

# INTRODUCTION

## THE BAYVIEW RIDGE SUBAREA

The Bayview Ridge Subarea is a 4,011-acre area, which includes a ~~3,633,944~~-acre “non-municipal urban growth area,” located in the Skagit Valley approximately 1-mile west of the city of Burlington and ~~1-1/2~~one-and-a-half miles northwest of the city of Mount Vernon. Although situated within an agricultural valley, the Bayview Ridge Subarea is distinct from the surrounding farmland due to both its location on a topographic bench above the Skagit River floodplain and its history of urban development. The Bayview Ridge Subarea community presently is ~~presently~~ characterized as a mix of industrial/business uses, airport and aviation-related uses, pastureland, and a variety of residential uses.

The Bayview Ridge Subarea encompasses the Skagit Regional Airport (an essential public facility), the Port of Skagit County’s Bayview Business and Industrial Park, Sierra Pacific lumber mill, ~~the~~ Paccar Technical Center, and other industrial and commercial developments in the western and central portions of the Subarea. Residential subdivisions and the Skagit County Golf and Country Club lie along the eastern edge above the valley floor. Tracts of vacant land are located between the airport and the residential area, as well as east of the airport. Numerous wetlands are scattered throughout the Subarea, thus constraining the area available for development.

The Subarea now accommodates urban levels of industrial/commercial and residential development, but in an isolated fashion - it is not a cohesive community. The remaining undeveloped properties are generally large, providing an opportunity for master planning. This planning will maximize the public and private resources already invested in, and planned for the Urban Growth Area (UGA) by creating a cohesive and more self-sufficient urban community, while insuring compatibility with continued development of the Skagit County Regional Airport and adjacent industrial lands.

A map of the Bayview Ridge Subarea is shown in **Figure 1**. The boundaries of the Subarea reflect major industrial/commercial property ownerships, existing land use, and topography. The Avon-Allen Road and a steep hillside form the boundary on the east. State Route 20 (SR 20) and Ovenell Road bound the Subarea to the south, with the Farm to Market Road on the west and the Port of Skagit County ownership, Josh Wilson Road, and a steep hillside on the north.

## BAYVIEW RIDGE SUBAREA PLAN VISION STATEMENT

A vision statement paints a picture of how the community might look and function in the future. The vision outlined below is intended to provide a framework for developing goals, objectives and policies that will guide and shape development that occurs in Bayview Ridge.

The unique combination of residential and industrial development supported by extensive public and private infrastructure investments surrounding a regional, general aviation airport presents an extraordinary opportunity with respect to future development in the Bayview Ridge Subarea.

The variety of existing residential development and opportunities for future residential development combined with the employment options that exist now and that are planned for at the industrial properties and the Port of Skagit County creates an opportunity for a thriving community for people of all ages and income levels who choose to live and work in Bayview Ridge.

The Bayview Ridge Subarea Plan is designed to provide for the planned and orderly growth of the Bayview Ridge Subarea. The Subarea Plan aims to:

Establish a Bayview Ridge Urban Growth Area (UGA) based on its suitability for development and the commitment of public and private services and resources invested in the area;

Create a cohesive, thriving community with a diversity of residential, industrial, airport and community/public uses;

Take advantage of the unique opportunity to build upon the natural assets of this area, situated on a topographical bench above the floodplain with incredibly scenic views;

Provide an opportunity for residents to live, work and recreate in the same community;

Encourage a variety of housing opportunities;

Create a safe, pedestrian-friendly internal transportation network;

Preserve and protect aviation activity at the Skagit Regional Airport, an essential public facility, consistent with the *Skagit Regional Airport Master Plan*;

Provide for industrial development in a planned and coordinated fashion;

Develop an open space network that provides recreational opportunities, airport safety, and protects and maintains natural resources and critical areas; and

Create a Community Center to be a hub of local service provision and limited commercial activity serving Bayview Ridge residents and employees.

## GOALS, OBJECTIVES, AND POLICIES

Elements, or chapters of the Subarea Plan, include goals, objectives and policies for the long-term development of the Bayview Ridge Subarea.

A **goal** is a direction-setter. It is an ideal future end, condition, or state related to the public health, safety, or general welfare toward which planning and implementation measures are directed. A goal is a general expression of community values and, therefore, is abstract in nature. Consequently, a goal is generally not quantifiable, time-dependent, or suggestive of specific actions for its achievement.

An **objective** is a specific end, condition, or state that is an intermediate step toward attaining a goal. It should be achievable and, when possible, measurable time-specific. An objective may only pertain to one particular aspect of a goal or it may be one of several successive steps toward goal achievement. Consequently, there may be more than one objective for each goal.

A **policy** is a specific statement that guides decision-making. It indicates a clear commitment of the local legislative body. A policy is based on a comprehensive plan's goals and objectives as well as the analysis of data. A policy is effectuated by implementation measures (such as: zoning, land division, and environmental ordinances).

## BAYVIEW RIDGE SUBAREA PLAN ELEMENTS

The remaining chapters in the Bayview Ridge Subarea Plan contain goals, objectives and policies for ten (10) major subject area or elements: Land Use, Community Character, and Design; Business and Industrial Development; Commercial and Community Center; Housing; Transportation; Capital Facilities; Utilities; Parks, Recreation and Open Space; Natural Environment; and Essential Public Facilities.

### **Chapter 1: Existing Conditions in the Bayview Ridge Subarea**

This chapter explains the existing land use and development conditions in the Bayview Ridge Subarea. Additionally, the results of the *Skagit Regional Airport Land Use Compatibility Study* are presented and discussed.

### **Chapter 2: Land Use, Community Character, and Design**

This chapter addresses the general distribution and location of land uses and the appropriate intensity and density of land uses given development trends. Additionally, community character and urban design concepts are discussed and defined.

### **Chapter 3: Business and Industrial Development**

This chapter focuses on the economic development opportunities existing in the public and private industrial areas surrounding the Skagit Regional Airport.

### **Chapter 4: Community Center**

The focus of this chapter is creating a ~~15-acre~~ Community Center in the Bayview Ridge Subarea that will provide needed public services with a provision of open space to serve the residents and employees of the Subarea.

### **Chapter 5: Housing**

This chapter addresses the need for the Bayview Ridge Urban Growth Area to accommodate a future population allocated by the ~~2000~~ Countywide Planning Policies. This chapter also contains plan policies that promote a diversity of housing opportunities at all income levels that can support future job growth in the Subarea.

### **Chapter 6: Transportation**

This chapter details the transportation goals, objectives and policies which set forth the adopted Level of Service (LOS) standards and other policy commitments. Motorized and non-motorized transportation networks are discussed.

### **Chapter 7: Capital Facilities**

The focus of this chapter is the planning and provision of needed public facilities and services. This chapter addresses capital costs, financing, levels of service methods and consequences, statutory requirements, and specific related goals, objectives and policies.

### **Chapter 8: Utilities**

This chapter focuses on the provisions of public and private utilities, including: electricity, natural gas, telecommunications, cable television, and the Port of Skagit County.

### **Chapter 9: Parks, Recreation, and Open Space**

This chapter addresses the Level of Service (LOS) standard for park and recreation land. Public open space for airport safety and critical areas is also addressed.

### **Chapter 10: Natural Environment**

This chapter focuses on the preservation and enhancement of the natural environment. The topics discussed include: critical areas, aquifer recharge areas, flood hazard areas, geologically hazardous areas, wetlands, fish and wildlife habitat, and the identification, classification and inventorying of such areas.

### **Chapter 11: Essential Public Facilities**

This chapter addresses the two essential public facilities located in the Bayview Ridge Subarea: The Skagit Regional Airport and the Skagit County Solid Waste Handling Facility. Goals, Objectives, and Policies aim to preserve these essential public facilities.

## **THE GROWTH MANAGEMENT ACT (GMA) AND SUBAREA PLANNING**

Subarea planning may be considered under the provisions of the GMA, provided the Subarea Plan is consistent with the overall Comprehensive Plan.

Skagit County Countywide Planning Policies support subarea planning as an approach to addressing homogeneous natural features and communities in the county. Chapter ~~14~~<sup>12</sup> of the *Skagit County Comprehensive Plan* specifically addresses preparation of “Community Development” or “Subarea” Plans. Chapter ~~14~~<sup>12</sup> states that Subarea Plans coordinate and provide consistency with the Comprehensive Plan at a scale and level of detail that cannot be attained under the broad guidelines of the Comprehensive Plan because of the diversity in the character of various parts of the county. The Comprehensive Plan serves as an “umbrella” document and provides a foundation from which Subarea Plans are developed. Subarea Plans, or Community Development Plans, then implement and enhance the Comprehensive Plan.

In the fall of 1999, property owners, the Port of Skagit County, the city of Burlington, and Skagit County came together and applied for a grant to fund the preparation of a Bayview Ridge Subarea Plan from the Washington State Department of Community Trade and Economic Development. This is the first plan using Chapter ~~14~~ of the *Skagit County Comprehensive Plan*, the Community Development Plans Element.

The Bayview Ridge Subarea Plan has been developed consistent with GMA Goal 11, which states: “Citizen Participation and Coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflict.” In November 2000, the Skagit County Board of Commissioners, in accordance with Skagit County’s Growth Management Act Public Participation Program (SCC 14.08.070), appointed a nine member Citizens Advisory Committee to work with staff in creating the Bayview Ridge Subarea Plan. Additionally, representatives from the city of Burlington and the Port of Skagit County were invited to participate in the planning process.

Community information meetings were held at the Port of Skagit County to discuss the Bayview Ridge Subarea planning process in March and September of 2000. As mentioned above, the Skagit County Board of Commissioners appointed a Community Advisory Committee in November 2000. In January 2001, the county held a Community Meeting to inform the public about the Bayview Ridge Subarea planning process and to present the results of the Skagit Regional Airport Land Use Compatibility Study and to answer questions from the public. Citizen participation techniques will be employed throughout the Subarea planning process. It is

the goal of this plan to maintain an active program for citizen participation to review proposed development projects; changes to plans, policies, codes, and regulations; and to provide an opportunity for discussion and problem solving as appropriate.

### *GMA Compliance*

The Growth Management Act (GMA) ~~of 1990 established~~ establishes 13 planning goals. Of particular significance for the Subarea Plan are those goals which are designed to encourage development in urban areas where adequate public facilities exist or can be provided in an efficient manner, to support economic development, and ensure that those public facilities and services necessary to support development are adequate to serve the development at the time of occupancy and use without decreasing current service levels below locally established minimum standards. Transportation, housing, environmental protection, open space, and recreation are also important planning goals for the Subarea Plan.

The *Skagit County Comprehensive Plan* ~~was adopted~~ in June 1997 identified, ~~and~~ Bayview Ridge ~~was identified~~ as an UGA. Subsequently, the Western Washington Growth Management Hearings Board (WWGMHB) conducted lengthy appeal proceedings on many issues relating to the Comprehensive Plan, including the Bayview Ridge Urban Growth Area. The case is entitled *Abenroth, et al.*, Case No. 97-2-0060C. On January 23, 1998, the WWGMHB ruled that the Bayview Ridge Urban Growth Area was invalid because there was not adequate documentation to support its designation, with the exception of the land owned by the Port of Skagit County. The Port has an adopted Master Plan and analysis that indicates its land is well planned for, will be efficiently served, and will provide for industrial uses compatible with the Skagit Regional Airport.

~~In response to the WWGMHB ruling, Skagit County adopted Ordinance No. 18264, now codified as Skagit County Code 14.16.215, which establishes industrial/commercial land use restrictions and requirements (development standards) for public facilities and services for the Bayview Ridge Urban Growth Area and surrounding environs. The ordinance also specifies that land use assessments be conducted to determine industrial, commercial, and residential acreage needs; that infrastructure, capital facility planning, and urban level of service (LOS) standards be addressed; that airport operations and environs be evaluated with regard to potential incompatibilities with adjoining land uses; and that buffers be established between non-industrial and planned areas of industrial uses to minimize potential land use conflicts or incompatibilities.~~

This amended Subarea Plan ~~is intended to document~~ the need for a residential component to the Bayview Ridge Urban Growth Area and establishes policies to bring the UGA into compliance with the Growth Management Act. Accompanying development regulations implement the policies. ~~and the WWGMHB.~~

### *Creating a Non-Municipal UGA at Bayview Ridge*

Skagit County, in cooperation with the cities and towns, first began looking at the County population projections with the intent of directing new growth into urban areas in 1991 when developing the comprehensive Coordinated Water System Plan (CWSP) for the County. These discussions helped form a basis for the Countywide Planning Policies update in 1996, in which 2015 population projections were allocated to the Urban Growth Areas (UGAs) “based on the goal contained in Countywide Planning Policy 1.2 which provides for the cities, towns and urban growth areas to accommodate 80 percent of the twenty year projected growth” (1997 CP, page 3-6).

Projected population growth was initially distributed to communities in an equitable manner, without regard for their ability to adequately provide for such growth. “In reviewing the initial allocations, several cities determined they would be unable to provide for their equal share of projected population due to financing of infrastructure improvements, adjacent location of natural resource lands or other constraints” (1997 CP, pages 3-6 – 3-7). Specifically, cities cited the following issues:

**Anacortes:** The city of Anacortes is located on Fidalgo Island. As such, it has physical constraints, bordering water bodies, which restrict its growth and expansion. Additionally, Fidalgo Island has a number of unique geological constraints and environmental conditions affecting its suitability for dense urban development. Finally, the city of Anacortes determined that its existing infrastructure, particularly the sewer system, would reach maximum capacity with a population of 18,300 [CPP 1.1 (1996)]. Consequently, the city of Anacortes has significant fiscal and environmental constraints that prohibit the city from accommodating a 2015 population in excess of 18,300.

**Burlington:** The city of Burlington is currently located almost entirely in the floodplain. Additionally, the city is land-locked on the south by the city of Mount Vernon. The Skagit River to the south and east also limits outward

growth. The city is surrounded by Agriculture Natural Resource Lands and floodplain on the north, east and west. The city of Burlington's location within the floodplain, surrounded by Natural Resource Lands, and its proximity to the Skagit River significantly restricts the city's ability to grow and expand its municipal boundaries. Population growth within the City will largely be attributed to infill development. Given this situation, the city of Burlington determined that it could accommodate a 2015 population of 7,065 [CPP 1.1 (1996)].

La Conner: The Town of La Conner's UGA does not extend beyond its municipal borders because of the natural constraints of its location, similar to Anacortes and Burlington. La Conner is precluded from expanding west as it borders the Swinomish Channel. Agriculture Natural Resource Lands, as well as the floodplain, surround the Town on the north, east, and south. Population growth within the Town of La Conner will be solely attributed to infill development within its current municipal boundaries. Consequently, the Town of La Conner determined its existing land supply will accommodate a 2015 population of 890 [CPP 1.1 (1996)].

Sedro-Woolley: The city of Sedro-Woolley, while bordered on the south by the Skagit River, does have adequate land supply, non-Natural Resource Lands, on the north and northeast sides of the city for future growth. However, the City determined that its existing sewer and water systems could not serve a 2015 population in excess of 11,030 [CPP 1.1 (1996)].

Mount Vernon: The city of Mount Vernon reported no problems in accommodating its fair share of the 2015 project population. Rather, the city agreed to take additional population within its UGA, above its fair share.

In looking to alleviate the burden of accommodating the anticipated 2015 population, the county, in coordination with the cities and towns, identified three non-municipal UGAs to ~~direct~~ receive urban growth: Bayview Ridge, Big Lake and Swinomish. While the city of Burlington was constrained in expanding its municipal boundaries, it had been providing sewer service since 1975 to the Skagit Regional Airport and a number of residential housing developments in the Bayview Ridge area. Public Utility District No. 1 (PUD) provided water service to the area. Bayview Ridge was a suitable location for future urban residential development due to its location out of the floodplain, existing infrastructure and history of residential development at urban densities. Both the Big Lake and Swinomish areas were designated as non-municipal UGAs because these areas were served by existing sewer services and had urban levels of residential development.

In 1998, after the county adopted its first Comprehensive Plan under GMA, the Western Washington Growth Management Hearings Boards found the Big Lake UGA noncompliant with GMA and also invalidated the Bayview Ridge UGA outside the Port of Skagit County's property <sup>1</sup>. In response, Skagit County eliminated the Big Lake UGA, redesignating it a Rural Village, and began a Subarea Planning process to plan for the Bayview Ridge, including a residential component to the Bayview Ridge UGA. In 2000, Skagit County, in cooperation with the cities and towns, reallocated the 2015 population of 2,400 allocated to the Big Lake UGA through the Countywide Planning Policies (CPP) update process. The 2000 CPPs reported that "the urban residential population allocated to Big Lake (2,400) from the previous CPP 1.1 [had] been placed in a reserve category, from which 1,491 has been allocated to Sedro-Woolley's, Concrete's, and La Conner's Urban Growth Areas ~~as indicated on this revised table~~. The remaining balance of urban residential population (909) had been placed in a reserve category in 2000; this population was allocated to various UGAs as part of the 2007 update to the Countywide Planning Policies will be reallocated to the UGAs in 2002 as part of the Comprehensive Plan updates required in RCW 36.70A.130" (2000 CPP 1.1 footnote).

Located on a topographical bench above the Skagit River floodplain and outside Agriculture Natural Resource Lands, the Bayview Ridge Subarea is uniquely situated and suitable for urban growth. Existing residential development patterns more closely resemble traditional urban and suburban residential development with 46 percent of the existing homes on lots of 1/4 acre or less and 77 percent of the homes on lots of 1/3 acre or less. Only 4 percent of the existing homes are sited on lots greater than 1 acre. The unique combination of residential and industrial development supported by extensive public and private infrastructure investments surrounding a regional, general aviation airport presents an extraordinary opportunity with respect to future development in the Bayview Ridge Subarea, making this site ideal for a non-municipal UGA.

The Bayview Ridge Subarea Plan was first adopted by Skagit County in December 2006. A subsequent appeal to the Western Washington Growth Management Hearings Board (Hearings Board) resulted in a decision that a residential component to the UGA is compliant with the Growth Management Act (Case No. 07-2-0002 Final

Decision and Order). However, the decision noted many non-compliant items. This revised plan addresses those issues of non-compliance. The Hearings Board also declared one provision of the concurrency regulations to be invalid ((SCC 14.28.105 (4)). This provision allowed temporary sewer holding tanks in some circumstances. An interim ordinance was adopted that prohibits holding tanks and the development regulations accompanying this plan makes that prohibition permanent. The FDO also gave the County the option of updating the plan to reflect the 2025 forecast in the then soon-to-be adopted Comprehensive Plan update. The County is pursuing that option by using the adopted 2025 forecast of 5,600 for the Bayview Ridge UGA.

~~—Skagit County has an immediate need to accommodate the remaining former Big Lake UGA population of 909 as well as the 3,420 people allocated to the invalidated residential component of the Bayview Ridge UGA. As a result of the inability of the existing municipal UGAs to accommodate this population, the county is left with the option of finding an area outside a municipal UGA suitable for urban residential development, or to consider lowering the standard outlined in the Countywide Planning Policies that 80 percent of future population growth be accommodated in urban areas. This standard is a directive of the Countywide Planning Policies. The county has performed no studies, which warrants a change to the standard and therefore must comply with it. Further, lowering the standard that 80 percent of future population growth be accommodated in urban areas poses a significant threat to the future sustainability of the Skagit County Agriculture Industry, as prime farmlands could be consumed by low density rural residential development. Additionally, such a scenario also suggests that more rural residential development would occur in floodplain areas. As Skagit County residents value its agricultural history and seeks to protect agricultural lands, the County seeks to identify lands outside current municipal UGAs that are suitable for urban residential development.~~

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1 Abenroth, et al., v. Skagit County; WWGMHB Final Decision and Order; Case #97-2-0060c. (June 22, 1998)