



**BUREAU
VERITAS**

Berryman & Henigar

M E M O R A N D U M

Date: September 8, 2005
To: Fidalgo Island Subarea Plan CAC and TAC
From: Aubin Phillips, Berryman & Henigar
Re: CAC meeting 9/8/05

Attendance:

CAC: Ed Goodman, Chuck Manning, Tom Stowe, Bill Dinsmoor, Terry McNeil, Mike Trafton

TAC: David Pearson, Tony Kubena, Konrad Kurp, Jim Mecca, Ian Munce,

Consultants: Roger Wagoner, Aubin Phillips

County: Jeroldine Hallberg

Other: Carol Ehlers, Mike Goodman, Mary Goodman, Tom Conroy, Harold Berlin

Upcoming meetings and Updates

The next Subarea Plan meeting will be held here at the school on Thursday, September 29 at 7pm. The next meeting after that will be held on October 20, and another open house will be held in early November.

Parks Petition

At the August 11 parks meeting a petition was turned in that had 154 signatures to date, a copy of this petition was passed around at the meeting, and the signatures will go on file. A copy of these signatures will be available for those who would like to see them, see Jeroldine for a copy. Ed has looked over these signatures to confirm that they are all from residents of the subarea, and they are.

Public Comment

Carol Ehlers addressed the committee to let them know that Skagit County Code 14.16 regarding zoning is in conflict with the county lot certification ordinance. According to current county zoning, the "residential" zones found on Fidalgo are not only residential, but can also support about 80 other uses besides residential. The zoning code also says that the CaRD is the preferred method of development in the RI zone. These two are incompatible, especially since RI allows indoor shooting ranges and hazardous materials storage. Carol is going to make a matrix of what is allowed and exemptions under lot certification and what is in the RI zone. Carol also wanted to point out that when the Planning Commission met on Tuesday they discussed how important it is to show your work, and that you can not just rely on what has been approved in the past. Carol also let the committee know that on October 3 there will be a hearing on the special sewer district in the Dewey Beach area of Fidalgo, the county is trying to implement a law to implement the state law for inspections of on-site systems, she also

reminded the committee that part of the responsibility of this group is to review topography and drainage on Fidalgo.

Tom Conroy addressed the committee to ask how zoning ties into septic, he wanted to know if someone is looking at how the soils on these properties function prior to a decision being made. The health department monitors septic suitability, not the planning department, although a parcel may be zoned a certain way it does not necessarily mean they will be able to get water or septic permits.

Tom Stowe spoke some about the health department process. He stated that the Dewey Beach area is being used as a guinea pig for the new state law. The point of the process is to clean up Similk Bay, but what they are doing isn't really going to help because the areas upland are not being monitored and they all drain downhill. This process is just making some people spend a lot more money, and he thinks these inspections are not necessary. This new law is going to require 3 year inspections on gravity systems and annual inspections on all others. Pumping is not required every year, but is required prior to an inspection, which means it will need to be done every year in some cases. Tom also pointed out that in the letter from Steve Flude to Jack Hartt, he is doing what he said he wouldn't do. Jeroldine commented that there is a difference between pedestrian access and a trail head, public works will be putting up signs saying there is to be no parking there, but this means that people can still access on foot. There is supposed to be a SEPA process as well, some people thought this meant there should not be any access until the SEPA is completed, which could be quite a while.

Harold Berlin addressed the committee to let them know he did not like the manner in which the petition was sent around and stuffed in mailboxes. He also did not like that there was not any contact information on the petition so that he could ask questions. He did not sign the petition for these reasons. He wanted to know if the petition is valid because of these issues, Ed suggested that he put this in writing to the committee. Tony pointed out that only a small percentage of the population of the subarea signed the petition.

Mapping Proposals

A year ago the county asked for opinions on changing zoning designations in the county. Eight of these mapping proposals are within the Fidalgo Island Subarea and now we would like to get your opinion on these proposals, and these will be taken to the Planning Commission in October. You should have received a packet in the mail with eight color maps and a worksheet where you could mark if you support, oppose, or feel neutral about each of the proposals. We will go through each of these and take a vote from the CAC.

Houtz – this parcel is in the middle of the Rural Resource zone and the Mineral Resource Overlay. It supposedly has substantial gravel resources, there are other gravel pits in the neighborhood, but this actual site is unlikely to ever qualify for an extraction permit. There are other single family homes in the area; it would probably make sense to do a review of the entire area instead of just this parcel. Currently under the County Comprehensive Plan update all Rural Resource and Mineral Resource Overlay areas are being reviewed by a firm called Kleinfelder, and the maps are being redone.

VOTE: Approve 5 Oppose 1 Neutral 0

Tidrington – This is a 1.5 acre parcel that is located in Rural Reserve and wants to go to the Rural Intermediate zone. Even if his zoning were changed he would not gain any rights to further develop the parcel. There are some ½ acre lots across the street that occurred under old zoning, but he would not be able to do this. There would not be any gain, he already has a house on his property and would not be able to build another.

VOTE: Approve 0 Oppose 3 Neutral 3

Duffy – This parcel is located at the corner of the Anacortes Community Forest Lands. The topography of this site is very steep and could not support many houses, it may also be difficult to get water and septic. His zoning was changed, he originally wanted to build 4 homes, and could get 2 under current zoning, he is proposing to change the zoning so he would build 3 homes.

VOTE: Approve 6 Oppose 0 Neutral 0

Hurst – This parcel is located in the “pocket” by Anacortes and the Community Forest Lands. There are a lot of homes in the area already, that are denser than the current zoning. This is not an area in which the zoning has been changed, it is just a small area of Rural Reserve zoning. The 7.5 acre parcel could be evenly divided into 3 if changed to Rural Intermediate.

VOTE: Approve 6 Oppose 0 Neutral 0

Ash – This applicant originally applied to be included in the Anacortes UGA, but withdrew his application when he realized the density that may eventually occur. He then submitted an application to the county for his property and the surrounding area. This area is not really suited for more residential, but would make sense as commercial.

VOTE: Approve 0 Oppose 3 Neutral 3

Benson – This parcel is applying to change their zoning from Rural Intermediate to Rural Village. In order to become part of a rural village there has to first be a rural village designated and this would have to have been in existence since the 1990s, this would also require a Comprehensive Plan amendment.

VOTE: Approve 0 Oppose 6 Neutral 0

Hendricks – This parcel is split by the city and the county and wants to become part of the Anacortes UGA. The city says they will accept this proposal if the county approves it, however the county will have to turn down the application because the city has not proven that they need the area.

VOTE: Approve 5 Oppose 0 Neutral 1

Scimitar – The City says they cannot accept this proposal for the parcels to enter into the City UGA since they have no need for more commercial property.

VOTE: Approve 0 Oppose 4 Neutral 2

Land Use and Housing Element

We mailed out a packet containing draft chapters of Land Use and Housing; Transportation; and Capital Facilities and Utilities. Please let us know of changes that need to be made.

On page 8, there was a question about zoning changes, Roger said that we have not heard any significant proposals, it was suggested that these be handled on a case-by-case basis. Konrad suggested that we change the sentence “the county is not supportive of changing county *policies*” to *zoning*. Ian said that he likes the Land Use element and he would like to suggest an annual process to update this plan.

On page 7, Ed thought the writing was inconsistent since it says that there could be a build out of 500, but it could be smaller. He thinks that the density recommendation exercise by the committee suggested that the committee does want to change the zoning. He pointed out that once critical areas, drainage, and HWY 20 are taken out there is a lot less space in which to build. About 20% of the subarea is public property, which is very different from other areas of the county. He is opposed to CaRDs and clustering because he doesn’t think people should give away their private land as more open space. Each lot needs

to be looked at individually for drainage to see how it affects all of the other, people need the ability to use their land, CaRDs should be encouraged, not required.

Ian said that he thinks that we cannot change the zoning since we do not have enough information on each parcel to know what would work. He thinks there should be a committee to review zoning change proposals each year, and that they should have a checklist to go by. Blanket changes should not be made- we don't want to give flexibility to someone who does not want it. Some downzoning will occur as the parks expand, and this will help to balance out the upzoning that will occur each year.

Tom S. thinks that a committee needs to be legally created to review changes, he also thinks that the rights need to be restored to the people that had their lot sizes changed, he thinks every lot should have consideration.

Mike Goodman was opposed to a selected committee that could make all of the decisions; he thinks they will only pick what they want. Terry stated that it would be a big burden on property owners to have to prove their ability to build, and Ed pointed out that it is very expensive to do a CaRD, not only the permit, but it would require public water, which would be very expensive. There was some discussion about whether individual property owners would do this or developers. Chuck said that he would like to keep the option for doing CaRDs, he didn't want to remove this option for people who have a choice and would like to do a CaRD. Konrad said that he does not like the CaRD option for Fidalgo, and he does not like the idea of a density bonus. Tom S. said that a CaRD is like a PUD (Planned Unit Development), this is what is currently at Deception Shores, which took 7-8 years to develop. Jim M. said that if there were to be CaRDs there would need to be restrictions on the open space – who would monitor it? Tony said what if we say we don't want CaRDs and they say no thanks – maybe we could come up with a more restrictive option. Overall, people want to maximize property rights and maintain open space without individually looking at every single parcel. Carol also pointed out that we need to look at the minimum and maximum lot sizes for CaRDs.

Roger asked the committee to look in the Land Use draft – we tried to lay out more than just yes or no for CaRDs, clustering does and has worked in the past, there are also options for where CaRDs could be allowed in the subarea, or they could be restricted from the area, or there could be covenants for the open space, the setbacks could be changed, or there needs to be a way to review and approve CaRDs – there could be a set of guidelines specific to Fidalgo.

Ed asked the CAC to vote on how they feel about CaRDs for Fidalgo as the currently exist.

VOTE:	Support	0	Oppose	6	Neutral	0
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Ed asked the CAC how they feel about exploring a PUD ordinance for Fidalgo instead.

VOTE:	Support	6	Oppose	0	Neutral	0
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Ed asked the CAC if they would like to pursue changing the zoning for Fidalgo.

VOTE:	Support	5	Oppose	1	Neutral	0
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Next Meeting

The next meeting will be held on Thursday, September 29. We will discuss the transportation and capital facilities and utilities elements at this meeting. We have received a few comments from Public Works on transportation and none on capital facilities yet.