

A Resolution Establishing the Scope of Skagit County's 2016 Update of its Comprehensive Plan and Development Regulations

Whereas Skagit County is required by the Growth Management Act (GMA), RCW 36.70A.130, to conduct a periodic review and update of its comprehensive plan and development regulations to ensure consistency with updated state laws and population and employment projections; and

Whereas under RCW 36.70A.130(5)(b), Skagit County must complete this periodic update, referred to here as the 2016 Update, by June 30, 2016; and

Whereas Planning and Development Services (Department) staff met in public session with the Board of County Commissioners (Board) several times in 2014 to discuss the GMA update requirements and seek Board guidance on the scope of the update; and

Whereas Department staff reviewed the Washington State Department of Commerce's "Periodic Update Checklist for Counties" to identify items the County is required to consider as part of the 2016 Update; and

Whereas based on this review and on the above-mentioned discussions with the Board, the Department drafted a memo titled "Establishing the Scope of Skagit County's 2016 Comprehensive Plan Update"; and

Whereas, on October 14, 2014, the Department met with the Board to discuss the memo, and the Board authorized release of the memo in order to provide an opportunity for members of the public to comment on the proposed 2016 Update scope; and

Whereas, on October 16, 2014, the Department published a legal notice in the *Skagit Valley Herald* announcing the public comment period running from October 16 through November 20, 2014, and including a public hearing before the Board of County Commissioners on November 17, 2014; and

Whereas the Department also distributed the notice via its electronic list serve and posted it on the County's 2016 Update webpage; and Department Director Dale Pernula announced the comment period at the November 4 meeting of the Skagit County Planning Commission; and

Whereas 36 members of the public spoke at the public hearing or submitted written comments; and

Whereas the Department reviewed and responded to the comments in a memo titled "Response to Public Comments on 2016 Update Scope," dated December 2, 2014; transmitted that memo with the public comments to the Board; and posted those materials on the 2016 Update webpage; and

Whereas, on December 8, 2014, the Department met with the Board in public session to discuss the public comments and determine if the Board wanted to make any modifications to the proposed scope.

Now Therefore Be It Resolved by the Board of County Commissioners that:

1. The Board finds that the Comprehensive Plan is generally working well as currently written and needs only minor changes, not a major overhaul, during the 2016 Update.
2. The Board supports the 2016 Update scope as described in the Department's October 8 memo "Establishing the Scope of Skagit County's 2016 Comprehensive Plan Update," with the following additions:
 - a. Consider the Comprehensive Plan's definition of rural character and corresponding codes regarding non-residential uses and permitting levels in rural zones that are predominantly residential, specifically Rural Reserve, Rural Intermediate, and Rural Village Residential. Include marijuana production and processing in this review.
 - b. Work with the Guemes Island Planning Advisory Committee to identify a limited number of priority and non-controversial code amendments to implement policies and goals from the Guemes Island Subarea Plan adopted by the Board of County Commissioners in 2011.
 - c. In addition to the opportunities for public participation identified in Skagit County Code 14.08 and the work sessions with the Planning Commission and the public described in the 2016 Update scoping memo, the Board also supports the Department holding a limited number of community meetings in locations around the County for purposes of encouraging broad public input in the 2016 Update.
3. The Board hereby establishes the Department's scope of work for the 2016 Comprehensive Plan Update as described in Attachments 1 and 2, identifying policy and development regulations issues to be considered, and Attachment 3, describing the process for conducting the update.

Witness Our Hands and the Official Seal of Our Office this 16 day of December, 2014.

**Board of County Commissioners
Skagit County, Washington**

Ron Wesen

Ron Wesen, Chair

Kenneth A. Dahlstedt

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon

Sharon D. Dillon, Commissioner



ATTEST:

Linda Hamman

Clerk of the Board

APPROVED AS TO FORM:

Ryan Walters

Ryan Walters, Civil Deputy
Skagit County Prosecutor's Office

APPROVED AS TO CONTENT:

Dale Pernula

Dale Pernula, Director
Planning & Development Services

Attachment 1

Scope of Skagit County's 2016 Comprehensive Plan and Development Regulations Update

Comprehensive Plan

1. **Review the definition of rural character in Chapter 3, the Rural Element, and evaluate permitted and special uses in rural zones that are primarily residential in nature, specifically Rural Reserve, Rural Intermediate, and Rural Village Residential. Include marijuana production and processing in this review. This item will also involve review of corresponding sections of Skagit County Code.**
2. **Review and update the County's Transportation Systems Plan and the Comprehensive Plan's Transportation Element, per RCW 36.70A.070(6) and WAC 365-196-430.**
3. **Consider planning approaches that increase physical activity, per RCW 36.70A.070(1) and WAC 365-196-405 (2)(j).**
4. **Review and update the County's Housing Needs Assessment and Comprehensive Plan Housing Element, per RCW 36.70A.070(2), WAC 365-196-410, RCW 36.70A.540, and WAC 365-196-870.**
5. **Update population and employment allocations in Countywide Planning Policy 1.1, based on preliminary projections and allocations approved by the GMA Steering Committee.**
6. **Review and, if necessary, modify urban growth area (UGA) boundaries, per RCW 36.70A.130(3).**
7. **Update policies 2A-1.1—2A-1.5 and 2B-1.3 related to urban growth areas.**
8. **Update land use and demographic data where needed in the plan.**
9. **Integrate existing subarea plans, the Skagit County Parks and Recreation plan, and the Capital Facilities Plan, as chapters in the Comprehensive Plan, and consolidate the capital facilities components of each into the Comprehensive Plan's Capital Facilities element.**
10. **Review policies and narrative regarding availability of water for rural development in light of recent court decisions and actions by the Department of Ecology.**

Land Use/Zoning Map

Skagit County does not anticipate initiating amendments to the Skagit County Comprehensive Land Use/Zoning Map through the 2016 Update, other than possible UGA boundary modifications brought forward by cities or towns, as noted above. Members of the public may submit map amendment proposals by July 31, 2015, through the annual comprehensive plan amendment procedures described in SCC 14.08.020. The Board may choose to add such map amendments to the 2016 Update or not.

Attachment 2

Proposed Amendments to Skagit County Code (SCC)

Development Regulation Reviews Required by State Law

1. **Transfer jurisdiction over conversion-related forest practices from the Department of Natural Resources to the County**, per RCW 36.70A.570 and RCW 76.09.240.
2. **Review the critical areas ordinance and best available science**, per RCW 36.70A.130(1)(c).
3. **Allow battery charging stations and other “electric vehicle infrastructure,”** per RCW 36.70A.695.
4. **Adjust time limits for preliminary subdivision approval** to be consistent with RCW 58.17 (amend SCC 14.18.100(6)(b)).
5. **Adjust time limits for expending or encumbering impact fees** (amend SCC 14.30.080-.090).
6. **Update the Skagit County Shoreline Master Program (SMP)**. This is currently underway through a separate process, hopefully to be adopted before completion of the 2016 Update.

Additional Proposed Development Regulations Changes

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| <ol style="list-style-type: none">1. SCC 14.02.050 Vesting of applications. Consider amendments to ensure vesting provisions are consistent with state law and internally consistent with SCC 14.06, Permit Procedures. |
| <ol style="list-style-type: none">2. SCC 14.08.020(3) Petitions for Comprehensive Plan amendments and/or rezones. Restructure for easier understanding in an outline or table format. Reword language regarding 7-year state-mandated GMA update since the frequency of these updates is subject to change by the state legislature. Also add language authorizing submittal of proposed amendments to Skagit County Code Title 14. |
| <ol style="list-style-type: none">3. SCC 14.08.020(5) Timing and procedures for UGA boundary amendments. Reword language regarding 7-year state-mandated GMA update since the frequency of these updates is subject to change by the state legislature. Clarify that urban growth area (UGA) boundary amendments are due by same deadline as all other annual Comprehensive Plan amendments, and may only be submitted by the jurisdiction (county, city, town or tribe) whose UGA is proposed to be modified. |
| <ol style="list-style-type: none">4. SCC 14.08.020(6) Fees for Comprehensive Plan Amendments. Clarify that proposed Comprehensive Plan policy amendments, non-site-specific map amendments, and proposed code amendments are not subject to the fee that applies to site-specific map amendments. Make corresponding clarification in the Permit Fee Schedule. |
| <ol style="list-style-type: none">5. SCC 14.08.020(7)(c)(iii) Comprehensive Plan amendments/rezones to a commercial or industrial zone. Remove requirement that development projects must be commenced within 2 years of redesignation/rezone or the commercial/industrial designation will be removed. Does not account for economic downturns and that amendment/rezone process is sufficiently rigorous that map changes should be long-term. |
| <ol style="list-style-type: none">6. SCC 14.08.020(7)(b)(i), Submittal requirements for rezones within a UGA. Clarify that petitions for rezones within a UGA or associated with a UGA expansion proposal are not required to include a detailed development proposal. |

<p>7. SCC 14.16.420(2)(o) and (q), SF-NRL permitted uses. Clarify distinction between (o) water diversion structure and impoundments, and (q) watershed management not including water diversion structures and impoundments.</p>
<p>8. SCC 14.16.100(2)(w)(ix)(K), Alger Rural Village Commercial. Remove “tasting rooms” from list of permitted uses. Tasting rooms are already allowed under (ix) Small retail and service businesses. Listing of tasting rooms is an oversight from a previous effort to remove the term from all zones where it’s already permitted as an agricultural accessory use or a small retail use.</p>
<p>9. SCC 14.18.300 Conservation and Reserve Developments (CaRDs). Clarify that transfers through a CaRD of development rights from a higher density zone to a lower density zone are not permitted.</p>
<p>10. SCC 14.16.600(3), Unclassified use permits. Revise reviewing authority for unclassified use permits from the Planning Commission to the Hearing Examiner. In most jurisdictions these are handled by the Hearing Examiner because they are project related not legislative matters. Also clarify essential public facilities siting process within SCC 14.16.600.</p>
<p>11. SCC 14.16.720, Personal wireless services facilities. Amend code to reflect changes in federal law regarding permitting of “eligible facilities requests,” i.e. certain limited modifications to existing wireless facilities.</p>
<p>12. SCC 14.38.030, Natural Resource Land disclosure mailing. Remove section (1)(a) requiring Skagit County to mail disclosure statement every 3 years to all landowners whose parcel(s) lie within 500 feet of an area designated as a Natural Resource Land.</p>
<p>13. SCC 14.38.030(1)(b) Natural Resource Land disclosure recording. Modify so that upon transfer of real property by sale, exchange or other means, the <i>buyer</i> shall be required to sign and record with the County Auditor a statement containing the Natural Resource Land disclosure language set forth in SCC 14.38.030(2).</p>
<p>14. SCC 14.16.870, Notification of development activities on or adjacent to designated Natural Resource Lands. Remove current requirement that applicant for a development permit record a title notice regarding the parcel’s proximity to designated Natural Resource Land. Recording of signed notice more effective and appropriate at time of property sale or transfer, per item number 12 above.</p>
<p>15. SCC 14.16.430(4)(g), mineral resource extraction in Rural Resource-NRL. Make language consistent with SCC 14.16.410(5)(d), Industrial Forest-NRL, and SCC 14.16.420(4)(d), Secondary Forest-NRL, by adding “pursuant to SCC 14.16.440, Mineral Resource Overlay” to SCC 14.16.430(4)(g), Rural Resource-NRL.</p>
<p>16. Fueling stations: Make use descriptions for fueling stations consistent across zones in all relevant sections of code.</p>
<p>17. SCC 14.16.195, Urban Reserve Commercial-Industrial, and SCC 14.16.200, Aviation Related. Move temporary events from administrative special use to permitted use.</p>
<p>18. SCC 14.12.210, SEPA administrative appeals. Remove administrative appeals for project-level SEPA.</p>
<p>19. SCC 14.10, Variances, and SCC 14.16.810(4), Administrative Reduction of Setbacks. Amend the variance and administrative reduction of setbacks sections to clarify applicable criteria for granting a reduction in setbacks.</p>

<p>20. SCC 14.16.730 and SCC 14.16.900, Home Based Business. Place all Home Based Business code provisions in one section of code for ease of use.</p> <p>21. SCC 14.16.730(2)(b), Home Based Business 1. Clarify that the business activity may be conducted in buildings other than the dwelling, provided that the size of such use does not exceed 25% of the living area of the dwelling unit.</p>
<p>22. SCC 14.04.020, Definitions. Modify the definition of "Setback" to allow 8 foot high fences in commercial and industrial zones, compared to the existing 6 foot height in other zones.</p>
<p>23. SCC 14.04.020, "Adult group care facility" definition. Amend definition to remove "as a nursing home" so that it is inclusive of other types of state-regulated facilities, including assisted living facilities.</p>
<p>24. SCC Chapter 14.28, Concurrency. Includes Levels of Service (LOS) that need to be replaced with references to the LOS in the Comprehensive Plan Capital Facilities Element so that all LOS are in one place. The timeline in SCC 14.28.110 for special purpose districts to submit capital facilities data to the County is not being followed and needs to be adjusted to make it easier for those agencies to comply. Superfluous definitions and Appendix 1 which doesn't have a section number need to be removed.</p> <p>25. SCC 14.28, Concurrency. Adopt code provisions to accommodate latecomer agreements consistent with recent changes to RCW 35.91</p>
<p>26. Guemes Island Subarea Plan: Consider a limited number of code amendments to implement goals and policies from the adopted Guemes Island Subarea Plan.</p> <p>27. Other amendments to code, as needed, to maintain consistency with Comprehensive Plan policies that may change through the 2016 Update process.</p>

Attachment 3

Legislative Process for the 2016 Update

1. Skagit County Code (SCC) Chapter 14.08, Legislative Actions, guides the process for the 2016 Update and establishes the following major procedural steps:
 - Initiation of review of amendments (SCC 14.08.030)
 - State Environmental Policy Act (SEPA) Review (SCC 14.08.040)
 - Public notification (SCC 14.08.070(9) and (10))
 - Public participation (SCC 14.08.070(11))
 - Review by Planning Commission (SCC 14.08.080), and
 - Review and decision by Board of County Commissioners (SCC 14.08.090).
2. The Department will work with the Planning Commission in developing the 2016 Update proposal, ensuring that the Planning Commission has ample opportunity to vet major elements of the proposal before the complete draft is released for formal public review and comment.
3. The Department and Planning Commission will hold work sessions in the Hearing Room with the public covering the following major topics being considered through the 2016 Update:
 - Updates to the Transportation Systems Plan and Transportation Element.
 - Consideration of planning approaches that increase physical activity
 - Updates to the Housing Needs Assessment and the Comprehensive Plan's Housing Element
 - Population and employment forecasts and allocations, and changes to urban growth area boundaries, if any are proposed.
 - Updates to the Comprehensive Plan's Rural Element.
 - Development of forest practice regulations related to the transfer of conversion-related forest practices from DNR to Skagit County.
 - Consideration of other proposed amendments to Skagit County Code.
4. The Department and Planning Commission will hold up to four remote work sessions in various parts of the County to inform residents about the 2016 Update and seek broad public input, particularly on the Rural Element.
5. The Department will continue to maintain the 2016 Update webpage that is updated frequently and can be found at www.skagitcounty.net/2016update.
6. The County will accept public comment on the entire Comprehensive Plan, not just the proposed amendments, during the Update process.
7. Members of the public may submit proposed Comprehensive Plan policy amendments, map amendments, and code amendments following the procedures described in SCC 14.08.020, Petitions for amendments to the Comprehensive Plan/rezones. Fees only apply to site-specific map amendment proposals.