development from connecting to public sewer, despite the fact that the subject property is within the Big Lake Sewer District and is immediately adjacent to an existing sewer line. Under the proposed new code provisions and policy direction (SCC 14.16.310(7) and proposed Plan policy 3C-1.8) subdivisions of undeveloped parcels into parcels of 5 acres or larger would be permitted, and smaller lots could be created through the conservation and reserve development (CaRD) process. However, all new subdivision development would be required to use public utilities (including sewer) and effectively protect Big Lake water quality. These revised code provisions will effectively implement the updated Plan policy direction, ensure the protection of Big Lake water quality, and permit appropriate rural residential development.

#### Uses and Setbacks in Forest-NRL Zones

95. The Planning Commission finds that the language of existing code sections SCC 14.16.410(3)(c)(i) and (iii) (i.e., sections requiring single-family residences within the Industrial Forest-NRL zoning district to be located within 200 feet of a State highway or County road and for such residences to be accessory to a timber resource management use) should be repealed and

replaced with language requiring an approved Forest Management Plan that incorporates “Firewise” principles.

*(This recommendation was made by a 8-1 vote)*

96. The Planning Commission finds that SCC sections 14.16.410 and 14.16.420, which establish the dimensional and structural setback standards for the Industrial Forest and Secondary Forest zoning districts, respectively, should be amended to set a uniform building setback of fifty feet (50’), as is the current standard in areas zoned Rural Resource.

*(This recommendation was made by a 5-4 vote)*

Minority Finding: The minority believes that this change has not received sufficient scrutiny by either the public or the County to be contemplated at this time. Moreover, such a revision should be considered in the broader context of a review of all the dimensional setback standards set forth within Chapter 14.16 SCC, rather than only those pertaining to the Industrial and Secondary Forest designations.

97. The Planning Commission recommends against adding vacation cabins to the list of permissible uses within the Industrial Forest-NRL zone as set forth in SCC 14.16.410(3).

*(This recommendation was made by a 6-0 vote)*

#### Setbacks from Natural Resource Lands

98. The Planning Commission recommends retaining the requirement that all development on lands adjacent to Natural Resource Lands maintain a 200 foot setback from the NRL lands. This setback requirement helps to ensure the compatibility of adjacent land use and settlement patterns with resource lands of long-term commercial significance, and acknowledges that resource operations are the primary and preferred use on designated resource lands. The 200 foot setback requirement helps to minimize conflicts between residential and resource based uses, and reduces the likelihood of successful nuisance claims against resource land owners, thereby maintaining the viability of the County’s designated agricultural, forest and mineral resource lands.

*(This recommendation was made by a 4-3 vote).*

Minority Finding: The minority is concerned that requiring extraordinary setbacks on lands adjacent to designated natural resource lands may be an unreasonable infringement upon the legitimate property rights of landowners.

99. The Planning Commission finds that the language set forth in current code section SCC 14.16.810(7) should be amended. In its current form, this code provision requires the owner of a property adjacent to Industrial Forest-NRL to sign a waiver, record a notice to title, and obtain the approval of the owner of such Industrial Forest-NRL land before locating any buildings closer than within two hundred feet (200’) of said natural resource land. The Planning Commission recommends striking that portion of the requirement that the adjacent Industrial Forest landowner must approve the waiver before the setback can be reduced.

*(This recommendation was made by a 8-1 vote)*

## Provisions Concerning Ag-NRL

100. The Planning Commission finds that adequately protecting farmland of long-term commercial significance is both the appropriate policy for the County to pursue, as well as a statutory obligation. The Planning Commission finds further that the current designation criteria, as well as the regulations set forth in Skagit County Code (SCC), including SCC 14.16.400, provide protections that meet GMA statutory obligations. However, the Planning Commission believes more might be done by Skagit County in the future to strengthen its regulations to eliminate the potential for large-lot residential or other non-agricultural uses within lands designated for Ag-NRL use.

101. The Planning Commission finds that the provisions of SCC 14.16.900(2)(b), “Temporary Manufactured Home – Accessory to a Farm Dwelling Unit,” is in some instances being misused by landowners as a means to establish rental units on properties not substantially devoted to agricultural use. The Commission further finds that provisions proposed by staff within the draft of SCC 14.16.900 that would establish minimum annual hours of employment for farm workers residing on premises, and require submission of IRS forms at the time of application and/or annual self-certification to verify the nature of the agricultural use, create an unnecessarily complex process that may also impinge upon the privacy rights of landowners. Accordingly, the Commission finds that any provision establishing minimum annual hours of employment for farm workers does not warrant adoption at this time and IRS forms to verify the nature of the agricultural use should only be required upon enforcement.

102. The Commission finds that the County’s temporary use regulations in SCC 14.16.900(2)(b), “Temporary Manufactured Home – Accessory to a Farm Dwelling Unit” should be strengthened to reduce the likelihood of abuses, and an annual self-certification process by landowners to document ongoing compliance with County code requirements should be required.

*(This recommendation (as well as 101 above) was made by a 7-0 vote)*

103. The Planning Commission finds that the provisions of SCC 14.16.900(2), “Temporary Manufactured Home – Accessory to a Farm Dwelling Unit” should also be strengthened to include an enforcement mechanism related to the annual self-certification process to document ongoing compliance with County code requirements. The Commission has reviewed alternative certification requirements proposed by staff, has carefully weighed the advice of counsel, and finds that enforcement provisions which require County review and verification of IRS forms, but not retention of such documents within the County’s records, appropriately balance individual privacy rights and the public interest in ensuring effective enforcement of permit requirements.

*(This recommendation was made by a 7-0-2 vote)*

104. By consensus, the Planning Commission recommends rejection of any legislative outcome that would result in the withdrawal of the present proposal, with habitat enhancement and/or restoration projects being processed indefinitely under presently existing code provisions (i.e., subject to review under existing SEPA and fill and grade permit requirements). This issue is addressed in greater detail in the Recommendation immediately below.

## RECOMMENDATIONS:

**R10. Moratorium on Habitat Projects in Ag-NRL:** The Planning Commission recommends that the Board of County Commissioners adopt a moratorium on habitat enhancement and/or restoration projects within the Agricultural-NRL zone that involve the alteration of landscape and/or the alteration of hydrology, to allow development and adoption of new procedures and criteria. The moratorium should remain in effect for no longer than six months, unless it becomes clear that additional time is necessary to develop and adopt new procedures and criteria. A working group involving all interested parties should be convened to refine the existing provisions or to develop an alternative within the six month moratorium. In the event additional time is needed, any proposed extension of the moratorium should be reviewed and considered by the Planning Commission prior to enactment by the Board of County Commissioners. Similarly, the proposed new procedures and criteria developed during the moratorium shall be reviewed by the Planning Commission, with the Commission forwarding a recommendation to approve, approve with recommended revisions, or reject the proposal to the Board of County Commissioners.

For the purposes of this recommendation, and consistent with the proposed definition set forth in draft section 14.04.020 of the Skagit County Code, “Habitat Enhancement and/or Restoration Projects” means any project, including mitigation banks, private projects or public projects, designed to create, restore and/or enhance habitat for fish, birds and/or mammals, and includes the alteration of the landscape by excavation or sculpting of soil, and/or the alteration of hydrology. This does not include required onsite mitigation projects associated with permitted development activities pursuant to SCC 14.24 (i.e., the Skagit County Critical Areas Ordinance), or projects consisting exclusively of planting vegetation.

*(This recommendation was made by a 8-1 vote)*

**R11. Special Uses in RI Zone:** The Planning Commission recommends that the motion approved by the Fidalgo Citizen Advisory Committee, pertaining to the prohibition of certain special uses within the Rural Intermediate Zoning District, warrants special review and consideration in a planning process subsequent to the GMA mandated plan and code update. Accordingly, the Commission recommends that the treatment of special uses within the Rural Intermediate (RI) zone be reexamined during the next amendment cycle.

**R12. Lot Coverage in RI Zone:** The Planning Commission recommends that 35% lot coverage limitation for the RI zoning district, as set forth within SCC 14.16.300(5)(e), warrants special review and consideration in a planning process subsequent to the GMA mandated plan and code update. Accordingly, the Commission recommends that the lot coverage limitation within the RI zone be reexamined during the next amendment cycle.

*(This recommendation was made by a 7-1 vote)*

**R13. Protection of Farms in Rural Lands:** The Planning Commission finds that farms lying within the rural designations of Skagit County are not adequately acknowledged and protected under current policy and regulation. The Commission specifically recommends that providing additional protections for farm uses which pre-date the adoption of the County’s Comprehensive

Plan and implementing regulations warrants special consideration during subsequent code amendment cycles.

**MOTION:**

Based on the above findings and recommendations, Jan Ellingson moved and Herb Goldston seconded that the Skagit County Planning Commission recommends to the Board of County Commissioners pursuant to the authority of RCW 36.70 and RCW 36.70A, adoption of the proposed revisions to Skagit County Code, as indicated in Attachment 3 to this transmittal.

**VOTE:**

	<u>Support</u>	<u>Oppose</u>	<u>Absent</u>	<u>Abstain</u>
Dave Hughes, Chair		X		
Jan Ellingson, Vice Chair	X			
Jason Easton	X			
Carol Ehlers		X		
Herb Goldston	X			
Jerry Jewett	X			
Bobbi Krebs-McMullen		X		
Bill Schmidt	X			
William Stiles III	X			
	6	3	0	0

**SECTION V – Skagit County Comprehensive Plan Land Use / Zoning Map (Attachment 4):**

**FINDINGS:**

105. As an integral part of the 7-Year Update process, the County has taken a renewed look at the Comprehensive Plan Land Use and Zoning Map (Comprehensive Plan/Zoning Map). This review seeks to ensure that the land use map addresses local needs and circumstances, is consistent with new population and other land use data, and keeps pace with changes to GMA and other applicable laws since the last major Comprehensive Plan/Zoning Map update in 2000.

106. There were several sources of input for proposed map changes. Property owners, members of the general public, and cities and towns were provided the opportunity to submit proposed map changes to the County through the fall of 2004.

107. The Planning and Development Services department (Department) generated a list of proposed map changes based on map discrepancies that came to its attention since the last round of annual Comprehensive Plan amendments were adopted in 2005.

108. The Board of County Commissioner-appointed Forest Advisory Board (FAB) and Agricultural Advisory Board (AAB) and their assigned County staff were asked to forward any map amendments or recommendations needed to make the mapping of Natural Resource Lands more consistent with the Comprehensive Plan designation criteria. The Department also worked

closely with consultants and representatives of the mining industry to develop more accurate mapping of the County's Mineral Resource Overlay.

109. The County released two maps in February, 2006, for public review and comment as part of its GMA Update proposal. All of the proposed map changes submitted for consideration were displayed on a map titled *Comprehensive Plan Map Amendment Proposals – All Proposals – 2005 GMA Update, February 10, 2006*. A second map, titled *Comprehensive Plan Map Amendment Proposals, Recommended for Approval (Preferred Alternative), February 10, 2006*, identified those proposed amendments that the County recommended for adoption through its GMA Update proposal. The "Preferred Alternative" map was reviewed and evaluated for compliance with the State Environmental Policy Act (SEPA) through the Addendum and threshold determination of non-significance issued for the proposal on February 17, 2006.

**Separate, property-specific findings are included below only where the Planning Commission's recommendation differs from that contained in the Integrated Report, or the Planning Commission seeks to emphasize its own reasoning for reaching a recommendation. See Appendix B (tally list of all map amendment requests) for a record of the final action on all requests. Note: Exact vote tallies were not recorded in all instances. When decisions were made by consensus, unanimous vote, or large majority only pass/fail records were kept. Where the record reflects an exact vote total those are shown below.**

#### *Urban Growth Area (UGA) Amendment Proposals*

110. Of the thirty-five requests to modify UGA boundaries, 29 sought to expand UGAs and 6 to convert existing UGA parcels to rural or resource zoning. Many of the expansion proposals would affect lands designated Agriculture-NRL and located in the flood plain.

111. Consistent with the recommendations in the Integrated SEPA/GMA Report ("Integrated Report"), the Planning Commission finds that most of the proposed UGA map amendments lack sufficient supporting land capacity analysis to determine whether the requested modification is appropriate at this time. Such documentation is especially important given the recent *Futurewise v. Skagit County* decision, in which the Western Washington Growth Management Hearings Board (Hearings Board) found the addition of property to the Mount Vernon UGA to be non-compliant due to a lack of sufficient documentation of need (WWGMHB Case No. 05-2-0012, September 21, 2005).

112. The Planning Commission finds that while some of the UGA proposals may have merit, it would be more appropriate to consider them in a later Comprehensive Plan/Zoning Map amendment cycle, as part of comprehensive UGA proposals from the respective cities or towns, subject to the recently developed UGA modification criteria.

#### *Findings Common to Forest-Natural Resource Lands Map Requests*

113. The recommendations herein are based on the designation criteria and supporting policies as proposed in the Draft Natural Resource Lands Element. The analysis of proposed map

amendments is guided by the Growth Management Act, Countywide Planning Policies, and the Comprehensive Plan, whether explicitly stated or not. Local discretion is applied or recommended, where appropriate, based on circumstances unique to the proposed map amendment or general area. In cases where the re-application of designation criteria does not define a clear choice between Forest-NRL designations, or between a resource and non-resource designation, the Planning Commission's final recommendation is informed by, but not limited to, the following policy-based principles:

114. The Industrial Forest and Secondary Forest designations are defined by the application of designation criteria. Inherent within the criteria are the guiding principles and local interpretation of the Growth Management Act.

115. Countywide Planning Policies 8.6 and 8.9 call for long-term commercial resource management to be the "principal and preferred use" on designated natural resource lands.

116. Natural resource management is a reasonable use in the Industrial Forest-NRL district.

117. Designation of Forest-NRL lands is not based on ownership. The designation process is not intended to exclude qualified Natural Resource Lands in order to accommodate preference, but rather to identify and protect Natural Resource Lands of long-term commercial significance.

118. Circumstances unique to specific areas have historically led Skagit County to broadly interpret its designation criteria, particularly the inclusionary or exclusionary intent of Policies 4B-1.1(d) and 4B-1.3(c). For example, the Secondary Forest-NRL designation is considerably wider than 1/4 mile in such places as the "Bacus Hill" area (a forested cluster of pre-GMA, 20-acre lots), the "Walker Valley" area (a forested area which includes a large developed Boy Scout camp), the "Finn Settlement" area, an historical cluster of smaller forested parcels in the midst of the Industrial Forest-NRL, and the Swinomish Indian Reservation, to reflect unique County/Tribal cooperative planning. These past practices, however fitting they were for a particular location, are not precedent setting, nor can it be assumed that such practice will continue, as the number of "clusters" of sub-standard lots within Industrial Forest has, by application of the above past practices, diminished.

119. The principal uses of Industrial Forest and Secondary Forest lands are the practice of commercial forestry, forestry support services, and forest-based businesses. Secondary Forest lands are intended to provide a transitional density between Rural-designated lands and Industrial Forest lands. Secondary Forest lands also offer the potential for smaller-scale commercial timber operations, supporting natural resource industries, and limited residential uses. Secondary Forest lands may include low-density residential use if consistent with the goals and policies of the Comprehensive Plan. However, the Planning Commission recognizes that there are unique problems associated with the designation of Secondary Forest lands, as indicated elsewhere in this Recorded Motion, and therefore the Planning Commission recommends further examination of the application of such designation policies (see Appendix A, Trailing Issues List).

*Forest Advisory Board Map Recommendations*

120. The Forest Advisory Board reviewed forest land designations on the current Comprehensive Plan/Zoning map solely to determine if the designation criteria have been properly applied. Where it appeared an inconsistency with the designation criteria might exist, the Forest Advisory Board and its staff assembled Assessor's parcel maps and data for each of the areas and reviewed them against the Industrial Forest-NRL (IF-NRL) and Secondary Forest-NRL (SF-NRL) designation criteria. These recommendations were included in the February, 2006 proposal as map-amendments FO05-01 through FO05-38.

121. However, prior to the start of deliberations, the Forest Advisory Board decided to withdraw its map-amendment recommendations. The Forest Advisory Board reflected on its role as an appointed advisory body and concluded that its role is best served by advising the Board of County Commissioners and the Department on Forest-NRL policies, rather than on site-specific mapping issues.

122. The Planning Commission took no action on map-amendments FO05-01 through FO05-38, and recommends that the Department re-assess whether these and other Forest-NRL map amendments are necessary, and propose such changes as part of a future Comprehensive Plan Amendment cycle.

*Conservation Futures Committee / Agricultural Advisory Board Recommendations*

123. The County Conservation Futures Committee and Agricultural Advisory Board and their staff reviewed agricultural land designations on the current Comprehensive Plan/Zoning map to identify and correct areas of inconsistency along the outer boundaries of Agricultural - NRL designated areas. The Conservation Futures Committee/Agricultural Advisory Board recommendations consisted of less than a dozen adjustments in such areas as Pleasant Ridge, where the toe of the hill meets a cultivated field, or along the outer Skagit River delta adjacent to State-owned open-space areas. All amendments put forward by the two groups are recommended for approval by the Planning Commission with the exception of the two following proposals.

124. **AG05-02 and AG05-03 (Skagit River Fork)** - The Planning Commission concurs with the Department's amended recommendation in the January 3, 2007 memo (p. 6) and finds that the original recommendation was in error. Absent the creation of a new zoning district or overlay more appropriate for non-farmed agricultural land, the current Agriculture-Natural Resource Land designation is the most reasonable choice. Due to the fact that the subject parcels are privately owned, the proposed change to OSRSI is not appropriate at this time.

*Findings Common to Mineral Resource Overlay Map Amendments and Overall Update*

125. A significant portion of the GMA Update was devoted to the reanalysis and update of the Mineral Resource Overlay, depicted on the County map of preferred alternatives. The process used to update the Mineral Resource Overlay is described in the February 17, 2006 Integrated SEPA/GMA Report. Components of the MRO update included:

- A survey of current geological literature, including maps, reports and digital data from the United States Geological Survey (USGS) and Department of Natural Resources (DNR).
- An assessment of Comprehensive Plan MRO designation criteria and use policies, and subsequent minor changes to volume- or value-based minimum threshold criteria
- Identification of certain geological formations, deposits and major outcroppings of commercially significant, actively mined mineral types.
- Creation of digital layers and attribute files of the above mineral types for inclusion in the County's GIS system.
- Additional identification/confirmation of significant minerals based on the work of an ad-hoc mineral resources committee.
- An assessment and paring down of the initial geological data based on proposed amendments to minimum threshold criteria.
- A GIS analysis to include or exclude minimum threshold mineral resources based on Comprehensive Plan MRO land-use designation criteria.
- Creation of draft MRO maps, resulting in approximately 92,000 potential acres of MRO.
- Field verification of selected areas, including certain inaccessible areas, areas of predominantly steep-slopes, limestone formations, and certain Quaternary sediments, reducing the size of the proposed MRO to approximately 61,000 acres.

126. The need to update the Mineral Resource Overlay was spawned not merely by the statutory seven-year update requirement, but by the County's own acknowledgement of the need to correct certain inconsistencies, particularly in the Day Creek area, and to designate previously missed deposits of dunite (olivine), limestone and certain types of sedimentary deposits – all of which are mined in the County.

127. The Growth Management Act requires the designation of agricultural, forest, and “mineral resource lands that are not already characterized by urban growth and that have long-term commercial significance for the extraction of minerals...” (RCW 36.70A.170(c)). Further, RCW 36.70A.131 requires that the County include in its update “new information made available since the adoption or last review of its designations or development regulations, including data available from the department of natural resources relating to mineral resource deposits...”. The expanded Mineral Resource Overlay is the result of a methodic and careful consideration of Comprehensive Plan designation criteria consistent with the above requirements. Skagit County's MRO policies are intended to ensure that all mineral resources of long-term commercial significance are designated now and for the long term, before encroaching development precludes such designation in the future.

128. The proposed, February 17, 2006, Mineral Resource Overlay is the result of a scientific and systematic county-wide process of identifying and confirming deposits of commercially significant mineral resources, applying land-use designation factors, comparing the resulting draft map with site-specific map-amendment proposals and, finally, removing from the map portions of the existing MRO that were not verified through the update process.

129. The foundation of the proposed MRO is existing scientific and technical data. Using published sources first, rather than recollections or personal preferences, provides an objective

starting point for the subsequent evaluation of submitted MRO requests and other sources of information.

130. Map requests are not initially viewed as proof of the presence or absence of minerals, but are nevertheless an integral part of the designation process. They are viewed as an opportunity to incorporate local knowledge, and to point to potential gaps or errors in the geologic data. Map requests can also be viewed as indicators of market demand, and therefore, the “commercial significance” of a particular category of minerals.

131. Requests to remove the MRO from either specific or area-wide locations are no less important in the designation process. However, the Growth Management Act requires designation. Personal preferences simply cannot be assumed to automatically trump that mandate. But the designation criteria includes several measures to constrain the MRO as much as possible in order to balance competing interests.

132. Where the existing (currently adopted) MRO does not correspond to the proposed new MRO, such areas are removed. Underlying zoning is retained unless otherwise noted.

133. Certain locations exist where, historically, areas of higher (than 1 dwelling unit/10 acres) densities lie adjacent to existing mines or quarries, or a designated MRO area. To a very limited extent, Skagit County has found such relationships unavoidable, and has therefore allowed for the designation of the MRO where separation of the two pre-existing uses would be impractical or impossible (e.g., Fidalgo Island (Havekost Rd), south of Mount Vernon (Pleasant Ridge area), and other areas).

134. In regulatory terms the MRO does not change the allowed uses, dimensional standards, or other requirements of the underlying zoning. Rather, it adds a set of permitted uses, and a layer of additional regulations relating to those uses. Whether the property is used for mining, forestry, farming, or other allowed uses is up to the property owner. However, the presence of the MRO can affect the ability of a Rural Reserve property owner to receive a Conservation and Reserve Development (CaRD) subdivision density bonus. This provision has been in effect since the adoption of the CaRD policies and regulations. Restricting the densities surrounding the MRO as to 1 dwelling unit/10 acres is a key factor in reducing the potential for land-use conflicts to the extent possible.

135. New mining is currently not allowed outside of the MRO. Mineral Resource Overlay policies and regulations, perhaps more than any other zoning designation, strike a careful balance between several competing goals. Maintaining an average density of 1 dwelling unit/10 acres within 1/4 mile of the MRO is a key factor in reducing the potential for conflicts to the greatest extent possible. The potential for conflicts in the Rural Reserve and Rural Intermediate areas is greater than in areas of lesser density. Nevertheless, Skagit County mining regulations (SCC 14.16.440) allow preexisting, permitted mining operations in the rural area to continue, and to expand to the limits of the mined parcel. Rural Reserve landowners wishing to be designated MRO may request so through the annual Comprehensive Plan amendment process. Suitability of the site for designation would be determined through review of designation criteria, along with public, agency and planning commission review.

136. During deliberations on September 12, 2006, the Planning Commission considered, but did not take action on, the question of whether mining should be allowed in Rural Reserve. Instead, the Planning Commission deferred the matter to later policy discussions. In later deliberations, on November 14, the Planning Commission again took up the matter of whether some level of mining should be allowed in the rural area. Of particular concern to some members is the fact that there are valuable mineral resources in rural areas that will remain inaccessible, and the attendant economic development opportunities will be lost, because of the restriction on mining outside the MRO. However, a motion to remove the restriction on mining outside the MRO was defeated. Most Planning Commissioners were not opposed to considering the possibility, but reasoned that the complexity and potential implications were beyond what could be considered during these deliberations. Therefore, the Planning Commission approved a motion recommending that the question of mining in the rural area be taken up as a trailing issue.

137. Skagit County's MRO policies and regulations work in concert with other jurisdictions' requirements to ensure that when and where mining does occur, stringent development regulations, standards, procedures, and other measures are employed to minimize and mitigate the impacts of mining to the greatest extent possible.

138. The Mineral Resource Overlay may include critical areas and other sensitive lands. As is the case in designating agricultural and forest lands, the MRO is applied according to the characteristics of the land, in broad terms, to produce commercially significant natural resources. The MRO is neither a guarantee that mining will occur, nor a permit to do so. Rather, it is a recognition of the existence of commercially significant resources, and a tool for protecting those resources from the encroachment of higher-density and potentially conflicting uses. Whether mining is feasible in certain areas within the MRO is a question asked and answered during the public, agency and environmental review of a particular mining permit application, and in compliance with all applicable regulations. Mining is not necessarily large in scale; it can be limited and selective. Therefore, it is unreasonable to assume, for instance, that because a stream runs through an MRO area, that the entire area is off limits to mining, and the impacts of mining, of whatever size, cannot be mitigated.

139. The MRO is not created equal – meaning that no two mineral deposits are likely the same. There are many variations in the types of minerals, the quality and quantity available, and the typical uses of the various deposits. Therefore, it is not correct to view “the MRO” as a monolithic quantity of a single type of mineral, nor is it correct to assume that because of the aerial extent of the MRO, the County has designated “too much” resources. Market demand, distance to market, the availability and location of a particular type of resource, and the choices made by an MRO landowner all play a role in what is mined and when.

#### *Master Planned Resorts Requests*

140. Two of the 107 citizen-initiated requests were applications for Master Planned Resort (MPR) designations; “1000 Trails” and “Skagit River Resort” (see Maps CPA05-48 and CPA05-70 respectively). Both applications sought designation, separately, as a Master Planned Resort under the existing-resort provisions of RCW 36.70A.362. Due to the potential for urban uses and intensities within Master Planned Resorts, the Integrated SEPA/GMA Report, and the

Department's February 13, 2007 memorandum regarding MPR map amendments, include a more extensive analysis of these two applications than was necessary for other individual citizen-initiated map amendment requests. The Planning Commission incorporates those documents herein by reference.

141. Although both of these recreational facilities have operated in Skagit County for decades, only the Skagit River Resort application received a recommendation to approve a redesignation to Master Planned Resort, albeit with certain limitations and conditions as outlined below (CPA05-70). Also below, the Planning Commission sets forth its reasons and rationale for recommending denial of the 1000 Trails / Lifestyle Equities application (CPA05-48).

#### *Citizen-Initiated Proposals*

142. The Department received 107 citizen- or municipality-initiated map amendment proposals by the established deadlines. Of these, 35 were proposed Urban Growth Area (UGA) map amendments, which the County coordinated with the affected city or town. Each city or town reviewed the proposals that would affect its UGA boundaries, and then forwarded a recommendation for approval or denial to the County.

#### Property-Specific Findings

143. For the most part, the Planning Commission agrees with the recommendations contained in the Integrated Report on the various map amendment proposals. Where that is the case, it is not necessary to include property-specific findings within this recorded motion. The rationale for those recommendations is contained in the Integrated Report and/or one of the following Department memos to the Planning Commission on the map amendment proposals, which are incorporated herein by reference: November 9, 2006 (Rural); December 5, 2006 (UGA); December 7, 2006 (Forest-NRL); January 3, 2007 (Ag-NRL); January 3, 2007 (Rural Resource-NRL and OSRSI); January 8, 2007 (Supplement to memo on Rural Resource-NRL); February 6, 2007 (RFS and other Interstate 5 corridor amendments); February 7, 2007 (Map amendment requests received during public comment period); February 8, 2007 (Additional miscellaneous map issues); February 13, 2007 (Master Planned Resort); February 20, 2007 (Mineral Resource Overlay).

144. **CPA05-01 (M/T Enterprises)** - The Planning Commission concurs with the Department's amended recommendation in the January 3, 2007 memo (p. 5) that this parcel, as well as other surrounding parcels, be further reviewed as part of the next Comprehensive Plan Map amendment cycle. The applicant in this case has indicated that there may be soil and/or topographic characteristics specific to this property which may warrant a redesignation. Although this information cannot be sufficiently reviewed during this process, the Planning Commission does feel the further evaluation is deserved.

145. **CPA05-03 (Wes and June Coons)** - The Planning Commission finds that this parcel lies within the boundary of the residential portion of the Bayview Ridge UGA as adopted on December 5, 2006 and is therefore designated and zoned Bayview Ridge Residential zone. No further action is necessary through the GMA Update.

146. **CPA05-07 (Patterson)** - The Planning Commission concurs with the Department's amended recommendation in the January 3, 2007 memo (p. 5) that this 13 acre parcel at the intersection of Highway 99 and Kelleher Road be de-designated from Ag-NRL and redesignated to Natural Resource Industrial (NRI). The Commission further finds that the proposal for a retail nursery on this site does not violate Comprehensive Plan Policy 3C-5.5 due to the error in initial designation of the parcel as Ag-NRL. Furthermore, the proposed use is consistent with the NRI designation criteria.

147. **CPA05-11 (C&G Timber)** - This proposal sought to remove the split zoning of a 120-acre parcel (split between Secondary Forest and Industrial Forest) by designating the parcel, in whole, to Secondary Forest. Removal of the split zoning would thereby "square off" the 1/4-mile Secondary Forest band. The Planning Commission recommends approval of the request.

*(This recommendation was made by a 5-4 vote)*

Minority finding: The minority finds that the emphasis on the width and appearance of the Secondary Forest band, without regard to use, size of land holdings, topography, and other functional factors, calls into question its utility as a district, and highlights a need to re-examine its purpose.

148. **CPA05-13 (John Kennel)** - This proposal sought to remove the split zoning of a portion of a 130-acre parcel (split between Secondary Forest and Industrial Forest) by designating the Natural Resource Lands portion of the property as entirely Secondary Forest. Current access to the Secondary Forest portion of the property is via the Industrial Forest portion. The applicant asserts that access in NRL lands should be from higher-density Secondary Forest, to low-density Industrial Forest, in keeping with the "transitional" intent of the Secondary Forest district. The Department recommended denial, in part on the basis that access to property is not required to be from or to any particular zoning district. The Planning Commission agrees with the applicant and recommends approval.

*(This recommendation was made by a 6-3 vote)*

149. **CPA05-14 (Sanfi Acres; Mike Janicki)** - This proposal was to redesignate fifty-six 20-acre lots from Industrial Forest-NRL to Secondary Forest-NRL. The Department's February, 2006 recommendation was to deny the request, as redesignation would create illogical SF-NRL boundaries, and a discontinuity within the Industrial Forest-NRL area. Upon consideration of public correspondence and testimony, the Department reversed its recommendation, citing that the lots were legally in existence prior to the initial GMA designation of NRL lands (22 lots are currently certified as buildable and 34 lots are currently certified for conveyance only), but for some reason were not depicted on County land-use maps. And accordingly, if the Department had then been aware of the existence of these lots when first designating Forest-NRL areas, it would have recommended Secondary Forest on the subject lots, consistent with the practice of applying the Secondary Forest designation to areas outside of the prescribed 1/4-mile-wide band to recognize lot sizes and lot patterns that are more consistent with the allowed 20-acre parcel density of SF-NRL. However, the majority of the Planning Commission is not persuaded by the Department's revised recommendation, and instead finds merit in the Department's earlier recommendation, for the reasons stated. Further, the Planning Commission finds that although

the County has extended the Secondary Forest designation beyond a 1/4-mile-wide band to encompass other areas of predominantly 20-acre or smaller lots (like Bacus Hill, Finn Settlement, Oyster Creek, and others), the County did so because such areas were in active residential/small-scale resource use, whereas the subject parcels represent a large block of largely undeveloped land in single ownership. The Planning Commission recommends denial of the request. The minority, on the other hand, agrees with the Department's revised recommendation.

*(This recommendation was made by a 7-2 vote)*

150. **CPA05-16 (Greg Johnson)** - This request, to redesignate a 40-acre parcel from Industrial Forest-NRL to Secondary Forest-NRL, raises the issue of whether such a redesignation should be granted on the basis of the property owner's efforts to establish development rights, in spite of the fact that no such development rights existed at the time the property was purchased. In this case, the property owner, by recently being incorporated into a fire district, has overcome a regulatory obstacle to establishing residential use on the property. Now, regardless of zoning, the owner has or is able to develop legal access to the property, and therefore may enjoy a development right, assuming all other requirements are met. The Planning Commission finds that redesignating Industrial Forest to Secondary Forest for the purpose of creating new development rights is not in keeping with the purpose of designating Natural Resource Lands, and therefore recommends denial of this request.

*(This recommendation was made by a 9-0 vote)*

151. **CPA05-18 (Keith Johnson)** - This request was to add the Mineral Resource Overlay designation to approximately 215 acres, and surrounding Ten Lake. Although the record shows the presence of commercially significant mineral deposits, the Planning Commission agrees with the Department's recommendation to limit the designation of the Mineral Resource Overlay to all but the northwest 40-acre parcel. Further, the Planning Commission agrees that the County-initiated MRO area north of the subject property should be removed. The Planning Commission finds that these measures are necessary to balance the GMA requirement to designate mineral lands of long-term commercial significance, with the reasonable expectations of neighboring property owners. In this case, the development of Cascade Ridge currently lies in close proximity to an existing gravel mine just to the north, within the City of Mount Vernon. Limiting the MRO to only the area to the southeast of the development, and to greater than 1/4 mile away, would reduce the potential for conflicts due to proximity. The Planning Commission is concerned that access to future mining should not be granted through the Cascade Ridge development, both because of its primarily residential nature, and because the roads in this development were not intended to accommodate mining-truck traffic. Therefore, the Planning Commission advises that future mining approvals include, among other necessary mitigation measures, required alternative access.

*(This recommendation was made by a 7-1 vote)*

152. **CPA05-23 (Karen Blanton)** - This proposal sought to redesignated an approximately 1.8 acre parcel at SR 20 and Lusk Road near Birdsvew, from Rural Intermediate to Cottage Industrial/Small Scale Business. (The original request was for Small Scale Recreation and Tourism (SRT) but the applicant amended it). The Planning Commission finds it impossible to

determine if the proposed re-designation and rezone is consistent with the Small Scale Business designation criteria and development regulations because the applicant did not submit a specific development proposal as required by the Comprehensive Plan and development regulations. Therefore the Planning Commission recommends denial.

153. **CPA05-36 (Robert & Nancy Tiffany) and CPA05-37 (Carl Loeb) and Heagney (Parcel #P16289)** - In all three of these cases, the property owners requested removal of the Mineral Resource Overlay, based on current use and parcel sizes. The Planning Commission supports, removal of the Mineral Resource Overlay. In the case of CPA05-36 and CPA05-37, the Planning Commission recommends technical denial, as the requests will otherwise be fulfilled via the update and adoption of the countywide Mineral Resource Overlay.

As for Heagney, the Department unintentionally proposed this 20-acre parcel as Mineral Resource Overlay. The Department was reminded of this error through correspondence from the property owner. The property owner does not wish to change the underlying Rural Resource-NRL designation of the property. The Planning Commission recommends that this parcel remain designated RRc-NRL, without a Mineral Resource Overlay.

*(This recommendation was made by a 8-0 vote)*

154. **CPA05-44 (Randy Rockafellow)** - This one-acre property is located at the intersection of Cook Road and Green Road north of Burlington. The Planning Commission finds that this property should be recognized as Rural Business because it: 1) has been used for business purposes since 1997 and before, even if that use was not officially sanctioned; 2) is at a logical commercial location, and 3) is not located on designated natural resource lands. A more important issue than the parcel's designation is long-term protection of the Ag-NRL land immediately to the east and north. The Planning Commission finds that the general area including and to the west of Green Road should be further evaluated to identify an appropriate land use designation that allows the transition of Rural Reserve properties to commercial use while permanently protecting against any future conversion of Ag-NRL land to non-resource designation.

*(This recommendation was made by a 5-2 vote)*

155. **CPA05-48 (1000 Trails/Equity Lifestyle Properties)** - This proposal sought the re-designation, to Master Planned Resort, of approximately 270 acres of Rural Reserve land. A portion of the property contains an existing 1000 Trails resort. The proposal contemplates construction of a range of on-site visitor accommodations and amenities, and a range of short- and long-term residential and RV/camping slips (in addition to an existing 271 RV slips). At full build-out, the resort would accommodate: 50-80 townhouses /condominiums, 150-180 cottages, 100-130 park models, and 475 RV slips. The Department's analyses found, in part, that the applicant had not shown how the scale of the proposed development is warranted in relation to the proposed setting; particularly how such a setting could be characterized as a "setting of significant natural amenities" with the addition of up to 600 addition residential units. The Department also found an insufficient level of information relating to how public facilities and services would be impacted by the development. The Planning Commission echoes these concerns, and is also concerned as to the scale of the resort in relation to other areas of the

county that, in comparison to the number of potential visitors and residents of the proposed resort, contain as many residents. The Planning Commission finds that such a proposal would at a minimum require an Environmental Impact Assessment in order to determine the full range of potential impacts and mitigation measures. Even so, the Planning Commission does not find that the proposed development is appropriate at the proposed location. The proposal remains in the Group-B category of amendments, and accordingly, is not eligible for adoption (see finding 10; see also the February, 2006 Integrated Report, and the Department's February 13, 2007 memorandum regarding MPR map amendments).

*(This recommendation was made by a 7-0 vote)*

156. **CPA05-51 (Zimmerman)** - This proposal sought to redesignate a 5.8 acre parcel west of the Bayview UGA from Rural Reserve to Rural Intermediate. The Planning Commission finds unanimously that the parcel should be redesignated to Rural Intermediate because: 1) it has two accesses - Bridgeview Way and an easement; 2) it is bounded on two sides by Rural Intermediate properties; 3) only one additional development right would be created through redesignation, 4) development in upland areas can reduce pressure for residential development in Ag-NRL land/floodplain; and 5) this particular area drains toward Padilla Bay, therefore not creating a drainage problem for any surrounding farmland.

*(This recommendation was made by a 8-0 vote)*

157. **CPA05-53 (Duffy)** - The subject property is a large (20 acre) vacant parcel with no vested rights for subdivision or development of any kind. The Planning Commission agrees with the Department's recommendation in the November 9, 2006 memo on rural map amendments (p. 4) that the property clearly does not meet the 2.5 acre parcel-size test for Rural Intermediate designation nor does it fall within a logical outer boundary of other Rural Intermediate-designated land. The Planning Commission further finds that although the property is adjacent to the City of Anacortes, the land within the City is part of the Anacortes Community Forest Lands and therefore does not contain small-lot urban residential development.

158. **CPA05-54 (Ladum)** - This is a revised version of a proposal submitted by the November, 2004 deadline for citizen-initiated map amendments. The revised proposal seeks to add a 5-acre portion of P27834 to the Big Lake Rural Village Residential zone, rather than the entire 19+ acre parcel as originally proposed. The applicant has been negotiating with Skagit County Fire Protection District #9 to make approximately 3 acres of the site available for an expanded fire station immediately adjacent to the current fire station (see November 9, 2006 memo to the Planning Commission). The Big Lake Rural Village is an existing, Limited Area of More Intensive Rural Development (LAMIRD) with a logical outer boundary consisting predominantly of the built environment. The Planning Commission finds the redesignation to be consistent with the Rural Village designation policies 3C-1.4 through 3C-1.6, and the general LAMIRD policies 3B-1.1 through 3B-1.8. A portion of the subject property falls within the existing, pre-1990 sewer district boundary. A key factor in originally designating the Big Lake Rural Village boundaries was the existing, pre-1990 pattern of development, platted lots, and infrastructure installations and investments. One important aspect of that infrastructure is Skagit County Sewer District No. 2, which has provided sewer service to the Big Lake area since the late 1970s.

159. **CPA05-56 (Hurst)** - The proposal seeks to redesignate a 7.5-acre parcel on Fidalgo Island from Rural Reserve to Rural Intermediate. The Planning Commission finds that it would be logical and consistent with the Comprehensive Plan's Rural Intermediate/ LAMIRD designation criteria to designate the Hurst parcel and surrounding parcels as Rural Intermediate, as the vast majority of parcels in this area are 2.5 acres or smaller,. However, the Planning Commission also finds that due to the history of legal appeals and public concern surrounding Fidalgo Island, such action should be taken as part of the Fidalgo Island Subarea Plan rather than the GMA Update.

160. **CPA05-61 (Imhof)** - The proposal seeks to redesignate the approximately 1 acre parcel from Rural Village Residential (RVR) to Rural Village Commercial (RVC). The Planning Commission finds that the existing traffic circulation pattern at the intersection of West Big Lake Boulevard, Lake View Boulevard, and State Route 9 is already troublesome. The situation would likely become substantially worse by the location of a new commercial use or uses on the Imhof property. It may be that through a full-fledged community plan, or a North Big Lake traffic circulation study, these concerns could be addressed. But the Planning Commission does not believe it would be wise to grant Rural Village Commercial zoning to the Imhof property until the area's existing traffic circulation patterns are addressed.

161. **CPA05-62 (Stockinger)** - The applicant's proposal seeks to redesignate 7.5 acres of a 30-acre parcel from Secondary Forest-NRL to Rural Village Residential at Lake Cavanaugh. The Department recommends denial of the request (see p. 14, Nov. 9, 2006 memo to Planning Commission). A motion to redesignate the property to Rural Village Residential failed on a 3-5 vote, therefore, the Planning Commission recommends denial of the request.

Finding in opposition to the motion: Because the property is designated Secondary Forest-Natural Resource Land, and does not exhibit a pattern of more intensive development, it is not appropriate for inclusion within the Rural Village boundary. Also important is the fact that the property is on a very steep hillside (in the range of 80 degree slope) and may therefore be vulnerable to geologic hazards where more intensive development could increase the risk to life, property and infrastructure. It is precisely such areas under the Growth Management Act, the Comprehensive Plan, and the Critical Areas Ordinance that should not be designated to allow for more intensive development.

Finding in support of the motion: Those Planning Commission members who voted for the motion to redesignate agree with the property owner/applicant that the portion of the parcel adjacent to North Shore Drive that is designated Secondary Forest was treated differently from all other properties in similar situations that surround Lake Cavanaugh in that it was not included in the Rural Village boundary. For the sake of equity, a portion of the subject property along North Shore Drive should be added to the Rural Village. These members also find that the degree of slope should not affect designation of the property to Rural Village; rather it should only be a factor in determining, at the time of permit application, whether the property can be built upon in accordance with the Critical Areas Ordinance including its provisions on geologic hazard areas.

162. **CPA05-64 (Joe Daher)** - This proposal was to redesignate an approximately 19-acre parcel from Secondary Forest-NRL to Rural Reserve-NRL, based on the assertion that there are two lots instead of one. The Department's February, 2006 recommendation was to deny this request, based on the fact that the Assessor's office database listed the approximately 19 acres as a single lot. The Department reversed its recommendation upon review of the record of lot certifications, finding that the subject property consists of two legally created and separately buildable lots. The Planning Commission supports the Department's revised recommendation and recommends approval of the requested redesignation.

*(This recommendation was made by a 7-2 vote)*

163. **CPA05-65 (Schroers)** - The proposal seeks to designate a 5-acre parcel near the Lake Cavanaugh Rural Village from Secondary Forest-NRL to Rural Village Commercial, to allow for the construction of a new community store (see p. 16, November 9, 2006, memo to Planning Commission on Rural map proposals). The Planning Commission is sympathetic to the concerns of the Schroers and of other Lake Cavanaugh residents who wrote in support of a commercial designation. However, the Planning Commission finds there are several other large parcels already within the Rural Village boundary that may be suitable for a commercial designation. The Planning Commission believes it would be prudent to explore the possible use of these properties for a community store, including whether the property owners are interested in establishing such a use. If those properties turn out not to be feasible for commercial use, there would be better justification for adding the Schroers property to the Rural Village and overcoming possible objections based on the property's designation as Secondary Forest-NRL and its current location outside of the Rural Village boundary. The Department should research the above issues and reinstate consideration of the Schroers property in an upcoming Comprehensive Plan amendment cycle if it determines no other properties are located within the current Rural Village boundary that are suitable and available for commercial use.

164. **CPA05-49 (Evharts Whipple)** - The Planning Commission agrees with the recommendation in the November 9 memo (p. 15) regarding CPA05-65 (Schroers) and further recommends that the Whipple property be included in any future study concerning commercial designations within the Lake Cavanaugh Rural Village. Due to the location of this parcel, in that it lies directly in between the existing Rural Village boundary and the proposed store site identified in the Schroers' amendment request, if action were taken on the Schroers' proposal to add land to the Lake Cavanaugh Rural Village for a community store, action would likely need to be taken on this property as well for logical boundary reasons.

165. **CPA05-70 (Don Clark Skagit River Resort)** - This proposal sought the re-designation, to Master Planned Resort, of approximately 37 acres of Small-scale Recreation and Tourism, 26 acres of Rural Intermediate, and over 30 acres of Rural Reserve. An existing resort is situated in various locations throughout the property. The applicant proposes, by way of a resort master plan, a variety of future uses including RV facilities, cabins, retail shops, a possible inn or lodge, fishing lake, and a backshore marina. The Department finds that Conditional Use Permit #170 allows for: tent and RV camping, a store/deli market, a park-keeper's office/residence, and a boat launch at the historic O'Brien Ferry Landing. Cabins and other uses contemplated in the resort master plan are not permitted by CUP #170. The Department finds that the applicant has not shown, under the MPR requirements of SCC 14.20, how the impacts of these other uses will be

mitigated. The proponent has applied for other permits, which are currently under review. SCC 14.20 allows for incorporation of previously vested permits into a resort master plan, but until such permits are issued, it is premature to grant those proposed uses as part of a Master Planned Resort approval. The Planning Commission finds that the Skagit River Resort meets the definition of an existing resort under RCW 36.70A.362. Further, the existing resort, situated along the Skagit River, and within a National Scenic River corridor, is unquestionably within a “setting of significant natural amenities.” Based on the above, and on the analysis and recommendations set forth in the February, 2006 Integrated Report, and in the Department’s February 13, 2007 memorandum regarding MPR map-amendments, the Planning Commission recommends approval, with conditions, of a redesignation of the Skagit River Resort, as referenced in Map CPA05-070. Future development is limited to what is allowed by CUP-170, as interpreted by the Department, and affirmed in Hearing Examiner Decision No. 99-0199, October 27, 1999, incorporated herein by reference. Development under CUP-170 is conditioned as follows:

Conditions:

- The uses permitted pursuant to CUP-170 are as follows:
  - Tent and recreational vehicle camping, generally between SR-20 and the Skagit River, shown schematically as heavy black lines on the site plan in CUP-170. **No cabins are permitted by CUP-170.**
  - All uses, including the campsites, must be located outside the 50-foot greenbelt – shown in purple on the attached map. Nature hiking trails may be permitted within this greenbelt. If any campsites have been constructed within the 50-foot greenbelt, those locations would be inconsistent with CUP-170.
  - A store, such as a deli-market.
  - Park-keeper’s office/residence.
  - Boat launch at the historic O’Brien Ferry Landing
- Any required new construction permits for these uses would be subject to review pursuant to applicable SEPA, critical areas and shoreline regulations in existence on the date any such application is filed, provided that if application of such regulations would not preclude construction of the use, the reasonable use provisions of SCC 14.24.150 map apply, subject to the provisions therein.
- Tent and RV campsites closest to the river are permitted to be located a minimum of 50 feet from the river, pursuant to CUP-170.
- While the Hearing Examiner stated that critical areas and shoreline regulations would apply to construction permits for uses permitted by CUP-170, application of new critical areas or shoreline regulations within 200 feet of the OHWM of the Skagit River should not require removal of the approved campsites from the location shown in the CUP site plan. Depending on the intensity of any grading or filling proposed, the activity may fall within code exemptions.
- Locations of new uses under CUP-170 (such as the store and park-keeper’s office/residence) not specified in the CUP-170 site plan are subject to applicable SEPA, critical areas and shoreline regulations in determining an appropriate location and any necessary mitigation measures at the time of development.
- Prior to approval of any development permits for uses under CUP-170, a minor modification to the resort master plan is required, as a Level 1 administrative review, pursuant to SCC 14.20.130(1). The resort master plan modification shall include a

modified site plan depicting the locations of proposed buildings and facilities, public and private access, sewer and water facilities, and parking areas.

- Applications for the development of any uses not permitted by CUP-170 (as indicated above) will require first an approved amendment to the resort master plan, pursuant to SCC 14.20, including but not limited to how such proposed development will comply with Skagit County Code.
- CUP-170 does not limit or otherwise restrict applicability of any other local, state or federal requirements.

The applicability and continued validity of applications SHL-038 and CUP-015 with respect to future development is determined by the Director of Planning and Development Services, and if issued, subject to compliance with applicable state and local regulations.

*(This recommendation was made by a 7-0 vote)*

166. **CPA05-84 (Sundquist) and CPA05-86 (Walde)** - The Sundquist proposal would add 12 acres of land designated Ag-NRL to the Mount Vernon Urban Growth Area. The property is located just south of Hickox Road, east of the Burlington Northern rail line, and west of Old Highway 99 South/Conway Frontage Road. The Walde proposal would add a .5 acre parcel designated Ag-NRL to the Mount Vernon UGA. The property is located just south of Hickox Road and just east of Cedardale Road (see pages 2, 5 and 6, December 5, 2006, memo to the Planning commission on UGA Map Amendment Proposals).

167. The Planning Commission finds that Hickox Road should be the southern boundary for the City of Mount Vernon to prevent the further conversion of land designated Ag-NRL. The only exceptions should be parcels such as the WJY Associates property and possibly the property immediately south of it (CPA05-87) contained within logical boundaries established by Interstate 5 and Cedardale Road, consistent with the Growth Management Act's allowance of more intensive rural development within logical outer boundaries. Other parcels south of Hickox Road that are not within such logical outer boundaries should not be brought back for further consideration.

168. **CPA05-87 (Carbert, Kopp, Dickson)** - This proposal would redesignate an approximately 4.9 acre parcel from Ag-NRL to Mount Vernon UGA. The property is located east of I-5, west of Cedardale Road, and south of the I-5/Old Highway 99 overpass (see page 6, December 5, 2006, memo to the Planning commission on UGA Map Amendment Proposals).<sup>5</sup> A majority of the Planning Commission finds that this property presents a natural opportunity to allow for growth around I-5 without promoting sprawl or adversely affecting Natural Resource Lands, particularly Ag-NRL. Allowing development of this particular parcel at rural uses and intensities to serve freeway travelers would not be detrimental to the County. This conclusion is based on a parcel-specific examination by the Planning Commission and does not open the tide gates for other commercial property designations. The parcel meets the Rural Freeway Service

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<sup>5</sup> The Planning Commission received Mount Vernon's Urban Growth Area capacity analysis for the WJY Associates compliance matter (WWGMHB Case No. 05-2-0012). However, those materials are not part of the record for the 2005 GMA Update as they were not available when the comment period closed on April 18, 2006. They are therefore not eligible for consideration with regard to this proposal.

designation criteria because it is contained within logical outer boundaries formed by I-5 and Cedardale Road and the Old Highway 99 overpass. The road and freeway development themselves constitute elements of the built environment that were in existence before July 1, 1990 as required to designate a LAMIRD.

*(This recommendation was made by a 4-3 vote).*

Minority finding: A minority of the Planning Commission finds that this property is not eligible for Rural Freeway Service designation because it is not one of the freeway interchanges identified in the Comprehensive Plan as eligible for RFS and is immediately adjacent to an UGA, and because there was no development (other than the surrounding roads) on the property on July 1, 1990.

169. **CPA05-89 (Coble), CPA05-90 (Coultas), and CPA05-91 (Coultas)** - These proposals would add, collectively, approximately 13 acres to the Sedro-Woolley UGA. Currently designated Rural Reserve, the properties are located adjacent to one another, and to the City limits and the UGA boundary, just north of West Jones Road at F&S Grade Road (see Department memo on UGA amendment proposals, December 5, 2006, pages 7-8). The Planning Commission finds that the properties are appropriate for inclusion in the UGA because they are not resource land, they are located out of the floodplain, and City services are located immediately adjacent. The addition of approximately 13 acres to the UGA would be offset by the Planning Commission's recommendation in CPA05-98 for the removal of approximately 14 acres of land that is in the floodplain and would be difficult to provide with urban services. A small city such as Sedro-Woolley should not have to spend tens of thousands of dollars conducting a capacity analysis to prove what is intuitively obvious – that this is an equal trade-off of land. The Sedro-Woolley UGA has been found compliant under GMA; the substitution of land that is highly-suitable for urban development for a comparable number of acres that is not well-suited for intensive use does nothing to change that.

170. **CPA05-93 (Town of LaConner)** - This proposal would add 14 acres to the UGA that includes existing public facilities, including the Town's sewer and storm water treatment plant, its public works yard, and a regional fire hall. At the request of the Board of County Commissioners, the Town downsized the proposal from the original 44 acres considered through the 2003 Comprehensive Plan amendment cycle. The Planning Commission finds it would be inappropriate to add the property to the UGA for the following reasons:

- a. The addition would create an urban peninsula into surrounding farm lands that could create future pressures for development on and conversion of these lands;
- b. Allowing an UGA to extend along a road could set a dangerous precedent for other UGA expansions in the County;
- c. It is unclear why the Town of LaConner cannot simply continue to operate its facilities under the status of the current or amended conditional (or special) use permit with the land remaining in the Ag-NRL designation.

171. **CPA05-107 (WJY)** - This proposal sought to add approximately 4.8 acres of land to the Mount Vernon UGA. However, the applicant requested that the amendment proposal be withdrawn from the 2005 GMA Update because it was the subject of a separate Growth

Management hearings board compliance case (WWGMHB Case No. 05-2-0012). That case has since been resolved so no action is required through this update.

### *County-Initiated Proposals*

172. The County initiated a total of 50 general (non-Natural Resource Land) map amendment proposals based on anomalous mapping situations that came to the Department's attention since the last round of annual Comprehensive Plan amendments adopted in 2005.

173. These proposals fell into two general categories. First, there were 16 proposals to correct an inadvertent split zoning of a parcel between two map designations. In most cases this split zoning resulted from technical improvements in mapping technology and does not serve an intended land use purpose. It does, however, complicate processing of development permits and application of the zoning code to those properties.

174. The second category of County-initiated amendments would correct situations where the Department discovered properties that had been mis-designated. The County took the initiative to correct the error rather than place the burden on the property owner(s) to submit a map amendment application and fee. The Integrated Report contained a summary and rationale for each County-initiated map proposal (Appendix E, Integrated SEPA/GMA Report).

175. **SC05-03 (Guemes Island Rural Center)** - This .3 acre parcel is located on the south end of Guemes Island near the ferry landing and the general store. The proposal as released for public review sought to eliminate the split zoning (Rural Center and Rural Intermediate) on the parcel by converting the small sliver of Rural Intermediate to Rural Center. However, public comment letters were received stating there is no commercial use on the property. At the same time, the property owner states that the property had been zoned commercial since his purchase of it in 1981 and he desires it to remain Rural Center. Absent a full opportunity for public review and comment on the proposal to remove the Rural Center designation, the Planning Commission finds that the zoning of this parcel should not be changed at this time but should be more fully considered along with the Guemes Island Subarea Plan that will be submitted for County consideration during the 2007 Comprehensive Plan amendment cycle.

176. **SC05-05 (Split zoning – Fidalgo Island)** - The Planning Commission recommends, concurrent with the Department's amended recommendation outlined in the November 9, 2006 memo (p. 18), to withdraw this proposal at this time. While correcting the split zoning on this parcel is desirable, the Planning Commission also finds that due to the history of legal appeals and public concern surrounding Fidalgo Island, such action should be taken as part of the Fidalgo Island Subarea Plan rather than the GMA Update.

177. **SC05-06 (Split zoning – Fidalgo Island)** - The Planning Commission agrees with the Department recommendation for the mapped area (P115417). P32576 was also included in the description matrix for this map amendment, but was never reflected on any map. Although the owners were notified of the proposed change, due to the absence of identification of this parcel on all mapping products associated with the proposal, only the split-zoning currently occurring on P115417 is recommended for change at this time.

178. **SC05-10 (Havekost Road, Fidalgo Island)** - This proposal seeks to redesignate multiple parcels totaling approximately 80 acres along Havekost Road on Fidalgo Island from Rural Resource-NRL to Rural Reserve, due to parcel sizes much smaller than the 40 acre standard used for designating Rural Resource-NRL. The Planning Commission finds that it would be logical and consistent with the Comprehensive Plan's Rural Reserve designation criteria to designate the subject properties as Rural Reserve. However, the Planning Commission also finds that due to the history of legal appeals and public concern surrounding Fidalgo Island, such action should be taken as part of the Fidalgo Island Subarea Plan rather than the GMA Update.

179. **SC05-11 ("Fidalgo Pocket")** - This proposal seeks to redesignate an approximately 80 acre area just east of Heart Lake Road from Rural Reserve to Rural Intermediate, due to parcel sizes consistent with the Rural Intermediate designation. CPA05-56, addressed above, is a part of this larger area. The Planning Commission finds that it would be logical and consistent with the Comprehensive Plan's Rural Intermediate/LAMIRD designation criteria to designate the Hurst parcel and surrounding parcels as Rural Intermediate. However, the Planning Commission also finds that due to the history of legal appeals and public concern surrounding Fidalgo Island, such action should be taken as part of the Fidalgo Island Subarea Plan rather than the GMA Update.

180. **SC05-13 (Campbell Lake)** - The Planning Commission recommends, concurrent with the Department's amended recommendation outlined in the November 9, 2006 memo (p. 18), to withdraw this proposal at this time. The Commission further recommends that the proposal to redesignate the area of pre-existing, small lots along the shore of Campbell Lake from Rural Reserve to Rural Intermediate be forwarded to the Fidalgo Island Subarea Plan process for review and consideration at a future time. If the matter is not addressed through the subarea plan, the Commission recommends addressing the proposal again in a future amendment cycle.

181. **SC05-18 (Ross/Turner)** - This proposal would add approximately 3 acres of a 67-acre parcel designated Ag-NRL to the Edison Rural Village. The 3-acre portion is the historic farmstead including a residence and a pole building. The Planning Commission finds that the property owners can achieve their goals through a land division within the current Ag-NRL zoning by separating the 3 acres from the remainder of the parcel and selling the remaining 64 acres. The Planning Commission believes this is more in keeping with the County's Ag-NRL preservation goals and Rural Village designation criteria than redesignating the 3 acres to Rural Village.

182. **SC05-21 (Bayview Ridge South Boundary)** - This proposal sought to correct a discrepancy between the Bayview Ridge Subarea Plan and the Comprehensive Plan/Zoning Map over the southern boundary of the Bayview Ridge UGA. This matter was corrected through the adoption of the Bayview Ridge Subarea Plan in December, 2006, which also amended the Comprehensive Plan/Zoning map; therefore, no action is required through the 2005 GMA Update process.

183. **SC05-23 (BFF Trucking Inc.)** - This proposal corrects a mapping error by providing a commercial designation to a property that houses a trucking business located at the site since 1966. The Planning Commission finds that the property had pre-GMA

commercial zoning (“CL-I”) but the business was missed in the 1999/2000 application of GMA-based rural commercial/industrial zoning to existing operations. The existing use meets the criteria for Small Scale Business (SSB) and should be so designated.

184. The Planning Commission recommends that the area of McLean Road and Beavermarsh Road be used for a pilot study of areas of higher-intensity, non-agricultural development that are surrounded by agricultural lands and are included within the Ag-NRL designation. The purpose of the study would be to determine whether these areas should remain designated Ag-NRL, or if they should they be redesignated to acknowledge the existing non-agricultural uses.

185. **SC05-31 (Birdsview area-wide)** - The proposal as originally released would redesignate approximately 360 acres in the Birdsview area from Rural Resource-NRL to Rural Reserve. The vast majority of the parcels within the area do not meet the RRc-NRL designation criteria due to predominance of less-than-40-acre parcel sizes. The Planning Commission finds that the area should be redesignated to Rural Reserve due to the smaller parcel sizes, with the exception of the 4 western-most parcels. Two of those are 40 acres, and two are 20 acres each. These parcels should be reconsidered in the 2007 Comprehensive Plan amendment cycle, along with the Rural-Resource-NRL designated area east of Baker Lake Road and north of SR 20. There are parcels in this area that do not meet the Rural Resource-NRL parcel size criteria and should also be considered for redesignation to Rural Reserve.

186. **SC05-39 (SR 530 – Steelhead Lane) and SC04-42 (Cascade River Park)** - The proposals as released for public review sought to apply the Rural Intermediate designation to these areas of very small existing lots (estimated ¼ acre or less in size). SC05-39 is located on Steelhead Lane between the Sauk River and SR 530. SC05-42 is located along the Cascade River east of Marblemount. The redesignation would generally not allow further subdivision or intensification of development due to the inability to meet lot certification and other zoning code requirements. Redesignation was proposed simply to apply a designation more in keeping with the existing small lot sizes and to reduce conflicts over setbacks. The Department did not rigorously review these areas’ compliance with the GMA LAMIRD criteria. The Planning Commission believes there is little or nothing to be gained through the redesignation, which could nonetheless invite appeal, and therefore recommends denial.

191. **SC04-41(a) and FO05-30** - As released for public review, these proposals sought to redesignate the affected parcels along the Skagit River near Illabot Creek from Industrial Forest to Rural Reserve. The Department revised its recommendation part way through the process and recommended that the parcels be redesignated to Secondary Forest. Secondary Forest was their designation until a mapping error during the 2000 update of the Comprehensive Plan/Zoning Map erroneously changed them to Industrial Forest. The Planning Commission agrees with the recommendation for returning the properties to Secondary Forest.

#### **MOTION:**

Based on the above findings, Jan Ellingson moved and Bobbi Krebs-McMullen seconded that the Skagit County Planning Commission recommends to the Board of County Commissioners pursuant to the authority of RCW 36.70 and RCW 36.70A, adoption of the proposed revisions to

the Skagit County Comprehensive Plan Land Use/Zoning Map as indicated in Attachment 4 to this transmittal.

**VOTE:**

	<u>Support</u>	<u>Oppose</u>	<u>Absent</u>	<u>Abstain</u>
Dave Hughes, Chair	X			
Jan Ellingson, Vice Chair	X			
Jason Easton		X		
Carol Ehlers		X		
Herb Goldston	X			
Jerry Jewett	X			
Bobbi Krebs-McMullen	X			
Bill Schmidt		X		
William Stiles III		X		
	5	4	0	0

**NOW, THEREFORE,** on July 9, 2007, the Skagit County Planning Commission voted, as recorded above, to forward to the Board of County Commissioners the foregoing recommendations to approve the proposed amendments to the Countywide Planning Policies, Comprehensive Plan, Development Regulations and Comprehensive Plan Land Use/Zoning Map.

SKAGIT COUNTY PLANNING COMMISSION  
SKAGIT COUNTY WASHINGTON

\_\_\_\_\_  
Dave Hughes, Planning Commission Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kirk Johnson, Secretary

\_\_\_\_\_  
Date