

An Ordinance Adopting the 2022 Amendments to the Comprehensive Plan, Zoning Map, and Development Regulations

Whereas the Growth Management Act requires the County to have a process for receiving suggestions for amendments to the Comprehensive Plan policies, Comprehensive Plan map, and development regulations;

Whereas the Growth Management Act allows amendment of the Comprehensive Plan only once per year, and this action constitutes that amendment;

Whereas the County received proposals from the public by the last business day in July deadline established by SCC 14.08.030;

Whereas the County issued public notice on May 8, 2022, and received public comment, and the Board of Commissioners held a public hearing on May 24, 2022;

Whereas on June 14, 2022, the Board of County Commissioners established the 2022 Comprehensive Plan Amendment docket through Resolution R20220119, which included the following five proposals:

- LR22-01 Small Scale Recreation and Tourism Rezone
- LR22-05 Agriculture Accessory Use Amendment
- C22-1 Wind Turbine Use Amendment
- C22-2 Critical Areas Ordinance Correction
- C22-3 Guemes Island Overlay Side Setback Amendment

Whereas LR22-05 Agricultural Accessory Use Amendment was rescinded by the applicant on July 29, 2022;

Whereas on October 10, 2022; the Board of County Commissioners amended the 2022 Comprehensive Plan Amendment docket through Resolution R20220192, to add the following two proposals:

- C22-4 Economic Development Plan Amendment
- C22-5 Seawater Intrusion Areas Amendment

Whereas the County issued notice on October 20, 2022, and received public comment, and the Planning Commission held a public hearing on November 8, 2022, and separately deliberated and issued a Recorded Motion on December 13, 2022 (**Attachment 1**);

Whereas the Planning Commission recommended approval of the following docketed amendments: LR22-01, C22-2, C22-3, C22-4, and C22-5;

Whereas the Planning Commission recommended denial of C22-1 Wind Turbine Use Amendment;

Whereas the Board of County Commissioners directs the County to amend the language of C22-1 to reflect feedback by the public, Planning Commission, and Board, for consideration on the next docket;

Whereas the Board of County Commissioners has reviewed the public comments and the Planning Commission's Recorded Motion for the 2022 docket;

Whereas the Board of County Commissioners deliberated in a public work session on January 17, 2023, and February 21, 2023, and received additional information related to C22-1.

Now Therefore Be It Ordained by the Board of County Commissioners:

Section 1. Items LR22-01, C22-2, C22-3, C22-4, and C22-5 are approved as shown in the Planning Commission's Recorded Motion (**Attachment 1**) and redline code changes (**Attachment 2**).

Section 2. Item C22-1 is denied consistent with Planning Commission's Recorded Motion (**Attachment 1**).

Witness Our Hands and the Official Seal of Our Office this 13 day of March, 2023.

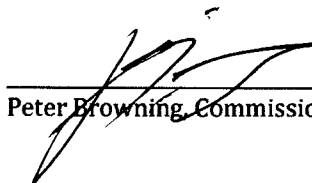
**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

OPPOSED

Ron Wesen, Chair



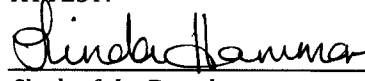
Lisa Janicki, Commissioner



Peter Browning, Commissioner



ATTEST:



Clerk of the Board

APPROVED AS TO CONTENT:



Jack Moore, Director
Planning & Development Services

APPROVED AS TO FORM:



Civil Deputy
Skagit County Prosecutor's Office



Skagit County Planning Commission

www.skagitcounty.net/planningcommission

Chair Tim Raschko **Vice Chair** Tammy Candler
Members Vincent Henley, Amy Hughes, Jennifer Hutchison, Mark Knutzen, Kathy Mitchell,
Martha Rose, Joe Woodmansee

Tuesday, December 13, 2022

Skagit County Planning Commission's Recorded Motion regarding 2022 Docket of Comprehensive Plan, Map, and Development Code Amendments

Proposal publication date: October 20, 2022

Proposal name: 2022 Docket of Comprehensive Plan, Map, and
Development Code Amendments

Documents available at: www.skagitcounty.net/2022CPA

Public hearing body: Skagit County Planning Commission

Public hearing date: Tuesday, November 8, 2022 at 6:00 p.m.

Written comment deadline: Thursday, November 10, 2022 at 4:30 p.m.

PC deliberations: December 13, 2022

On June 14, 2022, the Skagit County Board of Commissioners deliberated on the proposals for the 2022 docket, including public comments received, and passed Resolution #R20220119 including five petitions in the 2022 Docket.

Petition LR22-05, Agricultural Accessory Use Amendment, was rescinded by the applicant on July 29, 2022.

The Board of County Commissioners then amended the 2022 Docket by Resolution #R20220192 on October 10, 2022, to add two additional petitions to the docket.

The Planning Commission held work sessions on the docket on June 28th, August 9th, and October 28th, 2022, prior to the public hearing.

On October 20, 2022, the Planning and Development Services Department published a Notice of Availability (including SEPA determination of non-significance and notice of written comment period and public hearing) and staff report, and transmitted a 60-day Notice of Intent to Adopt to the Department of Commerce.

The staff report published on October 20, 2022, and supplemental staff reports contain additional findings related to process, public notice, and department recommendations.

The public comment period was open from October 20, 2022, until November 10, 2022, in which the County received 87 comments.

All written comments and hearing testimony were provided to the Planning Commission in a supplemental staff report dated November 17, 2022.

On November 22, 2022, a work session with the Planning Commission was held to discuss the public comments.

Planning Commission deliberated on the docket on December 13, 2022.

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.

Recommendations, Findings of Fact and Reasons for Action

LR22-01: Small Scale Recreation and Tourism Rezone

1. The Planning Commission recommends that the Board of County Commissioners **approve** the zoning map amendment to rezone the Bertelsen Farms property from Rural Reserve to Small Scale Recreation and Tourism.

Findings of fact and reasons for action:

- a. The County has specific steps to the process for applying for a rezone and the proponents have met those steps, including the applicant's provision of site plans as part of the rezone application.
- b. Skagit County Code 14.16.130 Small Scale Recreation and Tourism, addresses code for SSRT in detail. The proposal is in the Rural Reserve zone, not Ag-NRL, so it is not affecting farmland, as is or with the change to SSRT zone. The proposal will not cause a reduction or loss of farmable soils.
- c. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

- d. Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural life styles.
- e. Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands.
- f. Page 63 of the Comprehensive Plan states, "two other types of commercial LAMIRDS – Small Scale Recreation and Tourism uses, and isolated small scale businesses may allow new development provided that development is contained and consistent with the surrounding rural character. Small scale recreation and tourism zone is a type two LAMIRD."
- g. Page 64 of the Comprehensive Plan states, "the rural reserve designation covers those portions of the rural area that were not already developed at higher densities in 1990."
- h. Page 66 of the Comprehensive Plan states, "small scale recreation and tourism designation is intended to foster economic development and diversification that is recreational or tourist related that relies on rural location and setting and that incorporates the scenic and natural features of the land. The SRT designation is consistent with the type of LAMIRD authorized by RCW 36.70A.075 (d)(ii)."
- i. The location is directly off the I-5 Starbird interchange, allowing ingress and egress without disturbing neighbors, which is also an advantageous location for commercial and tourism uses.
- j. The proposal is beneficial to the community to add more activities as well as bringing in our neighboring communities to visit Skagit County.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-1 Wind Turbine Use Amendment

1. The Planning Commission recommends that the Board of County Commissioners **deny** the wind turbine use amendment.

Findings of fact and reasons for action:

- a. The public when given a chance to comment on the proposal was uniformly against it.
- b. The director had made an Administrative Official Interpretation in 2008 about this use, the public did not have input on the decision. In 2013, the Department went to a grant study and the public did not have input on the study.
- c. The industry guidelines that have been issued to local governments have been eye opening, they provide recommendations for code writing for wind turbines for local governments. The proposals for wind turbines should not be one size fits all. The needs in Skagit County are different than Whatcom County and other places.
- d. The proposal is too focused on certain types of wind turbines without discussion of how other types of turbines could better fit residential zones in the County. There needs to be more research into the size and types of wind turbines allowed in Skagit County as well as the zones where they are allowed.
- e. The proposal to allow wind turbines in all zones is too inclusive. There are few uses which are allowed in all zones in Skagit County.
- f. The proposal as stated allows for a maximum installation size for wind energy systems that is too large.
- g. The downsides for wind turbines are not being thoroughly mitigated for. Noise and resonance can have negative effects on humans and wildlife nearby.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-2 Critical Areas Ordinance Correction

1. The Planning Commission recommends to the Board of County Commissioners to **approve** the critical areas ordinance correction amendment.

Findings of fact and reasons for action:

- a. The proposal is necessary for clarity of the code.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose	x			
Joe Woodmansee			x	
Jennifer Hutchison	x			
Total	7	0	2	0

C22-3 Guemes Island Overlay Side Setback Amendment

1. The Planning Commission recommends that the Board of County Commissioners **approve** the request to amend the side setback and building envelope requirements within the Guemes Island Overlay.

Findings of fact and reasons for action:

- a. The side setback requirements have proved to be unnecessarily impractical and onerous for homeowners and PDS staff after six years of implementation.
- b. The current building envelope requirements disproportionately and negatively impacts narrow lots and older homes by minimizing improvements for second story livable space, restricting upstairs views, and reducing comparative home values.
- c. The proposal meets Skagit County consistency review with Skagit County Code 14.08.
- d. The proposal is consistent with Comprehensive Plan Goal 2A-8, "Work to simplify the permitting process for landowners and developers in the unincorporated portions of the urban growth areas and to allow flexibility of the construction of their homes without impacts to critical areas, view sheds, and other scenic amenities."
- e. The proposal is consistent with Comprehensive Plan Policy 3A-3.3, "Standards and plans for structures, roads and utility systems, and other public services and facilities, shall be consistent with rural densities and uses. Such facilities and services shall be designed, constructed, and provided to minimize the alteration of landscape and the impacts to rural residents and community character to preserve natural systems, to protect critical areas, to protect important land features such as, ridgelines, to retain historic and cultural structures/landscapes and scenic amenities."
- f. The current height restrictions have forced residents to occupy living space in the flood plain. This proposal will provide property owners the flexibility to plan for and use decks, gardens, open space, more freely with consideration for property obstacles such as boulders, trees, and mature growth onsite.
- g. The change in the code will not have an impact on the seawater intrusion issues on Guemes Island.

h. Rural character will still be maintained.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-4 Economic Development Plan Amendment

1. The Planning Commission recommends to the Board of County Commissioners to **approve** the request to amend the Comprehensive Plan Economic Development Plan chapter.

Findings of fact and reasons for action:

- a. The proposal ensures state funds are available to eligible recipients in Skagit County.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

C22-5 Seawater Intrusion Areas Amendment

1. The Planning Commission recommends that the Board of County Commissioners - **approve** the request to amend language for seawater intrusion areas.

Findings of fact and reasons for action:

- a. The proposal will ensure the County can engage with a contracted hydrogeologist to perform reviews of wells in documented seawater intrusion areas if the resources are not available on staff.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

The Planning Commission recommends that the Board of County Commissioners adopt the 2022 Docket of Comprehensive Plan, Map, and Development Code Amendments as recommended.

This recorded motion **approved** on this 13th day of December, 2022.

Commission Vote	Support	Oppose	Absent	Abstain
Tim Raschko, Chair	x			
Tammy Candler, Vice Chair			x	
Kathy Mitchell	x			
Vince Henley	x			
Mark Knutzen	x			
Amy Hughes	x			
Martha Rose			x	
Joe Woodmansee	x			
Jennifer Hutchison	x			
Total	7	0	2	0

SKAGIT COUNTY PLANNING COMMISSION
SKAGIT COUNTY, WASHINGTON



Tim Raschko, Chair

12-27-22

Date



Jack Moore, Secretary

12-27-22

Date

Amendments to 2022 Comprehensive Plan and Development Regulations

Key to changes:

Plain text = existing writing with no changes

~~Strikethrough~~ = existing writing to be deleted

Underlined = new writing to be added

~~Double Strikethrough~~ = existing writing moved
to another location

Double Underline = existing writing moved
from another location

Italics = instructions to writing reviser

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C22-2 Critical Areas Ordinance Correction

14.24.080(4)

(4) Determination That Critical Areas Are Present or Affected. If the Administrative Official determines that critical area indicators are present within 200 feet of the proposed activity or within a distance otherwise specified in this Chapter, then the Administrative Official shall note this determination in the application file and the applicant shall be required to provide the critical areas site assessment specified in this Chapter. Development of a site assessment may precede a County site visit; provided, that no disturbance of vegetation or land surface occurs prior to County authorization. If the applicant chooses, the site assessment may be limited to 300 feet surrounding a proposed development only if there are no other activities occurring or proposed on the remainder of the

parcel which are in conflict with this Chapter. If the applicant, together with assistance from the Administrative Official, cannot obtain permission for access to properties within 300 feet of the project area, then the site assessment may also be limited accordingly. The site assessment shall be completed as follows:

- (a) The site assessment shall be prepared by a qualified professional for the type of critical area or areas involved and shall contain the information specified for each type of critical area. The qualified professional may consult with the Administrative Official prior to or during preparation of the site assessment to obtain County approval of modifications to the contents of the site assessment.
- (b) The site assessment shall use scientifically valid methods and studies in the analysis of critical areas data and field reconnaissance and reference the source of science used.
- (c) The site assessment shall include:
 - (i) Project description that includes a detailed narrative describing the project, its relationship to the critical area and its potential impact to the critical area; and
 - (ii) A copy of the site plan for the project proposal including a map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
 - (iii) Identification and characterization of all critical areas and buffers adjacent to the proposed project area; and
 - (iv) An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development; and
 - (v) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations; and
 - (vi) A description of efforts made to apply mitigation sequencing pursuant to Subsection ~~(6)(b)~~ (5)(b) of this Section; and

C22-3 Guemes Island Overlay Side Setback Amendment

14.16.360 Guemes Island Overlay

(7) Dimensional Standards.

- (a) Setbacks.
 - (i) Front Setback for Fences. Fences that are less than 50 percent opaque and more than three feet tall must be set back at least 10 feet.
 - (ii) Side. Each side setback must be at least eight feet. ~~The total of both side setbacks must be at least 30 feet, or 30 percent of the lot width at its widest point, whichever is less.~~

(b) Maximum Height.

- (i) Structures. The actual height of the structure from base flood elevation may not exceed ~~42-30 feet. at the side setback. The actual height of the structure from base flood elevation may increase by one foot for each foot inside the required side setback, up to a maximum actual structure height of 30 feet. (Ord. O20160004 § 6 (Att. 6))~~

C22-5 Seawater Intrusion Areas Amendment

14.24.380 Seawater Intrusion Areas

(2) Application Requirements.

- (a) For Wells. An application proposing use of a well must include all of the following, which must be submitted for review prior to drilling any new well:

(i) A site plan, including:

(A) A dedicated inland well site location;

(B) Estimated depth of proposed well;

(C) An estimated land elevation of the well, except that if the well is within 250 feet of the shoreline, or if determined by ~~the County Hydrogeologist~~ a hydrogeologist engaged or employed by the County, the elevation of the well must be surveyed by a licensed surveyor;

(4) Development Standards for Wells.

- (a) Generally. For both existing and new wells, a well driller must:

(i) Install a wellhead source meter;

(ii) Install a sounding tube to allow water level measurements;

(iii) Set the maximum pumping rate consistent with Table 14.24.380-1;

(iv) Conduct a pump test under the supervision of a licensed well driller or licensed hydrogeologist, consistent with the following:

(A) Use the conservative maximum pumping rate defined in Table 14.24.380-1, or if the well driller proposes to use more than the maximum pumping rate in Table 14.24.380-1, include a hydrogeological assessment (including pump tests) using observation wells;

(B) Pump a minimum of 350 gallons from the formation during the test;

(C) Continue the pump test for at least four hours after water level stabilization has occurred, or for the timespan determined by ~~the County Hydrogeologist~~ a hydrogeologist engaged or employed by the County, whichever is longer.

(b) Documentation of Installation. The well driller must submit the following after the pump test:

- (i) Well ID;
- (ii) Proof of the sounding tube installation;
- (iii) The maximum pumping rate set;
- (iv) A record of the static water level depth prior to starting the pump test;
- (v) Pumping rates during the pump test;
- (vi) Drawdown measurements recorded throughout the pumping test in intervals as approved by ~~the County Hydrogeologist~~ a hydrogeologist engaged or employed by the County;

(d) Maximum Pumping Rates.

- (i) The maximum pumping rate for wells must be set consistent with the following table.
- (ii) A maximum pumping rate other than that in the table may be set if approved by ~~the County Hydrogeologist~~ a hydrogeologist engaged or employed by the County.

Table 14.24.380-1. Maximum pumping rates.

Location	Chloride level		
	0—24 ppm	25—99 ppm	100— 250* ppm
less than 1/2 mile from the coast for areas in (1)(a)	as determined or approved by the County hydrogeologist <u>a hydrogeologist engaged or employed by the County</u>		
less than 1/2 mile from the coast for islands in (1)(b)	3 gpm	2 gpm	1 gpm

Table 14.24.380-1. Maximum pumping rates.

Location	Chloride level		
	0—24 ppm	25—99 ppm	100— 250* ppm
greater than 1/2 mile from the coast for islands in (1)(b)	3 gpm	3 gpm	3 gpm