

2. Land Use Element

Introduction

The Land Use Element provides information and policy guidance specific to the Guemes Island Subarea. This element is intended to supplement the adopted Skagit County Comprehensive Plan's existing goals and policies. It includes a description of the island land pattern for residential and agricultural, forestry, and commercial uses. The element analyzes the possible future land use conditions with build-out residential density (units per acre) and with a range of other uses that the County zoning code could permit on the island.

Through the Growth Management Act (GMA) Washington State requires counties to designate land as either urban or rural. Making this distinction is very important since the GMA seeks to avoid the unreasonable costs and inefficiencies of providing urban type services to rural areas. To implement this requirement, Skagit County developed a set of County Wide Planning Policies (CWPP) that define which areas receive urban level services, such as sewers and water, and which areas do not.

In the 2000 Skagit County Comprehensive Plan, Skagit County designated Guemes Island as a rural area in accordance with the County Wide Planning Program (CWPP) that states: all growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban governmental service, except in those limited circumstances shown to be necessary to the satisfaction of both the County and the affected city to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development. [CWPP 1.8]

Rural Character Definition

The Growth Management Act [at RCW 36.70A.030] defines Rural Character as the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Two surveys were conducted leading up to the preparation of this Sub-Area Plan that specifically looked at the issue of rural character on Guemes Island. The first of these was a *Visual Preference Survey* prepared by planning students from Western Washington University (2004). The second was the *Guemes Island Planning Survey* conducted in 2004 by GIPAC. Respondents to the *Visual Preference Survey* indicated very strong preferences for landscapes and roads with open spaces and woods, modest “non-suburban style” housing set naturally into the environment with farms and vistas, and an absence of suburban “amenities” and/or urban services. (1991 Draft Guemes Island Sub Area Plan & 2006 AIA Report)

Rural Area Designation. According to the Skagit County Comprehensive Plan, the Rural Area designation is intended to provide a variety of rural residential land use densities while maintaining overall lower than urban densities at rural service levels, encourage rural activities such as farming, forestry, and aquatic resources, and retain rural character and open space. Designating Rural Areas minimizes service demands and costs on county government, preserves historic and cultural structures and rural landscapes, and protects designated natural resource lands and identified critical areas. Rural Areas also provide a choice in living environments, through a mix of large lots, conservation and resource development (CaRD) land divisions.

Limited Areas of more Intensive Rural Development (LAMIRDs). These limited areas include the infill, development, or re-development of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads development. [RCW 36.70A-070(5)(d)]

Open Space. Skagit County recognized two major categories of Open Space: public and private.

Public Open Space areas include publicly owned lands that are dedicated or reserved for public use or enjoyment or for protection of environmentally sensitive areas. If these are of regional or statewide importance, such lands are designated on the Comprehensive Plan Map. [SCCP 4A-8.1]

Private Open Space includes privately owned land that is set aside by the operation of the Critical Areas Ordinance, or by voluntary conservation. Through the use of techniques such as donation of conservation easements, selling of development rights, or outright donation of the land itself, development of these lands is limited or precluded in

perpetuity. Private land trusts include the Skagit Land Trust, the San Juan Preservation Trust, and the Nature Conservancy. [SCCP 4A-8.2] (See Figure 2.2)

Current Use Open Space Taxation Program includes private land, utilized for agricultural, timber and open space uses. Lands enrolled in this taxation program are taxed based on their current usage. If property owners take one or more acres out of this program for development purposes, a tax lot is created for taxation purposes only. [SCCP 4A-8.3]

With respect to Land Use, this sub-area plan is also linked to several other important planning documents, including the Skagit County Comprehensive Plan and the Skagit County Code.

The Skagit County Shoreline Management Master Program is part of the Skagit County Code as a separate document. It is based on the recognition that shorelines are limited and irreplaceable resources that serve and support a broad range of activity. Management of these resources is necessary to allow continued use and conservation for future generations. The provisions apply to the shorelands, which are the upland areas extending 200 feet landward from the ordinary high water mark. See our Shoreline Element for more details.

Critical Areas Ordinance. Guemes Island is subject to the Critical Areas Ordinance, which closely evaluates new development within 200 feet of the shoreline. In addition, the Critical Areas Ordinance protects and conserves wetlands, aquifer recharge areas, flood and geological hazard areas and fish and wildlife conservation areas that exist within this subarea. (See Environment Element)

Critical areas are present throughout the sub-area; however, their exact location cannot be mapped accurately enough for regulatory purposes. Maps are useful primarily as indicators of the distribution and extent of critical areas. Wherever possible, maps will be used as part of the screening process for evaluating individual permit applications. Although a number of map resources are utilized, regulatory measures such as buffer requirements are based upon the identification of critical areas during the permit and development authorization process, or other County approvals. Critical areas will be designated by definition and then classified through site assessments so that they can be identified and protected, using scientifically based criteria. The use of site assessments to confirm the actual presence and classification of critical areas is central to the management approach of Skagit County.

The Critical Areas Ordinance allows staff of the Planning and Development Services Department to provide site visits, preliminary reviews, and pre-application meetings to assist in the identification of critical areas. In addition, performance based alternatives have been built into this process to allow flexibility in compliance with dimensional requirements. In the event that hardships and grievances occur, this Critical Areas ordinance contains provisions to allow for reasonable use exceptions, variances and appeals. Skagit County will work with the landowner in the management of critical areas.

Incentives will play an increasing role in enlisting landowner participation in conservation programs. Local, state and federal governments should continue to work toward the consolidation and coordination of regulatory requirements.

The Interim Seawater Intrusion Policy. Seawater intrusion affects some public and private water wells on Guemes Island. Fresh water, being less dense than seawater, will float as a lens on top of seawater. The lens of freshwater is thinnest at the coastal edges and thickens landward. Fluctuations occur depending on seasonal rainfall (aquifer recharge), soil characteristics and tidal movement. Over-pumping sensitive areas, which are under the influence of seawater intrusion, will further degrade the aquifers and pull in more seawater. Guemes Island is subject to the Interim Seawater Intrusion Policy mitigation requirements for any new development within ½ mile of its shoreline.

Sole Source Aquifer Designation The U.S. Environmental Protection Agency (EPA) has determined that the Guemes Island aquifer system is the sole or principal source of drinking water, and which, if contaminated, would create a significant hazard to public health. (See Environment Element)

Current Conditions and Issues

According to Skagit County assessor's data released on May 1, 2005, Guemes Island comprises approximately 0.5% of Skagit County's total land area, and approximately 1% of the county's total population. Guemes Island has three major zones covering 5,102 acres. (See Table 2.1 and Zoning Map, Figure 2.3) These major zones are Rural Resource-Natural Resource Lands (RR-nrl), Rural Reserve (RRv) and Rural Intermediate (RI). Some small areas are zoned as Rural Center (RC), Rural Business (RB) and Small-scale Recreation and Tourism (SRT). Currently no LAMIRDS have been designated. Guemes Island fulfills Skagit County's Comprehensive Plan criteria and complies with its designation as a Rural Area. Many parcels are pre-existing, non-conforming parcels and may be smaller than the zoning allows. These sub-standard lots, if legally recorded prior to June 1, 1997, are legal lots of record and have the potential of being developed.

Major Zones:

1. The Rural Resource-Natural Resource Lands (RR-nrl) zone contains 492 acres, with an allowable density of 1 dwelling per 40 acres.
2. The Rural Reserve (RRv) zone contains 3,888 acres, with an allowable density of 1 dwelling per 10 acres.
3. The Rural Intermediate (RI) zone contains 722 acres, with an allowable density of 1 dwelling per 2.5 acres.

These three zones cover more than 99% of the land area and include

- Natural Resource lands that contain or support agriculture or forestry use
- Single Family Residences (SFR)

- Open Space areas
- Cottage Industry/ Small Scale Business
- Home-Based Business

Other Land Use Zones

- Rural Center (RC) 4 acres
- Small Scale Recreation and Tourism (SRT) 16 acres
- Rural Business (RB) 14 acres

The distribution of these zones are illustrated in Figure 2.3.

Future Growth and Issues

The Guemes Island Sub-area Plan Land Use Element is intended to anticipate future needs of the island community and provide solutions and strategies for their resolution. Growth-triggers, keyed to environmental, social and economic measures, can be developed to quantify the level of growth.

As of May 2005 there were 1,532 parcels on Guemes Island and 627 had homes on them. With current zoning rules and future land division there is a possibility of increasing the total number of developed parcels to 1584 with an increase of 957 additional homes.

**Table 2.1
Present and Potential Development on Guemes Island.**

Skagit County Assessor May-05	Existing Parcels		Existing Development		Potential Development Totals		
	Parcels	Acres	Homes	Acres	New Homes	Addition through Division	Max Homes
Rural Resource	15	492	1	40	14	0	15
Rural Reserve, P.C.*	39	308	7	135	2	0	9
Rural Reserve	556	3580	192	820	394	31	617
Rural Intermediate	922	722	427	319	495	21	943
Totals	1532	5102	627	1314	905	52	1584

*P.C., parks and conservation easements

These numbers are based on recent county information. Assuming that no further subdivision is allowed, changes may occur by putting land in conservation easements, park development and lot aggregation. Figure 2.4 shows the location of the present buildings on the island and a graph of the history of the number of buildings. Figure 2.5 shows the land distribution between local and non-local owners.

The present population of the island is estimated to be around 800 permanent residents. In the summertime the population may be over 2000 from part time residents and visitors. To estimate what the potential is for the maximum population on the island, it is necessary also to estimate how many accessory dwelling units will be allowed. One accessory dwelling (ADU) is permitted as accessory to an existing single-family dwelling provided that some requirements are met, see [SCC 14.16.710]. These dwellings cannot be sold separately but they may be rented out and thus will have an effect on the island population.

The Rural Intermediate zone will shoulder the majority of the island's future growth with the potential of 495 new homes being built. The purpose of the Rural Intermediate district is to provide land for residential living in a rural environment, thereby taking priority over resource land uses. Site-planning with long-term open space retention and critical area protection is encouraged. As suggested in SCC14.04 CaRDs are the preferred development pattern within this district. This statement and the island's future growth potential present a conflict between the Critical Areas Ordinance and the undeveloped parcels in the Rural Intermediate Zone. This zone contains the greatest risk of adverse environmental effect upon critical areas because much of it is located near the shoreline. Therefore these areas are regulated by the Critical Areas Ordinance, the Shoreline Master Plan, and the Interim Seawater Policy. (See also Shoreline Element)

In the Rural Reserve Zone there is a growth potential of 427 new homes. The purpose of the Rural Reserve district is to allow low-density development and to preserve the open space character of those areas not designated as resource lands. Lands in this zoning district are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage. Long-term open spaces and critical area protection are established using Conservation and Resource Development (CaRD) as the preferred development pattern. Future growth in the Rural Reserve zone will have less of an impact on Guemes Island's Critical Areas and have less potential for Seawater Intrusion as these undeveloped Rural Reserve parcels tend to be further inland. Greater open space retention may be available when this zone is developed.

A CaRD is a method of single-family residential land development characterized by legal building lots or envelopes that are much smaller than typical of the zone, leaving open space for agriculture, forestry, continuity of ecological functions characteristic of the property, and preservation of rural character. This results in reduced impervious surface area and lowered costs of development and maintenance. Certain requirements of the zone may be modified to encourage these purposes when using the CaRD process (SCC 14.18.310). Land division using CaRD is permitted and encouraged on Guemes Island as long as there is no density bonus resulting from such land divisions. This is due to Guemes Island's Sole Source Aquifer designation and the unknown capacity of its fresh water supply.

Skagit County's Comprehensive Plan encourages development right transfers, permanent conservation easements and outright ownership through private land trust organizations as a way of maintaining Rural Open Space.

Property values on the island have increased substantially in the past 20 years and continue to do so. A major consequence of this trend is that residents with a low income may not be able to afford to continue living on the island because of increased property taxes. Low-income elderly residents may qualify for tax breaks, however this is not available to the young low-income population. It is desirable to find a solution for this problem to maintain a diverse population on the island.

Education

Provide Open Space Education illustrating the use of Skagit County's Open Space Taxation Program, conservation easements and the selling or gifting of development rights.

An island-wide critical areas education program should be developed to alert the Guemes Island community to the functions and hazards associated with critical areas.

Policy Recommendations

2.1 Changes to Rural Area designations should occur through the community development planning process (sub-area and joint planning) by evaluating the following: existing lots of record and zoning; geological characteristics; environmental constraints; unique land forms; proximity to designated natural resource lands, and identified critical areas; adequate capacity to maintain existing rural level of service facilities and utilities to support development as established in relevant capital facility plans; and compatibility with adjoining land uses. [SCCP 4A-7.8]

Amendment Any and all changes to Rural Area Designations shall occur through the Guemes Island community development planning process. The Guemes Island Advisory Committee will make recommendations following public review and comment to any future planning and development changes to include hearing examiner special use decisions and variances.

2.2 Private Open Space is privately owned land that has been or will be set aside by the operation of the Critical Areas Ordinance, by voluntary conservation, or by land conservation easements. [4A-8.2]

Added Emphasis The use of conservation easements or other measures shall be encouraged for the protection of critical areas.

2.3 Policy 4A-8.3 The Current Use Open Space Taxation Program includes properties utilized for agricultural, timber and open space uses as provided in RCW 84.34. **Added Emphasis** Property owners shall be encouraged to enroll in the Current Use Open Space Taxation Program.

- 2.4 Provision [SCC 14.18.310 (2)] There shall be no density bonus for CaRD developments in areas designated as a “sole source aquifer,” except where the source of water is from a public water system whose source is outside the designated area or from an approved alternative water system pursuant to [SCC12.48].
Amendment: There shall be no density bonus for CaRD developments on Guemes Island except where the source of water is not from the aquifer.
- 2.5 [Draft June, 2006 SCCP 3B-1.2] The GMA establishes three basic types of LAMIRD. The first is authorized by RCW 36.70A.070(5)(d)(i) and consists of commercial, industrial, residential, or mixed-use areas that were in existence on July 1, 1990, and that are surrounded by logical outer boundaries. The Skagit County rural land use designations created and placed on the Comprehensive Plan/Zoning Map using these criteria are: (b) Rural Intermediate
Amendment: There shall be no LAMIRD in the Rural Intermediate Zone on Guemes Island.
- 2.6 Provision [June, 2006 draft SCC 14.24.320 (1)] Except as provided in subsection (4), the level of study for a site assessment that will be required of applicant by the Administrative Official for a given development will be based on an initial project review by the Skagit County Planning and Development Services Department that **may** also include staff from the Health Department, and a County Staff Hydrogeologist.
Amendment: Because Guemes Island is designated as a Category I Critical Recharge Area, all applications for single-family residential building permits, including Accessory Dwelling Units and Accessory Buildings as well as residential short plats, shall comply with the Site Assessment Requirements as outlined in [June, 2006 draft SCC 14.24.320 (2), and (3)]. Initial project review by the Skagit County Planning and Development Services Department **will** include staff from the County Health Department and a County Staff Hydrogeologist to evaluate likely impacts to groundwater quality or quantity.
- 2.7 Provision [SCC 14.16.710] Requirements for Accessory Dwelling Units. One accessory dwelling unit is permitted as accessory to an existing single-family dwelling.
Amendment: However, Accessory Dwelling Units shall not be allowed in areas if the water source exceeds 25 ppm chlorides. Also, the well capacity must exceed the minimum of 800 gallons per day. Accessory buildings may be allowed in these areas on the condition that they will not be served by groundwater.
- 2.8 Skagit County shall limit the total number of building permits for new residential dwellings, for additions exceeding 25 percent of the existing square footage and for ADU’s to twenty per year. This recommendation is based on a maximum build-out in fifty years.

2.9 Dimensional Standards for RI and RRv lots:

For RI, the maximum building height shall be 30 feet with a ten foot height limit at the side-yard setbacks, sloping 45° to 30 feet height.

For RI and RRv, side-yard setbacks shall total 30 percent of the average width of the lot with an eight foot minimum setback and a 30 foot maximum setback.

Setbacks shall apply to multiple buildings. For shoreline residential development standards, see Table 5.9. [SCC 14.16.300 (5) and 14.16.320 (5)]

2.10 Policy: Skagit County should find a solution for the problem that younger low-income property owners on Guemes Island might not be able to continue living on the island because of increases in property taxes.

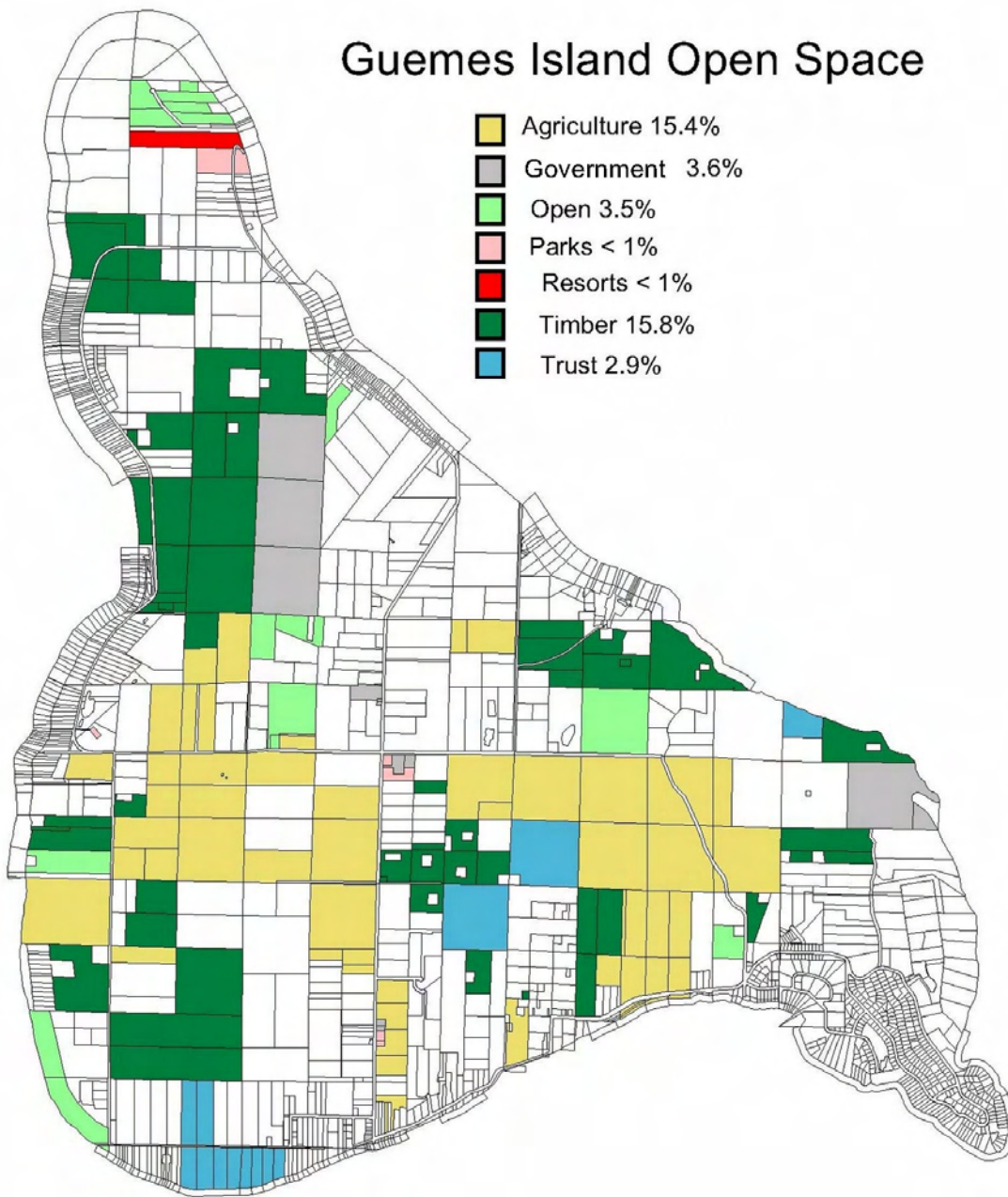


Figure 2.2 Parks, Open Space, and Conservation Lands

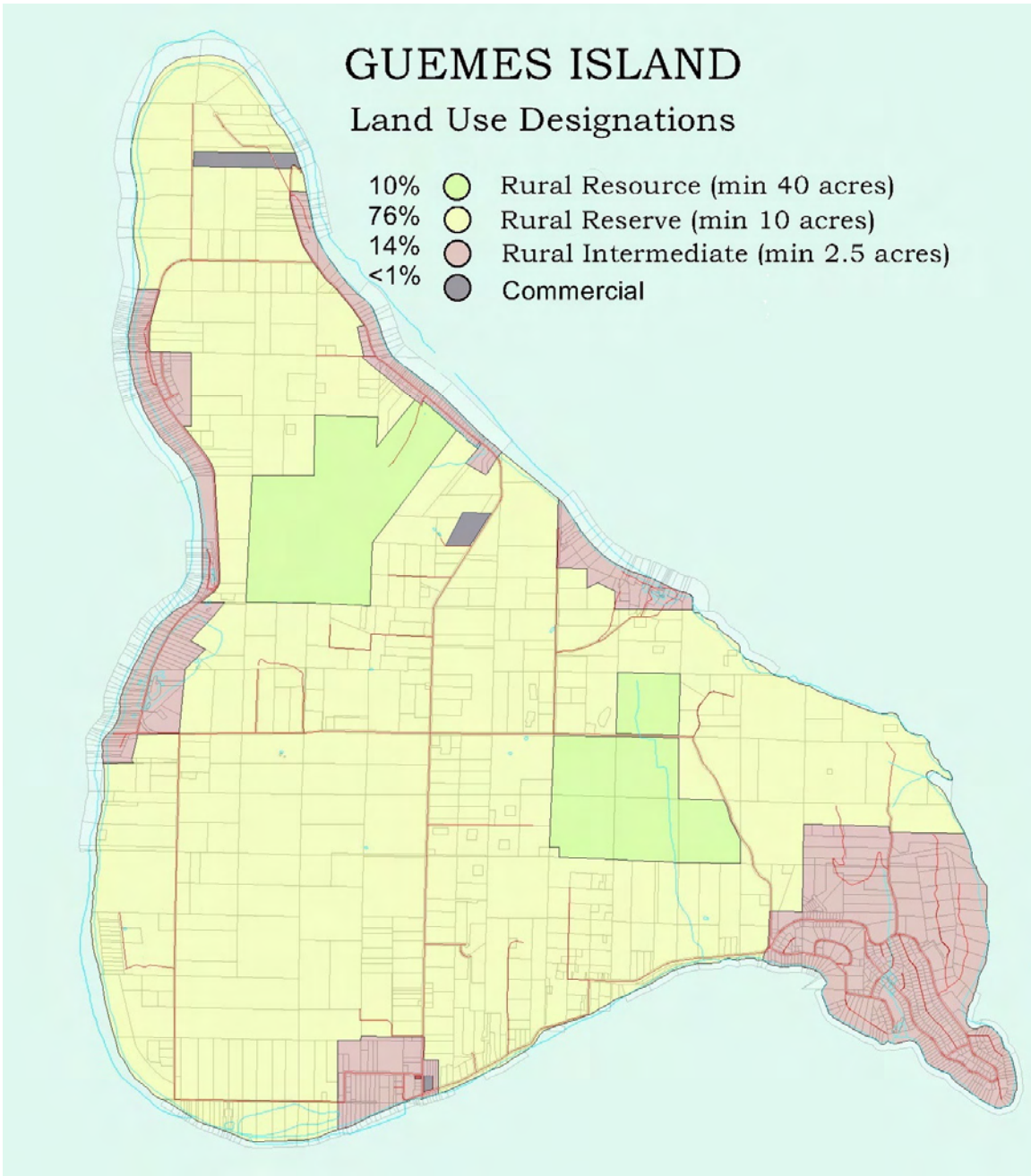


Figure 2.3 Zoning - Land Use Designations

BUILDINGS ON GUEMES ISLAND

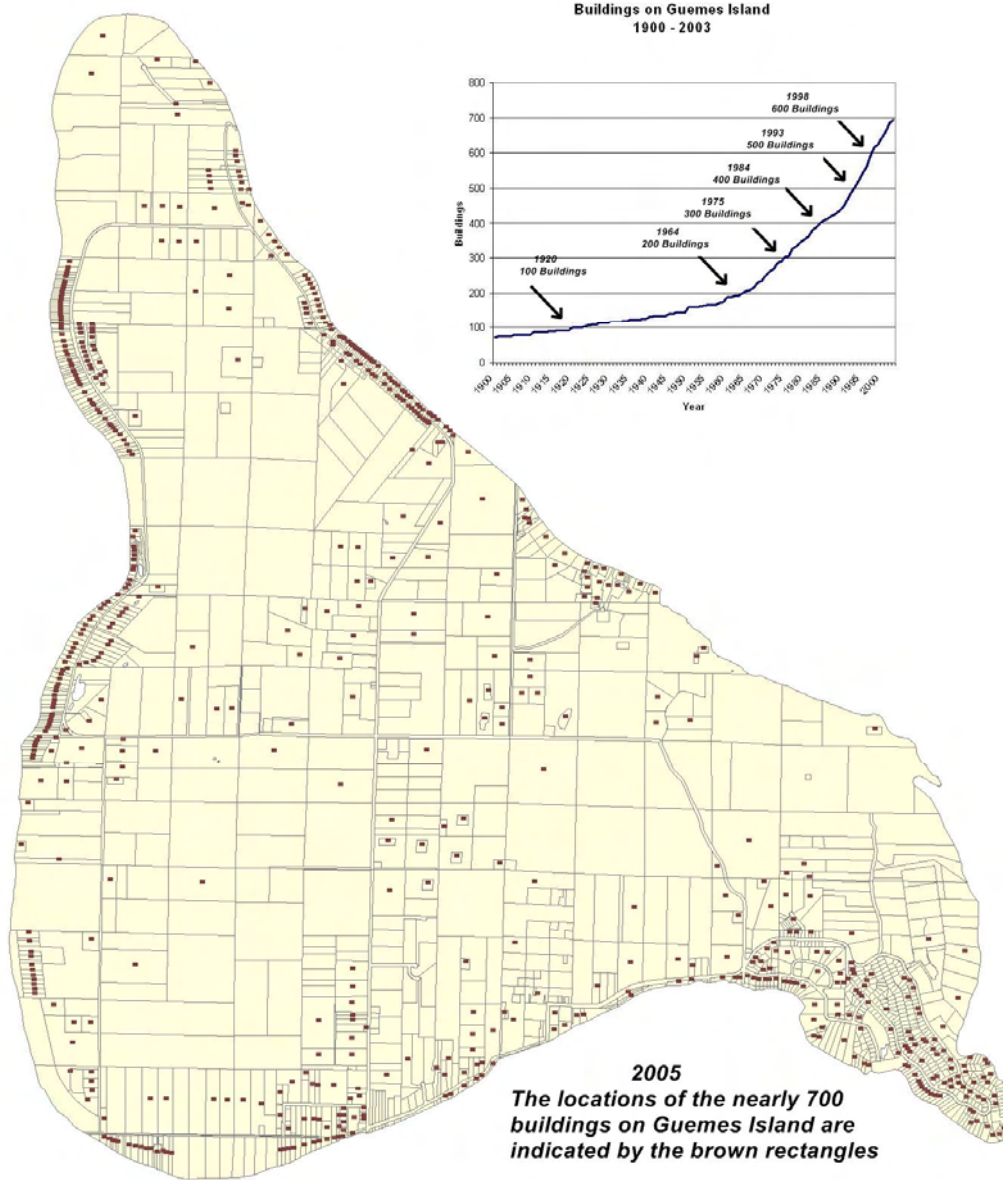


Figure 2.4 Buildings with Growth Chart.

Skagit County Assessor Data

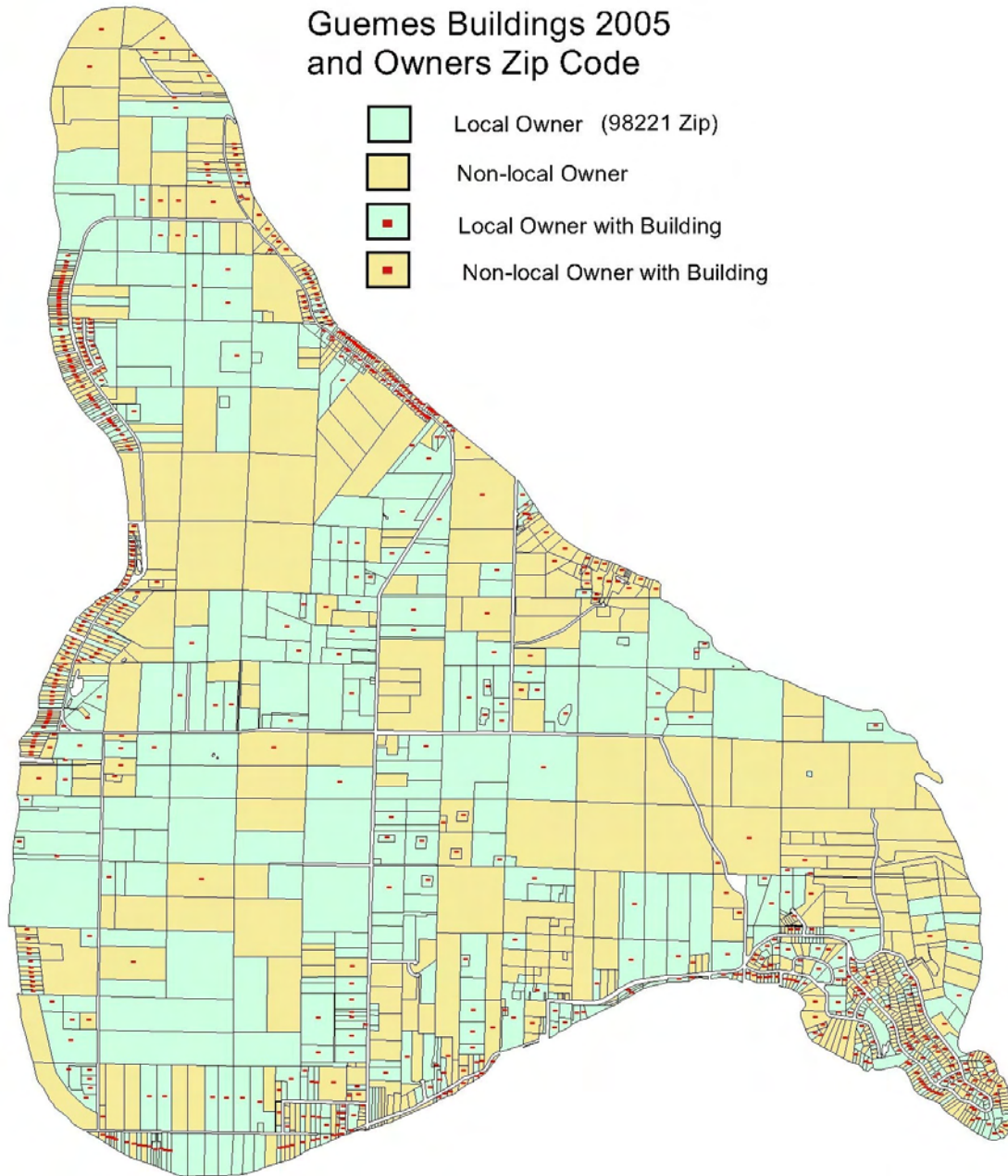


Figure 2.5 Distribution of Local and Non-Local Owners