

MEMORANDUM

To: Kirk Johnson, Senior Planner/Project Manager
From: Eric Toews, Parametrix Senior Planner
Date: September 7, 2006
Re: Skagit Countywide Planning Policy 1.2 – Policy Implications and Observed Growth Trends

Introduction

This memorandum is intended to assist Skagit County Planning and Development Services staff as well as the Planning Commission in assessing the purpose and effect of Skagit Countywide Planning Policy (CPP) #1.2 and related Plan policies, and the degree to which the County is achieving the urban/rural population targets contained within that policy. Accordingly, this memorandum addresses the following:

- The policy and regulatory context and purpose of CPP #1.2;
- The steps taken by the County to effect CPP #1.2; and
- The degree to which observed growth trends suggest that the County is achieving the urban/rural population growth targets of CPP #1.2.

Policy & Regulatory Context

Consistent with RCW 36.70A.210, the Skagit Countywide Planning Policies were adopted to establish a countywide framework to ensure the development of coordinated and consistent city and County GMA comprehensive plans. CPP #1, entitled “*Urban Growth*,” includes eight (8) detailed policy statements intended to achieve the central objective of encouraging “*urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*”

Accordingly, CPP#1 provides guidance for Skagit County and the cities within the county to effectively coordinate and implement RCW 36.70A.110, “*Urban Growth Areas.*” RCW 36.70A.110(2) requires that the “*county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period*¹” Consistent with this statutory provision, CPP #1.2 was intended to help define how Skagit County’s UGAs should be sized, stating:

¹ See also RCW 36.70A.115, which requires that amendments to comprehensive plans and development regulations “[P]rovide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.”

“1.2 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.”

Thus, CPP #1.2 requires that UGAs be sized to accommodate 80% of the forecast population growth (emphasis added). However, this straightforward guidance appears to have been somewhat obscured by two policies contained within the Rural Element of the Skagit County Comprehensive Plan: policies 3A-1.1 and 3A-2.2. These two policies appear to suggest that CPP #1.2 was attempting to direct the actual rate of growth in urban and rural areas of the County, as opposed to how the County's UGAs should be sized.

For instance, Rural Element Policy 3A-1.1 reads as follows:

“Monitor rural growth in relation to the target established in Countywide Planning Policy 1.2 that 80 percent of new growth should locate in urban areas. Analyze development trends to determine if changes in land use designations are necessary to assure compliance with targeted urban/rural population distribution goals.”

Similarly, Rural Element Policy 3A-2.2 states:

“The rate of development in rural areas should be in accordance with adopted Countywide Planning Policies stating that urban areas should accommodate 80 percent of new population growth, with the remaining 20 percent locating in the rural area. Monitor the pace of development in conjunction with the maintenance of data describing the inventory of available buildable land.”

County Implementation of CPP #1.2 and Rural Element Policies 3A-1.1 and 3A-2.2

Planning and Development Services has, I believe, correctly interpreted CPP #1.2 and Rural Element Policies 3A-1.2 and 3A-2.2 as requiring the following:

- That the County size UGAs to accommodate 80% of the projected 20-year population growth;
- That growth trends be monitored and assessed to determine where population growth is actually occurring; and
- That the County give consideration to further policy and regulatory steps to achieve the desired urban and rural population targets if they are demonstrably not being achieved.

Consistent with this policy interpretation, Skagit County has taken a number of important steps to achieve the desired urban/rural population growth targets.

Specifically, the County has:

- Adopted UGAs (i.e., including both cities and unincorporated UGAs) sized specifically to accommodate eighty percent (80%) of the population forecast for the 20-year planning period;
- Adopted rural and resource land densities and designations designed to preserve rural character, conserve resource lands of long-term commercial significance, and direct more intense development into properly designated UGAs;
- Through a recently adopted “lot certification” process, required lots to meet minimum criteria to be eligible for development permits which may require the consolidation of substandard lots in rural and resource areas; and
- Periodically monitored urban and rural growth trend data and assessed whether growth is occurring as originally envisioned under the Plan, or whether land use policy and regulatory changes are needed to achieve the population distribution objectives.

Urban/Rural Population Growth Trends

Data that accurately distinguish between the population growth occurring within Skagit County’s UGAs and rural and resource areas were not available until 1995. The most reliable data currently available that disaggregates urban from rural population growth spans the period 1995 to 2005. Adding somewhat to the complexity of interpreting these data is the fact that OFM produced two sets of population estimates for the years 1995 to 1999: one data set that relied exclusively upon its housing unit growth methodology, and another that OFM revised to reflect intercensal population estimates following the release of the 2000 US Census.² The table below employs both sets of OFM numbers in depicting the County’s overall population growth for the period 1995 to 2005.

Total Skagit County Population Growth: 1995 - 2005			
Methodology	Estimated 1995 Population	Estimated 2005 Population	Total Growth 1995-2005
Methodology #1: OFM Housing Unit	92,627	110,900	18,273
Methodology #2: OFM Revised - Based Upon 2000 US Census Data	93,584	110,900	17,316

Source: OFM

² Please note: This revised methodology was applied only to the unincorporated area and factored in and out migration as well as birth and death data drawn from the 2000 US Census.

Based upon the CPP and Comprehensive Plan policies discussed above, the question clearly presents itself: *how much of this growth occurred in rural and resource areas of Skagit County versus incorporated and unincorporated UGAs?*

For this information, we turn to data developed by Skagit County GIS and Mark Personius, AICP, Growth Management Consultant. These data, which are based upon building permits and estimated average household size, show that over 80% of the population growth has, in fact, occurred within the County’s UGAs, with less than 20% in rural and resource areas. The table below presents the urban population growth capture data for the period 1995 to 2005.

Urban Population “Capture” Rate: 1995 - 2005			
Methodology	Total Growth 1995-2005	UGA Growth 1995 – 2005	Urban Population Capture Rate
Methodology #1: OFM Housing Unit	18,273	14,987	82% of total growth
Methodology #2: Revised Based Upon 2000 US Census Data	17,316	14,987	86.6% of total growth

Sources: OFM; Skagit County GIS; Mark Personius, AICP, Growth Management Consultant

Although individual year data may in some instances show that less than 80% of growth is occurring within properly designated UGAs, the overall trend since adoption of the County’s Plan is both very good news, and entirely consistent with adopted policy.

Conclusion

Like all other jurisdictions planning under the GMA, Skagit County enjoys broad (though not unbounded) discretion to make many specific policy choices about how growth is to be accommodated (see RCW 36.70A.110(2), and RCW 36.70A.320(3)).

With regard to population growth targets, the County has attempted to direct a vastly larger share of growth and development to UGAs in an attempt to preserve rural character and resource areas of long-term commercial significance. That said, it must be acknowledged that the localized rate of growth within Skagit County’s UGAs is strongly dependent upon the dynamics of the market. Although Skagit County has taken a number of policy and regulatory steps to direct growth and development from rural and resource areas into UGAs, and those steps appear to have succeeded, the legislative actions of Skagit County cannot override the choices made by individuals (i.e. investment decisions by private individuals or corporations).

Thus, in a democracy with a private market-based economy such as ours, even well intended and carefully crafted public policy documents cannot always "make it so." For this reason, urban/rural twenty-year population targets for county and city comprehensive plans are just that - targets that express intent and aspiration – but which recognize that many variables can result in a somewhat higher or somewhat lower actual population in either urban or rural and resource areas (see generally *Aagard v. City of Bothel*, CPSGPHB Case No. 94-3-0011 (1995)).

Regrettably, the somewhat less than clear language of Rural Element Policies 3A-1.2 and 3A-2.2 has been misconstrued by some participants in the planning process as imposing an affirmative obligation upon the County to ensure that not more than twenty percent (20%) of the County's total population growth occurs in areas outside of UGAs. Assuming such a mandate did exist locally (which emphatically it does not), it would be beyond the practical ability or legal authority of the County to enforce – short of metering the issuance of building permits in rural and resource areas, establishing moratoriums or other similarly draconian and potentially extra-constitutional techniques.

I hope the above review and analysis proves useful to you and your staff. Please do not hesitate to contact me at 360-379-4688 should you have any additional questions or concerns.