

Meeting Summary – Final
Skagit County TDR Advisory Committee Make-Up Meeting

Thursday, April 18, 2013

Skagit County Commissioners Administration Building

1:30 – 4:30 pm

Committee members present: Allen Rozema, Paul Kriegel, John Doyle, Ed Stauffer, Kendra Smith.

Project staff and advisors: Kirk Johnson; Josh Greenberg

Members of the public: Ellen Bynum

Meeting Objectives

- Make further progress in identifying potential TDR sending areas
- Review key themes of previous sending area discussion (Nov. 8)
- View and discuss maps that help inform sending area selection
- Provide additional guidance to staff for further sending area research and mapping

Sending Area Overview

Kirk walked through the document titled “Major Themes from Nov. 8 Sending Area Discussion,” as a refresher for the day’s further discussion of potential sending areas. He then summarized the document titled “Some Thoughts on Potential Goals and Objectives of Conservation Through TDR.”

Discussion arose, as it did at the March 14 meeting, over how to determine if a property has a development eligible for sale through the TDR program?

Allen suggested that lot certification is the first step. You need a lot that’s been certified as eligible to be considered for development permits.

Then, would you go through the entire development code review process to determine if a residential development can actually be built on the property? This would involve review of zoning as well as for water, septic, critical areas, etc. (Ed offered that these further reviews are the basis of the “conservation plan” that the Skagit County Comprehensive Plan serves as.)

Or for TDR purposes, would you just conduct a basic review of allowed uses by zoning to determine whether a residence could be theoretically placed on the property?

There appeared to be some agreement that the review should be conducted at the zoning level. If a residence is allowed by zoning – even if for building purposes it would

require further site-specific review requirements such as water, soils, critical areas, etc. – then the development right would be eligible for sale through TDR.

As an example: If a parcel has a development right under zoning but doesn't have water available at the moment – for instance a parcel in a water-restricted subbasin – that might affect the *price* at which the development right would sell, but it would not preclude the development right from being eligible for sale through TDR. This is because water might become available at some point in the future or through some alternative means than a well.

On the other hand, a parcel entirely in the floodway, where development is strictly prohibited, would not have a development right that could be sold through TDR.

Review of Maps – Josh Greenberg

Josh then described the different maps he developed for the project in consultation with Kirk, including the source for and/or purpose of each map:

GIS Maps for Skagit TDR Project

	Title	Source/Purpose
1.	Proximity to cities/urban areas (2 and 4 mile buffers)	To help consider a criterion for proximity of TDR sending sites to urban/receiving areas
2.	Land Ownership	Shows the land base of potential sending areas
3.	Population growth patterns, new dwellings 2000 – 2010	From Skagit County Assessor's data, shows where residential growth has occurred over the past decade
4.	Skagit County agricultural lands	Ag-NRL lands plus Rural Resource-NRL and Rural Reserve lands with certain ag characteristics
5.	Selected Forest lands in Skagit County	Secondary Forest lands plus Rural Resource-NRL and Rural Reserve lands with certain forestry characteristics
6.	High value, high conversion risk forest lands	Identified in "Rural Technology Initiative" study by UW College of Forest Resources for Washington State Legislature and DNR ¹
7.	Priority watersheds	Identified by Washington Department of Ecology "Watershed Characterization"
	7.1 Water quality	In both, darker areas are more vulnerable to change due to disturbance or development
	7.2 Water flow	

¹ <http://www.ruraltech.org/projects/wrl/sfr/pdf/RetentionReport.pdf>. One of the recommendations from the executive summary of this report is: "Support the central Puget Sound Transfer of Development Rights (TDR) pilot project."

8.	Protected/conserved lands in Skagit County	Lands already conserved by conservation easements, public ownership, open space zoning, and other mechanisms
9.	Adopted UGA Open Space Concept Plan map (with 2 and 4 mile buffers added)	Illustrates potential open space lands in close proximity to cities

Allen said watershed and floodplain issues should be central to considering the location of TDR sending areas. It would likely be important to urban residents (whose communities would be the major TDR receiving areas) to have the supply and quality of their tap water protected.

Paul said Judy Reservoir (the major water source for the Skagit PUD) is filled by pipes from Turner Creek and Gilligan Creek and that portions of these creeks run through rural or relatively higher density natural resource lands (Rural Reserve, Secondary Forest, or Rural Resource-NRL).

Kirk said he would contact Skagit PUD to see if they felt it was warranted to identify these watersheds as TDR sending areas for the sake of the Judy Reservoir water supply.

There was some discussion of the Washington Department of Fish and Wildlife priority habitat and species maps. Some committee members questioned the value of those maps for helping to identify wildlife habitat areas for conservation purposes.

There was some discussion of the density bonuses allowed for certain CaRD (Conservation and Reserve Development) developments in Skagit County and how they should relate to TDR.

One committee member said the CaRD density bonus is given away and more public benefit should be gained before bonus densities are granted. Another said the density bonus is not given away, it's earned by landowners whose lands provide ecosystem services.

Kirk said there are two ways to treat CaRDs through TDR. In one, CaRD density bonuses might only be available to those who purchase development rights and cluster the resulting lots. One committee member said this would amount to a downzone.

The other way would be to allow the density bonuses granted through CaRDs to be sold through the TDR program. In this way, instead of having four residences built on 40 acres of Rural Resource-NRL, these development rights could be sold and transferred to urban areas, thus helping to protect the resource land from development.

There appeared to be agreement that this latter instance would be a good option, especially on Rural Resource-NRL which is the one natural resource land where CaRD density bonuses are provided.

Paul, whose company owns RRc-NRL lands, appeared open to that option. However, he said he would really like to see incentives created to reward property owners, including forest land owners, for providing ecosystem services. That kind of incentive would keep more land in forestry.

Several committee members expressed interest in the issue of ecosystem or environmental services. John Doyle said that in the context of “development rights,” there is value to urban communities to preserve ecological functions of adjacent rural lands to their optimum levels (watershed quality, air quality, fauna and flora diversity). Granted, these will be difficult to quantify, but it may be worth having the discussion.

Ed said most residents on 5- and 10-acre rural lots in Skagit County are stewards of their lands and have built and managed their lands based on conservation principles. It would be a mistake to look at those lands as sending areas as it would offend those residents.

Allen and John both responded that consideration of TDR is not a statement that rural residents have not been good land stewards. Rather, it’s an effort refine the comprehensive plan and offer incentives rather than regulations to protect certain resources that might be harmed through continued development into the future.

Allen said it’s a matter of what public goods you’re trying to protect and whether, in certain cases, it’s better to voluntarily shift some future residential development into urban areas for the sake of conserving those resources.

Ed wondered if TDR was intended by the state to be implemented only in more heavily developed lands such as the four central Puget Sound counties. Kirk said the state legislature specifically authorized creation of the four-county central Puget Sound TDR program and provided certain resources to help it get started. But that doesn’t mean TDR can only be created there.

Allen said he would prioritize sending areas based on the degree of threat and growth pressures. For him, a high priority is the prime and high quality farmland found in Ag-NRL, RRc-NRL, and RRv. One important reason to include Ag-NRL, in addition to protecting their prime ag soils, is that those lands are located in the flood plain and it’s important to get people out of harm’s way and remove development rights from flood bypass areas likely to be designated in the near future.

Ed asked why Skagit County’s GMA-compliant Comprehensive Plan adequately protected agricultural land?

Kirk said the County estimates there are 800 unused development rights on Ag-NRL. Allen said each development right would have an average of 2.5 residents. That's a lot more traffic in the farmland, a lot more people to complain about smells, dusts, etc. – and all of that makes farming harder. TDR is a way to further implement the Comprehensive Plan's mandate to protect resource land and reduce conflicting uses.

John said he's like to see more discussion about what is the actual land base needed to sustain forest practices and agricultural practices. He'd like to see overlays of where the CaRD density bonuses are possible compared to where the most valuable land is relative to natural resources and watershed values.

Ed said he is not convinced TDR is a big enough tool with big enough bullets to stop "code busting" behavior. He raised concerns about potential large developments along the I-5 corridor and a new subdivision at the base of Blanchard Mountain. "The issue is enforcing the laws we have."

He also said he would like to see TDR discussed in the context of the comprehensive plan rather than using new terms like "vibrant cities" and "open space and recreation."

Several members responded that TDR is not the solution but is one additional tool that can help Skagit County promote growth and conservation in the right places.

Allen said: "We know what good growth looks like. Keep rural as rural. We have two viable natural resource industries in county. TDR is an additional tool. Skagit County has many tools. This is an additional tool. It's not the be all and end all."

Public Comment

Ellen Bynum said she didn't think TDR would be effective in Skagit County because there's not a strong enough market for development to generate demand for purchase of development rights.

She would rather see the County place its resources and priorities elsewhere, such as creating a purchase of development rights program for forest lands, reforming of the CaRD development code, and identifying conservation priorities.

The meeting adjourned at 4:30.