

Skagit Countywide UGA Open Space Concept Plan Frequently Asked Questions (FAQs)

Following are answers to some of the basic questions that have been asked about this plan:

1.1 What is an Urban Growth Area (UGA) Open Space Concept Plan?

State law (RCW 36.70A.160 of the Growth Management Act (GMA) requires every county and city covered by the Growth Management Act to **identify open space corridors within and between urban growth areas.**

In the 3-part system of Parks, Recreation, and Open Space, this plan identifies a system of open spaces that are in and near the county's current and future UGAs.

1.2 What are the benefits of a UGA Open Space Plan?

A UGA open space concept plan differs from more familiar parks and recreation plans in that it helps to shape urban form, particularly where the developed area ends and rural begins.

The concept plan provides boundaries between incompatible uses and breaks from continuous development. The concept plan can shape land use patterns to promote more compact development. The goal is to provide a continuous system of open spaces, linking those from within the cities into the edges and rural areas.

Other benefits of a UGA Open Space Concept Plan may include protection of:

- Flood control measures, water supply protection, air quality, separation from hazards
- Wildlife and habitat
- Commercially significant resources including agricultural products, forestry, fisheries, minerals
- Economic development through improved quality of life
- Natural features and spaces important to defining community image and distinctive character
- Healthy lifestyles
- Historic and cultural preservation opportunities

1.3 What are the Skagit County UGAs?

Skagit County has 10 UGAs including Concrete, Hamilton, Lyman, Sedro-Woolley, Burlington, Mount Vernon, Bayview, La Conner, Swinomish, and Anacortes.

The legal definition of UGAs includes both the area within the existing city or town limits and any area in the unincorporated county identified for future growth. In common use, many people use the term UGA to specify only the unincorporated growth area.

1.4 Why is the plan being prepared now?

The plan is being developed now because of a decision in an appeal to the Western Washington Growth Management Hearings Board by Friends of Skagit County. The provisions for UGA open space were found to be inadequate and not explicitly mapped. The appeal was settled when the County adopted the following policy in the Skagit County Comprehensive Plan:

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 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.

1.5 Who updates or makes revisions to the proposed UGA open space concept plan?

In accordance with GMA requirements (RCW 36.70A.130(4)), each jurisdiction reviews, and if needed, revises all its GMA plans, including this one, every 7 years.

1.6 Where can I get more information about the GMA requirements, case law, and open space planning?

Detailed information about GMA requirements and planning for UGA Separators and Parks, Recreation, and Open Space planning elements is available on the state's website:

http://www.cted.wa.gov/_CTED/documents/ID_1691_Publications.pdf

2.1 How was the Skagit County Plan developed and funded?

This plan is a cooperative project between the cities and the county. It was overseen by the Skagit Council of Governments (SCOG) using funds provided by a grant from the Washington State Department of Community, Trade & Economic Development (CTED) with additional money from Skagit County.

Cities are responsible for planning for open space within their incorporated city limits. Outside the city limits, most cities have expansion areas, or unincorporated UGAs. The county is responsible for integrating all of the individual city UGA open space corridors into a **countywide network of UGA defining open spaces** and is working with the cities to do so. The countywide network may include, as appropriate, areas “between” urban growth areas.

The staff and consultant team met with representatives of each of the 10 UGA jurisdictions to review the open space proposals in their adopted comprehensive plans. The planning team integrated all of the individual city’s UGA concept graphics into a countywide UGA open space network.

To address the “between” portion of the state mandate, the plan includes lands protected by Skagit County critical area ordinances, lands or development rights acquired by public agencies and non-profit organizations for open space preservation, and lands that presented potential open space linkages between and into/out of the UGAs.

These integrated countywide UGA concepts were then reviewed with each UGA jurisdiction’s planning and park staff representatives, Planning or Parks Commission, or City Council to obtain their suggestions, criticisms, and to resolve their accuracy during public workshops and official meetings.

2.2 Who else was consulted during this planning process?

In addition to the UGA jurisdictions, the planning team met with other public agencies and non-profit organizations involved in open space. These organizations included:

- **Regional** – Port of Skagit County, PUD #1, Seattle City Light,
- **State** – Washington State Department of Fish & Wildlife (DFW), Natural Resources (DNR), Transportation (WSDOT), Padilla Bay National Estuarine Research Reserve (NERR)
- **Tribes** – Samish, Upper Skagit, Swinomish (a UGA jurisdiction)
- **Federal** – US Forest Service (USFS),
- **Non-profits and private** – Skagitonians to Preserve Farmland, The Nature Conservancy, Skagit Land Trust, Puget Sound Energy
- **Advisory groups** – Skagit County Agricultural Advisory Board, Forest Advisory Board, Active Community Task Force, Physical Activity Coalition (SCPAC), among others.

2.3 Aren’t there already enough organizations working to save open space in the County?

Numerous private organizations in Skagit County are actively involved in conserving open space assets including fish and wildlife habitat, working farmlands, and unique forestlands. These groups have accomplished a great deal through their efforts to conserve important county open space assets and are actively involved in the management, restoration, and enhancement of these conserved lands.

However, their missions do not include a focus on the urban growth areas. With a few exceptions, most lands they protect are located in more remote parts of the county. As a consequence, some of the most threatened remaining open spaces are located within or adjacent to the designated urban growth areas (UGAs) of the county.

Therefore, the task of meeting the GMA open space goals has not been accomplished. And, **there is a “gap” or lack of sufficient** funds with which to make up the cost differences necessary to protect open space lands adjacent or within the UGAs compared to the lower cost of such lands in the rural areas.

2.4 What happens next and how can I get involved?

The cities, towns, county, and SCOG board will be asked to adopt the plan. The Skagit County Planning Commission will schedule public hearings before making a recommendation to the Board of County Commissioners. The schedule for public hearings will be posted on the county web site.

3.1 How is the public involved in creating, updating, and approving these UGA open space plans?

Cities were consulted at public meetings of their choice and included Planning Commissions, Parks Commission, and joint meetings of Planning Commissions and City Councils. Two public information meetings were held April 14 and June 24, 2008, with announcements in the local newspapers and county web site with email notifications to various groups that have expressed interest.

A survey of public opinion was conducted during the summer of 2007 and the county web site was used to publicize it. Results are summarized below.

Future comment opportunities will be available when each jurisdiction considers the final plan for adoption. The Skagit County Planning Commission is expected to take the plan under advisement in late 2008, at which time at least one public hearing will be held. The county and the cities are subject to RCW 36.70A.140, which requires early and continuous public participation in the development and amendment of comprehensive land use plans including this open space plan.

3.2 What are the results of the public survey?

In June 2007 a random sample of resident voter households in Skagit County was contacted to participate in a controlled sample survey concerning open space needs and priorities in general and the proposed concepts in this plan in particular. 450 households agreed to participate in the survey and were mailed a copy of a summary description of the plan and a copy of the questionnaire. Survey results were compiled for the first 200 households who completed the surveys by follow-up telephone call - the number planned for in the original survey scope. The resulting survey results are accurate to within +/-8% of the opinions of the county's registered voter household population.

Key findings include:

- a: Existing open space protection and conditions** - most of the respondents felt existing protections are inadequate for each of the following:
 - farmland,
 - scenic areas,
 - wildlife habitat,
 - historical landmarks,
 - forests,
 - parks,
 - trails, and
 - other access features
- b: Open space trends and values** - respondents agreed that Skagit County:
 - Has some of the most valuable wildlife habitats, woodlands, and farms in the region if not country (90%),
 - UGA open spaces should be interconnected (70%),
 - Unacceptable amounts of these open spaces are being lost to urban development (64%),
 - Open space efforts should do more than preserve land – but should also restore, enhance, and manage the land (59%),
- c: Priorities for open space include:**
 - Productive and working farmlands adjacent to UGAs (74%),
 - Forestlands adjacent to UGAs (67%),
 - Wildlife habitat and corridors within UGAs (62%),
 - Scenic landscapes and roadside views (61%),
 - Historical & cultural landmarks (55%),
 - Public access trails extending through and outwards from UGAs (64%),
 - Day-use parks within UGA open space (65%), and
 - Interpretive trails within UGA open space corridors (52%).
- d: Specific UGA concept maps:**

When shown maps of each UGA concept, respondents from throughout the county supported each illustrated plan with high ratings given by more than 50%.
- e: Specific trail proposals:**

Respondents also gave high ratings to each of the following trails: Anacortes-Burlington, Cascade Trail, Swinomish Channel Trail, Pacific Northwest/Interurban, Centennial, and Skagit-Snohomish.

f: *How to organize and pay for an open space program:*

Respondents were asked for their opinion about how to implement and fund an open space plan.

- Regarding organization - survey respondents favored a coordination role for the county and cities, rather than a more active role as “principal agent.”
- Regarding funding - survey respondents were informed about and then asked to rate funding sources available to counties and cities. 59% said they would pay some amount for a property tax levy (the mean dollar amount was \$89.40 per household per year. Survey participants were marginally supportive of a local option sales tax dedicated to open space and not at all in favor of a 3rd real estate excise tax (REET), local option fuel tax, or local option vehicle license fee where each option would be dedicated to open space.

4.1 *How will this plan protect farmland?*

County residents place a high value on protecting farmland and forests, as borne out in the survey results above. Farms and forests have inherent open space qualities as a secondary benefit to their productive value.

RCW 36.70A.160 stipulates the open space corridors shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030.

Identification of a corridor under this section of the RCW by a county or city ***shall not restrict the use or management of lands within the corridor for agricultural or forest purposes.***

Farm and forest protection is accomplished by a variety of tools outside the scope of this plan. Examples are restrictive zoning, purchase of development rights, and limits on urban expansion. This plan can help protect farms and forests by providing “urban separators” where UGAs are close to the agriculture and forest zones. It is in these areas that the potential for “edge” conflicts exist.

Advisory groups to both agriculture and forestry expressed concerns that the open space plan could create more conflicts with their operations by bringing more people. While such conflicts are occurring even without a UGA open space concept plan, this plan has been modified to address these concerns by emphasizing passive forms of open space next to working farms and forests, the careful location of trail corridors, and providing interpretive information about their productive value.

5.1 *If the officially adopted open space plan map shows open space on my property, does that mean I am restricted to open space uses?*

The open space plan map does not change the uses currently allowed by the property’s zoning. The state legislature recognizes that the preservation of urban greenbelts is an integral part of comprehensive growth management in Washington. The legislature further recognizes that if certain greenbelts were subject to adverse possession action (condemnation) it would threaten the comprehensive nature of the GMA.

Therefore, RCW 36.70A.165 specified that a party shall not acquire by adverse possession property that is designated as a plat greenbelt or open space area or that is dedicated as open space to a public agency or to a bona fide homeowner's association.

Individuals may voluntarily sell property or easements to an open space program agency should they desire.

5.2 *Are there other techniques that can be used to protect UGA open space corridors besides acquisition of development rights or property title?*

RCW 36.70A.090 stipulates that a city or county comprehensive plan should provide for innovative land use management techniques, including, but not limited to, ***density bonuses, cluster housing, planned unit developments, and the transfer of development rights.***

6.1 How would the Skagit Countywide UGA Open Space Concept Plan be implemented?

Consistent with the Skagit County Comprehensive Plan policy 2B-1.3 directive to develop a “program,” this plan proposes the following mechanism:

- A countywide funding source would be established with a “bottom-up” approach to allocating funds.
- Community groups, parks departments, non-profits, or private groups could propose projects that meet the program goals and compete for funding.
- The Board of County Commissioners would establish a UGA Open Space Advisory Committee to provide citizen advice regarding the use of any UGA open space funds.
- The funds would be used to acquire and maintain UGA open space.

6.2 Who would be on a Skagit Countywide UGA Open Space Advisory Committee?

Committee membership could include 9 or more members appointed by the Board of County Commissioners. Members could be appointed from among community-minded citizens who are active in civic matters, supportive of the intent and objectives of the UGA Open Space Plan and Program, and geographically representative of the county’s UGAs.

6.3 What would be the responsibilities of the Advisory Committee?

The Skagit Countywide UGA Open Space Advisory Committee would be authorized to do the following:

- Evaluate current and future conditions, needs, opportunities, and priorities.
- Develop procedures and processes for soliciting requests-for-proposals (RFPs).
- Develop public benefit evaluation and selection criteria for RFP submissions.
- Award (on the Board of County Commissioners behalf) Skagit Countywide UGA open space funds.
- Monitor compliance and expenditures.
- Issue annual evaluation reports and consult with the Board of County Commissioners and the public-at-large.
- Issue any revisions, modifications, or other actions that should be undertaken.

6.4 What public benefit criteria would the Skagit Countywide UGA Open Space Advisory Committee likely use to rate and award UGA funds on a competitive basis?

The following criteria (not listed in any priority order) could be used to evaluate properties or programs submitted for funding consideration under the proposed UGA open space program:

- Land use – benefits for UGA separators, public/private network opportunities, flood control,
- Natural resources – benefits for agricultural lands, woodlands, aquatic habitat, wildlife habitat,
- Scenic resources –benefits for scenic landscapes, scenic byways, and viewpoints,
- Cultural resources –benefits for landmark preservation,
- Interpretive opportunities –benefits for interpretive exhibits, trails, centers, and programs,
- Recreation –benefits for regional multiuse trails, community connections, trail linkages, water trail linkages, and accessibility,
- Transportation –benefits for interconnections, water trails,
- Jurisdictional and leveraging –opportunity to implement land use policy, leverage local monies, match state and federal funding opportunities, elicit public support, and
- Feasibility and timing –resolving land threatened status, restoration, stewardship, geographic distribution, feasibility, resolving hazards.

6.5 Impact fees – can new growth be tapped to contribute to the open space “funding gap”?

Skagit County could expand upon the growth impact fee provisions provided in the Growth Management Act (GMA). Park and/or traffic impact fees could be applied to all new residential developments within the unincorporated county to maintain existing park, recreation, and open space and traffic levels-of service (LOS).

The cities and county could determine an equitable means to collect and allocate impact fees where the county and city maintain the same local and regional or citywide level-of-service (LOS) presently existing within the incorporated (city) and unincorporated (county) sections, and for the urban growth area in total.

A common fee could be collected by each agency then shared on a project by project basis for open space improvements benefiting the residents of the UGAs as well as the county-at large.

Impact fees are not likely to raise the same level of funding as most of the methods identified above. Impact fees **cannot** be used to expand or improve facilities that do not increase the capacity of these systems to meet the needs of new growth, nor can they be used for maintenance or management.

6.6 What are the other potential funding sources and how much would these sources create?

Based on the results of the survey, the plan analyzed the potential amount a Local Option Sales Tax (LOST) or Property Tax Levy (PTL) could raise in Skagit County over a 6 year funding period assuming county voters would prefer a 6-year pilot project be used to demonstrate program success and to build public support for a more long-term commitment. This approach has been successfully used in other Western Washington communities.

- **Local Option Sales Tax (LOST)** - if approved by voter referendum, LOST would add an additional \$0.010 per \$1.00 of retail sales to be dedicated exclusively for open space purposes and be paid by in-county residents as well as out-of-county residents and tourists. **The annual proceeds from the LOST option would likely be \$924,868 based on recent annual sales tax trends.**
- **Property Tax Levy (PTL - Levy Lid Lift)** - if approved by voter referendum, would add **on a limited duration** (typically 6 years) an additional property tax to be dedicated exclusively for open space purposes. The following 3 alternative amounts are based on the 2005 assessed value of average county house at \$222,500:

Rate/\$1.00 value	Annual cost	Annual proceeds
\$0.00011	\$24.68	\$1,641,082
\$0.00016	\$35.60	\$2,387,028
\$0.00022	\$48.95	\$3,282,163

Approval to use either the Local Option Sales Tax (LOST) or Property Tax Levy (PTL) would likely depend on what extent a referendum on the issue would motivate the respondents who rated the proposal a 3 or mid-level priority. A proposal to use either approach will require more detailed descriptions of how much would be raised how it would be used.