

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - NOVEMBER 24, 1997

Special Session

The Board met in Special Session on November 24, 1997, at 11:00 a.m., to meet in Executive Session as allowed under R.C.W. 42.30.110(1)(i) to discuss with legal counsel, pending or potential litigation. The session was held in the County Commissioners Office – 502 N. Main Street, Coupeville. The session lasted approximately one hour and no announcement was made following the executive session in open public session.

Regular Meeting of the Board of Island County Commissioners

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 24, 1997, beginning at 1:30 p.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and Tom Shaughnessy, Member, were present. Also in attendance were Margaret Rosenkranz, Clerk of the Board, and E. Meyer, Adm. Asst. Minutes from the meetings of October 27 and 29, 1997 were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, with separate unanimous motion approving Veterans Assistance Claim #V97-42 in the amount of \$2,700.00 as recommended by the Veterans Assistance Review Committee:

Voucher (War.) #15343-15688.....	\$ 392,752.97
Veterans Assistance.....	\$ 2,700.00
<u>TOTAL</u>	\$ 395,452.97

PUBLIC HEARINGS SCHEDULED

By unanimous motion, on presentation and recommendation of the Budget Director, Margaret Rosenkranz, the Board scheduled public hearings as follows:

Resolution #C-74-97 Establishing Island County Family Resource Center - Camano Fund - and Fixing a Budget for the 1997 Year Public Hearing: 12/15/97 @ 9:50 a.m.

Resolution #C-75-97 Establishing Island County Family Resource Center - South Whidbey Fund - and Fixing a Budget for the 1997 Year Public Hearing: 12/15/97 @ 9:50 a.m.

Ordinance #C-76-97 Increasing the Taxing District's Prior Year's Levy Amount for Fiscal Year 1998 for the County Current Expense Fund. Public Hearing: 12/15/97 @ 1:45 p.m.

Ordinance #C-77-97 Increasing the Taxing District's Prior Year's Levy Amount for Fiscal Year 1998 for the County Road Levy Public Hearing: 12/15/97 @ 1:45 p.m.

APPOINTMENT NAMED TO CONSERVATION FUTURES

CITIZENS ADVISORY BOARD

The Board by unanimous motion, appointed Bruce Bryson, Coupeville, to serve on the Conservation Futures Citizens Advisory Board, representing the Town of Coupeville, replacing James Short who term expired September 30, 1997. The term of Mr. Bryson's appointment to be until September 30, 2000.

Staff Session for December

By unanimous motion, the Board approved Staff Session schedule for December, 1997, for distribution as follows:

DECEMBER, 1997

REGULAR 1st WED. MEETING - DEC. 3, 1997

9:00 a.m. Public Works

11:00 a.m. General Services Admin.

11:20 a.m. Maintenance

11:40 a.m. Extension

12:00 Noon B R E A K

1:00 p.m. Planning & Community Dev.

2:00 p.m. Health Department

2:30 p.m. Central Services

2:45 p.m. **Chairman's Agenda:**

REGULAR 3rd WED. MEETING - DEC. 17, 1997

9:00 a.m. Public Works

11:00 a.m. Auditor

11:30 a.m. Human Resources

12:00 Noon B R E A K

1:00 p.m. Planning & Community Development

2:00 p.m. Health Department

3:00 p.m. Assessor

3:20 p.m. Sheriff

Proclamation Resolution #C-72-97

World Aids Day, December 1, 1997

Lea Kouba, HIV/AIDS Project Coordinator, supported the Board adopting a Proclamation, representing the seventh consecutive observance of World AIDS Day in Island County. Monday, December 1, World AIDS Day, is an international observance sponsored by the American Association for World Health for the last ten years. The message that is important for people to hear is that there is no cure for AIDS; prevention still remains a very important piece of the work being done, and community awareness is part of prevention. By unanimous motion, the Board adopted Proclamation, Resolution #C-72-97, in the matter of proclaiming World AIDS Day December 1, 1997.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

IN THE MATTER OF PROCLAIMING) P R O C L A M A T I O N

WORLD AIDS DAY DEC. 1, 1997) RESOLUTION #C-72 -97

_____)

WHEREAS, the global spread of HIV infection and AIDS necessitates a worldwide effort to increase communication, education and action to stop the spread of HIV/AIDS; and,

WHEREAS, the joint United Nations Program on HIV/AIDS (*UNAIDS*) observes December 1 of each year as *WORLD AIDS DAY*, a day to expand and strengthen the worldwide effort to stop the spread of HIV/AIDS; and

WHEREAS, UNAIDS estimates that over 21.8 million people are currently living with HIV/AIDS, with more than 5 new infections occurring every minute; and

WHEREAS, the American Association for World Health encourages a better understanding of the challenge of HIV/AIDS nationally, recognizing that the number of people diagnosed with HIV and AIDS in the United States continues to increase; and

WHEREAS, the 1997 World AIDS Day theme "**Give Children Hope in a World with AIDS**" (a) urges the world to contemplate the long-term repercussions of the AIDS pandemic, (b) recognizes that everyone can do something about the pandemic through prevention, education and compassion, and (c) emphasizes the hope of finding the means to prevent and cure HIV/AIDS in the ultimate prospect of minimizing the impact of the epidemic on children, their families and their communities; **NOW, THEREFORE**,

BE IT HEREBY RESOLVED that the Board of Island County Commissioners declares December 1, 1997 as **WORLD AIDS DAY**, urging that Island County citizens take part in activities and observances designed to increase awareness, understanding and compassion of HIV/AIDS as a global and local challenge, and take part in prevention activities and programs to prevent the further spread of HIV/AIDS.

ADOPTED this 24th day of November, 1997.

BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST:

Margaret Rosenkranz

Ex-Officio Clerk of the Board

Claim for Damages 97-052, Christine Goodwin

Recommendation with regard to Claim for Damages #97-052 by Christine Goodwin, continued from November 17, was provided by Betty Kemp, Director, GSA/Risk Management. Claim filed September 30, 1997, requesting \$7,380.36 to clean the ditch filled with flooding fine sandy gravel; replace plugged blind ditch to the west leading water away from open ditch that needs cleaning; replace existing 8" pipe concrete filed tile with 8" Q 12 pipe at the vicinity of Taylor Road. As summarized in Mrs. Kemp's memo to the Board dated 11/12/97, she reported that after review and investigation Roy Allen, County Engineer, and Marv Koorn, Road Supervisor, it was determined that only 1621' of open ditch shows signs of siltation that needs to be cleaned, and a revised estimate was requested from Trask Construction Company, Inc., for the clean-up of that portion of the ditch. The Engineer recommends approval of the claim on new revised estimate of \$688.40 to clean 161' of open ditch. The figure is based on the provision that the clean-up would be done at the same time the Cline's ditch is cleaned. Mrs. Kemp concurred with Mr. Allen's recommendation to approve the claim in the amount of \$688.40. The 11/10/97 proposal from Trask shows a total of \$638.00 to clean the ditch running north and south downstream of Cline's filled with flooding fine sand and gravel material and remove off site, plus \$200.00 is the work is not done at the same time the work is done on the Cline property.

Christine Goodwin, Claimant, 2965 N. Taylor Road, presented additional information. She said that the storm several years ago started the whole problem, and then last summer added to it when the Taylor Road project was being done and Krieg Construction filled up her ditches with silt, damaged hay fields, killed growth of the field resulting in less crop than any other year. When she talked with Krieg Construction, she was told they did use the wrong fill; that went through Clines field and over to her property and filled all her ditches. When Trask Construction was on-site they said it was filled up. There was no bid on the 8" pipe because Trask Construction said it would have to be a bigger pipe and Mrs. Goodwin agreed to pay the difference on the blind ditch. She has a bid for the 4" and submitted same at this time, from J. T. Trask Construction Co., Inc. Dated 11/17/97: Clean ditch from Cline's running north to 4 inch blind ditch; replace plugged 4" blind ditch with 4" 3034 pipe: lump sum \$5,316 + \$419.96 tax for a total of \$5,735.96.

Ms. Goodwin disagrees with the 161' - and approached the Commissioners with a map showing more than 161' all the way across the fields. While the November 6, 1997, Memorandum from Marv Koorn states there was no silt at all in the pipes, she stated that there was silt in the very beginning of the pipes that clogged the pipes up, and the ditches all filled up.

Mr. Allen had an annotated aerial photograph he showed to the Board, and Mrs. Goodwin, showing the Cline ditch which is 1300+',

and the Goodwin ditch running north and south measuring about 161', then enters a buried tile. When Mr. Allen, Marv Koorn and Arlis Christensen first found that the 4" diameter black plastic pipe end was squashed and the ditch sanded in with fine sand, they cut the end of the pipe off. When Mr. Koorn reached his hand up in the pipe he found it was filled with sand, but at that time could not find the pipe at the other end [Mr. Allen pointed out the specific location on the map he was showing to the Board] because of blackberry vines. Mrs. Goodwin gave permission to go through her property. There was supposed to have been an old tile, but black plastic pipe is inconsistent with being old tile. Shelly Stremmer, Oak Harbor Road crew member on November 3, 1997, cut through the blackberries and dug a hole about 15' from the Cline property line and located the blind ditch - had to dig down through black silt; there was no sand at that end of the ditch. He also found a black plastic pipe 4" in diameter where the hole was dug and the water would gush out and bubble up when it came out of that pipe; [Ms. Kemp had photographs showing this] there was no sand or black silt in these two pipes; the only silt (sand) found was at the inlet end in the black pipe, none in the clay pipes as shown in the photographs.

Ms. Goodwin disagreed with the Engineer's recommendation, claiming there is silt all the way up.

Marv Koorn stated that the original ditch prior to the tile being put in went northerly along the easterly Goodwin property line and then intersected with the ditch located at the north end of the Goodwin field which then turned westerly until it intersected with the west property line ditch.

Commissioner McDowell asked if it was Mr. Allen's impression that was filled in with new sand, and Mr. Allen stated that it did not go beyond about 20' - 30' north of the inlet end of the black corrugated 4" black drain pipe.

Ms. Goodwin agreed there was no sand in the northerly end of the north/south ditch as Mr. Allen stated, but she did note that the fields had water and the silt came on both sides [Ms. Goodwin was claiming silt from the Taylor Road project also was carried across the Cline Field, to which Mr. Allen disagrees].

Mr. Allen stated that any siltation in there if it was sand would have showed sand and it does not; if it was some other material, i.e. black dirt, that would not have come off the County road and road construction would not have been the cause of that.

Commissioner Shaughnessy moved that the Board accept the recommendation of the County Engineer and Risk Manager and approve Claim for Damages #97-052 by Christine Goodwin, in the amount of \$688.40. Motion was seconded by Commissioner McDowell, based on Engineer's statements and comments based on inspection that sand was contained within that ditch and maybe just a few feet either direction, and the pipe not contaminated with sand. Motion carried unanimously.

Human Resources, Hiring & Personnel Issues

Dick Toft, Human Resources Director, reviewed with the Board three personnel action authorizations being presented for action this date. By unanimous motion, the Board approved the following:

Public Works

PAA #118/97 Engineering Tech III, temporary replacement not to exceed six months, Position #2225.02, to cover work-load while existing employee recovering from a serious illness, effective 11/24/97

PLANNING

PAA #119/97 Senior Planner, Position #1709.03, New Position - temporary to assist with workload in that office, a 24 hr. Week position for a period not to exceed 6 months, effective 11/24/97

PAA #120/97 Plans Examiner, Position #404.02, to replace employee who has resigned this month, the PAA effective date is 12/2/97.

RECOMMENDATION: AWARD PROPOSAL FOR providing Collection Agency Services utilized by various Island County Departments

Maggie Paczkowski, District Court Administrator, was present to recommend award of proposal for collection agency services utilized by District Court, Public Defense, and Superior Court Clerk, per RFP's received 11/17/97. Representatives from the four agencies who provided RFPs were present in the audience: Skagit Bonded Collection Agency; Credit Bureau of Island County; Debt Recovery Specialists and Allied Credit.

Ms. Paczkowski pointed out that District Court is the largest user of collection services, and had been using SBC since 1990. The Court sent over 945 criminal traffic and traffic infraction cases to SBC this year. Mrs. Paczkowski provided a written comparison and recommendation to the Board Friday afternoon, proposing:

"I would propose to the Commissioners that they consider a 'split' contract for the next two years. While I believe it is

commendable to want to keep the money 'local', I also believe that we need to look at the success we have had with Skagit Bonded. Our suggestion, therefore, is to have District Court forward to Skagit Bonded all cases alphabetically from A through M and to the Credit Bureau of Island County all cases alphabetically from N through Z. I make this recommendation for District Court only and would hope you consider Ms. Koetje's and Ms. Black's desires for their own departments as far as choosing only one agency to use.

I have discussed the above recommendation with Judge Strow and he agrees that it would be a good business practice to keep the money 'local' but we also need to consider the dollar return we have had. We are aware that using two agencies will require the Court staff to be very diligent and will create to some degree, additional work. If you accept this recommendation we may have the opportunity for a better success comparison between the two agencies for the next proposal.

Perhaps if the two agencies are willing, it might be considered to have a three or six month trial period of using the dual agencies and then make a determination for the two year contract. If your preference is to go with one agency for the two year contract, then my recommendation would be to continue with Skagit Bonded Collectors based on their record of success, cooperation with the Court and the continuity of Court work and clients."

Marilee Black, Island County Clerk of Superior Court, provided her comments by way of a memorandum to the Board dated November 21, 1997:

"I have only recently been able to assign cases to Skagit Bonded Collectors starting September 1997. I have given them 6 cases, 4 have produced payments, 1 has paid off completely. I have developed a very good and workable program with Skagit Bonded Collectors and have been very happy with them. Allied Credit did not address Island County Superior Court needs at all. Debt Recovery and Credit Bureau of Island County offered comparable service with SBA. As far as my needs, I would like to see you stay with SBA at this time."

Jane Koetje, Public Defense Department Administrator, concurred with the recommendation of District Court. Public Defense Department placed 54 claims with SBC this year and was very pleased with them. However, she will work with whomever the Board chooses, but her preference is to continue with SBC.

Mrs. Paczkowski felt that all four companies did an excellent job on RFP's submitted. With respect to the Credit Bureau of Island County she did not know how large an organization it is or whether they would be able to effectively handle that volume of work and make the same number of phone calls and follow up as SBC. Splitting the contract is an option, but at this point, she had not addressed the agencies with the question of whether they were willing to do that or not.

In terms of fees charged, Chairman Shelton saw that 30% collection fee was typical of Debt Recovery Specialists, Credit Bureau of Island County and Skagit Bonded Collectors, while Allied Credit is at 40%. Skagit Bonded, Debt Recovery and the Credit Bureau all will provide the County with 100% of collected interest, and Allied proposes to split that on a 50/50 basis.

Commissioner McDowell observed that two years ago the same issue was raised "we've done it this way and there's no desire to change"; however, his opinion was that for a few years he would like to see developed a track record and then make a more valid decision two years from now. The local firm, Credit Bureau of Island County, has been in existence since 1967 and within their proposal, provided a number of letters of recommendations from agencies and firms he recognizes in the County, some who have used the agency for 15 years. He suggested the County try for the next two years, contracting with Credit Bureau of Island County.

Marilee Black saw no major issue if the contract were split between two agencies; however, she would support a split if that is the Board's decision, but personally would prefer to stay with one agency, SBC.

Jane Koetje recommended that if the contract is split, that her office would participate so clients would all have one collection agency to deal with.

The Chair suggested following Ms. Paczkowski's recommendation to split the contract between Skagit Bonded Collectors and Credit Bureau of Island County, based on the fact that Allied Credit quoted a higher collection cost and Debt Recovery is a relatively new agency with more limited experience than the other two. Skagit Bonded has done a good job for the County.

Commissioner Shaughnessy agreed there was no other way to really get a true comparison. Commissioner McDowell thought the issue was that there are no other comparisons and his thought was that sole source providers was not the best idea. He agreed that a two year period would be a good test period.

Patty Encinas, Credit Bureau of Island County, Oak Harbor, expressed willingness to split the contract in order to provide statistics on what her firm can do, and she recommended that the comparability recovery rates be tracked by District Court rather than the agencies themselves.

Robert Paciotti, Skagit Bonded Collectors, L.L.C., Mt. Vernon, also expressed agreement to a split contract as long as there was some reporting and accountability on a quarterly basis, and he thought there should be some sharing of that information.

Commissioner Shaughnessy moved to split the Contract for collection agency services used by the Island County District Court, Island County Superior Court Clerk and the Public Defense Department, between the Credit Bureau of Island County and Skagit Bonded Collectors, per recommendation outlined in the memo from Ms. Paczkowski i.e. one would receive cases for collection A - M, and the other would receive cases for collection N - Z. Motion, seconded by Commissioner McDowell, carried unanimously.

HEARING HELD: Franchise #36(1)R renewal, Possession Shores Inc. waterlines-county roads in plat of Possession Shores, Divisions 1 through 4 and portion of Cultus Bay Road, Sec. 14-28-R3E

A Public Hearing was held at 2:25 p.m. as scheduled and advertised to consider Application for Franchise #36(1)R renewal, Possession Shores Inc. waterlines in county roads in the plat of Possession Shores, Divisions 1 through 4 and portion of Cultus Bay Road, Sec. 14-28-R3E

By memorandum dated November 7, 1997, Roy Allen verified he reviewed the application for renewal and that there is no expansion of this franchised area proposed at this time. All County departments requested to comment have replied with no objection to grant the renewal. All current requirements have been incorporated into the renewal, and he recommended approval.

No comments were made for or against the proposed franchise renewal by any members of the public.

By unanimous motion, the Board approved Franchise Renewal #36(1)R.

RESOLUTION #R-60-97 INITIATING Public Works Project PW-1-97, Camano Water System Construction AND AWARD OF BID FOR CONSTRUCTION OF CAMANO ANNEX WATER SYSTEM

Larry Kwarsick, Public Works Director, presented a recommendation of approval to the Board to adopt Resolution #R-60-97 initiating Public Works Project #PW-1-97 regarding development of the Camano Annex water system in coordination and cooperation with the Camano Hills Water System. The project has a total cost of \$261,400.00, includes the connection fee to the Camano Hills Water Company, and the contract awarding bid to Strider Construction, Inc., in the amount of \$101,376.91 for construction of the Camano Annex water system.

The Board, on unanimous motion, awarded contract to Strider Construction, Inc., Bellingham, in the amount of \$101,376.91 for construction of the Camano Annex water system, and adopted Resolution #R-60-97 initiating PW-1-97.

PROFESSIONAL SERVICES CONTRACT David Evans - Natural Lands

Plan and Parks Plan Update

Mr. Kwarsick presented for approval a Professional Services Contract, RM-PW 9720-59, between David Evans and Island County to prepare the Natural Lands Plan for Island County and to update the existing Comprehensive Parks Plan, for a total amount of \$46,000. The contract was reviewed by both the Risk Manager and Deputy Prosecuting Attorney. Although a signed contract has not been received from Mr. Evans, Mr. Kwarsick asked that the Board approve the contract with original to be submitted for signature once returned by the consultant. Original intent had been to embark on this project in 1998 but due to the scheduling of the various comprehensive planning activities and when those will appear before the Planning Commission and Board of County commissioners, this work needs to commence immediately in order to meet that schedule and provide necessary information into the GMA planning process.

By unanimous motion, the Board approved Professional Services Contract with David Evans & Associates, Inc., Tacoma, for the Natural Lands Plan and Parks & Recreation Plan Update project, in the amount of \$46,000, the agreement to be signed by the Chairman once signed contract has been received back from consultant.

RESOLUTION #C-73 -97 Amending Island County's Six-Year Capital

Improvement program for the Years 1997-2002 to Include

Natural Lands Plan & Parks & Recreation Plan

As a follow-on to the Natural Lands Plan and Parks & Recreation Plan update, the next item Mr. Kwarsick presented for the Board's review and approval was Resolution #C-73-97 which would amend the County's Six-Year Capital Improvement program for the years 1997-2002, to include the Natural Lands Plan and the Parks & Recreation Plan. Again, Mr. Kwarsick noted that to accomplish coordination with the GMA planning process, this work needs to begin now, and need to amend the CIP for the years 1997-2002 to include those.

By unanimous motion, the Board approved Resolution #C-73-97 in the matter of amending the Island County's Six Year Capital Improvement Program for the Years 1997-2002 to include the Natural Lands Plan and the Parks & Recreation Plan.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF AMENDING ISLAND)	
COUNTY'S SIX-YEAR CAPITAL IMPROVEMENT)	
PROGRAM FOR THE YEARS 1997-2002 TO)	RESOLUTION NO. C-73-97
INCLUDE NATURAL LANDS PLAN & PARKS)	
& RECREATION PLAN UPDATE)	

WHEREAS, the Public Works Director, in accordance with RCW 36.70A.070(3) and WAC 365-195-315, submitted his recommended plan for capital expenditures for 1997 through 2002; and

WHEREAS, the Island County Board of County Commissioners adopted the Capital Improvement Program (CIP) on June 3, 1996 by way of Resolution R-28-96; and

WHEREAS, the Island County Board of County Commissioners planned to prepare a Natural Lands Plan and update the existing Parks & Recreation Plan in 1998 to address the "Open Space and Recreation" goal of GMA under WAC 36.70A.020(9), i.e. to "encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks" and to address RCW 36.70A.150, *Identification of Lands Useful for Public Purposes*, RCW 37.70A.160, *Identification of Open Space Corridors*, and the Act's relevant implementing WACS 365-195-400,410, 420 and 430; and

WHEREAS, per ICC 3.04A.040 real estate excise tax funds can be used for financing capital projects specified in the capital facilities plan element of the Island County Comprehensive Plan; and

WHEREAS, the Island County Board of County Commissioners adopted R-43-97 on June 23, 1997 which included this project in the 1998-2003 CIP; and

WHEREAS, the Island County Board of County Commissioners will be contracting for services for development of the plans in 1997 and may incur expenses in this budget year,

NOW THEREFORE BE IT HEREBY RESOLVED that the 1997-2002 Capital Improvement Program is amended to include the Natural Lands Plan and Parks and Recreation Plan Update to be funded out of the REET 1, Capital Facilities Fund 134, and the Road Fund in the total amount of \$48,000 between the years 1997 and 1998.

ADOPTED this 24th day of November 1997.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY WASHINGTON**

Mike Shelton, Chairman
Wm. L. McDowell, Member
Tom Shaughnessy, Member
Attest: Margaret Rosenkranz
Clerk of the Board

HEARING HELD: Application OT-4-97 OPS #437/97 rON FEIN, CAMANO IS.

A Public Hearing was held at 2:45 p.m. on Application OT-4-97, Open Space Timber Application #437/97, by Ron Fien, for

classification of a 20-acre parcel as open space timber, Parcel #R33220-363-2000 located in Section 20, Township 32N, Range 3E, Camano Island, WA

Debra Little, Development Services Manager, presented the Island County Planning and Community Development Staff Report, dated November 17, 1997, by Matt Nash, Senior Planner. The property was in open space timber classification when the property was sold, and the new buyer wants to return it to that classification. The recommendation by staff is that the Board approve the application subject to the following condition:

All future forest practices activity on the subject property shall be consistent with the submitted Forest Management Plan and with the Washington Forest Practices Regulations, RCW 76.09 and WAC 222.

No one at the public hearing spoke either for or against the proposed action. Applicant was not present.

By unanimous motion, the Board approved Open Space Application #437/97 classifying a 20 acre parcel as open space timber for Ron Fein, subject to the condition recommended in Staff Report.

BOND EXTENSION - SPR 114/95

With regard to SPR #114/95, US West NewVector Group Communication Tower, South Whidbey, Ms. Little reported from conversation with that Company that they chose not to obtain a building permit to build the tower at this time, but chose to extend their bond. Mrs. Little recommended that the Board grant extension of the \$30,000 bond to May 31, 1998. By unanimous motion, the Board extended the \$30,000 bond to May 31, 1998, as recommended.

FINAL APPROVAL SPR #106/97

The next item before the Board was the final approval of SPR #106/97 by Nextel Communications, for a Cellular tower on Parcel #R32908-060-3470 on South Whidbey. Erika Jensen, Associate Planner, presented the matter to the Board with a recommendation of approval, in that the project was granted conditional preliminary site plan approval on October 23, 1997, and the application for final site plan review was reviewed and all conditions, including landscaping and road construction completed. All conditions of site plan have been satisfied.

By unanimous motion, the Board approved final approval of SPR #106/97, Nextel Communications for cellular tower on Parcel #R32908-060-3470, South Whidbey.

HEARING SCHEDULED: ORDINANCE #C-78-97 IN THE MATTER OF AN ORDINANCE

CONCERNING INTERIM APPLICATION PROCEDURES AFFECTING

CHAPTER 17.02 OF THE ISLAND COUNTY CODE

Keith Dearborn reported to the Board after having been asked to look into the question of whether interim regulation is needed as a result of the GM Hearings Board's (GMHB) Compliance Orders. By administrative interpretation, Island County has been implementing those Orders since April 10, 1996, and October 6, 1997.

Mr. Dearborn provided the Board with a draft proposed ordinance he recommended be scheduled for public hearing that would establish uniform rules regarding future applications that the County would receive. Intent would be, if the ordinance is enacted, that the attachments be at the Permit Center counter so that County Planners and the Public understand clearly which applications are being accepted by the County and which are not, until the County adopts a GMA Comprehensive Plan and Development Regulations.

It was his determination that the ordinance is procedural in nature and establishes no substantive standards, but simply implements the two Orders and effectively carries out the standards already within GMA including the 1997 amendments and the Orders of the GMHB found in the April 10, 1997 and October 6, 1997 Decisions. This being procedural with no substantive standards being changed, he believed it categorically exempt and therefore a hearing date could be set under normal hearing procedures .

By unanimous motion, the Board scheduled Ordinance #C-78-97 for public hearing on December 8, 1997 at 1:30 p.m.

PUBLIC HEARING HELD: Non-Municipal Growth Areas

A Public Hearing held, beginning at 3:00 p.m., as advertised, for the purpose of considering Non-Municipal Urban Growth Areas. In addition to County Commissioners, Staff, legal advisor and consultants, approximately 30 people were in the audience at the time of hearing. [Sign up sheet on record] Chairman Shelton read into the record the Hearing Record Instructions:

Today we will be discussing the subject that has been advertised for this hearing. We ask that you provide comments on this subject

specifically. While we will listen to any comment you offer, we are seeking testimony on the specific subject under consideration today. We are also establishing a formal record which we will consider in our final deliberations on the Comprehensive Plan and Development Regulations that we are preparing to comply with the Growth Management Act. Any written correspondence or documents that you wish to have the County include in this record need to be submitted with your testimony. You can also forward material you wish to have considered directly to the Board or Planning Commission Secretary. However, to be considered, this must be done prior to the scheduled hearing. The only written information we will consider is information that has been included in our record.

We are in the process of compiling and organizing all the documents, correspondence, and information that has been provided to the County in prior proceedings. This information is being tabulated by date received, author, and cross-indexed by subject. Shortly after Thanksgiving, we hope to have the index to our record available for public review. It will be on the Internet and can also be obtained from either the Secretary of the Board for the Board's record, or the Secretary to the Planning Commission for the Planning Commission's record. We are using a cut-off date of May 1994 for this compilation. We ask that you resubmit any documents or correspondence that you believe is pertinent to our deliberations that you submitted prior to May of 1994. Should that not be possible, we ask that you identify the material that you wish to have included in the record and we will see if it can be located.

Thank you for your cooperation. It is important for you to recognize that we will consider only the written information that we have received through the process I have described above.

The recommendation of the Island County Planning Commission, regarding Sub-area Planning, GMA Designation for Clinton and Freeland, was presented and read by Linda Moore, as follows [with Issue Paper attached] dated 11/18/97]

"On Tuesday November 18, 1997 by a unanimous vote of the Planning Commission and following a workshop and Public Hearing (Commissioners Pringle and Hart absent from the Public Hearing) the Planning Commission adopted the following two motions and submit them herewith .

We request that the Board of Commissioners of Island County provide the Planning Commission with direction on the subject matter of the Motions.

Sub-Area Planning

The Planning Commission recommends that the Island County Comprehensive Plan provide for sub area planning boards ("Sub Area Planning Boards") for Clinton and Freeland. The planning area ("Planning Area") for each Board should be the same as the study area shown on the Consultant Recommendations dated November 3, 1997 prepared by McConnell/ Burke, Inc. for Freeland and Clinton. The Planning Commissions further recommends that the Board should be composed of residents, property and business owners from inside that same study area boundary.

GMA Designation for Clinton and Freeland

The Planning Commission recommends that the Comprehensive Plan designate Clinton and Freeland as " non municipal urban growth areas". The boundaries for these Non Municipal UGAs should be the same as the non municipal urban growth areas boundary as shown on the Consultant Recommendations dated November 3, 1997 prepared by McConnell/ Burke, Inc. for Freeland and Clinton.

The recommendation that these areas be designated as UGA's is made on the express condition that sufficient data -particularly with respect to the provision of Capital Facilities- as required by the GMA and subsequent Growth Management Hearing Board Decisions must be presented to the Planning Commission on or before February 20, 1998. If the required data is not received or is deemed legally insufficient the Planning Commissions recommends that these areas be designated as limited areas of more intensive rural development ."

The Planning Commission subcommittee, Mrs. Moore and Ann Pringle, in first looking at the issue recommended to the Planning Commission that Clinton and Freeland be designated as RAIDS. Final criteria have not yet been developed for RAIDS, but it is intended to be a narrow rural area of intense development that does not grow any further. An UGA is a definition that captures a city. While some have expressed opinions they would like Clinton and Freeland to stay as they are, it was her sense that was a minority viewpoint, and the majority view is they should be cities as UGAs is the direction to head.

The reason for the recommendation to designate these as RAIDS and then designate an UGA study area and come back and perfect the capital facilities planning necessary to designate these areas as UGAs. At a minimum, he County needs to know what kind of infrastructure there will be in Clinton and Freeland and how to finance it. Vince Moore and Sheilah Crider and the majority of the Planning Commission felt that an interim designation as RAIDS was the wrong in that it only prolonged the uncertainty. The Planning Commission made a motion to designate an UGA for both Clinton and Freeland immediately and ask staff and Public

Works Director to work on a capital facilities plan for those two areas and report to the Planning Commission by February 20, 1998.

The UGA boundaries continue to be a subject of much debate [Mrs. Moore referring to maps posted on the wall, Clinton Draft non-metropolitan UGA map consultant recommendation November 3, 1997, and Freeland Draft same caption and date, both attached to a report dated November 3, 1997 by McConnell/Burke, consultant]. Note the color portion on the maps is referred to as the "study area" and that area was arrived at by the consultants and Planning Department staff, with the notion of looking at an area much larger than what they would look at as a UGA and make certain they would never have to go back and include more in the study. Areas shown as a black dotted line is the consultant's recommendation of the Urban growth boundary. [Smaller versions of the maps are on record attached to Consultant Recommendation 11/3/97 for Freeland and Clinton]. Water system boundaries are shown on another map, and Ms. Moore and Donna Keeler handed out copies of those maps for Clinton and Freeland, which Ms. Moore dated 11/24/97.

The Planning Commission recommendation is that an UGA boundary be established consistent with the consultant recommendation in the November 3, 1997 report - the study area established as the color areas on the map and the urban growth boundaries be the areas in dots around it. Some of the Planning Commission members felt some confusion about what the UGA boundary was being voted on [i.e. the entire study area or consultant recommendation as to the boundary]. What Mrs. Moore believed the Planning Commission ended up doing was to recommend that the boundaries be as recommended by the consultant with the study area being the same study area that is in the consultant's report. She explained the essential notion: both Clinton and Freeland need sub-area planning in order to have an effective voice in the future land use planning for those areas, and a good time for those planning boards to start is now. Those boards would be free to reset those boundaries, comment on whether those boards are elected or appointed. It was the unanimous feeling that the people who serve on those boards should be residents of or own businesses in the Freeland or Clinton areas. An area to focus on is the population allocation study [separate workshop scheduled in about 6 weeks]; dilemma is the accounting problem, i.e. the critical issue is the infrastructure - how much do we need and how much does it cost, and who pays for it? If the population numbers that have been allocated to these areas are incorrect infrastructure cost numbers can be higher than anyone could ever afford because the population numbers are incorrect - i.e. the body of opinion exceeds the required data.

With respect to how the study areas were decided and had those taken into account anyone else's opinion, either the public or water systems, Vince Moore indicated it had been an iterative process; staff began with some suggestions and the consultant based on field studies made some suggestions, and all the material brought before the Planning Commission and ultimately was the Planning Commission that adopted the study areas. The study areas were nothing but a boundary to contain the data gathering, and in both cases, wanted the study areas to incorporate the water systems serving the areas.

PUBLIC COMMENTS

Steve Schrecengest, Serendipity Lane, Freeland, felt that to propose that non-municipal areas such as Freeland be defined now as UGAs was unbelievable and he thought for any state in this country to say this is where folks like you will live was unconstitutional. Freeland rejected the concept of being a city twice and did not see how this proposal could be forced on them.

Tom Roehl, professional planner doing business in Freeland, first spoke on behalf of the Freeland Water District, and noted that on record today was a letter from Freeland Water District's current president, Andy Pringle [letter on record dated 11/24/97]. The position of the Water District is that the boundary should include the boundaries of the water district; water districts are municipal corporations and those boundaries should not be split. As to the matter of infrastructure, sewer is the only thing missing in both these areas, and that question in some ways is an excessive issue because GMA does not say there has to be sewers, but to draw urban growth area boundaries around areas where public services and urban services are provided or are planned to be provided. It is not necessary to have a centralized sewer system or hasten the evolution of a large centralized sewer system in order to have a good UGA. GMA says UGAs should contain sufficient areas for open space and contain areas to protect critical lands. Planning within NMUGA by local citizenry through some means is something he and the District would support, but they would not support the boundary during the time of the study being anything less than the boundaries of the two water districts in Freeland, Holmes Harbor Water District and Freeland Water District [shown on map displayed]. The Freeland Water District had been active in looking at the sewer situation for some time - dating back to 1970 with a HUD project, and he provided a copy for the record of a 1970 Sewer System Plan for Freeland. The District commissioned the study which included a capital facility budget and planning for a sewer system for Freeland, with some preliminary design work. The project never went forth because it was an outfall base system. There is a map of the water district boundaries [posted on the wall] showing 20 or 30 properties [in green] and inside the water district boundaries, the property "Main Street Sewer District" comprised of one piece of property. All other green colored properties are properties are property owners who formed a non-profit corporation for the purpose of forming sewer district - water district still willing and able to work with them in the development of a sewer plan for that property. The fear is that if boundaries are drawn too narrow in scope that could potentially kill sewer planning because of what it takes for LIDs and financing. He urged that if there is further study, the base line upon which to base those studies should include the boundaries of the Freeland Water District and Holmes Harbor as illustrated on the map posted [Mr. Roehl left a color coded map of same for the record, noting a copy already on file with the Planning Department and a miniature (not color coded) on the back of their letter]. The Freeland Water District did not object to the County spending money to fund the capital facilities plan in the Freeland area but

want to be a part of it. The Freeland Water District Commissioners commitment as far as a ULID is that when and if a ULID for sewers happens it will be drawn around the properties who by petition request it, and not drawn around properties of those who do not want or need it and have no business paying for it.

Mr. Roehl also represents two families and addressed on their behalf the same issue but in Clinton [letter on record dated 11/17/97, Philip and Priscilla Moore and David and Gail IPaul). The whole study area boundary is drawn about 1/2 mile north of the boundary of the water district. The water district boundary continues down Humphrey Road and stops at the south boundary of the plat of Columbia Vista. The properties and the Plat of Columbia Vista are within the boundaries of the Clinton Water District and the Marshal Road Drainage Utility, and has all the infrastructure for possible development except sewers.

John Hitt, Executive Director, EDC, spoke in support of the Planning Commission recommendation, feeling that Clinton and Freeland are vital commercial areas representing about 1,000 jobs and in excess of \$50 million in tax from retail sales. Those areas designated as UGAs for the long term makes the most sense in order for those business that are there to grow and expand, stay vital and responsible to the communities and economic segments served. A lot of what is now NR zoned land is difficult to use because of perc problems, etc., and if UGA designations are made and eventually the appropriate infrastructure enhancements take place will allow Freeland and Clinton a more effective control of commercial growth. Anything less will cause uncertainty and cloud the future of those areas as far as commercial growth and development and raises the issue of what type of commercial development could go in there. He thought Mr. Roehl raised some very good points as far as the ultimate boundary of Freeland and Clinton, and he suggested that could be addressed during the study period.

Vince Fitzwilliam, Mutiny Bay Road, Freeland, a resident in the Freeland area since 1972, said that Freeland had some very important problems that must be understood, geophysical "the ground is lousy"; there is no certain water supply - reference news article in 1977 "*No Magic River Under Water for Whidbey Island*". Mutiny Bay does not flush, the current action is circular. The fact is the area is not suitable for growth, leave it alone, put it in its limited designation "Limited Area of More Intense Rural Development" just as it is, a wide spot in the road that just never took off.

Rufus Rose, Maxwellton Road, Clinton, member of the Island County Planning Commission, agreed with most of Ms. Moore's briefing. On this particular decision he made a mistake in the vote he made. He felt all along the water districts should be included in urban growth areas and those maps were not available November 18, 1997 meeting. He believed the UGA base line should include as a minimum the water district boundaries. The decision about UGAs should be made by the Board based on the recommendations of the two special committees that should be appointed, comprised of property owners, including businesses and residents of the two study areas. He was instrumental in creating the outline of the maps referred to as a Planning Commissioner and did so over some objections from staff as being too large.

His reason for encouraging the Planning Commission to draw the lines that large stemmed from Dr. Richard Morrill's advice in 1984 as part of the EIS with the 1984 zoning ordinance: to have clustered development make it as large as possible in order to have an area that will develop naturally and have a revenue base large enough when it is essential to have sewers that it would be affordable. Asking all county residents to pay for a study of capital facilities to be used in selected sub-areas is a mistake and a precedent-setting error he thought could prove to be very expensive and dangerous. The firm of Makers in 1991 did a Freeland Study funded by a grant that went nowhere because Island County imposed constraints such that the consultant could not make recommendations to change the zoning in the Freeland area. The study committees should be specifically authorized by Board appointment to make proposed changes to the maps, larger or smaller and not constrained in any way.

At least twice in the past an effort has been made on the ballot to incorporate Freeland, in both cases failed. He hoped the Board would reflect on the fact that the revenues generated in Clinton and Freeland if those areas become cities will be subtracted from County budgets. Sheilah Crider e-mailed Mr. Rose agreeing that he made a mistake and she too had made a mistake. Ann Pringle was not at the meeting, but Mr. Rose was aware that she also would have requested and voted for including all of the water district boundaries. Central control, even at the county level, diminishes self-government.

Don Jewett, Maple Cove Road, South Whidbey, addressed the letter the Board received from Planning Commission members Pringle and Moore, specifically the last paragraph. The RCA's has a provision where the governing body could require a sewer system but that is only when health problems are involved; lacking that, he did not believe the Public Works Director should waste time and money performing studies and estimates for what it will cost to sewer the two areas. He referred next to page 3 of the proposed Interim Ordinance, item 8, stating that "applications for use approval to establish a receiving area property for transfer of development rights will not be accepted pursuant to ICC 17.02.170C except for receiving property located within the interim growth areas designated pursuant to the GMA". Either on October 31 or the first week of November, the Planning Commission unanimously voted there should not be any development rights or purchased development rights considered in the Comp Plan.

On behalf of Frank & Joan Todd, E. Gravel Way, Clinton, Mr. Jewett requested verification of a letter for today's record. Letter dated 11/20/97 was placed in today's record, the Todds noting:

I am attaching a detailed map of our property in Clinton. I request you include our property in the Clinton growth area.

Our land will not produce revenue form tree harvesting for at least 40 years. Will you please consider our request?"

Ann Pringle, E. Harbor Road, Freeland, Planning Commission Member, stated that the Planning Commission did vote on the recommendation before the Board. She was not present at that hearing and reiterated what Mr. Rose said her vote would have been. She offered that when a capital facilities study is undertaken perhaps it should include the water districts who have spent money up until now and over the years studied sewers. She thought the water districts had not been considered as part of this dialogue at all and should be - as the logical ones to put in a sewer and believed that the area should be large enough to have enough users so that a sewer could become a reality and be cost effective.

Brad Robertson, E. Cedar Point Road, Clinton, encouraged the Board to accept the recommendation of the Planning Commission that Clinton be a non municipal urban growth study area, which he sees as long overdue, a study promised by Island County when the present code was adopted in 1984. He asked for the Board to set a short and definite date for completion of the study. He believed there already was a good beginning with infrastructure for Clinton, specifically the Clinton Water District's Comprehensive Plan and the Clinton Waste Water Facility Plan done in 1995. He agreed that water district boundaries should be included for Clinton. He referred to the maps posted, calling attention to an error for the record, with respect to his property: his family owns the parking lot south of the ferry terminal at Clinton, and that has been zoned NR since 1984, Commercial since the early 1970's, and used for commercial purposes since the early 30's. Mr. Robertson submitted a letter with his comments for the record.

Larry Harris, E. Lancaster Road, Freeland, representing Citizens Growth Management Coalition, a collection of a number of community based organizations involved in growth planning and environmental issues, applauded efforts taken by the County to create a Comp Plan, particularly happy with the open public participation. The Coalition will be presenting a series of position papers on each topic, and for today's record, he submitted issue paper #1 on Non-Municipal UGA status for Clinton and Freeland. The position papers will be preceded with a prolog "the need for a vision statement", and quoted some of the statements from the Coalition's issue paper #1: "*...an authoritative county wide vision statement acceptable to the great majority of citizens that should be guiding the construction of the new Comp Plan and not put together after the fact to meet a GMA guideline. A public visioning process should be put in place with commissioner involvement, staff support, and full public participation. The visioning process can become a model from GM planning, contributing to public trust and cooperation, not the confrontation we experience now.*" Mr. Harris advised that the Coalition supports the Planning Commission recommendation that Freeland and Clinton become non-municipal UGA's but only if the following basic steps are taken:

- o local planning commission groups be established, broadly based
- o sub-area plans drawn for Freeland and Clinton and designate at the very minimum Residential, Commercial and Industrial areas
- o accurate planning and forecasts of capital facilities i carried out
- o funding mechanism for capital facilities formally established and committed to including concept of impact fees.

Jack Sikma, property owner in the Holmes Harbor Golf Course development and property surrounding Holmes Harbor Golf Course, representing Harbor Hills Water Company, addressed the last paragraph of the Planning Commission recommendation as far as Clinton and Freeland being non municipal UGAs and a capital facilities study done. Holmes Harbor Golf Course development with Holmes Harbor Water District has sewer facilities already in place and a water system with the ability to serve that area, and already performed work as far as comprehensive plans and sewer system in place to meet the qualifications of a non-municipal UGA. The infrastructure is there, already have a municipality in the water district itself; the resources are there in water and the ability to expand the sewer system; and already within a community that has densities in which the GMA calls for in 4-6 units per acre. If recommendations are made for a study as far as facilities, he asked the Commissioners keep in mind Holmes Harbor Water District as a possible option and a solution to the problem.

Responding to a question from Commissioner McDowell with respect to the colorized map for Freeland [with the blue] Mr. Roehl went to the map to explain where the boundary between Holmes Harbor Water District and Freeland Water District is: the map is inaccurate - the blue says "other water districts" and showed on that map where the actual water district boundary went. Bercot Road was a community based ULID #2 of the water district.

Linda Moore commented that when Mr. Roehl was talking about the water district boundaries, she observed that the driver in his analysis was to be inclusive enough to create a financing option, but she did not feel that had been studied enough to know that is true. She would not want a perception of what a financing option is to drive what is essentially a land use problem, one of the most important would be an

accounting problem - what happens if we make the boundaries as large as the water district and then have to allocate population into those boundaries and then not have enough population left over to allocate out into the rural areas?

Tom Roehl stated that the Freeland Water District had some 17-20 years of planning in the community and has some expertise about not just water utilities but where the growth pattern is, etc. Looking at the patterns, there are six subdivisions not even shown on the maps yet the land is treated as if it is all rural.

Jerry Hann, Crestmont Place, Clinton, with regard to the point about forming two additional planning committees for Freeland and Clinton, was concerned about how the County would plan to staff those particularly given the amount of work that has to be undertaken to define a full plan for this area by February 20, 1998. He liked the concept and thought it an important one, but was concerned about the deadline and how it would actually be operated and staffed, given the time constraints.

Bill Applegate, North Whidbey resident, called the Board's attention to additional points. The law says that interim UGAs are to be designated on or before October 1993 and that adoption of the interim UGAs can only occur after public notice, public hearing and compliance with SEPA. If the County considers adopting these the Planning Department should start right away on writing SEPA determinations. The final UGA boundaries must be adopted at the time of the Comp Plan adoption. He thought the County seemed to be going at planning backwards - there has really been no visioning done. Early on in comprehensive planning the population allocations should be done. His final point was that local area planning agencies being proposed sounds like community councils that were developed on Camano and in Greenbank which had been opposed by the Commissioners.

With no one else in the audience indicating a desire to speak, the public input portion was closed.

Chairman Shelton advised that the Board was told by counsel that it was unlikely UGAs would stand the test before the GM Hearings Board without a clear definition how the supporting infrastructure required in UGAs would be paid for. The Public Works Director could design a capital facilities plan, but county resources are not available to say "yes we will designate these areas as UGAs and in fact we know exactly how we will pay for those services". The County does not have that pot of money nor should it; historically urban services have been paid through user fees and clearly if Clinton and Freeland are going to have a sewer system it needs to be paid for by those who will benefit from the system. Given that, it seemed to him that the urban growth designation is not a viable designation at this time. Existing community councils address planning issues that the Planning Commission is addressing; Camano Island and two voting precincts in the Greenbank area are in his opinion not so unique to have a separate planning organizations to create a plan. With Freeland and Clinton, in terms of creating a specific designation, he thought those areas should have a planning group because they are unique. What he would propose is that local people have input into those areas, and that is far different than the community council legislation. His preference would be to designate Clinton and Freeland as RAIDS because that is what exists to date; put together a planning group which over a period of time would address the issues, and according to 6094, the RAIDS drawn fairly conservatively. He understood Mr. Roehl's argument about water districts being municipalities and the argument about if there is a sewer district there has to be

numbers of people to pay for that, and if not, it probably would never pass the vote requirement. However, he did not think the water district necessarily was the magic appropriate boundary- it may or may not be.

Chairman Shelton's recommendation to the Board was to make a tentative decision today by designating Clinton and Freeland as RAIDS with boundaries drawn compliant with GMA; put together the group of local based citizens and allow them an appropriate time to study those areas. He acknowledged that at some time in the future the County could change the designation for both Clinton and Freeland. He believes they should be urban growth areas but did not think it possible today to make them UGAs.

With 4 maps in front of him, Commissioner McDowell asked Vince Moore to explain precisely what the dotted and solid lines mean. For the two maps labeled "water systems" for Clinton and Freeland", Mr. Moore explained that the outer solid line was the study area boundary the Planning Commission adopted; the dashed line inside is the consultant's recommendation of the urban growth area; the colored areas represent the water districts [yellow is Freeland Water system and the blue other water system area]. On the other two maps, yellow line is coincidental with the consultant November 3 document. The dashed line is the consultant's recommendation for UGA boundary. Mrs. Moore clarified: the study area is all colored areas on the map dated November 3rd; the dashed line is the consultant's recommendation and that is the Planning Commission's recommendation for the UGA area.

Commissioner McDowell noted that at this time final UGAs were not being determined. He agreed February 20 was way too soon to decide, and hoped within 12 months to have two groups, one from Freeland and one from Clinton, which could be sponsored by the water districts, look at a capital facilities plan to see if it is even possible financially or politically. EDC recognized the need for commercial areas and he agreed with that. To have a commercially viable area, must decide how big and if it is to expand, how to provide infrastructure. RAIDs need to identify what kind of commercial can be in those areas, and needs to be part of the Comp Plan. As to the question of does a UGA make sense, he believed absolutely, long term. Sub-area planning and the idea of community councils he agreed there was a big difference. Freeland and Clinton are areas outside the purview of normal zoning and there should be some type of local area planning there. Mr. Sikma brought up the idea that Holmes Harbor Water District was already there, and that was something viable to look at - already have sewer and water for some large area that may be appropriate to start with now as a UGA and the other areas be the study area [water boundaries] for adjoining non-municipal UGA. He did want further discussion about the Holmes Harbor area - and clarification - 400 houses in the plat of Holmes Harbor or is there a larger area that would meet the qualification of a UGA now?

Tom Roehl, Freeland Water District, confirmed that the District already developed a comp plan for Freeland Water District with a capital facilities portion. Mike Hellend, Manager, Clinton Water District, was adamant about starting a local educational effort. He agreed with Mr. Jewett, this has been provided for statutorily and need to include the communities. Clinton Water District already has a vehicle in place. It is hard to design facilities based on an x-y-z factor without having the Island County Comp Plan which is the primary element or the zoning ordinance complete.

Commissioner Shaughnessy noted there already was some pieces of utilities in place, i.e. the water districts. To him that was the direction to go to begin with for boundaries - use the boundaries of the two water districts for the study area and set up the sub-area planning committees.

Commissioner McDowell was curious whether the area of Holmes Harbor could be called a non-municipal UGA on its own. Mr. Moore did not believe it would meet the criteria for urban growth areas because it did not provide the variety of land uses and activities. One of the criteria in the Act is that the boundary be developed on the basis of the built environment, and 91% of the Holmes Harbor area has yet to be built out in terms of structures, but does have the infrastructure.

Chairman Shelton was opposed to drawing an urban growth boundary at the boundary of the water district simply because the water district drew those boundaries some time in the past. He was not willing to say that the UGA for Freeland and Clinton is the water district boundary.

Mr. Dearborn answered the question "do you have enough information to establish an urban growth area or even tentatively at this time?". His answer was no, absent being provided information on how to create a capital facilities plan that would serve that area. There has been talk about sewer, the traditional idea of a sewer system, but GMA does not require having a sewer system within an UGA [RCW 36.70A.110(3) added in 1995 in part because of concerns Kitsap County had]. The UGA must be served adequately by a combination of existing and additional public facilities and services and it has to be an area characterized by urban growth and systems have to be sufficient to serve the area at urban densities. GMA does not say what an urban density is; the Central Puget Sound Growth Board said that it should be characterized by densities on the average of at least 4 units to the acre, and have made a number of exceptions; in Redmond and in Federal Way for that 4 unit number. The Western Washington Hearings Board said that 2-1/2 acre lots are urban, and that 1 acre lots in the Jefferson County case would be hard-pressed to be called rural. He knew of no reason why an urban growth area had to have a uniform average density of 4 units to the acre, and he thought the County Commissioners could make that judgment call as to the density that ultimately occurs within Freeland and Clinton. The Board needs to make a tentative decision that provides further guidance to prepare the Plan. He understood from comments from the County Commissioners that at this point the Board was willing to: consider the designation of a RAID and have the Planning Commission come back ultimately with a recombination on the boundaries for a RAID, residential and non-residential, to be included in the Comp Plan, and that they do that as a part of the on-going process, and talking about forming a committee to study within a study area a designation of UGA. That is not determining what the UGA is or whether interim or permanent, but at this point, to determine in the long term these two areas should be UGAs but not before figuring out the facilities and services issue; establish a study area for a committee to look at that question and come back at a reasonable time [Commissioner McDowell recommended 12 months and use water district boundary for that study area]. He agreed that would be sufficient information for taking the next steps. If there is a need for interim densities within the study area that can be decided later.

Commissioner McDowell raised the question about Holmes Harbor, but Mr. Dearborn did not think it was known at this point in terms of the record whether Holmes Harbor could be designated as an urban growth area or not., but a question could be asked of Mr. Sikma - who can provide the Board and Planning Commission testimony and evidence why he believes Holmes Harbor or an area around Holmes Harbor could be designated as a UGA. The same holds true for Freeland and Clinton.

Mr. Sikma stated that the ULID was the Holmes Harbor Water District in charge of the sewer; Harbor Hills Water Company is a privately owned water company that services the Holmes Harbor Water District area plus other acreage around that district. The Harbor Hills service area is another probably 400 to 500 acres outside of that. Harbor Hills Water Company provides water for that area and has a service area larger than that - but did not want anyone to think that in that service area there is water infrastructure throughout.

Rick Brown, Holmes Harbor Water District Commissioner, stated that the Holmes Harbor Water District is strictly a sewer district; the two districts overlap and are not the same.

As to what is needed in a capital facilities plan to justify a UGA designation, Mr. Dearborn indicated that was an unknown because the WW Growth Board had not indicated what needs to be in a capital facilities plan. The Governor is forming a technical advisory committee of agency people to advise the County through the process, and CTED has been asked to advise on what there needs to be and at what level of detail in a capital facilities plan to justify a UGA determination. As to the size of the RAID for Clinton and Freeland, there has been discussion at a workshop about the difference between a UGA and a RAID: once the RAID boundary is defined, under 6094, there is no expansion of it; a UGA can expand over time as capital facilities, services and population needs require.

In Chairman Shelton's opinion, Holmes Harbor has to be designated as a RAID, but whether completely separate from Freeland would be an issue.

Mr. Dearborn put the question as: "what is the logical outer boundary - is it the district boundary or something larger? Is the County willing to commit to land uses within that area that have the characteristic of urban densities and could function as a UGA.? There is nothing inappropriate about the Holmes Harbor sewer system serving the needs of Freeland, even if not within the Freeland UGA.

Mr. Roehl said that the Freeland Water District projects 20 new connections a year; 19 last year, 400 connections in about 20 years and about 1,000 people. The need for a capital facilities plan for sewer becomes more critical if the boundary is limited to north of the highway.

Public Input Reopened

Steve Schrecengest said that at least Coupeville, Langley and Oak Harbor had the opportunity to decide how big it would be whereas the people of Freeland and Clinton would not have that opportunity because it would be the County deciding how big the RAID would be.

Brad Robertson was a member of the sewer committee for Clinton, and recalled that \$100,000 was spent putting together a sewer study plan that concluded a sewer system could be built initially for about 700 people at about \$8 million. If the County is concerned about making Clinton a UGA because of funding for infrastructure, he thought that had already been done, and he believed the system could be doubled. Mr. Robertson wanted to see designation as a UGA now.

Mr. Dearborn read what Thurston County had done for the Ground Mound area , an area that has been an urban area in Thurston County since 1970, as an example of the level of detail needed for a capital facilities plan in order to be able to establish a UGA: "A total of 21.82 million in expenditures are proposed; 16.6 million is for sewer and water system; of this total local LID amount is 9.5 million for general obligation bonds; 2.25 million from the State Department of Social and Health Services for their share to serve Maple Lane school; 2.5 million from DOT for rest areas at Maytown and Scatter Creek, and 1.35 million in bond proceeds financed by the county for eventual repayment by future users in their phase 2".

Les Killingsworth, Freeland, worked with the group in Clinton. One thing he thought needed to be understood about the waste water facilities plan was that it required a SEPA check list which was done by Island County, with a declaration of non-significance. There were some protests and the matter went before the Hearing Examiner who determined that a SEPA requirement was not necessary for an engineering report. The report that R. W. Beck did for Clinton is sitting in limbo right now and has not been approved by the Department of Ecology. Mr. Killingsworth was asked to do another study "what would happen if they did not take the entire Clinton area but perhaps 200 homes, which he did finding that the cost was about \$6,500 per residence using alternative methods. Right now the facilities plan needs to be brought back.

Vince Fitzwilliams suggested adopting the proposed UGA area as the Planning Commission recommended as a RAID - can always go to a UGA if further study proves it is truly viable, feasible and acceptable to the public.

Tom Roehl cautioned the Board against setting a standard for Clinton and Freeland not applied to Oak Harbor, Langley or Coupeville. He submitted to the Commissioners the correct map of Clinton Water District

Mr. Dearborn saw no reason why there needed to necessarily be a vote to establish a non-municipal urban growth area. A vote to accept a ULID is very similar to a vote to accept annexation. His understanding is, based on information from staff, that Oak Harbor's urban growth area was established collaboratively with the City and the City told the County it would provide the public facilities and public services needed to support the urban densities considered for that urban growth area, but first require annexation. The capital facility requirement and commitment has been made by the City of Oak Harbor. On the capital facilities side the Commissioners will need to consult with Larry Kwarsick, the Public Works Director, as to what the timing would be. What he heard is that absent an appropriation by the Board in conjunction with an appropriation by the water districts, the County would not be able to get the information together by February 20. But that information did not necessarily have to be put together for all of Clinton and all of Freeland, and it would be reasonable to consider a designation as a UGA for the portion of the area for which there is information, then continue to study the rest.

Mr. Kwarsick believed it possible to bring back to the Board a plan in terms of how to approach planning for

capital facilities in Freeland and Clinton. His concern was even though there is information available from what Thurston County has done, the small paragraph put before the Board today is an excerpt from a much larger study that generated those numbers. A capital facilities plan has to include location and the cost of facilities, as well as the sources of revenue. He agreed there are lots of opportunities in terms of what kind of services or nature of services but until land use assumptions are firmed, it would be difficult to deal with the capital facilities element. The County's existing capital facilities plan is based on the county providing rural governmental services, not urban. His opinion is that the existing capital facilities plan recognized Clinton and Freeland and believes it accommodates their designation as a RAID.

With regard to Larry Kwarsick's point about needing to know the land use before doing the capital facilities plan, it had been his assumption [November 3rd maps] that the colors on the map within the dotted boundary are the land use assumptions that would be used to start with for purposes of the capital facilities plan - with this there is a population number and an employment forecast. The question the study would ask is: "are those boundaries correct? Do they need to be expanded or contracted?" The Coalition earlier suggested at least Residential, Commercial and industrial ought to be identified and Mr. Dearborn thought the maps were probably sufficient for purposes of initial capital facility planning. He confirmed that there is not enough information to designate any area a UGA today.

Mr. Kwarsick thought it very unlikely to be able to in a meaningful way produce the kind of results needed to make the decisions necessary within that time frame.

Mr. Dearborn suggested that if people really want an urban growth area the most assured way would be to petition to get a ULID on the ballot, just as Holmes Harbor went to the expense of creating the sewer system to serve its area. It may be possible or may not be, making a limited UGA determination for Freeland and Clinton or a portion of those areas, if there is sufficient information to make that decision and include it in the draft plan.

Larry Harris mentioned that one of the reasons the Coalition was so supportive of what the County is doing is because they can see a process, a schedule and good faith effort, and he hoped the Commissioners would listen to advice of counsel and listen to the Planning Commission.

Jack Sikma as the water provider and Rick Brown, commissioner for water/sewer district, had been talking about the study group, and suggested perhaps separating Holmes Harbor in the same type of study group to look at what the two would like to do and what they could do for Freeland, in that they are a few steps ahead as far as existing infrastructure and comp plans and facilities studies, etc.

Commissioner McDowell suggested boundaries for the study area as follows:

Clinton: the Clinton Water District Freeland:

Freeland Water District and Holmes Harbor Water District

Chairman Shelton, with respect to separating out the Harbor Hills Water Company, did not believe it made sense to undertake the study of a separate urban growth area, and did not think a fully contained community was appropriate thing for South Whidbey.

Mr. Sikma noted the key difference was the scope; a fully contained new community of 400 acres does not make sense for South Whidbey but he presented it because under GMA that was the only choice he had. This is market driven.

Rich Brown suggested a single study area with the idea that it may end up being two separate entities. He clarified that his suggestion would be that the study area include Freeland Water District and Holmes Harbor Water District, as well as the Harbor Hills Water Company in that the water company encompasses the water

district with a few minor areas.

Michael Seriphinoff, Chairman, Greenbank Community Council, raised the point that the 400 acres in the Harbor Hills area, at least 200 acres is in the Greenbank district and he thought it getting complicated and awfully spread out and asked the Board to exclude that 400 additional acres, continue to take the study area delineated in the maps and leave Greenbank alone.

The Chairman stated he would support, when the UGA boundary areas are established, the inclusion of the golf course and the existing development; clearly urban growth boundaries can be expanded. It is important to have a study of the entire area and not say there will be one group studying Freeland and another group studying the golf course and surrounding areas, which would only complicate further future decisions.

BOARD ACTION:

Commissioner Shaughnessy moved that the study area for Clinton and Freeland be defined for Clinton as the Clinton Water District, and for Freeland, the Freeland Water District and the Holmes Harbor Water District; that the Planning Commission come back to the Board of County Commissioners after the public hearing process, with recommended RAIDS boundaries; and agreed to establish two sub-area planning groups, one for Freeland and one for Clinton, the criteria for those to be determined later. Motion, seconded by Commissioner McDowell, carried unanimously.

List of Documents for this Record:

EXHIBIT LIST

Attendance sheet

Planning Commission recommendation to Board of County Commissioners.

Planning Commission motion: UGA's

Dean Enell: GMA Topic - Clinton IUGA concept, 11/19/97

Hearing Record Instructions

11/3/97 Consultant recommendation, Clinton Non-Municipal UGAs.

11/3/97 Consultant recommendation, Freeland, Non Municipal UGAs. (Includes maps referenced by Linda Moore during Planning Commission presentation).

11/24/97: Island County Citizens Growth Management Coalition, Larry Harris, Vision statement, Public visions process and overall carrying capacity.

Linda Moore - Non Municipal UGAs for Clinton and Freeland.

Donna Keeler - Map - F water system boundaries. Map C, water system boundaries

11/20/97: Frank & Joan Todd, Clinton, detailed map of their property in Clinton. Request inclusion in Clinton UGA.

11/24/97: Jack Lynch, Clinton, Designation of Clinton and Freeland as non-municipal UGA.

11/20/97: E-mail from Rufus Rose to Tom Olsen RE: Freeland and Clinton IUBC baseline boundaries.

11/20/97: E-mail from Rufus Rose to Tom Olsen RE: IUGA baseline boundaries for Freeland and Clinton; "My

vote concerning".

11/20/97: Larry Kwarsick to Vince Moore RE: Capital Facilities program for Freeland and Clinton.

11/24/97: Andy Pringle, Freeland Water District; non-municipal UGA's for Freeland and Clinton.

11/24/97: Tom Roehl, Freeland Water District Comments Non-municipal UGA's and comprehensive plan.

Forward general data; cost estimates; preliminary sewer plans; sewer profiles 8/20/70 by Hammond, Collier & Wade & Associates for HUD project, P-Wash-3457.

Freeland Sewer District boundaries; map. D.R. Strong, Consultant Engineers

Tom Roehl 11/22/97 via e-mail for Freeland Chamber of Commerce; proposed Freeland Non-municipal UGA, Chamber letter dated 3/11/97.

Tom Roehl 11/17/97 comments on proposed non-municipal UGAs (consultant's recommendation) representing two families who own lands immediately abutting the southern most boundary of Clinton Non-municipal UGA property owners Philip & Priscilla Moore and David and Gail Paul.

11/24/97: JoAnn Silvers e-mail: Freeland & Clinton non-municipal UGAs. Agree the Planning Commission believed "...we were including the water districts in the boundaries we voted on last week".

11/21/97: Tom Olsen to Tom Shaughnessy. Non-municipal UGAs for Freeland and Clinton. Agree with Ann Pringle's statement that the boundaries should correspond with the water district boundaries.

11/21/97: Linda Moore E-mail RE: Clinton & Freeland ..agree with Ann Pringle's e-mail of 11/17/97.

11/24/97: Bradley Robertson, RE: Clinton Urban growth

11/18/97: Planning Commission meeting, transcripts and motions Designating Clinton and Freeland non-municipal UGAs.

11/24/97: Tom Roehl, 1970 Sewer System Plans, Freeland (associated with HUD Project)

11/22/97: Freeland Water District comments on proposed non-municipal UGA designation for Freeland.

Note: The Board will meet in Special Session on November 26, 1997, beginning at 9:30 a.m., in the Island county Courthouse Annex, Hearing Room I, siltation, to conduct a joint workshop with the Planning Commission on: (1) Non-Residential/Mixed use areas of more intensive Rural Development; and (2) Executive Session, RCW 42.30.110(1)(i) - discuss with legal counsel potential litigation.

There being no further business to come before the Board at this time,

the Chairman adjourned the meeting at 6:45 p.m., to meet next In Regular

Session on December 1, 1997, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

Attest:

Margaret Rosenkranz, Clerk of the Board