

Proposed Skagit County UGA Expansion Criteria
Preliminary Draft

Prepared For:

Skagit Council of Governments
GMA Technical Advisory Committee

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Background

The overall goal of the UGA Expansion Criteria project is to define meaningful UGA expansion criteria in a transparent and reasonably easy-to-understand format that all jurisdictions in Skagit County can effectively implement. The goal of the project is to make clear the UGA boundary adjustment process for Skagit County and its municipalities by identifying procedures and criteria for UGA boundary adjustments (i.e., UGA expansions or contractions). This project was funded by a grant from the Washington Department of Community, Trade and Economic Development. Skagit County and City/Town staff—comprising the Skagit Council of Governments (SCOG) GMA Technical Advisory Committee—worked with a consultant starting in January 2006 to identify UGA expansion issues and evaluate potential criteria to address those issues. Several supporting technical reports prepared during that process document the evaluation process¹. The preliminary recommendations contained herein reflect the discussion and input of the SCOG Technical Advisory Committee.

Issues Incorporated in the Recommended UGA Expansion Criteria

The GMA Technical Advisory Committee has discussed a wide range of issues of concern to both cities/towns (hereafter collectively referred to as “municipalities”) and the county relating to UGA expansion and urban development patterns. The recommended new UGA expansion criteria will specifically address many of those issues, including:

- ✓ Timing of UGA expansions. The proposed criteria would establish a basic seven (7) year cycle for consideration of UGA boundary adjustments—consistent with that proposed as part of the Skagit County Comprehensive Plan 2005 Update. There will be specific exceptions for UGA boundary adjustments that may be considered more frequently than once every seven years.
- ✓ Requirements for land capacity analyses. A proposed new countywide planning policy and criteria identifying the need for UGA land capacity analyses in support of any proposed UGA boundary adjustment. Jurisdictions must use consistent (though not identical) methodologies in their land capacity analyses.
- ✓ Use of “thresholds” for UGA expansion more frequently than the 7 year cycle. The proposed criteria would require jurisdictions to document through a land capacity analysis that at least 50% of their urban residential, commercial or industrial buildable land supply has been developed since their last

¹ See “City/County UGA Expansion Criteria Discussion Paper,” April 2006, prepared by Mark Personius, AICP, Growth Management Consultant; and Memorandum titled “Evaluation of UGA Expansion Criteria (Phase II),” May 23, 2006, from Mark Personius to the GMA Technical Advisory Committee.

population/employment allocation, in order to consider UGA expansion for respective residential, commercial or industrial purposes outside of the seven (7) year cycle.

- ✓ Consideration of reasonable alternatives to UGA expansion. The proposed criteria would require jurisdictions to document consideration of reasonable alternatives to UGA expansion through any comprehensive plan amendment planning process that proposes to expand a UGA.
- ✓ Identify requirements for UGA expansion into designated natural resource lands. The proposed criteria would identify minimum requirements to be met for expansion of UGAs into currently designated natural resource lands.
- ✓ Joint county/municipality planning for UGA expansion. The proposed criteria would identify opportunities for joint planning and consultation between the county and the municipalities regarding UGA expansion, provision of public urban services, and transformance of governance issues. Proposed criteria would not require preparation of Subarea plans specifically for UGA expansions.

Once the GMA Technical Advisory Committee recommends the final draft set of proposed UGA expansion criteria, the consultant will work with the Technical Advisory Committee to develop recommended procedural requirements (e.g., checklists and proposed UGA boundary amendment review and evaluation procedures) to implement the proposed new criteria consistent with the 2002 Framework Agreement.

Recommended Countywide Planning Policy Amendments

The Countywide Planning Policies (CPPs) would have to be amended, at a minimum, to address the development of a consistent land capacity analysis methodology amongst all Skagit County jurisdictions.

Suggested new CPP language includes:

The County and Municipalities shall develop a consistent approach to calculating the land supply needed within an urban growth area. This approach shall consider limitations imposed by critical area regulations, infrastructure needs, open space, existing uses on partially utilized or underutilized parcels, local market factors and the ability of the jurisdiction to provide urban services. It is recognized that the above limitations may vary by jurisdiction, but the method for applying them shall be consistent.

Recommended Skagit County UGA Expansion Criteria

The following proposed UGA boundary adjustment criteria are presented in draft text format for preliminary review purposes. It is anticipated that the final approved criteria would be codified as part of the Skagit County development regulations—specifically SCC Chapter 14.08 Legislative Actions.

1. To allow for a comprehensive review and assessment of cumulative impacts, all UGA boundary review proposals shall be considered in the year immediately following completion of the county's GMA-required seven (7) year review and update of the plan, consistent with the requirements of SCC 14.08.020(2)(b).
2. The county may change adopted UGA boundaries more frequently than the once every seven (7) year cycle required in SCC 14.08.020(2)(b) **only** when one or more of the following conditions are met:
 - a. The boundary adjustment is necessary to make minor technical corrections to a UGA boundary to be more consistent with identifiable physical boundaries such as natural features, roads, or special purpose districts, where feasible.
 - b. When required as part of a compliance order from the Western Washington Growth Management Hearings Board or a court of jurisdiction .
 - c. The boundary adjustment will permanently preserve a substantial land area containing one or more significant natural or cultural feature(s) as open space and will provide separation between urban and rural areas. Provided that the boundary adjustment does not result in a significant increase to population or employment capacity. The presence of significant natural or cultural features shall be determined by the respective legislative bodies of the county and the municipality or municipalities immediately adjacent to the proposed expansion, and may include, but are not limited to, landforms, rivers, bodies of water, historic properties, archaeological resources, unique wildlife habitat, and fish and wildlife conservation areas.
 - d. There is less than 50% remaining of the respective residential, commercial or industrial vacant and buildable land base designated within the incorporated and unincorporated areas of the particular UGA at the time of the last sub-allocation, including additions through any subsequent expansion; or
 - e. The board of county commissioners may waive the requirement in (d) above upon finding that:
 - 1) The request has been formally reviewed and endorsed by the impacted municipality; and

- 2) The inability to reach the fifty percent (50%) threshold is accounted for either by 1) a small number of parcels within the UGA which account for a significant portion of remaining buildable lands and which it can be clearly demonstrated are not likely to develop in the planning horizon of the existing boundary; or 2) an assessment that concludes there is a deficiency of larger parcels within that UGA to accommodate the remaining commercial or industrial growth projected for that UGA; and/or
 - 3) The expansion will allow the development of a school, K-12, public or private, provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use and will not add any residential, commercial or industrial capacity to the affected UGA.
3. All UGA boundary adjustments shall be subject to the following requirements:
- a. UGA boundary adjustments shall be consistent with the requirements of the Skagit County Comprehensive Plan.
 - b. Sufficient land area must be included in the UGAs to accommodate the adopted 20-year population and employment forecast allocation as adopted by the SCOG and consistent with OFM projections. The extent of a UGA boundary expansion shall be that necessary to provide a minimum ten (10) and a maximum twenty (20) year supply of vacant and buildable lands within the UGA.
 - c. A jurisdiction, as part of its comprehensive plan amendment that proposes an expansion of its UGA to accommodate additional population or employment capacity, shall conduct planning and analysis, addressing the following conditions:
 - (i) Update and confirm the development capacity analysis for land within the existing UGA for residential, commercial, and/or industrial lands, which takes into account all development approved within the overall UGA since the last UGA expansion. Minimum requirements for UGA development capacity analyses shall include the following 4 steps:
 1. Define vacant and underutilized (but likely to redevelop) parcels by zone
 2. Deduct from the gross land capacity by zone—identified in step 1—the following lands not available to accommodate future population or employment:
 - critical areas (and buffers as appropriate)

- future roads/rights-of-way needs
 - future public or quasi-public facilities needs²
 - remaining lands likely to be held off-the-market (i.e., market factor)³
3. Apply the minimum (or average achieved) density or intensity of use in each zone to the remaining net developable acres identified in step 2.
 4. Apply appropriate household size and/or employee land intensity standards to the remaining net developable acres—identified in step3—to determine total UGA population or employment capacity.
- (ii) Document consistency of the proposed UGA expansion with Countywide Planning Policy 1.1 and the adopted 20-year population and employment allocation, including identification of any allocated but undesignated forecast population or employment.
 - (iii) Prepare or update a comparative evaluation of potential areas for expansion, including: 1) planning and zoning regulations currently in place; 2) an evaluation of how a full range of urban-level infrastructure and services would be provided within potential expansion areas, including appropriate capital facility analysis; and 3) an evaluation of reasonable alternatives, other than expanding the UGA, to accommodate the forecast UGA population or employment allocation (e.g., amending development regulations to allow for increased densities and intensities of use in the existing UGA).
 - (iv) Analyze the proposed UGA expansion for consistency with any applicable inter-local agreement between the affected municipality and the County.
 - (v) Review the planning and zoning regulations and any incentive programs in place to determine expected densities in the existing UGA consistent with the GMA, as interpreted by the Growth Management Hearings Board, and the jurisdiction’s adopted Comprehensive Plan.
- d. In evaluating potential changes to a particular UGA boundary, the county shall consider countywide implications for other UGAs and their population and employment sub-allocations.

² Not otherwise accounted for in the allocation of commercial/industrial lands in CPP 1.1.

³ Not otherwise accounted for in the allocation of commercial/industrial lands in CPP 1.1.

- e. In cases of residential lands proposed for inclusion within a UGA, annexation or incorporation shall occur if immediately feasible geographically, or an interlocal agreement shall be executed between the municipality and County regarding the timing and conditions of future annexation.
- f. The amendment shall not include areas that are designated as natural resource lands (agricultural, forest, or rural resource) unless:
 - (i) the jurisdiction has an adopted transfer of development rights program in place and an agreement with the property owner(s) that will allow for continuation of the natural resource land activities on said lands following UGA designation; or
 - (ii) said lands have been re-designated to an appropriate non-resource land use designation consistent with the applicable provisions of the Skagit County Comprehensive Plan, Skagit County Code, and RCW 36.70A.
- g. The Municipality and County shall conduct early and continuous public involvement when establishing, expanding, or adjusting UGAs, and shall do so jointly when appropriate. Residents of unincorporated areas should be consulted and actively involved in the process affecting them.
- h. The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected municipality(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected municipality(ies), such municipality(ies) shall be given at least sixty (60) days notice of the proposal prior to a county hearing thereon.