



Planning & Development Services

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Memorandum: 2024 Planning Docket

To: Planning Commission
From: Robby Eckroth, AICP – Senior Planner
Date: September 10, 2024
Re: Docketing Proposed Annual Comprehensive Plan, Map, and Development Code Amendments

Summary

Planning and Development Services (PDS) is providing this staff report in advance of the September 10, 2024, Planning Commission work session. This report describes the regulatory background for the yearly amendments; provides a synopsis of the public review process; analyzes the proposed changes pursuant to local and State requirements; and describes the Department’s (PDS) recommendations to the Planning Commission for deliberation. The previous staff reports, draft maps, citizen comments, public noticing documents, and other supporting materials concerning the 2024 docket are available at the following project webpage: www.skagitcounty.net/2024cpa.

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Introduction and Background

The Growth Management Act (GMA) provides that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation”¹ and requires Skagit County to periodically accept petitions for amendments or revisions to the Comprehensive Plan policies or land use map. Skagit County implements this requirement through Skagit County Code Chapter 14.08, which describes the process for annual amendments.

Skagit County received four timely petitions for consideration through the annual Comprehensive Plan, Map, and Development Regulation Docket, three of the four petitions were placed on the established on the docket. Another four petitions were proposed by the County. Following a public comment period, petitioner presentations, a public hearing, and consideration of public comments, the Board of County Commissioners established a docket.

The docket was approved by resolution #R20240089, on May 13, 2024, to include seven petitions for review. Public comments can be located on our project webpage listed by petition number and name. The previous staff memos, public noticing documents, and other supporting materials concerning this year’s Docket are available at the following project webpage: www.skagitcounty.net/2024cpa.

Table 1. Tentative Timeline of the Yearly Docketing Process

Date	Hearing Body	Meeting Type	Actions
Spring 2024	BoCC	Public Hearing	Accepted testimony on which proposals merited inclusion in the Docket.
Spring 2024	BoCC	Deliberations	Docket established via Resolution.
July 9, 2024	Planning Commission	Applicant Presentations	Established Docket Presented to the Planning Commission
September 10, 2024	Planning Commission	Work Session	Staff to present recommendations on docket items.
October 8, 2024	Planning Commission	Work Session	Staff to follow-up on Planning Commission questions from September 10 meeting.
November 5, 2024	Planning Commission	Public Hearing	Accept public testimony on docket petitions.
November 19, 2024	Planning Commission	Review of Comments & Deliberations	Staff presents public comments on the proposals. Recorded motion with recommendations to the BoCC.
December 2024	BoCC	Work Session	Staff to present staff and Planning Commission docket recommendations.
December 2024	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.

Table 1 Summarizes the review process with approximate timing of each action. RCW 36.70A.130(2)(a) states that the Comprehensive Plan, with few exceptions, may not be amended more than once per year.

¹ RCW 36.70A.130(1)(a).

This staff report includes an analysis of the proposals for consistency with county and state requirements, and the Department’s recommendations, as required by SCC 14.08.080. The Department’s recommendations are based on the proposals’ application materials, additional research, and evaluation of the proposals’ consistency with relevant policies and criteria in the Skagit County Comprehensive Plan and provisions in Skagit County Code.

Following the procedures described in SCC 14.08.070 through 14.08.090, the Planning Commission will deliberate and make recommendations on the various amendment proposals and transmit its recommendations to the Board in the form of a recorded motion. The Board will then meet to consider and take formal action in the form of an ordinance approving or denying the proposed amendments to the comprehensive plan, land-use/zoning map and development regulation.

The remainder of this memo describes the docketing criteria and process; summarizes the amendment proposals; and includes the Department’s recommendations as required by SCC 14.08.080(1).

2024 Citizen Petitions and Department Recommendations

Skagit County received the following petitions and suggestions to amend the Comprehensive Plan policies, map, or development regulations for this docket cycle. For each proposal, the Department has provided a summary of the proposal, analysis of the docketing criteria, and a recommendation. The full text of each petition is available on the Comprehensive Plan Amendment [webpage](#).

LR24-01 Deception Pass State Park OSRSI Rezone (Quasi-Judicial: 14.08.060 Petitions—Approval criteria for map amendments and rezones.)

Summary

This proposal seeks to rezone 77.85 acres of parcel P19610, a 115.50-acre parcel, from Rural Reserve (RRv) to Public Open Space of Regional/Statewide Importance (OSRSI). The remaining 37.62 acres is zoned OSRSI, pictured below in Figure 1. The property is located on Rosario Road, approximately 1,500 feet northwest of the Rosario Road and State Route 20 intersection and is just west of Pass Lake.

The applicant is requesting to rezone following approval of a boundary line adjustment recorded on January 26, 2023². The adjusted parcel is now owned by the Washington State Parks and Recreation Commission and has been incorporated into the boundary of Deception Pass State Park. Changing the zoning from RRv to OSRSI will allow the Washington State Parks and Recreation Commission to provide recreational needs, environmental protection, and protection and conservation of forest lands within the park. The requested rezone will also bring the parcel into consistent zoning with the rest of the Deception Pass State Park that is within Skagit County.

² Approved Boundary Line Adjustment recorded under [AF 202301260044](#).

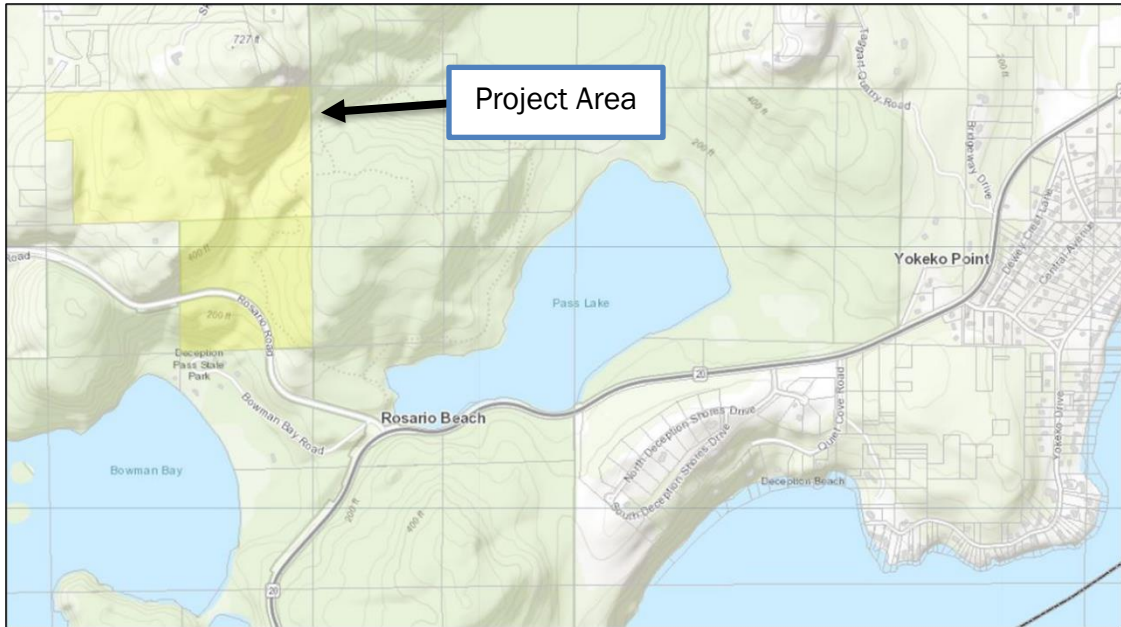


Figure 1 Rezone Location



Figure 2 Parcel P19610 Rezone

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this petition.

Analysis

The purpose of the Public Open Space of Regional/Statewide Importance (OSRSI) zone is to provide a zoning designation for lands in public ownership that are dedicated or reserved for public purposes or enjoyment for recreation, scenic, amenities, or for the protection of environmentally sensitive areas.³ The County has designated certain public open space areas on the Comprehensive Plan/Zoning Map as OSRSI because of their “recreational, environmental, scenic, cultural and other open space benefit extend beyond the local area to be regional or statewide in significance.”⁴ Both the purpose statement of the OSRSI zone and the Comprehensive Plan both identify Deception Pass as a specific example of an OSRSI area. The property proposed for a rezone would be surrounded by parcels zoned Rural Reserve (RRv) to the north and the west and OSRSI to the south and the east. As the parcel requested for rezone is now owned by Washington State Parks and Recreation Commission, is within the boundaries of Deception Pass State Park, and is adjacent to other properties zoned OSRSI, the Department recommends approval of this petition.

Consistency Review with Skagit County Code 14.08

- 1. A rezone or amendment of the Comprehensive Plan map must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria.**

Skagit County Comprehensive Plan states, “The County has designated certain public open space areas on the Comprehensive Plan/Zoning Map as Public Open Space of Regional/Statewide Importance (OSRSI). These areas are so identified because their recreational, environmental, scenic, cultural and other open space benefit extend beyond the local area to be regional or statewide in significance. They include: Deception Pass State Park...”

The petitioner has requested the identified parcels to be rezoned from Rural Reserve to Public Open Space of Regional/Statewide Importance to accommodate the expansion of Deception Pass, which is a park included in the description of the zone. Open Space zoning does not have specific designation criteria; however, the proposed rezone is supported by goals, objectives, and policies of the comprehensive plan, which is outlined #3 of the Consistency Review criteria below.

- 2. A change to a rural or natural resource land map designation must also be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.**

The proposed zone change is not to a rural or natural resource land designation and thus this criterion does not apply.

³ SCC 14.16.500(1).

⁴ Skagit County Comprehensive Plan, Page 36

<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan2016/comp-plan-2016-adopted-text-only.pdf>

3. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan? Does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The Skagit County Comprehensive Plan includes the following goals, objectives, and policies supporting the proposed rezone:

- **Goal 2B.** Recognize the important functions served by private and public open space, designate and map public open space of regional importance, and designate open space corridors within and between urban growth areas.
 - **Policy 2B-1.1.** Public open space areas shall be those lands in public ownership that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive. These open space areas may include:
 - (b) Land that offers special natural resource-based and recreational opportunities, such as: federal, state and local regionally important parks and recreation areas; islands; federal wilderness areas; wildlife refuges; lakes; reservoirs; creeks; streams; river corridors; shorelines and areas with prominent views.
 - **Policy 2B-1.2.** Of these public open space areas, the County has designated certain ones on the Comprehensive Plan/Zoning Map as Public Open Space of Regional/Statewide Importance (OSRSI). These areas are so identified because their recreational, environmental, scenic, cultural and other open space benefit extend beyond the local area to be regional or statewide in significance. They include: Deception Pass State Park; Sharpe Park and Montgomery-Duban Headlands; Burrows Island, Saddlebag Island; Hope Island; Ika Island; Huckleberry Island; Skagit Island; Hat Island; Larrabee, Rasar, and Bayview State Parks; PUD #1 Judy Reservoir; Skagit Wildlife Refuge; North Cascades National Park; Noisy Diobsud Wilderness; Glacier Peak Wilderness; Ross Lake National Recreation Area; Mount Baker National Forest; Seattle City Light Wildlife Mitigation Lands; Rockport State Park; WA Department of Natural Resources Natural Resource Conservation Areas and Natural Area Preserves; and portions of the Northern State Recreation Area.

As the parcel requested for rezone is now owned by Washington State Parks and Recreation Commission, is within the boundaries of Deception Pass State Park, and is adjacent to other properties zoned OSRSI, the proposed rezone is consistent with the vision, goals, objectives, and policy directives of the Comprehensive Plan.

4. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The proposal is supported by the Capital Facilities Plan and other functional plans. The rezone will not have a major impact on the current services needed in the CFP.

5. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

Below is a list of Growth Management Act provisions and policies from the Countywide Planning Policies that support the proposed rezone:

Growth Management Act, RCW 36.70A.160. Identification of open space corridors.

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030. Identification of a corridor under this section by a county or city shall not restrict the use or management of lands within the corridor for agricultural or forest purposes. Restrictions on the use or management of such lands for agricultural or forest purposes imposed after identification solely to maintain or enhance the value of such lands as a corridor may occur only if the county or city acquires sufficient interest to prevent development of the lands or to control the resource development of the lands. The requirement for acquisition of sufficient interest does not include those corridors regulated by the interstate commerce commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be interpreted to alter the authority of the state, or a county or city, to regulate land use activities.

The GMA also establishes the goal to “Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries’ encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses,” (RCW 36.70A.020(8)).

Countywide Planning Policy 9.4.

Expansion and enhancement of parks, recreation and scenic areas and viewing points shall be identified, planned for and improved in shorelands, and urban and rural designated areas.

The proposal is consistent with both the Growth Management Act and the Countywide Planning Policies stated above. The parcel requested for rezone is now owned by Washington State Parks and Recreation Commission and is within the boundaries of Deception Pass State Park. Deception Pass State Park is already identified in the County Comprehensive Plan as an Open Space Corridor and therefore the rezone of the park area to OSRSI would be consistent with RCW 36.70A.160.

Countywide Planning Policy 9.4 supports the expansion of parks, recreation, and scenic areas and requires that they are planned for. Rezoning to the expanded park area to the OSRSI would support the Washington State Parks and Recreation Commission’s future efforts to plan further improvements to the park.

6. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal does bear a substantial relationship to the public general health, safety, morals, or welfare by providing additional open space and recreational opportunities in the county.

LR24-02 Bayview Ridge Light Industrial (BR-LI) Buffer Requirement Reduction and Landscape Amendments

Summary

This petition requests to amend SCC 14.16.180(7) by reducing the buffering requirement between loading areas in the Bayview Ridge Light Industrial (BR-LI) zone and residential zoned land. Additionally, it requests to amend SCC 14.16.830(f), the landscaping requirements for industrial development in Bayview Ridge abutting residential zoned land. This amendment would allow for more flexibility of development in the BR-LI while also mitigating visual and auditory impacts with additional landscaping. The petitioner proposed two alternative proposals as amendments at application submittal, however, the Department has worked with the petitioner to develop a new version of the amendment that requests less reductions to the buffering requirements while also increasing the amount of landscaping required.

Recommendation

The Department recommends **approval** of this petition.

History

This is a new petition that has not been docketed in the recent past.

Analysis

The Bayview Ridge Subarea is a non-municipal urban growth area approximately one mile west of Burlington and one-and-a-half miles northwest of Mount Vernon. After first designating Bayview Ridge for urban growth in 1997, the County drafted a subarea plan – a subset of the County’s Comprehensive Plan particularized to Bayview Ridge. Subarea plans guide the creation of development regulations, which govern the land uses and permit procedures for land development. Skagit County approved the first Bayview Ridge subarea plan in 2004, which went through a significant update in 2013 and 2014.⁵ The Bayview Ridge subarea plan emphasizes the importance of fostering community cohesion between residential and industrial development in Bayview Ridge. It also outlines goals, policies, and objectives that require landscaping and effective buffering to mitigate visual and auditory impacts from industrial uses.

The purpose of buffering and landscaping between industrial development and residential land is to minimize impacts from noise, vibration, dust, other industrial impacts, and to maintain privacy and aesthetic compatibility. The Department recognizes the existing buffering requirements could be cumbersome for new industrial development within Bayview Ridge. At the same time, the Department also recognizes the importance of minimizing auditory and visual impacts to neighboring residences and maintaining the rural character of the properties to the north of Bayview Ridge that are zoned Rural Reserve by providing a transition through buffering and landscaping.

The Department has worked with the petitioner to find a balanced buffering requirement that is less cumbersome for industrial development while maintaining consistency with the goals, objectives, and policies of the Bayview Ridge Subarea Plan. The petitioner initially requested a reduction to all the buffering measures listed in SCC 14.16.180(7), including a request to reduce the buffer for loading areas from 250-feet to 50-feet⁶. The Department reviewed the buffering requirements in several other

⁵ History of the Bayview Ridge Urban Growth Areas

<https://www.skagitcounty.net/Departments/PlanningAndPermit/BayviewRidgeSubareaHistory.htm>

⁶ LR24-02 - Bayview Ridge Buffer Amendment.pdf (skagitcounty.net)

counties and found that the 250-foot buffer far exceeds the setbacks/buffers from industrial development to residential zones in those counties (Table 2). It is important to note that the setback from the Bayview Ridge Light Industrial zone to adjacent residential zoning designations is 50-feet⁷. However, the compared counties do not have additional buffers for specific aspects of industrial development to residential zones and therefore the setbacks would apply to all aspects of development. The compared counties all have a setback to residential zones that ranges from 50-feet to 100-feet, which is substantially less than the existing 250-foot buffer in the BR-LI zone. A 100-foot buffer from loading areas to residential zones is more consistent with other counties and would still provide a substantial enough buffer to mitigate noise and visual impacts with adequate landscaping. The existing buffering requirements for building height, outdoor lighting, and mechanical equipment are comparable to other counties and can be easily avoided by implementing measures such as cut off lighting or screening. The amendment also specifies that residentially zoned land includes the Bayview Ridge Residential (BR-R) and Rural Reserve (RRv) zones.

The petition also amends the following landscaping requirements for industrial development adjoining residential zones in Bayview Ridge (SCC 14.16.830(f))⁸:

- The 30-foot wide landscaping area is required to be planted at 50% site obscuring at planting and 80% site obscuring five years after planting.
- Evergreen trees be planted a minimum of six feet above the planting bed rather than a minimum of a two- and one-half inch caliper. This gives more flexibility in tree selection while also assuring that trees are planted at a reasonable height with the goal of providing screening and noise buffering.
- Landscaping and fences/walls must be located within the first 50 feet of the property boundary.
- In the Airport Environs Overlay (AEO), tree height at maturity shall be no greater than the FAA Part 77 allowable structure height for the specific site and must comply with all applicable AEO compatibility requirements.
- Walls and fences are now required to be a minimum of six feet in height.
- The petition adds an option for the developer to increase the landscape buffer by 10-feet and plant an additional row of tree or install a landscaped berm with a minimum height of six feet in place of constructing a wall or fence.
- Applicants are encouraged to retain existing vegetation but may still be required to add vegetation if the landscaping requirements are not met. Mature vegetation buffers are often more effective for screening.

The minimum site obscuring and minimum tree height requirement will require the developer to select trees that will provide enough density to reduce noise and visual impacts to neighboring residences. These proposed requirements, in combination with the shrub planting requirement in SCC 14.16.830(iii)(B)(III), and requirement for a site obscuring wall or fence, should effectively act as a noise and visual buffer. The Department finds that the increased landscaping requirements will provide adequate mitigation for noise impacts from loading areas within 100-feet of residential zones and will maintain community cohesion between industrial and residential development.

The proposed amendments also clarify that residential zones include the Bayview Ridge Residential (BR-R) and Rural Reserve (RRv) zones.

⁷ SCC 14.16.180(6)(ii)&(iii) – <https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1416.html#14.16.180>

⁸ SCC 14.16.830(f) – <https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1416.html#14.16.830>

Table 2. Example County Setbacks from Industrial Development to Residential Zones

County	Industrial Setback from Residential Zones
Skagit	<p>SCC 14.16.180(6)(a)(ii)-(iii) – Side & rear setbacks are 50 feet if adjacent to other residential zoning designations.</p> <p>SCC 14.16.180(7) – Buffering between Industrial and Residential Zoned Land. The following measures are intended to minimize impacts from noise, vibration, dust, other industrial impacts, and to maintain privacy and aesthetic compatibility:</p> <ul style="list-style-type: none"> (a) Loading Areas. Truck loading operations and maneuvering areas may not be located within 250 feet of areas zoned for residential use, unless the loading and maneuvering area is located on the opposite side of a building from a residential zone. (b) Building Height. Building height may not exceed 35 feet for those portions of a building located within 100 feet from a residential zone. (c) Within 250 feet of a residential zone, all outdoor lighting must be full cut-off. (d) Within 100 feet of a residential zone, mechanical equipment located on the roof, facade, or external portion of a building shall be architecturally screened by incorporating the equipment in the building and/or site design so as not to be visible from adjacent residential zones or public streets. (e) Equipment or vents that generate noise or air emissions shall be located to minimize impacts on adjoining residentially zoned properties. (f) Landscaping. Type V landscaping per SCC 14.16.830 is required between BR-LI and residential zones.
Thurston	<p>TCC 20.28.040 – 2. Minimum Yards Measured from Property Line.</p> <ul style="list-style-type: none"> b. Side: <ul style="list-style-type: none"> i. Interior—ten feet, ii. Abutting residentially-zoned property—thirty feet, iii. Street (flanking)—ten feet, c. Rear: <ul style="list-style-type: none"> i. Twenty-five feet, ii. Abutting residentially-zoned property—fifty feet,
Snohomish	<p>SCC 30.23.030 – 50-foot setback from industrial to residential zones (see table).</p>
Whatcom	<p>WCC 20.66.551 - When a parcel situated within [the Light Impact Industrial district] adjoins an Urban Residential, Urban Residential Medium Density, Urban Residential-Mixed, Rural, or Residential Rural District, setbacks shall be increased to 50 feet.</p> <p>WCC 20.80.254(a) - All setbacks shall be increased by one foot for each foot of building height which exceeds 35 feet.</p>
Kitsap	<p>KCC 17.320.030.2 - Lot Setback. Minimum lot setback shall be one hundred feet for any yard abutting a residential zone, unless berming and landscaping approved by the director is provided which will effectively screen and buffer the industrial activities from the residential zone which it abuts; in which case, the minimum setback shall be fifty feet.</p>
Pierce	<p>PCC 18A.15.040.B.1 - The minimum setback for an industrial building, associated loading/unloading areas, and outdoor storage from an MSF, SF, RR, HRD, R5, R10, R20, and R40 zone classification, or a conforming residential use, shall be 100 feet.</p>

Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The Bayview Ridge Subarea Plan⁹ is adopted as part of the Comprehensive Plan¹⁰ and includes the following goals, objectives, and policies supporting the proposed rezone:

Chapter 2 – Land Use, Community Character, and Design of the Bayview Ridge Subarea Plan includes the following goals, objectives, and policies relating to community cohesion:

- **Goal 2A.** Provide for urban development within the Bayview Ridge UGA, which integrates existing and proposed uses, creating a cohesive community.
 - **Objective 2A-1.** Manage urban land use patterns in the community to optimize and balance the types and locations of uses.
 - **Policy 2A-1.1.** Develop regulations for Bayview Ridge Heavy Industrial and Light Industrial zones that provide areas for industrial development compatible with Skagit Regional Airport and adjacent residential use, and are largely devoid of nuisance factors, hazards, or exceptional demands on public facilities.
- **Goal 2B.** Strengthen community identity and maintain a high quality of life through creative, high-quality design.
 - **Objective 2B-2.** Adopt development standards that strengthen community character and identity.
 - **Policy 2B-2.3.** Require landscaping in all new commercial and industrial development, including streetscapes. Encourage use of native plants in such landscaping.
 - **Policy 2B-2.4.** Require industrial development adjacent to residential areas to provide a sight-obscuring buffer of a size and composition adequate to reduce visual and auditory impacts and provide vegetative relief, preferably retaining vegetation where it already exists.

Staff finds that if the proposed amendments to the landscaping and screening requirements are implemented, the proposed amendment to decrease the 250-foot load areas buffer to 100-feet is consistent with the goals, policies and objectives stated above.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The requested amendments would not have an impact on the population forecasts and is therefore supported by the Capital Facilities Plan.

⁹ Bayview Ridge Subarea Plan 2014

<https://www.skagitcounty.net/PlanningAndPermit/Documents/BayviewRidgeSubarea/BayviewRidgeSubarea2014-adopted.pdf>

¹⁰2016 Skagit County Comprehensive Plan, Page 3

<https://www.skagitcounty.net/PlanningAndPermit/Documents/CompPlan2016/comp-plan-2016-adopted-text-only.pdf>

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

The proposed amendments are consistent with the Skagit County comprehensive plan which is described in Question #1 #3 above.

The Growth Management Act Planning Goals require the County to “encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.” Area available for light industrial development is limited in Skagit County. This amendment allows more flexibility for industrial development in Bayview Ridge, while also mitigating noise and visual impacts to nearby residential properties.

The proposal is also consistent with Countywide Planning Policy 1.5, “Cities and towns shall encourage development, including greenbelt and open space areas, on existing vacant land and in-fill properties before expanding beyond their present corporate city limits towards urban growth boundaries.” Allowing more flexibility for industrial development can help encourage infill within Bayview Ridge and lessen the need for future urban growth area expansions.

Countywide Planning Policy 9.8 requires that incompatible adjacent uses including industrial and commercial areas shall be adequately buffered by means of landscaping, or by maintaining recreation and open space corridors. The proposed amendment requires more landscaping to adequately buffer the noise and visual impacts to loading areas.

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

This proposal does bear a substantial relationship to the public general health, safety, morals, or welfare by increasing economic development opportunities while also mitigating noise and visual impacts to neighboring residences.

LR24-04 Airport Environs Overlay Amendments

Summary

The petition requests the Planning & Development Services Department update SCC 14.16.210 – Airport Environs Overlay (AEO). The update would improve awareness of the Skagit Regional Airport and address airport compatibility of future development in the airport vicinity by adding a disclosure requirement upon transfer of real property by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or any other means. Currently, Skagit County Code 14.16.210 requires title notices, specifically avigation easement, etc., be recorded for subject properties at the time of permit application or other alteration. The Port of Skagit (Port) proposes that a separate Airport Environs Overlay disclosure be recorded whenever property is transferred. The proposed title disclosure is an airport protection tool recognized by the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook. The petition proposes a new section, SCC 14.16.210(6), be added to the code.

The petition also requests to amend SCC 14.16.210(3)(c)(ii)&(v) which regulates exhaust plumes and electronic interference as a compatibility requirement in the AEO. These amendments come from the

latest guidance from the Federal Aviation Administration (FAA) Airport Advisory Circular 150-5190 (4)(b) and WSDOT Airport and Compatible Land-Use Program Guidebook.

History

On January 10, 2014, the Port of Skagit adopted Resolution 14-01 requesting that Skagit County adopt a new AEO map and update regulations to be consistent with the Washington State Department of Transportation (WSDOT) Airport and Compatible Land-Use Program Guidebook. The Board of County Commissioners adopted [Ordinance O20140006](#) on November 14, 2014, which amended the AEO regulations and adopted a new AEO map. SCC 14.16.210(5) now requires title notices, specifically an AEO Avigation Easement Form, to be recorded for subject properties at the time of permit application. This petition proposes a separate AEO disclosure be recorded whenever property is transferred.

In a regular open public meeting of the Port of Skagit Board of Commissioners on July 11, 2023, the Port Commissioners approved application to Skagit County for the proposed amendment to include an AEO disclosure notice requirement in County Code.

This specific petition has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this petition.

Analysis

Avigation Disclosure Notice

The petitioner has requested to amend the AEO to require an avigation disclosure notice be recorded with the Skagit County Auditor at the time of property transfer. This would provide transparency and increase awareness for prospective property owners within the AEO and will help protect the long-term operation of the Skagit Regional Airport. This approach is recognized by the Washington State Department of Transportation Avigation for increasing awareness of possible aviation impacts.

Adoption of the amendment will result in recording one additional document, Airport Environs Overlay Disclosure Notice, by the property buyer at the time of transfer of any property within the AEO boundaries. Recording fees would be paid by the property buyer and are currently \$303.50/first page and \$1.00 for each additional page, based on the Skagit County Auditor Recording Fee Schedule effective January 1, 2024.

Airport Environs Overlay Compatibility Requirements

Since SCC 14.16.210(3)(c) – *Compatibility Requirements* was first written, the FAA issued Airport Advisory Circular 150/5190-4B with updated airport compatibility guidance. The current code language regarding exhaust plumes and electrical interference was based on guidance from Australian aviation authorities as the FAA was still developing guidance on the hazard of thermal plumes and electrical interference⁹. Now that the FAA Airport Advisory Circular 150/5190-4B is available as guidance, the Port requests to amend the AEO compatibility requirements for consistency.

Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The proposal is consistent with the following Comprehensive Plan goals and policies:

- **Goal 8A-13** Incorporate transportation goals, policies, and strategies into all County land use decisions.
 - **Policy 8A-13.3** Airport Expansion - In the vicinity of the Skagit Regional Airport, review development proposals to avoid future conflicts and the foreclosure of opportunities for future airport expansion.

Skagit County Bayview Ridge Subarea Plan includes the following goals and policies, which support the Port's proposed changes:

- **Goal 2A** Provide for urban development within the Bayview Ridge UGA, which integrates existing and proposed uses, creating a cohesive community.
 - **Policy 2A-1.1** Develop regulations for Bayview Ridge Heavy Industrial and Light Industrial zones that provide areas for industrial development compatible with Skagit Regional Airport and adjacent residential use, and are largely devoid of nuisance factors, hazards, or exceptional demands on public facilities.
 - **Policy 2A-1.2** Discourage uses that conflict with the continued operation of the Skagit Regional Airport, as identified in the Skagit Regional Airport Master Plan and the WSDOT 2011 Airport and Compatible Land-Use Program Guidebook, through the Airport Environs Overlay (AEO).
- **Goal 3B** Ensure continued use of Skagit Regional Airport, recognizing its role as a major force for economic development countywide.
 - **Objective 3B-1** Support the Port of Skagit in its efforts to provide airport facilities and services for all users in a manner that maximizes safety, efficiency, and opportunity for use.
 - **Policy 3B-1.1** Maintain and ensure the continued preservation and utility of the Skagit Regional Airport during its expected future growth as identified in the Skagit Regional Airport Master Plan.
 - **Policy 3B-1.2** Work with the Port of Skagit to adopt development standards that allow development of the airport consistent with the approved Master Plan while providing for a high-quality business and industrial development.
 - **Policy 3B-1.5** Clearly identify any required land use constraints necessary to protect the long term viability of the airports in all Bayview Ridge development standards.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

This proposal will not have an impact on the Capital Facilities Plan or other functional plans.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

The siting of uses incompatible with airports is specifically addressed in RCW 36.70.547 (Planning Enabling Act) and by reference RCW 36.70A.510 (GMA). RCW 36.70.547 requires “[e]very county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport.

There are not any policies specific to land use compatibility with airports so therefore the proposal is consistent with the Skagit Countywide Planning Policies.

The proposal is consistent with applicable provisions of the Comprehensive Plan as demonstrated in Consistency Review Question #1.

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal will have a positive benefit on the general health, safety, and welfare of the public by improving awareness of the Skagit Regional Airport and addressing airport compatibility of future development in the airport vicinity.

County-Initiated – Comprehensive Plan or Code

C24-1 Countywide Planning Policies Update

Summary

This petition would amend the Countywide Planning Policies to direct the Board of County Commissioners to disband the Boundary Review Board by June 30, 2025.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this petition.

Analysis

Countywide Planning Policies (CPPs) are “a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter.”¹¹ CPPs are required for counties, in coordination with cities within their boundaries, planning under the Growth Management Act (GMA) to provide policies and guidance on how population growth and investment will be directed within a given county.

¹¹ RCW 26.70A.210(1) <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.210>

Boundary Review Boards (BRB) were established by Washington State to provide local independent review of certain actions proposed by cities, towns, and special purpose districts, most commonly annexations. The Skagit BRB consists of five members, all from Skagit County, appointed by elected officials of the cities, special purpose districts, the county, and the Governor. RCW 36.93.230 permits counties the power to disband boundary review boards when a county and the cities and towns have adopted a comprehensive plan and consistent development regulations pursuant to the provisions of chapter 36.70A RCW.¹²

Goal 12.17 of the Skagit CPPs currently includes language for when the Skagit BRB could be disbanded:

- 12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished:
- (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services;
 - (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.;
 - (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas;
 - (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and
 - (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transformation of governance or annexation of the service area consistent with the requirements of applicable RCWs.

The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements and voted in December 2021 to direct the County Commissioners to disband the Skagit BRB and provided the following new language for CPP 12.17:

12.17 Cities and towns are the appropriate purveyors of urban services. In the interest of facilitating the cost effective and orderly provision of urban services, the annexation of urban growth areas shall be encouraged and facilitated. The following policies are intended to promote municipal annexation, discourage urban growth in advance of annexation, and ensure that urban services can be provided in a logical cost-effective manner:

1. On or before June 30, 2025 the Board of County Commissioners shall, as authorized by RCW 36.93.230, take action to disband the Washington State Boundary Review

¹² RCW 36.93.230 <https://app.leg.wa.gov/rcw/default.aspx?cite=36.93.230>

Board for Skagit County. Subsequent to the disbandment of the boundary review board, municipal annexations shall be subject to the following:

- a. Annexations of land recently included in an urban growth area shall not be final until any appeal periods, or any proceedings associated with the urban growth area change, have lapsed or concluded;
- b. With the exception of existing non-municipal urban growth areas, Skagit County shall ensure that urban growth does not occur in advance of municipal annexation;
- c. The area(s) to be annexed shall be contiguous with existing municipal boundaries and shall avoid irregular boundaries by following existing features such as parcel lines or roadways, provided that such boundaries remain consistent with Chapter 36.70A RCW;
- d. Consistent with Washington state law, the annexation should include consideration of services and applicable infrastructure, as well as providing for the assumption of assets and obligations affected by the transfer of governance within the annexation area(s);
- e. If a public hearing is required by Washington state law on the proposed annexation, it shall be held at least 60 days prior to the effective date of the annexation. Notice of the hearing shall be provided to Skagit County and any affected special purpose districts; and
- f. Annexations shall be consistent with the Skagit County Countywide Planning Policies.

The 2002 Framework Agreement includes guidance for how draft CPPs are to be referred to member jurisdictions for public comment and input by cities and county commissioners. SCOG circulated the draft language for feedback prior to the December 2021 meeting. GMASC is the recommending authority to the Skagit Board of County Commissioners and then the County Commissioners may take one of two actions on any CPP recommendation from the GMASC:

1. Adopt any new CPP or CPP amendment proposed by the GMASC, but not change the proposed CPP or CPP amendment in any manner whatsoever; or
2. Decline to adopt any new CPP or CPP amendment proposed by the GMASC.

The BRB's role has, as for cities and towns, been supplanted by the Growth Management Act ("GMA") and the requirement for the county and the cities to develop comprehensive plans and create countywide planning policies ("CPPs"). As such, RCW 36.93.230 permits the County—at the BOCC's discretion—to disband boundary review boards ("BRB") if the County and the Cities have adopted comprehensive plans and consistent development regulations under the Growth Management Act ("GMA"). The County and the Cities all plan under the GMA and have memorialized how the relationship between the County and the Cities relating to the CPPs is governed by the 2002 Framework Agreement.

However, the role of the BRB for the special purpose districts ("SPD"), which do not plan under the GMA, has not been supplanted. The SPDs subject to BRB review include: water-sewer districts, fire protection districts, drainage improvement district, drainage improvement districts, drainage and diking

improvement districts, flood control zone districts, irrigation districts, metropolitan park districts, drainage districts, and public utility districts engaged in water distribution. Consequently, the primary impact will be on SPDs, which do not have alternative means for addressing the issues that the BRB addresses. A boundary change would proceed directly to the process set out in the relevant statute for the SPD without having any review of whether it is a logical and reasonable proposal. While this won't likely be an issue for more sophisticated SPDs (e.g., the PUD), it could be an issue for the smaller ones.

The role of the BOCC, if any, depends on the kind of SPD and the nature of the boundary change (e.g., formation, annexation, dissolution, merger, etc.). This role does not depend on the existence of the BRB. But without the BRB, where the BOCC is required to conduct fact finding prior to a boundary change, it will no longer have the benefit of the BRB doing much of that work prior to reaching the BOCC.

Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The Comprehensive Plan states, "All of the goals, objectives and policies of the Comprehensive Plan are based on these community vision statements and are an expansion of the Countywide Planning Policies and State GMA goals."

Goal 2A "Guide most future development into concentrated urban growth areas where adequate public facilities, utilities, and services can be provided consistent with the Countywide Planning Policies."

Policy 2A-1.2 "Proposals for Urban Growth Area expansions shall be evaluated for their consistency with the Urban Growth Area Modification Criteria developed and approved by the Growth Management Act Steering Committee. These criteria address issues including: land capacity analysis; ability to provide urban services; impacts on critical areas, natural resource lands, and hazard areas; and compliance with related Countywide Planning Policies. Urban Growth Area expansion proposals shall demonstrate that expansion is necessary within the 20-year planning period, that public facilities and services can be provided concurrent with development, and that reasonable efforts have been made to encourage infill and redevelopment within existing Urban Growth Area boundaries before those boundaries can be expanded."

The Comprehensive Plan is based on the goals of the Countywide Planning Policies so the amendment is consistent with all of the goals and vision statements of the Comprehensive Plan.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The amendment to the Countywide Planning Policies will not have an impact on the Capital Facilities Plan or other functional plans.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

The Growth Management Act Goal 1 requires the County to encourage development in areas where adequate public facilities and services exist or can be provided in an efficient manner.

CPP Goal 12.17 currently includes language for when the Skagit BRB could be disbanded:

12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished:

- (a) that all cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services;
- (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A;
- (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas;
- (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and
- (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transference of governance or annexation of the service area consistent with the requirements of applicable RCWs.

The Growth Management Act Steering Committee (GMASC) has determined Skagit County has met these requirements.

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal does bear a substantial relationship to the public general health, safety, morals, or welfare.

C24-2 Fencing Zoning Code Section

Summary

This petition seeks to create a new section in SCC 14.16 to consolidate and reference all fencing regulations in the chapter that pertain to fences. The new section will also add restrictions to razor wire and barbed wire fencing.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approval** of this petition.

Analysis

Skagit County Code chapter 14.16 – Zoning does not have a specific section that regulates fences. Language regulating fences are spread throughout the code, making it difficult for the public and Department staff to locate fencing regulations. This petition consolidates all fencing regulations in SCC 14.16 into one section by adding references to all applicable areas of the code.

The new section also includes new language prohibiting razor wire fencing and restricts the height of barbed wire fencing material in all zones except commercial, industrial, and aviation-related zones unless permitted as part of an agricultural use, essential public facility, marijuana production/processing facility, wireless facility, utility development, and does not apply to wildlife fencing.

Razor wire fencing and barbed wire on top of chain-link fencing detracts from neighborhood and rural character, giving the appearance of an industrial zone. Prohibiting razor wire fencing and restricting the height of barbed wire fencing in residential zones also adds clarity for home-based businesses, which are required to be clearly incidental and secondary to the use of the property for dwelling purposes.¹³The Skagit County Code 14.04 definition of a fence includes all “that which is constructed or composed of materials joined together in some definite manner in which the prime purpose is to separate, partition, enclose or screen.”¹⁴ The definition is broad, encompassing both freestanding walls and fencing, so any code changes related to fencing will also apply to freestanding walls.

Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and the does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The amendment is consistent with the following goals and policies of the Comprehensive Plan:

Goal 3A Protect the rural landscape, character, and lifestyle by:

- (a) Defining and identifying rural lands for long-term use and conservation;
- (b) Providing for a variety of rural densities and housing opportunities;
- (c) Maintaining the character and historic and cultural roles of existing rural communities;
- (d) Allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values;
- (e) Encouraging economic prosperity for rural areas; and
- (f) Ensuring that appropriate and adequate rural levels of service are provided.

The proposed amendment will ensure that the rural character of Skagit County is maintained by not allowing fencing in the rural area that looks industrial in nature. Prohibiting razor wire fencing and restricting the height of barbed wire fencing in residential zones also adds clarity for home-based businesses, which are required to be clearly incidental and secondary to the use of the property for dwelling purposes.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

¹³ Skagit County Code 14.16.730

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1416.html#14.16.730>

¹⁴ Skagit County Code 14.04

<https://www.codepublishing.com/WA/SkagitCounty/#!/SkagitCounty14/SkagitCounty1404.html#14.04>

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

The Growth Management Act requires that comprehensive plans and development regulations include measures that apply to rural development and protect the rural character of the area, as established by the county, including measures that assure visual compatibility of rural development with the surrounding rural area.

The proposal is also supported by the following Countywide Planning Policies:

5.6 “Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and life styles.”

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

This proposal bears a substantial relationship to the public general health, safety, morals, or welfare by improving rural and neighborhood aesthetic.

C24-3 Storage of Unlicensed and/or Inoperable Vehicles

Summary

This petition would remove storage of unlicensed and/or inoperable vehicles as an Administrative Special Use or Hearing Examiner Special Use from every zoning district in Skagit County. Storage of unlicensed and/or inoperable vehicles is considered storage of junk, which is limited to 500 square feet, except when conducted entirely within an enclosed structure, unless permitted with a special use permit. The petition creates a vehicle storage facility use to accommodate storage of a licensed and operable vehicles in addition to unlicensed and/or inoperable vehicles. Vehicle storage facilities would be an allowed use in the Rural Freeway Service (RFS) and Urban Reserve Commercial-Industrial (URC-I) zones.

History

This is a new petition that has not been docketed in the recent past.

Recommendation

The Department recommends **approving** this petition.

Analysis

Unlicensed/inoperable vehicles are defined in code as an unlicensed or inoperable vehicle, except a farm vehicle, or any vehicle stored in a legally constructed building. However, the storage of unlicensed and/or inoperable vehicles use is not defined which makes it unclear if the intent of the use is for a commercial storage operation or personal storage. SCC 14.16.945 Prohibited Uses specifies that “[n]o person may use more than 500 square feet of a lot or parcel of land for the depositing, sorting, refining, baling, dismantling, or storage of junk except when conducted entirely within an enclosed structure or with a special use permit for that purpose.” Therefore, it appears that the intent of the storage of unlicensed and/or inoperable vehicles use is to allow for the outside storage of junk if it is in the form of a vehicle storage. The use does not have a limit in area that can be dedicated to vehicle storage when

permitted with a special use permit. This creates the risk of a property owner effectively using their property as an industrial storage site which could have impacts to neighboring property owners if within a residential area or a rural village such as Clear Lake. Vehicle storage can be a high impact use that has the potential to be a nuisance to neighboring properties and could have adverse environmental impacts. Storage of large quantities of vehicles that do not have proper stormwater treatment facilities and that do not utilize best management practices could cause groundwater and surface water contamination and therefore siting of facilities that store vehicles should be carefully considered.

Storage of unlicensed and/or inoperable vehicles has been included as a use in the code since the adoption of the Unified Development Code on July 24th, 2000.¹⁵ Since that date, Skagit County has not permitted any business operation under that use classification. A similar use was permitted in 2005, when a special use permit application was approved for a “car sales and restoration business” on a property in the Rural Business zone prior to the storage of unlicensed and/or inoperable vehicles being listed as a hearing examiner special use in the Rural Business zone. Table 3 lists the zones that allow storage of unlicensed and/or inoperable vehicles, the land use permitting requirements, and the code section authorizing the use.

Table 3. List of Zoning Districts that Allow Unlicensed and/or Inoperable Vehicles

Zoning District	Permit Type Required	Code Section
Rural Village Commercial (RVC)	Hearing Examiner Special Use	SCC 14.16.100(4)(h)
Rural Center (RC)	Hearing Examiner Special Use	SCC 14.16.110(4)(f)
Rural Freeway Service (RFS)	Hearing Examiner Special Use	SCC 14.16.120(4)(d)
Small Scale Recreation and Tourism (SRT)	Hearing Examiner Special Use	SCC 14.16.130(5)(i)
Small Scale Business (SSB)	Hearing Examiner Special Use	SCC 14.16.140(5)(e)
Rural Business (RB)	Hearing Examiner Special Use	SCC 14.16.150(4)(c)
Natural Resource Industrial (NRI)	Administrative Special Use	SCC 14.16.160(4)(f)
Urban Reserve Commercial-Industrial (URC-I)	Hearing Examiner Special Use	SCC 14.16.195(4)(e)
Aviation Related (AVR)	Hearing Examiner Special Use	SCC 14.16.200(4)(f)
Rural Intermediate (RI)	Hearing Examiner Special Use	SCC 14.16.300(4)(x)

The vehicle storage use does not align with the purpose of any of the zoning districts that the use is allowed in, except for the Urban Reserve Commercial-Industrial and Rural Freeway Service zones. The vehicle storage use exceeds the scale of the type of business that is typically allowed in the rural commercial/business zones and is not compatible in the Rural Intermediate zone, which is primarily a low-density residential zone. Also, the use does not relate to natural resource, aviation, or tourism industries. The purpose statement of the zoning districts that allow unlicensed and/inoperable vehicle are below in Table 4.

¹⁵Skagit County Ordinance 17938

<http://www.skagitcounty.net/Common/Documents/LFDocs/COMMISSIONERS2000001/00/01/92/000192bb.pdf>

Table 4. Purpose of Zoning Districts that Allow Unlicensed and/or Inoperable Vehicles

Zoning District	Purpose
Rural Village Commercial (RVC)	This zoning district provides an activity center where rural residents and others can gather, work, shop, entertain and reside. This district is intended to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the area.
Rural Center (RC)	The Rural Center district recognizes centers or clusters of small retail and service businesses which serve a limited area and rural population outside of established urban growth areas and Rural Villages as designated by the Comprehensive Plan. Rural centers are intended to serve, to a limited extent, the traveling public at existing crossroads.
Rural Freeway Service (RFS)	The purpose of the Rural Freeway Services district is to provide for small scale commercial uses at certain Interstate 5 freeway interchanges outside of urban growth areas as designated by the Comprehensive Plan to serve local populations and the traveling public with necessary goods and services.
Small Scale Recreation and Tourism (SRT)	This district provides for small scale recreational and tourist uses that create opportunities to diversify the economy of rural Skagit County by utilizing, in an environmentally sensitive manner, the County’s abundant recreational opportunities and scenic and natural amenities.
Small Scale Business (SSB)	The Small Scale Business zoning district supports existing and new small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but that do enhance rural economic development opportunities and job opportunities for rural residents.
Rural Business (RB)	The Rural Business zone is intended to provide reasonable expansion and change of use opportunities for existing isolated nonresidential uses in the rural area that provide job opportunities for rural residents and that are not consistent with the other commercial and industrial Comprehensive Plan designations and zoning districts.
Natural Resource Industrial (NRI)	Natural resource-related industrial uses that are commonly accepted in the rural area which facilitate the production of agricultural, forest, and aquatic products are permissible in the NRI zoning classification.
Urban Reserve Commercial-Industrial (URC-I)	The purpose of the Urban Reserve Commercial-Industrial district is to allow for limited commercial, industrial, or other nonresidential uses of the land in certain unincorporated UGAs at lower than urban intensities and without requiring the provision of urban services and/or utilities.
Aviation Related (AVR)	The purpose of the Aviation Related district is to provide a place for regional airfields and uses which require proximity and access to an established airfield.
Rural Intermediate (RI)	The purpose of the Rural Intermediate district is to provide and protect land for residential living in a rural atmosphere, taking priority over, but not precluding, limited nonresidential uses appropriate to the density and character of this designation.

The Rural Intermediate zone is intended to protect land for residential living in a rural atmosphere. By allowing the storage of unlicensed and/or inoperable vehicles as a use, there is high potential for impacts to neighboring residences that can also detract from the rural character of the area.

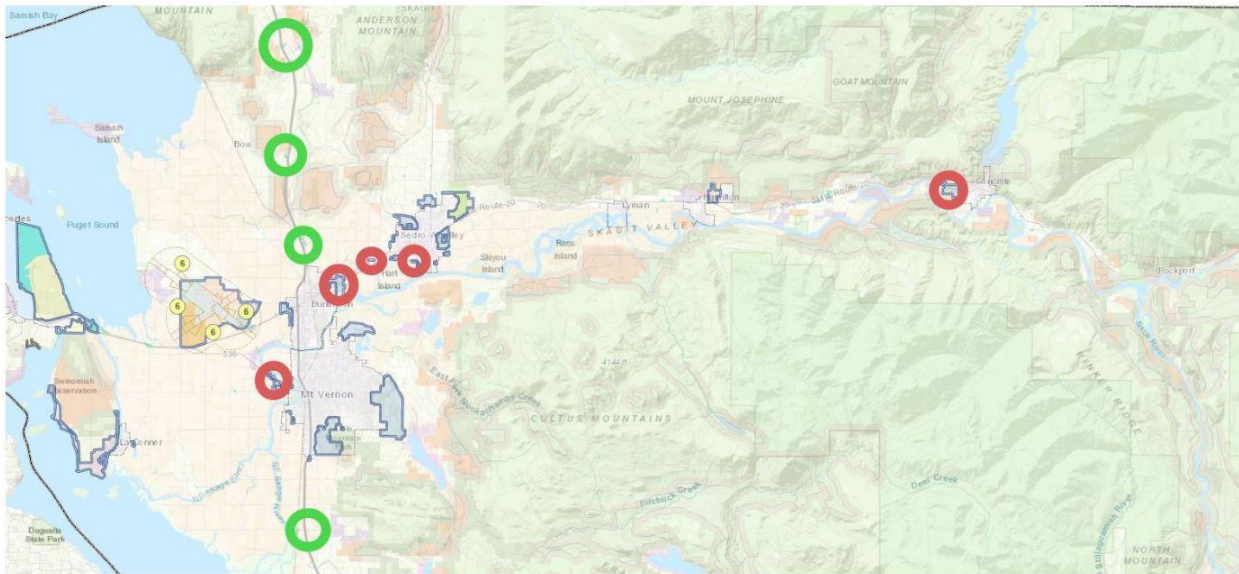
The Rural Village Commercial, Rural Center, Small Scale Business, and Rural Business zones are primarily intended to provide goods and services to the rural population and traveling public. The amount of available commercial land in rural areas is very limited. Allowing vehicle storage in those areas could take potential land away from businesses that can provide goods and services to the community living in rural areas that are often far from grocery stores, pharmacies, and other services. The Small Scale Recreation and Tourism zone provides tourist uses by utilizing the County's recreational opportunities and scenic and natural amenities and the Natural Resource Industrial zone supports natural resource-related industrial uses. Vehicle storage does not relate to tourism or natural resource industries and is therefore not consistent with the typical uses allowed each the zone.

The Aviation Related district is intended to provide a place for regional airfields and uses which require proximity and access to an established airfield. The Port of Skagit has provided comments to the Department stating that there is not a need for storage of unlicensed and/or inoperative vehicles as a primary use.

The Department recommends eliminating the storage of unlicensed and/or inoperative vehicles as a use allowed with a special use permit, and instead recommend creating a vehicle storage facility use. The vehicle storage facility is proposed to be defined as "[a] commercial enterprise devoted to the storage of personal vehicles, including unlicensed/inoperable vehicles. A vehicle storage facility does not include establishments where the principal use is the rental or sale of vehicles." This definition makes it clear that the use is for commercial enterprises and not personal storage, which would still be allowed, but limited to 500 square feet. The vehicle storage facility would also allow for storage of all vehicles, not exclusively unlicensed and/or inoperable vehicles.

The Urban Reserve Commercial-Industrial zone allows for limited commercial and industrial uses in areas with limited urban services and utilities. The Rural Freeway Service zone provides small scale commercial uses along Interstate 5 interchanges outside of urban growth areas. Both zoning districts are commercial and allow similar uses such as vehicle repair garages in both zones, and mini-storage and warehousing in the URC-I zone. Locating vehicle storage in these zones would avoid potential impacts to neighboring property owners as there are limited locations of each zoning district (Figure 3). The locations of each zone are also primarily along the Interstate 5 and Highway 20 corridor, which would accommodate truck towing and hulk hauler uses. As both zones allow automobile repair garages, the vehicle storage use could also be permitted as a secondary use to the automobile repair use.

The Bayview Ridge Heavy Industrial zone allows automobile wrecking as a permitted use. The vehicle storage facility use is not intended to be an automobile wrecking facility, but would allow haul haulers, which deals in vehicles for the purpose of transporting and/or selling vehicles to a licensed vehicle wrecker.



RFS Zone  URC-I Zone 

Figure 3 RFS and URC-I Zone Locations

Consistency Review with Skagit County Code 14.08

1. Is the amendment consistent with the vision statements, goals, objectives, and policy directives of the Comprehensive Plan and does the proposal preserve the integrity of the Comprehensive Plan and assure its systematic execution?

The proposal is consistent with the following goals and policies of the Comprehensive Plan:

Goal 2A Guide most future development into concentrated urban growth areas where adequate public facilities, utilities, and services can be provided consistent with the Countywide Planning Policies.

Goal 3A Protect the rural landscape, character, and lifestyle by:

- (a) Defining and identifying rural lands for long-term use and conservation;
- (b) Providing for a variety of rural densities and housing opportunities;
- (c) Maintaining the character and historic and cultural roles of existing rural communities;
- (d) Allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values;
- (e) Encouraging economic prosperity for rural areas; and
- (f) Ensuring that appropriate and adequate rural levels of service are provided.

Goal 3A-2 Provide for a variety of residential densities and business uses that maintain rural character, respect farming and forestry, buffer natural resource lands, retain open space, minimize the demand and cost of public infrastructure improvements, provide for future Urban Growth Area expansion if needed, and allow rural property owners reasonable economic opportunities for the use of their land.

Policy 3C-1.4 The purpose of the Rural Intermediate designation is to provide and protect land for residential living in a rural atmosphere, taking priority over, but not precluding, limited non-residential uses appropriate to the density and character of this designation. Long-term open space retention and critical area protection are encouraged.

Goal 3C-2 Support the rural economy by fostering opportunities for rural-based employment, home businesses, natural resource-related industries, and economic diversification in tourism and recreation, of an appropriate size and scale to maintain rural character.

2. Is the proposal supported by the Capital Facilities Plan (CFP) and other functional Plans?

The proposal will not have an impact on the Capital Facilities Plan or other functional plans.

3. Is the proposal consistent with the Growth Management Act (GMA), the Countywide Planning Policies (CPPs), and applicable provisions of the Comprehensive Plan?

The Growth Management Act requires that comprehensive plans and development regulations include measures that apply to rural development and protect the rural character of the area, as established by the county, including measures that assure visual compatibility of rural development with the surrounding rural area.

The proposal is also supported by the following Countywide Planning Policies:

5.6 “Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and life styles.”

4. Does the proposal bear a substantial relationship to the public general health, safety, morals, or welfare?

The proposal to remove vehicle storage uses from a residential zone and rural commercial zones would have a positive impact on the general health and safety of the public by limiting high impact uses that have the potential to be a nuisance to neighboring properties and have adverse environmental impacts.

C24-4 General Code Language Clean Up

Summary

This petition contains proposed amendments to SCC 14.16 – Zoning and SCC 14.18 – Land Divisions, to fix inconsistencies and grammar in the code. This year’s general code language clean up includes two amendments:

- Correct the height limit restriction of the Guemes Island Overlay in SCC 14.16.360(7)(b)(i) to only apply to proposed development in flood hazard areas. The intent of the Guemes Island Overlay height regulation was to apply to structures located in a flood hazard area. As written, it could be interpreted to apply to all of Guemes Island.
- Eliminate duplicate language in SCC 14.18.300(1)-(4) which pertains to CaRD land divisions.

History

This is a new petition that has not been docketed in the recent past.

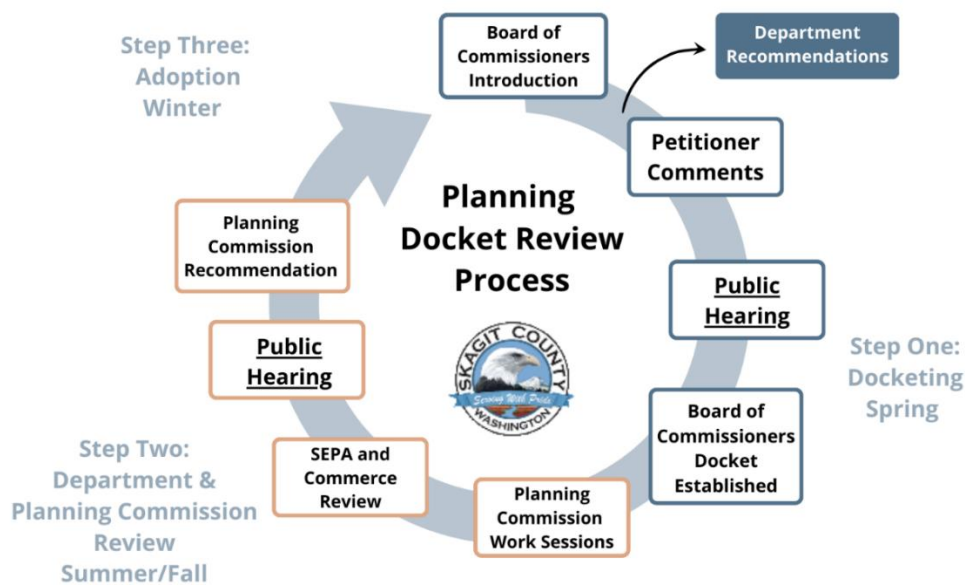
Recommendation

The Department recommends **approval** of this docket item.

Next Steps

There will be an opportunity to hear from the petitioners and the public regarding the items in this staff report following work sessions with the Planning Commission. See the tentative schedule below for more information.

Date	Hearing Body	Meeting Type	
September 10, 2024	Planning Commission	Work Session	Staff to present recommendations on docket items.
October 8, 2024	Planning Commission	Work Session	Staff to follow-up on Planning Commission questions from September 10 meeting.
November 5, 2024	Planning Commission	Public Hearing	Accept public testimony on docket petitions.
November 19, 2024	Planning Commission	Review of Comments & Deliberations	Staff presents public comments on the proposals. Recorded motion with recommendations to the BoCC.
December 2024	BoCC	Work Session	Staff to present staff and Planning Commission docket recommendations.
December 2024	BoCC	Deliberations	Deliberate on whether to adopt, not adopt, or defer amendments on the Docket.



2024 Petitions and Supporting Documents can be found at:
www.skagitcounty.net/2024CPA

Attachment 1 - Amendments to Skagit County Comprehensive Plan and Development Regulations
(Published under a separate cover)