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EVERGREEN ISLANDS

May 4, 2012

To: Skagit County Planning Commission
(Carol Ehlers, Annie Lohman, Jason Easton, Dave Hughes,
Josh Axthelm, Elinor Nakis, Matt Mahaffie, Mary J. McGoffin)
1800 Continental Place
Mount Vernon, WA. 98273

Re: Lake Erie Trucking (Bill Wooding) – PL11-0250

As a member of the Citizens Advisory Committee for the Fidalgo Subarea Plan, I can relate what happened to the Fidalgo Subarea Plan on a first-hand basis. The following information is intended to provide the Planning Commission for a more complete understanding of history of recent planning efforts on South Fidalgo Island.

Respectfully yours,

A handwritten signature in cursive script that reads "Tom Glade". The signature is written in black ink on a white background.

Tom Glade
President, Evergreen Islands

Evergreen Islands appealed the Fidalgo Subarea Plan because the Growth Management Act (GMA) mandates that population growth occur primarily in urban areas. As a result of our appeal, the Western Washington Growth Management Hearings Board (WWGMHB) included the following order in its Final Decision and Order¹ (emphasis added):

(3) Set a specific timetable for, and firm commitment to, the timely completion of the Fidalgo Sub-Area Plan. **This plan must be completed and found to be compliant before the CaRD urban reserve development or any other increase in density are allowed to occur on the Island.** The specific timetable and scope of work must be developed and supplied to us within 90 days.

In 2003, the County retained Berryman & Henigar, a Seattle consulting firm, to develop the Fidalgo Subarea Plan. Then Commissioner Don Munks appointed the members of both the Citizens Advisory Committee (CAC) and the Technical Advisory Committee (TAC) to work with Berryman & Henigar to develop the Subarea Plan. Table I lists the members of the two committees:

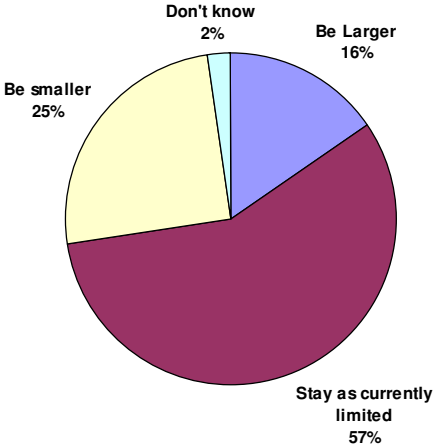
Table I. Members of the Citizen and Technical Advisory Committees.

Citizens Advisory Committee	Technical Advisory Committee
Bill Dinsmoor	Bob Bell
Tom Glade	Dave Cortelyou
Edward Goodman	Ross Barnes
Ken Howard (resigned)	David Pearson
Chuck Manning	Ian Munce
Terry McNeil	Tony Kubena
Tom Stowe	Konrad Kurp
Bill Turner	Jim Mecca
Bill Wooding	

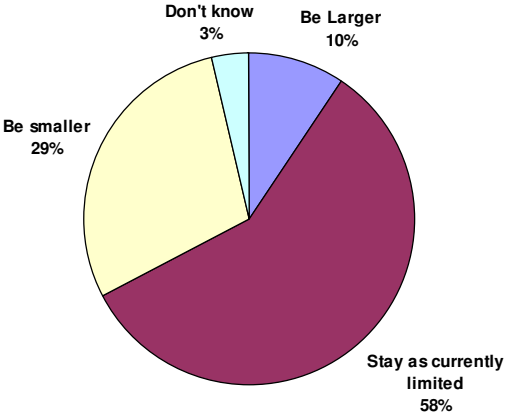
¹ EVERGREEN ISLANDS v. SKAGIT COUNTY, Final Decision and Order, No. 00-2-0046c, February 6, 2001

As part of the subarea planning efforts, the County conducted a survey of South Fidalgo residents. Figure 1 presents the results of that survey.

The minimum lot size in new subdivisions in the Rural Intermediate (RI) zone should be



The minimum lot size in new subdivisions in the Rural Reserve (RRv) zone should be



After nearly two years of work the CAC, Berryman & Henigar had produced a fairly decent subarea plan for South Fidalgo, the August 2005 draft of the Subarea Plan stated the following (emphasis added):

Land Use Policy Recommendations The following suggestions for consideration have emerged during the planning process. As the County Comprehensive Plan is updated this year, the rural land use policies are being reviewed and may be amended for other reasons. The South Fidalgo considerations could be included in the County's update depending upon the Citizens' Advisory Committee's recommendations. The following discussion describes alternative ways to address the land use issues that emerged in the subarea planning process.

Should land use (zoning) designation changes be proposed?

The CAC could recommend changes to the existing zoning map for the subarea. This has been discussed considerably during the process. No majority opinion or consensus regarding a preferred alternative has emerged. Most public opinion has been in favor of limiting or slowing growth. Since the development capacity is already limited by a number of factors such as critical areas, parcel configurations, and utility availability, changing the zoning map to "downzone" from Rural Intermediate to Rural Reserve does not appear to be necessary. **Some property owners have expressed interest in "upzoning" their land from Rural Reserve or Rural Resource to Rural Intermediate. These individual proposals should be judged on their merits on a case-by-case basis, but generally, the Committee is not supportive of changing current County policies.**

However, Plan took a radical change in direction at the CAC meeting on October 20, 2005. The minutes from that meeting included the following statements (emphasis added):

- **Stowe moved and Manning seconded a motion to recommend upzoning all of the Rural Resource land to Rural Intermediate. Wagoner said that while the current RI zoning has passed the Growth Board test, creating more 2.5 acre zoning could raise a red flag since the state's "brightline" for rural density is a 5 acre minimum.** LAMIRDs were also discussed (see Ehlers' comments above). Wagoner's understanding of the state law and the County's use of LAMIRDs was that this approach is not intended to create more capacity, at least not at the scale contemplated here. **Glade expressed strong opposition to this motion and to the notion that the area needs more development capacity. He has stated this before in previous meetings. He feels that if the County enacts this zoning change, it will be challenged. When the question was called, all members of the CAC present except Glade voted in favor. Glade voted no.**
- Glade moved to have a survey of the area done to ask whether the proposed zoning change was acceptable. The motion died for lack of a second.
- Glade moved to have the record state that changing the zoning to a "non-rural" density was against the law (GMA). That motion died for lack of a second.

Note that committee member Bill Turner, presently an Anacortes City Councilmember, was absent.

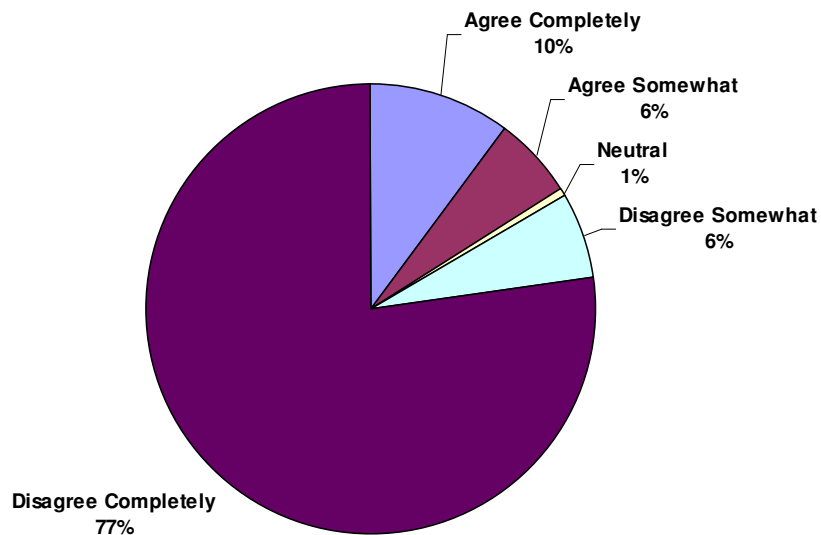
At the following CAC meeting on November 15, 2005, two County planners, Jeroldine Hallberg and Kirk Johnson, tried to convince the CAC that their decision to upzone Fidalgo Island was a violation of the GMA. The minutes for the November 15 CAC meeting stated the following (emphasis added):

Department of Planning and Development Services

Hallberg and Johnson described the Department’s position on the CAC’s land use recommendation to change the Rural Reserve zoning on the Island to Rural Intermediate. The Department will take the CAC’s recommendations through the Planning Commission review process, but there is good reason to believe that it will not be approved – and if it is, will be subject to appeal. **Johnson provided a handout titled “Rural Residential Densities Relative to the Fidalgo Island Subarea Plan”. This was a listing of 8 points regarding the County’s GMA history, ending with the “Bottom Line: The Growth Management Act does not appear to allow Skagit County to create new areas of 2-1/2 acre zoning (or any other zoning greater than one unit per 5 acres) in the Rural Area.”** Hallberg followed up with information describing two recent state Growth Management Hearing Board cases in Thurston and Whatcom Counties where rural zoning with densities greater than 1 DU/5A was rejected.

In December of 2005, the County hosted an Open House regarding the draft subarea plan. As part of the Open House, another survey was conducted. The results of that survey are as follows:

Rezone all Rural Reserve (RRv) land to Rural Intermediate (RI)



The January, 2006 draft of the Fidalgo Subarea Plan was amended to state the following (emphasis added):

SUMMARY OF RECOMMENDATIONS

Based on the planning process undertaken by the advisory committees, the Citizens Advisory Committee has advanced the following recommendations for further County considerations. These proposals are based on the community vision statement and reflect the CAC's conclusions as to the best measures that can result in achieving the vision

Land Use

- **Change all Rural Reserve zoning to Rural Intermediate** and prohibit Conservation and Resource Development (CaRD) subdivisions. This proposal would increase the potential development capacity of the Subarea over the capacity allowed by the current adopted zoning.
- Prohibit most non-residential uses.

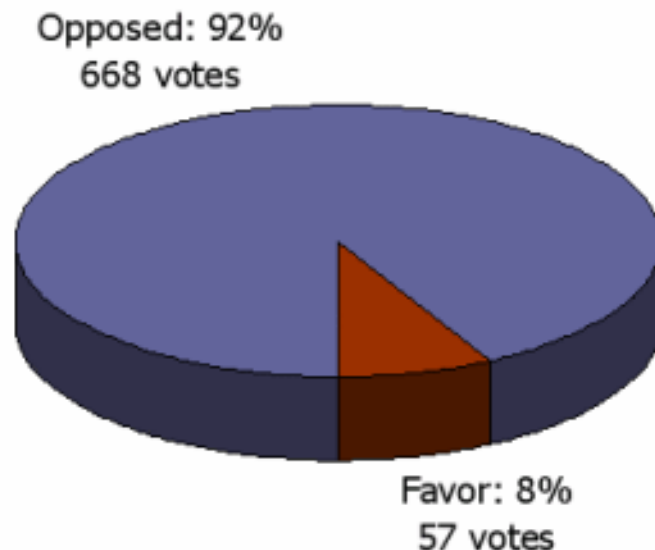
In response to the upzoning decision, residents of South Fidalgo formed a group called Save South Fidalgo! In March 2006, the Save South Fidalgo organization mailed a letter and ballot to some 2000 south Fidalgo property owners, along with a self-addressed, stamped envelope. The ballot contained one question.

I oppose the proposed rezone from Rural Reserve (10-acre minimum lot size) to Rural Intermediate (2.5-acre minimum lot size). I want south Fidalgo Island's character to stay the way it is.

I support the proposed rezone and more growth and development. As of March 24, 2006, the 725 ballots returned are running nearly 12:1 opposed. Opposed indicates a desire to retain the current character of south Fidalgo island.

Figure 2 shows the result of their survey.

Figure 2. Results of the Save South Fidalgo Survey.



As result of the community backlash, Skagit County hired Bill Grimes of Studio Cascade to work on the South Fidalgo Subarea Plan. In an August 16, 2006 Anacortes American newspaper article, Elaine Walker included the following comments:

Bill Grimes, a Spokane-based consultant just hired by Skagit County to develop a new vision for the embattled South Fidalgo subarea planning process, got to work early this week by meeting with county commissioner, citizens advisor committee members, concerned residents, property owners, and members of the local press.

“This is designed to be a transparent and inclusive process,” he said Monday.

The subarea planning process stalled after a citizens advisory committee proposed rezoning much of rural Fidalgo Island to allow on home per 2.5 acres in areas previously zoned for one home per 10 acres. The change is opposed by county planners who said it would not meet Growth Management Act requirements, and by a vocal majority of residents who said it would ruin the island’s rural character.

“The process just ended with the delivery of a draft that reflected the advisory committee’s opinion but not necessarily the community’s,” Grimes said.