

Appendix C. Committee Member Written Comments

1. Charlie Boon, The Boon Team/REMAX
2. Wayne Crider, Skagit Island Counties Builders Association
3. Molly Doran (for Martha Bray), Skagit Land Trust
4. Margaret Fleek, City of Burlington
5. Paul Kriegel, Goodyear Nelson, Skagit County Forest Advisory Board
6. Bruce Lisser, Lisser & Associates
7. Allen Rozema, Skagitonians to Preserve Farmland
8. Ed Stauffer, Citizen-at-Large Committee member

From: The Boon Team
Sent: Monday, June 02, 2014 5:07 PM
To: KirkJohnson
Subject: TDR

Kirk,
I will be unable to attend the last meeting as more conflicts have risen so I thought I would give my opinion....

After reading the reports and thinking on the subject of the Transfer of Development Rights, I am of the opinion that our current Zoning system is adequate to resolve any of the growth needs of the county. I believe that in the near future, the population growth will be controlled by who can get water and also fire protection. I also believe that if a Landowner does not have water availability or fire protection and if those are required by the County for residences then they have no building rights to sell. In the future if changes are made by water main placement or building requirements that those lots can be built on so too many homes in the outlying areas becomes a problem, then we can look at this issue and as far as I'm concerned we can use the TDR regulations from Snohomish County.

Thanks
Charlie

Charlie & Jeannie Boon
RE/MAX Territory NW

Visit our website at www.theboonteam.com to view all NWMLS listings.



June 12, 2014

From: Skagit/Island Counties Builders Association
To: Kirk Johnson, Lead Planner for TDR Program Development and Implementation
Subj: POSITION OF SICBA REFERENCE RURAL TDR PROGRAM

Kirk,

It is our understanding that this will be placed in the appendix portion of the TDR CAC findings that are being forwarded to the Skagit County Planning Commission and the Board of County Commissioners for deliberation.

SICBA believes in conservation of lands if the program is voluntary but we also believe that there are enough programs in place to reach that goal right now. With the Farmland Legacy program and GMA, it is pretty well covered. While some say it is just another "tool," we see it as another ordinance/regulation that not only adds to confusion but could be something that could be "interpreted" differently as leadership changes and as policies change in the future.

In our session the other day, the statement was made that Burlington is changing their zoning to accommodate for their desire to build up and not out and increasing their density to meet what is being proposed for Burlington. That being said, why do they need the TDR program if the zoning is in place unless it is to extract money from a developer/builder for something that is already zoned appropriately for the density he/she might be requesting? This does not support affordable housing if a developer has to pay a fee to build to a density that is already zoned for that density. And, while Burlington's program seems to work in helping to put money into the Farmland Legacy program which does succeed in voluntary conservation of rural ag lands as they become available, we wonder why there would be a reason to tack on more costs if the zoning already supports what is being proposed? TDR programs should be voluntary and an option for someone to use to build to greater density than what is supported by current zoning. So, we don't see Burlington as being a very good example of a functioning receiving area that this program needs to be successful. The developer is still going to have to pay for all services for every unit under Burlington's current code and any upzoning Burlington might do. So, how does having to pay more fees to build to a density already existing contribute positively to affordable housing considering that each unit costs that much more?

There are too many questions that need answers at this time to be sure a program like this doesn't affect something that is in place and already working. In an urban setting where preserving ag land that is already in the UGA is the issue, we certainly can see the value in the program – and it has worked in Mount Vernon in the past. But, we still haven't heard how the value of a TDR is going to be attained except by appraisal. And, with no water in the valley at this time for development, it certainly will affect the appraised value of property. It won't affect the taxed value of the property but will certainly affect the appraisals.

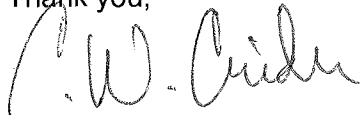
The next issue is Bayview Ridge and the fact that it is not and will not be a receiving area. Until that area has public water and sewer on site, it is not developable as is currently in place. That being said, we still think that area should be left as is and when the water and sewer is run to the area, it should be looked at for some upzoning to be considered at that time. I have been in the area since 1986. I have flown in and out of Bayview Airport many times. My office is near the approach end of the runways. Traffic has not increased over these years enough to be very noticeable and until it increases to the point the FAA needs to put a control tower there, air traffic should not be an issue. The primary runway doesn't even have approach or departure corridors over that area. So, if the zoning in the Bayview Ridge area that is zoned for residential were kept as it is now, that could very easily be a receiving area in the future but never to the density of multifamily housing.

Another issue is staff workload. While it sounds very good to put this into practice right away, we don't think the county has enough staff assets to actively support this program since right now it will sit on the shelf and not be used. Having a "tool" in place makes sense if it is supported along the way and there is some prediction of when it will be used. We do not have that with this program. As we all know, laws and regulations change over time and if it is 10 years down the road before someone wants to use this, it will have to be kept up to date all along the way for those 10 years with current code and then could possibly have to be looked at again – depending on the amount of change that has happened in other laws and regulations. So, there would be staff time used for no gain during that time. This is not very efficient.

Mount Vernon isn't interested in taking part in the program right now and they have plenty of land to take care of their needs for at least 20 or more years. And, Mount Vernon is where the majority of the projected population growth will be. So, the major player doesn't need the program now either.

So, all this being said, we think this is premature. We are not saying it won't work later down the road when regulations change but right now is not the time. And as regulations change, who is to say this program won't have to change as well? So then there would have to be another study done to be sure it does comply with all the other codes when someone wants to use it in the future. And, it will have to be reviewed and updated just like every other ordinance/code in the county to ensure compliance. That equals more work for your staff as we move into the future because of something that is there whether it is used or not. Wait until the time when it is needed and then let's review it for compliance with the current code at that time and implement a program then that is meaningful and will work from the very start with great sending and receiving areas identified.

Thank you,



Charles W. Crider

Executive Officer

Skagit/Island Counties Builders Association



June 26, 2014

Skagit County Board of County Commissioners
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

RE: Transfer of Development Rights Program

Dear Commissioners:

The purpose of this letter is to express Skagit Land Trust's support for the implementation of a Transfer of Development Rights (TDR) Program. We served on the TDR Advisory Committee for the past year; it was a diverse and engaged group, and the process was well managed by County staff. While the Trust recognizes the challenges to implementing an effective TDR program at this time, we feel it is an important tool for voluntary land conservation that will be useful in the future as the County faces inevitable growth pressure. It is a good time to get a TDR program up and running before there is too much demand for it, this will allow for more gradual implementation. We support implementing a combined TDR and density credit program as providing the most flexibility for all parties, and therefore encouraging more use of the program.

A TDR program will provide new incentives and better options for landowners, and could be especially useful to conserve important resource lands where little funding has historically been available -- notably productive forest lands. We strongly encourage the inclusion in designated "sending areas" of not only AG-NRL lands, but also lands zoned Rural Resource, Secondary Forestry, as well as those lands eligible for development within the Industrial Forest Zone. Notably, we are aware of a number of landowners in these zones who are interested in TDR options.

We laud the City of Burlington for stepping up to participate in this program, and hope that over time more cities in Skagit County will recognize the economic benefits of well planned urban density coupled with conserving the rural landscapes of Skagit County. Toward that end we encourage the County to continue dialogue with the cities to seek ways to make a TDR program mutually beneficial.

Finally, our support is for a TDR program that utilizes permanent conservation easements. We feel limited term easements do not achieve true land conservation, and can actually have the opposite long-term affect of fueling land speculation. We have similar concerns regarding easement buy-back provisions that may be considered as part of a TDR program; we recommend very careful evaluation of the terms of any buy-back provisions to avoid unintended long-term effects, and to ensure transparency and wise use of public programs and funds.

Thank you for supporting this TDR Committee process and for including Skagit Land Trust. We sincerely appreciate your long-term vision of sustaining the productive natural resources of Skagit County.

Sincerely,

Molly Doran
Executive Director





June 23, 2014

RE: Transfer of Development Rights Program

Kirk Johnson, AICP
Senior Planner/Team Supervisor
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Dear Kirk:

The Transfer of Development Rights and the Density Credit programs provide tools and options that are important components of the Growth Management Act planning process. They also provide a means for urban development to contribute to the preservation of the amenities/resource lands that make this region unique.

Updating the Comprehensive plans includes taking the opportunity to evaluate the keys to long term success in each community. It is quickly apparent that future of this region, whether it is living, working, or visiting Skagit County, is directly connected to protecting and connecting the unique and abundant natural resource lands that create the framework for the region.

It is easy to take the provincial negative view, for example, that Transfer or Purchase of Development Rights and Density Credits are not needed, might not be used for many years, or should NOT be a mechanism to gain additional density; just change the zoning code to allow everything a developer wants at no cost. Look a little closer and one might instead take the opportunity to help protect Farmland, Forests or other resource lands using a land use mechanism that does NOT place an extraordinary cost or burden on a developer, and that makes a small but meaningful contribution to help leverage resource protection.

The Burlington Agricultural Heritage Credit program fees are directly connected to the increase in property values that result from increased density. The opportunity to add dwelling units when there is enough parking can make a positive difference to the property owner, and show support for long term agricultural preservation in a mapped area around the City Limits.

Burlington has always been a farming community and we strongly support the preservation of farmland. At the same time, we also plan to grow in our ability to attract and promote tourism and that definitely means resource land preservation countywide. Thanks for the opportunity to participate in the program development process.

Sincerely,

Margaret Fleek
Planning Director

June 5, 2014

Kirk Johnson, AICP
Senior Planner
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

Kirk

As promised, here are my minority thoughts.

All of the timber managers I have spoke with on this issue agree with me that giving up TDR's on timberland for ever is a plan that will devalue the land. Therefore we would suggest a rotational policy that would be designed similar to the State riparian easement program which grants the State an easement on that portion of the property for 50 years. This approach will take the development rights away from the property for the short term but eventually reinstates those rights after 50 years and gives the land owner an opportunity to adjust to policy and market changes over the previous 50 years. This program is very easy to administer as the landowner must show the filing at the County in order to receive payment. This is not a very cumbersome process and it is recorded on the parcel title for the 50 year period.

My second issue is the fact that rural reserve and rural resource lands do not qualify as receiving areas. These are lands that are in close proximity to infrastructure and are usually surrounded by multiple densities that already impact our resource lands. Why shouldn't we have the same densities as the people who surround us?

If there is any interest in discussing these issues I would make myself available.

Thanks for the opportunity to participate on the committee representing the Forest Advisory Board. This is a very complex issue and I thought you led us well, more so when at times it was difficult.

Thank You,
Paul Kriegel
360-708-8202



LAND SURVEYING / LAND-USE CONSULTATION

RECEIVED

JUN 30 2014

SKAGIT COUNTY
PDS

June 30, 2014

Kirk Johnson
Skagit County Public Works
1800 Continental Place
Mount Vernon WA 98273

Re: TDR Committee

Dear Kirk:

Thank you for the opportunity to add my thoughts to the final TDR report.

First off, I would like to thank you for your leadership through the process, you kept the group well informed and relatively on track.

The process seemed to take quite a long time, but that was probably due in large part to requests by the committee for more detailed information at each step of the process.

Based upon the committee's journey, I believe there is consensus to move forward with the implementation of a TDR ordinance. I have concerns that it may take many years before the ordinance makes any progress with respect to its use. Its success will be further impacted without areas within unincorporated Skagit County to utilize as receiving areas for development.

I have experience with TDR's both in the creation of the ordinance and the implementation. My experience has been mixed, both good and bad, the ability to add density to a project turned out good for the developer, but received negative response from the community. The interesting thing is that those who purchased and reside in the higher density areas like it, those outside feel it is inappropriate and too dense for our community. I would envision similar concerns expressed by county residents when developments utilize the higher density lots.

I believe the subdivisions with similar lots will probably not be the best use of a TDR in our county. The real gains will be noticed in a multifamily (apartment) type of living condition where an extra floor of units to accommodate the increase density within a single building will hardly be noticed.

This leads me to my concern for the immediate viability of any TDR ordinance that is approved by the County, the only successful areas that could receive a density increase would be within incorporated cities and the only interested city at this time is Burlington, a city with relatively limited building areas to take on the new densities.

June 30, 2014
Mr. Kirk Johnson
Page 2

Skagit County has enormous opportunities to create sending sites for conservation, but is not willing to create any areas to accommodate the receiving areas, especially now that the Bayview Ridge area is being removed from development, a short sighted decision as far as I am concerned.

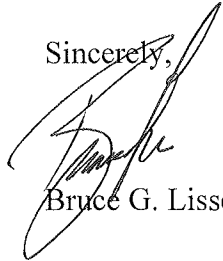
My personal belief is that the TDR should be placed on the books as another tool for land development, that the County maintain the residential development areas along the east side of the Bayview Ridge with a density of 2 units per acre as long as TDR's are utilized for the development, and be a leader with respect to their implementation.

Targeting this area with relatively higher density, the County could start the ball rolling on TDR usage, start development in an area that is appropriate (out of the floodplain, with sewer and water) and possibly prove to the larger cities, Mount Vernon, Sedro-Woolley, Anacortes, that development in the Urban Growth Areas may be a viable possibility through the TDR process. A transitional density of 2 units per acre could be a great step, could create some conservation and limited development all at the same time.

If the County is not willing to utilize properties such as the Bayview Ridge (especially the eastern end) for development at higher densities that could utilize the TDR process, then it may be even longer for any ordinance to be utilized. The County needs to be a leader in order to bring the large cities on, without them, no substantial gains will be made with respect to the conservation benefits envisioned with the TDR process.

Again, thank you for the opportunity to serve on the committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce G. Lisser", written over a white background.

Bruce G. Lisser, P.L.S.

BGL/mm



Wednesday, July 02, 2014

Skagit County Board of County Commissioners
1800 Continental Place
Mount Vernon, WA 98273

**RE: Skagitonians to Preserve Farmland Support for pursuing a
Transferable Development Rights Program in Skagit County.**

BOARD OF DIRECTORS

Darrin Morrison
President

Alan Mesman
Vice President

Wendy Pare
Treasurer

John Roozen
Secretary

Steve Sakuma
Past President

John Anderson

Julie Blazek

Jessica Gigot

Dave Hedlin

Stephen Jones

Tim Knue

Kevin Maas

Amy Wilcox

Dear Commissioners:

Skagitonians to Preserve Farmland (SPF) has been a long time advocate for developing a Transferable Development Rights (TDR) program within Skagit County. In 1992, with support from the Bullitt Foundation and Skagit County, SPF completed and issued a report titled Farmland Preservation in Skagit County: Program Options and Recommendations. One of the many program recommendations at that time was to pursue the development of a TDR program. Twenty-two years later SPF is pleased once again to participate and advocate our support for the development of a TDR Ordinance in Skagit County.

Since the 1960's Skagit County has been a leader in developing, adopting and supporting land use regulations, policies and programs that support the protection of farmland and the economic viability of farming in Skagit County. In 1996, Skagit County pursued the creation of the Farmland Legacy Program to support the purchase of development rights on farmland. At that time there were questions and apprehensions regarding how effective the Farmland Legacy Program would be, and the program started slowly and gained in popularity and use. Today Skagit County's Farmland Legacy Program is nationally recognized and leading the State in the amount of farmland protected.

Now is not the time to stop pursuing innovative policies and programs designed to protect our working lands and natural resources while also supporting sustainable development and growth within our municipalities. SPF would like to encourage and support your leadership in implementing the recommendations of the *TDR Advisory Committee* by moving forward with the development of a draft TDR Ordinance for Skagit County.

Thank you again for your leadership on TDRs and in the many other areas of natural resource protection and growth management.

Sincerely,

Allen Rozema
Executive Director

STAFF

Allen Rozema
Executive Director

Linda Tyler
Development Director

Elisa Minerich
Development Assistant

Barbara Martin
Bookkeeper

From: algerdew@hotmail.com
To: ronw@co.skagit.wa.us
Subject: Summary
Date: Wed, 18 Jun 2014 13:40:28 -0700

Honorable Ron Wesen, Chairman
Board of Skagit County Commissioners
June 18, 2014

Dear Commissioners:

Pursuant to directives in your resolution #R20120276, dated August, 2013, I wish to inform you that the Advisory Committee held its final meeting on June 8, 2014. Our task was to ". . . evaluate possible development of a transfer of development rights (TDR) program" for Skagit County.

From the resolution, I am the only remaining ". . . at-large member who can help to represent the interests of Skagit County urban and rural residents"; I am prepared to meet with you anytime at your request to discuss in detail any issues which concern you, including public awareness. I attended all committee meetings, (with one exception for which I arranged attendance by proxy), all public presentations, offered my services to the public, the Board, and the Planning Commission during my tenure. I read all of the voluminous materials provided, did independent research, and initiated countless discussions with your constituents. I asked questions, and provided information of and to the staff and consultants.

Skagit County currently has a conservation plan developed under the Growth Management Act and adopted in 1996.

Under State guidelines, Skagit County identified and then inventoried and protected resource lands, (Agriculture, Forest, Mineral, Fish), critical areas (eg steep slopes, wetlands), rural villages, and low population density residential use zoning. One of the salient features of this GMA inspired plan, is that the property owners or rural lands in Skagit County are front-line conservationists defined as Stewards of the Land in RCW 36.70. The results of the studies undertaken as part of this proposal point out that our plan has been absolutely successful in achieving our Conservation Goals. Close to eighty percent of Skagit's Rural Lands remain protected permanently for conservation of legitimate natural resource values. A small portion of our rural land is zoned for low-density rural residential use.

The proposed permanent removal of the right to build a home and live on one's rural property is discrimination against the rural community. A city has no need to alter its development code to allow more dense intra-city uses through the device of demanding someone to give up forever the "American Dream" on a piece of rural property; urban jurisdictions can change their development code at will without engaging in such a charade. Also, the Board of County Commissioners has already created a number of options allowing owners to donate or

sell property for conservation. Prudence dictates noting that all such conversion of rural residential use reduces the County's revenue base.

Notwithstanding the directives of your resolution, the Department of Commerce Grant which funds this exercise includes funds and guidelines for preparing and forwarding an ordinance for adoption. At least two opportunities to terminate this project have already passed. I recommend that you do so now. If this proposal is allowed to advance, I predict you will find an uninformed public once again engaged in last-minute panic as it passes to the hapless Planning Commission, and then to you. Would you really sign an ordinance empowering urban officials to eliminate living rights on County residential property, given they already have the power to permit whatever they wish without eliminating rural property rights?

Please forward this document to your colleagues and to staff for inclusion in the Appendix of the Committee Report. Thank you for the opportunity to serve.

Respectfully, Ed Stauffer, Citizen-at-large Committee Member