

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - JANUARY 5, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 5, 1998 beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Wm. L. McDowell, Chairman, Tom Shaughnessy, Member, and Mike Shelton, Member, were present. Also in attendance were Margaret Rosenkranz, Clerk of the Board, and Ellen Meyer, Administrative Assistant to the Board. Minutes from the following meetings were approved and signed: November 17, 21, 24, 26, 1997, and December 1 and 5, 1997.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, as well as approving the December, 1997, payroll, \$1,382,354.25.

1998 vouchers, #17620-17642 .....\$138,429.33

1997 vouchers, #17644-17864.....\$442,828.92

Total Approved: \$581,258.25

Hiring Requests & Personnel Actions

Dick Toft, Human Resources Director, presented several personnel authorization actions for the Board's review and action. After receiving and reviewing the proposed PAA's with Mr. Toft, the Board approved the following:

Public Works Department

PAA #133/97 SW Attendant I, 32 hr. Replacement Eff. 1/5/98

Position #2249.05

Central Services

PAA#134/97 Micro Comp.Support Tech Replacement Eff. 1/5/98

Position #706.02

Planning Department

PAA#135/97 Acct. Adm. Asst. Replacement Eff.1/14/98

Position #412.00

Sheriff's Department

PAA#130/97 Lieutenant, Personnel Action Eff. 1/5/98

Position #4010.07

PAA#131/97 Lieutenant, Personnel Action Eff. 1/5/98

Position #4010.08

PAA#132/97 Lieutenant, Personnel Action Eff. 1/5/98

Position #411.02

Companion with action on PAA's #130, 131 and 132, was a memorandum for the record to clarify that the above three positions are intended to replace the appointed unclassified positions [#4005.01, #4005.02, #4003.00] provided for by RCW 41.14.070. The Lieutenant positions are not intended to be construed as an increase in the number of Lieutenants assigned to the Patrol or Corrections divisions, but replace those positions normally authorized to be a part of the Sheriff's unclassified appointed staff now designated as Lieutenants, authorized for the pay and benefits of a Lieutenants and represented by the Sheriff's Guild.

The Board's motion, adopted unanimously, approving these three Sheriff Department PAA's effective 1/5/98, included as part of the approval the Memorandum as read by Mr. Toft with the addition of another sentence to make sure that should these people who occupy these Lieutenants positions go back as appointees as authorized under the RCW these positions are eliminated.

The Chairman asked for some consideration as to whether or not a subsequent resolution should be prepared to more formally adopt the conditions of approving the three Sheriff's PAA's. He also asked the Budget Director to obtain a monthly report on overtime by position from the Sheriff's Office.

Mr. Toft agreed to add the clarifying language to the memorandum as requested, and provided the Board with a revised Memorandum reading as follows:

*"The three (3) Lieutenant positions (#4010.07, #4010.08 & 4011.02) created and authorized during the Commissioner's meeting held on January 5, 1998 are intended to replace the appointed unclassified positions [#4005.01, #4005.02, #4003.00] provided for by RCW 41.14.070 wherein the Sheriff may appoint five (5) individuals as appointed staff.*

*These Lieutenant positions are not intended to be construed as an increase in the number of Lieutenants assigned to the Patrol or Corrections divisions. These Lieutenant positions simply replace those positions normally authorized to be a part of the Sheriff's unclassified appointed staff which will not be designated as Lieutenants, authorized for the pay and benefits of a Lieutenant and represented by the Sheriff's Guild.*

*Should the authorized appointed unclassified positions (4005.01, 4005.02 & 4003.00) be reinstated, the aforementioned Lieutenant positions (4010.07, 4010.08 & 4011.02) will be disestablished."*

Open Timber Land Classification Applications TRANSMITTED FROM AUDITOR:  
REFERRED TO PLANNING staff for review and recom-mendation and public hearing  
scheduled: 2/9/98 @ 11:00 a.m.

Upon transmittal from Suzanne Sinclair, Island County Auditor, the Board by unanimous motion referred three Open Timber Land Classification Applications for Classification or Reclassification as Timber Land for Current Use Assessment under Ch. 84.34 RCW, Planning staff for review and recommendation, and scheduled the applications for public hearing on February 9, 1998 at 11:00 a.m., as follows:

1. Ronald D. & Linda F. Means, Bakken Road, Greenbank – 18.623 acres
2. Richard G. and Kathleen A. Bowen, 2476 S. Avalon Lane, Coupeville - 9.39 acres
3. Robert A. Windecker, Clinton – 125 acres.

Memorandum of Agreement between Washington State University Cooperative Extension and Island County for 1998

By unanimous motion, the Board approved and signed Memorandum of Agreement between Washington State University Cooperative Extension and Island County, under which WSU will provide \$27,615.00 for the program period 1/1/98 through 12/31/98.

Claim for Damages 97-061; Rodney L. Bonnifield

Betty Kemp, Director, GSA/Risk Management, appeared before the Board with a recommendation on Claim for Damages #97-061 by Rodney L. Bonnified, and she summarized from memorandum dated 12/29/97. The claim was filed with Risk Management December 1, 1997, alleging that on April 11, 1997, while working on his truck an orange truck sprayed a chemical in his yard. When Mr. Bonnifield first contacted the County he claimed the incident occurred in August, but prior to filing the claim, he submitted a written request for the County spray record for Camano Road Crew to include the day and year chemicals were sprayed in the vicinity of 164 N. Livingston Bay Road, and Mr. Bonnifield then submitted his claim with an April 11, 1997, date, and alleged that because of this incident he suffered various medical problems. The claim was investigated by Dale Tepley, Camano Road Supervisor, and Jack Taylor, Maintenance Superintendent, and both recommend denial of the claim, and Mrs. Kemp concurs.

By unanimous motion, the Board denied Claim #97-061 by Rodney L. Bonnifield.

CLAIM FOR DAMAGES #97-063, GWEN STYKE

Mrs. Kemp reported next on a claim by Gwen Styke, filed with Risk Management on December 3, 1997, through her attorney, Jessie L. Valentine, and she again summarized from a Memo to the Board dated 12/30/97.

The Fair Association had been advised of the claim but Ms. Kemp was not aware of the claim until the claim was filed with Island County. It was her understanding that apparently the Fair Manager was in discussion with claimants attorney since August of 1995 and probably trying to discuss it with carnival operator's insurance. Without

satisfactory resolution on the part of the claimant, Mrs. Kemp's guess was that the claimant then filed claim against the county. The claim process probably should have been speedier on the part of the Fair and the County should have been notified right away.

Mrs. Kemp confirmed for the Board that the County Fair insurance would be liable for this claim if in fact there is an issue. The claim alleges that Ms. Styke suffered various medical problems as a result of incident at the Island County Fairgrounds on August 18, 1995. A copy of the claim has been forwarded to the County's insurance carrier, Willis Corroon, with a copy of the Certificate of Insurance in place at the time of the incident. Risk Management recommended closing the file at the County level, tendering the matter to Willis Corroon. Two policies were in place at the time of incident: special events and the County named as additional insured by carnival operator.

By unanimous motion the Board closed file #97-063 and instruct the Risk Manager to refer that to the Fair Association's insurer.

Commissioner Shelton was not so sure the County was necessarily responsible for having the Risk Manager negotiating claims that occur during the Fair; the Fair Manager should have contacted the Fair's insurance company and let them handle this claim. The Board agreed and asked that Mrs. Kemp draft a letter for the Board's signature providing that kind of direction to the Fair Association.

## Public Input or Comments

Frank Puska, 2126 W. Madrona Way, Coupeville, introduced himself to the Board and expressed an interest in the ferry system program being set up [refer to Public Works Agenda item #D – Camano Dock Facility Site Evaluation Committee presentation]. He owns and operates a small boat rental business and is very interested in participating in any way to see this moves forward.

Jim McKenna, Camano Island, was concerned about the County's solid waste hauling costs to a site in Oregon especially when he sees at the Clinton Ferry Terminal bags and bags of garbage unloaded from the ferry and into dumpsters. The Commissioners agreed to check into the matter, but all three basically sure that the State Ferry System by contractual arrangement direct with Island Disposal paid for garbage hauling directly and it was not paid for by Island County.

### ESCROW AGREEMENT – Strider Construction – for retainage held on Camano Annex Water System Construction Project

Larry Kwarsick, Public Works Director, presented for approval an escrow agreement [Account #473544002370, KeyBank of Washington] with Strider Construction for the retainage held until project completion on Camano Annex Water System Construction Project.

By unanimous motion, the Board approved Escrow Agreement with Strider Construction, Inc., for retainage held on Camano Annex Water system Construction Project.

### Camano Dock Facility Site Evaluation Committee presentation

Mike Morton, Island County's Regional Transportation Planner, recalled that January of 1997, the Board adopted a Resolution [C-01-97] appointing a citizens committee from Camano Island to examine potential sites on Camano Island to identify a suitable location to construct a public docking facility. Seven members were appointed. Today three of the seven members were present to report to the Board on their recommendation: Chairman Jim McKenna, Norm McConnaughey and Fred Bronson.

Jim McKenna referred to the Report of Camano Island Public Docking Site Evaluation Committee dated January 2, 1998, of which copies were provided to the Board. The Committee evaluated about 12 sites on Camano Island, some immediately excluded for various reasons, and other potential sites extensively reviewed. The number one choice of the Committee: the Washington State Parks site. This site is thought to have the

best overall attributes with adequate parking, good access roads, less impact on the neighborhoods, and suitable water conditions for a multipurpose facility. The State has expressed some interest in the dock and is contemplating a 6 month floating dock that would be removed during the winter months; he is not aware Whether or not the State is committed to doing this, but he believed it was still in the planning stage. In the alternative there is another proposed dock now in the permitting process at the Yacht Club; should the State site fall through perhaps something might be worked out with the Yacht Club.

Approximately 1,000 questionnaires were mailed at random "Camano Island Pier and Floating Dock Facility Questionnaire", and received 597 responses of which 59.7% were in favor [ summary of survey results provided].

Mr. McKenna commented that the Resolution establishing the committee mentioned the issue of transportation as well, and the committee incorporated in the questionnaire requests for comments about the ferry system, and overwhelmingly the response was that folks did not want cars but were very receptive to a foot ferry so that citizens coming to the Courthouse in Coupeville could take Island Transit to the ferry, walk on the ferry, and have Island Transit pick them up and bring them to the Courthouse.

The Commissioners were very appreciative of all the work done by the committee and expressed their thanks on behalf of the County. Mr. McKenna expressed the willingness of the Committee continue and try to contact State and work on behalf of the County .

Commissioner Shelton felt it important to without much delay start a dialog with State Parks Department to consider the possibility of perhaps avoiding spending temporary dollars and commit instead to something permanent.

Mr. Morton confirmed that State Parks was invited to talk with the Committee about the matter, and Jim Ellis, State Parks Planner, attended one of the meetings. He did not summarily tell the County "no" but the first caveat was that whatever is proposed cannot interfere with State Parks mission to provide recreational opportunities. Mr. Morton thought the State would approach this with an open mind and he thought it was a very appropriate time to meet with them and begin a dialogue to see what opportunities might exist.

The Commissioners agreed and asked the Public Works Department to proceed in contacting the State Parks Department to determine interest in seeing what can be done jointly. The Commissioners agreed too that the Committee remain in tact and felt that a letter directed to State Parks Department to initiate the dialogue should be co-signed by the Public Works Department and Jim McKenna as Chairman of the Camano Dock Facility Site Evaluation Committee.

Mr. Kwarsick mentioned that working with the State Parks Department and this being a transportation facility opened up a numerous different types of funding opportunities and he agreed to proceed and make the contact, and prepare letter to State Parks Department. He will review too Resolution #C-01-97 under which the Committee was originally formed and propose any necessary any amendments to keep the committee in tact through the process.

Mr. Morton said that he heard the Director of Island Transit speak very favorably of an inter-island connection and willingness to provide access for at both islands, but he was not aware whether or not this issue had been brought before the Island Transit Board [PTBA].

Commissioner Shaughnessy, a member of the PTBA along with Commissioner McDowell, recalled discussion of this matter by the PTBA and knew that PTBA was aware of being an integral player, along with the Port of Coupeville and the Port of South Whidbey. He had a conversation with one of the Port of Mabana commissioners who was very interested .

Mr. Morton brought up the potential for a demonstration project, such as was done with transit on Camano from the rural mobility grant program. Applications run every two years and the next opportunity to apply for the next cycle probably this Fall.

HEARING HELD: Franchise #290, Richard Socha for Sewer collection lines in county roads Allyson St, Donald Ave, Lisa St, Mark St, Paul St and Riepma Ave in Plat of Rolling Hills #1

A Public Hearing was held at 10:25 a.m., as advertised, for the purpose of considering Franchise Application #290 by Richard Socha for sewer collection lines in County Roads, Allyson Street, Donald Avenue, Lisa Street, Mark Street, Paul Street and Riepma Avenue, in the Plat of Rolling Hills. Richard Socha, Applicant, was present at the time of hearing.

Roy L. Allen, Island County Engineer, by way of memorandum to the Board dated December 11, 1997, confirmed his review of the application for off-site drainfields to allow further development in the Plat of Rolling Hills. Comments had been received from all departments. The Island County Planning Department granted preliminary approval of the project on July 21, 1997. The State Department of Health granted approval of the project. Island County Prosecuting Attorney's Office approved the franchise as to form, along with the Risk Manager. Mr. Allen confirmed his recommendation as stated in his memorandum, which is approval for a period of 25 years.

Don Craft, N. Donald Avenue, Rolling Hills, was concerned about the situation in that Rolling Hills just spent a great deal of money on a water system and now some 46 lots will draw water from the system which is not designed to handle that amount. The action seemed to be done covertly without the Association being involved in it whatsoever, finding out after-the-fact, and the engineering apparently done off the Island. With regard to the franchise he wondered if it would open the door for possible future public acquisition and result in any assessments of any kind to property owners.

Chairman McDowell confirmed that this particular franchise is only for the purpose of placing lines in the County Road right-of-way and he was not aware of any way that would allow the County to take over.

The Chairman recalled a prior public hearing on a land use issue and someone from Rolling Hills appealed the decision and initiated a lawsuit, which was eventually dropped. As to the concerns about the water system, the owners of these 46 lots still will have to obtain water availability forms, of which the Rolling Hills Water Association will have to sign off on indicating there is or is not sufficient water, in order to obtain building permits.

The Board, by unanimous motion, approved Franchise #290 by Richard Socha, sewer collection lines in the Plat of Rolling Hills.

In response to the Chairman's question about how many available connections there were, Mr. Socha stated there was a possibility of 44 two bedroom homes or 29 three-bedroom homes. As far as water availability, the Association had approximately 43 shares when he started and believed since that time 8 or 10 used. The comment from the water association was that they will apply for another 30.

HEARING HELD: Franchise #297, Summit Communications, Inc., (Transfers Franchise #256 – Interstate Cable) for TV cable communication system on County Roads, Central/No. Whidbey

A Public Hearing was held as advertised for the purpose of considering Franchise #297 for Summit Communications, Inc., a transfer of Interstate Cable's franchise #256 to Summit Communications, Inc.

Mr. Allen summarized from his December 31, 1997 memorandum to the Board concerning this matter. Along with Summit Communications, Inc., request for assignment to them of Interstate's franchise, he has received:

- Copy of Summit Communications, Inc., Articles of Incorporation
- List of Summit's officers/directors

- Copy of FCC Form 394, Application for Franchise Authority Consent to Assignment or Transfer of control of cable television franchise required by the FCC

The franchise was reviewed and approved as to form by the Prosecuting Attorney's Office and Risk Management. Mr. Allen stated that an escrow account had been established by Interstate Cable for payment of moneys due Island County in the form of personal property taxes [\$3,745.35] and franchise fees [\$43,828.53, with letter dated December 30, 1997 from U. S. Bank confirming said escrow account, the letter signed by Vance Gledhill, Vice-President, U. S. Bank, and Teddy B. Gleason, Chairman, Interstate Cable, Inc. Mr. Allen recommended approval of the franchise.

There were no comments made by members of the public at this time, either for or against said franchise.

By unanimous motion, the Board approved transfer of cable franchise #256 from Interstate Cable to Summit Communications, Inc., Franchise #297, subject to the conditions of the letter addressed to Roy Allen from U. S. Bank signed by Vance Gledhill and Teddy B. Gleason from Interstate Cable.

RESOLUTION #C-01-98 [PLG-026-97] Expansion of the Lagoon Point Water District into the Coordinated Water System Plan. Located near the intersection of Smuggler's Cove Road and Lagoon Point

Road, Greenbank, WA.

Kristopher J. Morrison, Associate Planner, presented for the Board's consideration and approval, a resolution in the matter of expanding the existing service area for the Lagoon Point Water District into the Coordinated Water System, Plan [CWSP]. Mr. Morrison by way of a memorandum to the Board dated December 22, 1997, copy on file, summarized the proposed action. Lagoon Point is requesting approval for a proposed water service expansion area and establishing of a future service area. The proposed service area expansion is comprised of four lots that are not located within the Lagoon Point subdivision. Parcel #R23019-275-274-0 adjacent to the SW corner of Lagoon Point contains a well field made up of five wells serving Lagoon Point. Parcel #R23019-035\516-0 located approximately 2300' E. of the Lagoon Point

subdivision contains a 300,000 gallon reservoir that also serves Lagoon Point. The other two parcels are undeveloped lots adjacent to the Lagoon Point subdivision. The service area expansion includes property currently zoned Rural Residential and Forest Management. Lagoon Point Water district indicated a potential future service area in its proposed plan. The area of the proposed expansion is zoned Rural Residential and Residential. Mr. Morrison confirmed that should Lagoon Point Water District decide in the future to incorporate this potential service area into their existing service area, Board approval would be required. He stated that Lagoon Point Water District is awaiting approval of its proposed water system plan from the Washington State DOH. Comments have been received from all applicable county departments; Engineering, Health and Building Departments reported no objections to the proposed expansion. Staff recommends approval of the proposed water service area.

By unanimous motion, the Board approved Resolution #C-01-98 in the matter of expanding the existing service area for the Lagoon Point Water District into the CWSP.

**BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF EXPANDING THE )

EXISTING SERVICE AREA FOR THE )  
LAGOON POINT WATER DISTRICT INTO )  
THE COORDINATED WATER SYSTEM ) RESOLUTION C-01-98  
PLAN ) PLG-C-026-97  
)

WHEREAS, the Lagoon Point Water District has prepared and submitted a water system plan per the Island County Coordinated Water System Plan, RCW 70.116, and WAC 248-56; and

WHEREAS, the water system plan and existing service area of the Lagoon Point Water District has been reviewed for consistency with the Island County Comprehensive Plan, the Island County Coordinated Water System Plan, and other applicable State and local codes and regulations.

WHEREAS, the Island County Engineering Department recommends approval of the Lagoon Point Water District service area expansion.

WHEREAS, the Island County Health Department does not object to approval of the Lagoon Point Water District area expansion.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Island County Commissioners that the water system plan and proposed service area expansion for the Lagoon Point Water District be incorporated into the Island County Coordinated Water System Plan.

ADOPTED this 5th day of January, 1998.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

Wm. L. "Mac" McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST: Margaret Rosenkranz

Clerk of the Board

The action proposed by this resolution has been reviewed and found to meet the current Island County Zoning and Land Use Statutes.

Vincent J. Moore, Director of Planning and Community Development

GMA COMPLIANCE SCHEDULE - REVISED FOR FEBRUARY, 1998

By unanimous motion, the Board rescheduled the Workshop scheduled for February 6, 1998, to February 5, 1998, beginning at 9:30 a.m., on the subject: Capital Facilities Plan; Transportation Plan; Utilities Plan. The workshop will be held in the Main Street Conference Room, 400 N. Main, Suite B, Coupeville, Wa.

Public Hearing (Continued from 12/22/97) Measures to Protect Rural Character

A Public Hearing was held at 1:30 p.m., as scheduled and advertised, and having been continued from the hearing held on December 22, 1997. The purpose of the hearing was to continue the consideration of the recommendation of the Island County Planning Commission on the issue of Measures to Protect Rural Character. In addition to Board members, Planning Commission members, consultants and staff, there were approximately 20 people in the audience. An attendance sheet was

circulated and on file. Hearing Record Instructions were read by Chairman McDowell.

Vince Moore, Island County Planning Director, provided clarifications on several points with respect to the Planning Commission Recommendation [12/19/97 @ 2:29 p.m.] He clarified with respect to the Recommendation, preliminary measures to protect rural character, those items were not intended as policy decisions today. There still needs to be specific regulatory language proposed on each item and that would then be subject for further review. Clarifications provided included:

- Density penalties withdrawn, page 2 of 4, lines 22-26.
- Review of Tom Roehl's comments and the Coalition's comments
  - Agree with Tom Roehl in terms of the concerns raised with regard to curving driveways and cul-de-sacs;
  - Tree retention and impervious surfaces, want to retain those for further Development. Not talking about anything unusual or outside of what Mr. Roehl recommended in his issue paper.
- Major concern about some confusions about Design Review for Commercial, Industrial and Institutional" - clarify this is just Commercial, Industrial and Institutional. This is not intended to apply to residential areas.
- Concern about access of commercial areas to arterial highways. This is not spelled out but it is a major concern which will be addressed with respect to the transportation plan.
- Item 3.2 under C, delete. [Page 3 of 4 "Require structures/residences to be placed outside of open fields, and instead located adjacent to tree lines and wooded field edges"].
- Agree there would be standards covering design review for Commercial, Industrial and Institutional inside major RAIDS such as Clinton and Freeland.

Donna Keeler, Comprehensive Plan Manager, recalled that the Planning Commission last September sent a letter to the Board asking to form a design review committee to be composed of members from the landscape architect field, business owners, etc., to establish design guidelines for commercial areas in the County. It was not the intent to establish specific standards now, rather have the committee come up with draft standards later on in the process.

Mr. Moore was advised by Keith Dearborn that a design review guideline manual had been prepared for the County in 1984 by Richard Unterman; whether put to use or not Mr. Moore did not know. Tom Roehl confirmed that such a document was prepared by Richard Unterman, but believed it was not so much to do with Commercial as it was associated with PRD concepts and visual analyses, and in fact, language from that report on how to do a visual analysis is included in County handouts on the subject.

Mr. Moore suggested then that the design review committee could build upon that work and as discussed with the Planning Commission, propose this to be a one-time committee established to propose some standards and guidelines recommendations to the County. He did not believe there was enough time now to establish the committee and complete recommendations in time to fit in with regulations.

Commissioner Shelton felt places like Freeland and Clinton that will have commercial RAID designations and where there will most likely be some type of council for those given sub-areas, that rather than trying to develop county wide design review standards, perhaps a better way to go would be allow individual communities to develop their own design standards.

Mr. Moore suggested that such a committee could develop a broad set of guidelines and standards that could be utilized by subarea groups to tailor to their specific area.

Ben Vincent, Island County Planning Commission member, reviewed and clarified the recommendation of the Planning Commission presented for December 22, 1997 hearing.

Page 1 of 4, line #33, Item A.1.b. – Large lot zoning. Limiting overall area which can be developed for large lot zoning". There are two zoning codes now: one for 20 acres and another for 5 acre tracts. The Planning Commission recommended not doing anything with either one of those at this time with regard to rural character.

Page 2 of 4, Line 3, item 3, "Foster home base businesses. Conditional uses for Home Occupations and Home Industries." That should have been Permitted uses and not conditional.

Line 20, B.2, Reduced building envelopes. Clarify this deals with house location with regard to setback on the property and what is recommended is to reduce the description of the house location to allow the person to move the house footprint and establish it in a better location for view or access.

Line 22 – 26, item #4, delete entirely Density Penalties.

Commissioner Shelton's reading of "reduced building envelopes" meant somehow to shrink that down.

Mr. Vincent recalled that the words were taken from a document "Rural Characteristics"

[copy on record]. He agreed that document could be reviewed again, but clarified intent is for flexible setback requirements.

Donna Keeler noted that flexible setback requirements would be different than reduced building envelope and thought what was intended was having smaller building envelopes than might normally be required to provide more flexibility in a subdivision if someone wanted a smaller home or build something on a smaller lot – mixed types of lot sizes in a subdivision, depending on the demand of those lots.

Page 3 of 4, Line #1 item b. Buffer roadways with a buffer strip, 75 to 100 feet wide (only scenic corridors). The Planning Commission took into consideration there are only three scenic routes on Whidbey and Camano islands, SR525, SR530 and SR520. He has been made aware however that there are a number of roads classified as scenic routes and would not want to tell people who live on secondary scenic routes they have to have a setback . This item was meant primarily for the three state routes and apply to commercial applications, not private residences.

Mr. Moore reported, however, that the position of staff is that scenic corridors should be identified in the transportation plan and should apply to any designated scenic highway and apply to commercial as well as residential. Phase II Comp Plan contained a scenic highway component which included SR525 & 20 corridors as well as other major county arterials i.e. Smuggler's Cove Road. What the specific requirements

should be with respect to easements would vary with respect to residential vs. commercial.

Page 4 of 4, line 21, Public Benefit Rating System. This was something adopted by King County and Mr. Vincent recommended this be looked at more closely.

Mr. Moore mentioned that the public benefit rating system is provided for in the RCW and several counties have rating systems in place and was not a King County derivative. Island County in a sense has a public benefit rating system in the way it evaluates lands that are proposed for tax programs.

Commissioner Shelton thought that the Natural Lands Plan would identify those lands that perhaps are worthy of preservation or conservation, predicated on willingness of the public to fund such a program.

Commissioner Shaughnessy noted there are two different issues: (1) public benefit rating system; (2) Natural Lands. It is one thing for the public to ask for the tax status but another for government to do the research and determine it is of public benefit. This really needs to be defined.

Keith Dearborn noted that the RCW allows for open space tax reduction, but it not real specific. His take on this is it is just a holding category until the time when Natural Lands is discussed, and discussion now is premature.

#### RECEIVED FOR THE RECORD SUBSEQUENT TO LAST HEARING

T. J. Roehl & Associates 12/31/97 transmittal, letter dated 12/23/97 regarding additional commentary on the proposed "Measures to protect Rural Character"

[updated 1/5/98 with a list of others his letter also represents]

Letter from H. James Howe, Coupeville, dated 12/29/97, remarks for the record concerning preparation of a Comprehensive Plan for Island County – rural landscape character

Letter 12/31/97 from H. James Howe -vision for Island County – preserve the rural character

Letter from Ann Pringle 1/3/98 – rural character issues

#### PUBLIC TESTIMONY

Tom Roehl, T. J. Roehl & Associates, Freeland.

Provided another copy of his letter dated December 23, 1997 to list on the cover page others his letter represents on this issue as well as rural densities and shorelines, including: David Paul and Family; Philip Moore and Family; J. Chris Elder & Family; Lawrence Schall & Family & Partners; and the Island County Property Rights Alliance. As to the recommendation from the Planning Commission, his comments were as follows:

- Strike most of the commercial design standards; instead, provide introductory clause stating commercial design standards will protect the rural character. His submittal provided specific edits regarding remaining portions of the recommendation. May need to look at commercial design standards as a different

kind of site plan standards when approving some type non-residential proposals in

rural areas as opposed to reviewing site plan applications in the heart of commercial areas where there should be more intense infilling. The county is not a homogenous community on a county wide basis so at a county wide level, standards need to stay general.

- Scenic corridor issue. Went through the same type questions with setback issue. The setbacks issue started out with an ordinance that was a hybrid between performance setback standards and Euclidean numerical standards. In 1987 the then Planning Director, developed revisions livable standards on setbacks. What the County now has are road setbacks based on the road classification, and he believes that has worked well. There are court decisions to be aware of about taking without compensation.
- At this stage because the way the language is worded public benefit rating system it is different than what is now the Open Space /Open Space classification which contains a requirement that more than just public benefit has to be determined, it includes some type of public access as well . This is used typically in the case of golf courses, in some cases airports or areas around airports. The language here should be changed to indicate that the PBRs should be studied further, or he agrees as Mr. Dearborn stated it is premature to consider this at this time.
- Critical land section is a given and should not be contained in this document.
- Do not agree with the current 20 acre – 5 acre system. Should redefine what large lot zoning is, and for designated resource lands should be 10 acres since the TDR program is not working and the promise of compensation has not materialized under the 20 acre concept. Need to explore some different alternatives for resource land owners than the current system.

#### Peter Remington, Clinton

Objected to trying to define rural character; meddles too much in lives of people, and may be unconstitutional. Thought that in a sense this was like telling people that this county's door is closed, full up, no more people, which he does not believe is right. People differ; feelings differ: where we live and how we live and what it looks like many times will reflect that, which to him is important because that is how human kind evolves.

#### Don Jewett, South Whidbey

Pleased to see nothing in this recommendation about TDRs but still fears that concept is still floating around. He commented on Page 3, item 7 – street design and relayed a personal experience in the City of Kirkland where the Planning Commission and Council spent 2-1/2 years on the subject of connectivity because the public works department requirements resulted in what he sees as the concept: the City of Kirkland looks like a checkerboard with streets on every side. If this were to be put into place here, he was sure places like Greenbank, etc. do not want that cookie cutter development of streets, sidewalks, tree plantings, etc. He made the point to the Board that : guidelines are guidelines but when they ensure that is a different matter.

#### Rufus Rose, Clinton, and Member of the Planning Commission

Encouraged consideration of unintended consequences. It has been pointed out that the regulatory language has to follow the Comp Plan, and if something is left in the Plan now, it has to be implemented. What happens about non-compliance – how will individuals be punished and how will the County be punished by the State?

Examples of design review in and around the Freeland area come to mind: the Athletic Club regarded by

some as being intrusive and ugly, and by others grand; and the Label Company, a metal building and at least for that reason alone is regarded as unattractive by some. He did not know if the County intended to direct building materials, and noted the cost involved and the potential for creativity on the part of the owner should weigh heavily. Those with the ability to make an investment and contribute to the economy and job base should be given some significant latitude in their creative thinking. Another example, the Book Bay: is the intention strictly for new construction or would it also apply to the 2<sup>nd</sup>, 50<sup>th</sup> or 80<sup>th</sup> property owner; what obligations would they have to commit to design review? The Waterman dry storage on Langley Road is another example – applicant originally wanted red building with white trim, which was not acceptable by the County.

Tree retention. He used as an example his own property, first wanting to save every tree, but not quite one year later cut down 86 trees that were an immediate hazard to his house. If the County requires tree retention, is the County accepting liability for damage from trees falling?

Defining rural character he thought almost impossible. Someone suggested emphasizing lifestyle, and Mr. Rose would add economic condition in the rural area. If rural character is interpreted to be heavy on appearance voluntarily gentrifies the county.

Page 2 of 4, line 20, Reduced building envelopes. Ms. Keeler talked about allowing small houses and Mr. Rose thought it important words need to be clearly understood he thought it meant "footprint" .

Page 2 of 4, line 37, buffering techniques. Concern that scenic corridors or scenic highways can be defined and added without much public knowledge. If you have such property and come in for a building permit but staff says no, because it is a scenic corridor is it Island County's intention to put on the title all that property which will be restricted? If not, what happens to the free will and interests of the private property purchaser?

Requested clarification about street design.

Mr. Moore clarified that comments had been received from Tom Roehl he was basically in agreement with, thinking that these needed to be spelled out in greater detail in order to clarify them. This would not apply to a short plat, a short plat does not have a street. This refers to roads in PRD's or long plats and county roads, whether county or private.

Mr. Rose believed a great deal of attention should be paid to the potential for unintended consequences on a PRD development where the developer will be required to bear all the costs and all subsequent property owners to maintain, but the County tells how to build it.

Page 4 of 4, Public Benefit Rating System. Mr. Rose was aware that WEAN suggested a PBRS to the Planning Commission many times. He thought it would be very useful for the Board to ask for a briefing of what WEAN expects or intends. Mr. Rose recalled that included anything 5 acres or larger would be able to apply, based on some criteria. If all 5 acre or larger parcels could qualify for some kind of tax deferral, it would be appropriate that the Board consult t with the Assessor before any implementation.

#### John Graham, Clinton, Citizens Growth Management Coalition

Stated that the County needs a strategic vision, an overall umbrella under which goals and objectives sit and flow and a reference to it. It is backwards to have a discussion on whether there are one or two levels of scenic highway without having a clear vision of what it is that makes the highways scenic. There is nothing strange or special about creating a vision. His experience leads him to believe that going about this without going through a vision first cannot produce good results. Mr. Graham referred to a letter he sent to prior Chairman Shelton following up on the 12/22/97 presentation [entered into the record at this time – an e-mail message to Mike Shelton 12/30/97]. The 1/28/98 workshop on vision will not be productive unless a lot of

preparatory work is done to make it productive, such as:

- every member of the Board, Planning Commission and Planning staff submit their own vision of what they want to see in the year 2018.
- the four newspapers be asked to use front pages to ask people to submit their visions
- ask organizations what their visions are
- staff collect all information in time for 1/28 workshop for use as a basis for discussion

In terms of county wide design review standards, the Coalition agrees there should be some broad standards established by the committee of professionals, and also that the specific details must be decided by local committees and local people.

With regard to scenic corridors and Mr. Roehl's comments, he is reminded that driving down Highway 525 just short of Bayview there is a marvelous area near the storage facility—about 1-1/2 miles of one of the most classic rural views in Island County. He would not want to put that at risk and be afraid for the next 20 years that someone might sue for refusing their right to put up a billboard. He felt the County could not be bullied by fear of court cases by people who refuse to look at rural character the way the County looks at it.

In terms of social engineering Mr. Graham has often been accused of, a hopeless romantic or meddling too much. The County has to look at the kinds of compromises needed to preserve rural character. In terms of no meddling, he thought the folks on the other side of the water did not meddle enough, for example, would we want in Island County a Harbor Pointe or Aurora Avenue and the kind of sprawl and strip development those entails? The protection of rural character is the protection of the values people like Peter Remington espouse most and protects the way of life most of us want to preserve; rural character is a way of life not just quantitative criteria. Rural character is more than how people feel about things. A whole lot of rural character depends upon economics. Mr. Graham worked with John Hitt, EDC, and Mr. Graham's point of view and the point of view of the economic report by a committee of EDC is that the key to the future economy of the County depends on tourism and retirees and attracting small businesses that are appropriate for the island. If rural character is ruined it will "kill the golden goose" and undermine the economic future. It is also true that rural character is a major factor and arguing point in keeping the Navy attracted here.

Bill Thorn, Camano Island, Citizens Growth Management Coalition.

Posed one fundamental question that needed to be answered from the heart: is: are we now and do we intend to remain a rural county. If the answer is no then this whole exercise future, today and past is futile. A comprehensive plan is a policy document. That policy document sets out what is in the hearts and minds of the people and puts teeth in it from the Board as administration – the vision. The process begins with vision; from that flows goals, objectives and policies, and after that is well in hand, then write development regulations. He reminded from the Coalition's paper previously submitted that the Coalition embraces rural character, rural development, rural governmental services definitions in the Act. Rural character is the County's primary long-term economic asset.

With regard to the public benefit rating system, Mr. Thorn believed it was appropriate for that to be considered now form a policy level – as a specific of that, the public access question. As an example, he personally witnessed a situation where there was a turn down on a particular case based on the fact that there was no public access. He noted, however, there is a variety of access: drive on the property; walk on the property; visual access. Physical access is not a necessary attribute to having a parcel preserved through the criteria in the PBRs.

Rufus Rose, on behalf of Anne Pringle

Mr. Rose addressed the letter from Anne Pringle dated 1/3/98 entered into this record. Mrs. Pringle asked that if there is anything that it seemed she had not understood or that the Board disagreed with it would be useful not only to her but probably all the Planning Commission to receive that communication back.

Tom Roehl

Mr. Roehl clarified his comments on Scenic Corridors, concerned that Mr. Graham rephrased his comments to imply other than what he meant. He had addressed two specific proposals; one about buffering, the other tree retention. With regard to his comments about open space preservation in general, first Mr. Roehl referred to a section in GMA that originally made open space preservation a required element of GMA comp plans, that provision was vetoed by the Governor and open space is an optional element, not a mandatory element of a comp plan under GMA. GMA talks about provisions for possible future acquisition and he has no problems with that, or preserving the view through the Clark Farm as long as people purchase that view. When he talked about court cases, he did not suggest that the County should be afraid of being sued, but needed to pay attention to court cases because that is the law, and it is the Board's sworn duty to implement the law and obey the law. For example, there are court cases already addressing the issue of requiring people to dedicate lands.

Peter Remington

In reference to John Graham's comments, Mr. Remington stands on what he stated previously.

Sheilah Crider, Oak Harbor, and Member, Island County Planning Commission

Page 3 of 4, #7, Street Design, she clarified this was talking about residential and called the Board's attention to 7a and 7b. Those items were discussed at length by Planning Commission members how families that reside in areas that are out in the county like to have a safe place where their children can play; cul-de-sacs afford that. If taking into account health, safety and welfare of those residents, she believed by requiring every street to be a through street would negate that form of protection. She would like to see 7a and 7b both stricken. Requiring curving driveways may be added expense that would in some manner prohibit someone from being able to build an affordable house. GMA requires providing affordable housing for all economic sectors of the population. With regard to 7d, tree retention, Mrs. Crider believes tree retention can be required until it impacts the health, safety and welfare of the public as well as those residents, and then at that point, should take the appropriate action.

Public Testimony Closed

Keith Dearborn provided for the Board a summary of changes that he heard during this hearing.

Regarding vision, he believed the County to be going down the right path and taking the right approach, and will get to vision. Vision has to be tempered with resources and reality. It needs to be understood that vision is constrained by resources, circumstances and natural talent. The last two months has been a process to better define the problems being addressed in order to develop a vision founded upon a reality, something that can be achieved. Every time someone speaks in the public process about vision, that gets transcribed into narrative form. On January 28, the joint workshop between the Planning Commission and the Board on a development of a vision statement, there will be a document that comes close to what Mr. Graham has asked for in terms of the vision statements the Board has heard. The Planning Commission has asked that Mr. Dearborn not develop a narrative vision statement but to develop some general principles, guidelines, implementing rules that would be the framework for a vision. He hopes to have a draft of that available two weeks' before the workshop, with transcribed comments, vision statements from the draft plan of a year ago, and vision statements from Camano and Greenbank all available in an issue paper on vision.

At the end of February when the new preferred alternative is produced and available for the public comment process in March, there will also be a chapter 17.02, the zoning code. The development regulations that carry out that plan will be there as well. It is particularly important under GMA to have both at the same time because the plan is a regulatory document. All development regulations must conform to the comp plan under GMA. Every word in the plan as meaning, potentially. The 6094 Amendments include a section stating that for rural character, measures must be adopted to protect rural character; measures mean development regulations, not general policy statements.

Page 4, PBRS and Critical Area provisions. Mr. Dearborn agreed that the PBRS and Critical Area provisions include a note "deferred" to the workshops in process -- PBRS deferred to the Natural Lands Workshop; Critical Areas deferred until the Critical Areas workshop.

Page 1 of 4:

Line 30, A.1, Residential Development. There were no suggestions for specific language change, only a clarification.

1b – the Planning Commission view is that the County has a 5 acre zone and a 20 acre zone for Ag and Fm lands existing today; their view is that is enough, leave those zones alone; those zones are basically working. There could be some refinements to those zones, but the Planning Commission is not arguing for more large lot zoning.

1c – no comments "Development transition of uses and densities adjacent to resource areas.". In the resource lands context, members of the Board said they could not find it under any scenario acceptable to downzone property adjacent to resource lands to a larger lot zone classification just because adjacent to resource lands and there has to be other ways for creating compatibility between residential and resource uses besides downzoning.

Commissioner Shelton confirmed that was absolutely his view. Chairman McDowell viewed 1b and 1c as perhaps colliding. Commissioner Shelton's personal opinion is if he owns 5 acres of RR property and wants to be buffered against the resource land adjoining his property, he would have one of two choices: (1) if there are existing trees that adjoin he would need to move his house away from the resource land to provide the buffer on his property; (2) if there are not existing trees then he needs to plant them. All too often people expect adjoining property owners for their protection. Especially in those two zoning classifications RR and Resource Lands, he believes that to say to the man growing trees for a living that he needs to leave 100' of trees adjoining RR is not practical; the buffering responsibility needs to go with the land.

Mr. Dearborn verified there is no question for lands that are adjacent to resource lands that ways to create compatibility between the uses must be devised. To be consistent 1c needs to be stricken or modified.

Page 2 of 4, Line #3. Where Mr. Vincent suggested that permitted uses replace conditional uses for both home occupations and home industries, Mr. Dearborn suggested this is a problem of definition. There today is a definition of home industry and home occupation; 6094 creates two new terms, small scale business and cottage industry, and those need to be harmonized in terms of what is and what is not allowed. He suspects home industry in the code today may well be larger than what could be allowed as a permitted use. Mr. Dearborn asked EDC to provide further guidance in terms of economic development strategy [letter on record middle last month] to help with those terms. To say that home industry should be a permitted use may be a path that the County would have to retreat from. Home occupation is a permitted use today and he saw no reason why it could not continue to be a permitted use.

Commissioner Shelton agreed that home industry probably requires more scrutiny on the part of the County. Under current code, home industry has to go through site plan review process and that to him seemed totally

appropriate.

Mr. Dearborn made the point not to assume that both home occupation and home industries can function as permitted uses, but again, on a 40 acre tract, a home industry may be a totally different than a home industry on a 2 acre tract.

Page 2 of 4, line #13, B.1.(b) mandatory clustering. No comments were heard on this item and Mr. Dearborn called it to the Board's attention because he thought they should focus on that. There is now an incentive based clustering system; striking #4 at lines 22-26, density penalties, If clustering is to be required in some circumstances, what kinds of circumstances are those – something the County would expect to see on parcels adjacent to long term significant resource lands, for example?

Commissioner Shelton was of the opinion that if the County is to preserve Ag and FM lands in Island County, in exchange for the preservation of those large tracts there needs to be some way to give those people the opportunity, if needed, to create some density on a small portion of their property, which does not necessarily have to be clustered development. But to maximize the potential of number of building sites that probably is the only way it could be done.

Mr. Dearborn asked about the 20 acre parcel adjacent to that AG tract, noting one option would be to require fairly significant setbacks from the AG and fm parcel. Mandatory clustering or clustering as an option for those properties and keep as much distance between the AG and fm use and the residential use?

Commissioner McDowell asked about the advantage of requiring clustering. Commissioner Shelton asked why not say if RR zoned there could be 4 five acre tracts and deal with the home siting in terms of setbacks – or why even deal with that – cover that by right to farm disclosure.

B.2 reduced building envelopes. Mr. Dearborn' noted that what the Planning Commission was recommending was "flexible setback requirements" though he thought staff had pointed out that there needs to be flexible envelopes as another option to be able to deal with some unique circumstances.

From his years in the construction business, Commissioner Shelton was aware that a building envelope on a piece of property includes that area that was needed to accommodate a dwelling. To reduce building envelopes did not make sense to him.

Donna Keeler agreed with Commissioner Shelton and clarified that thinking here was in terms of a PRD or a plat where there might be community septic systems, for example, and may not need as large of a lot; that if there is a community system all the lots may not be the same size, rather a variety of sizes. Mr. Moore did not understand the term "flexible" unless it applied to the zone as an entirety, but there cannot be flexible setbacks on one lot.

To Commissioner Shelton that was logical, but the way it is now written it is poorly defined "reduced building envelopes" and need to look for better verbiage there.

On the issue of preserving rural character, Mr. Dearborn's memory of the discussion the Planning Commission had was it was in part based upon the thinking that was in the Coalition's paper at the workshop. He suggested review of that before finalizing thinking on the envelopes discussion.

Mr. Roehl recalled this issue having been dealt with in 1984 – the section referenced is from the subdivision regulation standard section. The distinction made in 1984 was between the PRD process versus the standard subdivision process, and the idea was that if proposing a PRD, one of the benefits of using that process was to not be required to have 12,500 sq. ft. lots. Ms. Keeler agreed the idea here is a mix of lot sizes. But Mr. Moore stated that what Mr. Roehl was talking about, a mix of different lot sizes, was not what was being discussed as far as reduced building envelope – the paper very clearly defines it .

Mr. Dearborn referred to Mr. Roehl's document on record dated 12/23/97, the section beginning with B. Subdivision Regulations, wherein he suggests a parenthetical phrase at the beginning of this section, which Mr. Dearborn thought added value and helped to clarify what is being done with the subdivision regulations and suggested the Board consider adding it:

*Create standards for Subdivisions and Planned Residential Developments which encourage clustering and avoid or minimize the adverse impacts to the visual or physical environment while still fostering Rural lifestyles and Rural character.*

As noted by Mr. Dearborn, Mr. Roehl in his paper also clarifies the building envelope discussion and adds words [without underlining thought to be inadvertently] that says:

"and smaller lots" and suggests a clarification for spacing between buildings, again which Mr. Dearborn thought may have value to be considered.

Vince Moore building envelopes did note that probably the more appropriate term would be "flexible building envelopes" instead of flexible set backs.

Co-housing projects Mr. Dearborn recalled Bill Thorn discussing the concept and how it can be used; same with zero lot line type housing. The County may need to find ways in the PRD process for affordable housing reasons to create more flexibility in terms of the spacing between buildings so actually have more open space and attached housing – single family. It is a useful note at this point.

There were no specific comments from Mr. Dearborn as far as the open space standards other than a number of changes Mr. Roehl suggested in his paper, some may be very detailed and more than needed; some present policy issues.

As far as street standards Mr. Jewett brought up "connectivity" and Mr. Dearborn thought the Board heard from a number of people that it did not necessarily make sense in a rural county to have every street connect to every street, and suggested rewording of 7a . Mr. Dearborn was not sure that connectivity made sense in rural areas always and defeats the whole sense of a cluster project or a small short plat.

Curved driveways has been a practice that the County has been encouraging was in items Mr. Unterman proposed in 1985, and Mr. Dearborn thought the curved driveway has a purpose in some places, but should not be a requirement or uniformly applied everywhere. Traffic circles may be an urban concept. The idea of traffic circles may not really fit, but may fit in a more dense area.[i.e. existing residential].

Tree retention is always an issue. The concern was if mandatory in all circumstances it raises concern of safety, light and solar access.

Mr. Dearborn did recommend striking under the Impervious surface issue the reference of the limit to 50%. The fact the county needs to continue to provide impervious surface regulation is the point; the specific standards do not need to be set at this point.

Design review – the overwhelming testimony received is this should apply to the non-residential RAIDS . Two different views: one that there should be some kind of general guidelines developed by a committee and fine-tuned at a sub-area; another view was those just be done at a sub-area without general guidelines. In this regard, Mr. Dearborn will locate the report Rich Unterman did in 1984, which contained general guidelines county wide - ideas. At the time they were received by the building/development community as very beneficial and helpful. As far as he is aware, there has been no testimony that they do not want to see design guidelines for non-residential uses, but has been more a question of how to get to them. Everyone agrees that the details ought to be worked out on a sub-area basis. It would seem to appear that design

guidelines for Bayview, as an example, should probably be very different than the design guidelines for Greenbank; the same for Freeland and Clinton. Pioneer Square in Seattle is a design district but has no mandatory guidelines, voluntarily complied with and a design review serves as an expert group to help with that design process. The presumption in Island County that everyone seems to be working under is that design standards are needed and should be locally based. The question is whether the County starts the process with a committee, or on a sub-area by sub-area basis.

Consensus reached as far as deleting 3.a.2. "*Require structures/residences to be placed outside of open fields, and instead located adjacent to tree lines and wooded field edges*".

Although Mr. Roehl had a number of other changes to the specific language in this section Mr. Dearborn reminded these are guidelines rather than standards and therefore it was not necessary now to get into the details, the same page 4 the questions there [framed as statements for consideration in the development of guidelines]. No one has suggested there be mandatory design standards prescribed county wide. He suggested establishing some basic county framework in design guidelines as guidance to each sub-area as a beginning point of that process. The items beginning in this section with "limit" he suggested eliminating that word at this point, because the issue is not whether these are limited, rather at this point to consider siting in relationship to ridge line, for example. Consensus seems to be that for non-residential projects, particularly on the state highways, have some kind of design requirement [and assume design guidelines would apply to the non-residential RAIDS]. Mr. Dearborn assumes a connection between visual compatibility, rural character and non-residential design.

Commissioner Shelton confirmed his opinion that even though considering ourselves to live in a rural county, current densities border on something other than rural. Not counting all of the incorporated areas, Island County is a densely populated county right now. In terms of defining rural character, he noted having read the editorial in the South Whidbey Record with comments about not understanding why it was so difficult for the Board to define rural character, that one only had to go to Webster's Dictionary. The Commissioner thought that was a simplification of the issue and that it was not unexpected for the Board to struggle with the definition of rural character. Commissioner Shelton made notes and comments and suggested changes as the hearing went along today that go along with much that has already been stated by the other Commissioners, Mr. Dearborn and staff.

Commissioner Shaughnessy, referring to the Coalition's paper on a vision statement 12/19/97, second page, comments that there have been visions of Island County for a long time, and the third paragraph down, refers to lakes, the beautiful waters and the mountains, and talks about Island County in a publication dated 1911; the next paragraph says: "much of the 1911 description still applies even though the population of the county has risen from 5,000 to 70,000". When Commissioner Shaughnessy read that his thought was if that is the case it would seem the County had done a very good job of retaining that rural character.

Chairman McDowell entered for the record his comments in response to the recommendation of the Planning Commission on Measures to Protect Rural Character:

" I appreciate all comments heard during the meeting on Monday, December 22, 1997. Most of the comments regarding Rural Character were what I would term "from your heart" and, therefore, most persuasive, particularly those comments from Tom Roehl, Peter Remington, Jeanne Hunsinger and John Graham. It is interesting; people on all sides of this issue have one general theme, to which I agree. It comes out loud and clear...rural character and its protection is important to the people of Island County.

Points to consider (some I do not understand or to which I disagree):

Limitation of clustered development to six units as expressed by Bill Thorn. I do not think future

subdivisions should be restricted to six houses. There can be an upper limit, but not six. I may have misunderstood the comments of limiting cluster development to 6 homes. If that means a maximum PRD of only 6 homes, I disagree. I also disagree with Bill Thorn's comments we have unreliable data on water. I suggest he look into that issue before making sweeping, emotional statements.

Another point to which I disagree is John Graham and Bill Thorn's statement that we should either ignore or actually take a stand against trying to improve transportation on and off the Islands, either for the two bridges or the ferry service. If the intent is to stop growth or to limit growth in this manner, I personally believe this position to be irresponsible. People who live here or those with plans for future residency do not need or want the anxieties created by massive traffic jams at either end of Whidbey Island or Camano Island. I certainly would have thought the coalition would have made a more thoughtful response on such a difficult and important issue of traffic in and out of our county than "do nothing". To accomplish anything of any significance regarding roads, bridges or ferries requires years, if not decades, to get the State to take action. I find the fact that some-one would say, "do nothing", or "let the traffic backup get so bad at the ferries that people will decide move or not to move here, incredulous.

I do agree with the Coalition's statement in their issue paper that rural character is a primarily long-term economic asset. I think that is why many people move here as well as why many people decide to locate their business here.

The Coalition issue paper also mentioned we should not over rely on tourism as that results in the Coalition's term, in their own words, "minimum wages..., living in a backwater..". The statement surprises me as I thought from these organizations before, or at least before the proposed development on Saratoga Road, were supportive of tourism. The problem I see with a huge tourist industry is that it requires an infrastructure based on a peak time frame each year, i.e., the summer tourist months. Infrastructure should be based on normal needs, as opposed to peak periods, whenever possible.

I tend to agree with the comments by Tom, Peter and Jeannie indicating that one cannot legislate rural character. In some people's eyes, such as Peter's, rural character is being left alone without a lot of interference from government; to be able to do what one would like to do in order to make a living and have the enjoyment of family and property. Tom expressed similar concerns, however he defined rural as "allowing a variety of lifestyles for the people who choose to live here".

The Coalition's definition of rural character, as I read their issue paper, is preserving the lifestyles of the farmers and foresters; confining most growth within the cities and specific residential areas in the County; and for the government to buy open space.

As one can see, rural character has many different meanings to people. Again, I think we all agree that we want to save rural character; that part is easy. The difficulty is defining something specific because each of us has a different vision of the meaning of rural and I am sure a different perception of how one preserves their idea of rural..

As I perceive it, the real problem in trying to protect rural character, obviously, is deciding what is rural for the 3<sup>rd</sup> most dense county in the State, and then describing in specific terms what can be done to protect it. As an example, I refer to the *ANDERSON vs THE CITY OF ISSAQUAH COURT CASE*, heard by Superior Court who made a ruling, and then was sent to Court of Appeals for final decision. As pointed out by this court case, ordinances, for whatever good purpose, should not be too vague. Ascertainable, real criteria is needed for any set of rules so that meaningful guidance is given to applicants, design professionals, or public officials –

responsible for implementing code. Too broad a code allows determinations to be based upon whim, caprice, or subjective considerations. Local government cannot create standards on an ad hoc basis during any review process. Vagueness leads to a deprivation of due process.

Considering all these things, eventually we need to develop specific, identifiable and suitable criteria to protect our rural character. The criteria has to be specific so that any person can understand what they can and cannot do, not just wait until the county decides on an application on an ad-hoc, subjective basis.

As to specifics of the regulations, my basic desire is not to take away any options that we currently may have in our codes, as long as they come within the broad guidelines of GMA. For example, the question of Section A.1.e, accessory dwelling units. In the previous public hearing, I heard that someone had not obtained a permit for several houses on one parcel, which are now being used for rental houses. This extreme example of not following the rules is not a reason to outlaw a practice or privilege the citizens of Island County have been afforded in the past (with limited use in the county). I firmly believe the regulation was not a bad, but rather an example of the types of abuses seen by regulatory authorities. To take away that ability or right seems a clear and unnecessary loss of freedom. I am also not interested in creating more process unless there is a clear and large record showing habitual, often repeated violations of a process that causes harm to the public.

Another example is requiring A.3, home occupations as a conditional use, rather than allowing them as an outright permitted use. If staff can show numerous and gross violations of a home occupations as a permitted use, that is harmful to the public, then and only then, would I entertain a discussion on whether home occupations should be a conditional use. Until such time, I do not think we need to increase the time and degree of difficulty required by the process by requiring home occupations as a conditional use. In fact, I think most people in Island County appreciate and would encourage people to work within their home to earn a livelihood. It should stay an outright permitted use.

Delete portion of A.1.d, the maximum setback requirement.

Section B.4. if the paragraph means property has to be a minimum of 30 acres in size to subdivide, I disagree. If it means we should encourage PRD clusters and encourage them to stay within 15 – 20% of the parcel at whatever density the particular zoning allows, if that parcel is at least 30 acres in size, I would like to discuss that concept further. I do not support a proposal that would prohibit one house per five acre subdivisions.

Also within Section B.4, C.3.a)(2) or 5(a): I believe it is inappropriate to require homes to be built only in a particular area of the property, such as only along tree lines. Although I have personally chosen to site my house among the trees for privacy, other people might not want to battle the moss and may prefer sunlight, and be in open pasture. I believe rural character should include the right to build your home, whatever size or shape, wherever you want it (within reasonable setbacks) on your own property. I recognize the necessity of having code regulations for minimum side-yard setback, etc., requirements.

I also question the vagueness of the term "staying a respectful proximity" from a conservation area, Section 5.(a). What does that mean?

Section B.6.a – delete; this topic needs to be handled with right to farm or forest ordinances.

Again, I question the requirement to have a buffer strip along roadways, Section B.6(b).

Which roadway? I can understand Madrona Way, for instance, having a requirement to keep the madrona trees, even at the expense of strong winds and downed power lines. I am not convinced that a requirement to keep a buffer on every road in the county is appropriate. If we decide that buffers are considered a rural environment we want to maintain, as opposed to a diversity of use, I would rather see a requirement to replant with an appropriate type of tree as a rural buffer. Puget Power recommends certain types of trees in a buffer, rather than leaving a strip that most likely will eventually blow-down in a severe windstorm. A planted tree that grows alone and not in the middle of a large, wooded area can withstand winds much stronger than a tree that is left standing after surrounding/supporting trees have been cleared away to make room for a home.

Street Design – I absolutely disagree with the statement that every street needs to be connected to another street. We may want to encourage street connections, but we should not have an ordinance requiring every street be connected. Curbing driveways can also be encouraged, but should not be required in open space such as pasture, unless one wants architectural feature of a curbing driveway. I personally can see no reason for government to mandate a curbed driveway.

Traffic circles – No. Very recently I traveled to Ireland and Scotland where they make big use of traffic circles. I believe them to be a very inefficient method of traffic control, and believe the majority are prone to safety problems. I would suggest that anyone who currently supports traffic circles should first drive through the streets of Ballard and then make up their mind about traffic circles.

Design review for commercial, institutional – Item C.1.b. Within this section is a statement relating evaluation of the appearance of a project based on the quality of its design and its relationship to surroundings. What does that mean? An applicant applying for a permit or even the planner charged with its review would have difficulty determining or agreeing if a structure is a quality design and fits in with its surroundings. The criteria of this statement is far too vague as currently written.

Under Section C.2. (a)(1) – Roads shall follow contours. We need to add the words, where practical. For instance, with any elevation change, a road cannot follow a contour; it has to cross contours to go up or down a hill.

Section C.3.a)(1) - Restrict development in a view shed . If this means no development, it could clearly be a "takings issue." This comment needs to be fully described and defined prior to any further action on this section.

Retain treed areas between structures and roadways . Again, if this statement means absolutely no trees can be cut down, then I believe it is far too stringent, and also needs to define which particular roadways are included, Section C.3a(4) & (5). Tree retention needs to be encouraged, but not an outright requirement. Open pasture is also a rural setting for some homeowners.

Delete Section C.3.a (6). This is not remotely a comp plan topic. In fact, it should not be a 100% requirement on a site plan review ordinance. Possibly the statement should read in the site plan review ordinance "Encourage parking behind buildings."

I think most people, in reading C.3.B)(2), would agree that we probably could have several different meanings to that paragraph. In other words, what is meant by the term, "building sensitive to the character of a neighborhood"? Or, "The rhythm of spacing design elements of the surrounding natural, man-made environment"? Those

words sound good, but are vague. The language should be replaced with clearer requirements or guidelines. There is a similar problem with the phrase, "harmonious with the neighborhood", which surfaced in the determination on the ANDERSON vs. ISSAQUAH Case as being too vague.

Signs – I would like to review the input from the Sign Committee who has worked on this topic for several months. No action on this section until their input.

Public Benefit Rating System – I would like to know the impact on the taxpayers of the county before we create a new program that shifts the tax burden to new groups. No action on this issue at this time.

In general, I believe a comp plan should have only a few, but key parameters, such as

use, density, lot coverage and the critical setbacks. Other parameters should be in the site plan review, subdivision, or other design standards ordinances. Flexibility needs to be built in for the reviewing agency. Therefore I recommend that only a few key parameters should be in the Comp Plan, all other parameters changed as just stated should be part of the land development ordinances."

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ENTERED FOR THE RECORD DURING THIS HEARING:

E-mail message from John Graham to Mike Shelton "More on Vision" 12/30/97

Memorandum dated 12/12/97 from Representative Joyce Mulliken to Speaker

Clyde Ballard, and others, on Rural Development Issues

1/5/98 Commissioner McDowell's Comments in response to Planning

Commission recommendation on Measures to Protect Rural Character

Letter dated 1/5/98 from Gary Piazzon, Whidbey Audubon Society

Commissioner Shelton, with regard to Mr. Dearborn's summary of suggested changes, thought the Board should ask staff to rewrite the position paper reflecting all of those changes and deletions, and the Board then reconsider the corrected copy at a future date.

Mr. Dearborn thought the Board heard from the public and their comments based on what they heard, therefore appropriate to ask staff to modify the document and the Board take action without further public comment. He believed it would be easy at this point to provide a redraft with all the comments discussed today, with a document then the Board could go through section by section and agree or disagree. He felt there was enough information such that the document could be taken and modified by striking out and adding language based on Board comments and the testimony received, and separately identify those elements that require policy framework.

BOARD DECISION

Commissioner Shelton moved approval to adopt the two recommended actions as stated in the recommendation of the Planning Commission page 1 of 4, with direction that staff return next Monday with

those policy statements as redefined in the Planning Commission recommendation, as well as statements for the future development regulations. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Commissioner Shelton moved to continue the public hearing to Monday, January 12, 1998 at 1:00 p.m. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Next Joint Board of County Commissioner and Planning Commission Workshop will be Thursday, January 8, 1998, 6:00 p.m. – 8:00 p.m., Hearing Room 1, Courthouse, Coupeville, regarding Master Planned Resorts; Fully Contained New Communities; Housing; and Major Industrial Districts. There being no further business to come before the Board at this time, the Chair adjourned the meeting at 4:25 p.m., to meet next In Regular Session on January 12, 1998, beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

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Wm. L. McDowell, Chairman

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Tom Shaughnessy, Member

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Mike Shelton, Member

Attest:

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Margaret Rosenkranz, Clerk of the Board