

Initial Citizen Committee Recommendations

Goal Statement IV. Compact Communities and Conservation Development

In all of our meetings with the public, we heard very strongly that the people of Skagit County want to preserve farmland, the local ecosystem, and their access to the natural world as the county grows. Given even low estimates for the amount of population growth that is likely over the next 50 years, this cannot be accomplished without urban areas becoming, on average, much more compact and dense. With this reality in mind, this is the Citizen Committee’s vision for future development in Skagit County:

- **Making the predominant growth pattern for the future will be up, not out.** Along with greater urban densities, our urban areas will feature more amenities, including parks, open spaces, and trails; higher quality site development, design and architecture; a wider variety of housing options, and a mix of compatible uses allowing people to meet many of their daily needs on foot, by transit, or with short car trips.
- **For the areas outside of our cities and towns – the county’s rural and natural resource lands – we see a less scattered and dispersed development pattern than current plans and trends would allow.** We fear the current rural development pattern amounts to low-density rural sprawl. In the future, we see development rights transferred or purchased from areas that should be protected– including hazardous and environmentally sensitive areas and natural resource lands. Those rights are transferred to logical and desirable places for development, including existing urban areas, rural clusters, and existing rural villages, situated on high ground, out of harm’s way, away from natural resource lands, with good access to the transportation and transit network and other rural infrastructure. Rural development is well situated and well designed, and zoning rules are enforced.

We offer the following conclusions and recommendations:

Distribution, Location and Impacts of Future Development

- 1. The County should modify its population distribution goal to direct 90 percent of new population growth to urban areas and 10 percent for rural areas, instead of the current 80/20 split. Moreover, the County should seek to direct half of the rural 10% to clustered “conservation developments” (see recommendation #3) and/or expanded rural villages in the vicinity of Alger and Conway Hill (see recommendation #4).**

The committee recommends that the reduced development capacity in rural areas implied by these targets be achieved through purchase or transfer of development rights. Development rights that are transferred should be sent to urban areas and existing rural villages, or encouraged to develop in small clusters, where they will have less impact on the environment and will be more efficient to serve with transportation and other infrastructure.

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There would be practical challenges to transferring thousands of development rights and purchasing large numbers of rights would not be cheap. We do not believe that it is fair or potentially even legal to attempt to achieve this scale of a reduction in loss of rural development rights through downzoning. We discuss these challenges further in the Economics section. Over 50 years, and given the regional, national and even international significance of conserving Skagit agriculture and the Skagit ecosystem, we do not see these challenges as insurmountable.

Urban Development - Compact Urban Communities

2. Existing urban communities in Skagit County should grow up rather than out, become more compact rather than more sprawling, and mix compatible uses to create more complete, walkable communities, rather than continuing to isolate uses in ways that create ever-greater reliance on the automobile to meet basic daily needs. The following recommendations are made to achieve quality urban environments in the Skagit:

- While higher densities can be achieved gracefully in existing residential neighborhoods through quality infill (e.g., well-designed cottage housing, accessory dwelling units and “granny flats”), the greatest potential for bringing more residents into the urban environment is through creative and imaginative redevelopment of our historic downtowns and existing commercial strips, malls, and big box centers. In these areas encourage mixed use development with commercial and retail on the ground floor, and condominiums and apartments on top, in the range of 2 to 5 stories.
- Emphasize quality in site planning, design and construction, and the provision of abundant, affordable urban amenities, including parks and open spaces, bicycle and pedestrian friendly street networks and trails, youth and adult athletic fields, and community gathering spaces or “greens.”
- Encourage the development of distinct neighborhoods, with individual character, to which residents are proud to belong. Each neighborhood should include a point of access to the public transportation network, the city or county-wide greenway network, and a public park or open space.
- Work at the community and neighborhood level to build a shared vision among residents and neighborhood groups, elected officials and planning staff, builders and developers for more compact, livable, high-amenity, sustainable communities. Sustainability would include “green” construction and redevelopment methods, low impact development approaches for stormwater management, energy conservation, comprehensive recycling programs, and other features to minimize environmental impacts.
- Convene multi-disciplinary groups, including builders, developers, planners, public safety officials, and public works departments, and residents of existing neighborhoods, to ensure that the vision can be translated into attractive, marketable, economically successful, safe, environmentally-sound and neighborhood-compatible developments on the ground.
- Implement community and neighborhood visions and plans through zoning code reform to allow smaller lot sizes and context-sensitive infill; tax incentives, density credit programs, reformed parking requirements, design standards and review, and other innovative planning tools.

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Redevelopment of Existing Urban Areas in the Floodplain

- 3. Redevelop our historic downtowns and existing commercial strips, malls, and big box centers, including those floodplain portions of Burlington and Mount Vernon, into mixed use, high-density urban centers, in the range of 2 to 5 stories, as a key means to accommodate significant increases in urban population and densities.¹**

Too much has already been invested in existing infrastructure, and there is too much existing development of historical and cultural significance, to give up on these areas as locations for redevelopment. However, our support for redeveloping these floodplain areas comes with a number of assumptions:

- Existing standards to flood-proof structures and mitigate flooding and environmental impacts will be enforced and, at least in places, will likely grow stricter under evolving federal standards for floodplain development;
- Cities will have effective evacuation plans for all at-risk areas; and
- All parties involved with constructing and maintaining the levee system will use the best available technology and methods to ensure that the levees and the entire flood prevention and control system perform as effectively as possible.

UGA Expansion Thresholds and Criteria

- 4. Establish higher thresholds than currently exist in the Countywide Planning Policies, county, city and town comprehensive plan policies, and the adopted UGA expansion criteria, for when urban growth areas are eligible to expand. This will encourage greater infill, redevelopment, and intensification within our existing urban areas.**

As long as cheaper lands remain available at the outskirts of our communities, there will be little or no economic incentive to intensify development within them. Tight UGA boundaries will encourage urban rejuvenation from within our cities, while loose boundaries will encourage continued low-density outward expansion. The following specifics should be implemented through negotiations between the county, the cities and the towns:

- Urban areas should achieve a 50 percent increase over current planned or anticipated residential capacity before UGA expansions are allowed. This would not require a 50% increases in residential density across the board, but could instead be achieved through residential upzones and intensification in specific areas – such as downtowns and mixed use commercial corridors.
- Employment densities used to calculate commercial and industrial acreage needs should be increased by 25% over existing capacities as found in the Comprehensive Economic Development Strategy (CEDS). This would reflect current and future trends toward more compact, vertical (multi-floor) commercial development, and create greater incentives for commercial infill and redevelopment.

¹ A minority opinion to this recommendation will be included in the committee’s final report. The opinion was written by committee member Grace Popoff and states that “a watershed-based floodplain management plan should be completed prior to making decisions about additional floodplain development.”

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- 5. Existing Urban Growth Areas should be prohibited from expanding into environmentally sensitive areas, including the floodplain and agricultural lands (which in Skagit County are generally synonymous).**

Recommendation #2, Goal Statement II (for Natural Resource Lands), already recommends against expanding UGAs into agricultural lands, consistent with the “no net loss” goal for those lands. Because virtually all agricultural land in Skagit County is in the floodplain, it is a simple extension of this prohibition to apply it to the floodplain. We recommend redevelopment of the floodplain within existing UGAs because there already is so much existing investment and infrastructure, and local history and culture present in many of these areas. However, urban boundaries should not be further expanded into the floodplain.

- 6. Existing Urban Growth Areas should be discouraged from expanding into sensitive stream basins.**

Examples of sensitive stream basins include the East Fork Nookachamps (east of Mount Vernon) and Hansen Creek (north of, and partly included in, the Sedro-Woolley UGA at Northern State). Both are important lowland tributaries for Skagit River salmon—particularly for coho, but also used by Chinook, chum, pink salmon and steelhead.

The Rural Landscape and Development

The Committee is concerned about the dispersed pattern of “red dots” in Skagit County rural and resource lands, as reflected in the Envision Plan Trend scenario modeling, representing potential new residences. All told, there are around 14,000 not-yet-exercised development rights in the rural and resource lands. Not all of these are anticipated to be built out by 2060, but the large majority are. This could have very serious negative impacts on environmental resources, natural resource lands and industries, and rural character. At the same time, we respect and acknowledge private property rights.

- 7. Skagit County should use all available tools to shape future development in rural and resource lands to minimize negative impacts.**

Through the use of land use designations and zoning, purchase and transfer of development rights, and conservation easements, the County should discourage development where it will cause the most environmental harm, including in the floodway, the functional floodplain (areas that flood frequently and have hydrologic continuity with the floodplain), the channel migration zone (areas that will likely be occupied by river channels over time), the lahar zone (the paths that mudflows from volcanic activity would likely follow), natural resource lands, and other areas with very high open space values.

- Skagit County should work with other jurisdictions and organizations (including the Skagit Smart Growth Alliance) to develop and implement a successful county-wide transfer of development rights (TDR) program to protect natural resource lands (such as Agriculture and Forest-NRL), environmental resources (including salmon and wildlife habitat) and rural character. In so doing, the County should set a consistent policy for preserving rural character, recognizing that the character of rural Skagit County is not the same everywhere.
- Skagit County should consider creating a purchase of development rights program (PDR) to protect the most environmentally sensitive lands, taking care not to undercut the successful Farmland Legacy Program.

Clustering via “Conservation Development”

- 8. Skagit County should amend its development regulations to enable and require clustering via "conservation development" for rural and natural resource lands. This would involve amending the County's current CaRD² ordinance to do a better job of protecting a site's most valuable open space, its natural hydrologic functioning, and any associated natural resource lands.**

Conservation development is an approach to development where: green space is laid out first; the site's natural hydrologic function is preserved; development lots are typically small and clustered; the majority of the site remains undeveloped; and the site's protected open space connects to the county's broader open space or green infrastructure network. Done well, conservation development also enhances a property's economic value.

We do not know the exact mix of planning, legal, economic, regulatory and incentive tools to make this vision a reality. We do not believe that the County's current CaRD or cluster ordinance is well-suited to achieve these goals and this vision. We strongly encourage Skagit County to work with the Skagit Smart Growth Alliance, the Urban Land Institute and other knowledgeable experts, local landowners, land development professionals, conservation organizations, and other interested parties to implement this vision through the Skagit County comprehensive plan and development regulations.

Rural Villages

- 9. The Committee supports moderately increasing densities in Alger and Conway Hill³, where expansion of rural villages makes the most sense in terms of transportation and other infrastructure and is least disruptive to natural resource lands, environmental systems and rural character. These existing rural villages should achieve their higher/clustered densities through transfers or purchases of development rights from rural and resource lands only. High quality design guidelines should be developed with the help of community residents so these communities retain their distinct character.**

Expansion of these existing rural villages is not currently allowed under the Growth Management Act. However, with appropriate safeguards we believe our proposal would better serve the goals of the Growth Management Act than existing law, and so it is the law that should be amended. Using development rights transferred from rural and resource lands, and with environmentally sensitive water and wastewater service, development in these expanded rural villages would have considerably less impact on natural systems, working lands, and rural character than if it took place where the development rights are currently located. Bringing the multiple affected landowners together to accomplish this would be a challenge, but we believe that with effective public-private coordination, the end result can provide greater value to the landowners themselves while also better serving the many public interests involved.

Current residents of the affected communities should, of course, help shape these expansions. In the case of Alger, we also recommend that Skagit County coordinate with the Upper Skagit Tribe,

² Conservation and Reserve Development.

³ The referenced “Conway Hill” area is currently designated Rural Intermediate; the existing Conway Rural Village is located west of I-5, in the floodplain and surrounded by Ag-NRL lands. This proposal envisions a portion of the Conway Hill area – out of the floodplain and Ag-NRL - becoming an “expanded rural village.”

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which has interests in development near its casino at the affected I-5 interchange, and with Whatcom County, which has authority over adjacent development across the county line.

- 10. The Town of Hamilton can and should play a similar role to these expanded Rural Villages, receiving transferred development rights and developing residential and mixed uses (shops, restaurants, services) at walkable scale and densities. With the recent expansion of Hamilton's urban growth area north of Highway 20 out of the floodway and floodplain, and the town's investments in urban infrastructure, Hamilton is a logical location for new development in the middle Skagit region.**

Fully Contained Communities

- 11. The Citizen Committee believes that fully contained communities (FCCs) should be avoided in Skagit County unless they can achieve their urban densities strictly through transfers of development rights from rural or resource lands at a ratio of one-to-one. If this means that FCCs are infeasible in Skagit County for the foreseeable future, we find that an acceptable outcome.**

Fully contained communities are different from rural villages as discussed above because under current law they 1) require an urban population allocation and 2) are required to develop at urban densities and with urban services. By definition, then, they are new urban areas placed on land that was previously rural. If they achieve their density through the creation of new development rights or transfer of urban population allocations, they therefore add to the total amount of development that could occur outside of existing urban areas. Moreover, that development would be located where there is currently little to no existing infrastructure capable of serving urban densities. In contrast, we conclude it is far better to locate new urban development within or adjacent to existing urban areas, where infrastructure can be extended cost-effectively and impacts on working lands and natural systems can be minimized.

Given future population increases and the degree to which existing urban areas in Skagit County are located in the floodplain or adjacent to farmland, it is possible that there may come a time when an FCC may offer the opportunity for smaller impacts on natural systems or working lands than an equivalent expansion of an urban area. For now, however, given all of the above as well as concerns that Citizen Committee members have over issues of affordable housing and impacts on transportation, we believe that the standard for considering an FCC should be set very high, including a one-to-one ratio for transferring its development rights from rural and resource lands.