

Goal H Implement a conservation and development incentives program

Implement a program that provides an economic incentive to guide development to areas best suited for additional growth while engaging the private market to support the voluntary and permanent conservation of farm, forest and open space lands.

Conservation and Development Incentives Program

The Skagit County Conservation and Development Incentives Program is a voluntary, market-based program to support the permanent conservation of farm, forest and open space lands while encouraging development in urban areas and certain rural areas best suited for additional growth.

The program works by allowing owners of farm, forest or open space lands in designated “conservation priority areas” to sell their residential development rights directly to the County or to private purchasers, in exchange for placing their land in a permanent conservation easement held by the County. The program also allows developers to purchase development credits from the County or, as described above, from private landowners, in order to access additional development potential in designated “development priority areas.”

The development incentives offered by the program are intended to generate a new source of private support for land conservation, thereby complementing existing publicly funded programs such as Farmland Legacy. The program will support farmland conservation efforts on Rural Resource-NRL and Rural Reserve lands which often have active farms and high-quality soils but are not eligible for Farmland Legacy Program participation. It will also help to conserve working forest and open space lands for which there is no County conservation program comparable to Farmland Legacy.

In addition to establishing the County’s County Conservation and Development Incentive Program, the below policies encourage cities and towns to implement similar incentive programs in coordination with the County. This will enable cities and towns to assist in conserving farm, forest and open space lands located in the County that are important to city and town residents.

Policies

1A-1.1 Skagit County should establish a conservation and development incentives program to facilitate the permanent conservation of farm, forest and open space lands while encouraging development in urban areas and in selected rural areas best suited for additional growth.

1A-1.2 The program should be voluntary and incentive-based, providing additional options for farm, forest and open space landowners who want to permanently conserve their land.

- 1A-1.3** Landowners in areas identified by the program as conservation priority areas may choose to participate in the program; under no circumstances will landowners be required to sell development rights.
- 1A-1.4** Landowners in areas identified as development priority areas may develop their property based on its current development potential or they may obtain additional development potential by purchasing development credits through the program.
- 1A-1.5** The program must be designed and implemented in a manner that advances the overall goals of the Growth Management Act, the Skagit County Comprehensive Plan, and the comprehensive plans of participating cities and towns, which direct most new growth to designated urban areas while prioritizing the long-term conservation of natural resource lands and open space.

Goal H-1 Participation options

Provide two different options for landowners and developers interested in participating in the program.

Policies

- 1A-1.6** In order to encourage use, the program should offer two different options for buyers and sellers to participate:
- (a) One option would allow developers to purchase development rights directly from landowners in conservation priority areas at prices negotiated directly between the two parties. Development rights purchased in this manner would be converted into development credits for use in development priority areas.
 - (b) A second option would allow developers to purchase development credits from the County based on an established fee schedule. The County would use revenues generated from the sale of development credits to purchase development rights from willing landowners in conservation priority areas.
- 1A-1.7** Similarly, the program should provide landowners interested in conserving their land the option of selling development rights to the County or to willing buyers in private market transactions.
- 1A-1.8** In either case, the land from which development rights are sold will be conserved through a conservation easement held by the County, as further described below.

Goal H-2 Rural development priority areas

Identify a select number of rural development priority areas where additional residential development is allowed with the purchase of development credits, provided that development is consistent with Comprehensive Plan and Growth Management Act requirements to protect rural character, and helps to conserve surrounding farm, forest, and open space lands.

Policies

- 1A-1.9** The following rural areas are eligible for increases in residential development potential with the purchase of development credits:
- (a) Modest residential infill opportunities in Rural Village and Rural Intermediate areas, which are identified in the Comprehensive Plan as rural areas of more intensive rural development (LAMIRDs).
 - (b) Lands approved for Comprehensive Land Use/Zoning Map amendments, including urban growth area expansions, that create additional residential development potential; and
 - (c) Certain Conservation and Reserve Developments (CaRDs) that are slightly short of the acreage needed for a bonus density.
- 1A-1.10** The County will establish development regulations to ensure that the use of development credits in rural areas protects rural character consistent with the requirements of the Comprehensive Plan and the Growth Management Act.

Goal H-3 County-city partnerships

Encourage partnerships with the cities and towns to conserve lands of mutual interest, while directing development to urban areas best suited for additional growth.

Policies

- 1A-1.11** Skagit County should encourage cities and towns to implement similar incentive programs in coordination with the County, enabling cities and towns to assist in conserving farm, forest and open space lands that are important to their residents.
- (a) Cities and towns will designate their own development priority areas and establish development incentives through their public planning processes, ensuring that resulting development has public support and is consistent with each jurisdiction's planning vision and goals

- (b) Municipal urban growth area expansions that generate increased residential development potential will be designated as development priority areas based on mutual agreement between the County and the respective city or town through an interlocal agreement.
- (c) The County and any participating city or town should identify shared conservation priorities that will be supported by development credit purchases within municipal boundaries.
- (d) The County and any participating city or town should enter into an interlocal agreement addressing the terms of their cooperation.

Goal H-4 Conservation priority areas

Complement existing Skagit County conservation programs by generating private market support for land conservation and focusing conservation efforts on lands and resources not protected by existing programs, including Industrial Forest-NRL, Secondary Forest-NRL, Rural Resource-NRL, and certain Rural Reserve lands.

Policies

1A-1.12 Lands eligible for conservation through the program are:

- (a) Those located in the following Natural Resource Land designations:
 - (i) Industrial Forest-NRL within a fire district;
 - (ii) Secondary Forest-NRL;
 - (iii) Rural Resource-NRL;
 - (iv) Ag-NRL; and
- (b) Lands in the Rural Reserve designation that have active farm or forestry uses or significant open space value.

Goal H-5 Conservation easements

Enable private landowners to enter into conservation easements that retire a property's residential development rights while allowing and supporting natural resource management practices and open space uses.

Policies

1A-1.13 Land conserved through the program must be protected by a permanent conservation easement held by Skagit County.

- (a) The land will remain in private ownership unless the landowner subsequently chooses to sell it to a public entity. The easement will not convey to the public a right of access or use of the property.
- (b) The easement must retire residential development rights that have been sold through the program, but will continue to allow customary natural resource management practices.
- (c) The easement must permanently encumber the property but may allow for termination of the easement in a limited set of circumstances beyond the control of the property owner.
- (d) The easements must be monitored annually by the County.