

Angela Day's comments

March 31, 2025

Thank you to all the staff and consultants for your work on the draft comprehensive plan. Also, thank you to all the individual citizens, organizations and government entities who took time to provide specific and thoughtful comments.

After reviewing the draft and public comments, I have some suggestions for consideration by the planning commission. I think the draft plan is well done and appreciate the good work that all have contributed. I don't intend for my comments to diminish the value of the draft, or of the extensive work that went into developing it. Rather, I hope to make suggestions for further improvement. The page references in my comments are related to the redline version of the draft.

1. Historical References

The title of the section "Skagit County Perspective" is removed but appears to have been renamed "Skagit County Background" (p. 24). However, the section "Linking the Past to the Present" (p. 24) appears to have been moved to an appendix.

This deleted (or moved) section includes information about the role of Native Americans and their historical settlements and use of the waterways for subsistence and fishing. During a public hearing before the Planning Commission, a representative from the Swinomish Tribe observed that this historical information is now missing from the draft plan. In addition, written comments from the Swinomish Tribe note that this section contains inaccurate and oversimplified information.

The draft plan should have a complete historical narrative. This history provides the basis for the section titled "Community Values" on page 28. Without a rich and complete historical context, the values outlined in this section can be interpreted as quite generic and applicable to almost any jurisdiction.

Recommendation 1: Restore historical narrative sections within the body of the Comprehensive Plan. Collaborate with Tribes to develop a comprehensive and accurate historical narrative.

2. Community Values

During the process of drafting the 2025 Comprehensive Plan, surveys were conducted in the community. The survey results were presented to the Planning Commission during the July 9, 2024, meeting.

In response to the question “What are Skagit County’s greatest strengths?” citizens overwhelmingly described “rural character as the greatest strength.

In response to the question “What priorities should Skagit County focus on over the next 20 years?” the following were listed in priority order (see page 4 of the power point presentation):

1. Preserving agricultural land
2. Improving housing supply and affordability
3. Environmental preservation
4. Economic growth and jobs
5. Community resilience and hazard mitigation
6. Transportation improvements

The description of community values beginning on page 28 of the draft plan does not convey the same language in terms of greatest strengths and policy priorities as those listed in the survey results. I believe it is important to reflect the voices of community members.

Recommendation 2: Revise this section of the draft to more accurately reflect the priorities and values expressed in the community surveys.

3. Envision the Future and Countywide Planning Efforts

The redline draft appears to have deleted the section “Envision Skagit 2066: Looking Forward 50 Years” (p. 33). While it is understandable that a new section would be warranted for the 10-Year update, it appears that no new text has replaced it. Providing a description of a desired outcome seems to be an important part of the planning process for the community.

Similarly, sections describing collaborative, countywide efforts to plan for the future appear to have been deleted without replacing them elsewhere. This includes sections such as “Strengthening Communities Through Local Planning” and “Countywide Plan: A Regional, Countywide Perspective” (p. 35), and “Joint Plans: Creating Partnerships with Cities, Towns, Tribal Communities, and Rural Villages” (p. 36).

I understand and appreciate the effort to make the comp plan more succinct and moving some sections to appendices. However, effective land use planning does necessitate the kind of partnerships and collaboration that are described in these sections. The language in these sections creates a formal recognition of the importance of collaboration and partnerships between the county, cities, and tribes, and ensures that it remains embedded in our priorities.

Recommendation 3: If this language has not been moved elsewhere in the draft, I recommend reinstating it in the final draft.

4. Swinomish UGA

This short section (p. 49) should be checked for accuracy, including the description of regulatory authority. For example, Skagit County and the Swinomish Tribe in 1998 signed a Memorandum of Understanding (MOU) that outlined a collaborative approach to permitting and allowed both government entities to establish zoning designations. This does not appear to be reflected in the draft description of the regulatory authority of either the County or Swinomish Tribe. See

<https://www.skagitcounty.net/Departments/PlanningAndPermit/swinomishMOU.htm>

The current draft also references Swinomish zoning designations that appear to be outdated. For example, the draft describes “Residential District” (R). In addition, the draft notes the “Hope Island Inn” is designated “Commercial.”

A review of the Swinomish Indian Tribal Community’s Official Zoning Map does not show a zoning of Residential District, nor does it designate the old Hope Island Inn property as commercial. See

<https://www.skagitcounty.net/EmergencyManagement/Documents/2008HazPlanFinal/Section%20IV%20Final%20Documents/14%20Swinomish%20Indian%20Tribal%20Community%20Final/SITC-3%20Zoning%20Map.pdf>

Recommendation 4: Consult with the Swinomish Tribe to ensure this section is accurate and up-to-date.

5. Guiding Principles: Agricultural Resource Lands

Public comments included formal letters from Skagit County agricultural groups, including the Agricultural Advisory Board. All raised concerns about the proposed changes in draft policies related to agriculture starting on page 130.

Specifically, several commenters noted that changing language to “active voice” seems to change the meaning and/or enforceability of the revised policies related to agricultural resource lands (starting on page 130). I agree with these concerns although I appreciate the effort to create more plain language.

For example, consider the following example from the Western Washington Agricultural Association:

Goal 4A-4 (Allowable Land Uses)

- *Current: "Land uses allowed on designated agricultural land shall promote agriculture, agricultural support services, and promote diverse agricultural industries."*
- *Revised: "Allow land uses on designated agricultural land that support agricultural production as the highest priority and establish Agricultural Support Services, Farm-Based Businesses, and residential uses as accessory uses."*

"The revised language weakens the explicit prioritization of agriculture by shifting from a clear mandate to a more permissive structure.

The original policy clearly required that all land uses promote agriculture, whereas the revised version dilutes this priority by introducing additional uses, such as residential development, as "accessory uses." This could open the door for competing land uses that may gradually erode farmland protections" (p. 2)

In addition to the concerns raised in this comment, I agree that this revision appears to weaken the language. By using "allow" it suggests that these uses are allowed but also leaves open the possibility for other uses.

Another concern related to the "active voice" revisions is the lack of a clear subject in the sentence. For example, in the above example, "land uses allowed on agricultural land" is the subject of the sentence. "Shall promote" is the verb. The actors are presumed to be those using the land.

By switching to the "active voice" in this example, the actor is now presumed to be the County as they would be the actor "allowing" a use. Also as noted, the verb then changes from "shall promote" to "allow" which reflects a change in the requirement as well as the actor.

A second example from the Western Washington Agricultural Association highlights the altered meaning as a result of changing the sentence structure:

Policy 4A-4.5 (Special Events and Activities)

- *Current: "Special events and activities on agricultural lands shall be conducted in ways that reduce potential impacts resulting from the activity."*
- *Revised: "Conduct special events and activities on agricultural lands in ways that reduce potential impacts resulting from the activity."*

"The removal of "shall" diminishes the policy's strength and enforceability, making compliance less assured (p. 3).

I agree with the concern raised in these comments. In addition, the subject of the sentence in the original version is “special events and activities on agricultural lands.” The original version describes how these events must be conducted by those using the land. “Conduct” versus “shall conduct” or “must conduct” conveys a weaker sense of enforceability and obscures who is responsible for taking the action.

My point is not to quibble over grammar, but I certainly appreciate and agree with the concerns raised by many commenters about the altered meaning that results from the changes in sentence structure.

Recommendation 5: Restore the language in the draft policies to their original form. Consult with agricultural stakeholders and the Agricultural Advisory Board on future revisions to policy language.

6. Population Growth Allocations

I am concerned about the allocation of population growth in the draft comp plan beginning on page 10. I understand that it is very late in the process and much work and collaboration has taken place between the county and cities. At the same time, I believe this is one of the most consequential sections of the plan.

Specifically, I am having difficulty understanding how our 2025 draft comp plan complies with the intent of Growth Management Act (GMA). The GMA requires cities and counties to create comprehensive plans and development regulations, focusing growth within designated urban growth areas (UGAs) while protecting rural areas and natural resources.

However, our draft comprehensive plan allocates 20 percent of o future population growth outside of cities and unincorporated urban growth area (together referred to as Urban Growth Areas or UGAs). Does allocating only 80 percent of growth into urban growth areas meet the intent of the GMA? Does it reflect the top community strength of rural character? Does it reflect the top two priorities of preserving agricultural lands and improving housing supply and affordability?

In an effort to try and better understand the intent of the GMA, and more specifically, how much growth should be allocated with the UGAs, I found a guidebook published by the Department of Commerce

<https://deptofcommerce.app.box.com/s/pnkar5j81ghxrgfdgr3ofa7pmw5v37da>

The guidebook notes two key requirements. 1) to plan for services within UGAs that will allow for urban densities within the 20-year planning period, and 2) to allow urban densities within unincorporated UGAs.

First, the guidebook seems to indicate that cities have an obligation to provide urban levels of service (within the city itself and UGAs not yet annexed) within the 20-year planning time horizon.

For example, it states:

“Designation or expansion of an UGA is a planning commitment by the jurisdiction(s) to provide urban services during the 20-year planning horizon. This commitment to provide urban services is established by County-Wide Planning Policies (RCW 36.70A.210), county and city comprehensive plans, urban zoning and other development regulations, and CFPs. Areas outside of UGAs must remain rural in character and are not planned to receive urban services” (p. 16).

Further, if the burden of providing these services is too weighty, or the population is not growing as expected, the action should be to reduce the size of the UGA.

For example:

“If the population planned for an UGA is not growing as expected, reducing the UGA area to reduce the commitment to serve the original area and, thereby, lower the total cost of urban services. UGAs may be reduced as needed to ensure that the land use plans do not exceed the capacity of capital facilities plan to serve overall growth, but UGAs must still be capable of accommodating adopted population growth projections” (p. 19).

This implies to me that Urban Growth Areas should be utilized for population growth. Based on my read of the comp plan, it appears that some unincorporated UGAs within Skagit County are merely set aside for future growth without a plan for providing capital facilities improvements that would accommodate population growth and higher densities.

Our discussions and questions during planning commission meeting suggest to me that there are no plans to enact zoning changes to accommodate increased density within unincorporated UGAs. This seems as though it has the potential to compromise future density if land is developed at lower densities prior to annexation. If we fail to address the need for higher densities in unincorporated UGAs during this comp plan update, the County and cities risk a loss of future land capacity.

The Department of Commerce Guidebook appears to suggest that higher densities in these areas are required. For example, the discussion on page 50 cites a prior Growth Management Hearings Board case:

“Designating an area a UGA but allowing non-urban densities of residential development fails to meet the urban density requirements for UGAs. Without some mechanism to assume minimum urban densities, the new residential portions of the UGA are all too likely to become suburban sprawl. Skagit County Growthwatch v. Skagit County, Case NO. 07-2-0002, FDO at 41(Aug. 6, 2007)” (p. 50).

If the current countywide planning policies and comp plan draft allowed for increased density in these unincorporated UGAs, these areas could accommodate more population growth than the 80% current draft target. We are losing an opportunity in this current comp plan update to increase densities in areas that have already been designated for future growth.

Again, I understand that the 80/20 Urban/Rural allocations have been the result of an extensive collaboration of the Skagit Council of Governments. However, I can't yet appreciate how this kind of allocation is consistent with GMA. I also don't believe it is in keeping with what the citizens of Skagit County desire, which is to preserve our rural character and resource lands, as demonstrated by community surveys. Several public comments highlight opposition to allocating growth to rural areas, and specifically suggest modifying the 20% allocation to rural areas (see comments by individual citizens, Skagit Land Trust and Futurewise).

Another concern related to the allocation is the land capacity within rural areas of Skagit County. The Land Capacity Analysis included in the Planning Commission packet for the February 18, 2025 meeting acknowledges that the rural areas lack capacity to accommodate 20 percent of future population growth (see page 5).

https://www.skagitcounty.net/PlanningCommission/Documents/PCdocs/021825/SkagitCounty_HousingLandCapacityMemoFINAL_09302024.pdf

Finally, other policy goals within the draft comp plan such as GHG emission reductions and the transportation element hinge on directing population growth to urban areas that can accommodate higher densities.

I understand that the 80/20 population growth allocation is consistent with the allocations in prior Skagit County comprehensive plans. Also, I appreciate that changes in these allocations require collaboration with cities and it may take time to make these changes.

Recommendation 6:

I believe we have an obligation as a planning commission to acknowledge that the draft population allocations may not be in keeping with the intent of the Growth Management Act, nor with the desires of citizens to preserve rural character and resource lands. We

should encourage revisions to these population allocations and the underlying countywide planning policies prior to adopting this draft comp plan. If that proves challenging, we should encourage progress on changes to the countywide planning policies as soon as possible so that these changes can be incorporated into the next comp plan update.