



BUREAU
VERITAS

Berryman & Henigar

MEMORANDUM

Date: November 17, 2005
To: Fidalgo Island Subarea Plan CAC
From: Roger Wagoner, Berryman & Henigar
Re: CAC meeting 11/15/05

Attendance:

CAC: Tom Stowe, Terry McNeil, Tom Glade, Bill Wooding, Mike Trafton, Chuck Manning, Bill Turner, Bill Dinsmore

TAC: Konrad Kurp, David Pearson, Jim Mecca

Consultants: Roger Wagoner

County: Jeroldine Hallberg, Kirk Johnson

Other: Carol Ehlers, Robert Parraley, Mike and Mary Goodman, Laurie Sherman, Tom Conroy, Harold Harrington, Suzanna Dentel, Kathryn Alexandra, David Olausen, Robert Trueman

In Ed Goodman's absence, Turner chaired. As Turner is moving, he will no longer be a member of the CAC. Trafton volunteered to be Vice-Chair and this was ratified by a unanimous vote. In order to avoid any possible conflicts, Turner did not vote on any motions.

11-20 Meeting Note Corrections

Manning was in attendance. Ehlers clarified a statement she made on behalf of the Del Mar Community Service opposing language in the August Draft Capital Facilities and Utilities Element. With these two corrections, the notes were approved.

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 21/2 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.

Committee members questioned the Department's conclusions. Prior history of zoning changes on the Island involved mixed reactions between people and organizations that were unhappy with downzones

and also unhappy with the level of density still allowed. The GMA may not provide the legal basis to address the Committee's concerns, but it is the law of the land. The Department will request a legal opinion on the proposed rezone from the County Prosecutor. Further discussion of the zoning question was postponed until the Land Use and Housing Element agenda item came up.

Johnson presented a status report on the mapping proposals that are being considered for Fidalgo Island in the current Comprehensive Plan update. The CAC reviewed the individual proposals at the 9/8 meeting and made recommendations to the Department. Johnson's handout is a map showing the conclusions. About half of the proposals will be included in the "preferred alternative" for BOCC consideration.

Public Comments

Goodman – The Thurston and Whatcom cases are not relevant. Fidalgo is different (topography and no farming)

Conroy – Prepared a handout regarding the Ginnett Road – State Parks trail access issue, but likes Stowe's draft motion (see Capital Facilities and Utilities below).

Ehlers – The wall map has incorrect topography (provided Wagoner with specifics later). At the Del Mar Community Service meeting on 11/12, the Sheriff's Department said that the only way to enforce parking infractions (such as on private property on Ginnett Road) was for owners to fence and sign their property. Provided a "history lesson" on the RI zoning in 1997 when existing lot sizes, proximity to Anacortes, and availability of utilities were key criteria in the mapping. Questions arose regarding parcels that were separated by roads and whether roads were really "logical" boundaries. Described a few examples.

Harrington – Supported Conroy's park access position, opposed RI up-zone.

Kurp – Community survey does not support RI zoning as people's idea of "rural". More capacity is not a solution to housing affordability. The demand for land is unlimited and driving prices up regardless of lot sizes. The argument that Fidalgo has more than its share of park land is wrong. People want lots of green and forests around them. The repercussions of infrastructure demands have not been addressed.

Pearson – We already have enough capacity to accommodate the projected growth. Do we have what it takes to make our case? Wholesale zoning changes are too big of a step.

Alexandra – Liked Stowe's park access motion.

Sherman – Property owners' rights to use their land is an emotional issue. Can we write our own CaRD code? Supports Stowe's park access motion.

Committee Comments

Manning – Appreciated Conroy's work on trail access. Believes that CaRDs are objectionable as they do not ensure the permanence of open space. RI zoning works better.

Stowe – Received an email from Rosenbergs, provided a copy to Hallberg for the record. Agrees that CaRDs don't work, but Planned Unit Developments (PUDs) should be considered.

Draft Land Use and Housing Element

Wagoner explained that the revised draft includes a discussion of the CAC's reasoning for recommending the zoning change. He is looking for comments as to whether this is accurately presented. If the CAC

wishes to add anything else to the Element, he needs to know soon so that the Open House materials can be prepared.

Manning – Questioned Table 4 on Page LU10. It doesn't appear that the parcel estimate for RRv land is consistent with previous calculations. Wagoner said that Table 4 is a theoretical estimate based on the total acreage in the zone rather than the number of parcels, without considering CaRD subdivisions. There are existing parcels smaller than 10 acres now, but these may not pass the lot certification test. It is therefore not possible to estimate the capacity with this approach. Johnson noted that the parcel estimate (357) would only generate a maximum of 714 CaRD lots which is fewer than the earlier capacity estimate. Wagoner said that the earlier estimate also included the capacity in the existing RI zone.

Turner – The BOCC has stated before that it opposes making open space in CaRDs permanent. Would like to go with the PUD approach as an alternative way to preserve open space.

McNeill – We need displays to present the recommendations at the Open House.

Glade – Why didn't we look at the 5 acre zoning alternative? Concerned that 2.5 acre zoning density will create more drainage problems and pollution in Similk Bay.

Stowe – Questioned the County's Similk Beach septic solution. Stated that a comprehensive drainage study of the subarea was badly needed. Said that a new state study has estimated Skagit County's population growth to be 100,000 people.

Wagoner described the new language for the recommendation to eliminate a number of non-residential uses that are currently allowed in the zoning code. This was discussed at the 10/20 meeting and tabled for the CAC to review further. Stowe moved approval of the recommendation. Trafton seconded. Passed unanimously. Wagoner asked if Sharpe and Montgomery-Duban Headlands Parks should be rezoned from RRv to OSRSI (Open Space of Regional or Statewide Significance). Johnson said this is something the County is working on. The CAC agrees that the change is sensible.

Capital Facilities and Utilities

The Public Works Department has not provided comments as yet. The revised draft includes corrections suggested in Stowe's 10/20 notes. Stowe offered 2 motions for further revisions:

“The CAC is concerned that continued development of Deception Pass State Park, including trails, trailheads, parking lots, campgrounds of all kinds, and/or other uses which require public access, will place an unwarranted burden on existing County roads and on land owners adjoining those roads. Such uses will also create a substantial public safety hazard. It should therefore be required that any such proposed uses require public hearings, and an environmental impact statement. Any such use of County roads should be permitted only after the roads are brought up to County primary road standards, with adequate shoulders, paving and drainage provided by the moving party”

“The CAC believes that it is mandatory for the County to perform a detailed drainage and watershed study of South Fidalgo Island. Such a study is required to determine which parcels of property are capable of development.”

Trafton seconded both motions which passed unanimously.

Transportation

The Public Works Department has reviewed the draft. The revised version has been corrected accordingly. The only new language addresses the CAC's comments at the 10/20 meeting regarding needed cooperation among County Parks, Public Works and State Parks departments to conduct a community process for trail planning. In addition, the CAC's recommendations for bicycle lane improvements on several roads was added.

Open House

A post card mailer is being printed to announce the December 8 Open House. Changes to the text of the mailer were suggested, but Hallberg thought that it was too late. Other public notices will include an advertisement in the Anacortes paper and hopefully a news article. Wagoner stressed the importance of committee members involvement in planning, publicizing, and attending the Open House. This will be the last chance to preview and test the recommendations with the community before going to the Planning Commission. Members are encouraged to spread the word through their personal networks.

Draft materials for the Open House will be reviewed by the Committees **Tuesday, November 29, 7:00 PM at the Dewey Beach Fire Hall.**