



May 1, 2012

Kirk Johnson
Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273

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

Dear Kirk,

On behalf of our clients, the Jensen's & Peck's, we are submitting this letter to summarize the circumstances and rationale to support the requested redesignation of their properties from Rural Reserve to Rural Intermediate. We appreciate and agree with the PDS recommendation for approval of the request and offer the following information to supplement and clarify the Staff Report prepared for the Planning Commission.

It remains our contention that the 1996 designation of the subject property as Rural Reserve was an error. No compelling justification was ever provided for the initial designation in 1996. During the bulk of the lengthy planning process that resulted in the 1996 Comprehensive Plan, the subject property had been shown as Rural Intermediate. It was only at the very last minute that the designation was arbitrarily changed, much to the surprise of the property owners. No sound rationale for the change was offered at that time or since.

The current PDS staff report surmises that in 1996 the planning staff believed that the private Starvation Road and the "small-lot" development that was in existence in July 1990 formed a more logical boundary than Bayview Road and thus moved the boundary north from the proposed location (Bayview Road) to the current location. This cannot be accurate for a number of reasons. First, in July 1990 the property to the north of Jensen/Peck parcels was a single 18+ acre parcel with a pending short plat (three lots of roughly 10 acres, 5 acres, and 3 acres were recorded in August 1990). The smaller lots were not created until November 18, 2005 when a second short plat was recorded. In the late 90s, when the planning staff was looking at this area, there was no Starvation Ridge Road. The road was built in conjunction with the 2005 short plat. Aerial Photos from the late 90s show only a mowed grass field access in the area that would later become Starvation Ridge Road. In the light of no evidence to the contrary, it is clear that in 1996 the boundary was drawn in error.

During the docketing hearings there was discussion regarding additional review of the parcel during the initial 1997 review. It should be noted that during the 1997 review there were a vast number of parcels for the County to reconsider. The property owners did not supplement the record with additional information that would have compelled the planning staff to closely review the subject parcel. With nothing new to look at and with so many parcels to consider, it is understandable that the staff would have added the subject parcel to the over 100 parcels that were easily dismissed in the 1997 review. As such, the errant Rural Reserve designation has remained in place until today.

Now, 15 years later the property owners are asking that the County re-evaluate the designation of their parcels. Even more than in 1996, today Skagit County is concerned with preserving farmland, staying out of the flood plain, protecting critical areas, concentrating development where there are existing services and infrastructure. Just as was the case in 1996, the subject parcels are not farmland, they are not in the flood plain, they do not have critical areas, they are served by PUD water, they have access from two County Roads (the Jensen's have two approved access permits), and they have soils suitable for septic (the Jensen's have two septic approvals on their parcel). In a word, the properties are "uniquely developable" and perfectly suited for infill development.

When we look at the code changes and mapping amendments that have occurred over time it becomes apparent that the number of potential lots that can be created and/or developed in Skagit County is significantly reduced from what was available in 1996. Some examples include:

- The closure of the Carpenter Creek/Fisher Creek basins and imminent closure of the Nookachamps Basin.
- Changes to the flood prevention ordinance as a result of the NMFS/FEMA Biop.
- New more stringent Critical Areas regulations.
- Increased areas mapped as mineral resource overlay areas (where these are adjacent to Rural Reserve the bonus density is eliminated thus reducing the lot potential by half)
- On-going updates to the Shoreline Master Program.

Even with all of these changes and many others, no comprehensive look at the number of potential lots that have been lost has been undertaken. However, without a doubt, the number of lots lost are many, many, many orders of magnitude larger than the two new lots that could result from approval of the requested redesignation.

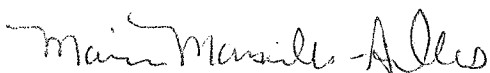
To summarize:

- Bayview road is a logical outer boundary that has been in place since well before July 1990.
- The property is "uniquely developable" with services and infrastructure available and obstacles and constraints absent.
- Changes in regulations and mapping have significantly reduced the number of potential lots available in the County.
- Approving the request would result in well justified infill.

We respectfully request that the Planning Commission supports the Planning Department and recommends approval of the Jensen-Peck request to rezone their parcels from Rural Reserve to Rural Intermediate. Thank you.

Sincerely,

Skagit Surveyors & Engineers



Marianne Manville-Ailles, AICP
Senior Land Use Planner

Skagit County GIS Map

