UGA AMENDMENT REQUEST

RECEIVED

JUL 10 2007

SKAGIT COUNTY COMMISSIONERS

Town of Hamilton P.O. Box 528 Hamilton, WA 98255

July 10, 2007

RE: Request for Urban Growth Area Designation

Skagit County Board of County Commissioners Sharon Dillon Ken Dahlsted Don Munks 1800 Continental Place Mount Vernon WA 98273

Dear Commissioners:

The Town of Hamilton is pleased to transmit an application for your consideration to expand the Hamilton Urban Growth Area to accommodate the relocation of the Town of Hamilton out of the Skagit River Floodway, provide opportunities for restoration of the Wild and Scenic River corridor, facilitate the purchase of floodway development rights, and consolidate the major industrial site into one jurisdiction. The Sub Area Plan was adopted by the Town of Hamilton by Ordinance #267 on June 12, 2007, copy attached.

We are asking that you approve the additions to the Urban Growth Area and rezone the two sites. The 59 acre NRI site, a portion of the old Crown Pacific Log Yard, is proposed to be zoned for Industrial use. The 202 acre site north of SR-20 is proposed to be placed in an Urban Reserve Zoning designation to preclude inappropriate development, such as five-acre lots, until such time as the land is ready to be annexed into the Town.

The Town of Hamilton is asking for a chance to move out of harm's way and to grow. The request is consistent with the methodology that has recently been adopted countywide for the expansion of Urban Growth Areas.

The commitment that Skagit County has made through working with Hamilton and the Hamilton Public Development Authority clearly demonstrates that the county has stepped up to the challenge by taking a leadership role in flood hazard mitigation and improving the lives of many people, through facilitating the creation of new employment and housing opportunities.

Since the formation of the Hamilton Public Development Authority, every possible effort has been made to figure out how to put this program together in terms of funding, expertise, environmental mitigation, and forming partnerships. It is extremely clear that the key to the future rests in your hands. The only chance Hamilton has for the future is to get an Urban Growth Area in place that is sized for town relocation and future growth. We are asking for a fair chance to build a vital community over the twenty year planning timeline, and the opportunity to play a role in the economic revitalization of east Skagit County, where there has been virtually no significant job creation since the fall of the timber industry.

Thank you very much for the hard work and commitment of you and your staff.

Tomoth 9 Bat Sincerely,

Timothy A. Bates Mayor

NOTICE:

Applications to change a municipal urban growth area boundary must be submitted to Planning and Development Services by the last business day of March. The application will be forwarded to the appropriate City/Town Planning Department, which must return it to Planning and Development Services, with an official recommendation, by the last business day of July.

Applications for rural commercial/ industrial designations will be accepted, with the understanding that the County may not be able to process or approve those applications until the Countywide Planning Policies are amended to remove the cap on rural commercial/industrial acreage allocations. The County is proposing this change through the 2005 Growth Management Comprehensive Plan Update.



Skagit County Planning & Development Services

PL #07 - 0905

1800 Continental Place • Mount Vernon, WA 98273 Office (360) 336-9410 • Fax (360) 336-9416 • Inspections (360) 336-9306

Comprehensive Plan Policy Amendment Comprehensive Plan/Zoning Map Amendment Rezone

Application Submittal Checklist Section 1

All applicants must submit the following (Also check for additional requirements below):

- Completed Fact Sheet (Section 2 of this form) \boxtimes The form must be fully completed, signed, dated and submitted prior to the last business day of July.
- Application Fee No fee for City/fown. Ky Note: For review that requires more than 80 hours of staff time, the applicant will be billed at a rate of \$50 \Box per hour.
- \boxtimes SEPA Checklist and Fee Note: This application may be considered complete without payment of the SEPA fee. The SEPA fee and checklist, if required, are due within 20 days of approval for further consideration by the Board of County Commissioners.
- Completed Questionnaire (Section 3 of this form) \bowtie

Applicants for map amendments must also submit the following (see also additional requirements below):

- \boxtimes Assessor's Parcel Map Please include an 8.5" x 11" map showing the Assessor's parcel layer. Please identify the subject property on the map. Use a black or red ink marker. Highlighting markers will not photocopy.
- \boxtimes Land Use Map A map showing the subject property and property lines and the Comprehensive Plan/Zoning designations of A map showing the subject property and prope
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Applicants for a change to a commercial or industrial designation must also submit the following:

- Commercial / Industrial Phasing Plan (Optional See SCC 14.16.900)
- Site Plan

A site plan drawn to scale of not less than 1" = 40' clearly showing dimensions of all property lines; location and dimensions of existing structures, proposed buildings and additions; access points; off street parking; existing and proposed landscaping; location of sewer lines and connections, or septic tank and drain field including the distances from all structures (existing and proposed) from property lines and each other.

^{*} Black and white submittals on 8.5" x 11" paper preferred. 11" x 17" maximum. Color maps must be reproducible in black and white.

Fact Sheet

INSTRUCTIONS

Section 2

Please complete Sections 1 through 4 of this application packet. Attach other required forms or information as necessary. For information on general requirements, application review process and frequently asked questions, turn to Sections 5 & 6 of this packet.

APPLICATION TYPE [Please check the appropriate box below]

- Policy Amendment [A change to one or more comprehensive plan policies]
- Map Amendment (A change to a comprehensive plan/zoning designation)
 - Check this box if you are proposing to change your property to a commercial or industrial designation/zoning district. If the phasing option is chosen under SCC 14.16.900(3)(c)(iii)(a), a phasing plan must be submitted as part of this application.
- Rezone [A change from one zoning designation to another within the same Comprehensive Plan Designation - rezones are only available within a the UGA]

PERSONAL INFORMATION [Please Print]

Applicant/Contact Town of Hamilton, Margaret Fleek, Town Planner

Mailing Address P.O. Box 528 (Please copy 901 E. Fairhaven Ave., Burlington WA 98233 for staff access)

_____State WA_Zip 98255 _ Email Address mfleek@ci.burlington.wa.us City Hamilton

Phone 360-755-9717 Alt Phone Fax 360-755-9309

Are you the owner of the subject property? TYes X No [if yes, complete Section 4, Ownership Certification]

If no, please indicate your interest in the subject property [e.g. neighbor, community resident, interested citizen, etc.]

Town is requesting an Urban Growth Area

Property Owners Punkin Center LLC, Lawson, Hughes

Mailing Address See attached sheet for site addresses of proposed Urban Growth Area sites

City Town of Hamilton State WA Zip 98255 Email Address mfleek@ci.burlington.wa.us

____ Fax <u>755-9309</u> Phone 755-0717 (planner) Alt Phone _____

PROPERTY INFORMATION [Site-specific proposals only] SEE ATTACHED SHEET

Site Address [or General Property Description - Attach separate sheet if necessary]:

P-number(s))	Assessor's Account #	
Section	Township	Range Acreage/Lot Dimensions	
Existing Zoning Designation		Requested Zoning Designation [see Sectio	n 3]

By signing this form, the applicant agrees to pay all application fees in accordance with the approved fee schedule posted in the Planning and Development Services. If the application is approved for further consideration by the Board of County Commissioners, the applicant may be required to submit a State Environmental Policy Act (SEPA) checklist and related fees. Applicants are encouraged to consult with Department staff in advance of application submittal to review all submittal requirements. Payment of fees does not guarantee final approval. The applicant acknowledges that a completed application must be submitted by the close of business on the last business day of July of each year. Incomplete or late applications will be returned to the applicant.

APPLICANT SIGNATURE: Margaret Lack DATE: 7

Received (date stamp)				
SKAGIT COUNTY PERMIT CNTR. JUL 10 2007 RECEIVED				
Received by				
Assigned to				
Application Complete* Yes / No				
Date				
Staff				
*[See Checklist, Section 1]				

FOR OFFICE USE ONLY

PROPERTY INFORMATION

Punkin Center LLC – 34280 SR 20

Existing Zoning is NRI, Natural Resource Industrial

Proposal is Urban Growth Area, General Industrial Zoning

Parcel Numbers

P41216

P41176

P41177

P41204 P41202

P41215

P41175

P41174

P41212

P41210

P41208

P41205

Lawson - 34753 Walders Road

Existing Zoning is RRC-NRL, Rural Resource

Proposed Zoning is Urban Growth Area Reserve

Parcel Numbers

P41064

P41077

<u>Hughes – 35023 Walders Road</u> Existing Zoning is RRC-NRL, Rural Resource

Proposed Zoning is Urban Growth Area Reserve

Parcel Numbers

P41086

P41091

P41090

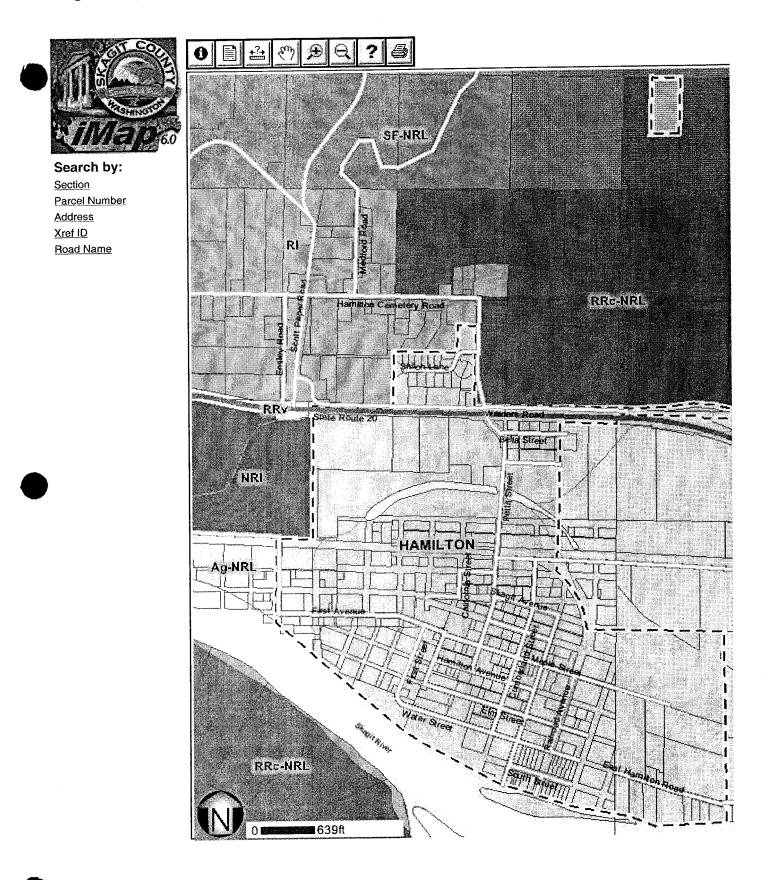
P41092

P41093

P41094

P41095





Section 3 Questionnaire

1. Please provide a detailed statement of what is proposed and why. Include suggested amendatory language to the Comprehensive Plan, if applicable. For proposed map amendments to a commercial or industrial designation, include additional information relating to the proposed commercial or industrial use.

A copy of the Draft and Final Environmental Impact Statement and the adopted Sub Area Plan is attached for your consideration. This is a proposal to expand the Hamilton Urban Growth Area to allow a site for relocating floodway residents to grow as homes are removed from the Skagit River Floodway in Hamilton and surrounding areas.

Part of the proposal is to add the 59 acre remainder of the old Crown Pacific Log Yard to the Town Urban Growth Area to accommodate major industrial/economic development. Site is all under one ownership, Punkin Center LLC, and flexibility in site planning and utilization is important for the future.

An additional 202 acres is proposed to be added to create a relocated Town site, north of SR 20 and outside the floodplain. This is located to connect to two fragmented parts of the existing incorporated town, the well site and the gravel mine site.

Approximately 310 acres (50%) of the Town are located within the floodway and 100-year flood plain. Development in these areas is prohibited, significantly restricted, or undesirable for the location of both residents and businesses. Approximately 90% of the residential area of the Town is located within a regulatory floodway, designated by the Federal Emergency Management Agency (FEMA) as a Special Flood Hazard Area, and identified by the U.S. Army Corps of Engineers as having up to a 100% probability of flooding. Once an Urban Growth Area is approved by Skagit County, detailed planning will be able to proceed on restoration of the floodway portion of the Town, an area with very significant salmon rearing functions today that have excellent restoration potential.

2. Has there been a change in circumstances pertaining to the Comprehensive Plan or public policy that would justify this proposal? Or, in the case of site-specific Comprehensive Plan/Zoning map amendments, has there been a change in circumstances pertaining to the subject property that is beyond the control of the landowner?

In the adopted 1994 Hamilton Comprehensive Plan, an Urban Growth Area (UGA) was adopted by Skagit County for the Town of Hamilton, consisting of a total of 518 acres. There were extensive appeals of all of the Skagit County Urban Growth Areas to the State Growth Hearings Board and the Hamilton UGA was eliminated pending further study, most specifically confirming that no new residential development is possible in the existing platted town because it is in the Skagit River Floodway. A fifteen acre site that is not contiguous with the Town limits was annexed for a new municipal well site, and a new water system is currently operating. Three significant floods have occurred since then, 1995, 2003 and 2006, and efforts to provide an Urban Growth Area that is located outside the Skagit River Floodplain have intensified. Hamilton residents and other floodway residents need an opportunity to move to high ground.

The Hamilton Comprehensive Plan was updated in 2005, and a very conservative proposal is adopted in that plan. The Town of Hamilton is asking to replace land that is in the floodway with land that can be developed, and then to restore the floodway portion of the existing town site for natural river processes, habitat and buffer restoration, fishing, and seasonal public access. All residential units will either be relocated or demolished and the sites restored to native vegetation over the twenty year planning horizon. Seasonal recreation will be accommodated with existing streets and water service.

There are two sites, one area of 202.84 acres north of SR 20 and east of the Hamilton Cemetery Road. The 202.84 acre site is contiguous with the current Town limits that already exist north of SR 20, and located outside the floodway so that new housing units can be constructed and a small commercial district built equivalent to that located in the old town. This proposal creates a logical boundary, and has the added benefit of connecting the Town limits to the existing Town limits at the Town well site, as well as to the Centennial Annexation that is currently a gravel mine. This sets the community framework for many years to come.

The second site represents the balance of the Urban Growth Area proposal which is the remainder of the old Crown Pacific Log Yard, currently zoned as Natural Resource Industrial land (59 acres), and it is owned by the same party as the portion of the site in the Town limits. They need access to urban services and they need to consolidate their site under one jurisdiction.

The total amount of land proposed to be added, just under 262 acres, is still less than the area of the existing town site located in the floodway.

3. For policy and map amendments, what do you anticipate will be the impacts resulting from the proposed change in policy or map amendment? What geographic areas may be affected? What other issues do you anticipate as a result of the proposal? (Note: If this application is approved for further consideration by the Board of County Commissioners, you may also be required to submit a State Environmental Policy Act (SEPA) checklist, which would require a more detailed analysis of the potential impacts, if any, of your proposal.)

See attached copy of the Draft and Final Environmental Impact Statement prepared for the proposed action.

4. For policy and/or comprehensive plan/zoning map amendments, please state why existing Comprehensive Plan policies or map designations should not continue to be in effect or why they no longer apply.

The two sites proposed for addition to the Urban Growth Area are currently in RRc-NRL and NRI zoning and they are proposed to be amended to add the land to the Hamilton Urban Growth Area.

5. How would the proposal comply with the community vision statements, goals, objectives, and policies of the Comprehensive Plan? (The community vision statements are discussed in Chapter 1 of the Comprehensive Plan. Goals, objectives and policies are described in Chapter 2, and are found throughout the Comprehensive Plan.)

The proposal will support environmental goals through restoration of the Wild and Scenic River corridor, it will protect rural character by accommodating urban density in a compact area with low impact design and mitigation; it will accommodate quality of life by supporting economic development, preserving and restoring open space and habitat, and it will provide mitigation of impacts on transportation. It will accommodate on-going citizen involvement of all affected interests, both in town and in the surrounding area.

6. How does this proposal comply with the results of any benchmarking and growth management indicators assessment completed by the County as described in Chapter 2 of the Comprehensive Plan?

The proposal fully complies with the assessment process; details are presented in the Urban Growth Area analysis portion of this report.

7. How is this proposal supported by functional plans and Capital Improvement Plans? In other words, would the proposed policy, designation and/or land use be consistent with the capital improvement plans of the various service purveyors (water, roads, fire, parks, schools, etc.) and not adversely affect their ability to provide these services.

The Draft and Final Environmental Impact Statement including reports, studies, evaluations, and the adopted Hamilton Sub Area Plan is attached to this submittal. A framework of the future needs is presented so that at such time as an Urban Growth Area is authorized, detailed capital improvement planning and site planning will be able to proceed. It is clear that this is a complicated project and it will have equally complex funding mechanisms, but it all hinges on establishing the Urban Growth Area. The impact on the water system, transportation network, fire service, parks and schools is identified, and the ability to deliver timely and effective service will be addressed as the project unfolds.

8. How would this proposal affect implementing land-use regulations found in Skagit County Code Titles 14 & 15? What changes would be necessary to bring the implementing land-use regulations into compliance with the Comprehensive Plan as proposed to be amended? (For example, a proposed new policy relating to historic preservation may require corresponding zoning code amendments to regulate the use and reuse of historic structures.)

The proposal requires that an Urban Growth Area be established and that the site be rezoned for the future. The Natural Resource Industrial site will be rezoned to Urban Growth Area Industrial zoning and the Rural Reserve-Natural Resource Land will be rezoned to Urban Reserve to protect the land from inappropriate development until it is annexed to Hamilton.

9. What measures have you taken to solicit public review or inform the public of this proposal?

Citizen Participation

Early and ongoing citizen participation is an important factor in the development of a comprehensive subarea plan that illustrates and is consistent with the unified vision of the community. The Growth Management Act requires citizen participation and sees this input as an integral part of the planning process.

Before adopting the first Comprehensive Plan, citizen participation was accomplished through community planning workshops, surveys, and with distribution of informational materials. Active citizen participation in the planning process created a common community vision for the future that is reflected in the final Comprehensive Plan document. The goal of the citizens of Hamilton is to preserve the small town atmosphere, rural element, and natural amenities of the area in spite of development and growth. There is also a recognized need for increased economic development, in the form of tourist related business, natural resource industries, and light to moderate industrial manufacturing and processing.

The framework for citizen participation in the 2007 Comprehensive Subarea Plan and associated plans for relocation site development was developed during a Town Council Workshop held in May of 2005. The following outreach activities were identified and put into action:

- Citizen Advisory Committee was formally adopted by Town Council Resolution and by the Skagit County Board of Commissioners to provide input on the Sub Area Plan to amend the Urban Growth Area (Resolution available in **Appendix A**).
- Task force and committee groups deemed an essential means of soliciting input from residents and local leaders around specific topics, and form a primary means of making recommendations to the Town Council for decisions. Three initial groups were established, including a Finance Committee that monitors town funds and invoices prior to each Council meeting, a Water System Task Force charged with identifying water system and water rights issues that require address in preparation for town relocation and managing system upgrades, and a Pride of Hamilton committee pursuing enforcement of the local nuisance ordinance, with respect to abandoned vehicles and overall property negligence issues.
- Program newsletter distributed periodically to town residents with water bill mailings, and to other floodway residents included on a mailing list. The goal is to inform of program activities and progress and to solicit input on program design from floodway residents. Two publications have been developed and distributed, including the *Hamilton Current*, a quarterly newsletter directed to town residents, and the *Floodway Planner*, a publication directed to the wider floodway audience.
- Hamilton Public Development Authority formed a Floodway Open Space Planning Committee to coordinate floodway habitat restoration and open space planning within the Town of Hamilton and unincorporated areas of Skagit County in the vicinity of Hamilton (Sedro-Woolley to Concrete) in order to maximize flood mitigation and natural resource benefits. Committee participants include Hamilton Public Development Authority, Skagit County Public Works, Skagit Land Trust, Skagit River System Cooperative, The Nature Conservancy, and the U.S. Forest Service.

Individual mailed notice was sent to the entire Town of Hamilton and all properties within 600 feet of the proposed Urban Growth Area AND to all floodway residential properties in the Skagit River Floodway between Sedro-Woolley and Concrete. Two public hearings were conducted on the Draft Environmental Impact Statement, copies were made available in libraries and town halls.

Applicants for Map Amendments must also answer the following:

- 1. Describe how the proposed map change complies with applicable land-use designation criteria in Chapter 4, the Land Use Element of the Comprehensive Plan.
- 2. Provide a detailed statement of how the proposal meets the detailed standards in SCC 14.16 applicable to the proposed zone.
- 3. For Urban Growth Area Boundary changes, demonstrate how your proposal will be supported by and dependent on population forecasts and allocated urban population distributions, existing urban densities and infill opportunities, phasing and availability of adequate services, proximity to designated natural resource lands and the presence of critical areas.
- 4. For Rural area and Natural Resource Land map designation changes, demonstrate how your proposal will be supported by and dependent on population forecasts and allocated non-urban population distributions, existing rural area and natural resource land densities and infill opportunities.

Urban Growth Area Expansion Analysis

The proposed Urban Growth Area expansion is intended to provide a relocation site for the Town's existing population allocation. Between now and the year 2025, it is planned to relocate the entire population that is in the Floodway to land north of SR 20 that is not in the 100-year floodplain. Very little, if any, additional population needs to be allocated to Hamilton to justify the Urban Growth Area size, given critical areas, need for infrastructure and other factors. The proposed Urban Growth Area also includes 59 acres of industrial property, to consolidate with the existing 54.72 acre vacant site in the Town Limits that is now under one ownership.

A high, medium and low population forecast is allocated to each County after the census is taken by the Washington State Office of Financial Management and it is then spread out among the cities, towns and the county based on the Countywide Planning Policies. Skagit County chose a population forecast in between the low and medium numbers provided by the state.

The purpose of this report is to demonstrate compliance with the UGA Expansion Criteria developed for the Skagit Council of Governments that are proposed to be added to the Countywide Planning Policies.

Of the 670 acres currently located in the Town limits of Hamilton, 310 acres is located 100% in the Skagit River Floodway. Pursuant to Ordinance 188, Section 5.3 Floodways, and Washington State Law, floodways are an extremely hazardous area due to the velocity of flood waters and new construction is generally prohibited. New residential construction is specifically prohibited. As a result, there is 297.52 acres that is not useable for new construction, and there is an existing industrial site (Unamin) that fully utilizes the remaining 12.48 acres of land in the Floodway.

There are 33 acres of residential land that are fully utilized but not located in the Floodway, either floodplain or outside the floodplain. There is 260 acres (known as the Centennial Annexation) that is a permitted gravel mine that will be available for conversion to the underlying zoning, primarily residential land, in about 40 years. The only other useable land in

the existing Town limits that is not in the floodway today consists of the old Crown Pacific log yard, 54.72 acres, and that land has been acquired for an industrial site under a single ownership, and new construction is expected within the year. A portion of the site is still in remediation from previous hazardous waste contamination, so development will be phased.

In the adopted 1994 Hamilton Comprehensive Plan, a major Urban Growth Area (UGA) was adopted by Skagit County for the Town of Hamilton, consisting of a total of 518 acres. There were extensive appeals of all of the Skagit County Urban Growth Areas to the State Growth Hearings Board and the Hamilton UGA was eliminated pending further study, most specifically confirming that no new residential development is possible in the existing platted town because it is in the Skagit River Floodway. A fifteen acre site that is not contiguous with the Town limits was annexed for a new municipal well site, and a new water system is currently operating.

Three significant floods have occurred since then, 1995, 2003 and 2006, and efforts to provide an Urban Growth Area that is located outside the Skagit River Floodplain have intensified. Hamilton residents and other floodway residents need an opportunity to move to high ground.

The Hamilton Comprehensive Plan was updated in 2005, and a very conservative proposal is adopted in that plan. The Town of Hamilton is asking to replace land that is in the floodway with land that can be developed, and then to restore the floodway portion of the existing town site for natural river processes, habitat and buffer restoration, fishing, and seasonal public access. All residential units will either be relocated or demolished and the sites restored to native vegetation over the twenty year planning horizon. Seasonal recreation will be accommodated with existing streets and water service.

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The total amount of land proposed to be added, just under 262 acres, is still less than the area of the existing town site located in the floodway.

While a significant goal of this program is to provide opportunities for the relocation of floodway development rights from the area between Sedro-Woolley and Concrete, where there are 400 existing houses in the floodway, the justification for the expansion of the Urban Growth Area of the Town of Hamilton does not rely on the Countywide Planning Policy population allocated to the county, except for 37 people, or 15.4 dwelling units. The Town desires to have some additional population allocated to it through the Countywide Planning Policy amendment process to accommodate identified and prioritized buyouts of repetitive loss properties outside the Town limits, and a request will be filed, this proposal can still stand on its own merits.

Chuck Hagerhjelm, Mitigation and Recovery Manager for WA Military Department, Emergency Management Division, puts it very clearly: Successful disaster mitigation means that various intentional measures are taken to reduce the hazard vulnerability of communities, or specific facilities/structures. These measures include incorporating mitigation considerations into the business practices of state and local governments, building codes, permitting, insurance, community development planning, and floodplain management This vision is embodied by the Wild and Scenic River Floodway Mitigation Project strategy. The comprehensive approach being pursued will ensure the successful mitigation of the acquisition of specified properties, and provides a blueprint for the systematic mitigation of hundreds of additional floodway properties in future projects.

Urban Growth Area Expansion Calculations

Total Site Area to be added to Urban Growth Area = 261 Acres Critical Areas and buffers = 58 Acres 8 acres of the 59 acre industrial site 50 acres of the 202 acre relocation site					
REMAINDER	203 Acres				
Land needed for public purposes, including storm & Sanitary sewer, existing power line easement, roads 25% (typical assumption is 10- 15% for public purposes, 20% for roads) - 51 Acres					
REMAINDER	152 Acres				
Market Factor – 25%	- 38 Acres				
NET AVAILABLE A	114 Acres				
M-C B-C Residential	51 Acres 13 Acres 50 Acres				

Residential population evaluation = 50×4 Units per Acre = 200 units 200 X 2.4 persons per unit = 480 population

Applicants for a Commercial or Industrial Designation must also answer the following: Please attach a proposed schedule of development, or a development phasing plan, as appropriate (see SCC 14.16.900).

The proposal for Punkin Center LLC is shown in the Final Environmental Impact Statement and a portion of that overall project has recently been independently submitted for environmental review to Skagit County by the applicant.