

SKAGIT COUNTY RURAL ELEMENT UPDATE

Summary of Rural Element Requirements, Background, and Discussion Questions

INTRODUCTION

Skagit County's 2016 Comprehensive Plan Update will include a review of and possible updates to the Rural Element and sections of the development code for rural zones. This summary document presents Rural Element requirements under the Growth Management Act (GMA), cites some of the key goals and policies in the Skagit County Comprehensive Plan's Rural Element, and describes some recent development trends in rural Skagit County. It also provides some questions that Planning Commissioners and the public can think about ahead of the May 19, 2015, meeting where the Rural Element will be discussed.

RURAL ELEMENT CONTENTS

Rural Element Requirements

A rural element establishes broad goals and policies to guide development in and protect the character of a county's rural lands. Rural lands generally include those areas not designated for urban growth or protected as natural resource lands of long-term commercial significance.

There are no specific GMA goals for rural growth and development. Rather, the goals for focusing urban growth, reducing sprawl, promoting economic development and protecting natural resource lands tend to address the rural area indirectly. The Growth Management Act does require counties to include in their comprehensive plans:

a rural element [which includes] lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses. It may also provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural uses not characterized by urban growth. (RCW 36.70A.070(5))

GMA acknowledges that because "circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances" but also directs the County to "develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter."

Skagit County Rural Element

Skagit County's [Rural Element](#) contains goals and policies and a [Profile](#). The overall scope of the element is captured in the following initial goal:

Goal A - Rural Area Characteristics

Protect the rural landscape, character and lifestyle by:

- (a) Defining and identifying rural lands for long-term use and conservation;*
- (b) Providing for a variety of rural densities and housing opportunities;*
- (c) Maintaining the character and historic and cultural roles of existing rural communities;*
- (d) Allowing land uses which are compatible and in keeping with the protection of important rural landscape features, resources, and values;*
- (e) Assuring economic prosperity for rural areas; and*
- (f) Assuring that appropriate and adequate rural levels of service are provided.*

The Element's subsequent goals and policies address related issues including:

- Monitoring rural growth. (policy 3A-1.1)
- Ensuring that public facilities, services, roads and utilities are properly planned for and provided, consistent with rural character, needs, and lifestyles. (Goal A-3 and related policies)
- Establishing certain Limited Areas of More Intensive Rural Development (LAMIRDs) to recognize historic rural residential, commercial, and industrial development patterns and to allow certain new small-scale recreation and tourism uses and industries that provide jobs for rural residents. (Goal B and related policies)
- Providing for a variety of rural residential land use densities while retaining the rural landscape, character, and lifestyles. (Goal C and related policies)
- Supporting the rural economy by fostering opportunities for rural-based employment, home businesses, natural resource-related industries, and economic diversification in tourism and recreation, of an appropriate size and scale to maintain rural character. (Goal C-2 and related policies)

Measures Governing Rural Development

Consistent with RCW 36.70A.070(5)(b) and (c), Skagit County's Rural Element and the development regulations that implement it include measures to protect rural character by:

- Assuring visual compatibility of rural development with the surrounding rural area;
- Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development;
- Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

Exceptions: Limited Areas of More Intensive Rural Development (LAMIRDs)

Amendments added to the Growth Management Act in 1997 authorized certain "limited areas of more intensive rural development" or LAMIRDs. LAMIRDs allow greater development than is generally permitted in the rural area provided that certain conditions are met to retain rural character and

prevent sprawl. One category of LAMIRD recognizes areas that were already developed at greater-than-rural densities in 1990, when the Growth Management Act was adopted. These existing residential, commercial, or industrial areas primarily allow infill development and must be contained within logical outer boundaries. The Skagit County rural land use designations that meet the “existing areas” LAMIRD requirements include Rural Intermediate and Rural Village and most of the rural commercial and industrial designations described below.

Two other types of commercial LAMIRDs – small scale recreation and tourism uses, and isolated small scale businesses – allow new development outside of already-developed areas provided that new development generates jobs for rural residents and is consistent with the surrounding rural character.

Rural Residential Land Uses and Densities

The Rural Element establishes three residential land use designations:

- Rural Intermediate (RI);
- Rural Village Residential (RVR); and
Rural Reserve (RRv).

The **Rural Village Residential** and **Rural Intermediate** designations reflect areas that were generally already developed or platted at densities of 1 residence per 2.5 acres or greater when the Growth Management Act was adopted in 1990. These zones are considered LAMIRDs. Skagit County carefully considered the existing built environment and logical outer boundaries to Rural Intermediate and Rural Village Residential areas when it established these designations in the 1997 Comprehensive Plan.

The **Rural Reserve** designation covers portions of the rural area that were not already developed at higher densities by 1990. The Growth Management Hearings Boards have generally found that rural area densities must be one residence per five acres or lower – equating to lot sizes of five acres or larger. Land designated Rural Reserve may be developed at one residence per 10 acres, or one residence per five acres through a Conservation and Reserve Development (CaRD), a technique for allowing clustered development while preserving open space.

Rural Commercial and Industrial Uses

Skagit County’s initial effort to retain its pre-GMA commercial and industrial zoning in the rural area was appealed and found to be “invalid” by the Growth Management Hearings Board. For a period of time, any new commercial and industrial activity outside of urban growth areas was prohibited. In developing its current, GMA-compliant rural commercial and industrial designations in 1998 - 2000, Skagit County undertook an extensive review of existing commercial and industrial businesses in the rural area. The County combined this with an analysis of the commercial, industrial, and natural resource industrial uses allowed under the Growth Management Act to develop the following rural commercial and industrial land use designations and corresponding zones:

- Rural Village Commercial (RVC)
- Rural Center (RC)
- Rural Freeway Service (RFS)
- Small Scale Recreation and Tourism (SRT)
- Small Scale Business (SSB)
- Rural Business (RB)
- Natural Resource Industrial (NRI)
- Rural Marine Industrial (RMI)

Virtually all of these rural commercial or industrial designations are considered a type of limited area of more intensive rural development (LAMIRD) under GMA. These designations are shown on the Comprehensive Land Use/Zoning Map to indicate an existing commercial or industrial use or, in some cases, a vacant parcel that meets the appropriate land use designation criteria. New rural commercial or industrial uses may be designated on the map with the approval of a Comprehensive Land Use/Zoning Map amendment.

Rural Element History

The Rural Element was formally adopted as part of the Comprehensive Plan in 1997, following an extensive planning process conducted by the County and the community in the early to mid-1990s. The County adopted permanent development regulations implementing the Comprehensive Plan in 2000.

The Comprehensive Plan and development regulations were in a state of flux in the late-1990s through the mid-2000s due to dozens of appeals filed by local organizations and landowners asserting the plan and code did not comply with the Growth Management Act. The majority of appeals contended the County’s plan allowed too much growth in rural areas and natural resource lands, while some asserted the rules were too restrictive of individual property rights and development opportunities. At one point in the early 2000s, the County faced more than 200 GMA “non-compliance” issues – instances where the Growth Management Hearings Board found that County policies or code did not comply with GMA.

Rural non-compliance orders covered a wide range of issues, including rural commercial and industrial development; inadequate protection of greenbelts and open space; allowance of development on substandard lots in rural and natural resource lands; inadequate protection of rural character through the sign code, and many more. For an example of a Hearings Board order from that time, see [Evergreen Islands, et al v. Skagit County, et al, Final Decision and Order](#), February 6, 2001.

The County committed a great deal of financial and staff resources to bring its Comprehensive Plan and development regulations into full compliance with GMA, which occurred in 2012. The process involved hundreds of hours of Planning Commission and Board of Commissioners hearings and deliberations, thousands of pages of public comment, and extensive hearings before the Growth Management Hearings Board.

The County adopted the current Rural Element and profile in 2007 as part of its “2005 Comprehensive Plan Update.” Several organizations and individuals appealed aspects of the 2005 Update, which the Growth Management Hearings Board considered in Case No. 07-2-0025c. The Hearings Board ruled in the County’s favor on most of the 2005 Update appeals issues, although the County made minor revisions to policies and code in 2008 in response to a limited number of findings of non-compliance (see [Friends of Skagit County, et al v. Skagit County, et al, Compliance Order](#), January 21, 2009).

RURAL TRENDS AND CONDITIONS

In 2012, the population of the rural area was estimated to be 38,277, including the small number of residents living on designated Natural Resource Lands. This was about one-third of the County's total population of 117,949. By 2036, the rural population is expected to grow to an estimated 45,665, an increase of 7,338 new residents or roughly 3,000 new households. That population would represent about 29% of the County's total projected 2036 population of 155,452.

Rural Element policy 3A-2.2 states: "The rate of development in rural and resource areas should be in accordance with adopted Countywide Planning Policies stating that urban areas should accommodate 80 percent of new population growth, with the remaining 20 percent locating in non-urban areas."

Based on a review of permit trends, growth has tended to occur in UGAs and the rural area as directed by GMA, the Countywide Planning Policies, and policy 3A-2.2. In 2012, Skagit County used several methods to estimate urban/rural growth trends; results generally show the County achieved a 79% urban and 21% rural growth split over the years 2000-2010.

For additional information on rural lands, see Exhibit A.

DISCUSSION QUESTIONS

Here are some questions for consideration as part of the Rural Element Update:

1. How do you define Skagit County's rural character?
2. What do you value or cherish about the rural community in which you live, work, or recreate?
3. What concerns do you have for the present and the future of Skagit County's rural areas?
4. Are current Comprehensive Plan policies and development regulations effective at promoting the following rural area goals (from Rural Element Goal A – Rural Area Characteristics)?
 - a. Providing for a variety of rural residential densities and housing opportunities.
 - b. Maintaining the character and historic and cultural roles of existing rural communities.
 - c. Ensuring that land uses are compatible and in keeping with the protection of important rural landscape features, resources, and values.
 - d. Assuring economic prosperity for rural areas; and
 - e. Assuring that appropriate and adequate rural levels of service are provided.

EXHIBIT A: LAND USE DESIGNATIONS AND ACREAGE*

Source: Skagit County GIS and Mapping Services; 2007 Skagit County Comprehensive Plan

LAND USE DESIGNATIONS	ACREAGE
RURAL LANDS	
Rural Village Residential (RV)	2,791
Rural Intermediate (RI)	8,035
Rural Reserve (RRv)	70,378
Subtotal	81,204
RURAL COMMERCIAL/INDUSTRIAL LANDS	
Rural Business (RB)	186
Rural Freeway Service (RFS)	29
Rural Village Commercial (RVC)	20
Natural Resource Industrial (NRI)	239
Small-Scale Recreation & Tourism (SRT)	16
Rural Center (RC)	19
Rural Marine Industrial (RMI)	50
Small-Scale Business (SSB)	31
Master Planned Resort (MPR)	113
Subtotal	703
TOTAL	81,907

*Acreage figures are derived based on the best information and technology available. Accuracy may vary depending on the source of the information, changes in political boundaries or hydrological features, or the methodology used to map and calculate a particular land use.