



PLANNING & DEVELOPMENT SERVICES

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MEMORANDUM

To: Skagit County Planning Commission and Interested Public
From: Jeroldine Hallberg, Kirk Johnson
Date: April 24, 2008
Re: Department Report on Bayview Ridge Compliance Proposal 2

The Skagit County Planning and Development Services Department has released for public review and comment two proposals intended to bring the Bayview Ridge Subarea Plan and Urban Growth Area into compliance with the Growth Management Act. This Department report summarizes Bayview Ridge Compliance Proposal 2, which includes modifications to the Subarea Plan, to the boundaries and zoning of the Bayview Ridge Urban Growth Area, and to Skagit County Code Title 14 development regulations applicable within the Bayview Ridge UGA.

Most of the elements of the proposal are in direct response to findings of non-compliance or invalidity by the Western Washington Growth Management Hearings Board in Case No. 07-2-0002. Some elements of the proposal do not respond to specific findings of non-compliance, but rather update the Bayview Ridge Subarea Plan (Subarea Plan) to ensure consistency between the Subarea Plan, the Skagit County Comprehensive Plan, and the county's Capital Facilities Plan, in light of the new planning period of 2005-2025.

A public hearing before the Skagit County Planning Commission will be held on Proposal 2 on Tuesday, May 13, 2008.

I. BACKGROUND

In December 2006, Skagit County adopted the Bayview Ridge Subarea Plan and Development Regulations to accommodate urban residential and commercial and industrial growth within a cohesive, non-municipal urban growth area encompassing 3,633 acres at Bayview Ridge. That action, through Ordinance O20060007, added a residential and commercial area to the already-existing industrial Bayview Ridge UGA centered around the Skagit Regional Airport, Port of Skagit County, and other privately-owned industrial lands.

Skagit Growthwatch, Citizens to Protect Bay View Ridge, and Gerald Steel appealed the Bayview Ridge Subarea Plan and Development Regulations to the Western Washington Growth Management Hearings Board, asserting that the Subarea Plan and residential portion of the UGA were not compliant with the Growth Management Act. The Hearings Board issued its Final Decision and Order on August 6, 2007, finding the county compliant on the vast majority of the issues raised by petitioners, but non-compliant on about a dozen issues. The Hearings Board issued an order of invalidity for one code section.

Skagit County's Bayview Ridge Proposal 1 is designed to address the compliance issues associated with sewer requirements and school siting. Proposal 2, the subject of this memo, seeks to remedy the remaining compliance issues related to the Subarea Plan and development regulations, and to update the Subarea Plan and ensure consistency with other county plans as noted above.

II. CONSISTENT PLANNING PERIOD

The Hearings Board found that the Subarea Plan was inconsistent with the County's Comprehensive Plan because the two documents did not use the same planning period.

The Subarea Plan has been updated to ensure consistency with the County's Comprehensive Plan, which was updated September 10, 2007. These revisions are most evident in the Introduction and Chapters 2, 5, 7, 9. These Subarea Plan updates are also described in Comprehensive Plan Chapter 12, Community Plans and Implementation. The Subarea Plan and County Comprehensive Plan now utilize the same planning period of 2005 to 2025 as required by RCW 36.70A.070 and 36.70A.080(2).

III. CAPITAL FACILITIES

The Hearings Board found that the Bayview Ridge Capital Facilities plan did not "summarize projects and funding for the six-year period following the establishment of the Bayview Ridge UGA as required by RCW 36.70A.070(3)(d). Furthermore, it is not consistent with the most recent Skagit County CIP, which should also cover the same period, so it does not comply with RCW 36.70A.070." Final Decision and Order (FDO) at 27.

The Subarea Plan has been updated to reflect Skagit County's adoption of a Capital Facilities Plan (CFP) for the six-year time period 2008-2013. The County CFP addresses some of the capital needs for the Bayview Ridge UGA. This Subarea Plan update incorporates changes made in the County CFP and updates all of the facilities listed in the original Bayview Ridge Subarea Plan. New information is provided for county and non-county service providers, as follows:

- County: transportation, stormwater, parks, law enforcement, solid waste.
- Non-county: City of Burlington sewer facilities, fire districts 6, 2, and 12, Burlington-Edison School District, PUD #1 water service, Skagit Regional Airport, telecommunications and energy providers.

IV. UGA RESIDENTIAL ALLOCATION

The Hearings Board found that the Bayview Ridge UGA was not sized according to its population allocation, and that addition of population beyond that in the comprehensive plan and the inconsistent use of population and land use figures in the Subarea Plan violated the requirements of RCW 36.70A.070 for an internally consistent comprehensive plan. FDO at 36-37.

To ensure consistency with the County's adopted 2025 population forecast, this proposal adds the 304-acre area outside of the UGA that is designated Bayview Ridge Urban Reserve to the UGA. The Bayview Ridge Urban Reserve and Bayview Ridge Residential areas will accommodate a total of 5,600 people, the population allocated to Bayview Ridge through Countywide Planning Policy 1.1.

The Bayview Ridge Urban Reserve is proposed to be phased in as the Bayview Ridge Residential zone is developed and infrastructure becomes available to the Bayview Ridge Urban Reserve portion.

V. DEVELOPMENT REGULATIONS

Amendments to Skagit County Code (SCC) 14.16.180, Bayview Ridge Light Industrial, are proposed to address manufacturing processes conducted outdoors to implement plan policies requiring compatibility between new industrial uses and adjacent proposed residential areas. Language in SCC 14.16.210, Airport Environs Overlay, regarding approved Federal Aviation Administration permit requirements, is proposed to be amended. Amendments are proposed to SCC 14.16.335, Bayview Ridge Residential, to require minimum densities of 4 dwelling units per acre to ensure urban levels of growth in the UGA consistent with RCW 36.70A.110. A density bonus of up to two additional units per acre is proposed to be available through a program that would allow the purchase of density credits through the Farmland Legacy Program. The Farmland Legacy Program would use revenues from the sale of density credits for the purchase of permanent conservation easements on agricultural lands in the County. Other amendments include changes to:

- Dimensional requirements to meet plan policies for residential street frontages;
- Processing applications for attached and multifamily residences;
- Airport Environs Overlay requirements for Port of Skagit County property;
- Specific criteria regarding manufactured housing in the Bayview Ridge residential districts;
- Setback provisions in Urban Reserve;
- Landscaping requirements for the Community Center and Residential zones; and
- Requirements for existing, substandard lots in the Bayview Ridge UGA.

VI. COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

The boundary of the Urban Growth Area is proposed to be moved north to include the 304-acre Bayview Ridge Urban Reserve area, as described in IV above, to help accommodate the increased population allocation for 2025. The zoning is proposed to remain Bayview Ridge Urban Reserve during the first phase of the 20-year planning period. The land use designations for Bayview Ridge Heavy Industrial and Light Industrial are proposed to be adjusted to shift approximately 500 acres from Light Industrial to Heavy Industrial. This shift is consistent with Countywide Planning Policy 1.1 as it does not change the total number of acres within the Bayview Ridge UGA allocated to commercial/industrial use. It also helps to implement Subarea Plan Policy 2A-1.1 by grouping those uses with the most potential for nuisance and/or hazards away from the existing and proposed residential areas.

VII. LEVELS OF SERVICE (LOS)

Parks

The Hearings Board found that the Subarea Plan and the county's 2003-2008 Capital Improvement Plan contained different levels of service for park land and thus failed the consistency requirement of GMA. The Board also found that the Subarea Plan needed to include the possible locations of park facilities needed to maintain the Parks LOS until 2015. FDO at 55.

The level of service standards for parks, including proposed locations and capacities, have been updated in Chapters 9 – Parks, and 7 – Capital Facilities.

Transportation

Subarea Plan policy 6A-1.2, addressing transportation Level of Service, has been amended to eliminate several exceptions to the LOS standard found to be non-compliant by the Growth Management Hearings Board.