

Integrated SEPA/GMA Report: Skagit County's 2005 GMA Update Proposal

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I. ADDENDUM

Addendum to the
Draft Environmental Impact Statement,
Final Environmental Impact Statement,
Supplemental Draft Environmental Impact Statement, and
Supplemental Final Environmental Impact Statement
for the Skagit County Comprehensive Plan

**Proposed 2005 Update of the Comprehensive Plan,
Comprehensive Plan/Zoning Map, and Development
Regulations, Pursuant to the Growth Management Act's
(36.70A RCW) 7-Year Update Requirement**

Prepared in Compliance with

The Washington State Environmental Policy Act of 1971
Chapter 43.21C Revised Code of Washington
Chapter 197-11, Washington Administrative Code

Date of Issuance: February 17, 2006

Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, Washington, 98273

**Proposed Non-Project Action/
Description of Proposal**

The proposal is a package of updates to the Comprehensive Plan, Comprehensive Plan/Zoning Map, Skagit County Code Title 14, Unified Development Code, and Title 15, Buildings and Construction, in compliance with the Washington State Growth Management Act (GMA) update requirement found at RCW 36.70A.0130(4), also known as the “2005 GMA Update.” The following is a summary of the proposed action:

1. Amendments to the Countywide Planning Policies (CPPs) that a) update the County population allocations through 2025, b) modify the urban commercial and industrial acreage allocations under CPP 1.1 for certain municipal Urban Growth Areas to account for projected employment growth to 2025; and c) move provisions regarding rural commercial and industrial development from CPP 1.1 to CPP 2.
2. Amendments to the Skagit County Comprehensive Plan to reflect changes in local needs and circumstances, new data, and changes in state law since the last adoption of Comprehensive Plan amendments. The Proposal would reorganize the Comprehensive Plan by consolidating 16 chapters or “elements” into 12, and modifying the format and streamlining policies to improve readability and user-friendliness.
3. Amendments to Skagit County Code, Title 14, Unified Development Code, to ensure consistency within the code and with the Comprehensive Plan policies; to clarifying certain processes and requirements; and to address typographical errors and inadvertent additions or omissions. Minor changes will also be made to Title 15, Buildings and Construction, to correct outdated references to the Planning and Development Services Department; and to delete a chapter, 15.20, that is now addressed in Title 14 (14.34, Flood Damage Prevention).

4. Amendments to the Skagit County Comprehensive Plan/Zoning Map, that are necessary to comply with the Growth Management Act, to reflect local needs and circumstances, and to advance comprehensive planning goals. Skagit County received more than 100 Map amendment requests from property owners, members of the public, municipalities, and others. The Planning and Development Services Department and several County advisory bodies have also recommended changes to the map. All of these map proposals are shown on a map titled Comprehensive Plan Map Amendment Requests, 2005 GMA Update. The Proposal consists of a “Preferred Alternative” map that includes only those amendment proposals determined by the Planning and Development Services Department to be consistent with the Comprehensive Plan land use designation criteria and the Growth Management Act, and timely to be considered as part of this update process.

Certain additional Comprehensive Plan policies are being released for public comment, but are not considered a part of the formal Proposal under consideration for adoption through the 2005 Update. These policies are referred to as “Group B” policies. These policies are being released with the Proposal to gather public comment on whether and how to further develop these policies for consideration in a future Comprehensive Plan Amendment cycle. Because these proposed policies are not proposed to be adopted through the 2005 GMA Update, they have not been evaluated for potential impacts under the State Environmental Policy Act.

A more detailed description of the Proposal and its potential impacts is provided in Part III of this report, Summary and Analysis of the Proposal.

Location of proposal:

Lands within the unincorporated areas of Skagit County, WA.

Purpose of the SEPA Addendum: This is a SEPA addendum, drafted pursuant to WAC 197-11-600, assessing 2005 GMA Update amendments to the Countywide Planning Policies, Skagit County Comprehensive Plan, Comprehensive Plan/Zoning Map, Skagit County Code Title 14, Unified Development Code, and Title 15, Buildings and Construction, proposed on February 17, 2006. Past environmental documents applicable to this action are:

1. Draft Environmental Impact Statement for the Land Use Designation Element, Skagit County Comprehensive Plan, Skagit County Department of Planning and Community Development, January 13, 1994.
2. Final Environmental Impact Statement for the Land Use Element, Skagit County Comprehensive Plan, Volume I: FEIS Text and Appendices H-L, Skagit County Department of Planning and Community Development, June 30, 1994.
3. Final Environmental Impact Statement for the Land Use Element, Skagit County Comprehensive Plan, Volume II: Appendices H-L, Skagit County Department of Planning and Community Development, June 30, 1994.
4. Addendum to the Final Environmental Impact Statement for the Land Use Element, Skagit County Comprehensive Plan, Skagit County Department of Planning and Community Development, May 24, 1995.
5. Addendum to the Environmental Impact Statement for the Land Use Element, Skagit County Comprehensive Plan, Skagit County Classification and Designation of Natural Resource Lands, Skagit County Planning and Permit Center, May 23, 1996
6. Draft Supplemental Environmental Impact Statement for the Skagit County Comprehensive Plan, Skagit County Planning and Permit Center, November 13, 1996.
7. Final Supplemental Environmental Impact Statement for the Skagit County Comprehensive Plan, Skagit County Planning and Permit Center, May 2, 1997.

8. Addendum to the Draft, Final, Supplemental Draft, and Supplemental Final Environmental Impact Statements for the Skagit County Comprehensive Plan, Proposed Amendments to Countywide Planning Policy (CWPP) 1.1 and new CWPPs 1.7 and 12.17, Skagit County Planning & Permit Center, January 27, 2000.
9. Addendum to the Draft, Final, Supplemental Draft, and Supplemental Final Environmental Impact Statements for the Skagit County Comprehensive Plan, Proposed Comprehensive Plan Amendments and Development Regulations Intended to Satisfy Skagit County's Outstanding GMA Obligations, Skagit County Planning & Permit Center, February 3, 2000.
10. 2003 Comprehensive Plan Amendments, Department Report and Environmental Analysis, Integrated Document for Growth Management Act and State Environmental Act – GMA & SEPA, Skagit County Planning and Permit Center, July 8, 2004.

This is an addendum to these environmental documents. This addendum provides a summary of the proposed changes to the Countywide Planning Policies, Comprehensive Plan, Comprehensive Plan/Zoning Map, and Skagit County Code, Titles 14 and 15, and discusses key aspects and information about the proposal. The Proposal falls within the range of alternatives and impacts analyzed in the environmental documents which this document is provided as an addendum to.

The Summary and Analysis section of this report addresses some of the specific changes or issues related to the proposal, where further information was determined to be helpful for illustrating why the changes are deemed not to have any probable significant environmental impact not already addressed in the existing environmental documents. This addendum will be circulated for review pursuant to WAC 197-11-625.

SEPA/GMA Integration

In this report, Skagit County is integrating the analysis required under the State Environmental

Policy Act (SEPA) and the Growth Management Act (GMA). The SEPA rules (Washington Administrative Code 197-11) authorize such integration to ensure that environmental analyses under SEPA can occur concurrently with and as an integral part of the planning and decision making under GMA. (WAC 197-11-210(1)).

Determination of Non-Significance

This addendum is issued in conjunction with a determination of non-significance (DNS) issued on February 17, 2006. Skagit County Planning and Development Services, the lead agency for this Proposal, has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under WAC 197-11-340 (2). The lead agency will not act on this proposal for 60 days from the date below. Additional details about comment and appeals periods may be found on the Skagit County website: www.skagitcounty.net, or in the Notice of Availability for this Proposal, included as Appendix A. Determination of Non-Significance is included as Appendix B.

Action Sponsor and Lead Agency:

Skagit County Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273

Required approvals:

Adoption of ordinances by Skagit County Board of Commissioners.

Circulation and comment:

This addendum is being sent to all parties on the distribution list appended to this document. Instructions for commenting on the Proposal or the SEPA threshold determination, including the appeals process, are in the attached Notice of Availability and Determination of Non-Significance, 2005 GMA Update proposal.

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Skagit County Planning and Development Services

1800 Continental Place

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Date of Issuance:

Date: _____

Signature _____

Maps and Documents:

Detailed maps and text of the proposal are available at Skagit County Planning and Development Services. Key relevant documents are available on-line at www.skagitcounty.net.

II. 2005 GMA Update Process

Preliminary Planning

Skagit County and the cities and towns began their respective GMA updates in March, 2002, with a collaborative process that resulted, in March, 2003, with adoption of county-wide population projections and allocations by the Growth Management Act Steering Committee (GMASC) of elected officials.¹ Using the range of population growth forecasts provided for Skagit County by the state Office of Financial Management (OFM), the GMASC adopted a growth target for 2025 of 149,080, 2% below the midpoint between the OFM low and medium forecasts. This target is 46,102 people more than the County's 2000 population of 102,978. This population growth is expected to be absorbed in the cities and their Urban Growth Areas (69%), the County UGAs (11%), and the rural area (20%) as directed by the Countywide Planning Policies.

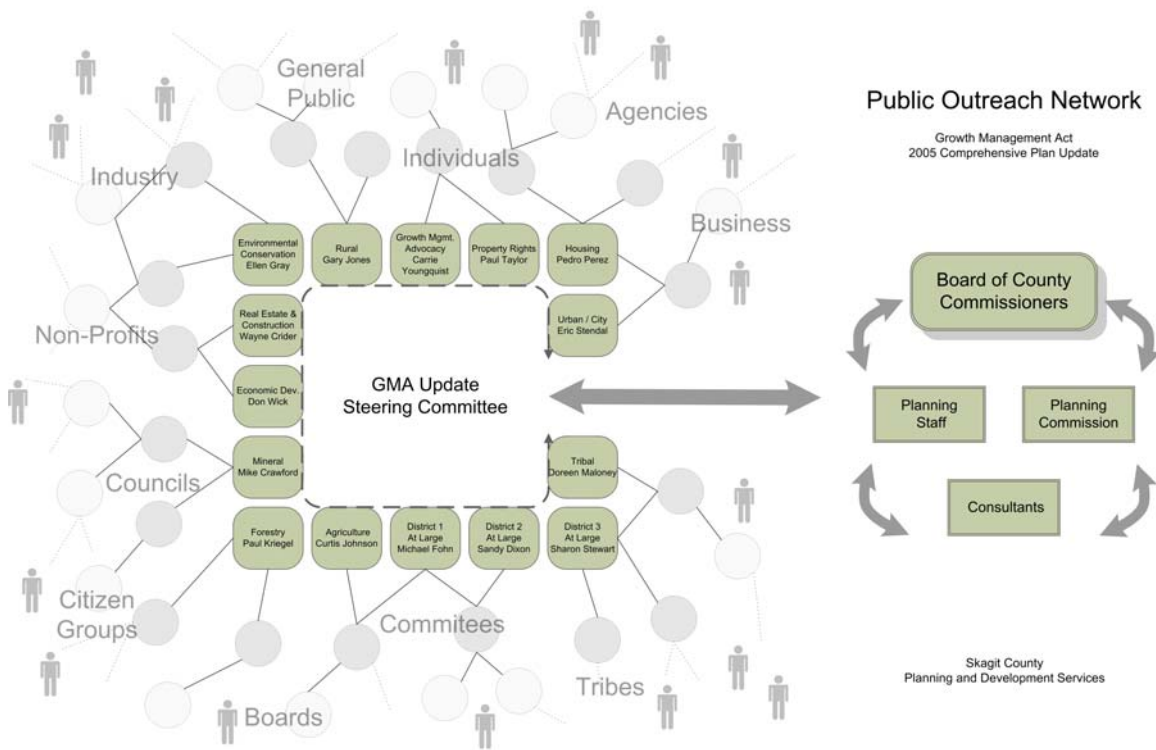
In October of 2004, the GMASC also adopted updated urban commercial and industrial acreage allocations reflecting projected employment growth through 2025. The updated population and commercial and industrial acreage allocations are proposed to be incorporated into the Countywide Planning Policies, as discussed in greater detail later in this section, and in Section III, of this report.

Beginning in December, 2003, the Department of Planning and Development Services ("Department") began preparing a scope of work for the update. This was based on directives issued by the state Office of Community Development. Department staff and consultants worked to prepare a preliminary assessment of the Comprehensive Plan and development regulations, define the update process, and establish a detailed work program for the necessary technical work. This resulted in the August, 2004, scope of work that has produced the current proposal. Also in August, 2004, the Board of County Commissioners appointed the Growth Management Update and Public Outreach Steering Committee (see Figure 1). This 15-member body included representatives of Skagit County business, government, tribal, resource, environmental, and geographic interests.

In September, 2004, the County called for proposals from the general public, property owners, and cities and towns, to amend Comprehensive Plan policies, the Comprehensive Plan/Zoning Map designations, and the Unified Development Code. Planning and Development Services received more than 100 proposed amendments to the Comprehensive Plan/Zoning map from citizens and municipalities, and numerous other proposals to amend Comprehensive Plan policies and development regulations.

¹ This Growth Management Act Steering Committee, consisting of the three County Commissioners and the Mayors of Anacortes, Burlington, LaConner, Mount Vernon and Sedro-Woolley, is separate from the Growth Management Act Update and Public Outreach Steering Committee mentioned elsewhere in this report. The former is created by the Framework Agreement between the County and municipalities to address regional planning matters. The latter is composed of volunteers appointed by the Board of County Commissioners to help guide the County's 2005 GMA Update proposal.

Figure 1: GMA Update & Public Outreach Steering Committee



2005 Update Steering Committee Process

The Steering Committee began meeting in October, 2005, and held its final work session in December, 2005. With a few exceptions, the Committee met monthly. Toward the end of the process, bi-monthly meetings were held. The meetings were all open to the public, held on weekday evenings in County facilities. All meeting agendas provided time for public comments. Public notices of the meetings were made in the official newspaper and posted on www.skagitcounty.net. A webpage for the Update was continually updated to include information about the progress of the work, upcoming meetings, and contacts. The Department maintained a file of citizens’ comments provided by mail or through an email link on the website. As these comments came in, they were provided to the Committee for its consideration. The following steps describe the Committee process:

1. The consulting team prepared a matrix for each plan element. The matrix is a tool that allows the current adopted goals and policies to be reviewed for consistency with the GMA and Countywide Planning Policies, the Comprehensive Plan vision, Growth Management Hearing Board decisions, updated demographic, environmental, and

economic conditions, and the 20-year growth forecast. The consulting team prepared comments and suggestions for changes based on these factors.

2. The Steering Committee reviewed the matrices with the consultants and County staff. Comments from the public were taken at all meetings. In addition, the Steering Committee reviewed the docketed policy change proposals and public comments received by the Department throughout the process.
3. Two open houses were held. An “Upper Valley” event at Concrete was well attended. The subsequent Mount Vernon open house event was not as well attended, but the attendees were able to offer comments and discuss the process with Steering Committee members, staff and consultants.
4. Steering Committee comments on the Plan elements were recorded on the policy matrices. The Department then considered the combined consultant and Steering Committee recommendations and added its own. At this point, the matrices became the basis for preparing preliminary Comprehensive Plan revisions.
5. Since one of the objectives of the 2005 GMA Update is to “weed” the Plan of redundancies, out-dated policies, unclear language, and make it more user-friendly, the Comprehensive Plan organization was changed to combine some elements and to separate the narrative discussions from the goals and policies. Each element or chapter has a companion “profile” that describes the rationale or analysis that sets the stage for the policies.
6. The preliminary draft was returned to the Steering Committee for a final review to compare the outcome with the earlier discussions. This resulted in the Steering Committee Draft (December 7, 2005) that was transmitted to the Board of County Commissioners for its review. Based on the Board’s direction to the Department in January, 2006, the Steering Committee Draft is substantially similar to the proposal that is being released to the Planning Commission, state agencies, and the public for review and comment.
7. The Steering Committee’s December 7, 2005, draft was transmitted to the state Office of Community Development with Board Resolution No. R20050049, “A Status Report and Adoption Schedule for the Review and Revision of the Skagit County Comprehensive Plan and Development Regulations under the Growth Management Act.” These actions were intended to demonstrate the County’s good faith effort in complying with the state Growth Management Act (GMA) requirement to update the Comprehensive Plan and Unified Development Code. Although the December 1, 2005 completion deadline was not met, substantial progress had been made on proposed revisions to the Comprehensive Plan that exceeds the update requirements in several ways. During this update, Skagit County has placed considerable emphasis on informal and extensive public participation. Conducting the more formal public review and adoption process in the first half of 2006 will further enable citizens, cities and towns, state agencies and other stakeholders to participate in a wide-ranging

dialogue of how countywide and community issues are addressed in the context of regional planning.

8. The County's Forest Advisory- and Agricultural Advisory Boards were assertive in recommending specific Natural Resource Lands policies. To some extent the Steering Committee deferred to the judgment of these two Commissioner-appointed boards, but participated no less in reviewing policy proposals and offering constructive alternatives.

Four final process notes pertaining to the Steering Committee process:

1. The Steering Committee was not asked to make recommendations on citizen- or County-initiated mapping changes. The Steering Committee was briefed on the proposals, but it was not possible to engage the Committee in map review. The Steering Committee spent time on the Mineral Overlay re-mapping process since this required a review of the policy basis for the mineral lands designation criteria.
2. The Steering Committee process did not devote much time to the review of the Unified Development Code. Instead, the consultants and Department prepared summary evaluations of code issues that emerged from previous Department records as well as code considerations related to the Comprehensive Plan policy recommendations.
3. Since the GMA update also includes a separate track for reviewing critical area regulations with respect to "best available science," the review of the Comprehensive Plan Environment Element will be evaluated in that process. The Steering Committee Draft included some general, minor suggestions for policy changes which may be further refined when the science and code review is further along. One exception is a flood hazard reduction policy included in the Environment Element that is being released for public review and comment for possible future adoption at some point following the 2005 GMA Update.
4. Skagit County is not required to update the Shoreline Master Program (SMP) until 2012. Some work on this has begun and it is expected that the update will be completed earlier, but for the GMA update the current Comprehensive Plan Shoreline Element will remain "as-is" to be amended at the same the time that the SMP is updated.

Major Update Themes:

A number of significant themes emerged from the Steering Committee's review. Some of these are addressed through proposed Comprehensive Plan policies contained in the 2005 GMA Update proposal. Others resulted in implementation steps that will be addressed through future County and/or Department work programs, or through regional initiatives with the Skagit Council of Governments and Growth Management Act Steering Committee of elected officials. The themes are as follows:

Develop a land use management database – The County has less data regarding the inventory of “buildable” lands, legal lots, and associated development capacity than is desired for growth management planning. Creating the desired data base is an expensive task and probably cannot be compiled at one time. Rather, the County should initiate the development of the database on an incremental basis – perhaps in conjunction with the phasing of community development plans.

Implement a predictable program of community planning – The Plan identifies both specific and general areas that need another, more specific type of planning to address localized issues and conditions. This program should be established by determining the scope of community plans and then adopting a schedule based on priorities of need, funding, and other criteria.

Conduct additional work with the cities/towns on urban growth planning – The Countywide Planning Policies need to be updated to address rural-urban development phasing, UGA development and expansion standards, an affordable housing strategy, and other common issues.

Preserve the natural resource land base – Farming, forestry and other resource activities are threatened by the loss of the land to non-resource uses. In particular, the transfer of resource lands to non-profit corporations and other agencies for purposes of habitat protection or enhancement results in farm and forest land being taken out of production.

Integrate land use planning with natural hazard avoidance and mitigation - Both urban and rural area planning in Skagit County need to be more sensitive to the threats posed by devastating natural hazard events, particularly flooding. UGA expansions, rural community development, public facility siting, and other forms of growth in identified hazard areas should be avoided through integrated comprehensive and hazard mitigation plans.

Establish more and better incentives to achieve planning goals – The toolbox of methods for achieving the County’s growth management goals for the preservation of resource lands, protection of critical areas, and preservation of property rights should be expanded. These tools include the purchase and transfer of development rights as well as density “credits” for producing affordable housing and other desired results.

These themes are addressed in different ways in the Update proposal. In some cases, the policy links are clear, but implementation will depend upon further study and discussion. In all cases, these themes provide a task list for County planning in the years leading up to the next GMA update cycle.

Two-track Process for Comprehensive Plan Update Policies

During the 7-year GMA Update, the County suspended the typical annual docketing process, and instead encouraged continuous policy input from citizens and advisory groups. Some of this input came late in the Steering Committee review process. As a result, certain proposed policies may not be sufficiently developed, feasible, or advisable as public policy. The Board of County Commissioners has approved a 2-track review

process, wherein a total of six policies that are not fully developed or otherwise ready for adoption as part of the 2005 GMA Update, are nevertheless being released for public review along with the 2005 Update proposal. In this way, a record of public opinion, additional information, and agency comments and recommendations can be established, allowing further development of those policies for possible adoption at a future time. These policies are referred to as “Group-B” policies. “Group-A” policies are those recommended to be adopted in order to fulfill the GMA’s update requirements. Five of the “Group B” policies can be found at the end of the Natural Resource Conservation chapter of the Comprehensive Plan; one is located at the end of the Environment chapter.

“Group B” policies are not considered as part of the official 2005 GMA Update Proposal for purposes of SEPA review and analysis, since they are not proposed for adoption at this time.

Group A Policies Defined:

These are the “straight-forward” policy, map, and code amendments proposed to be adopted, and that by the time of public release, are:

- minor editorial fixes (reorganization, rewording, etc.);
- new policies that will have code language written, and can be reasonably implemented;
- new policies that will not trigger a SEPA determination of significance, or can be mitigated below that level;
- map amendments that are consistent with designation criteria, or can be conditioned / mitigated;
- essentially, the County’s “preferred alternative.”

Group B Policies Defined:

These are policies and map amendments that are premature or otherwise not ready for adoption at this time. Although they are NOT slated for adoption, they would nevertheless be submitted to public and agency review to:

- gauge public opinion;
- further define the SEPA scope of potential impacts; and
- further assess the feasibility of implementing such a policy or map amendment.

Group-B policies are NOT slated for adoption because one or more of the following apply:

- further review, analysis, or massaging would further delay completion of the GMA Update;
- the implications cannot be fully understood without further information, studies, or research;
- they would require a SEPA determination of significance; or
- do not have implementing code language written, for the reasons above;

Review under the State Environmental Policy Act (SEPA)

Under the State Environmental Policy Act (SEPA), local plans and regulations must be reviewed to determine if they have adverse environmental impacts, and if so, what measures can be taken to mitigate the impacts. This is “programmatic” or “non-project” review as distinguished from more specific reviews of actual projects such as subdivisions, buildings, roads, or land clearing. Skagit County has produced an extensive body of SEPA reviews of prior Comprehensive Plan, Map, and development code adoption actions, going back to 1994. Skagit County has employed the “phased review” approach in which current environmental review and analysis adopts previous analyses and documents, by reference, where those previous findings are still valid.

In this instance, the County is integrating the analysis required under the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA). The SEPA rules (Washington Administrative Code 197-11) authorize such integration to ensure that environmental analyses under SEPA can occur concurrently with and as an integral part of the planning and decision making under GMA. (WAC 197-11-210(1)).

Environmental analysis at each stage of the GMA planning process should, at a minimum, address the environmental impacts associated with planning decisions at that stage of the planning process. Impacts associated with later planning stages may also be addressed.

Under WAC 197-11-230(a), a formal SEPA document (which may be a draft integrated GMA document), shall be prepared and issued no later than the time that a proposed GMA action is issued for public and interagency review. For comprehensive plans and development regulations, the date of issue shall be at least sixty days prior to final adoption under RCW 36.70A.106. Therefore, Skagit County is providing for a 60-day comment period on both the SEPA and GMA aspects of this document.

SEPA Framework Applied

The SEPA rules provide considerable latitude in how the environmental review of plans and regulations may be accomplished. While the County may elect to engage in further analyses based on Planning Commission or public comments, the current approach is to identify anticipated impacts of policy changes in this combined SEPA/GMA report using the following assumptions:

1. The environmental impacts of **growth** in and of itself are not identified. In adopting growth targets within the mandated forecast range provided by the state, the overall impacts of growth in County jurisdiction are addressed in *how the proposed policies and regulations will enable the County to accommodate the expected growth without significant adverse environmental impacts*.
2. Goals and policies should be self-mitigating. The basic premise of the update is to review the current adopted policy framework, see how it relates to the forecasted growth, and revise it to ensure that significant impacts will

not result. The changes to the goals, policies, and regulations proposed in the Update are intended to be protective of the environment than those they are proposed to replace.

LEGISLATIVE REVIEW AND ADOPTION PROCESS

The Proposal must be evaluated under the requirements of the GMA, Countywide Planning Policies, Comprehensive Plan policies, including designation criteria especially relevant to map proposals, and development regulations, including Skagit County Code (SCC) 14.08, Legislative Procedures. Because SCC 14.08 does not address procedures for GMA-mandated 7-year updates, there have been some modifications made to the process, most noticeably in the area of docketing map amendments. For instance, all submitted map amendments are being released for public review and comment, either as part of the “Preferred Alternative” map proposal or as part of the map reflecting all submitted amendment proposals. In an annual cycle, there would typically be a docketing step where only certain of the amendment proposals would move forward, with the remainder being denied without prejudice.

The Proposal is being formally released for public review and comment on February 17, 2006, with a 60-day comment period ensuing through April 18, 2006. Notice will be provided on the Skagit County website, by legal notice published in the Skagit Valley Herald, a mass mailing to all Skagit County mailboxes and to all out-of-County property owners, targeted mailings to Comprehensive Plan map and policy amendment applicants and to owners of property directly affected by map proposals, public service announcements to the media, notices to state agencies, and other means.

Additional details of the public comment period, including Planning Commission hearing dates and requirements for written comments, are contained elsewhere in the Notice of Availability, Appendix A to this report. Following the public comment period, the Department and Planning Commission will review and evaluate all public comments received on the proposal. Then the Planning Commission will deliberate on the proposal based on those public comment and further Department analysis and recommendations. The Planning Commission will formulate its recommendations on the proposal to be forwarded to the Board of County Commissioners in the form of a Recorded Motion. The Board may approve the proposal based on the Planning Commission’s recommendations, or take other actions consistent with Skagit County legislative procedures found at SCC 14.08.090.

Following is a projected schedule for the remainder of the process:

February – March 2006

Public release of Proposal, and environmental threshold determination; 60-day public comment period, Planning Commission hearings.

April – May 2006

Planning Commission public meetings to review, deliberate and forward recommendation to Board of County Commissioners.

June – July 2006

Board of County Commissioners' public meetings to review and take action.

III. SUMMARY AND ANALYSIS OF THE PROPOSAL

The County’s 2005 GMA Update Proposal (“the Proposal”) consists of the following elements, which are discussed, in turn, below.

1. Proposed Amendments to Countywide Planning Policies
2. Proposed Amendments to the Comprehensive Plan
3. Proposed Amendments to Skagit County Code, Title 14, Unified Development Code, and Title 15, Buildings and Construction
4. Proposed Amendments to the Comprehensive Plan/Zoning Map.

Certain of the proposed amendments to the Skagit County Code result from proposed changes to Comprehensive Plan policies. In those cases, the potential impacts of the proposed code changes will be discussed in conjunction with the policy amendments in the appropriate Comprehensive Plan chapter or element. Other code changes are more house-keeping in nature, intended to clarify certain processes and requirements, and to address typographical errors and inadvertent additions or omissions. There are expected to be no significant environmental or growth management impacts of these proposed “housekeeping” code changes. These code amendments are summarized in Appendix D but are not discussed in further detail.

1. Countywide Planning Policies

Skagit County has the authority to adopt Countywide Planning Policies in cooperation with the municipalities (RCW 36.70A.210). Proposed amendments to Countywide Planning Policies are not required to be circulated for public review and comment, but the County is willingly doing so in this instance. The proposed Countywide Planning Policy amendments are found in Attachment 1. Generally the amendments are proposed to update population, employment, and related commercial and industrial acreage allocations through the 2005 GMA Update planning horizon of 2025 (from the current 2015).

Skagit County Population Forecast for 2025

One of the key requirements of the 2005 GMA update is for Skagit County and municipalities within the County to update the population forecasts under which they conduct their 20-year growth management planning. Specifically, the update is required to include “analysis of the population allocated to a city or county from the most recent ten-year population forecast by the Office of Financial Management (OFM).” (RCW 36.70A.130(1)(b))

As mandated by the GMA, the state OFM periodically releases low, medium, and high population forecasts for each county. OFM suggests that the medium forecast be considered the “most likely.” The 2025 population number adopted by Skagit County in Countywide Planning Policy 1.1, in consultation with the cities and towns, must fall

within the OFM range. How the specific number is selected and how the total is distributed between urban growth areas and the rural area is a local decision within the parameters of the GMA. OFM issued new high, medium and low County population forecasts in January, 2002, that were the basis for the County's work with the municipalities.

Regional Planning Process

Working through the Skagit Council of Governments, Skagit County and the municipalities analyzed the bases for the adopted Countywide Planning Policies, the new OFM forecasts, results of the 2000 U.S. Census, the County's 2002 *Growth Management Indicators Report*, and related information provided by the County. The municipal planners contributed information specific to their jurisdictions.²

In November, 2002, the Growth Management Act Steering Committee of elected officials adopted a 2025 population forecast of 149,080 for Skagit County, which is just slightly below the mid-point between the OFM medium and low estimates. Based on the goal contained in the Countywide Planning Policies that 80 percent of new population growth should be located in urban areas, and 20 percent in rural areas, this works out to 105,750 urban residents and 43,330 rural residents in 2025.

This is a conservative estimate, based on the assumption that the relatively rapid pace of growth through the 1990s is not likely to continue over the next 20 year period. Starting with the higher end of the OFM range would require cities and the County to plan for expensive and possibly unnecessary infrastructure, at a time when they are having difficulty providing for current levels of population growth. These population numbers can be revisited with each GMA-required 7-year GMA update.

The following table (Figure 2) shows the 2025 population allocations adopted by the Growth Management Act Steering Committee. Based on a growth scenario called the Corridor Method, it assumes that cities and UGAs within the I-5 corridor will receive at least 80% of the new urban growth. This is based in part on OFM's conclusions that growth tends to be focused on major transportation routes.

These allocations have served as the basis for each jurisdiction to proceed with its own comprehensive planning process for the 2005 GMA Update. They also serve as the basis of the proposed amendments to the population numbers contained in Countywide Planning Policy CPP 1.1. These amendments have already been approved by the Growth Management Act Steering Committee of elected officials.

² That process and its findings are contained in the report, *Population and Employment Forecasting and Allocation - 2025, Skagit County, Washington, and the cities of Anacortes, Burlington, Concrete, Hamilton, La Conner, Lyman, Mount Vernon, Sedro-Woolley*, December, 2003, Berryman & Henigar, Inc. in association with Michael J. McCormick, which is incorporated here by reference.

Figure 2: Skagit County Population Projections and Allocations for 2025

JURISDICTION (Cities & UGA)	2000 POPULATION	LOCATION	RECOMMENDED 2025 ALLOCATION
Anacortes	14,647		18,300
Burlington	8,728	Corridor	12,000
Concrete	960		1,350
Hamilton	309		450
La Conner	761		950
Lyman	409		550
Mount Vernon	28,332	Corridor	47,900
Sedro-Woolley	10,358	Corridor	15,000
Subtotal Cities & UGAs	64,504		96,500
Swinomish	2,664		3,650
Bayview	1,700	Corridor	5,600
Subtotal County UGAs	4,364		9,250
TOTAL URBAN	68,868		105,750
TOTAL RURAL	34,110		43,330
TOTAL COUNTY	102,978		149,080

All numbers have been rounded to the nearest 50.

Urban Employment and Commercial/Industrial Acreage Allocations

Unlike population forecasting, there is no similar state forecast range for likely employment growth. Therefore, the basis for extending the forecast and allocation of employment to 2025 is dependent upon the Skagit County jurisdictions acting together, using available information. The sources for this include the *Skagit County Urban Growth Area Analysis, July 1996* (updated March 1997), *Skagit County Employment Report by Detailed Geography, May 2000*, and *Skagit County Overall Economic Development Plan, February 2000* (updated May 2001 and July 2003 as the *Comprehensive Economic Development Strategy*). All of these documents are incorporated here by reference. These sources have been used to explore employment and non-residential land demand in a variety of ways. This process and its results are also discussed in the report, *Population and Employment Forecasting and Allocation – 2025*, cited above.

For economic development planning under the Growth Management Act, Skagit County and its fellow jurisdictions, working through the Skagit Council of Governments, have converted projected employment growth into related commercial and industrial acreage allocations which are then used in the sizing of Urban Growth Areas. The *Comprehensive Plan Economic Development Strategy*, formerly *Overall Economic Development Plan*, discusses this conversion methodology.

Current adopted Countywide Planning Policy 1.1 contains a target land demand of 3,336 acres for the year 2015. This number was most recently updated in the 2000 amendments to the County Comprehensive Plan and Countywide Planning Policies. Of this, 584 acres is designated for the rural area and the balance of 2,752 acres for the UGAs. These acreage figures use a “market factor” of 25%, so that the combined net urban commercial/industrial demand target is 2,202 acres.

The Growth Management Act Technical Committee, consisting of County and municipal planning staff working under the elected-official Growth Management Act Steering Committee, oversaw two separate analyses of commercial/industrial acreage needs. One was performed by Berryman & Henigar, under contract to the County, and the other by E.D. Hovee & Assoc., under contract to the municipalities. Both analyses came up with similar results, that there would be only minimal need for an increase in urban commercial/industrial acreage between 2015 and 2025. The GMA Technical Committee forwarded a consensus recommendation to the GMA Steering Committee that the County will need an increase in urban commercial/industrial acreage of 125 acres between 2015 and 2025. City and county planners also recommend the following distribution of those 125 additional acres, based on the cities’ needs for and abilities to serve that acreage:

Mount Vernon	90 acres
Sedro-Woolley	35 acres

These numbers were approved by the GMA Steering Committee on October 19, 2004, for inclusion in Countywide Planning Policy 1.1.

Rural Commercial/Industrial Uses

In addition to this increase in urban commercial/industrial acreage, the GMA Steering Committee on October 19, 2004, also approved removal of a reference in Countywide Planning Policy 1.1 to a rural commercial/industrial acreage allocation of 584 acres. The Steering Committee agreed it would be replaced by three new policies under CPP 2 identifying the type of commercial/industrial development that is allowed under GMA in the rural area. The text of these three policies is drawn substantially from footnote number 3 in current CPP 1.1. New development would be guided by the County’s rural commercial/industrial designation policies and development regulations, which were found to be compliant with GMA by the Western Washington Growth Management Hearings Board.³

The reasons for this change are as follows:

³ The rural commercial and industrial compliance issues addressed by the Hearings Board can be found in the record of WWGMHB Case No. 00-2-0049c. They were substantially resolved in the Final Decision and Order issued February 6, 2001, and in subsequent ordinances addressing the Rural Freeway Service and Rural Marine Industrial designations.

1. CPP 1.1 deals with urban growth, as the heading, description, and policy clearly state. Addressing a rural commercial/industrial acreage allocation in a policy on urban growth is out of place.
2. The Growth Management Act does not require an economic needs analysis for the rural area (nor arguably even for urban areas, except in the “buildable lands” counties). This conclusion is supported by a 1999 Appeals Court ruling, overturning a Western Washington Growth Management Hearings Board decision. The Court ruled that “nothing in GMA provides that a county must use OFM’s population projections as a cap or ceiling when planning for non-urban growth.” *Clark Cy. Citizens v. Resource Coun.*, 94 Wn. App. 670, March 1999.
3. The County’s rural commercial/industrial designation policies and development regulations were found compliant by the Growth Management Hearings Board. Therefore any new designation approved under those policies would be consistent with GMA requirements for the rural area, or it could be appealed. These rules and regulations are very restrictive.
4. The County will track urban and rural commercial/industrial development through its Benchmarks report. If rural development appears out of control, the issue can be revisited.

Urban vs. Rural Population Allocation

Members of the volunteer Growth Management Act Update and Public Outreach Steering Committee (GMA Update Steering Committee) expressed great interest in land use data generally, including data on where new growth is occurring, and what proportion is within and outside of Urban Growth Areas. The Department commissioned research to update the urban/rural growth data from the 2002 *Growth Management Indicators* report. The updated figures are based upon the same methodology used to calculate the earlier urban/rural population numbers.⁴

The updated urban/rural population growth estimates for 1995-2004 are shown in Figure 3. The initial analysis conducted as part of the Growth Management Indicators program in 2002 found that, on average, at least 80% of the county’s annual population growth was accommodated within urban growth areas between 1999 and 2001. Since that study was completed, however, the data indicate that the urban share of the county’s annual population growth decreased to 72% by 2004. In the intervening years the share of urban growth fell even further. From 2002-2003, urban growth accounted for 65% of total county population growth.

⁴ Further discussion of this issue is contained in: *Updated Urban/Rural Population Growth Estimates*, Memorandum from Mark Personius, growth management consultant, to Kirk Johnson, Planning and Development Services, June 23, 2005; and *Report on County Population Data Including Urban/Rural Growth Ratio*, Memorandum from Kirk Johnson, Planning and Development Services, to Skagit County 2005 Update Steering Committee, June 30, 2005. Both documents are incorporated by reference.

Figure 3: Percentage of New Population Growth in Urban and Rural Skagit County, 1995 – 2004

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Urban	73%	60%	70%	74%	81%	87%	78%	65%	65%	72%
Rural	27%	40%	30%	26%	19%	13%	22%	35%	36%	28%

Urban includes municipalities and unincorporated UGAs. Rural is all areas outside of the urban area.

Population growth is closely associated with housing construction. Urban housing development, in particular, is most closely associated with employment growth—either locally or within commuting distance—while housing development in rural areas is typically subject to greater influence by non-employment-driven factors such as lifestyle choice, density, and natural amenities. The economic recession experienced nationwide from 2001-2003 contributed to significant slowing of job growth (and even job losses) in the Puget Sound region and Skagit County, thus slowing the rate of urban housing development. This is likely to be a significant—though not necessarily the sole—contributor to the decreased share of urban housing growth experienced in the County during that period.

The 80/20 Population Goal

It is important to keep some additional issues in mind when considering the significance of these results. The goal or target that 80 percent of new population growth should go to urban areas is established in the Countywide Planning Policies (CPPs), which are a compact between the County and the cities. CPP 1.2 reads:

Cities and towns and their urban growth areas, and non-municipal urban growth areas designated pursuant to CPP 1.1, shall include areas and densities sufficient to accommodate as a target 80% of the county’s 20 year population projection.

The policy specifically speaks to the sizing of UGAs sufficient to accommodate, as a target, 80% of the County’s 20 year population projection. The focus is on achieving that target by enabling development in the UGAs. This is consistent with GMA’s directive that counties and cities adequately plan for projected urban growth, and allow growth outside of UGAs “only if it is not urban in nature.”

A Shared Responsibility

Not only must UGAs be sized adequately, but the cities (or non-municipal UGA providers, such as the County at Bayview Ridge) must be able to provide adequate infrastructure to accommodate the growth coming their way. This challenge was highlighted by the only-recently-resolved impasses over infrastructure in the South Mount Vernon UGA and the City of Sedro-Woolley and its unincorporated UGA. Cities

must also ensure that new development within their urban limits is occurring at appropriate urban densities – generally regarded as 4 dwelling units per acre, or greater.

20-Year Planning Horizon

CPP 1.2 speaks to the County’s “20 year population projection.” The data show that the urban/rural growth trends can fluctuate quite widely over a relatively short period of time, from an 87% urban share in 2000, to a 65% urban share in 2003. It would not make sense to overhaul land use policies each time the population data hit a new peak or valley. This is especially true given that the current Comprehensive Plan was adopted in mid-1997, while the development regulations that implement the plan were not fully enacted until mid-2000. This is a very short period of time for determining the effectiveness of those policies and regulations.

Short-term population fluctuations are affected by powerful market forces much more than by long-term land use policies and goals. Over time, those long-term policies and goals, a developing land use ethic, and the relative ease and cost of developing in urban versus rural areas – factors that are affected by things such as infrastructure availability, permitting procedures, development fees and the like – can help to steer the market in the desired direction.

It is valuable to consider how the Comprehensive Plan can help to achieve the target. In that regard, Comprehensive Plan policies such as (proposed) policy 3A-1.1 and 3A-2.2 call for monitoring growth in the rural area in relation to the CPP 1.2 goal, and considering corrective measures if it becomes clear over a reliable period of time that the goal is not being met. The issue is also addressed through the call in the Update themes for a better land use inventory, and policies in the Natural Resources Conservation Element seeking to further limit residential development on resource lands. At the same time, there must be recognition that the plan and regulations in and of themselves do not specifically regulate how much development occurs in what locations in a given period of time. Many other factors are at play.

2. Comprehensive Plan Amendments

Some of the proposed amendments to the Comprehensive Plan are substantive in nature, affecting goals and policies, while others relate to the plan's structure and organization in an effort to make it more readable and functional. On the organizational level, some of the key changes include: consolidating the current 16 Comprehensive Plan Elements (chapters) into 12. Most of the elements have been separated into a chapter, containing goals and policies, and a profile, providing the background information, data, and the rationale for the goals and policies. It is anticipated that these profiles, which may also be viewed as technical appendices, may be updated more frequently than the once-per-year opportunity for the regulatory portions of Comprehensive Plans. "Trailing Issues" that could not be addressed in this 2005 Update cycle are identified in the Profiles, along with strategies for their future accommodation.

Each chapter now begins with the relevant "GMA Mandate" including the GMA goals and the Countywide Planning Policies pertinent to the subject. The core contents of each chapter are the applicable land use goals and policies. Where the current Comprehensive Plan includes "objectives," that term has been dropped in the proposed plan. The distinction between broad goals, somewhat more specific objectives, and even more specific policies was difficult to maintain throughout the Plan. Some of the objectives have been converted into policies and others were simply edited out.

It is a GMA requirement that a Comprehensive Plan have a Land Use Element, as well as certain other elements, including Rural, Transportation, Housing, Capital Facilities, and others. (RCW 36.70A.070) The proposed plan reorganizes issues dealt with in the current Land Use Element, Chapter 4, into three separate elements:

Chapter 2: Urban, Open Space, and Land Use

Chapter 3: Rural

Chapter 4: Natural Resource Conservation

This allows the consolidation of all policies related to the Rural area into one chapter, and all policies related to Natural Resource Conservation into a separate chapter. In the current plan, there are Rural policies contained in Chapter 4 (Land Use) and Chapter 6, the Rural Element; and natural Resource Conservation policies contained in Chapter 4 and Chapter 5, Natural Resource Conservation. With the reorganization, the reader won't need to go to two separate places to find policies related to Rural development or Natural Resource Conservation. The required function of a Land Use Element would be served by Chapters 2, 3, and 4 combined.

The proposed substantive changes, or those related to policies and goals, are addressed element-by-element below. The discussion of each chapter/element includes the following sections:

1. A summary of the information in the Profile that provides the basis for the policies in the chapter.

2. Proposed major changes to goals and policies that have emerged from the Update process to date.
3. A summary of the Growth Management Act Update Steering Committee’s findings and conclusions.⁵
4. The anticipated effects of those proposed changes, within the context of the Growth Management Act and the State Environmental Policy Act.

CHAPTER 1 - INTRODUCTION AND SUMMARY

General

This chapter is intended to set the stage for the rest of the plan by describing the geographical, historical, and procedural context for growth management in Skagit County. This is not a GMA-required element and it does not include goals and policies. This chapter does include, unchanged from the current plan, the community vision statements that continue to guide growth management planning in Skagit County. It explains the planning framework that exists in Skagit County, from the countywide plan represented by this Comprehensive Plan, to joint plans with cities, towns, and tribal communities, to community plans that focus on a particular area of the County, such as a Rural Village. The chapter also highlights the themes that have emerged through the work of the GMA Update Steering Committee. This proposed chapter replaces the existing plan’s Chapter 1, Introduction, and Chapter 3, Profile.

Summary of Contents

Descriptions of Skagit County geography and history, past planning efforts, the GMA mandate, and public involvement have been shortened with related information proposed to be moved to the appendices.

Steering Committee Review

Since this chapter does not include goals and policies, the Steering Committee’s input was primarily in identifying the update themes, described previously in this report, which are contained in this Introduction and Summary Chapter.

Analysis and Anticipated Effects

Because there are no changes to the vision statements and there are no goals and policies in this chapter, no effects are anticipated as a result of the proposed amendments.

⁵ Unless specifically stated otherwise, all references to the GMA Update Steering Committee in this section refer to the appointed committee of volunteers that assisted the County with its 2005 GMA Update (see Section II, Figure 1).

CHAPTER 2 – URBAN, OPEN SPACE AND LAND USE ELEMENT

General

GMA requires that a comprehensive plan have a land use element “designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses.” (RCW 36.70A.070(1)) The Land Use Element in the current Skagit County Comprehensive Plan is Chapter 4. It contains the designation criteria for Urban, Rural, Natural Resource, and Open Space lands. Use policies for some of those lands are contained in other chapters, including Chapter 5 - Natural Resource Conservation; Chapter 6 - Rural; and Chapter 7 - Urban Growth Area.

In the proposed Update, the functions of the land use element are divided among three different chapters reflecting the major categories of land use in Skagit County. Chapter 2 addresses Urban and Open Space lands, as well as certain other general land use goals and policy areas. Chapter 3 contains Rural land designation criteria and use policies. Chapter 4 addresses Natural Resource Land policies and criteria. This organization allows the designation and use policies for each major land use category to be addressed in the same element. The Department believes this organizational format will make the Comprehensive Plan easier to use, while the GMA requirement for having a land use element is satisfied by addressing land use across three chapters.

Chapter 2 of the proposed Update, the Urban, Open Space and Land Use Element, incorporates all of the Urban Growth Area goals and policies from current Chapters 4 (Land Use) and 7 (Urban Growth Areas). It also includes the Open Space policies from Chapter 4, as well as policies related to land use approvals, pre-existing non-conforming uses, public uses, lot certification, and land division.

Summary of Contents

The key purpose of this Element is to provide the criteria for designating Urban and Open Space lands and the policies to guide uses within those designations. No new land use designations have been proposed. The Urban Growth Area goals and policies deal with designating Urban Growth Areas (UGAs) and within those UGAs, concurrency, provision of urban services, joint city-county planning, commercial development, urban quality of life, transformance of governance, and the development review process in the UGAs.

For the most part, urban policies are not significantly different from those in the current Comprehensive Plan, but they have been streamlined and consolidated to make the document easier to read and to use. The limited additions or significant revisions are as follows: A new proposed policy 2A-1.2 directs the County to work with the cities and towns to establish additional and more detailed submission and evaluation criteria for Comprehensive Plan map amendment proposals to expand Urban Growth Areas. The

intent is to clarify for all involved the type and level of information that is needed to substantiate UGA expansions (or contractions), resulting in better and more supportable planning outcomes.

Another new policy, 2A-3.5, would allow for the “siting [of] new fully self-contained communities in the rural area with associated provision of urban facilities and services...in conformance with RCW 36.70A.350, the Countywide Planning Policies, and the community planning process.” This policy raises the potential for creating new fully self-contained communities at some point in the future, which would be located in the Rural area away from significant critical areas. Using a transfer of development rights program, which is now under consideration by the County, these new fully self-contained communities could serve as “receiving areas” for development rights transferred from Ag-NRL lands and the flood plain. They could thereby help to minimize future development on farmlands and in flood hazard areas. There is not yet a corresponding Countywide Planning Policy. The County does not anticipate proposing any new fully self-contained communities until such a Countywide Planning Policy can be brought before the elected-official GMA Steering Committee.

Goal A7, Transformance of Governance, and A8, Development Process, and related policies, have been added to reflect development regulations adopted by the County for the municipal Urban Growth Areas in the spring of 2005 (Ord. No. O20050007, April 12, 2005). These regulations, developed together with the cities and towns, have helped to end a several-year struggle between the County and some local jurisdictions over what development rules should apply within the Urban Growth Areas.

Before the new regulations, the County dealt with the “transformance of governance” within the Urban Growth Areas by adopting and implementing the applicable city or town codes. Problems arose where the County approved development at urban intensities without requiring the level of urban infrastructure desired by the city or town. The County now has adopted and implements a uniform County code for the Urban Growth Areas that allows development at rural densities and intensities. Property owners may only develop at urban intensities if they 1) annex to the city, 2) obtain a special use permit from the County that establishes urban-service requirements as specified by the city, or 3) are located within a pre-designated portion of the UGA where development is already urban in nature. The limitation on development at urban intensities creates an economic incentive encouraging annexations, which is the desired goal for UGA lands. The policies under Goals A7, Transformance of Governance, and A8, Development Process, have been written to reflect this new system of governance for the municipal UGAs.

Goal A6, Quality of Life, and its related policies encourage clustered, mixed-use development in the UGAs that provides a variety of housing and employment opportunities, schools and recreational facilities. These development patterns make efficient use of infrastructure, helping to keep housing affordable. They also give people the choice of walking, biking, and using other non-motorized forms of transportation to move about their communities, which promotes a more active and healthy lifestyle.

Open Space

Goal B under the Urban and Open Space Element provides the policy basis for establishing, designating, and regulating public and private open spaces. Only modest revisions have been made to the Open Space policies, intended to clarify how these lands are treated under the Comprehensive Plan. In particular there has been some confusion about why not all public park lands and other public open space is designated Open Space of Statewide/Regional Importance (OSRSI). There are two major categories of Open Space in the Comprehensive Plan: public, and private. Open space lands in private ownership play an important role in maintaining ecological, scenic, and natural resource values, but because of their private nature they are not shown on the Comprehensive Plan/Zoning Map. Public open space lands are those lands in public ownership that are dedicated or reserved for public use or enjoyment for recreation, scenic amenities, natural resource land management, or for the protection of environmentally sensitive areas. Only when they are identified to be of regional or statewide importance are such lands designated on the Comprehensive Plan/Zoning Map as OSRSI. Other publicly held lands, such as local neighborhood parks, scenic roads and highways, shorelines, rivers and streams, and utility corridors, although not designated as open space on the Comprehensive Plan Map, nevertheless provide similar open space functions and benefits. As part of a future work program, the County intends to develop a non-regulatory map inventory of all publicly held lands in the County.

On the Comprehensive Plan “Preferred Alternative” map, certain additional public lands meeting the OSRSI criteria are being proposed for designation, including Sharp Park and Montgomery-Duban Headlands on Fidalgo Island, and the majority of Burrows Island just west of Fidalgo Island. A few parcels are not proposed for OSRSI because they are privately owned.

New policy 2B-1.3 states that by December 1, 2007, Skagit County will develop a program to identify and prioritize open space corridors and greenbelts within and between UGAs that include lands useful for recreation, wildlife habitat, trails, and connection of critical areas. This policy is consistent with a settlement agreement committing the County to take such action.

“Miscellaneous” Land Use Policies

The end of Chapter 2 contains several miscellaneous land use goals and associated policies that previously were found at the end of Chapter 4. Some additional ones have also been added. Goal C now deals with historic Land Use Approvals that have been granted but not yet acted upon. Goal D addresses pre-existing non-conforming uses. Goal F deals with Lot Certification, and reflects the Lot Certification ordinance which took effect in May of 2005. In the current Comprehensive Plan, these three separate issues were addressed under one goal (Goal B), titled “Pre Existing, Non-Conforming Uses and Development Approvals.” The mis-match between the title and contents of this goal and its policies resulted in some confusion. The policies themselves under each new

goal have not significantly changed, with the exception of Lot Certification, which has been updated to reflect the new lot certification ordinance.

Update goal E addresses Public Uses and is substantively the same as current Goal C, Public Uses, although some code level detail has been dropped out (but is retained in code). Goal G addresses Land Division and has been reorganized to emphasize three types of land divisions: 1) Agricultural Land Preservation, which is a type of land division currently allowed on Ag-NRL; 2) Planned Unit Developments or Planned Residential Developments, which are placeholders for potential future development of a PRD or PUD ordinance for the Bayview Ridge UGA; and 3) Conservation and Reserve Development (CaRD). The policies regarding CaRDs have been consolidated from the more numerous CaRD policies in the current Comprehensive Plan.

Steering Committee Review

The Steering Committee reviewed all of the Urban Growth Area and Open Space policies found in current Comprehensive Plan chapters 4 and 7, and supported the effort to streamline the policies without changing their substance. An ad hoc group of city and town planners was convened by the “urban” representative on the County’s GMA Update Steering Committee to review the urban policies matrix. The proposed draft has taken those comments into consideration. The Steering Committee did not have significant comments or recommendations for the open space portion of the goals and policies.

Analysis and Anticipated Effects

Since the Draft Element is essentially based on the current adopted goals and policies, as well as the recent updates to the County’s Urban Growth Area development regulations, there are no significant environmental effects anticipated in the implementation of these proposals.

In fact, strengthening the Urban Growth Area policies and regulations will have a positive environmental impact as growth is channeled to areas where urban services and facilities are available and where more concentrated development can occur. The requirement that development in the municipal Urban Growth Areas be limited to rural densities until time of annexation, or the provision of urban services under conditions established by the affected city, has eliminated the potential for urban development to proceed in the UGAs without urban infrastructure. It has also simplified the UGA development process for applicants, the County and the cities.

On other hand, some property owners may not be able to realize their expectations to develop UGA property at urban densities as cheaply or as soon as they had hoped, since the new policies and regulations eliminate the potential for urban density development “on the cheap,” without the full complement of urban infrastructure. This may put upward pressure on housing prices, but GMA doesn’t allow urban development without urban services in an effort to reduce housing prices. Affordable housing is addressed in

Chapter 7, the Housing Element, which calls for a regional strategy to promote affordable housing.

Policies encouraging more compact, mixed-use development patterns in UGAs should result in healthier communities with more amenities and lower infrastructure costs

Implementation of policy 2A-3.5 allowing new fully self-contained communities may allow transfer of potential development from Ag-NRL lands and the floodplain to less sensitive areas. It would require the adoption of Countywide Planning Policies and the re-allocation of some of the current urban residential population from existing UGAs to the new fully contained community. One benefit might be to reduce expansion of certain Urban Growth Areas onto agricultural lands and the floodplain. Efforts would need to be made in the siting and sizing of new fully self-contained communities to protect against sprawl in the Rural area, and to avoid areas within the flood plain or subject to other critical areas constraints.

CHAPTER 3 RURAL ELEMENT

General

This is a GMA-required element. The proposed update includes revised goals and policies that currently reside, in the existing plan, in Chapter 4 - Land Use Element and Chapter 6 - Rural Element.

Summary of Contents

The Rural Profile describes the County's rural character, presents recent growth and development trends in the Rural area, and describes the various Rural land use designations. The Rural area is comprised of those lands outside of Urban Growth Areas that are not designated Natural Resource Lands or Open Space. Rural land use designations include several residential or mixed use designations – Rural Village Residential, Rural Intermediate, and Rural Reserve – as well as several rural commercial and industrial designations. Many of the Rural land use designations are considered a type of Limited Area of More Intensive Rural Development (or LAMIRD) under the Growth Management Act. The Profile explains the various types of LAMIRD authorized under GMA and how they are implemented through Skagit County's Rural land use designations.

Much of the Profile provides the background for the designation of rural commercial and industrial land uses and master planned resorts. The County's rural commercial and industrial map designations, Comprehensive Plan policies, and zoning districts were permanently adopted as part of the July, 2000, update of the Comprehensive Plan and adoption of the Uniform Development Code. These provisions were developed in response to a Hearings Board invalidity ruling in January, 1998 in the Final Decision and Order (FDO) in *Abenroth v. Skagit County*, WWGMHB Case No. 97-2-0060c. The policies and development regulations now in effect were reviewed, in some cases amended, and ultimately found to be compliant in WWGMHB Case No. 00-2-0049c (Feb.6, 2001, FDO). These rural commercial and industrial provisions therefore reflect GMA amendments and Hearings Board decisions since 1997.

The rural commercial and industrial goals and policies in the proposed Update Chapter 3 have been shortened considerably from their current form. Much of the historical background information contained in the current policies has been moved to the Profile. Much of the code-level detail which is found – and will be retained – in the development regulations is proposed to be removed from the policies. Rural policies from Current Chapters 4 (Land Use) and 6 (Rural) have been consolidated into new Chapter 3, eliminating redundancies. Policies in the current Rural portion of the Land Use Element describing priorities for further planning for Rural Villages and Rural Centers have been moved to the Community Plans and Implementation Element. Policies for rural infrastructure generally were moved to the Transportation or Capital Facilities Elements.

Steering Committee Review

There was some confusion among members of the Steering Committee between Rural and Natural Resource Land designations. This is perhaps due in part to the fact that natural resource uses, such as farming and forestry, are allowed in many of the Rural area designations. In addition, the Rural Resource-NRL designation is a Natural Resource Land designation but incorporates the word “Rural.” Removing the discussion of Rural and Natural Resource Land designations from current Comprehensive Plan Chapter 4, Land Use, and placing them in their own chapters in the Update proposal, should help to address this confusion.

Steering Committee members and others have raised the question: to what extent is the Rural area intended to support and supplement natural industry production practices on designated Natural Resource Lands? Or, alternatively, are Rural designated lands intended primarily for residential uses? Resource uses are permitted in many of the Rural designations. The Department does, however, recommend removal from the Comprehensive Plan of two policies (current plan policies 6A-1.13 and 6A-1.14) that propose to extend the same sort of right-to-manage protections currently provided to resource activities on designated Natural Resource Lands, to similar activities conducted on Rural lands. In the Department’s judgment, this would tip the balance too far in the direction of resource industries and away from the rights of residents of the rural area. This change is reflected in the proposed Update chapter.

Land Use Inventory

A major theme identified by the Steering Committee, especially in relation to the rural area, is the need for a better land use inventory and growth management data base. This is needed to track development activity in the County; determine what lands are fully developed, not developed, or not developed to their full capacity; and monitor environmental, critical area and other constraints to development. Such a data base could help to determine whether Skagit County is achieving its Countywide Planning Policy goal of directing 80 percent of new growth to the urban areas, what percent of designated Natural Resource Lands are being used for resource production, and other key questions. Steering Committee members shared a concern that a lack of up-to-date land use data was inhibiting the County’s ability to do sound growth management planning.

This need has been noted both in the Introduction to the Plan and in the Plan Implementation and Monitoring chapter, and will create a foundation for requesting additional support from the Board of County Commissioners for such information gathering to occur.

Development in the Rural Area

Some Steering Committee members felt there should be more development allowed in the Rural area as an alternative to development on resource lands and in the floodplain. They commented that expansion of some of the cities and their UGAs, especially Mount

Vernon and Burlington, inevitably would affect Agriculture-Natural Resource Lands (Ag-NRL) and land in the floodplain. A better approach would be to direct additional growth to upland areas in the Rural area, such as Pleasant Hill and that portion of Bayview Ridge not already designated or proposed to be designated as an Urban Growth Area. They also advocated allowing a wider variety of rural densities, especially higher densities (or smaller lot sizes) than are allowed in Rural Reserve (1 unit per 10 acres, or 2 units per 10 acres through a CaRD).

Other members of the Committee countered that allowing additional development in certain parts of the County would not help to protect resource lands and the floodplain, without a specific mechanism to transfer existing development rights from those lands to designated Rural receiving zones. Without such a mechanism, opening up some parts of the Rural area to increased development would simply increase overall Rural growth above the 20 percent goal contained in Countywide Planning Policy 1.2. As to smaller lot development in the Rural area, the Growth Management Hearings Boards have generally not permitted Rural lot sizes smaller than 5 acres except in a Limited Area of More Intensive Rural Development (LAMIRD) based on development patterns already in existence in 1990.

Proposed Goal A6 and policies 5A-6.1 and 5A-6.2 in Update Chapter 5, the Environment Element, in part seek to address and reconcile these two seemingly conflicting perspectives. (This goal and the two policies are part of the Group B set of proposals.) Goal 5A-6.1 states:

To avoid intensification of hazards in Frequently Flooded Areas, as well as protect life, property, and sensitive lands including critical areas and Agricultural-Natural Resource Lands, the County will reduce development potential on Ag-NRL and floodplain lands through [a variety of identified policy measures].

Goal 5A-6.2 then directs the County to explore mechanisms to allow existing development rights that may be extinguished from Ag-NRL or the floodplain as a result of these policies, to be transferred to designated receiving areas in suitable portions of the Rural area. It may be possible under GMA to allow more intensive development in certain portions of the Rural area, provided that the overall balance of new growth outside of Urban Growth Areas is not shifted from the 80/20 ratio contained in the Countywide Planning Policies. Initial comment will be taken on these two policies during the public comment period for the 2005 Update, which will help in the further development of the policies for possible adoption in a later Comprehensive Plan amendment cycle.

Some members of the Steering Committee commented that under the current plan, Rural area growth is exceeding the 20% goal. To propose allowing additional Rural growth would be contrary to the Countywide Planning Policies and existing Comprehensive Plan policies. In fact, it was argued that additional restrictions should be placed on

development in the Rural area and on Natural Resource Lands to bring new growth under the 20% CPP allocation.

The Department has addressed earlier in this document, in the discussion of proposed Countywide Planning Policy updates, the issue of the pace of growth in the Rural area relative to the Urban Growth Areas.

Rural Commercial Size Limits

The Steering Committee entertained some discussion of increasing size limits within Rural Village Commercial and Rural Commercial districts to keep pace with rural population growth and changing retail industry standards. In part this was in response to a development regulation amendment submitted by a member of the public (Mike McCoy). Steering Committee ideas ranged from substantially increasing size limits for Rural Village Commercial and Rural Center uses, to allowing some flexibility based on a variance process.

The Department reviewed research done as part of Ordinance No. 17938, adopted July 24, 2000, which established the current Rural commercial policies and regulations and concluded that the current size limits are fairly generous compared to existing development patterns in Rural Villages. The Department has included a provision in the Rural Village Commercial development regulations, SCC 14.16.100, that sizes may be increased for a given Rural Village Commercial district based on a community plan and a showing that larger size limits are necessary and consistent with the character of that Rural Village.

Analysis and Anticipated Effects

Overall, there are few significant substantive changes to goals and policies in the Rural Element. The most significant ones are described below in the order of their appearance in proposed Update Chapter 3.

Commercial/Industrial Acreage Allocations

Pages 2 and 3 of Update Chapter 3 contain a reference three proposed new Countywide Planning Policies that describe the type and intensity of commercial and industrial development allowed in the Rural area under GMA. These are more fully described earlier in this report, in the discussion of the Countywide Planning Policies. Also described in the earlier section of this report, the Growth Management Act Steering Committee, comprised of mayors and county commissioners, agreed to remove from Countywide Planning Policy 1.1 the reference to a 584-acre rural commercial and industrial allocation. They agreed to put in its place these three new Countywide Planning Policies addressing the type of rural commercial/industrial development allowed in the Rural area.

Along with these Countywide Planning Policy changes, the County proposes to remove from its land use policies a requirement that applicants for rural commercial or industrial designations demonstrate consistency with “the County’s rural commercial and industrial needs analysis.” For instance, current Rural Village Commercial designation policy 4A-10.6(c) is proposed to be removed, as are similar policies for other rural commercial or industrial designations. According to the Update policies, applicants must still submit a specific development proposal and phasing plan, and if development does not proceed within an amount of time as specified in the development code, the commercial or industrial designation will be revoked. See Update Chapter 3, policy 3C-2.3. This policy is intended to prevent commercial land speculation and to ensure that map designations are granted only for specific business projects that are consistent with the designation criteria. The County’s GMA-compliance rural commercial/industrial policies and designation criteria, and development regulations, which implement the new Countywide Planning Policies on rural commercial and industrial, will ensure that any new map designations are consistent with GMA.

Right to Farm/Practice Forestry in Rural Area

The current Comprehensive Plan, Chapter 6, Rural Element, contains policy 6A-1.13, which calls for development of a Right-to Practice Forestry Ordinance on Rural lands; and policy 6A-1.14, which directs development of a Right to Farm ordinance for Rural lands. These policies were adopted in the 1997 Comprehensive Plan but never implemented through development regulations.

The Update Chapter 3 proposes to delete these policies. Skagit County Code currently contains a Right-to-Manage Natural Resource Lands ordinance, SCC 14.38, which protects the practice of natural resource activities on designated Natural Resource Lands. This is consistent with the requirements of the Growth Management Act and the Comprehensive Plan that place a high priority on protecting designated Natural Resource Lands and resource industries. However, the Department believes it is not appropriate to extend this heightened level of protection to natural resource activities conducted on Rural lands where resource production is not the primary purpose. To do so could deprive Rural area landowners of their rights to a quality living environment. Resource production activities continue to be allowed on Rural lands, but not with the same level of protection accorded to those activities when conducted on designated Natural Resource Lands.

Limited Areas of More Intensive Rural Development (LAMIRDs)

The expanded section on Limited Areas of More Intensive Rural Development (LAMIRDs), pages 7 through 11 of Update Chapter 3, seeks to consolidate, strengthen, and clarify various scattered references to LAMIRDs in the current Comprehensive Plan Land Use Element. The section makes clear that many of the Rural area designations – with the exception of Rural Reserve – qualify as one of the various types of LAMIRD authorized by GMA. There is not an actual expansion of the type or application of LAMIRDs in the Comprehensive Plan; a review of the current policies in the Rural

portion of the Land Use Element demonstrates that many designations refer to various LAMIRD provisions in GMA – although they may not use the term LAMIRD outright). The Update Chapter 3 seeks to do a better job of identifying how the LAMIRD provisions in GMA are implemented through various Rural land use designations. The Department determined it was important to do so given recent Growth Management Hearings Board decisions concluding that rural development at densities greater than 1 unit per five acres must be located within a LAMIRD.

Residential/Mixed Use LAMIRDs

Skagit County was in the process of finalizing its GMA Comprehensive Plan in 1997 at the same time the state Legislature was considering the ESB 6094 amendments to the Growth Management Act. Among other things, these amendments clarified the types of development allowed in the Rural area, including several types of limited areas of more intensive rural development. The record for the 1997 Comprehensive Plan demonstrates that Skagit County's Rural Village and Rural Intermediate designation criteria, and the areas mapped using those criteria, generally reflect already-existing areas of more intensive rural development. The following extended quote from the Western Washington Growth Management Hearings Board's Final Decision and Order in *Abenroth v. Skagit County* is instructive:⁶

The County countered that it had made very hard choices and had drawn the lines tightly around preexisting pockets of higher density in the rural area. Minimal infill would be allowed within these preexisting areas. The County pointed out that the [Land Use Study Commission's] annual report showed that the allowance for this approach in ESB 6094 was simply a clarification of the intent of the previous Act and therefore an available option for the County previous to the effective date of ESB 6094.

The County stated that its allowance for limited infill was not driven by or justified by capacity need, but was based on acknowledgement of pre-existing development patterns and provided for a variety of rural densities. The County asserted that even with the allowed infill the average lot size within these areas changed very little. The County provided exhibits from the record...which provided maps and analyses for these areas supporting its statements. When we expressed a concern about the ordinance's provisions for a process to possibly designate additional RI areas, the County responded that any additional RI designation would require a CP amendment and would therefore be subject to a petition for review.

Board Discussion

After careful consideration of the record it appears that the County has made tough choices in drawing the lines tightly around these preexisting

⁶ Western Washington Growth Management Hearings Board, *Abenroth et al. v. Skagit County*, Final Decision and Order, Case No. 97-2-0060c, January 23, 1998.

built-out areas and only allows limited infill. Under these specific facts, and in light of increased deference directed by RCW 36.70A.3201, we do not have a definite and firm conviction that Skagit County made a mistake in those areas. Petitioners have not met their burden [in asserting that the mapping of the RI and RV designations was not compliant with GMA].

Rural Reserve, Rural Intermediate, and Rural Village Residential are the main residential (or mixed use) land use designations in the Rural area. All lands designated Rural Intermediate and Rural Village Residential are considered to be part of a LAMIRD as described in Update policy 3B-1.2 and authorized by RCW 36.70A.070(5)(d)(i). These designations reflect areas that were generally already developed or platted at land use densities of 1 residence per 2.5 acres or greater when the Growth Management Act was implemented in 1990, and that are contained by a logical outer boundary consisting predominantly of the “built environment.” The Rural Reserve designation identifies portions of the Rural area that were not already developed at these higher densities and therefore do not qualify as a LAMIRD.

Commercial/Industrial LAMIRDS

Skagit County’s initial effort to allow commercial and industrial uses in the Rural area under the 1997 Comprehensive Plan and interim development regulations failed. Those provisions were found invalid by the Hearings Board in a case referenced above. In late 1998, the County began an effort to develop Comprehensive Plan policies, map designations, and development regulations for rural commercial and industrial uses that were consistent with GMA, including the by-then adopted ESB 6094 amendments. The County conducted an extensive survey of existing commercial and industrial uses in the Rural area, appointed an ESB 6094 Citizen Advisory Committee, and studied other counties’ efforts on the same issue. The process resulted in interim ordinance No. 17535, adopted in August 17, 1999, that first implemented GMA-based rural commercial and industrial policies, regulations, and map designations. These were made permanent through Ordinance No. 17938, adopted July 24, 2000.

Several of the rural commercial and industrial designations and zones were appealed in Case No. 00-2-0049c. These land use designation and regulation issues were resolved in the Hearings Board’s Final Decision and Order on February 6, 2001, and through subsequent ordinances addressing the Rural Freeway Service and Rural Marine Industrial designations. The County’s rural commercial and industrial provisions were relatively recently found to be GMA-compliant. As described in the proposed Comprehensive Plan Rural Profile and Element, the various Rural commercial and industrial designations are based on types of LAMIRDS allowed under RCW 36.70A.070(5)(d).

Rural Village Policies

In the current Comprehensive Plan, the outer boundary of a Rural Village may only be changed through a community planning process. See current policy 4A-7.10(a). Due to limits on County planning resources, some Rural Villages may not be the subject of a

community plan for many years. The Department believes there must be at least one other route for Rural Village boundary changes, and has modified the above policy through corresponding Update policy 3C-1.6(b). It would allow a Rural Village outer boundary to be amended through a community plan or a 7-year GMA Update provided – as is currently the case – “that the boundaries of the historical Rural Villages shall be defined predominantly by the built environment that existed on or before July 1, 1990.”

The Plan also clarifies in draft policy 3C-1.6 (b) that the designation of new Rural Village Commercial uses is not required to occur through a community planning process. The issue is ambiguous in the current policy 4A-7.10(b). Rural Village Commercial districts are the top priority location in the Comprehensive Plan for rural commercial activities. See current policy 4A-9.1/update policy 3C-2.1. Rural Village Commercial designations may only occur within the boundaries of an existing Rural Village established following LAMIRD criteria. Therefore, obtaining a Rural Village Commercial designation should not be *more* difficult than obtaining one of the other rural commercial or industrial designations, which for the most part do not require community plan approval.

Undeveloped Parcels in East Big Lake

Current Comprehensive Plan policy 4A-7.14 reflects a court decision placing restrictions on development of “larger undeveloped parcels on the east side of the lake” associated with the Overlook Golf Course. This decision resulted from an appeal to the Hearings Board in Case No. 00-2-0046(c) of certain policies contained in the 2000 update to the Comprehensive Plan. Policy 4A-7.14 established certain minimum lot size requirements and development standards, including a requirement that development shall not connect to public sewer. (The property is within the Big Lake Sewer District and a sewer line runs directly adjacent to the property.) These restrictions are reflected in current SCC 14.16.310(7).

A recent settlement agreement has resulted in the dismissal of the conditions established in Case No. 00-2-0046(c). Proposed policy 3C-1.8, and a proposed revision to SCC 14.16.310(7), would allow subdivisions of undeveloped parcels to lot sizes of 5 acres or greater. Smaller lots could be created if those parcels are divided through conservation and reserve developments (CaRD), utilize public utilities including sewer, and protect Big Lake water quality. The revised policy and code would allow similar development intensities, but Big Lake water quality would be granted greater protection by allowing that development to occur on sewer.

Rural Areas of More Detailed Planning

Current Comprehensive Plan policy 4A-7.15 is moved to the Update Chapter 12, Plan Implementation and Monitoring.

Open Space

This section has been moved from the current Land Use Element, sandwiched between general rural policies and rural commercial and industrial, to the Update Land Use Element, Chapter 2.

General Rural Commercial and Industrial Policies

Update policies 3C-2.1 through 3C-2.4, establishing general conditions for rural commercial and industrial development, consolidate current policies 4A-9.1 through 4A-9.5, without any significant changes. Certain general requirements (such as policies 3C-2.2. and 3C-2.3) for Comprehensive Plan Map amendment applications for rural commercial or industrial designations are discussed here but not repeated for each separate designation as they are in the current plan.

Rural Freeway Service

Some of the current policies will be converted to narrative text in the Rural Profile, where they will provide some context and history for the Rural Freeway Service designation.

Small-Scale Recreation and Tourism

The word “contiguous” has been removed from Update policy 3C-4.4 (redrafted from current policy 4A-13.13) to allow more scattered clusters of development within a Small-Scale Recreation and Tourism designation. The current limitation of 20 acres of developable land is retained, and language has been added to clarify the meaning of ‘substantially undeveloped.’ The current 5 percent lot coverage limitation in code (SCC 14.16.130(6)(d)) is proposed to be replaced with a sliding scale limit ranging from 35 percent for SRT designated areas of one acre, to 15 percent for those areas of 20 acres (or a fixed square foot limit of 130,680 for those areas larger than 20 acres).

Rural Marine Industrial

The proposed Update Rural Marine Industrial policies consolidate current policies; some historical detail is moved to narrative text in the Profile, where it will provide some context and history for the Rural Marine Industrial designation. Goal C6, policy 3C-6.1, and policy 3C-6.4 reflect specific language agreed to by the County in a settlement agreement approved in 2003 (cite number). These language changes are only now being proposed in the Comprehensive Plan.

Master Planned Resort

Master Planned Resort (MPR) policies were adopted into the Comprehensive in July, 2000 (Ordinance No. 17938). Because of time constraints at that time, the Planning Commission recommended approval only of the proposed MPR policies, and elected to defer consideration of implementing development regulations to a later time. Such

implementing regulations were adopted in June, 2005, and codified as SCC 14.22. This update proposes to remove certain MPR policy language that is now more appropriate as and part of the regulatory language in SCC 14.22. This is also the first Comprehensive Plan amendment cycle in which a Master Planned Resort application will be reviewed under the above regulations. Two such applications were filed as part of this update and are discussed in detail beginning on page 72.

The MPR policies and implementing development regulations closely reflect RCW 36.70A.360 & .362, which among other things allow for urban uses and intensities in MPRs. During the development of the County's policies and implementing development regulations, some raised concern over the prospect that MPRs would necessarily be large-scale developments. Clearly, MPRs may include urban uses and intensities in areas outside of UGAs, but in adopting the MPR policies, the Planning Commission found that:

“...nothing in the policies requires only large resorts. The MPR designation is, rather, intended to address any potential resort development that is planned to exceed the...limitations of the SRT [Small-scale Recreation and Tourism] designation. Existing SRT properties may seek this designation. New properties may seek this designation.”

The County's MPR policies and regulations seek to ensure that new Master Planned Resorts are located and sized appropriately to reflect local conditions. The County's approach to designating and permitting MPRs is to first require a resort master plan that satisfies 13 requirements relating to siting, intensity, capital facilities, phasing, and others. A fundamental set of requirements for approval relates to the appropriateness of the proposed resort to the particular location – including how the proposed resort relates to the its setting and *significant* natural amenities (emphasis added). Skagit County, itself, is undeniably beautiful, and significant on perhaps a national scale. But not every location within the county can attach to such a grand scale of significance, enough to justify a potentially urban-scale Master Planned Resort. Therefore, the County requires, at a minimum, that the relationship between the proposed Master Planned Resort, and its location be commensurate. An appropriately sited MPR does not simply call attention to itself, but to Skagit County as an attractive tourist destination.

Small Scale Business

The name of this designation is proposed to be changed from Cottage Industry/Small Scale Business to Small Scale Business. This will make the name easier to remember, and will draw a clearer distinction between those businesses requiring a land use designation and those allowed as a Home Based Business (often thought of as cottage industries) with a special use permit.

The sections on **Public Uses, Pre-Existing Non-Conforming Uses, and Development Approvals** (current Comprehensive Plan pages 4-83 through 4-85, and **Land Divisions** (current Comprehensive Plan pages 4-86 through 4-91), have been moved to Update Chapter 2, Urban and Open Space.

Summary and Conclusion

With few exceptions, the Draft Element is focused on improving the existing policies to make them internally consistent, more reader friendly, and to avoid redundancies with other policies or the development code. The most significant structural change in the Comprehensive Plan as it affects the Rural area is the combination of all Rural policies into a Rural Element, from current Chapters 4 (Land Use) and Chapter 6 (Rural).

Consolidating major discussion of Limited Areas of More Intensive Rural Development to one portion of the Rural element should clarify how the GMA LAMIRD provisions are implemented in the Skagit County Comprehensive Plan, but it does not actually broaden the role of LAMIRDs in Skagit County's land use scheme. The designation of Rural Intermediate and Rural Village areas following LAMIRD criteria was found compliant by the Growth Management Hearings Board in 1998; and the designation of various Rural commercial and industrial areas following LAMIRD criteria was found compliant by the Hearings Board in 2000 and 2001 (Ord. 17938, and Case No. 00-2-0049c).

CHAPTER 4 NATURAL RESOURCE CONSERVATION ELEMENT

General

In the updated Comprehensive Plan, Natural Resource Lands (NRL) policies are consolidated into a single chapter (formerly Chapters 4 & 5). As indicated in the discussion of Chapters 2 and 3, this Element is now one of three chapters constituting the Plan's land use element. This relationship allows for a logical and intuitive separation of various land-use categories, while contributing to a cohesive structure within the overall land-use element. Resource lands include agricultural, forest, and mineral lands. In Skagit County, this amounts to more than 40% of the entire area, not including national forests. The element contains the goals and policies for these areas, aimed at preserving their long-term commercial value, including policies to ensure the right to practice natural resource management activities. Other policies establish or guide programs to enhance and coordinate natural resource lands management in Skagit County.

Summary of the Contents

As with most other chapters, this element includes a companion profile. The Natural Resource Conservation Profile includes descriptions of the three resource industries active in Skagit County and the criteria that have shaped the land use designations for them; including soils, existing land uses, and other socio-economic factors. In addition, the Profile describes principles of "Right-to-Manage" and the need for a NRL clearinghouse to make industry and agency information readily available to the NRL industries.

This 2005 review and update of the NRL Element confirmed the appropriateness of many of the current goals and policies, including the designation criteria. However, some disagreement as to the role of the Secondary Forest designation prompted 11th hour discussions relating to the intended location of Secondary Forest in relation to other natural resource lands, and the use of density bonus incentives as a trade-off means of encouraging forest management in Secondary Forest. Draft policies addressing these two issues were moved from the policy section to the end of the Natural Resource Lands. Although they are not expected to be adopted, they are nevertheless available for public comment to build on the record and understanding of the potential impacts and implications of adopting such policies (see discussion of the two-track review process, Section II). Also relating to Secondary Forest, the Forest Advisory Board elected to halt further discussion of a long-standing issue regarding unexpected or undesirable outcomes in the application of current Secondary Forest designation criteria (see Designation of Secondary Forest below).

The changes proposed in this update primarily relate to strengthening the protections to the NRL land base, developing support and incentive programs, and increasing the diversity within the NRL industries. In the Updated NRL Element, each of the resource lands categories (Agriculture, Forestry, Rural Resource and Mineral) includes:

- Designation criteria and residential density policies;
- Policies relating to the support programs for natural resource land ownership and industries;
- Policies designed to preserve the natural resource lands;
- Allowable land uses;
- Policies addressing potential land-use conflicts; and
- Policies that establish the Right to Manage principals governing NRL lands.

After reviewing the designation criteria for Agricultural lands, Forest lands, Rural Resource Lands, and the Mineral Resource Overlay, the respective natural resource lands advisory groups found that overall the County's criteria and methodology for designating resource lands serve their primary purpose under the Growth Management Act – that of protecting and preserving natural resource lands of long-term commercial significance.

Except as noted herein, the Forest Advisory Board also concluded that the method and outcome of designating Secondary Forest land served its purpose both in providing a transitional area between rural lands and Industrial Forest areas, and in providing limited opportunities for small-scale resident timber management and the production of value-added products on the fringes of the Industrial Forest designation.

The Mineral Resource committee, and staff developed more refined designation criteria for Mineral Resource Overlays (MRO). The overall intent of the MRO designation criteria remained the same but the specific criteria for sand and gravel was changed from a dollar value threshold to a roughly equivalent quantity threshold. In addition, the land use criteria were clarified by creating some suggested specific measurable parameters to apply.

A significant undertaking of this update was to reevaluate the existing Mineral Resource Overlay for accuracy, omissions, and errors. To accomplish this, the County engaged a geotechnical firm to apply designation criteria and the most recent geological data to review the current MRO, confirm known resources, identify previously omitted mineral resource-rich geologic formations, and map those areas of potential significance. Further review and field verification by the County geologist, mineral industry experts, and staff led to the final draft MRO that is part of this proposal.

General NRL Issues and Changes to NRL Policies

Generally, the issues facing NRL landowners and industry producers present substantial challenges to the preservation of NRL lands and the viability of NRL industries. The pressures on the land base, and issues affecting the viability of the industries served as key drivers to modify existing policies and propose new policy language. A very strong message from the Natural Resource Lands advisory groups is that this Chapter should provide a policy framework that promotes the highest standards for protecting and preserving natural resource lands. The central theme is that Natural Resource Lands are for natural resource production – the principal and primary use of farmland is farming,

and of forest lands, forestry. These issues are discussed further below, as appropriate to the specific natural resource lands category.

NRL Clearinghouse and Database - Skagit County operates a number of programs for the preservation of Natural Resource Lands and related economic activities. These policies propose an information clearinghouse to provide an umbrella under which information relating to research, available services, and educational functions could be organized. Policies to create the clearinghouse and identifying the need for a NRL database and monitoring program are included in the Element.

A primary function of the natural resource lands database is to collect information on Natural Resource Lands that have been converted and are therefore no longer available for economic resource uses. Converted lands are designated resource lands that are not available for farming, forestry or mineral production because of easements, covenants, or other restrictions, such as habitat set-asides and enhancement areas; residential and commercial enclaves within resource lands; and lands that for one reason or another are unavailable for resource use (e.g., inaccessible meander islands within the flood plain of the Skagit River).

Agriculture

Right-to-Manage - Stronger policy language dealing with the Right-to-Manage Natural Resource Lands requirements has been drafted to support recorded disclosure statements for adjacent property owners and possible enforcement measures are proposed.

Agricultural lands conversions - Stronger policy language that discourages conversion of prime agricultural lands including residential, commercial and/or habitat uses is proposed. Proposed conversions would be reviewed under new implementing code to ensure that they provide an overall benefit to the agricultural industry and in some cases mitigation could be required for conversions.

Designation: No changes to designation criteria are proposed. The Agricultural Advisory Board contemplated a new zoning district for open space and habitat uses, and perhaps also to identify other areas that for one reason or another are not, or will not be used for resource production. This suggestion arose from the concern that the agricultural land base is eroding, and that identifying and de-designating these isolated areas would further the understanding of the distribution and potential impacts of non-agricultural uses on neighboring agricultural uses. However, the Agriculture Advisory Board generally agreed that uniform and contiguous agricultural zoning serves to reinforce and sustain the principle that agricultural lands are for agricultural uses. To legitimize (via special zoning) the sporadic non-conforming, non-agricultural uses peppered throughout the Agricultural district would in effect create a patchwork of potential further erosion from within the Agricultural district.

There remains the need to acquire data as to how much land is or is not in agricultural production to assess, among other things, the state of the agricultural industry in Skagit

County. Monitoring the percentage and types of conversions within the Agricultural zone was determined to be a more appropriate way to address non-agricultural uses within the Agricultural zone. The Natural Resource Lands database, under Goal F-1, was conceived in part to create a repository, over time, for such data (see general discussion above).

Drainage Concerns - A draft policy is included that would require closer review of upstream drainage plans that affect agricultural areas, including review and comment by the appropriate drainage utilities.

Forestry

Conversion - Like the Agricultural industry, the forestry industry also strongly articulated the threats that face the industry, primarily the loss of usable land for timber production. This is particularly the case with the conversion of these lands to habitat conservation. New and stronger policy language is included to discourage conversion of forest lands to other uses and requiring mitigation for conversions. New policies also would direct the creation of a review process for recreational uses and park acquisition. Alternative policy approaches are provided where either the County or the property owner would be required to regulate property tax status for active and inactive forest management with disincentives for absence of an active forest management plan.

Compensation - The draft Element include alternative policy approaches to providing compensation to forest land owners where federal, state, or local regulations, such as critical area regulations have reduced the area of timberland available for timber production due to set asides and buffers. These alternatives include residential density bonuses, revisions to the CaRD subdivision approach and purchase and transfer of development rights (see Two-track review process, Section II above).

Forest Industry Diversification – The current policy is changed to allow permanent structures (instead of only temporary) for ancillary and support uses in forest lands.

Fire Protection - Policy language is included that encourages the County to adopt the USDA DNR “Firewise” program and practices. These standards relate mainly to creating fire-safe defensible spaces around homes and subdivisions, and include the use of fire-resistant building materials, construction and landscaping techniques. Siting requirements for residences in Industrial Forest land remain the same as under the previous Comprehensive Plan but the details of these requirements are codified in the Development Regulations instead of in the Comprehensive Plan.

Designation of Secondary Forest - Two issues relating to the designation of Secondary Forest were raised during this update. One, introduced above, pertains to the question of whether Secondary Forest should be designated adjacent to other resource lands. Resolution of this issue was not found, and the alternative policies were included as Group B policies at the end of Chapter 4, and released for public comment as to the viability of any of the alternative methods of designating Secondary Forest.

A long-standing issue also relates to the designation of Secondary Forest. This issue was first raised by several private forest property owners, who in 1996 found themselves and their relatively small land holdings within the Industrial Forest district. In recognition of this problem the Board of County Commissioners, by Ordinance No. 16550, directed that the forest designation issue addressed. The matter was not taken up again until December, 1999, when a Board appointed CAC attempted to resolve perceived problems with designating Secondary Forest area. The CAC did not reach consensus on what approach was most appropriate. Various attempts at addressing the issues led nowhere. Finally, in 2003, a County consultant studied the issues surrounding the designation of Forest Resource lands, and filed a report posing several questions for further discussion. Among them were:

- Is the Secondary Forest designation achieving its purpose (as a buffer)?
- Is Secondary Forest still necessary?
- Could Rural Resource provide better opportunities for protecting resource lands from conflicts that Secondary Forest?

The consultant did not have the opportunity to recommend answers to these questions, as the study terminated in favor of rolling the issue into the 2005 GMA Update for further work in context with other resource policy issues. The above report was presented to and tabled by the Forest Advisory Board. The FAB concluded that Secondary Forest is achieving its purpose, and further recommended that Secondary Forest be designated everywhere along the outer boundary of Industrial Forest. (See Comprehensive Plan Chapter 4, page 43, Alternative A)

Mineral Resources

Minimum threshold requirements for designating certain minerals has changed from a dollar-value threshold to a quantity-based threshold. This policy change was applied to the reevaluation of the Mineral Resource Overlay, a part of this Update. A policy has been added to consider changing the County permit process for certain mining activities to be administrative. Existing Mineral Resource Overlay policies were strengthened and clarified to encourage coordinated permit review of traffic, noise and other potential impacts of mining and to direct the County to coordinate these issues during review of mining permits.

Rural Resource Lands

No significant changes to the Rural Resource Lands policies were proposed. Designation criteria remained consistent with the current Comprehensive Plan as did residential density criteria. Policies were streamlined and some expansion of accessory uses was included, consistent with those proposed for forest lands. Similar language strengthening Right to Manage policies was also included in Rural Resource Lands policies.

Steering Committee and Advisory Group Review

This Element generated the most vigorous discussion throughout the process, given the importance of the natural resource industries to the Skagit County economy and way of

life, and to the strong advocacy groups that are advising the County on resource issues. Given the strong staff support and work by the agricultural, forestry and mineral advisory committees, the Update Steering Committee did not try to “second-guess” the recommendations before it, except with respect to the issues of conversions for non-resource uses and compensation for economic losses. Since there were such strong advocacies for the different sides to these issues, the Department elected to include alternative policy language in the Draft for further discussion.

Anticipated Effects

The new policies that provide limitations on resource lands conversions for non-resource uses could have both positive and negative environmental impacts. If conversions of natural resource lands are limited, it is possible that the some habitat restoration projects would not occur and some opportunities to benefit the natural environment could be lost. However, the economic and social impacts of preserving natural resource lands for natural resource production could be highly beneficial. Policies to encourage reviewing and monitoring of conversions, and open discussions between the various stakeholders aim to create balance between these two important values.

In addition, the alternative policies that propose to provide compensation via residential development credit for loss of timber production due to regulations such as critical area regulations could have a negative impact if the compensation involved a significant increase in residential development in the forest resource areas. These policies would require additional analysis to test the proposals and to determine if they would result in significant impacts, and if so, in what areas and of what magnitude the impacts would be, should such alternative policies be proposed for adoption.

CHAPTER 5 ENVIRONMENT ELEMENT

General

This is not a GMA-required element, but it does include goals and policies required by the GMA. Rather than addressing the environment in the Land Use Element, a separate chapter (as exists in the current Comprehensive Plan as well) allows more discrete attention to the other side of the update: critical areas protection. The GMA requires local jurisdictions to review their critical area regulations in terms of “best available science” by December 1, 2006. This process is underway now in Skagit County. As a result, the Department intends to perform a more substantial review and update the Environment Element at the same time to ensure consistency between goals and policies and the regulations. The proposed revisions to the Environment element at this time are minor in nature. There are two significant proposed “Group B” policies on Flood Hazard Prevention found at the end of the chapter. The County is taking public comment on these policies at this time, for possible inclusion in a later Comprehensive Plan amendment cycle.

Summary of the Contents

A few minor changes have been made in this draft. A Profile has been developed to describe the general nature of critical areas and environmental protection. In addition, the Profile describes other related plans and programs that need to be coordinated with the Comprehensive Plan and development regulations. These include the Shoreline Master Program, the Hazard Mitigation Plan, and the various water resource and basin plans. The Element has been reorganized to match the format of the other elements, and a few general policy language edits have been made.

Steering Committee Review

Because the review of the County’s critical areas regulations is just getting underway, with a December 1, 2006 deadline, the Steering Committee did not spend much time on this Element. However, there is strong consensus among Steering Committee members that additional flood hazard planning and coordination with hazard mitigation plans is needed.

Analysis and Anticipated Effects: Since there are no significant policy changes proposed to be adopted through the 2005 Update, no significant effects are anticipated.

CHAPTER 6 SHORELINE ELEMENT

General

This is a GMA-required element. Since the Shoreline Master Program (SMP) is scheduled for review under new state guidelines by 2012, this Element will not be updated in this cycle.

Summary of Contents

The current adopted Chapter 16 Shoreline Master Program Element will be included unchanged in this updated Comprehensive Plan, except it will be renumbered as Chapter 6.

Steering Committee Review

The Steering Committee was not asked to review the shoreline goals and policies.

Analysis and Anticipated Effects

No effects are anticipated.

CHAPTER 7 HOUSING ELEMENT

General

This is a GMA-required element. It replaces Chapter 8 in the current Plan. The Housing Element has been revised to reflect recent and anticipated market trends, and provide guidance for County policies and actions. Since most new development will occur in the urban areas, the County's role in supporting affordable housing has been founded to be limited, and the proposed policies are intended to acknowledge this. The Housing Profile provides information describing housing development and demographic characteristics affected the Skagit County market.

Summary of the Contents

The current Housing Element includes a wide range of goals and policies that are well-intended but which in many cases have not been implemented. The goals and policies addressing affordable housing are very difficult for a rural county to achieve where new population growth is limited and allowed only at lower densities. To be provided economically, housing requires higher densities and related urban-scale services. This is most likely to occur in cities and towns and their Urban Growth Areas, which come under the jurisdiction of the cities and towns as the services are put in place or annexation occurs. Consequently, the Housing Element was pared down to reflect the achievable types of housing policies that the County should embrace. These includes emphasis on methods to support increased housing production; preservation and enhancement of existing housing resources; streamlining land use regulations to encourage creative housing solutions; and ensuring consistency with state laws for farm-worker housing. The Housing Element in the current Comprehensive Plan also has land use policies intermixed with the housing policies. These were moved into the Land Use Element.

The Profile has been written to capture a picture of the housing supply and demand in Skagit County. Over the life of the plan, approximately 18,000 new housing units will be necessary to accommodate the growth in population. Most of this housing will be located in the cities and towns and UGAs, but a substantial amount will be in the rural area as well. The Profile also calls for the County to work with the cities, towns, and other jurisdictions through the Skagit Council of Governments to formulate a regional housing strategy that incorporates regulatory, administrative, and financial measures to meet this challenge.

Steering Committee Review

A subcommittee of the Steering Committee met in consultation with the Skagit County Housing Authority to discuss housing issues. This led to the conclusion that many of the goals and policies in the existing Plan are infeasible, and that the County's role in housing needed to be carefully considered. The Steering Committee also discussed the possibility of proposing a bonus approach to market-rate housing that would generate a financing stream for affordable housing. The concept has merit, but could not be

developed in this process. The SCOG housing strategy would be an excellent way to further this idea.

Analysis and Anticipated Effects

Because there are not substantial changes to the policies in the Housing Element, no significant effects are anticipated as a result of adoption of the update. Affordable housing in Skagit County will be more effectively addressed if it becomes a focus of regional attention through the Skagit Council of Governments and Countywide Planning Policies, as is recommended in the Housing Profile.

CHAPTER 8 TRANSPORTATION ELEMENT

General

This is a GMA-required element. It replaces Chapter 9 of the existing plan. The statute has much more specific requirements for the content of the Transportation Element than for the other elements. The County has an adopted Transportation Systems Plan (TSP) that generally looks ahead 15 years, or about 10 years beyond the Six-Year Transportation Improvement Plan. The TSP was updated in 2003 and again in 2004 to include a non-motorized section addressing pedestrian and bicycle needs.⁷ Beyond standard updates to the information contained in the original plan adopted in 1997, the 2003 update:

1. Changed the methodology used to calculate Level of Service (LOS) on County roads from the Birdsall Method to the Highway Capacity Manual.
2. Contained additional information on state transportation facilities, as required by HB 1487, adopted in 1998.

These updates are retained in the proposed Chapter 8. Most of the analysis required under GMA is included in the TSP, which is a functional plan under the Comprehensive Plan, and therefore is not repeated in the Comprehensive Plan. This year, the Skagit County Council of Governments acting as the Metropolitan Transportation Planning Organization and the Regional Transportation Planning Organization adopted a plan based on a longer (20-year) horizon and modeling of land use and growth assumptions.

Summary of the Contents

The transportation goals and policies in proposed Chapter 8 have been carried over from the existing Plan, edited, and shortened with a few exceptions. The Skagit Council of Government's Regional Plan policies have been incorporated in the GMA Mandate section. These reinforce the transportation policies in the Countywide Planning Policies and also provide a linkage between the County's policy framework and the regional strategy which includes state highways. The goals and policies are organized according to roadway system management; level of service; public transportation (bus transit); passenger rail; ferry services; non-motorized transportation; freight and economic development; tourism and recreation; traffic safety; road maintenance; demand management; land use and development; concurrency; implementation; and capital improvements. The concurrency section replaces the former impact fee section to provide a more generalized approach to transportation funding beyond impact fees, which the County does not currently employ outside of certain Urban Growth Areas.

The Profile summarizes the detailed transportation inventory, demand, finance, and intergovernmental coordination information in the Transportation Systems Plan. The County portion of the project list from the regional plan has been included in the Profile as an indication of the level of improvements identified in that analysis.

⁷ Ordinance No. O20030033, December 22, 2003; and Ordinance No. O20040009, May 17, 2004.

Steering Committee Review

The Steering Committee generally supported the edits and changes proposed by the planning team with some minor suggestions for clarifications and definitions.

Analysis and Anticipated Effects

No significant changes to currently adopted transportation policies are proposed. Consequently, no significant changes on the ground are expected from adopting the proposed updated chapter. With the recent updates to the Regional and Metropolitan transportation plans and creation of a regional transportation model through the Skagit Council of Government, the County anticipates working closely with the Council in the months ahead to evaluate the proposed 2005 land use scenario with the SCOG model to identify and plan for future transportation solutions as necessary.

CHAPTER 9 UTILITIES ELEMENT

General

This is a GMA-required element. Under the GMA, the term “utilities” is defined as power and telecommunication utilities. Skagit County has elected to include water, sewer, solid waste and storm water goals and policies in this Element as well. As with Transportation, the Comprehensive Plan adopts a number of utility functional plans such as the Coordinated Water System Plan by reference. The information relating to locations, capacities, and future need for these facilities are found under separate cover in each respective service provider facility plans.

Summary of Contents

The existing adopted goals and policies were revised and shortened, with nominal changes in their content. The major change is a strengthening of language addressing the need for increased planning for, and implementation of measures to minimize flooding and the risk of flooding. The Profile includes a brief description of the public and private utilities along with the County’s roles and responsibilities associated with them.

Steering Committee Review

The primary concern of the Committee was in elevating the importance of surface water management to avoid flooding.

Anticipated Effects

No significant new policy directions have been proposed. Therefore, no additional effects are anticipated.

CHAPTER 10 CAPITAL FACILITIES AND ESSENTIAL PUBLIC FACILITIES ELEMENT

General

This is a GMA-required element. It replaces Chapter 11- Capital Facilities Element and Chapter 15 – Essential Public Facilities Element of the existing Plan. As with Transportation and Utilities, the Comprehensive Plan defers to the separate, adopted Capital Facilities Plan (CFP). The CFP is a 6-year plan and does not look forward to anticipate the infrastructure demands for the full 20-year life of the Plan. The County anticipates updating the CFP in the near future to address both current and future needs.

Summary of Contents

This update of the Element drops the technical description of level of service calculations and the references to the GMA requirements, since these are already included in the Capital Facilities Plan. The major focus in the Element now is the adopted level of service standards for the key facilities and services. Other goals and policies define procedures for identifying and financing capital facility needs. The functional Capital Facilities Plan includes an inventory of County capital facilities, their locations, their capacities and levels of service, a level-of-service based, fully funded six-year financing plan, and a forecast of need based the OFM based adopted 2025 population forecast of 149,080 for Skagit County (see Section III, “Regional Planning Process”).

The essential public facilities section of the Element incorporates the adopted policy framework used by the County and cities and towns to meet GMA requirements. The Profile describes Skagit County’s standards for setting levels of service, prioritizing capital facilities, financing strategies, and concurrency. The latter is regulated by SCC 14.28 Concurrency. Finally, the Profile includes inventories and levels of service for specific facilities under four general categories: Law and Justice; Public Works; and Community Facilities. Capital improvements for Skagit County roads are specified in the County’s Capital Improvement Plan and amended annually pursuant to RCW 36.81.121. See discussion of Chapter 8 Transportation above.

Steering Committee Review

The Steering Committee generally agreed with the scope of the revisions. There was some discussion of whether public schools should be classified as essential public facilities. A GMA amendment bill to this effect was proposed in the 2005 Legislature, but did not pass. While there was no agreement as this issue, it was acknowledged that the appropriate forum for this discussion would be when the CPPs are updated.

Anticipated Effects

None. County capital facilities are fully funded and available at adopted levels of service through 2008. During the 2006 implementation of this updated Comprehensive Plan, capital facilities inventories, projections of need, schedule of improvements and financing will be updated through 2012. Transportation improvements and funding capacity are updated annually.

CHAPTER 11 ECONOMIC DEVELOPMENT ELEMENT

General

This is technically a GMA-required element although comprehensive plans are not required to comply until state funding is provided. This Draft replaces Chapter 12 – Economic Development of the existing Plan.

Summary of Contents

The draft Element consolidates the language of the existing Element. The existing Element has many objectives and few policies, reflecting the County government's limited role in most economic development activity. Consequently, the draft changes the objectives to goals and combines them into a shorter, terser package. The spirit of intergovernmental cooperation through the Skagit Council of Governments and with the Economic Development Association of Skagit County is reinforced. The chapter includes goals and related policies for creating employment opportunities; promoting natural resource industry and tourism; linking human services delivery to economic development; and acknowledging the importance of transportation. The profile includes recent data, findings, and strategies drawn from the Skagit Council of Government's Comprehensive Economic Development Strategy, a federally-funded program that identifies trends, strengths, weaknesses, threats, and opportunities, and resulting projects that are intended to improve the County's economic base. The Comprehensive Economic Development Strategy was most recently updated with the County's participation in 2003.

Steering Committee Review

The Committee supported and contributed to the effort to streamline the goals and policies in the chapter. The Committee generally supported removing goals, objectives and policies that were beyond the County's ability to influence, either directly or in cooperation with the Skagit Council of Governments and Economic Development Association of Skagit County, and other partners.

Analysis and Anticipated Effects

The proposed update does not reflect a significant change in economic goals and policies.

CHAPTER 12 PLAN IMPLEMENTATION AND MONITORING

General

This is not a GMA-required element, but includes policies relating to subarea planning consistent with RCW36.70A.080. This chapter is an amalgam of the implementation policies of former Chapter 2 of the same name, and the community planning policies of the former Chapter 14, Community Development Plans Element. Combining these elements allows for a coordinated and consistent framework for putting the Plan into practice.

Summary of Contents

The Element begins by outlining the intent of the Comprehensive Plan in shaping future land use, development and quality of life in Skagit County. Next, Skagit County's approach to implementation is expressed thematically through descriptions of the County's role in City/County coordination, economic development, regional transportation planning, community (subarea) planning, and monitoring of planning benchmarks.

The section on periodic review of the plan includes new timelines for amending the Comprehensive Plan, including the GMA required 7-year updates. This chapter proposes also to adopt a 7-year cycle of UGA amendments, offset by one year following each GMA update. This allows for a more coordinated approach to joint planning for UGAs, and promotes more meaningful and comprehensive planning and monitoring of commercial/residential capacity, infrastructure planning, annexations and transformance of governance. Limiting UGA amendments to a 7-year cycle should reduce the pressure to incrementally expand UGAs. The chapter also outlines the procedures for docketing and periodic amendments.

The section on monitoring is updated to support the County's approach and continued success of its periodic benchmarks and growth management indicators report. This section includes the goals and objectives of the Growth Management Indicators program, and guides the application of the program to planning, budgeting, joint planning, and policy adjustments, among others.

Community planning policies within this element relate to administrative processes, initiation and development of community plans, and the relationship between each community development plan and the Comprehensive Plan. Policies also encourage and support citizen involvement essential to community planning. Several priority areas of more details planning are described.

Steering Committee Review

The Steering Committee's input was primarily in identifying the update themes described previously. Descriptions of Skagit County geography and history, past planning, the

GMA mandate, and public involvement will be moved to one or more of the Plan's appendices.

Anticipated Effects: Since there are no changes to the vision statement or related goals and policies in this chapter, no effects are anticipated.

3. Summary and Analysis of Proposed Amendments to Skagit County Code

The 2005 GMA Update proposal contains a series of recommended amendments to Skagit County Code Title 14, Unified Development Code, and a more limited number of amendments to Title 15, Buildings and Construction. The proposed code changes were developed by Department staff, as well as other County staff, and they affect numerous sections of County Code. Department staff worked closely with various Advisory Boards, Steering Committees and members of the public to ensure that their concerns and suggestions were incorporated.

The priority task for the Update, as it relates to the development regulations, is to review the existing regulations for consistency both internally and with the Comprehensive Plan policies. The Growth Management Act requires that jurisdictions maintain consistency between the overall goals for growth as stated in a Comprehensive Plan and the development regulations designed to direct and regulate growth so as to achieve those goals. Based on proposed changes to the Comprehensive Plan policies, corresponding changes have also been proposed for the development regulations in order to maintain consistency. The potential effects of those policy-driven code changes are discussed in the context of the Comprehensive Plan policy changes in the previous section of this report.

In addition to the edits described above, further changes are proposed in an effort to continue refinement of the code by clarifying processes and requirements. Other edits that are minor in nature and can be classified as ‘house-keeping’ are also included to address such things as typographical errors and inadvertent additions or omissions.

The following list highlights some of the more substantive proposed changes. A complete list of the proposed code change concepts can be found in the matrix in Appendix D.

- Introduction of a Special Use process for Habitat Enhancement/Restoration Projects on Ag-NRL zoned lands.
- Modification of regulations pertaining to Accessory Dwelling Units to allow mobile/manufactured homes to be utilized.
- Clarification of several codes affecting uses and dimensional standards in the Ag-NRL zone – in some cases expanding allowances and restricting activity in other cases.
- Codification of a zoning use table to provide for a quick-reference, user-friendly tool for staff and the public.
- Clarification of regulations pertaining to CaRD land divisions including setbacks and cluster requirements.
- Implementation of a Special Use tracking system requiring annual self-certification from all Special Use permit holders.

4. Summary and Analysis of Proposed Map Amendments

One of the significant elements of the 2005 GMA Update is a renewed look at the Comprehensive Plan/Zoning Map. As with plan policies and development regulations, the goal of this review is to ensure that the land use map addresses local needs and circumstances, is consistent with new population and other land use data, and keeps pace with changes to GMA and other applicable laws since the last major Comprehensive Plan update in 2000.

There have been several sources of input for proposed map changes: property owners, other members of the public, and cities and towns were provided the opportunity to submit proposed map changes to the County through the fall of 2004. Planning and Development Services has generated a list of proposed map changes based on mapping situations that have come to its attention since the last round of annual Comprehensive Plan amendments, which incorporated amendments submitted between 2001 and 2003. Board of County Commissioner-appointed advisory boards and their appointed County staff representing the forestry and agriculture industries were asked and responded with proposed map amendments intended to make the mapping of Natural Resource Lands more consistent with the Comprehensive Plan designation criteria. And the Department worked closely with consultants and representatives of the mining industry to develop more accurate mapping of the County's Mineral Resource Overlay.

Each of those review processes has generated certain proposed changes to the Comprehensive Plan/Zoning Map. All of the proposed map changes under consideration through the 2005 GMA Update process are displayed on a map titled *Comprehensive Plan Map Amendment Proposals – All Proposals – 2005 GMA Update, February 10, 2006*. A second map, titled *Comprehensive Plan Map Amendment Proposals, Recommended for Approval (Preferred Alternative), February 10, 2006*, identifies those proposed amendments that the County is recommending for adoption through the 2005 GMA Update. It is that "Preferred Alternative" map that constitutes the County's 2005 GMA Update map proposal and that falls under the Department's Determination of Non-Significance on the proposal.

The different categories of map proposals are shown on the two maps as follows:

- Citizen and city- and town-initiated map amendments are identified with a red "flag" and a number using the format: CPA05-XX.
- The general, County-initiated proposals are identified with a blue flag and number: SC05-XX.
- Agricultural Advisory Board recommended amendments are identified with a yellow flag: AG05-XX.
- The Forest Advisory Board recommended amendments are identified with a green flag: FO05-XX.
- The proposed Mineral Resource Overlay is identified on the map with a yellow hatched pattern.

The following sections address, in turn, 1) citizen-initiated proposals, 2) general County-initiated proposals, 3) agricultural land proposals, 4) forest land proposals, and 5) the proposed update to the Mineral Resource Overlay.

Citizen-Initiated Proposals

The public was invited to assist in the map review by suggesting amendments they felt were consistent with the goals of the overall Comprehensive Plan review process. For proposed amendments to be considered in a timely manner, the County required Comprehensive Plan Map Amendment requests to be submitted by September 15, 2004, if proposing a change to a city Urban Growth Area boundary, or by November 15, 2004 for all other policy and map amendment proposals.

Proposed Urban Growth Area (UGA) mapping changes were coordinated with the incorporated cities and towns. Each city or town reviewed the proposals that would affect their UGA boundaries, and then forwarded a recommendation to the County.

Planning and Development Services received 107 Citizen-Initiated Comprehensive Plan/Zoning Map Amendment (CPA) applications by the deadlines established for the 2005 GMA Update.

The Department performed an initial review of the proposals following their receipt. However, recommendations were not finalized until after the Growth Management Act Update and Public Outreach Steering Committee had finished its work reviewing Comprehensive Plan land use policies and designation criteria. It was also important to receive the mapping recommendations of the Agricultural Advisory Board, the Forest Advisory Board, and the Mineral Resource Overlay review process, to compare against citizen-initiated map proposals affecting natural resource lands.

Review and Evaluation Criteria

Department staff reviewed each citizen-initiated map amendment for consistency with the appropriate Comprehensive Plan land use designation criteria, including any amendments recommended by the GMA Update Steering Committee that would affect land use designation criteria. The Department has recommended approval of amendment proposals that are consistent with:

1. The adopted Skagit County Comprehensive Plan;
2. Statutory GMA requirements; and
3. The County's overall work program obligations and its GMA implementation strategy.

As noted above, amendment proposals receiving a positive recommendation have been placed on a map representing the County's "Preferred Map Alternative." Citizen-initiated map amendments not placed on the Preferred Map Alternative will still move forward for public review and comment, as part the "All Amendments" map. The

Department has reviewed these proposals and found them not to be consistent with the consideration factors listed above. Including these proposals in the Preferred Alternative map would likely have required a Determination of Significance (DS) and an extensive environmental review process. Nonetheless, supporters of these proposals will have an opportunity to make their case before the Planning Commission and, through the public record, the Board.

The Department's recommendations on the citizen-initiated amendment requests are summarized as follows. The tables on the following pages present similar information.

Urban Growth Area (UGA) Requests

Received: 35

Recommended for approval: 3

Proposals to modify Urban Growth Area (UGA) boundaries were first considered by the respective cities and towns, prior to being forwarded to the County with a recommendation from the city or town by November 15, 2004. Thirty-five of the 107 proposed map amendments affect UGAs — 29 requests to expand UGAs and 6 requests to convert existing UGA parcels to rural zoning. Many of the expansion proposals would affect lands designated Agriculture-NRL and located in the flood plain. Almost all of the proposed UGA map amendments lack sufficient supporting land capacity analysis to determine whether the requested modification is appropriate at this time. Such documentation is especially important given the recent *Futurewise v. Skagit County* decision, in which the Western Washington Growth Management Hearings Board (Hearings Board) found the addition of property to the Mount Vernon UGA to be non-compliant due to a lack of sufficient documentation of need (WWGMHB Case No. 05-2-0012, September 21, 2005).

The Department recommends that all but three UGA map amendment requests be denied at this time. While several of the proposals may have merit, it would be better to take them up in the County's 2006 Comprehensive Plan Amendment process. This would allow the cities and towns to complete their own 2005 GMA Updates, including the completion of land capacity analyses.

The Department is recommending approval of the UGA expansion requested by the Town of La Connor. This proposal only addresses existing public facilities, including the town's sewer and storm water treatment facilities, its public works yard, and a regional fire hall. The land on which it is located does not meet the Ag-NRL designation criteria. The other two requests recommended for approval are two City of Sedro-Woolley UGA de-designation requests. The original placement of these properties in the Sedro-Woolley UGA resulted from improper application of designation criteria, therefore capacity analysis is not required to remove them at this time.

The following additional information should also be available in time for the County's consideration of UGA amendments through its 2006 Comprehensive Plan Amendment process:

1. The County intends to develop, with the cities and towns, a more detailed set of procedures, criteria, and documentation requirements for proposals to amend UGA boundaries. This work will take place during the first half of 2006, and will facilitate the review of UGA amendment proposals processed as part of the 2006 annual Comprehensive Plan amendment cycle.
2. The Department also recommends, contingent on the availability of funding, that the County study the status of the local agricultural sector, including threats to its economic viability. One aspect of this study would be a review of agricultural land needs and utilization, which would help the County to develop a comprehensive policy on the protection of designated agricultural lands on the urban fringe.

Rural Designation Requests (including requests to move from a Natural Resource Land, Urban, or other Rural designation)

Received: 53

Recommended for Approval: 11

The Department recommends approval of requests that are consistent with Comprehensive Plan land use designation criteria and GMA requirements, and those deemed subject to a mapping error in their original Comprehensive Plan designation. The Department has given close scrutiny to proposals to expand Rural Intermediate (RI) and Rural Village designations, as well as other County land use designations considered to be Limited Areas of More Intensive Rural Development (LAMIRDs) under the Comprehensive Plan. Recent Hearings Board decisions have emphasized the need to carefully document that these LAMIRD designations are consistent with the requirements of RCW 36.70A.070(5)(d). Certain proposals were not recommended for approval if the Department concluded they would be better addressed through a community planning process.

The most requested Rural designations are Rural Intermediate and Rural Reserve. In the Department's judgment, very few of these requests meet the designation criteria (one Rural Intermediate request, and two Rural Reserve requests). The Preferred Alternative map includes several new rural commercial or industrial requests (in addition to the identification of several existing uses that were missed in previous map reviews). These recommendations are enabled by proposed changes in Countywide Planning Policies 1.2 and 2 that remove a prior barrier to such designations.

Natural Resource Land Requests (from Rural, other Natural Resource Land, or Urban designations)

Received: 15

Recommended for approval: 10

Fifteen of the 107 citizen-initiated proposals request designation as a Natural Resource Land or Mineral Resource Overlay. Nine would designate parcels as Mineral Resource

Overlay (MRO), and six would redesignate parcels from Industrial Forest (IF-NRL) to Secondary Forest (SF-NRL). **The Department is recommending approval of 10 of the Natural Resource Land redesignation requests.** The resource land redesignation proposals not recommended for approval were found to be inconsistent with:

- Skagit County Comprehensive Plan resource land policies and designation criteria
- Recommendations of the Forest Advisory board, Agricultural Advisory Board, or Mineral Resource Overlay review process.
- GMA statutes, and Hearings Board interpretations and directives.

Natural Resource Land De-Designation Requests (from a NRL designation to a non-NRL designation)

Received: 41

Recommended for approval: 8

The largest category of Natural Resource Land de-designation requests is from Ag-NRL, and many of those subject properties are proposed to be added to UGAs. The Department recommends approval of very few of the NRL de-designation requests overall, because of the high threshold in the Comprehensive Plan and GMA for taking land out of an NRL category once it is so designated.

Master Planned Resorts

Two of the 107 citizen-initiated requests are applications for Master Planned Resort (MPR) designations; “Skagit River Resort” and “1000 Trails” (see Maps CPA05-70 and CPA05-48 respectively). Both applications seek designation, separately, as a Master Planned Resort under the existing-resort provisions of RCW 36.70A.362. Due to the potential for urban uses and intensities within Master Planned Resorts, this report includes a more extensive analysis of these two applications than is necessary for other individual citizen-initiated map amendment requests (see section below: Citizen-Initiated Map Amendment Requests – Individual Recommendations – Master Planned Resorts). Although both of these recreational facilities have operated in Skagit County for decades, only the Skagit River Resort application received a recommendation to approve a redesignation to MPR, albeit with certain limitations and conditions as outlined. Also below, the County discusses its reasons and rationale for recommending denial of the 1000 Trails / Lifestyle Equities application (CPA05-48). Supplementary information relating to these two requests is available at Skagit County Planning & Development Services.

Citizen-Initiated Map Amendment Requests – Individual Recommendations

With the exception of two Master Planned Resort requests, below, Department recommendations on individual citizen-initiated map amendment requests may be found in Appendix E, Tab 1. The one-page summaries include a map, a brief description of the proposal, the Department’s recommendation, and the rationale for that recommendation.

In developing its recommendations, the Department reviewed all of the documentation submitted with each proposal, as well as other data gathered through a variety of sources, including site visits, the Assessor’s data base, and various GIS data sources.

**Skagit County 2005 GMA Update
Citizen-Initiated Comprehensive Plan Land Use Map Amendment Requests**

<i>Requested Zoning</i>	<i>Number of Applications</i>
UGA Designation (from Rural to UGA)	30
• Anacortes	2
• Bayview Ridge	2
• Burlington	6
• Hamilton	1
• La Connor	1
• Mount Vernon	10
• Sedro-Woolley	7
• Swinomish	1
UGA De-designation (from UGA to Rural)	6
• Mount Vernon	3 ⁸
• Sedro-Woolley	3
Master Planned Resort (MPR)	2
Rural Freeway Service (RFS)	3
Rural Business (RB)	4
Cottage Industry/Small-Scale Business (CSB)	1
Small-Scale Recreation & Tourism (SRT)	1
Rural Village Commercial (RVC)	3
Rural Village Residential (RVR)	8
Rural Intermediate (RI)	14
Rural Reserve (RRv)	15
Natural Resource Industrial (NRI)	1
Mineral Resource Overlay (MRO)	
• Designate MRO	9*
• De-designate MRO	5*
Secondary Forest (SF-NRL)	6
Open Space of Statewide or Regional Significance (OSRSI)	2
TOTAL	107

*MRO proposals may be incorporated with certain other land use redesignation proposals thus appearing to alter the total number of applications. Total number of applications is 107.

⁸ One proposal to remove land from the Mount Vernon UGA was later dropped from consideration by the Board of County Commissioners (BCC) as a result of the property being annexed to the City of Mount Vernon.

Rural Designation Requests
 From other Rural, Natural Resource Land, or UGA designations

<i>Requested Zoning</i>	<i>No. of Applications</i>	<i>Recommended for Approval</i>
Master Planned Resort (MPR)	2	1
Rural Freeway Service (RFS)	3	0
Rural Business (RB)	4	1 ¹
Cottage Industry/Small-Scale Business (CSB)	1	1
Small-Scale Recreation & Tourism (SRT)	1	1
Rural Village Commercial (RVC)	3	2 ²
Rural Village Residential (RVR)	8	1 ³
Rural Intermediate (RI)	14	1
Rural Reserve (RRv)	15	2
Open Space of Statewide or Regional Significance (OSRSI)	2	1

¹ Existing RB designation would be transferred to adjacent property with same owner to accommodate SR 20 widening.

² Both are within existing Rural Village outer boundaries.

³ The proposal recommended for approval was amended to reduce the area to be added to the Rural Village.

Natural Resource Land Designation Requests
 From Rural, other Natural Resource Land, or Urban designations

<i>Requested Designation</i>	<i>No. of Applications</i>	<i>Recommended for Approval</i>
Agriculture-NRL (Ag-NRL)	0	0
Mineral Resource Overlay (MRO)	9	9
Industrial Forest-NRL (IF-NRL)	0	0
Secondary Forest-NRL (SF-NRL) ¹	6	1
Rural Resource-NRL (RRc-NRL)	0	0

¹ All from Industrial Forest-NRL.

Natural Resource Land De-Designation Requests
From NRL to Non-NRL designations

<i>Requesting De-Designation from:</i>	<i>No. of Applications</i>	<i>Recommended for Approval</i>
Rural Resource – NRL (RRc-NRL)	9	2
Agriculture-NRL (Ag-NRL)	20	3
Industrial Forest-NRL (IF-NRL)	2	0
Secondary Forest-NRL (SF-NRL)	6	0
Mineral Resource Overlay (MRO)	4	3

Note: Total of all proposals may not equal 107 due to possible overlaps and gaps in table categories.

General County-Initiated Map Proposals

Planning and Development Services generated a total of 50 general, County-initiated map amendments based on anomalous mapping situations that have come to the Department’s attention since the last round of annual Comprehensive Plan amendments, which incorporated amendments submitted between 2001 and 2003.

These proposals fall into two general categories. First, there are 16 proposals marked with an asterisk on their label that propose to correct an inadvertent split zoning of a parcel between two map designations. For instance, *SC05-05 would change a sliver of the affected property from Rural Reserve to Rural Intermediate, consistent with the remainder of the property. In most cases this split zoning has resulted from (technical changes/improvements in mapping technology/locations of property boundaries) and does not serve an intended land use purpose. But it does complicate processing of development permits and application of the zoning code to those properties.

The second category of County-initiated amendments would correct situations where the Department has discovered properties that have been mis-designated. These are generally instances where the mis-designation is of such an obvious nature that it can be considered a mapping error. The County is taking the initiative to correct the error, rather than placing the burden on the property owner(s) to submit a map amendment application and fee. A brief summary of each proposal and its rationale is contained in Appendix E, Tab 2.

Forest Advisory Board Recommendations

The Forest Advisory Board reviewed forest land designations on the current Comprehensive Plan/Zoning map solely to determine if the designation criteria have been properly applied. Where it appeared an inconsistency with the designation criteria might exist, the Forest Advisory Board and its staff assembled Assessor’s parcel maps and data for each of the areas and reviewed them against the Industrial Forest-NRL (IF-NRL) and

Secondary Forest-NRL (SF-NRL) designation criteria. Generally speaking, for those proposals that redesignate land from IF-NRL to SF-NRL or Rural Resource-NRL (RRc-NRL), the parcel size or densities do not warrant IF-NRL designation, an island of IF-NRL exists, or the area falls within the SF-NRL ¼-acre buffer criteria. If an area is proposed to change from SF-NRL to IF-NRL, it is because the parcel size and land use densities are more consistent with the IF-NRL criteria, or to eliminate islands of SF-NRL.

In a limited number of cases, the proposals reflect a Forest Advisory Board-preferred approach to designating SF-NRL lands adjacent to other designated natural resource lands. These map proposals may need to be revisited in light of the Planning Commission's recommendations on the application of a SF-NRL forest band between IF-NRL and other designated natural resource lands. There is no individual analysis or summary of the forest land redesignation proposals. Maps depicting these various amendments are included in Appendix E, Tab 3.

Agricultural Advisory Board Recommendations

The Agricultural Advisory Board (AAB) and its staff reviewed agricultural land designations on the current Comprehensive Plan/Zoning map to identify and correct areas of inconsistency along the outer boundaries of the Agricultural Resource designation. The Agricultural Advisory Board's recommendations consist of less than a dozen adjustments in such areas as Pleasant Ridge, where the toe of the hill meets a cultivated field, or along the outer Skagit River delta adjacent to State-owned open-space areas. There is no individual analysis or summary of the agricultural land redesignation proposals. Maps depicting these various amendments are included in Appendix E, Tab 4.

Mineral Resource Overlay Update

A significant portion of the GMA Update was devoted to the reanalysis and update of the Mineral Resource Overlay, depicted on the County map of preferred alternatives. Because of its size and scale, the map is available only at Planning & Development Services, or on the County's website at www.skagitcounty.net/gmaupdate.

Components of the MRO update include:

- A survey of current geological literature, including maps, reports and digital data from the United States Geological Survey (USGS) and Department of Natural Resources (DNR)
- An assessment of Comprehensive Plan MRO designation criteria and use policies, and subsequent minor changes to volume- or value-based minimum threshold criteria
- Identification of certain geological formations, deposits and major outcroppings of commercially significant, actively mined mineral types
- Creation of digital layers and attribute files of the above mineral types for inclusion in the County's GIS system

- Additional identification/confirmation of significant minerals based on the work of an ad-hoc mineral resources committee
- An assessment and paring down of the initial geological data based on proposed amendments to minimum threshold criteria
- A GIS analysis to include or exclude minimum threshold mineral resources based on Comprehensive Plan MRO land-use designation criteria
- Creation of draft MRO maps, resulting in approximately 92,000 potential acres of MRO
- Field verification of selected areas, including certain inaccessible areas, areas of predominantly steep-slopes, limestone formations, and certain Quaternary sediments, reducing the size of the proposed MRO to approximately 61,000 acres.

The need to update the Mineral Resource Overlay was spawned not merely by the statutory seven-year update requirement, but by the County's own acknowledgement of the need to correct certain inconsistencies, particularly in the Day Creek area, and to designate previously missed deposits of dunite (olivine), limestone and certain types of sedimentary deposits – all of which are mined in the County.

As is the case with Agricultural and Forest resources, Skagit County designates minerals of long-term commercial significance based on the capability of the land and the resource to produce economic benefit to the region's resource-based economy. The County's approach is consistent with the GMA mandate to protect all lands of long-term commercial significance, even if the protected resources exceed the quantities that will likely be consumed over a 20-year or greater planning period. As a non-renewable resource it is essential to identify and protect today all areas of potential production to assure preservation, to impose appropriate density restrictions adjacent to all of these areas, thus avoiding to the extent possible the need for future downzones or future land use conflicts.

Mineral Resource Overlay zoning does not assure that a particular area will be mined, no more than the designation of Forest lands would predict the inevitability of a harvest. When and where the need for mining does occur, if even far into the future, the resource will likely be available if the present high priority to preserve for future use is maintained.

Measures to Avoid Significant Adverse Environmental Impacts

No significant changes to SCC 14.16.440 are proposed, leaving the County's strict standards in place. Mining is allowed only through a Hearing Examiner special use permit. Operating standards or requirements are established relating to site area and width, buffers, maximum noise levels, blasting, vertical limitations and aquifer protection, surface water protection, benches and terraces, reclamation and hours of operation. The County allows that certain of these standards may overlap with similar regulations imposed by the Department of Natural Resources. This is to assure that where the DNR's purview leaves off, County regulations are established to protect

against adverse impacts. County regulations also assure direct regulatory authority over land use.

Mining operation-related impacts are appropriately addressed and mitigated through the Hearing Examiner special use permit process to allow potential adverse impacts to be mitigated and to address site-specific circumstances and issues. This special-use permit process provides for public notice, comment and public hearings on all potential impact issues.

Adjacent land uses are designated to be of sufficient minor intensity so as to avoid conflicts with future mining operations, to the extent possible. This is achieved by imposing land use densities of 1 dwelling unit per 10 acres, or less within ¼ mile of the designated MRO.

Relationship of the MRO to Density in Rural Reserve Designated Areas

The MRO may reduce the potential number of additional Rural residential units by 257 units or fewer. SCC 14.18, Land Divisions, precludes Rural Reserve property owners on or within ¼ mile of an MRO from receiving a Conservation and Reserve Development (CaRD) density bonus. The intent of this provision is to reduce the potential for land-use conflicts by restricting the overall density of all lands within ¼ mile of the MRO to 1 residential unit per 10 acres. In principle, this would apply to ANY surrounding lands with a density of “1 per 10” or greater, but in effect, the restriction applies only to Rural Reserve lands. This is largely because the MRO is not designated within ¼ mile of Rural Intermediate areas or Rural Villages, except in limited pre-existing cases of historic proximity.

Density Impact of the Proposed MRO to Rural Reserve Landowners

The Department and GIS/Mapping Services determined the number of Rural Reserve parcels within ¼ mile of the proposed MRO that would potentially be disqualified from a CaRD density bonus. The analysis looked at Rural Reserve parcel sizes, the number of *potential* development rights with, or without, a CaRD, the number of development rights used, whether potential development rights could be transferred to the non-MRO portion of the property, as well as other factors.

In summary, out of the 2587 Rural Reserve parcels within ¼ mile of the MRO, 257 (9%) of those would potentially be disqualified from a CaRD density bonus. The analysis did not determine the number of these parcels which are already adjacent to an existing MRO (would experience no change in circumstances). Other potentially mitigating factors could not be easily determined, such as: how many may already have extinguished all, or do not currently have, development rights; how many may not be developed at full potential due to environmental or other site constraints; or simply how many landowners do not wish to develop further.

Master Planned Resort Recommendations

Skagit River Resort Request for Redesignation/Rezone to Master Planned Resort, Map No.CPA05-70 (a.k.a. PL01-0608 and PL05-1070);

(Note to reader: For consistency with other 2005 GMA Update map-amendment applications, the Skagit River Resort proposal will be referred to by its map number, CPA05-70 (see Appendix E). It is also referred to in County files as PL05-1070, and historically as PL01-0608.)

Don Clark (Skagit River Resort) Request Summary:

- Part 1. Redesignation, to Master Planned Resort, of an existing resort, known as and referred to herein as Skagit River Resort, situated on several contiguous parcels consisting of approximately 30 acres of Rural Reserve (RRv), 37 acres of Small-scale Recreation and Tourism (SRT), and 26 acres of Rural Intermediate (See Map CPA05-70, Appendix E).
- Part 2. Recognize the applicant's claims of vested rights relating to several, either applied for, or issued permits, including:
 - a. Conditional Use Permit No. 170 (CUP-170)
 - b. Shoreline Permit No. 94-038 (SHL 94-038)
 - c. Special Use Permit No. 95-015 (SUP 95-015)
- Part 3. New uses within the Master Planned Resort, as outlined in the applicant's resort master plan (specified in the above use permits (2a-c), and in the applicant's resort master plan):
 - a. 50 to 75 lodging units, which includes cabins, recreational vehicles, tent camping, rustic shelters;
 - b. Scenic nature hiking trails along Skagit River;
 - c. Store/deli;
 - d. Park keeper's office/residence;
 - e. Boat launch;
 - f. Man-made lake to be dredged to/from the Skagit River;
 - g. 190-room resort lodge.

Brief History of MPR Application CPA05-70: Skagit County adopted Master Planned Resort Policies in 2000, followed by the adoption of implementing development regulations in 2005. In July, 2001, Skagit River Resort applied for a redesignation to Master Planned Resort (County File No. PL01-0608). Because of the potential cumulative impacts of the several proposed amendments, Skagit County issued a SEPA Determination of Significance on the entire "batch" of 2001 Comprehensive Plan amendments (CPA). Even without such a determination, the Skagit River Resort proposal could not have been processed further without adopted MPR regulations.

Due to an unrelated, court-ordered stay in further Comprehensive Plan amendment (CPA) processing (County Resolution R20020037), and later the reinstatement of such processing (R20030001), File No. PL01-0608 was not addressed until the 2002 annual amendment cycle. Skagit County withdrew the Determination of Significance, and on September 16, 2003, issued a Determination of Nonsignificance (DNS) on the combined 2001-2002 CPA proposals. The DNS for Skagit River Resort (a.k.a. Clark) was conditioned, as follows:

“The designation of the Clark property as a Master Planned Resort shall comply with all relevant Comprehensive Plan policies and development regulations, specifically including Comprehensive Plan policy 4A-17.1(m) and Skagit County Code 14.16.900(1)(a), (b), and (c)(i).” [CP requirement to adopt MPR regulations, and SCC rezone requirements, respectively.]

Because Master Planned Resort development regulations still had not been adopted, the above condition could not be met. Therefore, review of the Skagit River Resort amendment request was again put on hold, pending adoption of such regulations. Skagit River Resort resubmitted PL01-0608 on November 14, 2004, as part of this 2005 GMA Update. At that time, MPR regulations were in development and expected to be adopted during the 2005 GMA Update process. PL01-0608 was incorporated into a new application, PL05-1070, and is referenced by its map number, CPA05-070. CPA05-070 was batched together with all other GMA Update map proposals for concurrent review. On June 13, 2005, Skagit County finally adopted new Master Planned Resort regulations (Ordinance No. O20050009, codified as SCC 14.20).

Resort Master Plan Review: Master Planned Resort is a Comprehensive Plan land-use/zoning designation, pursuant to RCW 36.70A.360 and .362. Approving a Comprehensive Plan land-use/zoning designation of Master Planned Resort, either for an existing resort, or a proposed new resort, hinges on whether a resort master plan adequately describes several features of the resort proposal, addresses how resort development will comply with County policies and regulations, and how the resort will be phased, if applicable (SCC 14.20.080). In short, the resort master plan provides the framework for future development. Once designated Master Planned Resort, new development requires approval of either a Hearing Examiner special use permit (a Level III permit) or a development agreement between the applicant and the County. All future resort development must conform to the framework of the resort master plan, or as amended and approved.

Skagit River Resort submitted a resort master plan as part of CPA05-070. Subsequent to adoption of Master Planned Resort development regulations, the County reviewed the resort master plan, and on November 7, 2005, informed the applicant by mail of the its findings. Of the resort master plan submittal requirements of SCC 14.20.080(1) through (13), the applicant failed to meet only two; subsections (7) and (9). The following includes these 2 code citations, as well as the County’s findings as communicated to the applicant in a November 7, 2005 letter:

SCC 14.20.080(7): A description of the environmentally sensitive areas of the project and the measures that will be employed for their protection. For an MPR subject to the jurisdiction of the Shoreline Management Act, a description and supportive materials or maps indicating either: 1) consistency with the current adopted Shoreline Master Program (SMP); or 2) proposed changes to the shoreline use designation(s) or other policies and regulations pursuant to the Shoreline Master Program necessary to achieve consistency between the proposed MPR and the SMP.

Finding: The proposed site plan indicates numerous proposed improvements and activities that appear to be inconsistent with SCC 14.24, Critical Areas Ordinance, including RV/Cabin sites in the “Cabin-Oriented Commercial” area that would be 65 feet (or less in some cases) from the Skagit River OHWM. Please indicate how you propose to address SCC 14.24.530, which requires 200 foot riparian buffers along Type 1 streams? [sic] There is also a proposed man-made lake to be dredged to/from the Skagit River; and a 190 room lodge resort located within 200 feet of the OHWM.

SCC 14.20.080(9): A demonstration that sufficient facilities and services necessary, appropriate, or desirable for the support of the development will be available, financially feasible, and can satisfy the concurrency requirements of the Comprehensive Plan.

Finding: Applicant asserts availability of public water from the Bullerville Water District. However, there is no detailed analysis of expected water demand and supply or costs and financing to service the MPR. No detailed analysis of wastewater or stormwater treatment and management facilities and their costs and financing, or projected roadway improvement costs and financing.

The applicant did not respond to the above correspondence. Therefore, except as may be specified in and allowed by any approved or applied-for permits (Request Part 2) the applicant has not adequately addressed how the above-specified future developments (Request Part 3) will conform to Skagit County Code. Therefore the remainder of this report will address, despite these flaws in the application, whether the existing resort qualifies as an existing Master Planned Resort (pursuant to RCW 36.70A.362, as implemented by County policies and development regulations), and the limited extent to which prior development approvals may be incorporated into such Master Planned Resort. These prior development approvals are addressed first.

Conditional Use Permit (CUP) No. 170: SCC 14.20.080(5) allows for the inclusion of previously permitted development within the area proposed as a Master Planned Resort. This provision is intended to allow pre-existing uses and vested development approvals, once realized, to become an integral part of the overall Master Planned Resort. The recommendations in this report ultimately center on the relationship between Conditional Use Permit No. 170 (CUP-170), and the current application, CPA05-070.

CUP-170 was approved by the Skagit County Board of Adjustment in 1970, allowing for several campground-related uses and facilities, including a store, restaurant, office and boat launch, among other things. To date, and for whatever reasons, development allowed by CUP-170 has not fully been carried out. On March 19, 1999, the Director of the Skagit County Planning & Permit Center issued an Administrative Official Interpretation (AOI) as to the continued validity of CUP-170, its relationship to other subsequent zoning and approvals, and the uses it approves. On March 31, 1999, Don Clark (Skagit River Resort) filed an appeal of the AOI with the Skagit County Hearing Examiner, who subsequently ruled on October 27, 1999 (Hearing Examiner's Decision No. 99-0199). The recommendations in this report derive from that ruling. The record of other matters and development activities relating to Skagit River Resort is extensive, and largely irrelevant to the specific reasons for the recommendations and conditions herein. Such record will not be recapitulated in this report.

Development Options Under CUP-170: The uses permitted pursuant to CUP-170 were described in the Hearing Examiner's Decision of October 27, 1999 as follows:

- Tent and recreational vehicle camping, generally between SR-20 and the Skagit River, shown schematically as heavy black lines on the site plan in CUP-170. **No cabins are permitted by CUP-170.**
- All uses, including the campsites, must be located outside the 50-foot greenbelt – shown in purple on the attached map. Nature hiking trails may be permitted within this greenbelt. If any campsites have been constructed within the 50-foot greenbelt, those locations would be inconsistent with CUP-170.
- A store, such as a deli-market.
- Park-keeper's office/residence.
- Boat launch at the historic O'Brien Ferry Landing.

Existing Resorts: In addition to the developments proposed in the resort master plan, the applicant requests that the County recognize the Skagit River Resort as an "existing resort" under RCW 36.70A.362 (Request Part 1 above). RCW 36.70A.362 defines an existing resort as one "in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities..."

Criteria For Approval: SCC 14.20.160 – Criteria for approval, requires that:

"An application for [designation/zoning to MPR], special use permit, or development agreement...may be approved, or approved with modifications, if it meets [the criteria below]. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied."

The findings relevant to each of the 11 criteria for approval contained in SCC 14.20.160(1) – (11) follows:

- (1) The master plan is consistent with the County's development regulations established for critical areas (Chapter 14.24 SCC), and consistent with lawfully established vested rights, and approved development permits.

Findings: As indicated above, the resort master plan does not adequately address how proposed new development will comply, outside of what may be permitted by CUP-170. Therefore, only those uses approved by CUP-170 may be included in the proposed Master Planned Resort, subject to compliance with SCC 14.24-Critical Areas Ordinance and 14.26-Shorelines at the time of development.

- (2) The MPR is consistent with the goals and policies of the Comprehensive Plan, including but not limited to the provisions relating to the siting of master planned resorts and the requirements of the County Shoreline Master Program; and complies with all other applicable sections of this Code and all other applicable codes and policies of the County, including consistency with lawfully established vested rights.

Findings: Skagit River Resort meets the definition of an existing resort under RCW 36.70A.362, as carried out by the Comprehensive Plan. The existing resort, situated along the Skagit River, and within a National Scenic River corridor, is unquestionably within a “setting of significant natural amenities.” As to compliance with other sections of Code, pursuant to Hearing Examiner Decision No. 99-0199, “Construction development for uses permitted by CUP #170 will be required to comply with the land use regulations in effect when a new, complete application is filed.” As to shorelines, outdoor recreational uses are allowed within the Rural Shoreline area of the resort, subject to other applicable provisions and conditions applied at the time of development. This report makes no determination as to the vested rights of the applicant, except by way of acknowledgement of Skagit County Hearing Examiner Decision No. 99-0199 as it relates to CUP-170.

- (3) If an MPR will be phased, each phase contains adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the MPR sufficient to stand alone if no subsequent phases are developed.

Findings: Phasing is subject to the conditions of CUP-170, if applicable. CUP-170 requires a 50-foot greenbelt around the entire perimeter of the campground including the Skagit River.

- (4) The MPR will provide active recreational uses, adequate open space, and sufficient services such as transportation access, public safety, and social and health services to adequately meet the needs of the guests and residents of the MPR.

Findings: Skagit River Resort currently provides riverside and alpine hiking, hunting and fishing, river rafting, Bald Eagle and bird watching, animal feeding and equestrian activities. The resort facilities and surrounding open space are mostly covered by mature forest. Access is via SR-20. No transportation impacts are projected. The Resort is within Fire District 19.

- (5) The MPR will contain within the development the necessary supportive and accessory on-site commercial and other services, and such services shall be oriented to serve the MPR.

Findings: Skagit River Resort is within and served by the Bullerville Utility District, which operates a well water system. A community septic system serves the resort. Other conventional services such as electricity, telephone, cable serve the resort.

- (6) Environmental considerations are employed in the design, placement, and screening of facilities and amenities so that all uses within the MPR are harmonious with each other and incorporate and retain, as much as feasible, the preservation of natural features, historic sites, and public views.

Findings: The existing resort facilities are well developed and coordinated. CUP-170 site plan calls for limited grading and removal of trees to accommodate access to camp units and trails, and requires a 50-foot greenbelt around the entire campground.

- (7) On-site and off-site infrastructure and service impacts have been fully considered and mitigated.

Findings: Infrastructure required to serve development allowed by CUP-170 will be determined according the requirements of Skagit County Code during project review.

- (8) Improvements and activities are located and designed in such a manner as to avoid or minimize adverse effects of the MPR on surrounding lands and property. If located in a rural setting, the MPR is of sufficient size, layout and design, including incorporation of sufficient setbacks and landscaping, to appropriately screen the resort development and its impacts from the immediately adjacent rural parcels outside the MPR.

Findings: The existing resort is well screened from surrounding properties. Development proposed by CUP-170 is within and surrounded by mature trees and vegetation on the resort.

- (9) The siting of the master planned resort will not cause the need to construct additional traffic lanes on State routes through Rural or Natural Resource designated areas, except in the immediate vicinity or within the boundaries of

the master planned resort where necessary to accommodate increased traffic and turning movements to various venues within the resort.

Findings: The applicability of existing traffic studies, and the need for additional information, will be determined during development review.

- (10) The land proposed for the master planned resort is better suited and has more long-term importance for the MPR than for the commercial harvesting of timber or production of agricultural products; the MPR shall not be located on designated Ag-NRL lands and will not adversely affect adjacent natural resource land production.

Findings: Skagit River Resort is an established use within the Rural area, and is not situated on Natural Resource Lands.

- (11) The adopted comprehensive plan and development regulations preclude new urban or suburban land uses in the vicinity of the MPR, except when located within an urban growth area in compliance with RCW 36.70A.110. (Ord. O2005009 (part))

Findings: Development allowed by CUP-170 is constrained within the existing resort boundaries.

Conclusion and Recommendation:

Based on the above, Skagit County recommends approval, with conditions, of a redesignation of the Skagit River Resort, as referenced in Map CPA05-070. Future development is limited to what is allowed by CUP-170, as interpreted by the Department, and affirmed in Hearing Examiner Decision No. 99-0199, October 27, 1999, incorporated herein by reference. Development under CUP-170 is conditioned as follows:

Conditions:

- The uses permitted pursuant to CUP-170 are as follows:
 - Tent and recreational vehicle camping, generally between SR-20 and the Skagit River, shown schematically as heavy black lines on the site plan in CUP-170. **No cabins are permitted by CUP-170.**
 - All uses, including the campsites, must be located outside the 50-foot greenbelt – shown in purple on the attached map. Nature hiking trails may be permitted within this greenbelt. If any campsites have been constructed within the 50-foot greenbelt, those locations would be inconsistent with CUP-170.
 - A store, such as a deli-market.
 - Park-keeper’s office/residence.
 - Boat launch at the historic O’Brien Ferry Landing

- Any required new construction permits for these uses would be subject to review pursuant to applicable SEPA, critical areas and shoreline regulations in existence on the date any such application is filed, provided that if application of such regulations would not preclude construction of the use, the reasonable use provisions of SCC 14.24.150 map apply, subject to the provisions therein.
- Tent and RV campsites closest to the river are permitted to be located a minimum of 50 feet from the river, pursuant to CUP-170.
- While the Hearing Examiner stated that critical areas and shoreline regulations would apply to construction permits for uses permitted by CUP-170, application of new critical areas or shoreline regulations within 200 feet of the OHWM of the Skagit River should not require removal of the approved campsites from the location shown in the CUP site plan. Depending on the intensity of any grading or filling proposed, the activity may fall within code exemptions.
- Locations of new uses under CUP-170 (such as the store and park-keeper's office/residence) not specified in the CUP-170 site plan are subject to applicable SEPA, critical areas and shoreline regulations in determining an appropriate location and any necessary mitigation measures at the time of development.
- Prior to approval of any development permits for uses under CUP-170, a minor modification to the resort master plan is required, as a Level 1 administrative review, pursuant to SCC 14.20.130(1). The resort master plan modification shall include a modified site plan depicting the locations of proposed buildings and facilities, public and private access, sewer and water facilities, and parking areas.
- Applications for the development of any uses not permitted by CUP-170 (as indicated above) will require first an approved amendment to the resort master plan, pursuant to SCC 14.20, including but not limited to how such proposed development will comply with Skagit County Code.
- CUP-170 does not limit or otherwise restrict applicability of any other local, state or federal requirements.

The applicability and continued validity of applications SHL-038 and CUP-015 with respect to future development is determined by the Director of Planning and Development Services, and if issued, subject to compliance with applicable state and local regulations.

1000 Trails / Lifestyle Equities Request for Master Planned Resort, CPA05-48

Summary of Proposal CPA05-48

On November 5, 2004, as part of the 2005 GMA Update, 1000 Trails and Lifestyle Equity Properties submitted a request (CPA05-48) for a rural residential zoning for properties described below. The application was later amended to request the designation/zoning of the subject properties to Master Planned Resort, in anticipation of the adoption of MPR implementing development regulations. Such regulations were adopted on June 13, 2005, by Ordinance No. 20050009, and codified as Skagit County

Code Chapter 14.20. Review of CPA-48 is concurrent with other citizen-initiated Comprehensive Plan amendments being considered as part of the 2005 GMA Update.

The application describes the existing setting as follows:

“The subject property is comprised of eighteen contiguous parcels totaling 271 acres. Much of the Western boundary of the property lies along Interstate 5 and a W.S.D.O.T. rest area. The property borders the Skagit Valley Casino to the South, and rural uses to the North and East. The Skagit Valley Raceway lies immediately East of the subject site. Access to the main resort area is through the Skagit Valley Casino property on Darrk Lane, with a secondary access to the lower portion of the property from Friday Creek Road.”

1000 Trails’ website indicates that 227 sites have power and water only, and that there are 10 trailers and 3 yurts available as rental units. Department records indicate that 1000 Trails has operated a resort at this location, under a special use permit, since 1978.

Analysis and Findings

The following considers whether the application for a Master Planned Resort (MPR) designation satisfies the requirements of RCW 36.70A.360-362, the Comprehensive Plan, and SCC 14.20. The analysis herein is not exhaustive of every law, policy and regulation relating to Master Planned Resorts, but is nevertheless conclusive.

Skagit County Code (SCC) 14.20.080 requires preparation of a “resort master plan” as part of any application for a Comprehensive Plan amendment to the Master Planned Resort (MPR) land use designation. A resort master plan describes how a resort will be developed, or further developed, once designated as a Master Planned Resort under the Comprehensive Plan, and how the potential impacts of the expansion or renovation of a designated Master Planned Resort will be mitigated. To be approved, a resort master plan must be consistent with the overarching goals and policies of the Comprehensive Plan, and in particular, the specific requirements for approval in Skagit County Code. Simply meeting the submittal requirements for a resort master plan does not ensure ultimate approval of a Master Planned Resort.

Resort Master Plan Review (SCC 14.20.080)

The Equity Lifestyle Properties/1000 Trails resort master plan consists of a written application (and as revised), written correspondence, photographic examples, and other documentation, submitted between November 5, 2004 and December 7, 2005. The most recent documents were submitted promptly in response to Department requests for further information or clarification. Of the 11 requirements for a resort master plan (SCC 14.20.080(1)-(11)), the applicant’s materials, to the extent that they may be considered a resort master plan, do not meet four, as follows:

SCC 14.20.080(1): A description of the setting and natural amenities that the MPR is being situated to use and enjoy, and the particular natural and recreational features that will attract people to the area and resort.

Analysis: The applicant cites existing natural resources as the “principal recreational amenity,” consisting of mature forest, Friday Creek, views of the Cascades. The applicant also states that “natural amenities also appear to include those uses that have developed in the vicinity of our resort, including the Skagit Valley Casino and Skagit Valley Raceway.” It is not clear how the proposed resort and the local natural amenities relate to each other, and how the resort and its featured natural surroundings will attract visitors to Skagit County.

A Master Planned Resort is defined, in part, by its “setting of significant natural amenities.” Although there is no doubt that there is natural beauty to be enjoyed on site, it is not clear how the above described natural amenities, adjacent to Interstate 5, a casino/hotel complex, and a racetrack, rise to a level of significance above that of any other natural area within view of the Cascades.

Lacking a definition for “significant natural amenities,” it is reasonable to rely on general understanding of the various terms. Common definitions of “significant” refer to some comparative value between one thing and another, in terms such as “major, important, noteworthy, considerable, or large.” This suggests that a “significant” thing (such as the Skagit River) surpasses what would normally be expected or found relative to similar, but more common thing (such as a creek). The term “amenity,” in the context of land development, is “a natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.”⁹ Both of these terms are defined in comparative terms. An amenity “enhances” a place or “makes [it] more attractive.” Significance amplifies these qualities in terms of importance or noteworthiness. Used together, the term “significant natural amenities” suggests a place of extraordinary beauty or grandeur – one that would unquestionably stand out in relation to features commonly found in Skagit County, such as forests, creeks and even views.

It is not enough to point out the natural beauty of onsite trees or a creek. The application is not convincing as to what makes the existing setting and natural amenities significant enough to be considered a Master Planned Resort under the intent of the statute, the Comprehensive Plan, and Skagit County Code. Further, the application is particularly unconvincing as to how the resort setting might become a “setting of significant natural amenities” by the construction of an estimated 600 homes?

The applicant also ascribes the term natural amenities to nearby man-made activities, such as the Skagit Valley Casino and the Skagit Speedway, and calls upon regional

⁹ (Harvey S. Moskowitz and Carl G. Lindbloom. The New Illustrated Book of Development Definitions (New Jersey: Center for Urban Policy Research, 1993), p 17).

man-made amenities and activities such as the Bald Eagle Festival, the Tulip Festival, and the Eagle Rock Challenge Course to support a designation of Master Planned Resort. Aside from the trees onsite, and a limited view of the Cascades, these other amenities do not withstand the intent of the SCC 14.20. A final note, which may provide additional guidance as to the intent of the siting provisions for Master Planned Resorts. The Western Washington Growth Management Hearings Board, in *Butler v. Lewis County* (Case No. 99-2-0027c) ruled, pertaining to a proposed Master Planned Resort location, that:

“...there is absolutely no showing in this record that the I-5/Hwy 505 location is “a setting of significant natural amenities,” with any kind of focus on destination resort facilities. Fishing the Cowlitz and having an opportunity to go to Mount St. Helens some 40 miles away, with an anticipated golf course, simply does not and cannot comply with the Act.”

The applicant has not met this requirement.

SCC 14.20.080(4): A land use map or maps that depict the completed MPR development, showing the full extent and ultimate development of the resort and its facilities and services, including residential and non-residential development types and location.

Analysis: The conceptual site plan map does not indicate the specific type or number of planned accommodation units, or the amount of development (either residential or non-residential) within each of the three proposed expansion areas. The application includes a site map, but does not show the full extent, and particularly the locations, of the anticipated development. The application only includes vague estimates and predictions, but does not formulate this information.

The applicant has not met this requirement.

SCC 14.20.080(9): A demonstration that sufficient facilities and services necessary, appropriate, or desirable for the support of the development will be available, financially feasible, and can satisfy the concurrency requirements of the Comprehensive Plan.

Analysis: The application cites commitments and existing infrastructure, but does not address how the resort, at full buildout, will impact local roads and traffic volumes. Although not asked for, the application is nonetheless silent on public safety services.

The applicant has not met this requirement.

SCC 14.20.080(13): A description of the intended phasing or incremental development of the project, if any. The initial application for an MPR shall provide sufficient detail for the phases such that the full intended scope and intensity of the development can be evaluated. This shall also discuss how the project will function at

interim stages prior to completion of all phases of the project, and how the MPR may operate successfully and meet its environmental protection, concurrency, and other commitments should development cease before all phases are completed.

Analysis: The application does not include a phasing plan indicating how the resort will function or stand alone as a Master Planned Resort during each phase of development.

The applicant has not met this requirement.

Other Considerations:

Unless adjacent to an Urban Growth Area, Master Planned Resorts are to be located such that new urban uses do not spin off from and in the vicinity of the MPR. This requirement assures that an MPR is fully self contained, and does not influence or cause urban uses in the surrounding rural area. When construed in the reverse, the potential cumulative impact of existing urban uses already existing in the vicinity of a proposed Master Planned Resort would amount to the same undesired outcome. The existing casino, raceway, and a planned water park near the casino, combined with a large-scale Master Planned Resort, cumulatively present a potential adverse environmental impact that could not be mitigated by further development of the existing resort.

Conclusion and Recommendation:

Base on the above, the applicant has not met the requirements and intent of RCW 36.70A.360 and .326, SCC 14.20, and Comprehensive Plan policies relating to Master Planned Resorts. The Department recommends denial of application No. CPA05-48.