



PLANNING & DEVELOPMENT SERVICES

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Memorandum

To: Growth Management Act Steering Committee (GMA SC)

From: Skagit County Planning and Development Services

Date: March 6, 2013

Re: City of Anacortes UGA Boundary Modification Petition, (CPA, PL12-0258)

This memorandum is in response to the above referenced petition regarding the City of Anacortes's proposal (Comprehensive Plan Amendment map), PL12-0258) to expand its Urban Growth Area (UGA) to include approximately 11 acres of unincorporated land (hereinafter, the "petition").

The purpose of this memorandum is to describe the nature of the petition (and its revision), outline the UGA boundary modification process, identify the UGA modification criteria as codified in Skagit County Code (SCC) and as addressed by the City of Anacortes (City), and provide the Growth Management Act Steering Committee (GMA SC) with the information with which to make an advisory recommendation on the petition for docketing as part of Skagit County Comprehensive Plan Amendment process.

Skagit County's (County) review of the petition will be conducted pursuant to SCC 14.08 as a non-project,¹ legislative action following the requirements of the "2002 Framework Agreement"² and the Urban Growth Area (UGA) modification criteria in SCC 14.08. The framework agreement and UGA modification criteria are the results of multi-year processes with the GMA SC, a committee of elected officials from the county and major cities and towns (excluding Lyman, Hamilton, and Concrete). The

¹ A non-project action is defined as a decision on policies, plans, or programs (e.g., the adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment; and, the adoption or amendment of comprehensive land use plans or zoning ordinances. WAC 197-11-704(1)(b)(i-ii).

² 2002 Framework Agreement between Skagit County, the City of Burlington, the City of Mount Vernon, the City of Anacortes, the City of Sedro-Woolley, and the Town of LaConner. Regarding coordinating planning, urban services and countywide planning policies. Skagit County Contract #C20020423. November, 27, 2002. See at: [Framework Agreement](#)

UGA modification criteria were adopted unanimously by the GMA SC by Resolution in 2007,³ and adopted into Skagit County Code (SCC) in 2009.⁴

The petition is the first of its kind to undergo review under the framework agreement and UGA modification criteria. While the petition application references the construction of a beverage bottling plant, this specific project, or another, and their potential impacts or merits are not within the scope of the County's review. As previously stated, the petition will be reviewed as a non-project, legislative action. The City will determine at a later date what type of project will occur within the City's UGA or incorporated area based on their municipal code and development regulations pursuant to SCC 14.16.220.⁵

1. UGA Boundary Modification Process

The GMA SC has agreed to process UGA amendment proposals as follows:⁶

1. City or town may apply once during period following County's adoption of 7-year update without meeting "exception" criteria in UGA modification criteria.
2. Application must be submitted to County by last business day of July. UGA modification criteria foresee that comprehensive UGA amendment applications will come from city or town, not individual property owners.
3. Proposal brought to GMA Steering Committee for initial consideration and recommendation for docketing.
4. County Planning and Development Services (PDS) makes docketing recommendation to Board of County Commissioners (BCC), BCC holds docketing hearing, and decides to docket proposal(s) or not depending on criteria in Skagit County Code 14.08.
5. County and applicant (city or town) negotiate interlocal agreement regarding SEPA co-lead process, costs and responsibilities.
6. County and applicant coordinate SEPA analysis; EIS likely required for larger UGA modification proposals to address potential impacts, alternatives, and mitigation, especially those involving natural resource lands, floodplain, and natural hazard areas. EIS to be prepared by mutually agreed to 3rd party consultant, cost of which is to be paid for by the applicant.

³ A Resolution of the Growth Management Act Steering Committee Adopting Criteria and Procedures for Urban Growth Area Boundary Modifications. See at: [UGA Modification Criteria](#)

⁴ Skagit County Code 14.08.020. See at: [Skagit County Code 14.08](#)

⁵ Unified Development Code. Title 14.16 (Zoning), SCC 14.16.220. Anacortes UGA Urban Development District (A-UD). See at: [14.16.220](#)

⁶ As discussed at the GMA SC meetings on June 8, 2010.

7. Following completion of SEPA review, County releases proposal for agency and public review and comment.
8. Public hearing(s) held before Skagit County Planning Commission.
9. Skagit County Planning Commission deliberates on basis of record including public and agency comment; issues recommendation to BCC in form of Recorded Motion.
10. Proposal and Skagit County Planning Commission recommendation brought to GMA Steering Committee for formal recommendation pursuant to the Framework Agreement.
11. GMA Steering Committee and Planning Commission recommendations brought to BCC for final action. Board may adopt as recommended by Planning Commission, or remand back to Planning Commission and GMA Steering Committee for additional consideration and recommendations under steps 9 and 10 above.

2. City Petition Submittal, Petition Revision, and County Review

On July 31, 2012, the City of Anacortes (City) submitted a petition⁷ to amend the Skagit County Comprehensive Plan / Zoning map and the City's UGA boundary. Initially, the City proposed rezoning about 15 acres of property owned by the Samish Indian Nation from its current City zoned LM1 (light manufacturing) designation to a non-industrial designation as might be mutually agreeable to the Samish Indian Nation and the City. This rezone and the inclusion of the proposed 11 acre UGA property would have resulted in essentially a no net gain of the City's total allocated supply of industrial land and remained consistent with the allocation under GMA SC approved Countywide Planning Policies.⁸

On October 4, 2012, the County responded to the City's petition by requesting additional information based on provisions of SCC 14.08, Legislative Actions.⁹ The burden for a UGA boundary modification rests with the initiating government. A jurisdiction must "show its work" and "make its case" for a change in its UGA based on the Growth Management Act,¹⁰ Growth Management Hearing Board decisions,¹¹ and Washington State case law. The County's Comprehensive Plan and SCC reaffirm these requirements.

⁷ Comprehensive Plan Policy/Zoning Map Amendment Application. July 31, 2012. See at: [PL12-0258](#)

⁸ Countywide Planning Policy 1.1 allocated 558 acres of new industrial/commercial land to the city through 2025. October 10, 2007. See at: [Countywide Planning Policies](#)

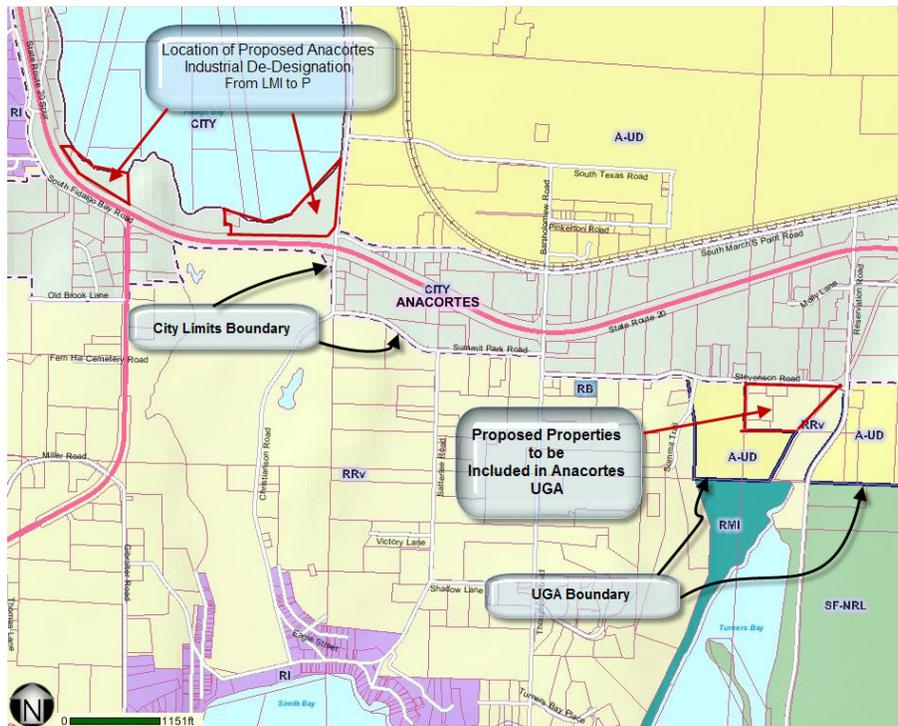
⁹ Letter from Dale Pernula, Skagit County Planning and Development Services to Ryan Larsen, City of Anacortes. October 4, 2012. See at: [Planning and Development Service Response to Anacortes](#)

¹⁰ RCW 36.70A

¹¹ Futurewise v. Skagit County, et.al, case no. 05-2-2012. September 21, 2005. See at: [Western Washington Growth Management Hearings Board Case# 05-2-0012](#)

On January 23, 2013, the City transmitted a document that addressed the County's request for additional information while at the same time revising its petition.¹² The City has revised its petition by:

- Stating the proposal is not “specific to any individual potential user but would be applicable to any future use of the subject property consistent with the proposed redesignation from Rural Reserve (RRv) to Anacortes Urban Development (A-UD) comprehensive plan and zoning designation under Skagit County jurisdiction and associated City of Anacortes Light Manufacturing (LM1) designation.”¹³
- No longer proposing to re-designate the Samish Indian Nation site and as an alternative is now proposing “to permanently remove other properties within the city which are deemed not suitable for industrial development.” The City now proposes to re-designate approximately 16.5 acres from LM1 to P (public use) “due to the effect of shoreline management regulations, related critical land constraints, and remaining parcel depths inadequate for industrial facilities or other urban development.” The revised petition still proposes to add approximately 11 acres to its UGA.¹⁴



Map illustrates properties being redesignated from LMI to P, the proposed properties to be included in Anacortes UGA, existing city limits, and the current UGA boundary.

¹² Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal, by E.D. Hovee & Company, LLC. January 23, 2013. See at: [You may view the city's response here](#)

¹³ Ibid, cover letter.

¹⁴ Ibid, page 35-37.

3. UGA Modification Criteria and SCC

In summary, UGA modification criteria were developed to define meaningful UGA expansion and contraction measures; create uniform standards of review; promote informative decision-making; and to address GMA requirements, Growth Management Hearing Board decisions, and Washington State case law.¹⁵

Generally, the criteria address:

- Timing of UGA expansions.
- Requirements for land capacity analyses.
- Use of “thresholds” for UGA expansion more frequently than the 7-year cycle.
- Consideration of reasonable alternatives to UGA expansion.
- Identify requirements for UGA expansion into designated natural resource lands.
- Joint county/municipality planning for UGA expansion.¹⁶

4. SCC 14.08.020 Petition for amendments to the Comprehensive Plan/rezones.

(4) Submittal Requirements for Comprehensive Plan Policy and Map Amendments

(a) A petition for a policy amendment shall include, at a minimum, the following information:

(i) A detailed statement of what is proposed to be changed and why.

See City response in [Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal](#), by E.D. Hovee & Company, LLC. January 23, 2013. Page 1.

(ii) A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.

See City response in [Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal](#), by E.D. Hovee & Company, LLC. January 23, 2013. Page 3.

(iii) A demonstration of why existing Comprehensive Plan policies should not continue to be in effect or why existing policies no longer apply.

Not applicable.

¹⁵ City/County UGA Expansion Criteria (Discussion Paper). Mark Personius, AICP. Growth Management Consultant. April, 2006. See at: [City/County UGA Expansion Criteria: Discussion Paper](#)

¹⁶ Proposed Skagit County UGA Expansion Criteria (Preliminary Draft). Mark Personius, AICP. Growth Management Consultant. September, 2006. See at: [Proposed Skagit County UGA Expansion Criteria : Preliminary Draft](#)

(iv) A statement of how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.

The City in its initial petition¹⁹ states that the proposal is consistent with the community vision statements in the County Comprehensive Plan. In addition, the initial petition cites Chapter 2 of the County Comprehensive Plan and its relevance to UGAs. The initial petition states that the proposal is consistent with the following Chapter goals:

- Goal A-1, Urban Growth Area Designation. Establish Urban Growth Areas in which urban development will be encouraged and outside of which growth can occur if it is rural in character.
- Goal A-3, Urban Services. Within the designated Urban Growth Areas, coordinate with the respective local jurisdictions and other service providers within the Urban Growth Areas to ensure that growth and development are timed, phased, and consistent with adopted urban level of service standards.
- Goal A-5, Commercial Development. Encourage commercial industrial development to locate in well-defined centers within the Urban Growth Areas. Prohibit new zoning that furthers the continuation of strip commercial development.²¹

(v) A statement of how adopted functional plans and Capital Facilities Plans support the change.

See City response in Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal, by E.D. Hovee & Company, LLC. January 23, 2013. Pages 3-4, and 6-14.

(vi) A statement of how the change affects implementing development regulations in SCC Title 14 and the necessary changes to bring the implementing development regulations into compliance with the plan.

See City response in Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal, by E.D. Hovee & Company, LLC. January 23, 2013. Pages 4 and 15-19.

(vii) A summary of any public review of the recommended change.

See City response in Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal, by E.D. Hovee & Company, LLC. January 23, 2013. Pages 5, 20-22, and 41-45.

¹⁹ See footnote 12.

²¹ Skagit County Comprehensive Plan. October, 2007. Pages 2.5-2.9. See at: [Urban, Open Space & Land Use Element](#)

(b) A petition for a map amendment shall include, at a minimum, all of the requirements for a policy amendment, plus the following additions:

(i) A detailed statement describing how the map amendment complies with Comprehensive Plan land use designation criteria.

(ii) Any proposed urban growth area boundary changes shall be supported by and dependent on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated natural resource lands and the presence of critical areas.

See City response in [Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal](#), by E.D. Hovee & Company, LLC. January 23, 2013. Pages 4-5, and 23-28.

(iii) Any proposed rural areas and natural resource land map designation changes shall be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.

Not Applicable.

(iv) Any proposed natural resource land map designation changes shall recognize that natural resource land designations were intended to be long-term designations and shall further be dependent on 1 or more of the following:

(A) A change in circumstances pertaining to the Comprehensive Plan or public policy.

(B) A change in circumstances beyond the control of the landowner pertaining to the subject property.

(C) An error in initial designation.

(D) New information on natural resource land or critical area status.

Not Applicable.

(5) Each UGA boundary may be considered for modification once in every 7-year period. The 7-year review period shall begin the year immediately following the County's completion of its GMA-mandated 7-year update of its Comprehensive Plan.

The City's petition to modify its UGA boundary is its first since the County's last GMA comprehensive plan update (2007).

(a) *The County may change adopted UGA boundaries more frequently than once in every 7-year period when 1 or more of the following conditions are met:*

(i-vii)

Not Applicable.

(b) *All UGA modifications shall be subject to the following requirements:*

(i) UGA boundary adjustments shall be consistent with the requirements of the Skagit County Comprehensive Plan.

See City response in Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal, by E.D. Hovee & Company, LLC. January 23, 2013. Page 38.

(ii) Sufficient land area must be included in the UGAs to accommodate the adopted 20-year population and employment forecast allocation as adopted by the SCOG and consistent with OFM projections. The extent of a UGA boundary expansion shall be that necessary to provide a minimum 10- and a maximum 20-year supply of vacant and buildable lands within the UGA.

See City response in Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal, by E.D. Hovee & Company, LLC. January 23, 2013. Page 38.

(iii) A jurisdiction, as part of its comprehensive plan amendment that proposes an expansion of its UGA to accommodate additional population or employment capacity, shall conduct planning and analysis sufficient to update and confirm the development capacity analysis for buildable land within the existing UGA for residential, commercial, and/or industrial lands, which takes into account all development approved within the overall UGA since the last UGA expansion. Minimum requirements for UGA buildable lands development capacity analyses shall include the following steps:

(A) Define vacant and underutilized (but likely to redevelop) parcels by zone.

(B) Deduct from the gross land capacity by zone—identified in Subsection (5)(b)(iii)(A) of this Section—the following lands not available to accommodate future population or employment:

(1) Critical areas (and buffers as appropriate).

(2) Future roads/rights-of-way needs.

(3) Future public or quasi-public facilities needs.

(4) Remaining lands likely to be held off-the-market (e.g., market or other factors).

(C) Apply the minimum (or average achieved) density or intensity of use in each zone to the remaining net developable acres identified in Subsection (5)(b)(iii)(B) of this Section.

(D) Apply appropriate household size and/or employee land intensity standards to the output—identified in Subsection (5)(b)(iii)(C) of this Section—to determine total UGA population or employment capacity.

See City response in [Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal](#), by E.D. Hovee & Company, LLC. January 23, 2013. Page 39.

(iv) Document consistency of the proposed UGA expansion with Countywide Planning Policy 1.1 and the adopted 20-year population and employment allocation, including identification of any allocated but undesignated forecast population or employment.

See City response in [Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal](#), by E.D. Hovee & Company, LLC. January 23, 2013. Page 39.

(v) Preparation of a comparative evaluation of potential areas for UGA expansion, including: (A) planning and zoning regulations currently in place; (B) an evaluation of how a full range of urban-level infrastructure and services would be provided within potential expansion areas, including appropriate capital facility analysis; and (C) an evaluation of reasonable alternatives, other than expanding the UGA, to accommodate the forecast UGA population or employment allocation. This shall include consideration of development regulation amendments to allow for increased densities and intensities of use in the existing UGA. Consideration of reasonable alternatives to UGA expansion shall be within the discretion afforded to local governments by RCW 36.70A.110(2) to make choices about accommodating growth.

See City response in [Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal](#), by E.D. Hovee & Company, LLC. January 23, 2013. Page 40.

(vi) Document the proposed UGA expansion for consistency with any applicable inter-local agreement between the affected municipality and the County.

See City response in [Anacortes UGA Boundary Modification Petition, Supplemental Information Submittal](#), by E.D. Hovee & Company, LLC. January 23, 2013. Page 40.

(vii) Review the planning and zoning regulations and any incentive programs in place to determine expected densities in the existing UGA consistent with the GMA, as interpreted by the Growth Management Hearings Board, and the adopted Comprehensive Plan.

(viii) In evaluating potential changes to a particular UGA boundary, the County shall consider Countywide implications for other UGAs and their population and employment sub-allocations.

(ix) In cases of residential lands proposed for inclusion within a UGA, annexation or incorporation should be encouraged to occur if immediately feasible, or an interlocal agreement shall be executed between the municipality and County regarding the timing and conditions of future annexation and provision of urban services.

Not Applicable.

(x) The UGA expansion shall not include areas that are designated as natural resource lands (agricultural, forest, or rural resource) unless:

(A) The jurisdiction has an adopted transfer of development rights program in place and an agreement with the property owner(s) that will allow for continuation of the natural resource land activities on said lands following UGA designation; or

(B) Said lands have been re-designated to an appropriate non-resource land use designation consistent with the applicable provisions of the Skagit County Comprehensive Plan, Skagit County Code, and Chapter 36.70A RCW.

Not Applicable.

(xi) The County and cities shall conduct early and continuous public involvement when establishing, expanding, or adjusting UGAs, and shall do so jointly when appropriate. Residents and property owners of unincorporated areas shall be consulted and actively involved in the process affecting them.

(xii) The County shall exercise its best efforts to coordinate UGA boundary change proposals with the affected municipality(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected municipality(ies), such

municipality(ies) shall be given at least 60 days' notice of the proposal prior to a County hearing thereon.

5. ACTION

Based on the aforementioned petition and analysis, the GMA SC *advises* that the City of Anacortes UGA Boundary Modification Petition, (CPA, PL12-0258), be:

docketed pursuant to the Framework Agreement and SCC 14.08, Legislative Actions, or

not-docketed pursuant to the Framework Agreement and SCC 14.08, Legislative Actions