



November 8, 2011

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



RE: PL11-0240 Jensen/Peck Comprehensive Plan Amendment Request

Commissioners:

On behalf of our clients the Jensen's and Peck's we are submitting this letter in response to the Planning Department's recommendation that the subject request not be docketed.

It appears that the sole reason that the Planning Department has recommended not to docket the request is because they believe the property has been reviewed twice in the last 15 years and not redesignated. We respectfully submit that this is not completely accurate. In 1996 the property (at that time owned solely by the Pecks) was designated Rural Reserve at the completion of the lengthy comprehensive planning process. Apparently the Planning Department considered this the first review and denial of the property. Since it was the initial designation of the property it seems odd to count that as the first review and denial.

The second review and denial indicated by the planning department was in 1997. After closely following the Comprehensive Planning process, the Pecks were quite surprised to learn that at the 11th hour their property, which had always been mapped as Rural Intermediate, was changed to Rural Reserve even though it is bound on two sides by Rural Intermediate and on two sides by County roadways. It seemed to the Pecks that the resulting boundary was not a natural boundary and they did not understand what had precipitated the change in designation. In the winter of 1996 wrote a letter to the Planning Department questioning why the designation had been changed. Getting no response to their request, in April of 1997 they again wrote to the Planning Department and to their Commissioner in an attempt to learn why the designation of the property had been abruptly changed right at the end of the process. In response to those letters they received a letter from Bob Hart indicating that there would be an opportunity to request a change in designation by submitting a request and supporting information by July 31, 1997. The Pecks chose not to participate in that window of opportunity and did not submit any additional information.

Now, 15 years later, the Jensens and Pecks desire to have their property reviewed due to changes in our community and changes in regulations that impact the ability to develop in many areas of the County. They were quite surprised when the Planning Department stated they had been reviewed and denied twice during the last 15 years. The Pecks do not believe that they have ever been reviewed. They did not consider the letters of inquiry they submitted in 1996 and 1997 to be formal requests for redesignation under the 1997 process. Naturally they would expect to be denied if they didn't submit a request or any rationale for why they should be redesignated. The 1997 process include 250 requests that receive a cursory look and well over half were then recommended for denial. The Peck request was included in the first round of denials as would be expected since they did not even know that they were being reviewed and submitted nothing to support the case for their redesignation. It appears that their letters of inquiry were inadvertently included in the 1997 review process by overzealous Planning

Department staff. To now state that the current request represents a repeated incremental request is simply not accurate. It is more accurate to state that after 15 years the Jensens and Pecks are requesting a review of their property for inclusion in the Rural Intermediate district that abuts them based on the rationale provided in their application.

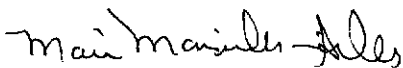
The Planning Department fails to consider the many changes that have occurred in the last 15 years that provide valid rationale for redesignating the Jensen/Peck properties. As was pointed out in our application packet, the property is located north and east of the intersection of Bayview-Edison Road and Bayview Road. These are both County roads that existed well before the beginning of the Growth Management Process and clearly qualify as built environment existing on July 1, 1990. The property is served by utilities including PUD water. It is located out of the flood plain, has no critical areas associated with it, is served by PUD water so has no issues with closed water sheds, is not located near Mineral Resource Overlay. In short, the property is in the unique position of being quite appropriate for development.

The Planning Department includes in their reasoning for denial of docketing a discussion regarding extinguishing of development rights and requiring subarea studies prior to redesignating properties as Rural Intermediate. While these may be requirements in the future, they do not exist today. Furthermore in our application we have included discussion of how code changes over the last 15 years have had significant reductions in the number of lots that can be developed in the rural areas of the County. Reductions that result in many orders of magnitude fewer lots than the two additional lots that would result from the proposal.

The Pecks and Jensens are requesting an opportunity to make their case for redesignating their properties. They are asking for the opportunity to be heard—to have their “day in court”. We respectfully request that you docket their request and allow them to be heard.

Sincerely,

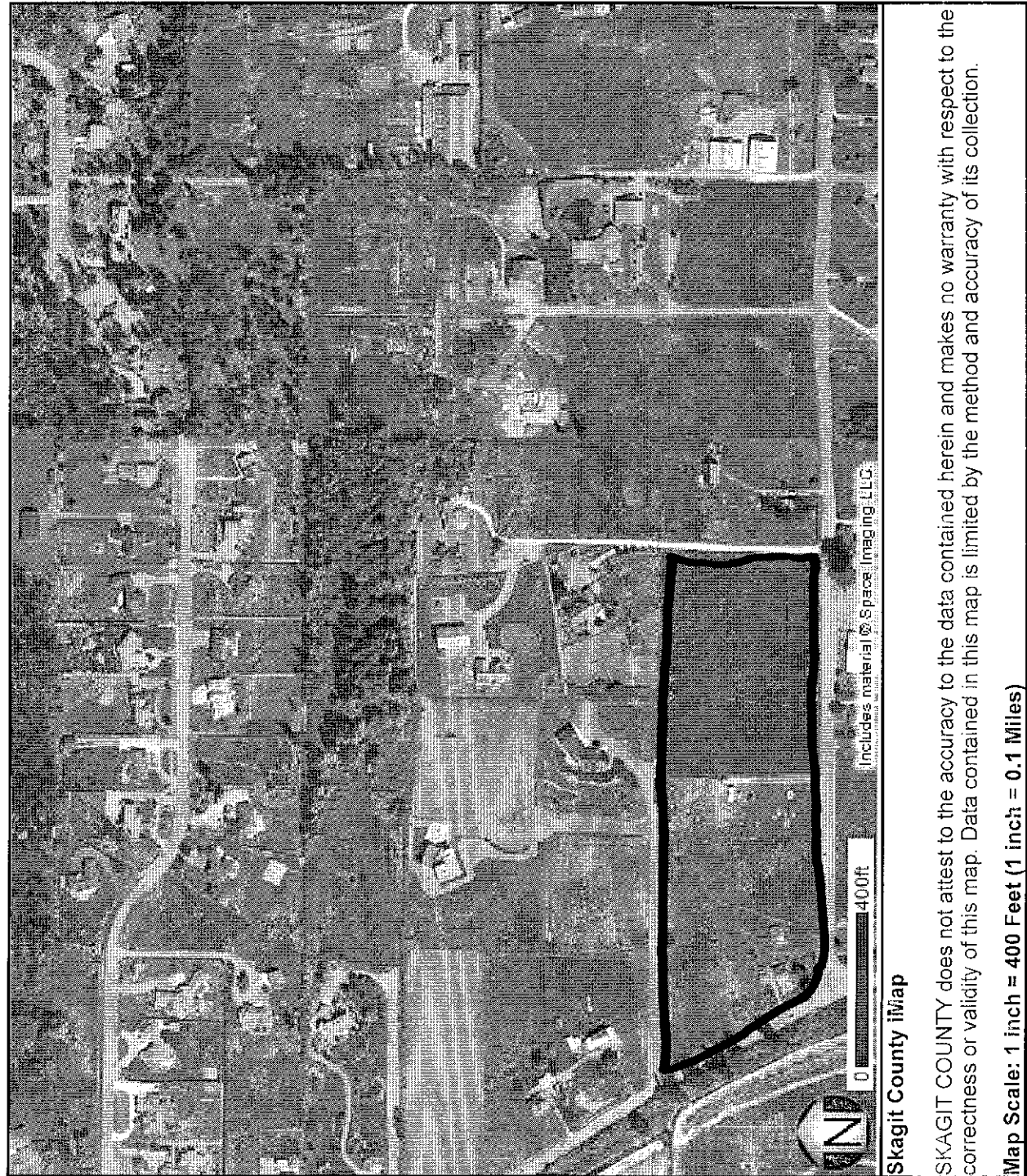
Skagit Surveyors & Engineers

A handwritten signature in dark ink, appearing to read "Marianne Manville-Ailles". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

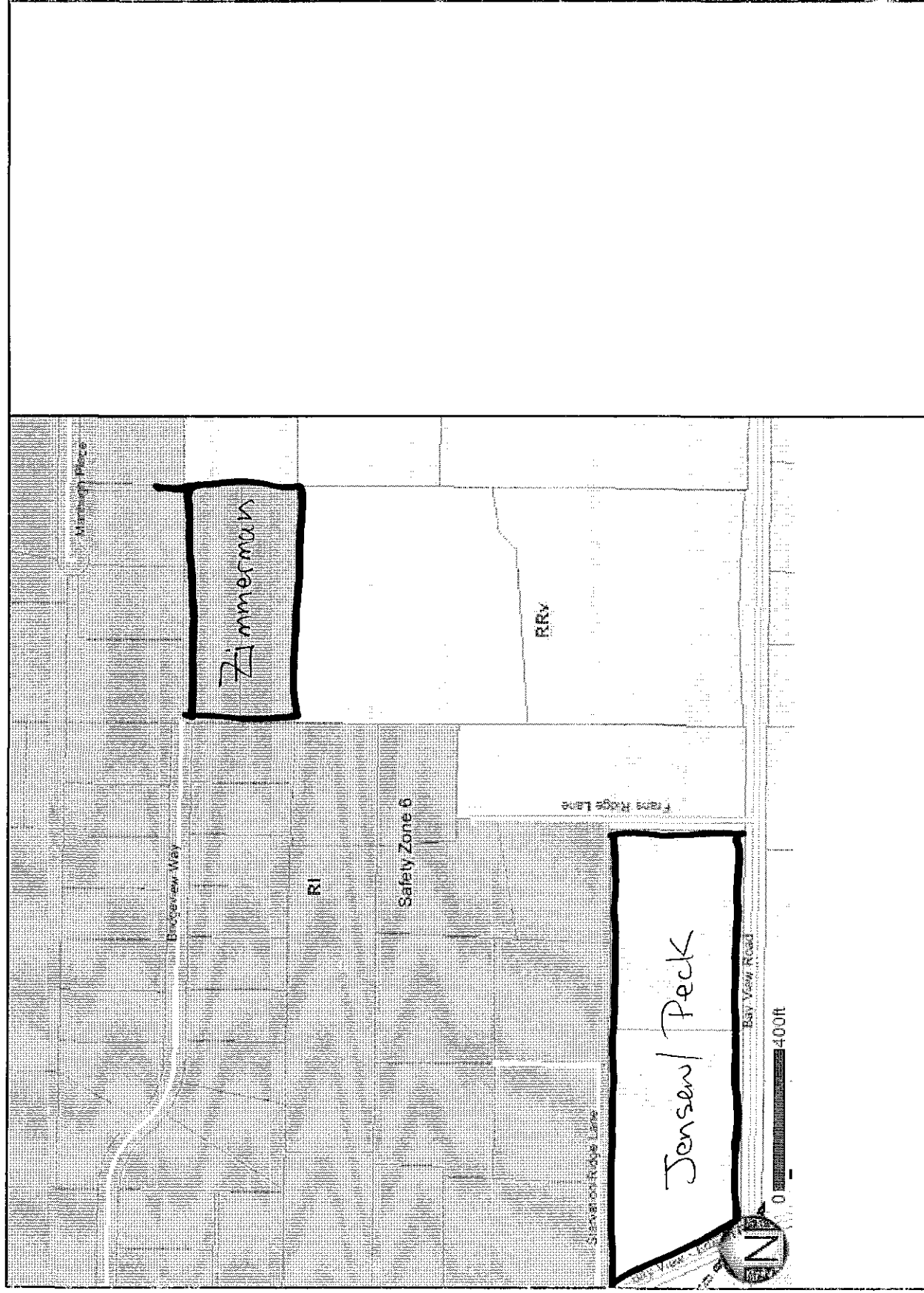
Marianne Manville-Ailles, AICP
Senior Land Use Planner

MMA/mma

Skagit County GIS Map



Skagit County GIS Map



county that, in comparison to the number of potential visitors and residents of the proposed resort, contain as many residents. The Planning Commission finds that such a proposal would at a minimum require an Environmental Impact Assessment in order to determine the full range of potential impacts and mitigation measures. Even so, the Planning Commission does not find that the proposed development is appropriate at the proposed location. The proposal remains in the Group-B category of amendments, and accordingly, is not eligible for adoption (see finding 10; see also the February, 2006 Integrated Report, and the Department's February 13, 2007 memorandum regarding MPR map amendments).

(This recommendation was made by a 7-0 vote)

156. **CPA05-51 (Zimmerman)** - This proposal sought to redesignate a 5.8 acre parcel west of the Bayview UGA from Rural Reserve to Rural Intermediate. The Planning Commission finds unanimously that the parcel should be redesignated to Rural Intermediate because: 1) it has two accesses - Bridgeview Way and an easement; 2) it is bounded on two sides by Rural Intermediate properties; 3) only one additional development right would be created through redesignation, 4) development in upland areas can reduce pressure for residential development in Ag-NRL land/floodplain; and 5) this particular area drains toward Padilla Bay, therefore not creating a drainage problem for any surrounding farmland.

(This recommendation was made by a 8-0 vote)

157. **CPA05-53 (Duffy)** - The subject property is a large (20 acre) vacant parcel with no vested rights for subdivision or development of any kind. The Planning Commission agrees with the Department's recommendation in the November 9, 2006 memo on rural map amendments (p. 4) that the property clearly does not meet the 2.5 acre parcel-size test for Rural Intermediate designation nor does it fall within a logical outer boundary of other Rural Intermediate-designated land. The Planning Commission further finds that although the property is adjacent to the City of Anacortes, the land within the City is part of the Anacortes Community Forest Lands and therefore does not contain small-lot urban residential development.

158. **CPA05-54 (Ladum)** - This is a revised version of a proposal submitted by the November, 2004 deadline for citizen-initiated map amendments. The revised proposal seeks to add a 5-acre portion of P27834 to the Big Lake Rural Village Residential zone, rather than the entire 19+ acre parcel as originally proposed. The applicant has been negotiating with Skagit County Fire Protection District #9 to make approximately 3 acres of the site available for an expanded fire station immediately adjacent to the current fire station (see November 9, 2006 memo to the Planning Commission). The Big Lake Rural Village is an existing, Limited Area of More Intensive Rural Development (LAMIRD) with a logical outer boundary consisting predominantly of the built environment. The Planning Commission finds the redesignation to be consistent with the Rural Village designation policies 3C-1.4 through 3C-1.6, and the general LAMIRD policies 3B-1.1 through 3B-1.8. A portion of the subject property falls within the existing, pre-1990 sewer district boundary. A key factor in originally designating the Big Lake Rural Village boundaries was the existing, pre-1990 pattern of development, platted lots, and infrastructure installations and investments. One important aspect of that infrastructure is Skagit County Sewer District No. 2, which has provided sewer service to the Big Lake area since the late 1970s.