



Berryman & Henigar

M E M O R A N D U M

Date: July 28, 3005
To: Fidalgo Island Subarea Plan CAC and TAC
From: Aubin Phillips, Berryman & Henigar
Re: CAC meeting 7/28/05

Attendance:

CAC: Ed Goodman, Chuck Manning, Tom Stowe, Bill Turner, Terry McNeil, Bill Wooding

TAC: Bob Bell, David Pearson, Tony Kubena, Konrad Kurp, Jim Mecca

Consultants: Roger Wagoner, Aubin Phillips

County: Jeroldine Hallberg, Carly Ruacho, Corinne Story (Public Health), Steve Olson (Public Health)

Other: Carol Ehlers, Mike Goodman

Upcoming meetings and Updates

Ed reminded everyone that the next regular meeting will be held on Thursday, August 11 starting at 6pm, here at the school gym. This will be a longer meeting since we will be discussing parks, please read the parks section in the Land Use Element prior to this meeting. Jeroldine is working on getting an ad in the Anacortes American.

The notes from the last meeting, as well as the memo from Roger will be sent out with the notes from this meeting.

Tom S. made an announcement that on August 15 Anacortes will be holding a hearing regarding adding new acreage into the Anacortes UGA (back behind Nelson's Store and Suburban Propane).

Lot Certification (Carly Ruacho)

Carly passed around two handouts: one on the lot of record certification process frequently asked questions and the other on lot certification and development regulations for substandard lots. Carly actually worked on developing the lot certification ordinance, so she knows about it and will try to answer all of our questions.

The lot certification ordinance was created in response to state law that requires that permits not be issued unless the lot was created legally. Skagit County first had a subdivision code in 1965 and by the early 1990's started requiring plats on everything, except on areas over 80 acres.

Lot certification is the newer process by which landowners prove that their lot was created legally. The official term for this process is a "lot of record." Usually when this is discussed it is compared to what used to be required, which was called lot aggregation, an ownership review. Lots are standard (meet the

minimum lot size of the zone) or substandard (smaller than the minimum lot size of the zone). Most the lots on Fidalgo Island fall into the substandard category. Lot certification is now more performance based, and looks at whether or not there are existing structures, septic or a water connection. These new standards may lead to lots having no separate development right under aggregation getting that development right back if they can meet the exemptions for development on substandard lots (page 4 of the handout). The lot only needs to meet one exemption (one yes) in order to be eligible to apply for development permits. There are still other things that need to be considered after certification, and prior to development being allowed.

The county currently does not have an inventory of all of these lots as to their certification, but they are working toward having a layer of every lot of record in the County.

There was a question about how this affects Fidalgo Island. Page 5 of the handout mentions Fidalgo. Carly explained that there are some blanket acreage exemptions for Skagit County. In RRv, 5 acre lots meet an exemption, even though they are smaller than the required lot size of 10 acres, and in RI, 1 acre lots meet an exemption even though they are less than the standard 2.5 acre requirement. However, on Fidalgo Island the RI blanket exemption does not apply because they didn't want to preempt the subarea plan – this number could be higher or lower but either way needs to be identified in the final plan.

Tom S. had a question about whether or not the planning department has worked with the assessor on this regarding taxable value. Carly answered that yes, they have had meetings with the assessor's office regarding the new process, that the assessor has their established system of determining value which they have used for a long time. Carly thought that once the GIS layer is created that would be a helpful tool – but that it would probably not be completed for several years. The new requirement that Lot Certifications be recorded will also be helpful as the lot's title record will show that it either is or is not certified as eligible for development permits.

Ed wanted to know how the assessor is notified of these changes. The planning department issues a paper copy to the lot owner and records the certificate with the Auditor. The land owner may choose to notify the Assessor's office to request a reassessment if the lot is found to be ineligible for development permits. The planning department has no authority to change taxes - that is the assessor's job. The assessor can look into planning's database, but only lots previously certified have information available. The certification process usually takes about two months to complete. Bill T. pointed out that this can make it very difficult when trying to purchase a lot to build a home, especially when people don't know about all of the contingencies. Roger made the suggestion that maybe the assessor could add a note into their next mailout to notify people that this process can be done.

Carol asked if the statement about Fidalgo Island meant that the subarea plan could create its own transition zone such as a 5 acre zone. Yes, this would be possible; 5 acres has been viewed as an acceptable acreage for rural areas by the Western Washington Growth Management Hearings Board.

Health Department

Corinne is the environmental health supervisor at the Skagit County Health Department and Steve is an environmental health specialist at the Skagit County Health Department.

The Health Department runs the liquid waste program which permits new systems, and runs the operations and maintenance program. This is a difficult job since it is all underground and it is hard to know if it is operating correctly until it is too late. Septic systems used to be thought of as temporary systems until sewer could be extended, but sewers are now considered to be urban services and cannot be extended to the rural areas. Many of the septic systems in the county have been in the ground for almost

50 years. Individual systems are monitored by Skagit County, but large on-site community systems (those that handle 3,500 to 14,500 gallons per day) are under the Washington State Department of Health's jurisdiction.

A new regulation under WAC (246-272A) passed on July 13, 2005 states that it is now necessary to inspect every three years, this will not go into effect until Jan 1, 2007. Steve emphasized that septic systems will only work if they are maintained properly, it is important to keep them in good shape because they can affect water supplies and marine water quality.

Steve also mentioned the one time rebate program that the county is now offering, he passed out pamphlets and the information is also on the website.

Revised copy of the Land Use Chapter

On page 2 a South Fidalgo base line was added, this information came from the profile that was handed out last fall; this information comes from Census 2000.

Page 4, the rate of development, the table was changed to reflect changes in the county; the average is now about 38 permits per year.

Page 8, the 900 number is not an official number, but an educated guess based on the official county estimate which comes from the OFM projection.

There was more discussion about CaRDs, Jeroldine passed around a handout that further describes the open space option for CaRDs. There was some discussion about CaRDs and potential downzoning. Ed stated that there will need to be a vote on this at the September meeting (only the CAC will vote). Some people feel that unless you are trying to preserve a wetland or other critical area, there is no reason for doing a CaRD.

Roger asked that committee members submit comments to Berryman & Henigar about the Land Use chapter, also please look over the rural design standards in the back of the land use chapter. It would also be helpful if people could make list of the pros and cons for doing CaRDs.

Next Meeting

The next CAC meeting will be held on Thursday, August 11 at 6pm, we will be covering parks that night. The next regular meeting after that will be held on Thursday, September 8 – this meeting will cover transportation, utilities, and capital facilities. These elements will be sent out a few weeks prior to the meeting.