

MAY 04 2012

5/4/12

SKAGIT COUNTY
PDS

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

Dear Mr. Johnson,

We submit the following information to supplement and clarify the testimony heard at the Planning Commission meeting on 5/1/12 regarding the requested redesignation of our properties from Rural Reserve to Rural Intermediate. While we believe that our request speaks for itself, after some of the inaccurate depictions presented at the hearing we feel the need to provide some further details. Information about several of the hearing's discussion points follow.

Rural character of the neighborhood.

We bought our property in 1988 and lived on it until 2005. We have always fully appreciated the rural character of the neighborhood, which is why we lived there and also why we have kept our parcel. We have kept our parcel, despite many inquiries about selling it (including from two of the parties that testified against our redesignation request but wanted to build on it themselves), because we do intend to eventually move back there. We do not want to live next to a "giant" home, nor do we intend to build such. While the question of what rural looks like is open for debate, we certainly are not going to build anything like the new home being built by a neighbor who testified about retaining rural flavor (see attached photo of Mullen home currently being built). Also, unlike the newer neighbors, we do intend to have livestock and enjoy the small farm life (which will be a down size from our current 20 acre upkeep in Bow). Unlike the neighbors who testified about protecting the rural character but only have a few chickens and vegetable gardens, (which they could also have within most city limits) Art and Vickie Jensen raise beef cattle which is also what we did when we lived there. When we move back, we will also have livestock. We have spent our entire adult lives in rural Skagit County, after growing up in Anacortes, and do not have any plans otherwise.

Notably, not only do we say we want to protect the rural character of our Bay View Road neighborhood, as we are one of the longest owners out there, we have actually taken concrete steps towards that goal. First, even when we could have, we purposely did not divide our land into small 1 acre lots, as we did not believe that is what should have happened to the parcel. We made that choice over the choice of financial gain. Second, we were very selective in who we chose to sell the one parcel to. We chose to sell to the Jensens when our elderly neighbors, Elmer (now deceased) and Annabell Jensen approached us about their family member being interested in moving closer to them. When we met Art and Vickie Jensen, we learned that they sought to continue their rural lifestyle and that is why we sold to them, as they will be our neighbors when we move back there. Lastly, we are also the only owner that we know of that actually created a view easement to help protect the flavor and views of the neighborhood. Art and Vickie Jensen are the only parcel owners to willingly buy a parcel with a view easement

knowing they can only build in specified areas, and they willing did so to help maintain the rural character that we all desire.

We can understand the fear from neighbors whose only views are across our now vacant field. However, the neighbors have always known the fact that we will be building on our parcel which will change views. We have even walked our parcel several times over the years with the two neighbors whose views stood to be most impacted by our future home to get their input. We did so because we value good neighbors, good neighborhoods, and we are not the type of people that would build directly in front of anyone if it can be mitigated at all. That is why over the years we have taken several concrete steps to protect our neighborhood and even implemented the view easement.

Question of “unleashing a flood” of redesignation requests along Bay View Road.

A lot of the discussion was around the fear that approval of this request may result in many of the other owners along Bay View Road making the same request in the future. Clearly, over the past 15 years every parcel owner along the north edge of Bay View Road could have followed the process to make such a request. This is especially true prior to the process becoming much more costly. Markedly, not one single parcel has done so until now. In fact, while doing research for our request, we asked the Planning Department for examples of past redesignation requests, both approved and not approved ones, in the whole Bay View Ridge area. The Planning Department could not find more than a handful of them over the 10+ year span. Notably, even when a couple of requests were approved, there was no “domino” effect caused where the neighbors then submitted their own requests. These two facts lead us to believe that there will not be any spurt of redesignation requests, should our request be approved. However, if there were to be a significant increase of such requests the County Commissioners are fully able to act as gatekeepers to the process, as was discussed at the 5/1/12 hearing.

Discussion about the County proposal C-1.

The Planning Department proposed C-1 to “further refine rezone requirements for Rural Intermediate and Rural Village land use designations”. A lot of the discussion during the hearing on our redesignation request actually pertained to C-1 rather than to our specific request. While the Planning Department does recommend approval of our request, some confusion was unfortunately created by their also using our request as an example of why they are proposing C-1.

As was stated at the hearing, our request is recommended to be approved based on its own stand alone merits. Of course, we knew nothing of the Planning Department’s plans around C-1 as we followed all applicable County rules and procedures to do our request. Additionally, as was stated, even if C-1 is passed it does not pertain to the current year’s requests. It would not be fair if our request is “thrown under the bus” because our request happened to be on the same docket and used as an example in the C-1 proposal.

By the GMA law, there has to be a process to address corrections within zoning. Skagit County’s Comprehensive Plan has very prescriptive and strict criteria that dictate the rare circumstances when modifications can justifiably be made to the current zoning. We based our request on those specific allowable methods. In doing so, we believe we have made a very strong case that shows all applicable Skagit County rules do allow

approval of our request. Despite their initial opposition but upon thorough review, the Planning Department came to the same conclusion and recommends approval. Therefore, we reiterate that our request be viewed as if the C-1 proposal did not exist.

Discussion about Logical Outer Boundaries.

As our consultant testified at the 5/1/12 hearing, the small lot development pattern did not exist in July of 1990. It did not even exist in 1996 when the Comprehensive Planning process that established the current zoning happened. At that time, the adjacent properties north of us, all the way to Bridge Water Estates, were 5 acre and 10 acre parcels, with only two 3 acre parcel exceptions. The "quilt pattern" of today mostly occurred since 2005 and is a direct result of the application of the zoning, as would be expected. We have attached copies of aerial photos that show the sequence of land divisions that created the existing pattern and resulting new homes (see attached).

We have maintained that Bay View Road is the most Logical Outer Boundary for the Rural Intermediate zoning. Throughout the Comprehensive Planning process, Bay View Road was mapped as the southern Rural Intermediate boundary. It was not until three weeks prior to final adoption that the line was moved north to our north fence line.

As was clarified at the 5/1/12 hearing, Logical Outer Boundaries are primarily determined by the built environment. Upon thorough review, the Planning Department stated at the 5/1/12 hearing, "We have retaken a look at this and looked at Bay View Road as a major county road, paved road, and you've got the square intersection, and agree at this point, that that really does provide a more Logical Outer Boundary". It is not hard to come to this conclusion, that the more Logical Outer Boundary is Bay View Road, especially when the original mapping error changed the line to a barbed wire fence between two 10 acre parcels.

Summary.

Our request for redesignation is made to rectify what we believe was an error that occurred during the final days of the Comprehensive Planning process in 1996. We have made a strong case that follows and meets the very strict criteria that allows such a request to be approved. We are asking to allow two additional developmental rights, from two to four, a very small increase, which would be in keeping with our adjacent neighbors. We concur with the Planning Department's comments at the 5/1/12 hearing, "That the inclusion of these two 5 acre parcels, which will create two additional developmental rights, does not constitute low density sprawl and so that this would fall within the allowable criteria or parameter for Rural Intermediate designation".

We respectfully request that the Planning Commission supports the Planning Department's recommendation for approval of our rezone proposal on our parcel from Rural Reserve to Rural Intermediate. Thank you for your consideration,

Sincerely,

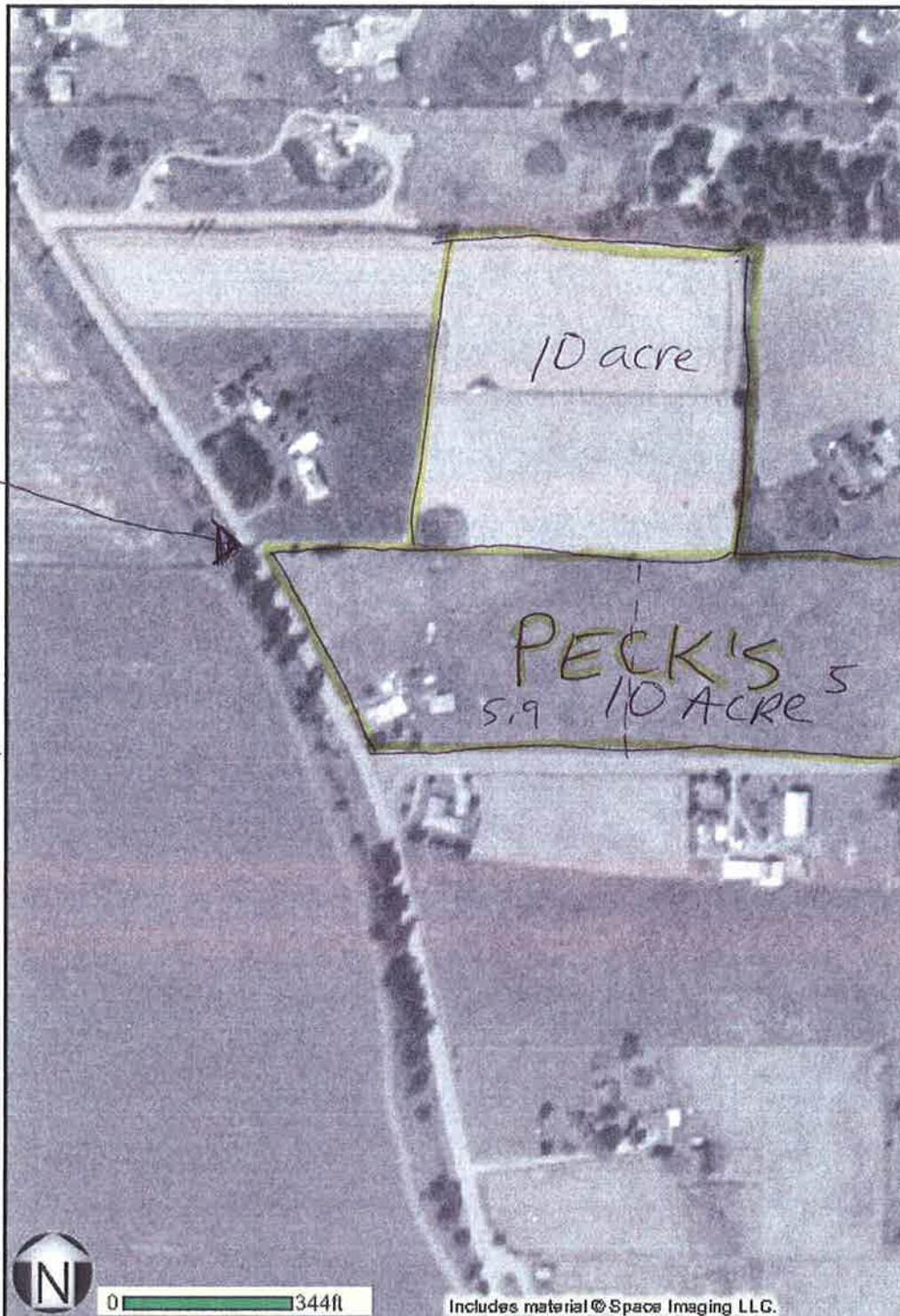

Dan and Rebecca Peck



Mullen house 5/4/12 #P111081
(with basement)

1998

~~Starvation~~
NO
starvation
Ridge Rd
Tractor
drove on
grass to
Hay

**Skagit County iMap**

SKAGIT COUNTY does not attest to the accuracy to the data contained herein and makes no warranty with respect to the correctness or validity of this map. Data contained in this map is limited by the method and accuracy of its collection.

Map Scale: 1 inch = 344 Feet (1 inch = 0.1 Miles)

**Bay View 2002 shot NO Starvation RD = still 10 acres****Skagit County iMap**

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Map Scale: 1 inch = 378 Feet (1 inch = 0.1 Miles)



2005 no Starvation Ridge Rd



Skagit County iMap

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Map Scale: 1 inch = 378 Feet (1 inch = 0.1 Miles)

2006 = Starvation Ridge Rd is there

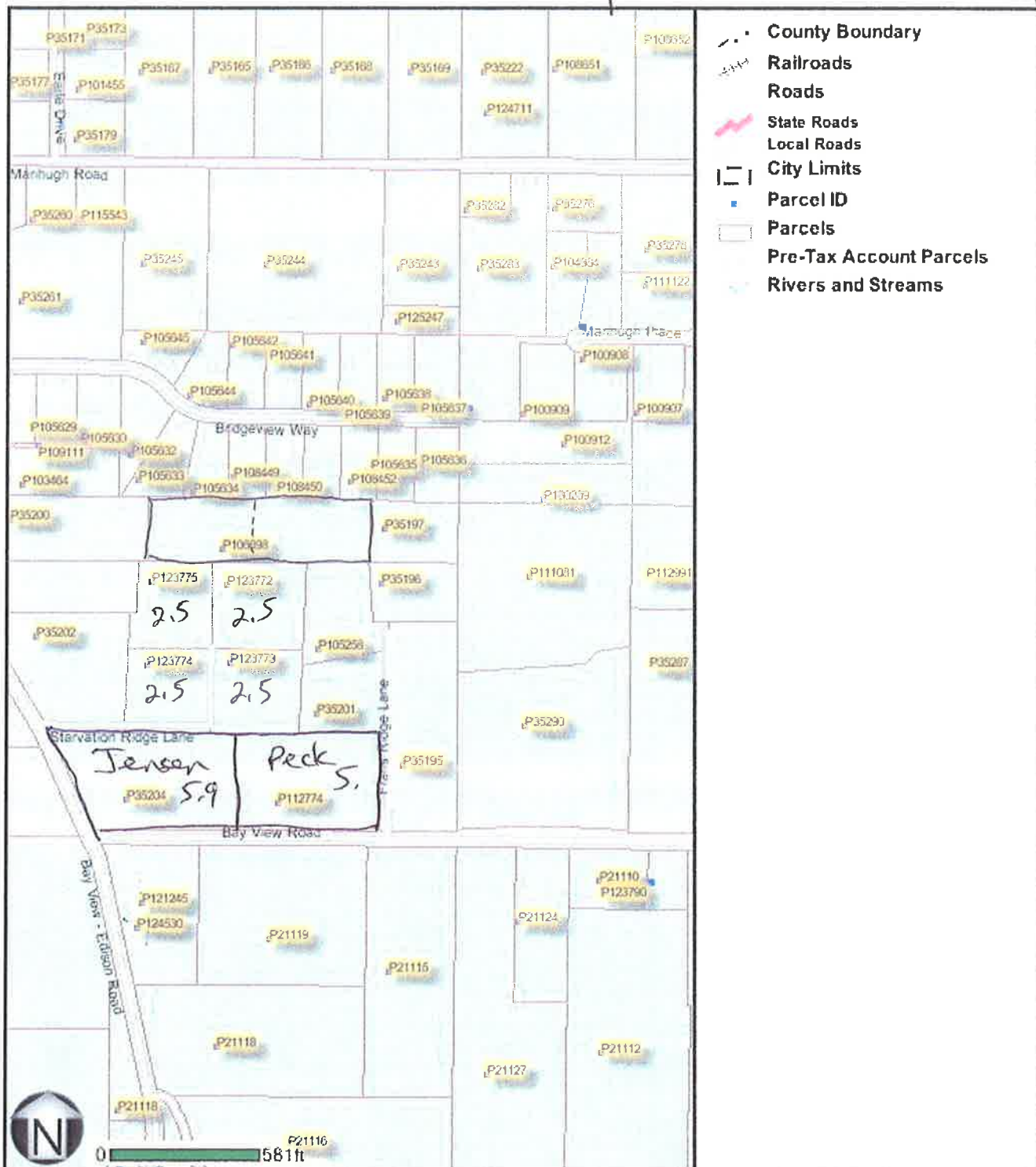


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May 2011

Matches
Next Aerial photo**Skagit County iMap**

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Map Scale:

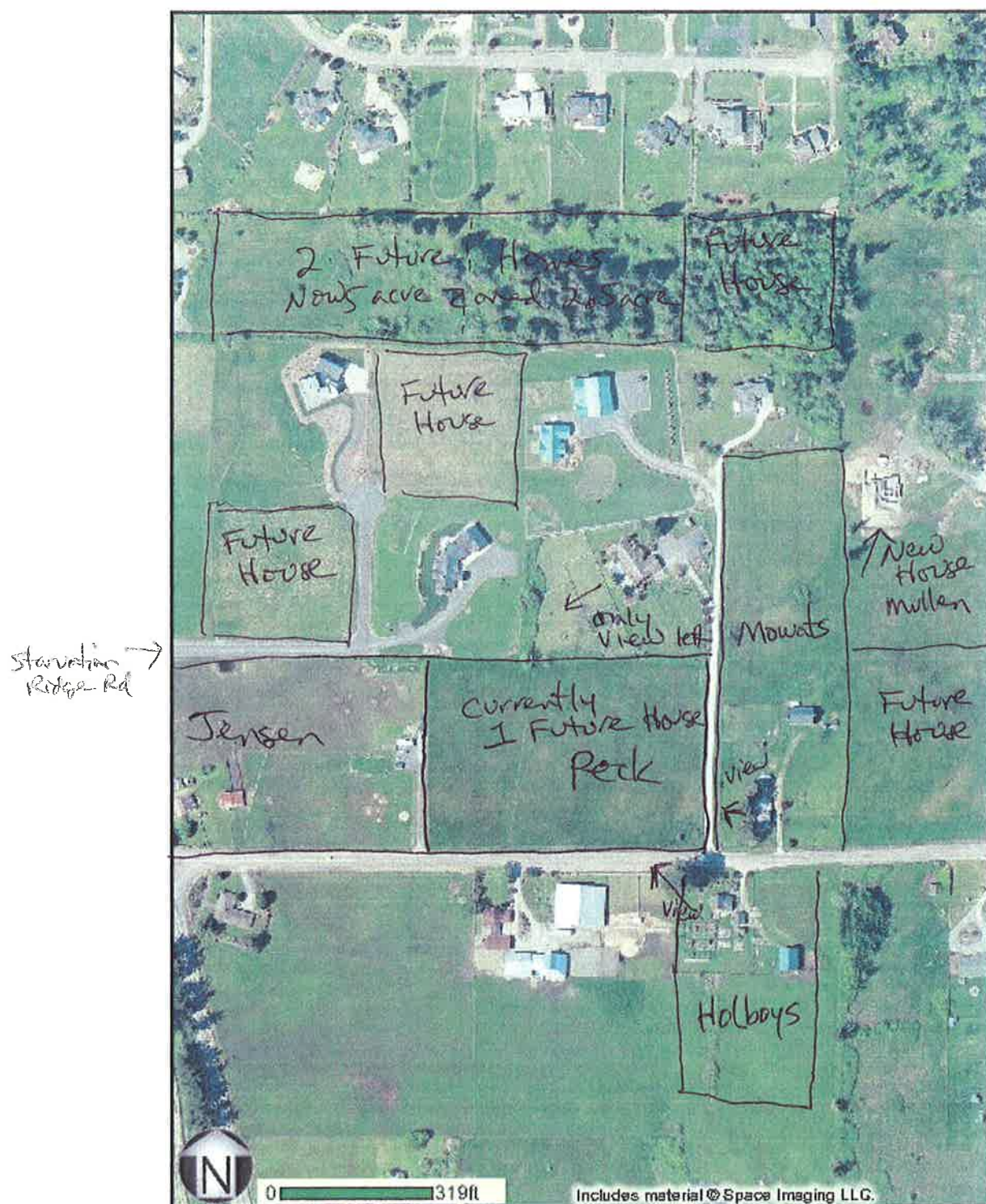
1 inch = 581 Feet
(1 inch = 0.1 Miles)

May 2011 *Matches
parcel # MAP***Skagit County iMap**

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May 2011 Neighbors views



Skagit County iMap

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Map Scale: 1 inch = 319 Feet (1 inch = 0.1 Miles)