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Chapter 10.

Annexation Procedures

A. Why Annex?

Proper annexation of areas adjacent to cities and towns is often crucial to establishing and maintaining urban order and effective government. Rapid development and population growth frequently occur just outside city boundaries where property is cheaper, zoning laws less restrictive or nonexistent, and subdivision requirements less demanding. Small and large cities alike are surrounded by ‘fringe’ areas. With the development of fringe communities come the problems that concentrations of people create - the failure of septic systems, increased traffic congestion on inadequate roads, the need for improved police and fire protection, and inadequate planning of land use that results in disorderly growth.

These problems, unfortunately, cross boundary lines and become a city’s problem, too. The growth of separate fringe areas may produce a complex pattern of government by multiple jurisdictions-city, county, and many special districts, which can lead to administrative chaos, inefficiency, duplication, and excessive costs.

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At the same time, economic and social ties between cities and their fringe areas can be strong. Outlying areas benefit in many ways from city parks and recreational facilities, streets, utilities, and other facilities and programs, often without contributing a proportionate share of the cost to the city. Moreover, suburban people may request services equivalent to those provided within the city and may recognize that their taxes and other costs (including utility costs and fire insurance premiums) in an unincorporated area are not necessarily lower and are often equal to, or greater than, those within the city.

A logical solution may be annexation. Properly used, annexation preserves a growing urban area as a unified whole. It enables urbanized and urbanizing areas to unite with the core city to which the fringe is socially and economically related. It facilitates the full utilization of distinct, municipal resources. City administrative and technical personnel are able to address the fringe area’s municipal needs, and do this in a manner consistent with policies of the annexing city. Annexation is often preferable to the incorporation of new cities, since new incorporation in urban areas may cause conflicts of authority, the absence of cooperation, duplication of facilities, and an imbalance between taxable resources and municipal needs.

Annexation, therefore, may be appropriate when a city is surrounded by a growing area, when the need for orderly planning and governmental services in fringe areas increases, and when needed services can best be supplied by the city. In general, annexation is a solution in instances when a city is able to address emerging fringe area concerns.

Annexation has become more commonplace since the adoption of the Growth Management Act and the requirement for the designation of Urban Growth Boundaries.

B. The Evaluation of Annexation Proposals

It may be useful for a city or town to undertake various planning efforts prior to embarking upon a general program of annexation and certainly before its officials are asked to consider a specific annexation proposal. Advance planning helps place a focus on the abilities of a city or town to expand its borders and on the demands and benefits associated with a particular proposal. Advance planning also allows the public a better understanding as to what must be proved to annex territory and on how officials are likely to react to an annexation request.

1. The Statement of Annexation Goals and Policies

It is desirable for cities to prepare written guidelines as to their logical direction of future growth, and how actual annexation proposals will be evaluated. Annexation policies should be considered by a city apart from specific annexation requests. They should be developed after a city has considered its goals for growth in light of its ability to provide municipal services to additional areas of land. A statement of annexation goals and policies should seek to delineate what the city considers to be its “sphere of influence,” and under what conditions it will be interested in pursuing particular annexation proposals.

2. Guidelines for Evaluating Proposed Annexations

Whether or not a city has formally adopted (or reviewed and updated) a statement of annexation goals and policies, it is important to establish criteria for evaluating specific annexation proposals. City policy-makers should be consistent in dealing with annexation interests, and apply uniform standards when making decisions regarding annexation.

3. The Annexation Study

After the general guidelines for a municipality’s annexation policy have been established, a city will be in a better position to evaluate individual annexation requests. When residents of a fringe area indicate an interest in annexing to a city, or the city itself considers the area part of its natural growth pattern and desires to guide its development, a careful and thorough study of the area should be made, including the

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development of statistical data, maps, and information on the area's existing public services, urban services needs, service requirement costs, estimate of revenues, social and economic characteristics, and other special problems.

4. The Plan of Service

An Annexation Study should serve as a basis for preparing a Plan of Service. Such a plan should identify those municipal services proposed to be extended, and establish a time schedule for the extensions. People in an annexed area are to be treated in all respects like other residents of the city as soon as is reasonably possible.

The first step in the development of the plan is to consider the cost of extending all services being provided in the city. If the full package of services exceeds the city's financial capability, relative priorities should be established and each service should be extended when it is financially possible. The Plan of Service should advise people in the annexation area, who must approve the annexation, when they can expect to receive the new or improved services they desire and point out when the city will require direct payments from property owners to receive the services desired. Another matter which should be clearly stated in the Plan of Service is whether, or the extent to which, the city will subsidize the introduction of a new service or the improvement of an existing one in the annexed area.

C. Consequences of Annexation¹

An annexation, if approved, may have a substantial impact on the annexing city or town, the county from which territory is 'removed,' and on other governmental agencies serving the area in question. Consideration of the various impacts can be very useful.

1. Special Districts

Anticipating the consequences of annexations on special districts requires careful analysis on a district by district basis, since there are few general rules which apply to all districts. Some districts

are not affected by annexations, others continue exercising jurisdiction only over areas not annexed, and still others may go out of existence altogether when all or parts of their territory are absorbed by municipalities.

Early in an annexation it is helpful for city officials to meet with administrators of any potentially affected district to resolve as many issues as possible and to reach an understanding, consistent with law, as to how the transfer of jurisdiction, if required, will occur. Remaining issues may be appropriate to bring before a boundary review board, if review is required.

2. Franchises

As of the effective date of an annexation, a franchise or permit within the annexed territory authorizing or permitting the operation of any public transportation, garbage collection and/or disposal, or other similar public service, business, or facility is canceled. However, the holder of a canceled franchise or permit is to be granted another franchise by the annexing city to continue the business within the annexed territory for at least five years from the date of issuance.² The annexing city is not to extend or permit the extension of similar or competing services to the annexed territory unless it makes a proper showing that the pre-existing franchise or permit holder is unable or has refused to adequately service the annexed territory at a reasonable price.³

The law on franchises in annexed areas is not intended to preclude the purchase of a franchise, business, or facility at an agreed price, or to prohibit the condemnation of the franchise, business, or facility if damages (including an amount for the loss of the franchise or permit) are paid. However, the law provides that if any person, firm, or corporation whose franchise or permit is canceled suffers any measurable damages as a result of an annexation, that person or company has a right of action against the city that caused the damages.⁴

3. Revenue

Annexations may impact the financial health of cities and towns. Whether this impact is favorable or detrimental to a particular municipality depends largely on whether the short-term and long-term revenues accruing as a result of an annexation exceed the additional costs of providing the necessary facilities and services to the annexed area.

The primary revenue sources of most cities and towns in Washington state may be categorized into five broad classifications:

a. The Property Tax

On the average, throughout the state, property taxes are roughly comparable in cities and counties. Total property taxes collected vary somewhat with the number and types of special districts in each area, and with the excess levies approved by the voters of the various jurisdictions.

Pending the levy and collection of an annexing municipality's own property tax, the dollar amount of property taxes which a city or town will receive after annexation varies with the circumstances of each annexation. Since tax boundaries are established as of March 1, when an annexation becomes effective will determine when property taxes are paid to the annexing city or town. Although there is always a delay, annexations effective after March 1 will result in an additional one year delay before property tax monies are first received.

b. State Collected, Locally Shared Revenue

With respect to the state collected, locally shared revenues, RCW 35.13.260 (first, second, third, and fourth class municipalities) and RCW 35A.14.700 (code cities) provide that each annexing city must submit a form to the state's Office of Financial Management (OFM) within 30 days of the effective date of an annexation. OFM attempts to approve annexation certificates in the same quarter in which they are received, if the annexing city has properly forwarded the required information to it.

If the certificate is forwarded more than 30 days before the commencement of the next quarterly period, the revised population is to be used in the allocation and payment of the state funds beginning with the next quarter. Quarterly periods begin on January 1, April 1, July 1, and October 1 of each year. If the revised certificate is forwarded 30 days or less before the start of the next quarter, the increased population is not considered until the beginning of the following quarter.

The gasoline taxes are distributed monthly; and the liquor board profits, liquor tax, and the automobile excise tax are distributed quarterly, all on the basis of population. Thus, there will be a lag of about one to five months from the effective date of an annexation until each state office making distributions is able to use the increased population statistics in its revenue distribution.

c. The Local Sales/Use Tax

The sales and use tax which comes to cities and towns is locally imposed. However, for ease of administration, the local tax is collected by the state department of revenue along with the state sales tax, and returned to the municipalities on a bimonthly basis.⁵ There is normally a slight delay in the distribution of this tax to the cities. For example, a December distribution represents September-October sales and use tax accruals.

d. Local Business Charges

Whether increased revenue may be forecast from the imposition of local business taxes in an annexed area depends, of course, on whether there are businesses located in the area, and on the nature of the local taxes and charges, if any. This is a matter of local concern, as practices vary substantially among the cities.

e. Miscellaneous Revenues

Likewise, whether appreciable revenue may be expected from any of the possible miscellaneous revenue sources depends upon the character of the area annexed and of the local taxes imposed. Annexations of property to which a local leasehold excise tax is applicable, or of a theater or a gambling center, may increase revenues; whereas annexations of sparsely developed or residential properties may not yield noticeable income to the city from the miscellaneous sources.

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4. Cost to the Annexing City

Analyzing annexation costs to a municipality is, at best, difficult. There are no magic formulas to arrive at an accurate prediction for all annexations of what the cost to the municipality will be - either in the short term or the long term. Each annexation has unique characteristics. Short term costs vary with the immediate need for services, such as the anticipated cost of police, fire, planning, utility, and street maintenance. Long term costs may include the capital improvement obligations a city may assume after an annexation. The current status of land development has substantial bearing on the cost element, together with size, character of the population, and unique municipal concerns, if any, of the area to be annexed.

5. Liability

Annexation results in the transfer of liability for unsafe conditions in roads. “Where a municipality annexes a roadway from another municipality, the annexed municipality’s potential liability for any unsafe conditions in the roadway ends after the annexing municipality has been afforded a reasonable opportunity to discover and remedy the unsafe condition.”⁶

D. Preliminary Matters

Prior to proceeding with a proposed annexation, a city or town must consider the application of the State Environmental Policy Act to the proposed annexation and may wish to consider the area’s zoning, whether some of the city’s or town’s present indebtedness should be assumed, whether provision should be made for the creation of a community municipal corporation, and what or how information should be supplied to persons living in the proposed annexation area.

1. Environmental Disclosure Requirements

The State Environmental Policy Act, (SEPA), Ch. 43.21C RCW, requires environmental factors to be considered before “major actions significantly affecting the quality of the environment” are undertaken. The State of Washington Council on Environmental Policy developed the SEPA Rules, Ch. 197-11 of the Washington Administrative Code, to help define what a “major action” is, and

to establish procedures for impact statement preparation. Annexations are included in the definition of “nonproject actions” in these rules.⁷

Some annexations will require preparation of a complete environmental impact statement, but others will not be major actions significantly affecting the environment, and a negative declaration will suffice.

2. Comprehensive Planning/Zoning

Cities and towns are authorized under RCW 35.13.177 and 35.13.178 (RCW 35A.14.330 and 35A.14.340 for code cities) to prepare a comprehensive land use plan or zoning regulation for areas which might reasonably be expected to be annexed to the city or town at any future time. Preparation of the comprehensive plan or regulation is essential in a city or town which will want to adopt meaningful zoning measures for its new territory simultaneously with annexation. If appropriate zoning provisions are not adopted at the time of annexation, it is possible that uses of land may become established in a newly annexed territory which are incompatible with neighboring uses and with sound land use management.

Questions frequently arise as to how the zoning procedures may be coordinated with the annexation laws. While each situation must be individually analyzed, there is a time, fairly soon after an annexation is initiated, when the annexation procedures are too far advanced to allow for a “time-out” during which a comprehensive plan/zoning regulation for the area proposed for annexation can be prepared.

Many cities avoid this timing problem by preplanning and prezoning for all area surrounding their boundaries that are logical growth directions of the city. The statutes on preplanning and prezoning permit the utilization of the procedures outlined above for “any area which might reasonably be expected to be annexed by the city or town at any future time.”⁸ There is no requirement that an annexation proposal be imminent before consideration is given to planning and zoning. The most satisfactory use of the prezoning authority permits completing orderly planning and zoning before specific annexation proposals are presented.

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Cities and towns now take several approaches to zoning newly annexed areas that have not been preplanned and prezoned. Some cities and towns provide, by ordinance, that all newly annexed territory that is not otherwise zoned shall be automatically zoned into the city’s least dense residential zone, or into a general “holding” zone. This approach avoids having property within the city or town which has no zoning designation.

Another approach is to provide, by ordinance, that the zoning regulations of the county shall remain applicable pending further review and rezoning in due course by the city or town. A third approach would be to automatically zone newly annexed territory into the city or town zone which is most similar to the prior county zone.

Pending statutory or judicial guidance, any of the foregoing temporary methods may be more desirable than the complete absence of a zoning provision when territory its annexed to a city or town.

3. Assumption of Indebtedness

Statutes authorizing annexation through the election method, initiated either by petition resolution, the 75 percent petition method, and the method of annexing unincorporated islands (applicable to code cities), all authorize the legislative body of the annexing city or town to require property in an area being annexed to assume, as a condition of annexation, a pro rata share of the annexing city’s then outstanding indebtedness which had been approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation.⁹

In each city there will be different factors which should be considered in deciding whether to require debt assumption. Most cities do require the assumption of indebtedness as a condition of annexation unless in a particular circumstance this would not be equitable. This issue may be included in a city’s statement of annexation goals and policies, so that the city is consistent in its requirements, and all potential areas are aware of them.

4. Community Municipal Corporations

State statutes authorize the formation of community municipal corporations in annexations in which the unincorporated territory being annexed:

- Would have been eligible for incorporation as a city or town, or
- Has at least 300 population, and is at least 10 percent of the population of the annexing city, or
- Has a minimum population of 1000 inhabitants.¹⁰

The general purpose of community municipal corporations is to provide a formal mechanism to communities which are uniting with larger governments whereby their community identity can be maintained, advice can be forwarded to the legislative authority, and localized decisions on planning, zoning, and subdivision matters can be made. They have been formed in several areas within the state, such as in the cities of Bellevue and Kirkland.

5. The Annexation Information Program

The success of an annexation program is often directly dependent on public attitudes. Accordingly, it is important that members of the public are fully informed on the issues and elements involved in order that the final decision truly reflects the general will. An annexation information program will help to form correct public attitudes, and to dispel false rumors, misunderstandings, and incorrect information so that annexations can be more readily judged on their own merits.

A carefully planned public relations program is essential in communicating annexation facts to the public. However, when an election is involved, caution must be exercised not to use public facilities for promoting the ballot proposition, contrary to law.¹¹ One way to provide needed information is through the development of a fact sheet.

A fact sheet or pamphlet will typically describe various aspects of the proposed annexation. It should

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include at least a map of the area, a list of the benefits and improvements that will result from annexation, and a clear statement of the financial implications of the proposal.

Community organizations, such as improvement clubs, service clubs, garden clubs and social clubs may also be valuable in informing residents of annexation issues. Such organizations often promote community spirit and provide arenas for involvement in local issues and affairs. The support or opposition of such organizations can be very important to a city’s annexation program.

E. Methods of Annexation in First, Second, Third, and Fourth Class Municipalities

There are five main methods by which areas can be annexed to first, second, third, and fourth class municipalities; in addition, since 1989, there is a means by which city and town boundaries can be adjusted.

1. Election Method, Initiated by 20 Percent Petition

a. Initiation

The annexation of contiguous, unincorporated territory may be initiated by a petition signed by 20 percent of the number of voters living in the area to be annexed who voted in the last election.¹²

b. Review by Prosecuting Attorney

The petition is first submitted to the county prosecuting attorney for review. The prosecuting attorney has 21 days after submission to certify or refuse to certify the petition as required by RCW 35.13.025.¹³

c. Approval of City or Town

(1) Prior Approval Required

Once the petition has been certified by the prosecuting attorney, it is to be filed with the legislative body of the city or town to which annexation is proposed.¹⁴ That body, within 60 days of the date it was filed, must either approve or reject the proposed annexation by resolution and notify the

petitioners of its action, either by mail or by publishing notice once each week for at least two weeks in a newspaper of general circulation in the area proposed to be annexed. The approval of the legislative body is required for any annexation.

(2) Additional Conditions to Annexation

The legislative body of a city or town to which annexation is proposed, in approving the proposed annexation, may also require assumption of indebtedness and the filing of a comprehensive plan for the area.¹⁵

d. Petition Filed with County Governing Body and Review Board

After approval by the legislative body of the city or town, the petition is to be filed in the office of the county governing body. Notice of the proposed annexation must also be given to the county boundary review board, if one has been established in the county.¹⁶ Otherwise, an ad hoc annexation review board is to be convened by the mayor within 30 days after the filing of the petition with the county.¹⁷

e. County Governing Body-Hearing on Petition

The county governing body is to conduct the hearing on the annexation petition. If the petition complies with legal requirements and has been approved by the review board, the petition for an annexation election is to be granted. The county governing body may continue the hearing from time to time for an aggregate period not exceeding two weeks.¹⁸

f. Election on Annexation¹⁹

If the petition is granted and is certified as sufficient, RCW 35.13.060 requires that the city or town legislative body indicate its preference for an election date on the annexation to the county auditor. The date must be one of the special election dates provided for by RCW 29.13.020 and is to be held 60 or more days after the date the preference is indicated. The county auditor shall call the special election on the date indicated by the city or town.

Notice of the election must be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed, and published in accordance with the notice required in RCW 29.27.080.

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If either of the propositions (annexation, assumption of debt) are approved by the electors, the county governing body is required to:

- Enter in its minutes a finding to that effect, and
- Transmit and file a certified copy of its minutes with the clerk of the city or town to which annexation is proposed, and
- Transmit a certified abstract of the vote.²⁰

The city or town clerk is to transmit the certified copy of the finding of the county governing body to the legislative body of the city or town at the next regular meeting or as soon thereafter as practicable.

The legislative body is to adopt ordinances providing for annexation and adoption of the comprehensive plan, and/or the creation of a community municipal corporation, as is appropriate.

If a proposition calling for the assumption of all or any portion of the outstanding indebtedness of the city or town was submitted and approved, this provision is to be included in the annexing ordinance. If this proposition did not receive the necessary vote, then the legislative body must decide whether to enact an annexation ordinance, or to decline to annex the territory.²¹

The area annexed becomes a part of a city or town upon the date fixed in the ordinance of annexation.²²

2. Election Method, Initiated by Resolution

The annexation of contiguous, unincorporated territory may also be initiated by resolution of the legislative body of the city or town which desires to annex the territory, with the exception of the first governing body of the county in which the territory is located. Notice of the proposed annexation must also be given to the county boundary review board, if one has been established in the county.²³ Otherwise, an ad hoc annexation review board is to be convened by the mayor.²⁴

3. The 75 Percent Petition Method

The most frequently used method of annexing territory is by petition of the owners of at least 75 percent of the property value in an area, computed according to the assessed valuation of the property in the proposed annexation area for general taxation purposes.

a. Initiation of the 75 Percent Petition Annexation

The annexation may be initiated by either:

- Signatures of not less than 10 percent of the residents of the area proposed to be annexed, or
- Signatures of the owners of not less than 10 percent of the value of the property for which annexation is petitioned, according to the assessed valuation for general taxation purposes, or
- The board of directors of a school district.²⁵

After the annexation has begun but before circulating an annexation petition under the 75 percent petition method, the initiating party or parties must give notice of their intention to commence annexation proceedings to the legislative body of the city or town to which they propose to annex.²⁶

The legislative body is to set a date (within 60 days after the filing of the request) for a meeting with the initiating parties to determine:

- Whether the city or town will accept, reject, or geographically modify the proposed annexation;
- Whether it will require the simultaneous adoption of the comprehensive plan, if such a plan has been prepared and filed as provided for in RCW 35.13.177 and 35.13.178, and
- Whether it will require the assumption of all or any portion of the existing city or town indebtedness by the area to be annexed ²⁷

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If the legislative body requires any of the foregoing provisions to be included as conditions to annexation, it is to record this action in its minutes. There is no appeal from the decision of the legislative body.

If the legislative body approves the initial annexation proposal, the petition may be drafted and circulated.²⁸

When a legally sufficient petition is filed with a city or town legislative body, that body may entertain it, fix a date for a public hearing, and provide notice of the hearing.²⁹

Following the hearing, the legislative body must enact an ordinance annexing or declining to annex the property. It may annex all or any portion of the area proposed for annexation, but may not include any property not described in the annexation petition.³⁰

b. Review by Boundary Review Board

If a boundary review board has been established within the county, a notice of intent to annex must be filed with it.³¹

The board may assume jurisdiction over the annexation if, within 45 days of filing the notice of intent, a request for review is made by a sufficient number of board members of a governmental unit affected by the proposal, or by petition of registered voters or property owners. If jurisdiction is not invoked within 45 days, the proposed annexation is deemed approved. The board must act within 120 days of the review request, unless the parties agree to an extension. If no finding is made within 120 days and no extension is granted, the proposal is deemed approved.³²

Whether review is required by an ad hoc annexation review board in counties which do not have a boundary review board is uncertain. If the proposal is filed with the ad hoc board, the decision of the ad hoc annexation review board would be only advisory to the city legislative body.

c. Effective Date

The annexation, together with any provisions for the assumption of indebtedness or adoption of comprehensive plan, is to take effect on the date set in the ordinance.³³

4. Annexation for Municipal Purposes

Second and third class cities and towns³⁴ are authorized to annex territory outside the city or town limits for municipal purposes, regardless of whether the territory is contiguous or noncontiguous to the annexing city or town. Either the area must be owned by the city or town or all of the owners of the real property in the area must give their written consent to the annexation. The annexation requires enactment of an ordinance by majority vote of the city or town council.

Annexations of areas owned by a city or town for municipal purposes are exempt from boundary review board review.³⁵ Review by the ad hoc annexation review board likewise is not necessary in counties without a Boundary Review Board.

5. Annexation of Federally Owned Areas

a. First Class Cities

A first class city may annex any contiguous unincorporated area by ordinance accepting a gift, grant, lease or cession of jurisdiction from the federal government of the right to occupy or control it.³⁶

b. Second and Third Class Cities, Towns

A second or third class city or town may annex by ordinance any contiguous unincorporated area within four miles of its corporate limits by accepting a gift, grant, or lease from the federal government of the right to occupy, control, improve, or sublet it for commercial, manufacturing, or industrial purposes.³⁷

When a boundary review board has been established in the county, notice of intent to annex must be filed with it. Review by the ad hoc annexation review board is not necessary in counties without a Boundary Review Board.

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6. Boundary Line Adjustments

Legislation was enacted in 1989³⁸ to establish a process for the adjustment of existing or proposed city boundary lines to avoid a situation where a common boundary line is or would be located within a right-of-way of a public street, road, or highway. The process also applies to the situation where two cities are separated or would be separated by only the right-of-way of a public street, road, or highway, other than where a boundary line runs from one edge to the other edge of the right-of-way.³⁹ The process is available to all cities and towns, including code cities.⁴⁰ A process was also established to provide for boundary adjustments where a parcel of land is located partially within and partially without the city boundaries ⁴¹

7. Urban Growth Area Boundaries

Cities and Counties required to plan under the Growth Management Act are required to designate Urban Growth Area Boundaries (“UGA”).⁴² An UGA may extend beyond cities’ boundaries and shall include areas sufficient to permit the urban growth that is projected to occur within that city for the succeeding 20-year period. No city may annex territory beyond an Urban Growth Area ⁴³

F. Methods of Annexation in Code Cities

Six methods of annexation are available to code cities ⁴⁴ Procedures for each annexation method are reviewed below:

1. Election Method, Initiated by 10 Percent Petition

The annexation of contiguous, unincorporated territory may be initiated by a petition which is signed by voters equal to 10 percent of the votes cast at the last state general election living in the area to be annexed.⁴⁵

The petition is to be filed with the county auditor, with a copy filed with the city’s legislative body. The county auditor certifies the sufficiency of the petition to the legislative body of the code city. If there are sufficient valid signatures, the legislative body must, within 60 days, notify the petition-

ers of its approval or rejection, either by mail or by published notice. The approval of the legislative body is a condition precedent to further proceedings on the petition. A formal public hearing is optional.⁴⁶

The legislative body may require, as part of the annexation approval, that the area seeking annexation be subject to then - outstanding indebtedness and/or zoning regulations.

After approval by the legislative body of the city to which annexation is proposed, the petition is to be filed with the legislative authority of the county in which the territory is located, together with a statement of the provisions on assumption of debt and/or the simultaneous adoption of a proposed zoning regulation. A copy of the petition and statement, if any, is also to be filed with the boundary review board, if one has been established, or otherwise with the county annexation review board for code cities, unless the annexation is exempt from review. An annexation of less than fifty acres or less than \$2 million in assessed valuation is not subject to review, except in counties in which the boundary review board has been established⁴⁷

If the review board disapproves the proposal, no further action may be taken on the proposal and no other proposal for annexation of the same or substantially the same territory (as determined by the board) may be initiated or considered for twelve months.

Upon approval of the proposal by the review board (with or without modifications), the city legislative body is to indicate to the county auditor its preference for a special election date for submission of the proposal (with any modifications made by the review board) to the voters of the territory proposed to be annexed. The county legislative authority must set the election date on the date indicated by the city.

The annexation question is to be submitted at a special election on one of the dates provided under RCW 29.13.020 that is 60 or more days after the preference is indicated.⁴⁸ The statute provides that only registered voters who have resided in the area proposed to be annexed for at least 90 days before the election, shall be allowed to vote; this statutory requirement may be unconstitutional.⁴⁹ On the Monday after the annexation election, the county canvassing board must canvass the returns and submit a statement of canvass to the county legislative authority.⁵⁰ If any of the propositions are approved by the electors, the county legislative authority is required to enter in its minutes a finding to that effect, transmit and file a

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certified copy of its minutes to the clerk of the city to which annexation is proposed, and transmit to the city clerk a certified abstract of the vote.

The city clerk is to transmit the certified copy of the finding of the county legislative authority to the city legislative body at its next regular meeting, or as soon thereafter as practicable.

The city legislative body is to adopt ordinances providing for annexation, the proposed zoning regulation, and/or the assumption of all or any portion of indebtedness, as is appropriate. If a proposition calling for the assumption of indebtedness of the city was disapproved, the legislative body may refuse to annex the territory.⁵¹

A certificate must be submitted in triplicate to the state Office of Financial Management within 30 days of the effective date of annexation.⁵²

2. Election Method, Initiated by Resolution

The annexation of contiguous, unincorporated territory may also be initiated by resolution of the legislative body of the code city desiring to annex the territory. After the annexation is properly initiated, the election procedures under this method are identical to those used in the election method initiated by the 10 percent petition. The resolution may also provide for the assumption of indebtedness, the simultaneous adoption of zoning, and for the creation of community municipal corporation.⁵³

A certified copy of the resolution is to be filed with the legislative authority of the county in which the proposed annexation is located and with the appropriate review board, if any. The remaining procedures are the same as those applicable to annexation elections initiated by petition.

3. The 60 Percent Petition Annexation Method

The most frequently used method of annexing unincorporated territory is by petition of the owners of at least 60 percent of the property value in the area, computed according to the assessed

valuation of the property in the proposed annexation area for general taxation purposes.⁵⁴

Prior to circulating a petition for annexation, the initiating party or parties (the owners of not less than 10 percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought) must give written notice of their intention to commence annexation proceedings to the legislative body of the code city to which they seek annexation.⁵⁵

The city legislative body is to set a date, not later than 60 days after the filing of the request, for a meeting with the initiating parties to determine whether the code city will accept, reject, or geographically modify the proposed annexation; whether it will require the simultaneous adoption of a proposed zoning regulation; and whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.

Approval by the legislative body is a condition precedent to circulation of the petition. There is no appeal of the decision of the legislative body. If the legislative body approves the initial annexation proposal, the petition may be drafted and circulated.⁵⁶ After circulation, the petition is filed with the legislative body of the municipality and should be certified as sufficient.⁵⁷

If the petition is sufficient, the legislative body may entertain it and fix a date for a public hearing, provide notice, and invite interested persons to appear.

Following the hearing, if a legislative body determines to effect the annexation, it shall do so by ordinance. It may annex all or any portion of the area proposed for annexation, but may not include any property not described in the annexation petition.⁵⁸

If a boundary review board has been established within the county, a notice of intent to annex must be filed with it. Most boundary review boards will accept and process the notice of intent on the 10 percent petition or after favorable action has been taken on the completed 60 percent petition. Since statutes are silent on when review is to take place under this annexation method, procedures can vary between counties.

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The county annexation review board for code cities does not review annexations under the 60 per-cent petition method.⁵⁹

Upon the date fixed in the ordinance of annexation, the area annexed becomes a part of the city.⁶⁰

4. Annexation for Municipal Purposes

Code cities may, by majority vote of the legislative body, annex territory outside of the limits of the city for any municipal purpose if the territory is owned by the city. This may be done regardless of whether the territory is contiguous or noncontiguous.

Review by the boundary review board or by the county annexation review board for code cities is not necessary.⁶¹

5. Annexation of Federally Owned Areas

A code city may annex any contiguous, unincorporated area within four miles of its corporate limits by an ordinance accepting a gift, grant or lease from the U.S. government of the right to occupy, control, improve, or sublet it for commercial, manufacturing, or industrial purposes.⁶²

6. Annexation of Unincorporated Islands

When there is an unincorporated territory containing less than 100 acres of which at least 80 per-cent of the boundaries are contiguous to a code city, a code city may initiate annexation proceed-ings by resolution.

Residents and property owners of the area described in the resolution are to be afforded notice and an opportunity to be heard.⁶³ After the hearing, the legislative body may provide by ordinance for the annexation of the territory described in the resolution.⁶⁴

Notice of intent to annex must also be filed with the boundary review board, if one has been established in the county. Review by the county annexation review board for code cities is not necessary in counties without a boundary review board.⁶⁵

The annexation ordinance is subject to referendum for 45 days after passage. The referendum petition must be signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed. If a timely and sufficient referendum petition is filed with the legislative body, the question of annexation is to be submitted to the voters.⁶⁶

If clearance is received from the boundary review board and no timely and sufficient referendum petition is filed after 45 days, the annexation shall be effective upon the date fixed in the ordinance. If a suitable petition is filed and an election held, the annexation shall be deemed approved unless a majority of the votes cast on the proposition oppose it. As of the effective date of the annexation, the area annexed becomes a part of the city, and if the annexation ordinance so provided, the property annexed is subject to the proposed zoning regulation and/or shall be assessed and taxed at the same rate and on the same basis as property within the annexing city.⁶⁷

7. Boundary Line Adjustments

Legislation adopted in 1989 provides a process whereby a code city’s boundaries may be adjusted to include (or exclude) area located within a public street, road or highway, or where one parcel is located both within and without the city’s limits.⁶⁸ The process applicable to code cities is the same as that applicable to other cities and towns.⁶⁹

G. Review Boards

The legislature, according to stated legislative purposes, has created review boards to ease the problems which may arise from the “rapid proliferation of municipalities and haphazard extension of and competition to extend municipal boundaries.”⁷⁰ The boards are to promote the logical growth of local governments, reduce municipal competition for unincorporated territory, and preserve property values and consistent land use planning. There are three different types of review boards which review annexations. The

appropriate review board for a particular annexation depends upon (1) the county in which the annexing city is located, (2) the class of the annexing city, and (3) the method of annexation. See Table A.

Table A	Subject to Review By		
Method of Annexation	Boundary Review Board ¹	Ad Hoc Annexation Review Board ²	County Annexation Review Board for Code Cities ³
Election method, initiated by petition	yes ⁴	yes ⁷	yes ⁶
Election method, initiated by resolution	yes ⁴	yes ⁷	yes ⁶
Direct petition method (60 or 75 percent)	yes ⁵	unclear ⁸	no
Annexation for municipal purposes	no	no	no
Annexation of federally-owned areas	yes	no	no
Boundary line adjustments	no	no	no
Annexation of unincorporated islands	yes	no	no

All annexations by cities and towns located in counties in which boundary review boards have been established are subject to review by the boundary review board, and not by either of the other two boards. Boundary review boards have been established in nineteen counties.

Annexations by cities in other counties may be subject to review by an ad hoc annexation review board (first, second, third, and fourth class municipalities only) or by the county annexation review board for code cities (code cities only). The ad hoc review board reviews only annexations under the election method, and in some instances the 75% petition method, which are not exempt from review by reason of their small size. The county annexation review board for code cities reviews annexations by code cities under the election method, unless they are exempted.

Table A (continued)

- 1 Boundary review boards currently exist in 19 counties. If a boundary review board has been created, any required review would be by that board; no other board would be created in the county.
- 2 An ad hoc annexation review board is created in these counties which do not have boundary review boards; the ad hoc board reviews annexation requests involving first, second, third class cities and towns.
- 3 A county annexation review board for code cities would only be created in those counties not having a boundary review board; the code city board would only consider annexation requests involving code cities.
- 4 Review may be dispensed with if the proposed annexation is for an area of less than 10 acres and \$2 million assessed valuation, if the board chair declares in writing that review is not necessary.
- 5 Review only required if request made by board members, affected government, or by petition of voters or property owners.
- 6 Review is not required if proposed annexation is for area less than 50 acres, or less than \$2 million in assessed valuation.
- 7 Review is not required if proposed annexation is for area less than 10 acres and less than \$800,000 in assessed valuation.
- 8 Whether review is required is statutorily unclear. If review is sought, the board's decision would be advisory only.⁷¹

Endnotes For Chapter 10

1	Additional information helpful to analyzing the consequences of an annexation on several of the major special districts is set out in the Annexation Handbook, Report No. 19, Municipal Resource Services.	16	RCW 36.93.090.
2		17	RCW 35.13.171.
3	RCW 35.13.280 and RCW 35A.14.900.	18	“The [county has] no alternative but to grant the petition if the board of review has approved the annexation and the petition complies with the statutes.” Meek v. Thurston County, 60 Wn.2d 461, 467, 374 P. 2d 558 (1962); Accord, AGO 57-58 No. 19.
4	Id.; Metropolitan Services, Inc. v. Spokane, 32 Wn. App. 714, 649 P.2d 642 (1982).	19	At any time before the date is set for the annexation election, all proceedings to annex may be terminated if a sufficient petition is submitted pursuant to RCW 35.13.165. The ability to terminate the process by petition, however, is only available to cities with a population greater than 400,000.
5	RCW 82.14.060	20	RCW 35.13.090.
6	Olson v. City of Bellevue, 93 Wn. App. 154, 968 P.2d 894 (1998).	21	RCW 35.13.100.
7	See WAC 197-11-704.	22	RCW 35.13.110.
8	RCW 35.13.177; see also RCW 35A.14.330.	23	RCW 36.93.090.
9	RCW 35.13.090, RCW 35.13.095, and RCW 35.13.100	24	RCW 35.13.171.
10	RCW 35.14.010.	25	See RCW 28A.335.110.
11	See RCW 42.17.130.	26	See RCW 35.13.125.
12	Under the Growth Management Act (Ch. 17, Laws of 1990, 1st Ex. Sess., (ESHB 2929) (RCW35.13.005) only those areas which are in an urban growth area may be annexed. The Act, however, does not apply in all areas of the state.	27	RCW 35.13.125.
13	RCW 35.13.020 continues to refer to RCW 35.13.025, even though RCW 35.13.025 was repealed by section 10, Ch. 351, Laws of 1989. Chapter 351 would have significantly amended RCW 35.13.020; however, the section that would have made the amendments (section 1) was vetoed by the governor.	28	See RCW 35.13.130.
14	RCW 35.13.020, RCW 35.13.040.	29	See RCW 35.13.140.
15	RCW 35.13.020.	30	RCW 35.13.150.
		31	RCW 36.93.090.
		32	RCW 36.93.100.
		33	RCW 35.13.160.
		34	First class cities probably may also utilize this

annexation method under the omnibus grant of powers to first class cities by RCW 35.22.570.
 35 See RCW 36.93.090.
 36 RCW 35.13.185.
 37 RCW 35.13.190.
 38 See Ch. 84, Laws of 1989 (SSB 5127) and RCW 35.13.300 et seq.
 39 RCW 35.13.300.
 40 Id.
 41 RCW 35.13.340.
 42 RCW 36.70A.110.
 43 RCW 35.13.005.
 44 Under the Growth Management Act (ch. 17, Laws of 1990, 1st Ex. Sess., (ESHB 2929) (RCW35.13.005) only those areas which are in an “urban growth area” may be annexed. The Act, however, does not apply to all areas of the state.
 45 See RCW 35A.14.020.
 46 See RCW 35A.14.020.
 47 An area of less than ten acres and less than \$2 million in assessed valuation need not be reviewed by a county boundary review board, if the chair of the board by written statement declares that review is not necessary.
 See RCW 36.93.110.
 48 See RCW 35A.14.050.
 49 See Moen v. Erlandson, 80 Wn.2d 755, 498 P.2d 849 (1972).
 50 RCW 35A.14.080.
 51 RCW 35A.14.050.
 52 RCW 35A.14.700.
 53 RCW 35A.14.015.
 54 Prior to the passage of ch. 351, Laws of 1989, signatures representing were required.

55 RCW 35A.14.120.
 56 RCW 35A.14.120.
 57 RCW 35A.01.040(4).
 58 RCW 35A.14.140.
 59 RCW 35A.14.220.
 60 RCW 35A.14.150.
 61 RCW 35A.14.220 and RCW 36.93.090.
 62 RCW 35A.14.310.
 63 See RCW 35A.14.295 and 35A.14.297.
 64 RCW 35A.14.297.
 65 See RCW 35A.14.220.
 66 See RCW 35A.14.297 and 35A.14.299.
 67 See RCW 35A.14.297 and 35A.14.299.
 68 See Ch. 84, Laws of 1989 (SSB 5127) and RCW 35.13.300 et seq.
 69 See RCW 35.13.300 and 35.13.340.
 70 See RCW 36.93.010.
 71 See State ex rel. Thigpen v. Kent, 64 Wn.2d 823, 394 P.2d 686 (1964)

Appendix 1.

to view the current **Growth Management Services: Planner Assignments Map** go to:

<http://www.commerce.wa.gov/DesktopModules/CTEDPublications/CTEDPublicationsView.aspx?tabID=0<mID=5784&MId=944&wversion=Staging>

Appendix 2.

June 2008 County-Wide Planning Policies

Whatcom County County-wide Planning Policies

Adopted April 1993, Revised March 11,1997 and January 25,2005

A. CITIZEN INVOLVEMENT

1. The county and the cities shall cooperate to provide public education on the requirements of the Growth Management Act.
2. The county and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.
3. Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a

planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

4. Citizen comments and viewpoints shall be incorporated into the decision-making process in development of draft plans and regulations. Consideration of citizen comments shall be evident in the decision-making process.

5. The county and the cities shall establish a system for subarea, community and neighborhood liaison to foster communication between the respective government and its neighborhoods. This system would also provide a point of contact for issues that may affect subareas, the community, or neighborhoods.

6. Various planning techniques, such as overlay maps and Geographic Information Systems, shall be utilized to allow citizens and public officials the ability to make accurate comparison of issues so appropriate trade-offs can be consciously made.

B. URBAN VERSUS RURAL DISTINCTIONS*

1. Whatcom County shall primarily become a government of rural areas in land use matters directed towards agriculture, forestry and other natural resources and natural resource based industries. The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas. This Section shall not preclude county governance of large urban industrial areas outside of the city UGA's (see Cherry Point below), developed urban areas within urban growth areas not yet annexed, and developed rural areas where the "urban" designation is inappropriate.

2. The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural

development density.

3. Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial, industrial and intensive residential development greater than a rural development density. These areas should be clearly delineated, and not expanded beyond logical outer boundaries in accordance with RCW 36.70.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.

4. In the next 20 years, Whatcom County should discourage “new fully contained communities” (as defined and authorized by RCW 36.70A.350) outside designated Urban Growth Areas.

5. Whatcom County should undertake a public process to define rural areas and rural growth as distinct from urban areas and urban growth.

C. URBAN GROWTH AREAS

1. Urban growth needs shall be met by a combination of in-fill within cities and by growth within designated municipal and non-municipal Urban Growth Areas.

2. The size and location of Urban Growth Areas shall be consistent with adopted local policies and with the capital facilities plans.

3a. The most current, accurate population projections based on a range provided for Whatcom County by the Office of Financial Management shall be used as the basis for determining that Urban Growth Areas shall include sufficient area to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period.

3b. The County and Cities shall develop a consistent approach to calculating the land supply

needed within an urban growth area. This approach shall consider limitations imposed by critical area regulations, infrastructure needs, open space, existing uses, local market factors and the ability of the jurisdiction to provide services. It is recognized that the above limitations may vary by jurisdiction, but the method for applying them shall be consistent. Urban growth areas shall permit a range of densities and uses; however, in recognition of community character, these uses and densities may vary among jurisdictions.

4. Urban Growth Areas shall be evaluated at least every ten years to determine if they contain sufficient area to accommodate the urban growth that is projected for the succeeding twenty-year period. The market factor for each Urban Growth Area shall also be evaluated to determine whether the land supply is adequate to meet the needs of the community or whether the land supply is excessive and contributing to sprawl.

5. Urban Growth areas should be established in a way that preserves agricultural land, forestry, mineral resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.

D. CITY URBAN GROWTH AREAS

1. The Urban Growth Areas for the small cities shall be of an adequate size to allow them to become viable economic centers with a balance of jobs and housing. The small cities shall do appropriate planning to ensure adequate distribution of land uses and services at a range of urban densities and zoning classifications.

2. Urban Growth Areas for cities shall include those areas contiguous to cities and with urban characteristics as defined by the Act. The Geneva area in Bellingham's UGA is characterized by urban development, but is also identified by the city and county as a Water Resource Protection UGA because of its location in the Lake Whatcom Watershed. Lake Whatcom is the drinking water source for much of the Bellingham urban area.

Geneva is appropriate to include in an urban growth area, but is not an area where additional urban development is desirable.

3. Cities shall develop a plan to provide urban level water and sewer services within their Urban Growth Areas. This plan should be developed in cooperation with existing water purveyors and other municipal corporations providing water or sewer services within each city's Urban Area, and should be implemented through interlocal agreements. Short term and long term boundaries may be used to facilitate provision of urban levels of service and to not preclude future urban densities as defined within the Whatcom County Comprehensive Plan.

4. Existing cities should absorb additional population at a range of densities appropriately responsive to the city's community vision before extending city Urban Growth Areas into areas where growth would adversely impact critical areas and resource lands. In those small cities entirely surrounded by flood plains, critical area and resource lands or within Shellfish Protection Districts, the county and the city shall seek to negotiate a balance between protection of resources and the allocation of adequate land area to meet the growth needs of the city and to maintain the desired character of the community.

5. All cities should grow in an efficient manner while maintaining their character and, where reasonable, shall provide for adequate open space between cities to prevent strip development.

6. Cities should be encouraged to provide positive incentives for in-fill

E. NON-CITY URBAN GROWTH AREAS

1. Urban Growth Areas may also be established in areas that are not contiguous to existing cities, and are already characterized by urban growth where adequate facilities and services can be provided and which are intended to meet needs not met by cities and their

Urban Growth Areas.

2. Non-city urban growth areas, for already urbanized unincorporated residential areas shall be encouraged to infill in a way that will facilitate efficient provision of facilities and services consistent with the scale of development.
3. Cherry Point shall be designated as an unincorporated industrial urban growth area in recognition of existing large scale industrial land uses. Additional large scale development shall be encouraged consistent with the ability to provide needed services and consistent with protecting critical areas along with other environmental protection considerations. The Cherry Point industrial area is an important and appropriate area for industry due to its access to deep water shipping, rail, all-weather roads, its location near the Canadian border, and its contribution to the County's goal of providing family wage jobs.
4. The County shall assure that there are plans to provide appropriate levels of urban facilities and services within non-city Urban Growth Areas. These plans should be developed by special purpose districts, water associations and private service providers within each of these Areas, and should be implemented, where appropriate, through interlocal agreements. Short term and long term boundaries may be used to facilitate provision of urban levels of service.
5. The Sudden Valley Provisional UGA is characterized by urban development, but is also identified as a Water Resource Protection area because of its location in the Lake Whatcom Watershed. Because Lake Whatcom is the drinking water source for much of the Bellingham urban area, Sudden Valley is appropriate for development on existing platted lots, but is not an area where expansion or increased density is desirable

F. CONTIGUOUS, ORDERLY DEVELOPMENT AND PLANNING IN URBAN GROWTH AREAS*

1. Cities, the county and special districts shall execute interlocal agreements to coordinate

plans for and manage growth in Urban Growth Areas prior to annexations. Interlocal agreements shall acknowledge and implement the County-wide Planning Policies.

2. Interlocal agreements shall incorporate clear and reasonable criteria for orderly annexation. The county and the cities shall establish a process to incorporate representative citizen input into interlocal agreement and encourage appropriate districts to participate. If adequate procedures are developed to replace it, the Boundary Review Board may be replaced.

3. All urbanized areas currently within urban growth boundaries associated with cities should be encouraged to annex to cities. Orderly annexations with logical boundaries shall be encouraged. Interlocal agreements shall specify guidelines on size, timing of annexations and urban levels of development, and tax revenue sharing when appropriate.

4. Within Urban Growth Areas, cities shall not extend water and sewer utilities without an adopted program for annexation and an adopted Capital Facilities Plan. Exceptions may be made in cases where human health is threatened as determined by the County Health Department. If water extensions are made, they shall be consistent with the service area boundaries and other provisions within the adopted Coordinated Water System Plan.

5. In the areas where utilities presently extend beyond city limits, but are within Urban Growth Areas, the city, county, and the existing water purveyors for the area should jointly plan with the county. The County shall adopt zoning which reflects this joint planning.

6. Unless specifically provided for by state statutes, Cities, other municipal corporations, and other public and private utilities shall not extend urban levels of water service to serve urban uses outside Urban Growth Areas. If legally allowed water extensions are made outside of Urban Growth Areas, the maximum number of connections shall not exceed the density allowed under the associated zoning. The number of connections shall be

specified in a legally binding document at the time the extension is approved. Property contiguous to extension of utilities necessary to solve existing water deficiencies, but which cannot benefit from them because of zoning constraints, shall not be assessed for those improvements.

7. The availability of pipeline capacity required to meet local needs and/or supply shall not be used to justify development counter to the county-wide land development pattern and shall not be considered in conversions of agricultural land, forestry, and rural areas.

8. The cities, other municipal corporations, public utilities, and the county shall cooperate to identify and balance the needs of each jurisdiction and entity when planning for transition of services and annexation within Urban Growth Areas. This intergovernmental cooperation and coordination should be reflected in revenue agreements, work programs for joint projects, and regional solutions adopted by the affected parties.

9. Major transportation, utility and greenway corridors shall be planned within Urban Growth Areas. Development shall be consistent with these corridors. The county shall ensure conformance through the permit process and incentive programs.

10. Interlocal agreements shall include provisions for agreed upon development standards within Urban Growth Areas. Unless a different standard is negotiated, the more rigorous of the standards shall be enforced by the county.

11. The county and the City of Bellingham shall establish, through the Urban Fringe Subarea Plan update, the policies, zoning and criteria to comply with current state Growth Management law.

12. To encourage contiguous, orderly development and annexation in Urban Growth Areas around cities, the county shall designate Urban Residential zones limiting density to a

maximum of one dwelling unit per five acres in undeveloped areas until urban level utilities are provided. Developed or partially developed areas presently zoned Residential-Rural shall retain that zoning. In the Bellingham Urban Growth Area, substantial development and subdivisions already have occurred without annexation. The revised Urban Fringe Subarea Plan and a new Interlocal Agreement between the City of Bellingham and the county will address sequence and timing for annexations, subdivisions, and urban levels of development.

13. In Urban Growth Areas where development is occurring based on the presence of utilities, urban development shall meet common urban standards including fire flow requirements and supply. The county and the cities will work together to develop reasonable standards over time.

14. The County and the cities shall coordinate drainage, stormwater management and flood control in Urban Growth Areas and work toward the development of common standards.

G. AFFORDABLE HOUSING*

1. The county and the cities shall take actions to ensure a balance of housing and economic growth consistent with each jurisdictions' employment base and diverse income levels and to reduce commuting times and traffic congestion.
2. The county and the cities shall plan for a range of housing types and costs commensurate with their affordable housing needs.
3. Affordable housing should be convenient to major employment centers and public services or be designed to accommodate public transportation.
4. The county and the cities shall promote innovative techniques and develop strategies to provide for affordable housing with design, density, lot sizes and development standards

that provide for a variety of housing types.

5. The county and the cities shall review existing regulations and policies that exclude or discourage affordable housing in their communities and shall not adopt regulations and policies which do so. Mobile, modular, and manufactured homes on individual lots, mobile home parks, accessory units, inclusionary zoning, mixed use, and increased densities shall be reviewed as affordable housing alternatives.

6. The county and the cities should work with the private sector, other public and non-profit agencies, citizen groups, and trade representatives to assure that there is an adequate supply of sites available for affordable housing and to encourage housing design that is compatible with the surrounding neighborhoods.

7. Low income housing shall not be concentrated in only a few communities or neighborhoods.

8. The county and the cities shall consider reducing impact and/or mitigation fees for affordable housing provided in a proposed development.

9. Each jurisdiction should explore options for providing shelter for the homeless

H. OPEN SPACE/GREENBELT CORRIDORS

1. Adequate open space is vital to the quality of life and sense of place in Whatcom County. The county, cities, Port of Bellingham, and other appropriate jurisdictions should coordinate protection of linked greenbelts, within and between Urban Growth Areas, parks, and open space to protect wildlife corridors and to enhance recreational opportunities, public access and trail development.

2. The county and the cities shall plan for greenbelts and open space in their Comprehensive

Planning processes and coordinate with each other. Open space systems should include lands which contain natural areas, habitat lands, natural drainage features, and/or other environmental, cultural and scenic resources. With increased residential densities, jurisdictions also should ensure provision of adequate neighborhood parks and play areas within safe bicycling and walking distance for children.

3. The county and the cities shall encourage, to the extent it is feasible, separation of Urban Growth Areas through planning, zoning, development regulations, open space purchase, conservation easements and other mechanisms which may be appropriate. Also, an array of incentives such as density bonuses, design flexibility and transferable development rights shall be offered to affected land owners.

4. The County and Cities should work cooperatively to protect and restore stream corridors within Urban Growth Areas that support anadromous fish.

I. ECONOMIC DEVELOPMENT AND EMPLOYMENT*

1. Whatcom County recognizes that a healthy economy, which provides opportunity for diverse segments of the community, is important to the quality of life in the area. The Greater Whatcom Comprehensive Economic Development Strategy (CEDS) “is intended to put forth economic development alternatives for Whatcom County that will support jobs creation, with an emphasis on higher wage jobs and diversification”

2. New business development and expansion of existing businesses are key factors in providing “family wage” jobs and a strong tax base. Economic development that pays family wage rates should be encouraged. Industrial land designations must be sufficient to permit the concentration of industry in appropriate locations beyond 20 years. In order to attract new industry and provide for expansion of existing industries, the county and the cities will designate land supply of sufficient size and diversity to provide a range of suitable locations for industrial development. The designation of this land shall be

established in a way that preserves natural resource based industries and critical areas.

3. To provide sufficient land supply for industrial growth and development, industrial designations must not only include lands suitable for development, but also lands suitably zoned to provide adequate buffers. It is also important that these lands and buffers be conserved with appropriate land use and zoning provisions to ensure that they will be available for future use

4. Encourage business location, retention, and expansion according to city and county comprehensive plans in order to meet current and future demand for diverse business and industry. Work with funding agencies and the private sector to facilitate extension of adequate sewer, water, telecommunications and road access to existing commercial and industrial-zoned properties, creating shovel-ready sites. Cities and county may utilize the “Quick Sites” economic development program through OTED, which links strategic elements of planning, zoning, environmental review, and permitting with the businesssiting effort.

5. The county and the cities should include an economic development element in their Comprehensive Plans. Economic development elements should be consistent with the CEDS. Economic development shall be coordinated with environmental concerns to protect the quality of life. Planning efforts should address economic sustainability. As part of the comprehensive planning process and through implementation of the comprehensive plan, the County shall develop and adopt goals, policies and regulations that protect resource land industries and support and encourage resource-based industries.

6. The county and the cities should continue to cooperate through the Partnership for a Sustainable Economy to maintain the CEDS for infrastructure funding. Other appropriate organizations, businesses, and individuals should be involved in the process.

7. Economic vitality and job development shall be encouraged in all the cities and in designated areas of the county consistent with community growth policies, particularly addressing adequacy of transportation corridors, public transportation, impacts on the environment, and the ability of the area to provide urban services.

8. Economic development should be encouraged that: a) does not adversely impact the environment; b) is consistent with community values stated in local comprehensive plans; c) encourages development that provides jobs to county residents d) addresses unemployment problems in the county and seeks innovative techniques to attract different industries for a more diversified economic base; e) promotes reinvestment in the local economy, and f) supports retention and expansion of existing businesses.

9. The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture and fisheries industries should be supported in a sustainable manner.

10. The cities and county agree to set policies for approving proposals to authorize siting of Major Industrial Developments for large or resource-based industries outside of Urban Growth Areas (as per RCW 36.70A.365).The master planning process for specific manufacturing, industrial, or commercial businesses shall address infrastructure, buffers, environmental protection, sprawl, resource lands, critical areas, and land supply.

11. Whatcom County encourages siting of industrial uses in proximity to and to further utilization of our access to deep water and port facilities for shipping, rail, airports, roadways, utility corridors and the international border.

J. COUNTY-WIDE TRANSPORTATION FACILITIES AND STRATEGIES*

1. A Regional Transportation Planning Organization (RTPO) has been established in

Whatcom County to conduct regional, cooperative transportation planning. The RTPO has completed a Regional Transportation Plan (RTP) including County-wide transportation policies. The RTP has been approved by a regional transportation Policy Board consisting of elected representatives of most area jurisdictions. The Transportation Chapter of the Whatcom County Comprehensive Plan and the Comprehensive Plans for each of the City's must be consistent with the RTP as it is amended. The county and the cities will continue to support the RTPO on an on-going basis to coordinate transportation planning across Whatcom County.

2. Whatcom County jurisdictions shall encourage alternative modes of transportation to the single occupancy vehicle. Each jurisdiction shall encourage: 1) Use of public transportation; 2) Development of linked on-street bicycle routes and pedestrian and bicycle trail corridors; 3) Adequate pedestrian facilities; 4) Connections between different modes of transportation; and 5) Intermodal connection of freight transportation. Public transportation includes fixed route transit, car pools, vanpools, and other demand responsive modes.

3. To encourage use of single occupant vehicle alternatives and development of pedestrian scale neighborhoods, high density residential development shall be encouraged in urban growth areas with particular attention to those locations within cities and in close proximity to arterials and main transit routes.

4. Cities are particularly encouraged to support transit and pedestrian friendly mixed use developments within their UGAs to help achieve the goals supported in these policies.

5. Where the roadway level of service (LOS) adopted in local comprehensive plans cannot be maintained as a result of proposed new development, that development shall be denied, unless the proponents agree to pay a proportionate share of the cost of maintaining the LOS.

6. Strategies for maintaining established levels of service may include transportation demand management techniques, project impact mitigation fees, enhanced access to public transportation service, and/or other steps to reduce or limit traffic congestion.

7. Priorities shall be established and expenditures coordinated for county-wide bicycle and trail corridors. Bicycle and pedestrian-specific trails and other facilities shall be included during project planning and review. Coordinated corridors and cost sharing should be explored among all responsible and interested parties.

8. Whatcom County should work cooperatively with the Whatcom County Council of Governments, Cities, Whatcom Transit Authority and other agencies with jurisdiction to plan for inter-county and international transportation links, such as airports, border crossings, passenger rail, freight rail, transit, ferries, and other transportation facilities.

K. SITING OF PUBLIC FACILITIES*

1. As part of the comprehensive planning process, the county and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as schools, recreation, transportation and utility corridors, human service facilities, and airport and other port facilities. In order to reduce land use conflicts, policies related to a design component shall be incorporated in the comprehensive plans.

2. The county and the cities will implement a cooperative and structured process, which includes early and continuous public involvement, to consider siting of essential public facilities of a regional and statewide nature. State facilities shall conform to local siting procedures.

3. Public facilities that generate substantial travel demand should be sited along or near major transportation and public transit corridors, where available.

4. The county and the cities shall work with their respective school district to encourage siting

of schools in conjunction with areas where substantial development exists or is projected and near public transportation corridors.

5. Sharing of corridors for major utilities, trails and other transportation rights-of-way is encouraged when not in conflict with goals to protect wildlife, public health and safety.

L. IMPACT FEES

- 1. The county and the cities are encouraged to adopt fair and reasonable impact and/or mitigation fee ordinances to ensure that new growth pays its fair share of the cost of capital facilities, such as transportation improvements, parks, and schools.
- 2. The county and cities shall work with their school districts to develop impact fee formulas as appropriate to the district’s capital needs.

M. INTERGOVERNMENTAL COOPERATION

- 1. To adequately plan for growth and implement the policies of the Growth Management Act, the governmental jurisdictions in Whatcom County, including the Lummi Nation and Nooksack Tribe, and the Port of Bellingham shall work together to establish on-going mechanisms to improve communication, information sharing and coordinated approaches to common problems.
- 2. Whatcom County governments should communicate with neighboring counties and governments in British Columbia and work cooperatively on growth management issues that cross county and national borders.

N. WATER QUALITY AND QUANTITY

- 1. The cities, and the county, in cooperation with other municipal corporations, tribal governments, federal and state agencies, and public and private utilities shall cooperate in the protection of water resources and in drawing upon said water to support growth.

2. The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority.

3. Jurisdictions shall cooperate to protect and restore water resources and fish habitat within UGA's and across jurisdictional boundaries to maintain quality of life and economic health in Whatcom County.

4. Jurisdictions involved in the development of ground and/or surface water management plans shall pursue the adoption and implementation of the plans, as well as coordination and integration of the plans into local comprehensive plans as appropriate. Examples of such plans include the Lake Whatcom Management Plan, WRIA 1 Watershed Management Plan, Shellfish Protection District Plans and drinking water source protection plans.

5. All jurisdictions should participate in the process to establish a county-wide water resource management body in accordance with the Watershed Management Act and other applicable federal, state and local regulations to inform GMA planning efforts.

6. All jurisdictions shall maximize reduction of water pollutants from stormwater runoff and combined sewer overflows.

O. FISCAL IMPACT*

1. It is recognized that if the Growth Management Act and these policies are implemented to their maximum extent, county government may eventually lose the tax base needed to operate essential services, including the criminal justice function and the Offices of Treasurer, Assessor, and Auditor, which serve all jurisdictions in the area. Revenue sharing

shall be addressed in inter-local agreements between Cities and the County.

P. PRIVATE PROPERTY RIGHTS

1. As required in the Growth Management Act, private property shall not be taken for public use without just compensation having been made. It is not the purpose of this paragraph to expand or reduce the scope of private property already provided in local, state and federal law.
2. The county as required by Whatcom County Home Rule Charter Section 1 .I 1, and cities should establish a pro-active process to anticipate potential takings and other private property issues and resolve them out of court.

GLOSSARY

Affordable Housing: In this document the definition of “affordable housing” is to be developed by each community as part of the Comprehensive Planning process.

Capital Facilities Plan: A required element of the Comprehensive Plan designed to form a better match between development and provision of services. It must include an inventory of existing facilities, forecast of future needs and a six-year financing plan.

Critical Areas: As defined by each jurisdiction, including at least the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

Greenbelts|Greenways: These are undeveloped open space, natural areas, including agricultural lands, golf courses and other recreational uses, wildlife corridors and similar uses.

Impact|Mitigation Fees: A payment of money imposed upon new development as a condition of approval as defined and provided by RCW 82.02 and/or 43.21~. This fee must be used

exclusively to finance improvements in capital facilities that are necessitated by the development.

Inclusionary Zoning: Zoning that requires developers to provide a portion of housing units in a specific project or area to meet the needs of low and moderate income people.

In-fill: The practice of using developable land that lies within a city, UGA, or developed area outside resource lands, where services are available rather than passing over such parcels in favor of land farther out or farther from available services.

Interlocal Agreements: An agreement intended to apply within designated Urban Growth Areas to set clear and reasonable criteria for orderly annexations including guidelines on size and timing of annexations and urban levels of development, appropriate development standards and tax revenue sharing provisions. Participants in the agreement could include the county, any adjacent city, affected fire districts (if applicable) and any other utility provider.

Level of Service (LOS): An established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. Level of Service for transportation is usually expressed as a proportion derived by comparing a roadway's current volume to its capacity.

Low Income Housing: The federal government defines low income housing as housing provided for individuals earning 50% or less of the average family wage of the local jurisdiction.

Natural Resource Lands: Natural Resource Lands include agricultural, forestry, and mineral resource lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products, for the commercial production of timber, and that have long-term significance for the extraction of minerals.

Private Utilities: Water and/or sewer services owned and operated by a political subdivision of

federal, state or tribal governments (includes water and sewer districts and public utility districts).

Regional Transportation Planning Organization: An organization created by the Growth Management Act to coordinate regional transportation efforts and to foster cooperation among state and local jurisdictions. The Whatcom Council of Governments has been designated as the Regional Transportation Planning Organization for Whatcom County.

Resource Based Industry: A business or industry that has a direct relationship to natural resources such as agriculture, minerals, forestry and fishing. This type of industry is generally located in close proximity to the resource or resource land.

Short-Term/Long Term Boundaries: Short Term boundaries are used as a tool for facilitating provision of urban levels of services and preventing sprawl. The Long Term boundary includes the short term boundary as well as areas that have unresolved issues within the identified 20 year Urban Growth Boundary.

Urban Fringe Subarea Plan: A plan pertaining to the Bellingham Urban Growth Area and a portion of Whatcom County immediately north of Bellingham and containing most of Bellingham's suburban growth. It is a plan designating the interface between urban and rural land uses. Some part of the Urban Fringe Area will be included in an Urban Growth Area. Some of the area already lies within Bellingham's Urban Service Area.

Urban growth: growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170.

Urban Growth Area: An area designated within which urban growth will be encouraged and

outside of which growth can occur only if it is not urban in nature.

Urban Level of Service: The minimum level of urban facilities and services, including sanitary sewer, water service, police protection, fire protection and emergency medical services, parks and recreation programs, solid waste management, electric service, land use controls, communication facilities and public schools, to support urban levels of development. A full range of services would add urban public transit, natural gas, storm drainage facilities, street lighting, libraries, local parks, local recreation facilities and services, and health services.

**Those headings with an asterisk (*) are the elements required by the Growth Management Act. The title was expanded for the first required category (Urban Growth Areas) to better reflect the content as the policies developed.*

COMMUNITY VALUE STATEMENTS

As derived from Visioning Public Process by Visioning Committee February 1994

TRANSPORTATION

1. More lanes on major roads and more frequent public transit service with additional routes are the most important transportation issues for Whatcom County. The following transportation issues are of secondary importance:
 - A. Need for bike lanes and footpaths
 - B. Enhancement of safety measures along County roads, for example, wider shoulders and signals at busy intersections
 - C. The desire for carpooling
 - D. Integration of various transportation modes (i.e.: ferry1 bus link)
2. Financing transportation improvements need to be addressed because the public is only somewhat willing to pay additional taxes for roads and transit.

URBAN GROWTH

1. Given that roughly 75% - 90% of the land base in Whatcom county (excluding public land) should be designated for rural, agricultural and forestry use 50 years hence, urban sprawl should be discouraged. To prevent sprawl, we should infill where possible, allow for growth where the infrastructure exists (sewer, water, etc.) and encourage upward not outward growth, particularly in Bellingham. Cluster housing should be allowed in rural areas. The objective is to increase housing densities in urban areas so that the elements which contribute to a rural lifestyle, including privacy, peace and quiet, open space, and little or no traffic are preserved.
2. Urban growth should not pollute or deplete water supplies and should not be allowed to encroach on lands needed to sustain our natural-resource based industries, including agriculture, forestry, mining and fishing. Infill should occur in existing urban areas before annexation is considered. Both annexations and infilling should be subject to local citizen review and input. The costs of urban growth, including infrastructure and services (fire, sewer, schools, roads, etc.) should be paid for primarily by developers and secondarily by cities and public agencies (which are funded by taxpayers).
3. As Whatcom County continues to grow it is important to retain individual town and community character.

Appendix 3.

Skagit County Countywide Planning Policies

October 12, 2007

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The Role of the Skagit County Countywide Planning Policies and the Comprehensive Plan

- i. These countywide planning policies shall be the foundation for the Skagit County Comprehensive Plan.
- ii. All Elements of the Comprehensive Plan, including maps and procedures, shall comply with these policies. Amendments to the other components of the comprehensive plan shall conform to these policies.

- iii. As required by RCW 36.70A.120, all implementing regulations, including zoning maps and zoning regulations, shall be consistent with and implement these policies. Amendments to the implementing regulations shall conform to these policies.
- iv. As required by RCW 36.70A.120, all planning, land use permitting actions and capital budgeting decisions shall be made in conformity with the adopted comprehensive plan.
- v. The Skagit County Comprehensive Plan adopts by reference the following functional plans: Shoreline, Drainage, Floodplain, Schools, Special Districts, Parks and Recreation, Transportation, Watershed, the Coordinated Water System Plan and any other functional plans adopted by Skagit County. Each referenced plan shall be coordinated with, and consistent with, the Comprehensive Plan.
- vi. All disputes over the proper interpretation of other functional plans and all implementing regulations, including zoning maps and zoning regulations, shall be resolved in favor of the interpretation which most clearly achieves Countywide Planning Policies.
- vii. Skagit County shall pursue methods of collecting and displaying statistics, maps and other information necessary for government.
- viii. Upon adoption of the county-wide Comprehensive Plan, sub-area plans will be considered to address homogeneous natural features and communities.
- ix. A definition section will be incorporated into the final Comprehensive Plan document. Some definitions are clearly articulated in state statutes and local government implementing ordinances or regulations. Other words which are undefined at this time will be clarified through the Element development process.

Policy 1. Urban Growth

Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

1.1 Urban growth shall be allowed only within cities and towns, their designated UGAs and within any non-municipal urban growth areas already characterized by urban growth, identified in the County Comprehensive Plan with a Capital Facilities Plan meeting urban standards. Population and commercial/industrial land allocations for each UGA shall be consistent with those allocations shown in the following table:

Urban Growth Areas	Residential Population (2025)	Commercial/Industrial Land Allocations (New)
Anacortes	18,300	558
Bayview Ridge	15,600	750
Burlington	12,000	242
Concrete	1,350	28
Hamilton	450	60
La Conner	950	2
Lyman	550	0
Mount Vernon	47,900	959
Sedro-Woolley	15,000	278
Swinomish	3,650	0
Urban Growth Area Totals	105,750	2,877

1. The residential population has been placed in a reserve category until the completion of the Bayview Ridge subarea plan. At that time, it will either be accommodated in the proposed Bayview Ridge UGA, reallocated to other UGAs, or a combination thereof. The Port of Skagit County has 258 acres of the designated commercial / industrial properties.

A sub-area plan and implementing regulations were adopted for the Bayview Ridge UGA; the urban standards set forth in this plan/regulations for roads, sewer, and stormwater shall meet or exceed those in effect in the City of Burlington on April 1, 1999. Police and Fire services shall, at a minimum, meet the requirements of CPP 1.7.

2. The projected 2025 population for the remainder of Skagit County, outside of Urban Growth Areas, is 43,330. Adding that to the Urban Growth Area total cited above results in a total County population of 149,080. The Growth Management Act does not require a commercial/industrial land allocation for the rural area.

1.2. Cities and towns and their urban growth areas, and non-municipal urban growth areas designated pursuant to CPP 1.1, shall include areas and densities sufficient to accommodate as a target 80% of the county's 20 year population projection.

1.3. Urban growth areas shall provide for urban densities of mixed uses and shall direct development of neighborhoods which provide adequate and accessible urban governmental services concurrent with development. The GMA defines urban governmental services as those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

1.4. Urban growth areas shall include greenbelt, open space, and encourage the preservation of wildlife habitat areas.

1.5. Cities shall encourage development, including greenbelt and open space areas, on existing vacant land and in-fill properties before expanding beyond their present corporate city limits towards urban growth boundaries.

1.6. Annexations beyond urban growth areas are prohibited.

1.7. Development within established urban growth boundaries shall, as a minimum, conform to those urban development standards in effect within the respective municipality as of April, 1, 1999. Bayview Ridge UGA urban standards for roads, sewer, and stormwater shall meet or exceed those in effect in the City of Burlington on April 1, 1999. UGAs with populations of over 1500 or a Commercial/Industrial land allocation (new) over 100 acres shall have, as a minimum, the following levels of urban law enforcement and fire service levels:

Law Enforcement:

One commissioned law enforcement officer per 1,000 population served or per 100 acres of developed commercial or industrial property, whichever is the higher number.

Fire:

Urban fire level of service standard for Urban Growth Areas are as follows:

1. For Cities and their adjacent Urban Growth Areas, an ISO grading of 5 or better shall be maintained; otherwise
2. Within 5 minutes of being dispatched, the Fire Department shall arrive and be able to deliver up to 200 gallons per minute fire flow in an offensive (interior) attack, with a minimum of 4 firefighters, for responses to: structural fires, vehicle fires, other outside fires, motor vehicle accidents, activated fire alarm systems, or other hazardous conditions. The Fire Department shall also be capable of delivering a minimum of Basic Life Support including defibrillation, with a minimum of one First Responder or Emergency Medical Technician, for medical responses.

Within 10 minutes of being dispatched, the Fire Department shall be able to support the interior structural fire attack with teams which may include: a ventilation team, a search & rescue team, a team for a backup line, and standby firefighters, totaling between 8 and 12 firefighters on-scene. The Fire Department shall also be capable of providing Heavy Rescue capability, including heavy hydraulics, at Motor Vehicle Accidents.

Within 20 minutes of being dispatched, the Fire Department shall be capable of delivering 1500 gallons per minute fire flow in a sustained defensive attack mode for structural fire responses. For buildings larger than 10,000 square feet, the Fire Department shall be capable of delivering 2000 Gallons per Minute, and shall have an elevated master stream capability.

These requirements shall be met for 90% of all incidents.

Mutual aid requested under the Mutual Aid Contract may be used to provide relief to the initial operating crews, but shall not be used to provide initial attack capability, support functions, or sus-

tained attack capability. This does not preclude automatic aid agreements under separate contract which does provide these capabilities or functions from other agencies.

Times are considered to be “Response Time,” which shall be measured by the sum of turnout time (the time from dispatch until the first arriving unit is enroute to the incident), plus travel time. Dispatch time shall be allocated a maximum of 1 additional minute which is measured from the time the 9-1-1 call is received until the fire department is dispatched.

All operations shall be conducted in compliance with state and federal regulations, including training requirements for firefighters, and maintenance requirements for equipment and apparatus.

All commercial and industrial facilities shall be inspected for compliance with the Uniform Fire Code at least annually. Water systems shall be installed in accordance with the Skagit County Coordinated Water System Supply Plan, with a fire flow meeting the requirements of the Uniform Fire Code.

1.8 All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban governmental services, except in those limited circumstances shown to be necessary to the satisfaction of both the County and the affected city to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Policy 2. Reduce Sprawl

Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

2.1 Contiguous and orderly development and provision of urban services to such development within urban growth boundaries shall be required.

2.2 Development within the urban growth area shall be coordinated and phased through inter-agency agreements.

2.3 Rural development shall be allowed in areas outside of the urban growth boundaries having limited resource production values (e.g. agriculture, timber, mineral) and having access to public services. Rural development shall have access through suitable county roads, have limited impact on agricultural, timber, mineral lands, critical areas, shorelands, historic landscapes or cultural resources and must address their drainage and ground water impacts.

2.4 Rural commercial and industrial development shall be consistent with that permitted by the Growth Management Act, specifically including RCW 36.70A.070(5)(d) and related provisions and the 1997 ESB 6094 amendments thereto. This development shall not be urban in scale or character or require the extension of urban services outside of urban growth areas, except where necessary to address an existing public health, safety or environmental problem.

2.5 Rural commercial and industrial development shall be of a scale and nature consistent and compatible with rural character and rural services, or as otherwise allowed under RCW 36.70A.070(5)(d), and may include commercial services to serve the rural population, natural resource-related industries, small scale businesses and cottage industries that provide job opportunities for rural residents, and recreation, tourism and resort development that relies on the natural environment unique to the rural area.

2.6 Priority consideration will be given to siting of new rural commercial and industrial uses in areas of existing development, including existing Rural Villages and existing Rural Centers, followed by already developed sites in the rural area, and only lastly to wholly undeveloped sites in the rural area.

2.7 Master planned sites designated for industrial and large-scale commercial uses shall be clustered, landscaped, and buffered to alleviate adverse impacts to surrounding areas.

2.8 Commercial areas should be aggregated in cluster form, be pedestrian oriented, provide adequate parking and be designed to accommodate public transit. Strip commercial development shall be prohibited.

2.9 Urban commercial and urban industrial development, except development directly dependent on local agriculture, forestry, mining, aquatic and resource operations, and major industrial development which meets the criteria contained in RCW 36.70A.365, should be restricted to urban or urban growth areas where adequate transportation networks and appropriate utility services are available.

The process to consider siting of specific major industrial developments outside of urban growth areas shall follow the process included in the Memorandum of Understanding between the County and the cities for adoption of Countywide Planning Policies. Major industrial developments shall mean a master planned location for specific manufacturing, industrial, or commercial business that:

1. Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or
2. Is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multi-tenant office park.

A major industrial development may be approved outside an urban growth area if the following criteria are met:

1. New infrastructure is provided for and/or applicable impact fees are paid;
2. Transit-oriented site planning and traffic demand management programs are implemented;
3. Buffers are provided between the major industrial development and adjacent non-urban areas;
4. Environmental protection including air and water quality has been addressed and provided for;
5. Development regulations are established to ensure that urban growth will not occur in adjacent non-urban areas;
6. Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;

8. The plan for the major industrial development is consistent with the County’s development regulations established for the protection of critical areas; and

9. An inventory of developable land has been conducted and the County has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth areas.

Final approval of an application for a major industrial development shall be considered an adopted amendment to the Comprehensive Plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area. Final approval of the application shall not be considered an amendment to the Comprehensive Plan for the purposes of RCW 36.70A.130(2) and may be considered at any time.

2.10 Establishment or expansion of local improvement districts and special purpose taxing districts, except flood control, diking districts and other districts formed for the purpose of protecting water quality, in designated commercial forest resource lands shall be discouraged.

Policy 3. Transportation

Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

3.1 Multi-purpose transportation routes and facilities shall be designed to accommodate present and future traffic volumes.

3.2 Primary arterial access points shall be designed to ensure maximum safety while minimizing traffic flow disruptions.

3.3 The development of new transportation routes and improvements to existing routes shall

minimize adverse social, economic and environmental impacts and costs.

- 3.4 The Transportation Element of the Comprehensive Plan shall be designed to; facilitate the flow of people, goods and services so as to strengthen the local and regional economy; conform with the Land Use Element of the Comprehensive Plan; be based upon an inventory of the existing Skagit County transportation network and needs; and encourage the conservation of energy.
- 3.5 Comprehensive Plan provisions for the location and improvement of existing and future transportation networks and public transportation shall be made in a manner consistent with the goals, policies and land use map of the Comprehensive Plan.
- 3.6 The development of a recreational transportation network shall be encouraged and coordinated between state and local governments and private enterprises.
- 3.7 The Senior Citizen and Handicapped transportation system shall be provided with an adequate budget to provide for those who, through age and/or disability, are unable to transport themselves.
- 3.8 Level of service (LOS) standards and safety standards shall be established that coordinate and link with the urban growth and urban areas to optimize land use and traffic compatibility over the long term. New development shall mitigate transportation impacts concurrently with the development and occupancy of the project.
- 3.9 An all-weather arterial road system shall be coordinated with industrial and commercial areas.
- 3.10 Cost effectiveness shall be a consideration in transportation expenditure decisions and balanced for both safety and service improvements.
- 3.11 An integrated regional transportation system shall be designed to minimize air pollution by promoting the use of alternative transportation modes, reducing vehicular traffic, maintaining acceptable traffic

flow, and siting of facilities.

3.12 All new and expanded transportation facilities shall be sited, constructed and maintained to minimize noise levels.

Policy 4. Housing

Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

4.1 Local governments shall allow for an adequate supply of land use options to provide housing for a wide range of incomes, housing types and densities.

4.2 Public/private partnerships shall be encouraged to build affordable housing and devise incentives for innovative and environmentally sensitive design to meet the housing needs of people with low and moderate incomes and special needs populations.

4.3 The Comprehensive Plan should support innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments and the transfer of development rights.

4.4 The existing affordable housing stock should be maintained and efforts to rehabilitate older and substandard housing, which are otherwise consistent with comprehensive plan policies, should be encouraged.

4.5 The construction of housing that promotes innovative, energy efficient and less expensive building technologies shall be encouraged.

4.6 Comprehensive Plan provisions for the location of residential development shall be made in

a manner consistent with protecting natural resource lands, aquatic resources, and critical areas.

4.7 Manufactured home parks shall be allowed only within urban or urban growth boundary areas.

Policy 5. Economic Development

Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state’s natural resources, public services, and public facilities.

5.1 The development of environmentally sensitive industries shall be encouraged.

5.2 Home occupations that do not significantly change or impact neighborhood character shall be permitted.

5.3 Economic diversity should be encouraged in rural communities where special incentives and services can be provided.

5.4 Commercial and industrial activities directly related to local natural resource production may be allowed in designated natural resource areas provided they can demonstrate their location and existence as natural resource area dependent businesses.

5.5 A diversified economic base shall be encouraged to minimize the vulnerability of the local economy to economic fluctuations.

5.6 Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and life styles.

5.7 Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural life styles.

5.8 Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands.

5.9 The primary land use within designated forest resource lands shall be commercial forestry. Residential development shall be strongly discouraged within designated forest resource lands.

5.10 Lands within designated agricultural resource areas should remain in large parcels and ownership patterns conducive to commercial agricultural operations and production.

5.11 Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas, where the principal and preferred land uses will be long term commercial resource management.

5.12 Value added natural resource industries shall be encouraged.

5.13 Skagit County shall increase the availability of renewable resources and encourage the maximum attainable recycling of non-renewable resources.

5.14 Commercial and industrial activities directly related to or dependent on local aquatic resource areas should be encouraged in shoreline areas provided they are shoreline dependent and/or related.

5.15 The Comprehensive Plan shall support and encourage economic development and employment to provide opportunities for prosperity.

Policy 6. Property Rights

Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

6.1 Proposed regulatory or administrative actions shall not result in an unconstitutional taking of private property.

6.2 The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety or welfare purpose is served by more restrictive regulation.

6.3 Surface water runoff and drainage facilities shall be designed and utilized in a manner which protects against the destruction of private property and the degradation of water quality.

Policy 7. Permits

Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

7.1 Inter-agency agreements with other agencies to facilitate multi-agency permits shall be pursued to better serve the public.

7.2 Upon receipt of a complete application, land use proposals and permits shall be expeditiously reviewed and decisions made in a timely manner.

7.3 Variances which would allow for a violation of Comprehensive Plan policies shall not be permitted.

7.4 New implementing codes and amendments shall provide clear regulations to reduce the possibility of multiple interpretations by staff and applicants.

7.5 Impact fees shall be imposed through established ordinances, procedures and criteria so that spe-

cific developments do not pay arbitrary fees or duplicative fees for the same impact.

7.6 Special purpose districts permitted by statute to request impact fees shall to the extent possible utilize similar formulas to calculate costs of new development.

Policy 8. Natural Resource Industries

Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

8.1 Identified critical areas, shorelands, aquatic resource areas and natural resource lands shall be protected by restricting conversion. Encroachment by incompatible uses shall be prevented by maintenance of adequate buffering between conflicting activities.

8.2 Land uses adjacent to agricultural, forest, or mineral resource lands and designated aquatic resource areas shall not interfere with the continued use of these designated lands for the production of food, agricultural and aquatic based products, or timber, or for the extraction of minerals.

8.3 Forest and agricultural lands located within urban growth areas shall not be designated as forest or agricultural land of long-term commercial significance unless a program authorizing transfer or purchase of development rights is established.

8.4 Mining sites or portions of mining sites shall be reclaimed when they are abandoned, depleted, or when operations are discontinued for long periods.

8.5 Long term commercially significant natural resource lands and designated aquatic resource areas shall be protected and conserved. Skagit County shall adopt policies and regulations that encourage and facilitate the retention and enhancement of natural resource areas in perpetuity.

8.6 When plats, short plats, building permits and development permits are issued for develop-

ment activities on or adjacent to natural resource lands and aquatic resource areas, notice shall be provided to those seeking permit approvals that certain activities may occur that are not compatible with residences.

8.7 Fishery resources, including the county's river systems inclusive of their tributaries, as well as the area's lakes, associated wetlands, and marine waters, shall be protected and enhanced for continued productivity.

8.8 Skagit County shall encourage sustainable use of the natural resources of the County, including but not limited to agriculture, forestry, and aquatic resources.

8.9 Skagit County shall conserve agricultural, aquatic based, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas where the principal and preferred land uses will be long term commercial resource management.

Policy 9. Open Space and Recreation

Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

9.1 Open space corridors within and between urban growth areas shall be identified. These areas shall include lands useful for recreation, fish and wildlife habitat, trails, and connection of critical areas.

9.2 To preserve open space and create recreational opportunities, innovative regulatory techniques and incentives such as but not limited to, purchase of development rights, transfer of development rights, conservation easements, land trusts and community acquisition of lands for public ownership shall be encouraged.

9.3 The use of Open Space Taxation Laws shall be encouraged as a useful method of land use control and resource preservation.

9.4 Expansion and enhancement of parks, recreation and scenic areas and viewing points shall be identified, planned for and improved in shorelands, and urban and rural designated areas.

9.5 Property owners shall be encouraged to site and design new construction to minimize disruption of visual amenities and solar resources of adjacent property owners, public road ways, parks, lakes, waterways and beaches.

9.6 Development of new park and recreational facilities shall adhere to the policies set out in this Comprehensive Plan document.

9.7 The Skagit Wild and Scenic River System (which includes portions of the Sauk, Suiattle, Cascade and Skagit Rivers) is a resource that should be protected, enhanced and utilized for recreation purposes when there are not potential conflicts with the values (fisheries, wildlife, and scenic quality) of the river system.

9.8 Incompatible adjacent uses including industrial and commercial areas shall be adequately buffered by means of landscaping, or by maintaining recreation and open space corridors.

9.9 A park and recreation system shall be promoted which is integrated with existing and planned land use patterns.

9.10 Indoor and outdoor recreation facilities shall be designed to provide a wide range of opportunities allowing for individual needs of those using these facilities.

9.11 School districts, public agencies and private entities should work together to develop joint inter-agency agreements to provide facilities that not only meet the demands of the education for our youth, but also provide for public recreation opportunities that reduce the unnecessary duplication of facilities within Skagit County.

9.12 In planning new park and recreation facilities, Skagit County shall take into consideration natural features, topography, floodplains, relationship to population characteristics, types of facili-

ties, various user group needs and standards of access including travel time.

Policy 10. Environment

Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.

10.1 Natural resource lands, including aquatic resource areas and critical areas shall be classified and designated, and regulations adopted to assure their long-term conservation. Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated.

10.2 Land use decisions shall take into account the immediate and long range cumulative effects of proposed uses on the environment, both on and off-site.

10.3 The County shall reduce the loss of critical aquatic and terrestrial habitat by minimizing habitat fragmentation.

10.4 Wetlands, woodlands, watersheds and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.

10.5 Skagit County shall recognize the river systems within the County as pivotal freshwater resources and shall manage development within the greater watershed in a manner consistent with planning practices that enhance the integrity of the aquatic resource, fish and wildlife habitat, and recreational and aesthetic qualities.

10.6 Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.

10.7 Development shall be directed away from designated natural resource lands, aquatic resource areas and critical areas.

10.8 The conversion of tidelands to uplands by means of diking, drainage and filling shall be prohibited, except when carried out by a public body to implement a Comprehensive Plan for flood plain management or to respond to a natural disaster threatening life and property.

10.9 Septic systems, disposal of dredge spoils and land excavation, filling and clearing activities shall not have an adverse significant affect on Skagit County waters with respect to public health, fisheries, aquifers, water quality, wetlands, wildlife habitat, natural marine ecology and aquatic based resources.

10.10 Usual and accustomed activities on natural resource lands and aquatic resource areas shall be protected from interference when they are conducted in accordance with best management practices and environmental laws.

10.11 When evaluating and conditioning commercial, industrial or residential development, Skagit County shall consider threatened or endangered wildlife.

10.12 Skagit County shall enter into inter-agency agreements with appropriate state and local agencies and Native American Tribes for compliance with watershed protection, including but not limited to, the cumulative effects of construction, logging and non-point pollution in watersheds.

10.13 Skagit County and Cities and Towns, in cooperation with appropriate local, state and Federal agencies, shall develop and implement flood hazard reduction programs, consistent with and supportive of the Corps Feasibility Study.

10.14 The Skagit River Floodway and the Skagit River Floodplain shall be regulated to protect human life, property and the public health and safety of the citizens of Skagit County; minimize the

expenditure of public money; and maintain flood insurance eligibility while avoiding regulations which are unnecessary restrictive or difficult to administer.

10.15 Skagit County and Cities and Towns shall work together to provide ongoing public education about flooding in a coordinated and consistent program, and shall adopt a flood hazard reduction plan, that works together with the natural and beneficial functions of floodplains.

Policy 11. Citizen Participation

Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

11.1 Skagit County shall maintain procedures to provide for the broad dissemination of proposals and alternatives for public inspection; opportunities for written comments; public hearings after effective notice; open discussions; communication programs and information services; consideration of and response to public comments; and the notification of the public for the adoption, implementation and evaluation of the Comprehensive Plan.

11.2 Skagit County shall continue to encourage public awareness of the Comprehensive Plan by providing for public participation opportunities and public education programs designed to promote a widespread understanding of the Plan's purpose and intent.

11.3 For land use proposals, including those within the marine environment, all applicants shall bear the costs for public notification, by mail, and by posting of signs. Affected neighbors and surrounding shoreline owners shall be notified as prescribed by ordinance.

11.4 Skagit County shall provide regular and ongoing opportunities for public review and comment throughout the Comprehensive Plan development process.

11.5 Skagit County shall encourage citizen participation throughout the planning process as mandated by state statute and codes for environmental, land use, and development permits.

11.6 Skagit County shall utilize broad based Citizen Advisory Committees to participate and assist in the development of the Comprehensive Plan Elements, sub-area plans and functional plans.

Policy 12. Public Facilities and Services

Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

12.1 Public facilities and services shall be integrated and consistent with locally adopted comprehensive plans and implementing regulations.

12.2 All communities within a region shall fairly share the burden of regional public facilities. (The GMA defines regional public facilities as streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks, recreational facilities and schools.)

12.3 A process shall be developed for identifying and siting essential public facilities. The Comprehensive Plan may not preclude the siting of essential public facilities. (The GMA defines essential public facilities as those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local corrections facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities and group homes.)

12.4 Lands shall be identified for public purposes, such as: utility corridors, transportation corridors, landfill, sewage treatment facilities, recreation, schools, and other public uses. The County shall work with the state, cities, communities and utility providers to identify areas of shared need for public facilities.

12.5 Lands designated for urban growth by this Comprehensive Plan shall have an urban level of regional public facilities prior to or concurrent with development.

12.6 Development shall be allowed only when and where all public facilities are adequate, and only when and where such development can be adequately served by regional public services without reducing levels of service elsewhere.

12.7 Public facilities and services needed to support development shall be available concurrent with the impacts of development.

12.8 The financing for system improvements to public facilities to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

12.9 New development shall pay for or provide for its share of new infrastructure through impact fees or as conditions of development through the environmental review process.

12.10 Public water supply for new development shall conform to or exceed the Coordinated Water System Plan for public water systems.

12.11 Future development of land adjacent to existing and proposed schools and other public facilities shall be compatible with such uses.

12.12 Library service within the county should be developed and coordinated to assure the delivery of comprehensive services throughout the County, with the county, cities and towns fairly sharing the burden.

12.13 A county-wide recycling program shall be developed.

12.14 Public drainage facilities shall be designed to control both stormwater quantity and quality impacts.

12.15 Skagit County shall provide results of the required six year capital facilities plan, including a financing plan, and these shall be consistent with land use designations.

12.16 Citizens shall have the opportunity to participate in and comment on proposed capital facilities financing.

12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transformance of governance or annexation of the service area consistent with the requirements of applicable RCWs.

Policy 13. Historic Preservation

Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

13.1 Skagit County shall cooperate with local historic preservation groups to ensure coordination of plans and policies by the State Office of Archeology and Historic Preservation.