

COMMISSIONERS MINUTES OF SPECIAL SESSION

NOVEMBER 26, 1997 WORKSHOP

The Board of Island County Commissioners met in Special Session on November 26, 1997, beginning at 9:30 a.m. , Island County Courthouse, Hearing Room I, Coupeville, Wa. The purpose of the special session was to provide an opportunity in joint workshop for the Board to meet with the Planning Director and staff, Island County Planning Commission, and Keith Dearborn, to discuss planing issues and review the schedule for completion of the comprehensive plan. The specific agenda for today's workshop was:

Non-Residential/Mixed Use Areas of More Intensive Rural Development

Board to meet in Executive Session as allowed under RCW 42.30.110(1)(i) to discuss with legal counsel potential litigation

Attending today's workshop were:

Board of County Commissioners: Mike Shelton, Chairman; Wm. L. McDowell, Member and Tom Shaughnessy, Member

Planning Commission: Tom Olsen; Ann Pringle; Rufus Rose; Bill Vincent;

Consultant: Keith Dearborn and Alison Moss, Bogle and Gates; Emil King, McConnell/Burke

Staff: Vince Moore, Director, Planning & Community Development; Donna Keeler,

Manager, Comprehensive Planning; E. Meyer, Adm. Asst. - BOCC

Others Present: Approximately nine people were in the audience [Attendance list on file].

ADMINISTRATIVE ITEMS

Keith Dearborn brought up two housekeeping matters:

The Planning Commission recommendation on the Residential Areas is ready but no copies available yet; that will be considered next Monday, and the recommendation put out on the Internet ASAP

Two of the times have been changed on the adopted GMA Compliance Schedule. Planning Commission agreed to change two of the times on the schedule for December, i.e. flip December 5 and 12 subjects, so that Measures To Protect Rural Character will be heard at workshop December 12, and Resource Lands on December 5. That means that the Board hearings will be flipping too - Measures to Protect Rural Character - December 22, and Resource Lands on December 15.

NON-RESIDENTIAL/MIXED USE AREAS OF MORE

INTENSIVE RURAL DEVELOPMENT

Handouts: Issue Paper on Non-Residential Mixed Use Areas of More Intensive Rural Development and Appendix D, Rural Community Center and Commercial/industrial Locational Recommendations

Emil King reviewed differences when looking at Residential from NR. Page 1, lines #23-37 that needs to be

looked at; new area is shown on line #36: "An industrial area is not required to be principally designed to serve the existing and projected rural population".

Mr. Dearborn clarified that this did not get back to the issue of infrastructure that may or may not be required on a commercial activity. Nichols Brothers an example: it produces products that are not serving the rural residents of Island County, but they are creating jobs. Nichols is a classic example of one that does not fit that category. Non residential is the name Island County used over the years and it is broader than Commercial or Industrial, i.e. Institutional use is a sub-set of NR but does not necessarily fit commercial or industrial.

Mr. Vincent commented to note that the Planning Commission did not change the term "RAIDs" but had asked Mr. King come up with some recommendations.

Mr. Dearborn noted RAIDs are a Euclidean type designation, a geographic area characterized by existing growth with some expansion potential. Refer to the second page, where the performance question becomes more important.

Mr. King noted the exceptions: lines #1-3 "The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses." and Lines #8-11 "The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents." [A hand crafted furniture business, guitar maker, mail order catalog operation, software producer, smokehouse]

Chairman Shelton asked if someone who operates a bed & breakfast and are interested in having weddings at the B&B, would that be an isolated non residential use or new development of isolated cottage industries?

Mr. Dearborn stated that it is here because it interrelates and everyone should be thinking about it when discussing NR RAIDS because there is an additional opportunity here to address uses. On page 2, top, are categories that do not fit the RAID. There could be language that would describe and list exceptions in the regulatory code what small scale recreational or tourist uses and how they will be handled. As far as the concept of NR Floating zones and tightening up for acceptability to the Hearings Boards, that would be by use of protective measures. Non-Residential areas will be a geographical area that will be defined; the County has an opportunity to allow something that has been allowed historically, although may be more narrowly.

Referencing line 8, page 2, "The intensification of development on lots containing isolated...", Commissioner McDowell questioned "on lots" - if a lot is not built upon yet

that can't be intensified or developed?

Mr. Dearborn answered that was the way it read [the logic of that is if you own 3 lots you may be able to do a larger project than you could have done had you owned only one lot and already developed it]. Nichols Brothers he did not think would fit in this category, sub iii because even though exist, they are not a cottage industry, rather a major business.

Rufus Rose suggested as a "word check" item, change lots to parcels - in the real estate business there is a general understanding that a lot is a subdivision piece Mr. Moore explained this to be language out of GMA, and Mr. Dearborn noted that the County's code defines parcel as a lot.

Mr. Dearborn explained that the use in GMA of "lots" was not intended to distinguish in any way between existing land ownership regardless of whether called lots, parcels or tracts. A RAID could be, for example,

created for Nichols Brothers. A RAID is a geographical area you can add expansion area to, for commercial, residential, mixed uses, industrial. A business today by itself surrounded by AG or RR in a resource industry who has maxed out on property and want to expand on an adjacent lot but not in a UGA, that would clearly be in the sub iii category. He Mr. Dearborn cautioned about not creating a UGA out of a RAID, a RAID cannot be used like a UGA.

Vince Moore added that this would be subject to item iv page 2, line #14: "A county shall adopt measures to minimize and contain the existing areas of uses of more intensive rural development, as appropriate, authorized under this subsection." A RAID boundary can be expanded but would have to be explained/justified to the GM Hearings Board.

Mr. Dearborn's advice is that on a RAID either residential or non residential once boundaries are set, not to come back to those every year and make changes in them.

A RAID is an exception, a way of recognizing what is there and make common sense out of it. If a mistake has been made, there is an ability to correct that mistake. On sub iii, hypothetical example of Soundview Shopper gas station/mini market, that is a use the County can permit; this was intended where those non residential uses, not large scale, industrial but clearly the kind creating jobs in the rural areas - not major industrial development. On second thought, with respect to the example of Nichols Brothers, he may have misspoke when he said he did not think Nichols brothers fit this category . In order to decide whether Nichols Brothers fit this category or not, would have to look at the major industrial development definition in GMA and ask the question "are they better classified as a major industrial development or not" and if not then would probably fit in this category. Any non-residential use that is serving the rural area by GM Hearings Board rule is a use that can be allowed. There is no GMHB decision that says you cannot create those new businesses, for example another gas station, but the County has to deal with protective measures.

Mrs. Pringle gave an example: two areas such as Ledgewood and Teronda West, that area in-between abutting the highway could conceivably include a gas station and mini mart to serve those RAIDs.

Mr. Moore thought that for those two communities there could be multiple uses on that area in-between - i.e. low-income housing, small food store or a restaurant to serve those particular residents.

Chairman Shelton did not want the County to create a Plan that would allow gas stations up and down the highway, however. In the example of Ledgewood and Teronda West and that area in-between, that may qualify as a residential area of more intensive development but he was not interested in creating some non-residential zones. In the North Whidbey area, for example, Soundview Shopper, he would certainly want to make sure they have the ability to exist and if needed, to expand, but other than that he is not interested in create stores to serve those limited areas. Those are close enough, i.e. Polnell Point and Mariner's Cove another example, to the UGA of Oak Harbor. He is not interested in taking urban services to the people; new gas stations and mini-marts are urban services. As far as Greenbank, he is very interested in preserving and possibly when RAID drawn around Greenbank to provide for reasonable expansion in that area because non-residential exists there.

Ann Pringle brought up the potential of seeing such things as a small farmhouse style restaurant in such areas . Chairman Shelton remembered Peacock Inn at the corner of Double Bluff and Millman Road, which to him is a cottage industry.

This, according to Mr. Dearborn, is what sub ii aims to allow, but if so, that does not mean you can allow an expansion unrelated to that on the next property beside it. This relates to standards and protective measures - the more measures you can think of to protect rural character the more flexibility you ought to have on uses. Must define what fits in those categories; cottage industry and small-scale business and small-scale recreation and tourist use are terms without definition.

Chairman Shelton observed that many people argue that even though Bayview generally is thought of as a commercial development, that close by in either direction, is substantial residential developments and why exclude Bayview.

Mr. Rose thought Bayview had more capability than Freeland or Clinton. As far as what distinguishes Bayview from some other non residential RAID, as Chairman Shelton noted, is there is an established non residential service center in Bayview that very clearly serves surrounding residential development - has water system [Vistaire], major industry - telephone company, and in many ways is the geographic center of South Whidbey.

As far as when to identify those areas and bring those into the Plan, discussion now is on criteria and Mr. Dearborn indicated staff would do a draft map but not figured out from the time of the draft map the review process. His way of thinking about it was that the Planning Commission members from Camano along with Commissioner Shaughnessy need to work together on that and come back to the Planning Commission with a refinement of that staff proposal for public hearing, and follow the same process for North, Central and South Whidbey. Mr. Moore needs some time to refine these maps based on criteria adopted, which is partially done. Once that has been done, then a review process needs to be worked out. Another issue the Planning Commission talked about yesterday is affording housing; it is one thing to do population numbers and look at land supply, but another to look at housing needs and land supply; must look at both because probably over supplied at the upper end of the economics spectrum.

Chairman Shelton observed that the County already lost affordable housing in rural Island County. Largely in Island County affordable housing has to happen in Oak Harbor, Coupeville and Langley.

Mrs. Pringle pointed out that the housing in Ledgewood build in front facing the highway has been called affordable housing but the average cost was \$110,000, which to many does not qualify as affordable. When affordable housing is defined as not costing more than 25% of a person's annual income.

As far as housing stock, Mr. Dearborn recalled that the Central GMHB stated it would accept a 25% market factor - 25% more without question. To have less or more than that must be justified for urban [did not deal with the question of rural land supply]. The issue of supply and demand will be dealt with in population and employment workshop. The 20-year population forecast, now as of 1995 amendments is low, medium and high; that then gets allocated a portion to urban and a portion to rural. GMA says UGAs have to be sufficient in size to accommodate the 20 years number that is allocated to urban, and show how to get infrastructure.

Of note, the Chairman observed that when you drive through a subdivision and see a

lot without a house on it may well not have a for-sale sign on it. And Mr. Dearborn commented that a statistic could be easily obtained for the percentage of the total vacant land supply available on the market Vince Moore commented that looking at the bar charts, there is excess land capacity in all those areas. In North Whidbey even at the build out projected for the PRCs in the staff draft, there was 271 acres of land left in those after 2020, and 750 acres left in the reserve.

Mr. Dearborn advised putting blinders on when looking at RAIDs; apply the criteria; establish what makes sense, and come back to them when looking at the population numbers.

III Issue Discussion (Criteria, Page 4, Lines 22-28)

Analysis of GMA Criteria

Scale of RAID Designation

Should all historical commercial development locations be used for designation?

Should sufficient surrounding lands be designated to anticipate potential growth of existing businesses and anticipated demand for location of similar uses in the same vicinity to foster economics of scale and encourage joint or cooperative development of infrastructure to meet future needs?

Should undeveloped non-residential lands not designated as Non-residential RAIDs be rezoned to residential or other non-commercial uses?

The question of allowing for expansions - general agreement was yes [but did not know how to make a distinction in terms of existing businesses in terms of being in a RAID or not; but they are there].

Line #22, should all historical commercial development locations be used for designation, Chairman Shelton observed that already considered in Island County commercially developed property that is not built and have significant portions of that in Island County [refer to study EDC did].

Mr. Dearborn pointed out that the County could not take property zoned Residential with nothing on it and call it a RAID; it has to have existing development on it - characterized

by the built environment. Those parcels of NR property that have nothing on them are properties destined to end up with a different zoning class. Airparks are capable of being designated RAIDs.

Some examples that workshop participants called to mind were:

A Parcel zoned in the mid 1960's NR, never used, nothing on it, but the owner went to the expense of putting in a well or septic

Nichols Brothers - additional lots next door, and if infrastructure is there, would that be included as far as potential for growth?

Camano Island - where the real estate office & fire station located and some NR zoned property adjacent to real estate office - if that is a RAID, it would seem logical to include that existing adjoining property.

Camano Island - some NR pieces of property years ago were used as NR but today are not, the designation is still there but it really is a residential use

Sections of Boots Ranch

Vince Moore suggested what could be done with some of those NR pieces with no development on them, is that GMA allows certain types of either resource based industry or isolated small scale recreation or cottage industries that could occur on those sites. Mapping wise, Mr. Dearborn noted to need for a list for the Board and Planning Commission to look at in these various states or conditions.

Page 4, lines 27 and 28 "Should undeveloped non-residential lands not designated as Non-residential RAIDs be zoned to residential or other non-commercial use?", Commissioner McDowell believes this infrastructure investment question is a factor that should be taken into account in looking at these, as well as being next door or very close, i.e. the Camano Island example used.

Page 4, Line 29: " Logical Outer Boundary. "*Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl*". The logical outer boundary is delineated by the built environment, but that may also include undeveloped lands if limited.

Should undeveloped lands be allowed within non-residential or mixed use AIRDs?

What factors should be considered in Non-residential/Mixed use RAIDs?

Mr. Dearborn believed examples had been described where the Commissioner and Board think undeveloped lands should be included. If Nichols Brothers needs expansion, even if they have done nothing on expansion property, is certainly something that should be accounted for in the RAID that defines them. These are existing businesses and if they own lands adjacent acquired for expansion, the County has to deal with the question whether those expansion properties should be in the RAID.

Commissioner Shaughnessy brought up how to identify proposed uses such as golf courses or RV parks, etc. Mr. Dearborn explained that was in sub ii on page 2, recreation and tourist use. He did not recommend identifying particular properties for that use because it is not known. Those categories will be defined. Factors that should be considered in mixed use category and extensions have been discussed, Bayview was an example of another mixed-use area would be a combination of residential and non-residential.

The bottom of page 4 and top of page 5 talks about what is to be taken into account.

New Items Page 5, Lines #13 and #16:

(D) "*The ability to provide public facilities and public services in a manner that does not permit low-density sprawl*".

Perhaps (a) reasonable proximity to designated road and highway transportation routes, (b) reasonable proximity to a water system capable of meeting present and future needs, © availability of sewers should not be a requirement.

Should the creation of isolated enclaves or clusters of non-residential development encouraging suburban development in the midst of rural setting or resource lands be viewed as undesirable sprawl?

If there is an area with some commercial development adjacent to a PRD and termed the whole area a mixed use RAID, Mr. Olsen asked what if there were some vacant land, should that vacant land be designated (Country Club area and Plaza on Camano Island) ? Mr. Dearborn thought the people in the area would want to know. Take the Country Club as an example, the County may want to say the land that is vacant in the residential portion stays residential and a little bit of expansion around the commercial portion.

Mr. Rose stated that west and south of the Bayview commercial area, for example, is in his mind where there would be a residential RAID and a mixed use. Mr. Dearborn indicated in that case the County would have to make a distinction which way the vacant land would go.

Mr. Rose noted that as far as the Ray Gabelein Sr. Property located on the side of a hill and west of the cemetery, that land is very clearly something that would be used for residential. Criteria question page 5, 2nd bullet, Mr. Rose sees that as the Bayview situation. Mr. Dearborn stated that 6094 expressly says in designation of RAIDS you do not have to meet the sprawl standard; this is recognized as sprawl, it is existing and allowed, and will be allowed to expand in some modest way. See page 1, lines #28-35 are measures governing rural development, exceptions: sub i line 31, ii and iii, you can see that the only standard applied to Bayview from a rural protective measure is it has to be contained with and a boundary drawn around it.

Suggestion of Chairman Shelton was to delete on page 5, lines 16-18; the question is in error, and 6094 does not require the County to in effect deal with what is already on the ground.

Mr. Dearborn stated that the only isolated new non-residential will come through those exception categories. Bullet #2 has been answered. Commissioner Shaughnessy: the answer is a simple no. Mr. Rose thought that

part of no meant a PRD or some sort of cluster is desirable.

Chairman Shelton still felt the language should be deleted; it is not "should be created" it is not a creation it is already there. Mrs. Pringle and Mr. Vincent agreed. To Commissioner Shaughnessy, it demonstrates the existing condition of Island County. Mr. Dearborn noted that GMA already says it does not matter for these isolated enclaves. The language is not relevant to the discussion and could confuse people.

The bottom of page 5, line #26: should there be a minimum or maximum size of a non-residential or mixed use RAID? Related to that is intensity. Mr. Dearborn 's assumption has been that with the exception of Freeland and Clinton, these mixed use areas the concurrence is basically to continue existing intensities and not an expansion.

The Planning Commission set a minimum for those on residential, based on what the State requirements are for water hookups.

Mr. Moore thought that Ken's Corner could be designated as a RAID. The question he posed was: do we want to locate similar regional shopping centers that do not now exist? The key in terms of the pattern of development in the county is basically that you want these fairly small, contained and serving a general rural area.

Back to the example of Terry's Corner on Camano Island, there is a very clearly defined on all sides by a road; existing bank, fire station and it might be the logical extension of existing uses would allow for a proposal currently being addressed, but he did not necessarily think the County needed to be about creating new additional shopping centers such as Ken's Corner in Island County.

Observing as an outsider, Mr. Dearborn thought the County had lots of commercial areas that exist that can expand and serve commercial needs without having to site separate from the ones that exist now.

Mr. Rose brought up relief for Mark Clark bridge - many complaints from Camano about how difficult it is to get on and off the island. Those are the kinds of factors the County needs to account for, but Mr. Dearborn thought in that case it is an existing spot (Camano Gateway) and looking at a logical outer boundary.

3rd bullet, lines 29-33 [page 5]

What are other factors for consideration in boundary location? Perhaps (a) the logical use of land considering other uses in the area (i.e. lands around Navy's Outlying Field (OLF) may not be desirable for residential uses, and may be a good location for some non-residential uses such as storage facilities) and (b) sufficient land to provide transitional buffer between non-residential uses and neighboring rural and residential uses.

The Planning Commission yesterday addressed the aquifer issue and noise zone issues for residential and Mr. Dearborn assumed for non-residential the noise zone issue did not mean quite the same thing.

The County Commissioners and Planning Commission indicated that was an incorrect assumption, that as an example, a proposed dog kennel cost went through the roof because requirements for noise sound attenuation. The Sheriff's precinct in North Whidbey is another example, so non-residential areas do have some noise zone questions. Once non-residential and residential RAIDS, there should be some special consultation with NAS about those and make sure you get good feedback they may have.

Last bullet - page 5. "What are the legal implications for those parcel(s) that may not meet the criteria for designation but have already been granted some type of development approval (i.e. permit, water rights, etc.). Should they become non-conforming uses/lots without any assurance that they would be able to expand?

Partly addressed this - these have infrastructure - it is a factor that needs to be accounted for as part of the determination. This was an attempt to get to the question about those parcels that have no development.

IV OPTION [page 6]

Apply GMA Criteria to the Built Environment as of July 1, 1990 and Other Lands Determined to be Appropriate. The County may designate lands as limited areas of more intensive rural development pursuant to the language contained RCW 36.70A.070(5)(d) while incorporating additional interpretations made by the County. The issues and questions stated in the previous section will need to be answered with regard to the criteria for designation. The additional interpretations may be more restrictive than the strict use of the statutory requirements. Once a set of criteria is formed, the process of analyzing the County's lands will be done. It is difficult to assess the acreage and parcel totals for each separate combination of individual criteria components, because of the amount of the needed for detailed analysis.

PUBLIC INPUT

Leona Aaker, Loganberry Hill Reality, Greenbank, believed in the need to retain the CC zoning and not the NR - they already have a Post Office, grocery store, 3 restaurants, real estate office and we plans to expand the little shops, etc. That have been there for a long long time.

Chairman Shelton advised Mrs. Aaker that the NR designation includes the commercial zoning; it is a name change NR zone accommodates exactly what you need.

Don Jewett, South Whidbey, gave a "ditto" to his previously expressed comments with regard to TDR's. An added concern is that at the time of reaching implementing ordinances there will be some sort of a sunset condition so those who have existing TDR certificates will not be hurt and will be treated fairly. He thought there was some misunderstanding about what is low income and affordable housing and what does GMA define it as? Mr. Jewett remembered the Board having been given a letter on November 24 from a new "Island

County Citizens GM Coalition" and he had some concern that the group could be throwing object in punch bowl with idea delay. Think you should look ahead and see what happen as result this letter.

Mary Petry, Bakken Road, Greenbank, had to leave the meeting, but submitted a written statement:

Excuse me but I had to leave to go to another appointment. I need to set the record straight - Tax lot 23 on page 302 includes my property. I have shaded this for you./ I run at the present time a business out of this location and would like it to remain commercial. I have an agreement with previous county officials which created a NR zone in this location. The papers are filed at the building department and I have additional copies.

Mr. A. Conrad, Firehouse Road, Clinton, indicated that Leona Aaker stated what he had to say.

John Hitt, Executive Director, EDC, said that expansion of existing boundaries may be key to some of these questions. It makes sense to limit RAIDS to larger or currently NR zoned areas i.e. 3 businesses already in place and operating or size relationship, 5 acres for example. For Residential RAIDs need to focus on larger Residential areas; there should be some minimum size for both commercial and residential RAIDs.

EDC's Business Land Use Report a key was to look at a concentration of commercial land/opportunities into designated areas or clusters. As to what including fairly significant expansion by establishing appropriate commercial zones, the basis is the need for commercial lands justified by population and employment. The

EDC report adequately justifies the need and identifies already all the significant commercial or non residential RAIDS, Ken's Corner, Bayview, South Whidbey Airpark, Oak Harbor Air Port, etc., supported by economics and demographics. To specific questions on Page 4 of the Issue Paper:

Line #22: Should all historical commercial development locations be used for designation? Mr. Hitt answered "no"; he has referred businesses to those properties and the objection was those areas were too far away from the highway or had other problems relating to the remote location.

Line #23: Should sufficient surrounding lands be designated to anticipate potential growth of existing businesses and anticipated demand for location of similar uses in the same vicinity to foster economics of scale and encourage joint or cooperative development of infrastructure to meet future needs? Mr. Hitt said yes, please make the RAIDS for Bayview and on Camano Island large enough to be able to serve in a better and more effective way than today.

Line #27: Should undeveloped non-residential lands not designated as non-residential RAIDS be rezoned to residential or other non-commercial uses? Yes .

Line #33: Should undeveloped lands be allowed within non-residential or mixed-use AIRDs? Yes, absolutely.

Page 5, Line #13: Yes, people who are not looking to develop commercial property want access to transportation, water systems, 3-phase power generally available and/or near main transportation routes.

Availability of fiber optic in terms of non-residential and commercial, Mr. Hitt said depended on the business but noted it was a growing factor. Also addressed in the EDC report was the subject of isolated business and it was suggested rural services zone allow for modest expansion.

Dave Johnson, Clinton, told Mr. Jewett that he was a member of the Coalition, but also a member of EDC and endorsed Mr. Hitt's comments. Mr. Johnson noted that Issue Paper #1 was the only paper available on the Internet as of this morning, and he made the point that it was essential those get on the Net far enough in advance to allow people to make comments. He was still somewhat troubled by Mr. Dearborn's comment coming back to population numbers after you do all this - seems to be a difficult task to re-engineer that. Mr. Moore mentioned what data shows today and Mr. Johnson thought the Planning Commission

and members of the Board would want to see all data and the public should see all data on a very neutral ground. The Coalition is trying to make an intelligent comments to this process and have no particular ax to grind.

Mr. Vincent asked Mr. Johnson for a mission statement from the Coalition and to receive a copy of agenda meetings a day in advance, and Mr. Johnson agreed to look into that.

Ken Petry re-stated some of the concerns his wife Mary noted in her written note. Their property is in the commercial zone, have been paying taxes on commercial property, commercially zoned since 1974. Their concern stems apparently because maps they have looked at do not show their property as commercial.

Mr. Moore advised that the maps shown here are not zoning maps and had nothing to do with legal status of land.

PLANNING COMMISSION RECOMMENDATION ON RESIDENTIAL AREAS OF MORE INTENSIVE RURAL DEVELOPMENT

An opportunity was provided for the Planning Commission to offer any explanatory statement they need to provide to the Board before next Monday's meeting when the Board considers this matter at public hearing

10:45 a.m. , the recommendation in two-page form dated today. Bill Vincent will be making the presentation to the Board on Monday, and offered to field most of the questions.

Commissioner McDowell referred to "General Criteria" and "Exclusions" and asked for some clarification. Mr. King explained the exclusions are exclusions from the criteria; exclusions mean they would not be within the RAID.

With regard to general criteria #2, Commissioner McDowell brought up, parcels that are adjacent parcels that have been subdivided into lots that are smaller than 2.5 acres - does that mean "touch" a RAID? Example, Finestere or Brentwood are two large subdivisions on Camano, and Commissioner Shaughnessy noted probably 5 or 6 others.

Mr. Olsen mentioned that the Planning Commission added another date in the criteria to include those. If it is not possible to change the date, the Commission and Board need guidance on that issue.

Commissioner McDowell said that for something existing today, it would be a shame to call them "non-conforming". Chairman Shelton believed another way to address the issue would be to change the meaning of non-conforming.

Mr. Dearborn, regarding lines #17-18, he will need to review over the holiday and provide advice Monday. Possibilities to look at would include creating a new category for lots created 7/1/90 - 4/10/96 existing uses and are not non-conforming uses. Concern is for the PRDs approved at these higher densities in the 1990's.

Responding to a question about short plats, Mr. Dearborn stated that if less than 5 acres, they are already non-conforming today.

Workshop adjourned at Noon.

The Board met in Executive Session from Noon until 12:45 p.m., as allowed under RCW 42.30.110(1)(i) to discuss with legal counsel potential litigation. No announcements were made on completion of the Executive Session.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

Attest:

Margaret Rosenkranz, Clerk of the Board