

Skagit County Planning Commission’s Recorded Motion Regarding the 2019 Docket of Comprehensive Plan Policies, Map and Development Code Amendments

Proposal publication dates:	December 19, 2019 and December 26, 2019
Proposal name:	2019 Docket of Comprehensive Plan Policies, Map and Development Code Amendments
Documents available at:	www.skagitcounty.net/2019CPA
Public hearing body:	Skagit County Planning Commission
Public hearing date:	Tuesday, January 21, 2020, at 6 p.m.
Written comment deadline:	Friday, January 24, 2020, at 4:30 p.m.
Planning Commission deliberations:	Tuesday, February 11, 2020
	Tuesday, February 25, 2020

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

Recommendation, Findings of Fact and Reasons for Action, February 11, 2020

Item C-1: Modify Comprehensive Plan Policy, Guemes Island Ferry

1. The Planning Commission recommends to the Board of County Commissioners to approve the comprehensive plan amendment to modify the capital project cost summary (page 456 and exhibits 41 and 42 on page 492) to reflect the revised funds and costs for the replacement of the Guemes Island Ferry.
 - a. The amendment is supported by the 2020-2025 Capital Facilities Plan and the 2020-2025 Transportation Improvement Program.
 - b. The amendment has been found to be consistent with Goal 3 and Policy 3.4 of the Countywide Planning Policies.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

Item C-2: Drainage District Coordination

1. The Planning Commission recommends to the Board of County Commissioners to defer Item C-2 Drainage District Coordination.
 - a. County Staff are in the process of amending Chapter 14.32 Stormwater Management to codify regulatory changes associated with our National Pollutant Discharge Elimination System (NPDES) permit. Per Skagit County Code 14.08.090(6)(d) Item C-2 is more appropriately considered with the proposed changes to Chapter 14.32

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

Item C-3: Binding Site Plan Revisions

1. The Planning Commission recommends to the Board of County Commissioners to approve County Staff's proposed amendments to Skagit County Code 14.18.500(2)(c) to remove the requirement for a Binding Site Plan to be completed for commercial or industrial development that involves two or more leases.

- a. The amendment is supported by Goal 11B-6 of the Economic Development Chapter of the Comprehensive Plan.
- b. The amendment is consistent with Washington RCW 58.17.035 which authorizes the County to provide a Binding Site Plan review process.
- c. The amendment is consistent with the Skagit County Comprehensive Economic Development Strategy (CEDS) which identifies the need for “... land available for sale-lease and ready-to-occupy buildings available to smaller tenants.
- d. The amendment provides the opportunity for small and emerging business to be able to lease commercial and industrial space without the need to process a land division which promotes economic development and has been found to be consistent with Goal 5 and Policy 5.15 of the Countywide Planning Policies.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

Item C-4: Modify SCC 14.16.500(3) and (4): Trails in OSRSI

1. The Planning Commission recommends to the Board of County Commissioners to amend Skagit County Code 14.16.500(3)(f) to remove “trails” as a permitted use and as an administrative special use, and establish “Trails, primary, and secondary trailheads as a Hearings Examiner Special Use.
 - a. The amendment is consistent with Goal 2B and Policy 2B-1.2, and Goal 2E and Policy 2E-1.1 of the Comprehensive Plan.
 - b. The amendment is consistent with the Skagit County Parks and Recreation Comprehensive Plan.
 - c. The amendment has been found to be consistent with Goal 9 and Policies 9.1 and 9.2 of the Countywide Planning Policies.

- d. The Planning Commission finds that providing notice is important to ensure that interested parties can participate in the review of proposed trails and trailheads.
- e. The Planning Commission finds that as staff turnover there can be different policies regarding how the code is interpreted.
- f. The Planning Commission finds that requiring a Hearings Examiner Special Use review puts the proponent and public on a more even playing field.
- g. The Planning Commission finds that the cost difference is negligible between an Administrative Special Use and a Hearings Examiner Special Use.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten		x		
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	6	1	1	0

Item C-5: Modify SCC 14.16: Classification of Habitat Restoration

1. The Planning Commission recommends to the Board of County Commissioners to approve County Staff’s proposed amendments to Skagit County Code Chapter 14.16 to classify “Habitat enhancement and/or restoration projects, except mitigation banks as defined by SCC 14.04.020” as a permitted use in all zones except for the Agricultural Natural Resource Zone (Ag-NRL) where the use will remain as a Hearings Examiner Special Use.
 - a. The amendment is consistent with Goal 5A-3 and Policy 5A-3.7, Goal 5A-4 and Policies 5A-4.4 and 5A-4.7, and Goal 5A-5 and Policy 5A-5.5 of the Comprehensive Plan.
 - b. The amendment is consistent with Goal 2 of the Shoreline Management Master Program Plan.
 - c. The amendment is consistent with Goal 8 and Policies 8.5 and 8.7, Goal 9 and Policy 9.7, and Goal 10 and Policy 10.5 of the Countywide Planning Policies.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair		x		
Tammy Candler	x			
Amy Hughes				x
Annie Lohman		x		
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	6	2	1	1

Item C-6: Fire Code Consistency with International Fire Code

1. The Planning Commission recommends to the Board of County Commissioners to approve County Staff's proposed amendments to Skagit County Code 15.04.030 to update requirements for vehicle access roads.
 - a. The amendment is consistent with the Comprehensive Plan.
 - b. The amendment is consistent with Goal 7 and Policy 7.4 of the Countywide Planning Policies.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

Item C-7: Modify SCC 14.16.820(3)(c): Building Permit Requirements for Signs

1. The Planning Commission recommends to the Board of County Commissioners to approve County Staff's proposed amendments to Skagit County Code 14.16.820(3)(c) to clarify when a building permit is necessary for installation of a sign.
 - a. The amendment is consistent with the Comprehensive Plan.

- b. The amendment is consistent with Goal 7 and Policy 7.4 of the Countywide Planning Policies.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

Item C-8: Airport Environs Overlay Amendments

1. The Planning Commission recommends to the Board of County Commissioners to approve County Staff's proposed amendments to Skagit County Code 14.16.210(4) to include a requirement that the county provide the Port of Skagit an opportunity to review and comment on boundary line adjustments and building height determinations within the Airport Environs Overlay.
 - a. The amendment is consistent with Goal 8A-7, Goal 8A-13 and Policy 8A-13.4, and Goal 11F-3 and Policy 11F-3.2 of the Comprehensive Plan.
 - b. The amendment is consistent with Goal 2A, Objective 2a-1 and Policy 2a-1.2 of The Bayview Ridge Subarea Plan.
 - c. The amendment is consistent with Goal 3, Goal 12 and Policy 12.11 of the Countywide Planning Policies.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

Item PL18-0404: Modify Mineral Resource Overlay (MRO)

1. The Planning Commission recommends to the Board of County Commissioners to approve the petitioner’s request to remove a Mineral Resource Overlay, adjacent Mangat Estates, located north of Highway 20 and East of Highway 9.
 - a. The amendment is consistent with Policies 4D-1.1, 4D-1.2, and 4D-1.3 of Goal 4D-1 of the Comprehensive Plan.
 - b. New geological data submitted by the petitioner entitled *Mineral Resources Overlay Assessment: Skagit County Parcel 127899* finds that there is no longer the potential for mineral resources of regional or long-term significance on the site
 - c. The Mineral Resource Overlay (MRO) limits the residential density of the underlying zone and properties within ¼ mile of the MRO in order to protect regional and long-term significant aggregate resources. Site investigations determined there are no resources within the MRO that warrant protection.
 - d. The removal of the MRO will not change the underlying zoning designation or create an isolated land use designation (spot zone).
 - e. The County mailed notices to the property owners and property owners of the affected properties of the lands subject to the proposed Mineral Resource Overlay removal.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair			x	
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	0	1	0

Recommendation, Findings of Fact and Reasons for Action, February 25, 2020

Item P-1: Modify SCC 14.24.380: Rainwater Catchment

1. Planning Commission recommends the Board of County Commissioners direct the Planning Department to remove barriers to rainwater catchment where appropriate in the code on

Guemes Island; and to direct them to create an engineered template which may be used to permit a rainwater catchment system in-lieu of an independently designed system.

- a. The amendment does not propose to alter the comprehensive plan and has been found by staff to be consistent with the Comprehensive Plan.
- b. The Planning Commission finds there is a serious seawater intrusion problem on Guemes Island and believes that reducing barriers to development of rainwater catchment systems is important.
- c. The technology exists to ensure these rainwater catchment systems are a safe option for providing potable water.
- d. The Planning Commission finds that rainwater catchment is a viable potable water source that is used around the world.
- e. There are other areas within Skagit County that could benefit from rainwater catchment as a source of potable water.
- f. There was no opposition from the public to the proposed petition.
- g. Rainwater catchment is a cost effective viable alternative to drilled well, especially when compared to reverse osmosis.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten	x			
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	8	0	0	0

Item P-2: Modify SCC 14.24: Guemes Island Wells

1. The Planning recommendation to the Board of County Commissioners that docket item P-2, to modify well drilling approval for new wells on Guemes Island be denied.
 - a. The Planning Commission has been advised that Skagit County only has jurisdiction to review the location of proposed wells prior to drilling when in concert with a development application.

- b. The Planning Commission is following the legal advice provided by the Skagit Prosecuting Attorney’s office.
- c. Staff intends to DRAFT an Administrative Official Interpretation that states that wells are not required to be drilled or determined not to be feasible prior to permitting a rainwater catchment system.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten		x		
Martha Rose		x		
Tim Woodmansee	x			
Vacant Seat				
Total	6	2	0	0

Item P-4: Great Blue Herons

1. The Planning Commission recommends to the Board of County Commissioners to deny the request.
 - a. The Planning Commission finds that the Great Blue Heron population within Skagit County is of great importance.
 - b. The Planning Commission finds the overall population of the Great Blue Heron is not in decline.
 - c. Bald Eagles may be the primary reason for nesting site abandonment.
 - d. The Planning Commission finds that there is no known reason as to why the rookery at Samish Island was abandoned.
 - e. The Planning Commission finds the existing legislation including Skagit County Critical Areas Ordinance, (WAC 365.190).
 - f. Herons are not listed as a “threatened,” “endangered,” or “sensitive” species in the Washington Department of Fish and Wildlife. 2008. Priority Habitat and Species List.
 - g. The Skagit County Critical Areas Ordinance provides protection to Great Blue Heron habitat and nest sites as habitats and species of local importance (SCC14.24.500).

- h. Through the Skagit County Critical Areas Ordinance, habitats and species of local importance, shall be protected on a case-by-case basis by means of a habitat management plan based on the Washington State Priority Habitat and Species program (SCC14.24.520(4)).
- i. The Planning Commission finds that unpermitted and/or unregulated activity would not be affected by this code and could still impact existing populations
- j. Heron rookeries exist within densely populated residential, industrial and commercial areas.
- k. Buffers that currently exist in other areas within the State are significantly smaller in scale and extent.
- l. The potential for extensive monitoring and permitting costs for adjacent landowners.
- m. The proposed legislation may be a precautionary action that may not have the intended effect, the known root problem should be better understood before it is addressed with legislation.
- n. There is a lot of potential habitat within the County where birds could nest.
- o. Anne Eissinger, a regional heron expert, stated in a November 17, 2018 Skagit Valley Herald article, that the increased birds at March Point are likely relocated from the Samish Island colony.
- p. The Land Trust provides protections of those core nesting areas through the purchase of properties and easements.
- q. The proposed threshold numbers for the determination of a protected colony and mega colony are arbitrary.
- r. The conservation status of the species is low at this time.
- s. Creating land use restrictions to mitigate a poorly understood problem is not judicious planning.
- t. The County mailed notices to the property owners of the affected properties and within 1,000 feet of the lands subject to Item P-4.
- u. Policy 5A-1.3(e) directs the county classify fish and wildlife habitat conservations areas for both habitats and species of local importance. The Great Blue Heron is already a species of local importance.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Kathy Mitchell, Vice Chair	x			
Tammy Candler	x			
Amy Hughes	x			
Annie Lohman	x			
Mark Lundsten		x		
Martha Rose	x			
Tim Woodmansee	x			
Vacant Seat				
Total	7	1	0	0

Additional Recommendation

The Planning Commission recommends that the Board of County Commissioners adopt the 2019 docket proposal as recommended, with the following additions:

- 1.

This recorded motion approved on _____ day of March, 2020.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair				
Kathy Mitchell, Vice Chair				
Tammy Candler				
Amy Hughes				
Annie Lohman				
Mark Lundsten				
Martha Rose				
Tim Woodmansee				
Vacant Seat				
Total	0	0	0	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON

Tim Raschko, Chair

Date

Hal Hart, Secretary

Date

DRAFT