



# PLANNING & DEVELOPMENT SERVICES

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## Memorandum

To: Skagit County Planning Commission  
From: Planning & Development Services  
Date: March 10, 2009  
Re: Recommendations Regarding the UGA Open Space Plan

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On Tuesday, March 17, 2009, the Skagit County Planning Commission will hold a public hearing regarding the proposed UGA Open Space Plan. This memorandum includes, for public and Planning Commission consideration, the Department's recommendations on the proposed plan.

Following the March 17 hearing, the Planning Commission will meet in public to deliberate on the merits of the plan, and will shortly thereafter forward a set of recommendations to the Board of County Commissioners (Board) regarding the proposed amendments. Since this project was undertaken by the Skagit Council of Governments (SCOG) in partnership with the County, the plan and recommendations will be taken under consideration by the Skagit Council of Governments (SCOG). Finally, on dates to be determined, the Board will hold its own public meetings to consider and take official action on the proposed UGA Open Space Plan. The Department recommends adoption of the plan subject to changes and edits discussed below.

### Appeal and GMA Background

The UGA Open Space Plan acts upon one of many Growth Management Act appeals from the adoption of the 1997 Skagit County Comprehensive Plan. Most of the appeals were consolidated into Western Washington Growth Management Hearings Board (WWGMHB) case number 97-2-0060c, also known as the Abenroth case. The non-compliant policies regarding greenbelts and open space were grouped with other "long-term" issues. In a settlement agreement with the appellant Friends of Skagit County (FOSC), the county agreed to adopt a policy committing to developing a UGA open space plan. Language describing that commitment was included in the 2000 Skagit County Comprehensive Plan. In the 2007 Comprehensive Plan update, the language was converted to a policy, as follows.

*2B-1.3 "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[s] lands useful for recreation, wildlife habitat, trails, and connection of critical areas. The program will include a list identifying and prioritizing open space and greenbelt lands desirable for public acquisition. Any potential acquisition that may be proposed by such a*

*program will not include any condemnation actions, but instead will be achieved by voluntary donation, CaRD subdivision, or mutually agreeable sale.”*

The open space plan also addresses Policy 9.1 of the Skagit Countywide Planning Policies, as follows:

*CPP 9.1 Open space corridors within and between urban growth areas shall be identified. These areas shall include lands useful for recreation, fish and wildlife habitat, trails, and connection of critical areas.*

Both policies respond to the Growth Management Act directive to “. . . identify open space corridors within and between urban growth areas” in RCW 36.70A.160. State law further mandates that the open space corridors “. . . shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas.”

**Comment Summary from Public Meetings on Early Drafts**

The department held several public workshops following preparation of the first draft of the plan. Some of the major comments and responses are listed below.

Comment	Response
Open space should not interfere with agriculture or take land out of production.	Maps redrawn to identify lands designated natural resource agriculture and forestry. FAQs prepared to summarize statutory and policy protection of ag land and status of farm and forest areas as functional open space.
Concerns about potential trespass or interference with timber harvest on private forest land.	Removed green areas north of Lyman and Hamilton.
Too much emphasis on trails.	GMA mandate for open space includes trails as one component. Plan shows major trail corridors as proposed by various community groups and organizations. More land is shown in the general open space category (green) than in brown lines for trails.
Trailheads that include parking should be located on arterials, not on local rural roads, per letter from South Fidalgo Community Council.	The department recommends that language to this effect should be added to the plan and forwarded as a recommendation when further trail planning is conducted.
Skagit County has large amounts of land protected for salmon habitat so we don't need more land set aside.	Most land protected for salmon habitat is located away from the UGAs and thus does not count toward a UGA-based open space plan.

## Comments from Planning Commission Study Session

A variety of comments were brought forward during the March 3 study session, as indicated in the preliminary list below. It is anticipated that more comments will be added following public comment and deliberations.

Comment	Proposed Response
Add Lake Management districts to the resource list in Appendix B.	To be researched.
Show land protected in National Forest and Parks.	Add inset to B.21 Skagit Wild & Scenic River.
Include dike districts in Appendix B	Clarify legal status.
Explain how SCOG will be involved	SCOG review will follow Planning Commission deliberations and precede Board of County Commissioner review
Why do we need interconnectedness?	Some of the values of interconnectedness include: improved wildlife habitat, increasing the value of wetlands, watershed protection, and increased trail functions.
What about Bayview Ridge?	Bayview Ridge UGA open space sketch map to be updated with next draft of UGA open space plan. A parks plan will be prepared as the contract with HDR moves forward.
Tribal contributions to funding open space	To be researched.
WSDOT response to trails along SR 9 and 20.	WSDOT is preparing a response addressing opportunities to partner for non-motorized elements.
Identify the photos in plan.	Will add
Add history of earlier effort to respond to appeal issue on UGA open space.	To be researched.
No expansion into ag lands.	Ag lands are shown as part of the passive open space system. Further concerns can be clarified.
Broader than acquisition – is that a departure (from the policy or RCW)?	RCW 36.70A.160 “The city or county may acquire by donation or purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.”
When is enough property taken off tax rolls?	Open space corridors have been shown to increase the value of adjacent properties, thus potentially offsetting any loss of property from the tax rolls.
Prioritization concerns	Need to clarify.

## Errata List

Several items have been noted for routine corrections. Among these are:

1. Two Port of Skagit County references on p.34
2. Reduce length of arrows at south end of La Conner – this is tribal sacred area.
3. County Council should be Board of County Commissioners (throughout)