

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

SPECIAL & REGULAR SESSION - JANUARY 26, 1998

SPECIAL SESSION

The Board of Island County Commissioners met in Special Session on January 26, 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 E. Meyer, Adm. Assistant to the Board.

The Special Session was called for the purpose of holding public hearings on the GMA Comprehensive Plan, as follows: **Undeveloped Shorelines; Rural Density/Clustering; Master Planned Resorts; Fully Contained New Communities; Housing; Major Industrial Districts; and Critical Areas.** An Attendance Sheet was circulated and copy on file. In addition to Board members, consultants, staff and press, approximately 104 people attended the hearing.

Master Planned Resorts

The Public Hearing was opened by the Chairman at 9:30 a.m. as scheduled. The Chairman read the Hearing Record Instructions for conduct of today's hearings, and entered documents and correspondence in the record received up until this hearing, numbering 100 [note: see list entered in these minutes at the end of public input]. Keith Dearborn, the Firm of Keith W. Dearborn, emphasized that the Board today would be making only a tentative decision to provide direction for preparation of the draft Plan which will be available at the end of February to start the public review process.

Planning Commission Recommendation

"Following a thorough analysis regarding the issue of Master Planned Resorts, including a Workshop on January 8th, 1998 and a Public Hearing on January 13th, the Planning Commission recommends by a majority vote of our of six present commissioners the following actions.

Recommended Actions

The concept of Master Planned Resorts should be included in the Island County Comprehensive Plan.

The necessary resources be allocated for McDonnell/Burke and Bogle & Gates to assist staff in developing appropriate Comprehensive Plan policy language and implementing development regulations based on public input from both proponents and opponents of Master Planned Resorts."

Rufus Rose, Member, Island County Planning Commission, confirmed the recommendation of the Island County Planning Commission was to include the concept of Master Planned Resorts in the Comp Plan. Two Planning Commission members were present to discuss their votes on this topic which was a negative vote. There was much discussion at the Planning Commission meetings about specific applications, and the Commission routinely advised that it was inappropriate for discussion on specific applications at that time.

Bill Vincent, Member, Island County Planning Commission, was one of the dissenting votes on this recommendation, his reason was that including the concept of MPRs was not a necessary part of the Growth Management Act, therefore, his belief it would slow the process.

Linda Moore, Member, Island County Planning Commission, was one of the members of the Commission who voted against inclusion of the concept of a MPR in the Comp Plan. She believed the process and adequacy of the Planning Commission briefings and the data before the Board had suffered from the issue confusion relative to a specific resort

contemplated on Saratoga Road near Langley. As an illustration regarding the concept of a MPR and the facts to be considered and the sorting through permissible facts that can be considered, Mrs. Moore demonstrated by use of a show of hands poll of those in the audience:

- how many people own property in Island County? majority
- how many people favor creating more tax revenue? majority in favor
- how many people are in favor of creating more jobs? majority in favor
- how many people favor including MPRs in the Comp Plan? very few [under 10]
- how many people oppose including the concept of MPRs in Comp Plan? majority
- how many people favor everyone else in Island County voting on what you can do with the property that you own? 2 people.

Mrs. Moore acknowledged that the above exercise was totally irrelevant to the matter before the Board, and the number who oppose inclusion of the MPR in the Comp Plan as well as those in favor is irrelevant. The task of achieving a balance falls to the Board. For the record, she submitted a copy of the GMA law itself, RCW 36.70A.360, Master Planned Resorts. Looking at the statute the first sentence of the law states: "Counties that are required or choose to plan under RCW 36.70A.040 **may** permit master planned reports which may constitute urban growth outside of urban growth areas as limited by this section". The Statute goes on to say that counties may do so only:

1. If Comp Plan specifically identifies policies to guide in the development of MPRs
2. The Comp Plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of MPRs except in areas otherwise designated for urban growth under RCW 36.70A.110;
3. The county includes a finding that the land is better suited and has more long-term importance for the MPR than for the commercial harvesting of timber or agricultural production if located on land that otherwise would be designated as FM or AG land under RCW 36.70A.170;
4. The county ensures that the resort plan is consistent with the development regulations established for critical areas; and
5. On-site and off-site infrastructure impacts are fully considered and mitigated.

Mrs. Moore pointed out that the Planning Commission had not gone through any of the statutory predicates. She mentioned a new case in Washington State that seems to imply development regulations must be in place at the time the Comp Plan is adopted for anything contained in the Plan. The State Department of Community, Trade and Economic Development (CTED) developed policies for what is to be considered in adopting a MPR and those policies were not presented to the Planning Commission. CTED suggests utilizing sub-area planning as part of doing MPRs and the other aspect is to identify sites prior to adopting the concept itself. Therefore as part of the Comp Plan process in order to include MPRs the County would need to look at both Camano and South Whidbey against the criteria established to determine if there is any place in Island County to locate a resort. She did note that CTED had not yet adopted these policies. Mrs. Moore cited three critical studies not yet completed:

1. Buildable lands inventory [a/k/a study of the "blue areas" depicted on the map displayed on the wall – currently platted areas]
2. UGA's in Clinton and Freeland – need to find out what kind of infrastructure will be required and how to pay for it
3. To the extent that a MPR contemplates permanent residential development the County must include an

allocation of its population to that.

With respect to the overall issues, she pointed out there are now three lawsuits, various studies that are yet to be completed, and the fact that the Planning Department is pressed now in terms of present management capability and capacity and to give them one more task will slow down the process. Mrs. Moore asked that the Board seriously consider not including MPRs in the Plan as a concept.

In response to the comments made by Mrs. Moore with regard to the RCW and CTED policies, Keith Dearborn verified he had not seen the CTED policies Mrs. Moore referred to but would review same.

Vince Moore, Island County Planning Director, responded to Mrs. Moore's comments regarding inclusion of the concept of MPRs in the Comp Plan, that that would have to be site specific. He stated that CTED published several guidance manuals on all aspects of the Plan, none of which were ever formally briefed to the Planning Commission, but had given copies of those. The CTED policy on MPRs is totally new and has not been adopted or circulated by CTED to the jurisdictions considering this factor. There are many aspects of the Comp Plan which must be reflected in the development regulations and all will cost money to complete. The job of the Planning Commission is to determine which of those really need to be in the document and those that are will have to be reflected in development regulations. The idea that the preparation of development regulations for guidance of the MPRs would not be any more expensive than development of regulations of any other new district in the development regulations. The Department is struggling to do with resources what can be done and believed good headway has been made. In terms of population allocation, he thought Mrs. Moore was confusing the requirement that a fully contained new community [FCNC] must have a population allocated from the urban growth area reserve. MPRs when completed are considered to be urban growth areas, but there is no requirement in the Act that a population be allocated to those. There is no requirement under GMA that it has to be site specific for MPRs and the same is true for FCNCs.

PUBLIC INPUT

Courtney Dillard, Langley, came from an island in Florida which has seen master development over the last 15 years. She proposed re-termining "development" with "replacement" because she believed what is being proposed is replacement of: (1) open or virgin land with houses often closely spaced; (2) replacement of a home town feeling with feeling of transients or dis-connection; and (3) replacement of a unique space, a space of mystery and wildness with a typical suburban like tract structure.

Cynthia Tilkin, Langley, submitted a petition from 24 Langley businesses stating the following: *"We the undersigned business owners in Langley are strongly opposed to including the concept of master planned resorts in Island County's Comp Plan as being out of scale with our rural character, harmful to our economy and devastating to our traffic and natural resources. We object particularly to the proposed Destination Resort on Saratoga Road."* She concurred with Mrs. Moore to wait until all the information is available, there is no need to put MPRs in the Comp Plan now.

Scot Gaznier, Langley, provided information from the perspective of having worked at

destination resorts for Advanced Technology Laboratories, Bothell, with national sales meetings at three different resorts, Phoenix, W. Palm Beach and Breckenridge, Co., highly competitive businesses, 24 hour operations. There are three work shifts and most work takes place during graveyard shift. In most cases, most who work at these resorts are minimum wage workers, most minorities and in some cases, illegal aliens, recent immigrants. Common to those three designation resorts were strip malls, mini-marts, gas stations in local proximity. As far as the transportation issue his experience has been that everything centers around moving 450 people around on buses, usually one evening during the events. He does not see facilities on this Island to accommodate for that type thing. For everyone to be bused over to the destination resorts with little impact on the community as far as cars, he reminded that most attending the meetings are highly paid and expect to be treated well and would expect to have a car. [est. 75-100 out of 450 had cars]. Most do not go outside the resort to spend money in the local area, rather bring in their own entertainment and did not depend upon local areas nor return to local areas.

Dean Enell, Langley, a commuter, attested to the problem with ferry traffic particularly bad, for example from 1986 to 1995 a 50% increase. He thought that a destination resort that would have 486 parking spots would increase the ferry

commute wait, which currently is a 1 to 2 boat wait and the State is not proposing to add a third ferry until 2008. He strongly recommended the County not allow any destination resort to occur anywhere south of Coupeville.

Cynthia Kaul, Langley, said that she too had had experience with destination resorts and watched how the changed communities, and over the past 20 years, seen many communities with destination resorts and those who work there not being able to afford housing, and had to move further away and could not afford the taxes. Her particular concern on Whidbey Island is water resources. The decision to include MPRs in the Comp Plan should not be made now, and thought that possibly in the future certain site specific developments could be considered. Her view was the County would be better served by smaller groups of discriminating visitors, not boat loads of people attending conferences.

John Cannon, Freeland, managing partner in Saratoga L.L.C., read a prepared statement for the record:

"Tourism is an intricate part of the long term financial health of Island County. Tourism, which has been a major source of the Island County's financial stability must continue to be a key element of the County's revenue from the private sector. Island County, local Business & Chambers of Commerce have been stressing and promoting off season activities to increase tourism to Island County. Master Planned Resort can attract visitors year round and can bring greater economic benefits with low impact on our natural environment and local government. It brings benefits to all regions of Island County year around.

According to the Destination Resort study completed by the Island District Economic Development council (EDC) annual direct tax revenues will benefit Island County jurisdictions such as: Library, Hospital, Fire Districts and the largest benefactors would be the Island Schools. Just as a side note there are very few jobs for students and graduating students, many students must move off island or commute off island in order to find work. Resorts would give the young island people the opportunity to work and live on the island. At present, most visitors drive through to Ebey's Landing and Deception Pass Park. A destination resort would offer an opportunity to have many of the visitors stay longer, shop and enjoy the island as much as we do. This is a great way for our growth to take shape. A beautiful resort hotel would bring new customers to our local artists and businesses and therefore more income to our local economy.

GMA and Island County comp plan planning is of little value unless it includes ways to finance its actions and goals. Master planned resorts can make an important financial contribution to the entire community. Work will be created for: contractors, engineers, labor trades, service people, management, middle management, officer personnel, restaurant staff, maids, landscapers and maintenance people, etc. With the Island's ' long and honored tradition of hospitality to day tourists and part-time residents, accommodating new short term visitors offers new challenges and opportunities that will reward and benefit all.

As a property owner in Greenbank and resident of Freeland I recommend that the MPR designation be included in the Island County Comprehensive Plan."

Charles Scurlock, a homeowner and small property owner in Langley, stated that in 45 years as a practicing architect and community planner around the country he had had occasion to participate in the development of a number of projects falling under the type of master planned communities/resorts, and had seen impacts on the surrounding communities. He found there are often small economic impacts that accrue to a few people, usually the second or third owners of the project, while detrimental impacts fall on the community as a whole. He strongly favored not including the concept of MPRs in the County's Comp Plan.

Michael Nutt, Langley, said he too over the past 25 years stayed at master planned resorts at least twice a year, and at no time did he or any of the up to 100 people traveling with him go outside the resort and spend any money, other than at the resort. At no time did he see anything around those resorts, other than a mini community of the people who served those resorts. As a member of the community he did not intend to go and spend his money at a destination resort, rather he would go to Greenbank Farm where for the farm and local products.

John Graham, Langley, Citizens Growth Management Coalition, consisting of seven groups with membership of over 1,000, commented that the Coalition's paper had already been entered in the record, and confirmed their bottom line: do not include MPRs in the Comp Plan. The recent Supreme Court case states that if the concept of MPRs is included

in the comp plan the County must also include implementing regulations. There are 4 studies that are needed now. Several days' ago the Planning Commission went back into the Critical Areas and much more work is necessary on implementing regulations on aspects of critical areas, which means the whole process will fall even further behind. Tourism is important, but the kind of tourism desired is the kind that leaves money here, such as B&B's, small inns, etc. However, with MPRs outside capital comes in and profits go out. The whole purpose of a MPR is to keep people there and use gift shops, golf courses, etc., at the resort. Although there may be additional revenue to the County, he questioned the additional costs to the County for roads, etc. As far as job creation, these will be minimum wage dead-end jobs. His suggestion was to o attract new companies such as new environmentally friendly companies that can provide kids with something other than minimum wage dead-end jobs.

Bob Annecone, Langley, Country Cottage of Langley Bed & Breakfast, spoke not only for himself, but eight B&Bs: The Cliffhouse; Dove House; Eagle's Nest, Edgecliffe, Guest House, Home By The Sea; Log Castle; and Lone Lake. Although he did not represent those B&Bs with signatures, he did talk to each one. B&B's draw from a different market than MPRs and they are aware that good competition brings more people to the Island. In talking to each one of the above-listed B&B's on the phone, their concern is that to include MPRs in the Comp Plan threatens the rural character of the community. Guests continually say cite the quiet peacefulness as they reason they visit here. People come here to bypass the ferry lines in Anacortes to the San Juan islands because they do not want to spend their time waiting in ferry lines – and can have lunch in Coupeville or Langley while otherwise they would have been waiting in a ferry line. That same factor would work in Mukilteo. He implored the Board to vote against inclusion of MPRs in the Comp Plan.

David Henny, Clinton, explained that he had some specific concerns with regard to the GMA Comp Plan which he understood were not appropriate for this particular meeting and left that material to be placed on record. He too has used destination resorts all over the country and was not convinced that a destination resort necessarily ruined the rural nature of communities to where there should be a generic prohibition to even consider such a resort. He does not favor or oppose a particular resort, but did oppose the idea of not allowing consideration of a MPR on Whidbey Island or South Whidbey.

Lynae Slinden, Saratoga Road, Langley, handed in 14 additional mail-in forms strongly urging not to include to MPRs in Island County's Comp Plan. She agreed with those in the community who say their way of life is not for sale. She believes that citizens have a right to the full accounting of the costs of MPRs as well as assumed benefits, and who will pay for those costs, i.e.: if a proposed resort is four or more stories tall, will special fire trucks and equipment be needed, along with professional fire fighters; will more Sheriff's deputies be required; local county roads are not constructed for use by semi's; the Island is surrounded by salt water – is depletion of a well for such a resort cause salt water intrusion for neighboring wells and other water districts; what would be the cost of solid waste disposal site being expanded; if there is low income housing will the County have to subsidize that? She believed there would be a loss of money to businesses and the community as well, transportation problems and bottlenecks; and asked the Board not to include MPRs at this time.

John Hitt, Executive Director, EDC, already submitted for the record the EDC Board's recommendation that the concept of MPRs be included in the Comp Plan. The EDC Board recognized clearly that potential locations, size and impacts of such resorts might have to be very carefully looked at and limited. Failure to include the concept of MPRs in the Comp Plan would in effect a prohibition, and could not be proposed anywhere in Island County without an amendment to the Comp Plan. Amending a comp plan is a time intensive process, and an uncertain process, and he believed the concept should be included.

Harland Hoffman, Langley, spoke in opposition to destination resorts. Important to him were the impacts that would be associated with MPRs which he did not feel had been studied sufficiently.

Kaarin Schweitzer, Saratoga Beach, Langley, expressed concern about not taking care of what it already here, such as planned residential communities without proper drainage, putting life, property, endangered species and the environment at risk. There needs to be a review on how land is being cleared, not just in resort areas, but in residential communities that were planned 30 years ago. She did not understand how the County could consider large projects before taking care of those that are already here. She also owns a retreat center where people come from all over the

world, and almost without exception everyone says they came for the trees, animals, etc., that make and keep Whidbey Island rural. She opposes inclusion of the MPR concept in the Plan, and supports developing laws restricting clearing of land, even small lands, before full impacts are known.

Ellen Camin, Useless Bay, opposed to the idea of including MPRs in the Comp Plan and encouraged the County "slow-down" on this issue, put off for 20 years. It is not now in the best interest of the citizens or the Island and the rush will not serve anyone.

Gloria Chow, Clinton, supported all the reasons already stated in order to maintain the Island as a rural community, especially South Whidbey. When she decided to settle in America, Whidbey Island was her choice. In her mind, growth is how living things develop at their own rate and how human beings grow organically. When the proposed Saratoga Resort is in process and clearing of the land, she thinks of all the living forms that would be prevented. Humans need to look at growth and human development in harmony with the original concept of growth when planet earth began. She urged the County Commissioners to not include MPRs in the Comp Plan.

Karen Anderson, Clinton, agreed with many of the comments already made. The big issue to her was transportation - bottlenecks at the ferry and Deception Pass. Money is already short of money to build transportation infrastructure for those who live on the Island and to encourage a whole concentrated development like a small city, would require those living here now to fund that extra infrastructure. The EDC report referred to one specific development, and indicated that the work force would be come from 1-hour away; to her that is another negative that would add cars driving down the Island. She reminded that the whole idea of destination resorts is to keep the money at the resort, and she saw no compelling reason to include the concept of MPRs in the Comp Plan at this time.

Mike Seraphinoff, Greenbank, mentioned that although Mr. Hitt made the point these MPRs could be dealt with on a matter of scale, that by definition MPRs are large scale development. He thought the Island more appropriately would fit the scale of small lodges, retreat centers and bed & breakfasts.

Krsti O'Donnell, Greenbank, vouched that once you get to a MPR you stay there, which is the whole intent. Living in Greenbank and working with the people in the community from Meerkerk Gardens, she works with tourism and is aware that many people come to Whidbey Island as a destination resort all over, and she thought it was important to take care of all the Island, the beaches, infrastructure and impacts on infrastructure, rather than to focus attention on one type of development right now that could have heavy impacts. On scale development is most important for Whidbey Island.

Joanne Lechner, Clinton, Eagle's Nest Bed & Breakfast, was one of the B&B's included in comments made by Bob Annecone. B&Bs provide small accommodations celebrating the rural atmosphere of South Whidbey and she felt the number of B&B's on Whidbey Island and the kind of rural hospitality, supports the island way of life, preserves precious resources and is in keeping with the atmosphere tourists seek. She previously had been to many MPRs, up to as many as 7 days, and while there, visited no stores, occupied from 7:30 a.m. until 10:00 p.m. with various planning sessions, team building, management strategy, etc. This is not needed now and she asked that the Board not rush to include it.

Jerry Hann, Clinton, commented that the County over the next 20 years needs address economic needs of 33,000 new people; just to maintain status quo 6500 new jobs will be needed. GMA requires looking at capital facility planning to make sure that adequate facilities are in place at the time of development and to accommodate this growth. He was confident that most concerns raised today could be addressed during review process of any specific MPR application, and that surrounding uses can be controlled and impacts mitigated. He urged the Board to allow that to at least be considered. In terms of timing, the time to include the concept of MPRs in the Plan is now. It will not be any less difficult having this issue come up in the future. At this point general standards can be used to guide in a general way. Specific requirements ought to be developed during the time that any application is reviewed.

James Enslow, Saratoga Road, Langley, opposed including MPRs in the Comp Plan. He is quite concerned that inclusion of MPRs in the Comp Plan would lead to a real loss in rural character and have great impact on the quality of life.

Steve Erickson, Langley, WEAN, commented to those present that the record would remain open after this hearing – only the direction being chosen today – the record open until the Plan is actually adopted and implementing development regulations. He bought up Linda Moore's point about population allocation for MPRs: if it includes associated residential development the County will have to allocate that population from somewhere else in the population allocations in the Comp Plan. To be economically viable, MPRs must either have a very large government subsidy, such as Skamania Lodge, or associated residential development, such as at Semi-ah-moo. These very large resorts export money off the island and do not produce a net gain.

He was concerned that the Issue Paper had relied on two items that specifically related to the proposed Saratoga Resort, the application the County accepted and is in litigation. He termed the EDC study as "junk science", in that it statistically would not hold water. The EDC study relied on some propriety information which is not available for review by any one else. The Issue Paper cites that study and Mr. Erickson strenuously objects to including anything as background that is not open for public review in developing the Comp Plan.

Mr. Erickson pointed out that the Comp Plan allows smaller tourist facilities to be developed without the need to include MPRs, as contained in 6094. He suggested what is needed is to look at the question of scale i.e. Saratoga Resort, although they say people will be bussed in, the proposal calls for 486 parking spaces. With regard to Mr. Hann's comments that there need not be any specific development regulations at the same time, Mr. Erickson believed GMA very clearly stated otherwise. The reason the Western Washington Growth Management Hearings Board invalidated the non-residential floating zone was because of its complete lack of specificity.

Marianne Edain, Langley, WEAN, pointed out that MPRs as defined in the GMA are big. GMA contains a specific section allowing smaller planned resort-type development. If the MPR concept is in the Comp Plan there must be development regulations; if there are development regulations that make that happen, it is then not up to the people of the County or the County Commissioners to deny an application; the Commissioners may set standards but may not say "no". It is easier to say no now by not including the concept of MPRs in the Comp Plan.

Richard Collins, Fox Spit Road, Langley, spoke as an independent business man but also a researcher consultant for what he termed the "unknown resort". He too has gone to many resorts in other parts of the country as well as this part of the country. The resort mentioned by one of the speakers is not what would be found on Whidbey Island; that type resort is centered around major big events. He was somewhat disturbed by the comments that those who work for a MPR are all minimum wage people and illegal immigrants; there is nothing in the MPR plan that says anything about that kind of issue. Resorts hire chefs, room management, engineers, conference support, fitness center staff, ground crews, etc. which are not , outdoor facilities, which are not minimum wage people. There will be minimum wage jobs such as those many people had when going through college.

As to the issue of housing on any land used for a MPR everything he has read so far is there would be no space allocated for residents on a MPR nor would there be a place to develop strip malls around the outside. Traffic needs to be looked at much more carefully because according to studies he has done for himself shows that most of this type traffic will be reverse commute. The peak time for visitors to a MPR would be during the hours between commutes. The number of cars arriving or leaving on any one ferry is much smaller than figures previously referred to.

Char Henderson, Freeland, believed GMA already limited property rights to a level many consider an infringement on property rights under the Constitution, and in her opinion, way beyond zoning. She thought the County would want to include all it possibly could allow, for example, Owner-Builder Code and the concept of MRPs. This does not give the go-ahead for any specific plan, each would have to rise or fall on their own merits.

Reece Causey, Clinton, reminded everyone that outside of the military, tourism is Island County's greatest source of employment and income. The opportunity is here to increase island tourism through destination resorts. Tax money is spent now attempting to attract tourists and it seemed to her that a destination resort would do that marketing for the County. The concept of MPRs she believed should be included in the Comp Plan now.

Jay Hale, Freeland, spoke against MPRs mostly for infrastructure reasons. He asked that the he Commissioners in their consideration not just think about the Saratoga Road proposal, but other places such as Greenbank or Camano Island and associated impacts. With regard to the recommendation that the necessary resources be allocated to McConnell

Burke to develop regulations, etc., he viewed to be an Island County issue. The philosophy of these regulations has to be in the Comp Plan, and not on an individual basis. He believes the infrastructure for these kinds of developments should not be passed on to the County. There have been considerable problems in Island County where developers come in, obtain a permit, and getting halfway through and then fail, and someone gets stuck. Infrastructure should be at least bonded so should it fail, there is at least money to correct it back to zero.

Kim Kelzer, Freeland, believed MPRs along with FCNCs are too big for Island County. This is a small and unique county and need to plan appropriately. She sits on the board as a member of an organization that is planning an annual conference for 300+ people and found there already to be a location for such conference, Ft. Casey. It is beautiful, has meeting rooms, auditorium, has overnight facilities and accommodates meals, and is affordable.

Clancy Overturf, Bells Beach/Saratoga, Langley, stated he and his wife strongly urged the Board to not include designation resorts in the Plan. They agree with all the points already covered that were negative to the resort, in that it will have more negative than positive impacts on South Whidbey. As a volunteer fire fighter with Fire District #3, the fire station closest to the proposed resort, noted that on a day time response, sometimes he is the only fire fighter – he is 71 years old. Other stations have the same problem for day time responses; when called, it takes time. Another problem he is aware of is such as the case of two fire fighters in District #3, both grew up in Hawaii, and had to move because when they retired after 30 years' as professional fire fighters they could not afford to live in Hawaii, pushed out by tourism.

Bill Thorn, spoke in this case as a resident of Camano Island, and noted he also was a member of the Camano Community Council. He believed there was justifiable focus with what already been proposed on South Whidbey, but when he thinks of the potential for a resort being located halfway down Camano Island as an alternative, that is where he lives and hates that thought. MPRs are urban intensity sites and not something needed on Camano. Informal informational surveys taken as part of the Camano Council show clearly that developments of any type of the scale, whether a MPR or routine commercial development are not desired on Camano. Preservation of rural character is the number one priority of Camano Island residents and commercial development is way down on that list; the nature of developments desired on Camano are small business, rural oriented. MPRs should not be considered a part of an Island County Comp Plan anywhere, on Whidbey or Camano Island. He did think the Board needed to specifically acknowledge MPRs in the Plan, and his thought is MPRs should be specifically be denied in the Plan.

Diane Kendy, representing Save the Woods on Saratoga, Langley, involved with the proposed MPR on Saratoga Road, and she told the Board to make no mistake, what is done here would either give the green or red light to one specific development. She stands by the position paper submitted at the Workshop on January 13, 1998. Including the concept of MPRs in the new Comp Plan at this time invites a major commitment of Island County's scarce resources of time and money, which she thinks is totally wrong and unnecessary. The mandate is to produce a plan that complies with GMA by April, a self-imposed deadline. In order to avoid costly economic sanctions, County staff, high priced consultants and legal advisors as well as unpaid members of the Planning Commission have been working tirelessly around the clock or so it seems to meet the compliance schedule. GMA does not require the MPR concept be included in any Comp Plan. The Planning Commission in its vote to omit FCNCs agreed that establishing required development regulations would consume an inordinate amount of time and money and it is not required for a legal comp plan, and in addition, the Planning Department is already over taxed dealing with regular permitting process and it would be an unrealistic burden to expect them to deal with the task of overseeing a project of such huge dimensions. The very same reasoning applies to MPRs. So far the County has relied solely on rosy projections submitted by one potential developer without doing any tough research required, identifying any suitable sites or establishing any criteria and development regulations. The County has an obligation to its citizens to conduct very extensive studies and come up with very definitive answers before giving a green light to high density community-altering development of the scale of MPRs.

Toyan Copeland, Clinton, returned two years' ago to make Whidbey Island her permanent home. While many things have changed, the rural character of Whidbey Island in general has not. There are more people, businesses and more roads, but in general, still feels like a nice rural country place to live. She is concerned that a MPR would ruin this, the impact it will have on the infrastructure, present hospitality industry, and out of scale, not in keeping with what the citizens want and appreciate. She commutes to Seattle but commutes in off-peak hours; still the ferry lines are bad

almost anytime and unpredictable. She implored the Board not to include MPRs in the Comp Plan.

Kim Drury, So. Saratoga Road, Langley, saw the question as whether Island County residents stand to lose or gain by including MPRs in the Comp Plan. In Deshutes County, Oregon, where there are two or three MPRs, the County polled the residents and two-thirds of the residents report they had had a significantly negative impact on their lifestyle for: inflation, traffic and noise; changed values of homes; visitors disrespecting values of those who live there. The cost of infrastructure will fall on the taxpayers and revenue generated will not cover those costs, such as road repairs and added police protection. As a taxpayer she is concerned about the cost of the planning process, rumors of tax increases, cost of adding MPRs in terms of time and money, costs that should be considered. It has been reported that property sales along Saratoga Road is moving extremely slowly because of the proposed Saratoga Resort. She read from a quote in Saturday's paper by David Evans, a consultant paid by Island County: *"It's you folks that have to live with the plan and if it doesn't reflect your values then it's not going to work"*.

Linda Moore advised she was handed a message by the Planning Commission secretary that Art Johnson [#339-2642] City of Mukilteo called to say that the City had not been consulted relative to inclusion of MPRs and are concerned about traffic impacts and would like that consultation prior to its adoption.

Gayle Austin, Langley, requested her letter be made part of this record objecting to a resort on South Whidbey.

Bob Annecone submitted for the record from Norma Metcalf, Log Castle, a letter addressed to the Langley Chamber of Commerce in opposition to Destination Resort on Saratoga. Mr. Annecone quoted the following statement by Mrs. Metcalf: *"It seems to me the most vital objection is change that would occur in our culture on South Whidbey when we lose our quiet roads and space, our easy going atmosphere and separation from the mainland's fastpace, we can never regain what is once lost. Whatever extra money it might generate for a few will cost the residents a high price."*

Susan Reynolds, Greenbank, moved here because she did not want to see Island County go the way King, Snohomish and major metropolitan went. She would like Island County to remain the same and watch the growth.

Doug Brand, Clinton, seconded what Susan Reynolds stated – he and his wife moved here from Bellevue 8 years' ago. They saw the growth that happened in Bellevue. They moved to achieve the rural lifestyle benefits as opposed to the economic benefits. He asked that MPRs not be included in the Comp Plan.

Correspondence Entered In the Record for MASTER PLANNED RESORTS

1. 1/15/98 Planning Commission recommendation
2. 1/8/98 Issue Paper
3. 1/8/98 Letter from H. James Howe, Coupeville
4. 1/12/98 T. J. Roehl & Associates, Freeland, commentary
5. 1/12/98 E-mail message from Judy Lynn, Coupeville
6. 1/8/98 Telephone message, Len & Tosca Johansen, So. Whidbey
7. 1/7/98 Telephone message, Helga Johnson, Clinton
8. 1/8/98 Telephone message, Leona Ackre, Greenbank
9. 1/11/98 E-mail message, letter to editor, Diane Kendy & Michael Nutt
10. 1/12/98 Lynae Slinden, Langley
11. 1/13/98 John Graham, Coalition Paper #8

12. 1/13/98 E-mail message from Diane Kendy re: MPRs
13. 1/13/98 E-mail message from Diane Kendy Clarifying Coalition's Paper #8
14. 1/5/98 Letter from Kirk Francis & Leslie Larch
15. 1/6/98 Letter from Leonard D. Geer II
16. 1/6/98 Letter from Duke LeBaron
17. 1/5/98 Letter from Margaret Storer & B. Nerdlinger
18. 12/29/97 Letter from Matthew Nichols, President, Nichols Brothers Boat Blders., and co-signed by: Verlaine Gabelein; Marilyn Gabelein; Bill Thorsen; Victor Hanson; Peggy Loyd; Richard Hastings & Lorraine Hastings
19. 1/5/98 Letter from Joane Govedare
20. 1/5/98 letter from James and Christine Jackson
21. 1/4/98 letter from Roberta Tarr
22. 1/6/98 letter from Dolores E. Geer
23. 1/8/98 letter from Bob Effertz, Clinton
24. 1/6/98 letter from Richard B. Tilkin
25. 1/9/98 letter from Beth Jarmolow, Langley, do not include
26. 1/9/98 letter from John Shevenell, AIA, Langley, to include MPRs
27. 1/12/98 letter from Jim & Pat Towers, Langley, oppose unless strictly regulated
28. 1/11/98 letter from Toyon Copeland, Camano Island, do not include
29. 1/10/98 letter from Susan Zwinger, Langley, do not include
30. 1/30/98 letter from R.R. & Diane N. Johnson, Freeland, mistake to include
31. 1/8/98 letter from Janis Swalwell, Langley. Do not insert MPRs
32. 1/8/98 letter from Ann & Lyle Spink, do not include
33. 1/12/98 letter from Ronald D. Bond, Langley. Do not include
34. 1/12/98 letter from Cynthia Tilkin, Langley. Do not include.
35. 1/8/98 letter from Peter Van Allen, Freeland. Do not include.
36. 1/8/98 letter from John C. & Aletha K. Shinneman, do not include.
37. 1/7/98 letter from Patricia Duffy, Greenbank. Do not include
38. 1/5/98 Supporting documentation for including MPRs from John Cannon, Freeland.
39. 12/29/97 Economic Study to EDC from John Cannon, Saratoga Partners

40. 1/22/98 Update on supporting documentation by John Cannon, Saratoga Partners
 41. 1/9/98 Letter from Emil King, McConnell/Burke to Tom Olsen RE: Whidbey Island Resort Residential Demand and Corporate Users with Issue Paper - Revised MPR's
 42. 12/31/97 Letter from Lynae M Slinden, Save the Woods on Saratoga; hold off on including and concept as well of MPRs.
 43. 12/31/97 letter from Kathy Fox; do not include.
 44. 1/6/98 E-mail message from Kathy Kidd. Should include.
 45. 1/5/98 E-mail message from Scott Lincoln. Should allow MPRs.
 46. 1/21/98 Commentary by Tom Roehl on industrial, MPR's and FCNC's.
 47. 1/21/98 letter from Kim Drury against inclusion of MPR's.
 48. 1/23/98 Documents from Planning Commission Record
 49. 1/21/98 letter from Diane Kendy to Tom Shaughnessy; MPR's wrong and unnecessary.
 50. 1/22/98 memo from John Watson, Langley, supporting inclusion of MPR's in comp plan.
 51. 1/22/98 letter from Helga Johnson, Freeland, in support of inclusion.
52. 1/17/98 letter from Joan Nelson, Clinton, against MPRs.
53. 1/19/98 letter from Mr. & Mrs. Gerald J. Lechner, Langley, against inclusion.
54. 1/18/98 letter from Jan Ames, Langley, against inclusion.
55. 1/15/98 letter from Rob Hetler, Greenbank, against inclusion.
56. 1/14/98 letter from Marilyn Bunker, Langley, oppose inclusion.
57. 1/15/98 letter from Betty June Millan, Camano Island, against inclusion.
58. 1/15/98 letter from Ann Linnea & Christina Baldwin, Langley, against inclusion of MPRs.
59. 1/15/98 letter from Don & Irene Franett, Greenbank, against inclusion.
60. 1/14/98 letter from Sharon McCuen, Langley, against inclusion of MPRs in comp plan.
61. 1/8/98 letter from Maureen Rowley, Langley, against inclusion.
62. 1/14/98 letter from Ron Bunker, Langley, strongly opposed to inclusion.
63. 1/23/98 letter from John Coyne in support of MPR inclusion into comp plan.
 64. 1/22/98 Telephone messages in support of inclusion of MPRs received from Ray & Eva Mae Gabelein; Len & Tasca Johansson; Shawn O'Brien and Charles Farmer.
 65. 1/22/98 Telephone message from Norma Metcalf against inclusion of MPR's.
66. 1/22/98 letter from Susan Ishikawa, Langley, opposed to inclusion.

67. 1/23/98 letter from Randy Duggan, Coupeville, in support of inclusion of MPRs.

68. 1/23/98 fax from Lloyd Furman, supports inclusion of MPR's in Comp Plan.

69. 1/23/98 letter from Keith Poletis for postponement of decision until after comp plan adoption.

70. **List of Names Submitting Signed Statement Prepared by Saratoga Woods (173 signers):** "As a voter and taxpayer in Island County, I strongly urge you NOT to include Master Planned Resorts in Island County's Comp Plan. Allowing MPRs would: add to ferry waits; impose major environmental impacts; create huge demands on our roads, police and fire; undermine our existing tourist industry; bring mostly minimum wage jobs; and forever change the rural character of Island County."

Audrey V. Chew Langley	Judith Bremer Langley
Christopher Spencer Langley	Ann & Lyle Spink Clinton
Scott Connor Langley	Janis Swalwell Langley
Robert Adamson Langley	Bob Effertz Clinton
Diane & TR Johnson Freeland	Sandra Wainwright Langley
Susan Swinger Langley	John and Carol Meiser Clinton
Betty Azar Langley	Karen Anderson Clinton
Rae Claybourne Langley	Leah Green Langley
Clyde Salisbury Langley	Shirlee Read Langley
Linda & Leonard Good Langley	Louise Prewitt Langley
Robbie Cribbs Freeland	Mark Gapps & Sandy Hilleary Langley
Victoria Staley Freeland	Bruce & Ann Morrow Clinton
Glenn & Phyllis Waldenberg Langley	Nancy Lindholt Langley
Jean Schmidt Clinton	Ann Primavera Langley
Gary Fosmo Freeland	Freda Tilkin Langley
Audry Bishop Langley	Sharon Krogseng Clinton
Priscilla Lowry & James Anderson Langley	Richard & Madelyn Evans Clinton
Ronald D. Bond Langley	Cynthia Tilkin Langley
Nancy Kennedy Langley	Phillip & Ruth Carlin Clinton
Steve & Charlene Rose Langley	Dorothy Deering Coupeville
Martin & Dolores Sibonga Coupeville	Inge Nussbaum Freeland

Deborah Koft-Chapin Langley	Cynthia Patterson Clinton
Kjaere & Peter Hansen Clinton	Betty Roberts Clinton
Bryon Moffett Langley	Ralph & Doris Lindholm Clinton
Diane Kendy & Michael Nutt Langley	Lynda E. Solfield Langley
Wade Sommermeyer Greenbank	Madelyn Van der Hoyt Coupeville
David McClellan Langley	Lori Taylor Oak Harbor
James L. Patereau Clinton	Jennifer Wilson Langley
Shane & Michele Watson Langley	John & Alethea Shinnentan Freeland
Carol Olson Langley	Frederick Olson Clinton
Caroline Thibedaux Freeland	Jennifer & Guisippe Mauro Clinton
Fred & Celia Lamson Clinton	Joanne Short Clinton
Deborah Smith-Heg Greenbank	Jay & Bernice Hale Freeland
Heather Moore Clinton	D. Roff Langley
Judy Prochaska Greenbank	J. Damon Langley
Mary Adams Clinton	Richard Merrill Clinton
Gerald & Kristen Andrews Freeland	Maureen & Jim Rowley Oak Harbor
Frank & Augusta Aldridge Oak Harbor	Lynda Minter Freeland
Christie Karvasek Freeland	Wanda Kather Langley
Ross Chapin Langley	Ellen M. Blendheim Langley
Barbara Mattson Langley	Douglas & Leah Brand Clinton
Lavon Pedersen Langley	Lynn & Blake Willeford Langley
Joann Chamberlin Coupeville	Ross Jacobson Bells Beach
Thomas & Ann Campbell Langley	Bonnie & Jerry Mackenzie Langley
Mr. & Mrs. John McLeod Langley	Trevor Mackenzie Langley
Mr. & Mrs. Erickson Langley	Ruth & Norm Jacobson Langley
Mary McLeod Langley	Mr. & Mrs. A. Miller Langley
Lois McCabe Freeland	Nanette Leaman Oak Harbor

Marge Carter Clinton	Mr. & Mrs. Gary Jacobson Langley
Robert & Penny Cabot Langley	Domonic DiLorenzo Langley
Anne Lise Carew Clinton	Kitty & Gordy Adams Clinton
Chas. D. Redman Langley	Abe & Beryl Miller Langley
Kaaren Schweitzer (plus pictures & note) Langley	Matthew Swett Langley
Mary Torvik Langley	Irene E. Redman Langley
Helena Kirkwood Langley	Howard & Maureen Smith Freeland
Sarah Wallace Langley	Carl Magnusson Langley
Joseph Anastasi, Jr. Langley	Ruth Cook Langley
James Dunn Clinton	Cleveland Hall Langley
Linda Morse-Gill Langley	Sharon Emerson Langley
Irene Bullock Langley	Jeanne Lepiste Langley
Charles Snelling Langley	Glenn Hauser, Freeland
Fran Abel w/news clipping Langley	Marcia Dunigan Langley
Clancy Dunigan Langley	S. W. Doan Langley
Dolly & Don Lister Coupeville	Betty L. Martin Langley
Barbara Musgrove Langley	Joan McGraw Langley
Wilfred Pascoe Langley	Annette Pascoe Langley
Marilyn Alexander Langley	Carrie Carpentier Langley
Barbara Demuth-Mullally Langley	Gary J. Milczarek Clinton
Maureen Martin Freeland	Linda Fauth Langley
Henry Jester Langley	Wm. M. Koll Freeland
Jean Gaznier Langley	Lynae Slinden Langley
Doris Rugg-Dorn Clinton	Debbie Wilkie Clinton
Susan S. Scott Langley	Marva Fox Langley
Elizabeth Conn Langley	Phyllis E. Kinney Coupeville
Pauline M. Young Langley	Connie _____ Freeland

71. 1/23/98 Letter from Mary Campbell, Camano, favoring inclusion of MPR's in comp plan.
72. 1/26/98 E-mail from Jerrold K. Hann supporting inclusion.
73. 1/26/98 E-mail from Jerrold K. Hann, statement for record in support of inclusion.
74. 1/26/98 E-mail from Bruce Dobson in opposition to inclusion of MPRs.
75. 1/26/98 E-mail from RDC Projects forwarding consultants workbook comments on MPR for Record with worksheets including definition; scale; multiple small resort hotels and small cabin MPR?
76. 1/26/98 E-mail from Judith Winter, Greenbank, providing historical perspective in opposition to MPR inclusion in comp plan.
77. 1/23/98 Letter from James & Cynthia Patereau stating non-support for inclusion of MPRs .
78. 1/24/98 Letter from Cynthia Patereau to BOCC urging non-inclusion of MPRs in comp plan.
79. 1/26/98 Letter from Judith Bulman, Langley, urging BOCC to disallow MPRs within comp plan.
80. 1/26/98 Letter from Skip & Susan Wilson, Camano Island, against inclusion of MPRs.
81. 1/26/98 Letter from Karl Kreig, Oak Harbor, in support of inclusion of MPRs in Comp Plan.
82. 1/24/98 Fax from Jane Seymour, Freeland, expressing opposition to inclusion of MPRs.
83. 1/26/98 Fax from J. Larry Thompson, Freeland, supporting inclusion of MPRs in Comp Plan.
84. 1/26/98 Fax letter from Robert Annecone in opposition of including MPRs in comp plan and vehemently protesting the building of a resort on South Whidbey.
85. 1/22/98 Letter from John V. Hastings & Robin D. Obata, Freeland, registering extreme opposition to inclusion of MPRs into comp plan.
86. 1/22/98 letter from Gale DuBrow, Freeland, requesting the BOCC resist commercial proposals.
87. 1/16/98 letter from Fred & Mari Dente strongly urging non-inclusion of MPRs in comp plan.
88. 1/19/98 letter from Seago Jackson, Clinton, urging non-support for inclusion of MPRs.
89. 1/23/98 card from Doug & Vicki Howard, Langley, in non-support of Destination Resort on Whidbey.
90. 1/26/98 telephone message from Lois Hanson, Freeland, in support of inclusion of MPRs in comp plan.
91. 1/21/98 letter from Barbara Demuth-Mullally urging government restraint and sensitivity instead of encouraging full out exploitation of our collective resources.
92. 1/26/98 Phone message from Clara L. "Lou" Mahler, Oak Harbor, supporting inclusion of MPRs.
93. 1/26/98 Letter submitted for the record signed by 23 Langley business owners strongly opposing inclusion of MPRs in the Comp Plan and in particular Destination Resort on Saratoga, as follows:

Ron Bunker, Whidbey Antiques	Priscilla Lowry, Lowry-James Gallery
Cynthia Tilkin, In the Country	Ronald Childers/Richard Proctor, Childers-Procter Gallery
Peter Jacobs, The Dog House	S. Blake Willeford, The Clyde
Jahala Hauser, Moonraker	Sharon Emerson, Island Home Nursing
Kelley Chonte, Museo Piccolo	Kathleen Miller, Blackfish Gallerio
Rae Claybourne, Violet Fields	Robert B. Steffens, Annie Steffens
Brian McKenna, Five-10 Bar & Grill	Micky Sarkis, Village Pizzeria
Alex C. Hugret, A/Line Design	Cary Peterson, Cary Peterson Landscaping
Maureen Cooke, Kitchen Shoppe	Janet Ploof, Island Travel
Wayward Son	Joe's Island Music
Sarah Eskenazi, The Raven	Ross Chapin Architects
Fran Abel, Fran Abel Landscape & Garden	Design

94. 1/26/98 Letter submitted for the record by John C. Cannon, recommending the Master Plan Resort designation be included in the Comp Plan.

95. 1/26/98 letter submitted for record by Scott Louis Gaznier, Langley, opposing inclusion of MPRs.

96. 1/26/98 letter submitted for record by Gayle Austin, Langley, objecting to a resort on Whidbey.

97. 7/15/97 letter addressed to Langley Chamber of Commerce submitted 1/26/98 by Norma Metcalf in opposition to Destination Resort on Saratoga.

98. 1/26/98 letter submitted by Save the Woods on Saratoga opposing inclusion of MPRs.

99. 6/16/94 Letter submitted 1/26/98 for record addressed to CTED from Jerry Litt, Tracy Burrows and John Hempelmann proposed Comprehensive Plan MPR policies.

100. 1/26/98 e-mail message from Patti Carter, Pony Mailing & Business Center in support of inclusion of Master Planned Resorts into Comp Plan.

DISCUSSION

Emil King, McDonnell Burke, estimated that to fully explore all associated impacts of a potential MPR and citizen concerns would be approximately \$6,000 to do that and give draft policy statement for inclusion in the comp plan.

Keith Dearborn estimated that development regulations would be approximately \$5,000 not including the public process [nor included in McConnell Burke's cost] through Comp Plan adoption for MPRs on the assumption that they would be doing that anyway, though obvious there is an additional of time that will need to be spent given the level of interest.

Commissioner Shaughnessy stated that one issue to him was the size and scope, and was interested in hearing further about smaller resorts and what would be allowed under GMA.

Mr. Dearborn explained that the MPR provision referred to large scale; large scale is not defined, that determination left to the county. The other option is small scale tourism uses allowed through the 1997 Amendments to GMA, Senate Bill 6094. Although that is not defined he opined that small scale at least includes golf courses and club houses. The vision at the time was that small scale would include B&Bs and typical smaller type tourist uses found in rural areas. There is a specific prohibition for those uses to be large enough to include MPRs.

Chairman McDowell asked about something along the scope of Captain Whidbey, whether that would be considered a MPR or small scale resort, his thought being that Captain Whidbey would be the type and scale resort most people would agree with for Whidbey Island.

Polling the audience on that question resulted in a show of hands the majority of which agreed that the size and scale of Captain Whidbey was the type appropriate for Island County.

The Chair understood that Captain Whidbey consists of one main lodge, one or two out buildings for conferences and rooms, and guessed the total number rooms probably 50.

Again, those in the audience expressed agreement. And Lyle Spink, French Road, Clinton, stated from the audience that the example of Captain Whidbey would be the type scale there should be as opposed to MPR.

Vince Moore personally felt that Captain Whidbey was small scale.

Mr. Dearborn could not answer specifically whether Captain Whidbey would qualify as a small scale resort tourist type activity or not because the Planning Commission had not yet gotten to that question. EDC has been asked to provide guidance on that term and what it should mean for Island County. It is a policy question and not a legal question as to what small scale means. Obviously community sentiment and view has a bearing on determination of scale.

There are two categories for resorts and tourist activities: (1) small scale category allowed under 6094; or (2) large scale category for MPRs. His opinion was that Captain Whidbey's would not qualify as a MPR.

When he moved to Island County in 1970, Commissioner Shelton recalled a movement at that time to develop a comprehensive plan for Island County, the population statistics at that time were about 27,000 people in the County. One of the reasons that the move for the development of a comp plan was occurring was because the population was growing rather rapidly and from a planning perspective, people wanted to realize how a future Island County might look. He liked to think there were also some considerations given to the fact that if people move to Island County and purchase a piece of property and built a home, that they had some assurances about what their neighborhood might look like. Largely he thought that was accomplished in the 1984 comp plan, and provided a degree certainty for land owners. Under land use management provided in the 1984 Comp Plan and further restricted as a result of growth management, one of the things the County has been required to do is to define urban growth areas, areas where it might be appropriate for businesses to locate. One of the things he noticed from today's well-attended hearing was that many of the addresses were Saratoga Road, South Whidbey. People who live on Saratoga Road feel threatened with what they believe their government assured them and now what their government is considering doing. A position he believes to be critically important is that if someone has moved to Island County with a residence located on a particular piece of property, probably was located based upon some factors the individual believes exist in the current land use law of Island County. He thought one thing growth management had done was to require the County define all of those areas; however, the Act goes on and added a provision for planned destination resorts, and those planned destination resorts can be located in a County planning under growth management. To him, those things did not mesh very well. If there were an application in some other part of the County, he believed the testimony would probably be the same, but the addresses different.

At this point Commissioner Shelton was not willing to say that he thought destination resorts were altogether a bad idea, but he was not willing to vote to put a destination resorts in the Comprehensive plan until the County has the opportunity to review what the criteria for those resorts will be.

If contemplating a destination resort, he suggested first figuring out ahead of time where that would be how it would

impact that local community. One of the things the Board has talked a lot about in terms of other land use planning criteria is the fact that Island County outside of UGA's is the second most densely populated county in the State. That is an important criteria because to site a destination resort in this county there is no question about the fact that it will impact substantially great numbers of people. Those people built their houses, chose to live in a particular area believing they had some protections under the land use laws of that county.

There was no way he would support the inclusion of a destination resort provisions in the existing comp plan. He was willing to say that he would look at it and attempt to develop criteria that may be appropriate for this county for a destination resort of some scale, but to include destination resort as it is configured under the GMA he was not supportive of. He is very supportive of creation of jobs in Island County. He did not think that was a contradiction.

Commissioner Shaughnessy

land use laws are very frustrating – would love to say there is some predictability but they are in fact constantly changing. When I looks at the issue of MPRs, he looks at the size and scope. When thinking about Camano Island years' ago he looks at the resorts that were there up and down the West Coast of Camano Island. However, what he has heard today is an option under 6094 not discussed before. Having that option has him rethinking the issue because his intent was something that would be considerably smaller than a large destination resort.

Mr. Dearborn recalled that issue having been generally in Measures to Protect Rural Character and Non-Residential development options. John Hitt as been asked to reconvene the EDC group who developed the Economic Development strategy to give guidance on what small scale resorts or tourist uses could and should mean for Island County and guidance on small scale business cottage industry. That information is expected sometime next week and if received in time will be included in the workshop discussion for February 11 review of existing zoning regulations; if not, it will be specifically in the Plan and Development Regulations as a proposal.

John Hitt was present and confirmed for the Board that EDC currently is working on that.

Mr. Moore stated that 6094 legislation permits in the rural area small scale recreational or tourist industries and commercial uses associated with small scale recreational or tourist uses. One of the ideas being discussed was the continued use of the NR floating zone concept as a means of implementing small scale recreational and tourists uses [not all commercial uses] in the rural area.

Commissioner Shaughnessy at this particular time was not ready to say "no" to MPRs and thought it needed to be in the comp plan; however, his intent as far as size and scope is the smaller scale resort.

Chairman McDowell did not believe he was here to make decisions on land use on the basis of whether it creates money for the County i.e. more taxes. Certainly an issue to him would be cost to the County. Affecting his decision is how the issue affects people, not just one area but the whole county. He took issue with one of Commissioner Shelton's comments: government has assured back in 1984 use of property and surrounding property. While that may be true, he pointed out today the County is working on a new Plan – unfortunate when the State gets involved and tells communities to replan with guidelines of what it should be like. Another issue for him in making decisions, outside residential issues, is does it create jobs which he certainly supports, jobs being probably the best social thing a government can try to foster in the community. He recognizes all the jobs cannot be engineer jobs just as he would hope are not all low minimum wage jobs. SB 6094 provides some latitude for resorts and as he previously stated, the size and scale of Captain Whidbey to him is the ideal size for Island County and believed people who live near there do not object to it, and people coming to Captain Whidbey's use outside resources of the local community. He suggested a very conditional vote at this time until the Board sees the Planning Commission's action on the EDC recommendation when it comes forward.

One of the issues Commissioner Shaughnessy had was that today's issue is specifically MPRs and thought that issue needed for or against action on. At the time of final decision after smaller type resorts are defined he would be ready to come back and probably vote no on MPRs.

Commissioner Shelton the issue is clearly as it is included in the GMA I think we all know what MPRs are Brought

into question by 6094 is does something like Captain Whidbey need a master planned resort designation in the Comp Plan to be allowed. His opinion would be that Captain Whidbey type resort could be approved under SB 6094. If so, he agrees. If there are questions about that and the MPRs need to be included in the Comp Plan to allow for the Captain Whidbey type resort, it was his opinion that could not be done today. If the Board believes it takes a destination resort to get that type resort in the comp plan, criteria needs to be developed first.

The Chairman's proposal was that if there is a certain size acceptable to the Board, i.e. the Captain Whidbey size and scope, that could be accomplished outside the scope of a MPR designation, he was willing to right now agree to accept that, withholding the right to come back if for some reason it cannot occur under 6094 to re-look at the issue of MPRs.

Mr. Moore stated that it is up to the County to define the perimeters on both sides. In terms of the Plan and Development Regulations, staff if directed by the Board will define the term small scale in terms of what would be the maximum size for a small scale recreational or tourist use under 6094, and can also do the same if the Board directs under MPRs define the appropriate. Under GMA a maximum scale can be defined that the County would consider, and limit the scale of a master planned resort, but criteria have to be developed in the Plan and effectuate them in proposed development regulations.

Mr. Dearborn recalled that when this section of GMA was being drafted, discussions were focused around permitting very large scale uses such as Semi-ah-moo and Port Ludlow uses because this is a special exception to the urban growth rules in the GMA. He did not think anyone was thinking of a Captain Whidbey type scale as needing a MPR process to be able to permit it.

Board of County Commissioners Decision:

Commissioner Shelton moved that the Board direct the Planning Staff and Planning Commission to consider the capabilities under #6094 of what the County might consider in its Comprehensive Plan for resort-tourist type facilities and come back to the Board with what the maximum size or scope would be; and that the Board not include Master Planned Resorts as a Comprehensive Plan concept.

The Chairman asked that the Board remember this is only an interim vote, and that if what the Planning Commission, public and staff come to the Board with as far as the maximum size of recreational tourist uses allowed under 6094 is not acceptable to the Board, MPRs be looked at again with all conditions that could be imposed.

Commissioner Shaughnessy was supportive of moving ahead to have staff and Planning Commission address the resorts under 6094.

Commissioner Shelton clarified that his motion is to consider what is allowable under 6094 and not at this point to include MPRs in the Comp Plan. It is a tentative decision as counsel has mentioned, although it is not a tentative decision for him. His thought was that the Comp Plan deny MPRs, and deal with the resorts of appropriate scale for Island County through 6094.

Chairman asked counsel to comment on the issue: by not addressing MPRs are MPRs effectively denied until they are addressed.

Keith Dearborn explained they are an option and that given the most recent Mt. Vernon case on their Comp Plan, there may need to be some specific statement about those optional matters the Board at this time had elected not to include in the Plan. He did not know at this time whether that would be necessary or not. At this point, based upon that case, he thought the Board would need some kind of a statement that the Board elected not to include MPRs in the Plan [but not needed today]

The Chair asked that the words "at this time" be included at the end of Commissioner Shelton's motion. Commissioners Shelton and Shaughnessy agreed.

The motion, reading: "The Board direct the Planning Staff and Planning Commission to consider the capabilities under #6094 of what the County might consider in its Comprehensive Plan for resort-tourist type facilities and come back to

the Board with what the maximum size or scope would be; and that the Board not include Master Planned Resorts as a Comprehensive Plan concept at this time" was seconded by Commissioner Shaughnessy, and carried unanimously.

PUBLIC HEARINGS CONTINUED

Due to the length of the Public Hearing on Master Planned Resorts, the Board announced that today's remaining advertised public hearings on topics related to GMA Comp Plan would be continued to 2:45 this afternoon: **Undeveloped Shorelines; Rural Density/Clustering; Fully Contained New Communities; Housing; Major Industrial Districts; and Critical Areas.**

EXECUTIVE SESSION

At 12:20 p.m., the Chairman announced that the Board would meet in Executive Session for the purpose of discussing with legal counsel pending litigation. The meeting was held in the Office of the County Commissioners, 502 N. Main Street, Coupeville, and lasted approximately one-half hour. No announcement was made in open public session at the end of the Executive Session.

REGULAR MEETING – JANUARY 26, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 26, 1998, as scheduled beginning at 1:30 p.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 meetings of December 8 and 12, 1997, were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

1998\$ 73,708.42, Warrants # 18871-19016

1997\$582,484.67, Warrants # 19189-19494

Grand Total: \$ 656,193.09

FEBRUARY STAFF SESSION SCHEDULE

The Board approved for distribution the Staff Session Schedule for February, 1998, the staff sessions being held on Wednesday, February 4 and 18, beginning at 9:00 a.m.

Liquor License #071237-4A, Stanwood/Camano Yacht Club–Class H

Favorable recommendations having been received from the Island County Sheriff's Office and the Health Department, the Board by unanimous motion approved Liquor License Application #071237-4A by Stanwood/Camano Yacht Club for license Class H.

Hiring Requests & Personnel Actions

After presentation and review by Dick Toft, Director, Human Resources, the Board by unanimous motion, approved the following Personnel Action Authorizations, effective this date:

District Court

PAA #005/98 Position #1103.01 Probation Officer I, Reclassification – Wage Grid #7 to #8

PAA #006/98 Position #1101.01 Probation Officer II Reclassification – Wage Grid #9 to #11

Contract for Rental of City Hall Council Chambers
for District Court, City of Langley

Mayor Lloyd H. Furman, City of Langley, forwarded for the Board's approval a contract for rental of City Hall Council Chambers for holding District Court in Langley. Island County District Court has been held in Langley City Council Chambers for approximately the last year, at a rental rate of \$150.00 per month [two days' court, 2nd and 4th Wednesday] by verbal agreement. The State Auditor pointed out in the City's audit that this arrangement should be handled through a written contract. The Contract has been reviewed and approved by the Deputy Prosecuting Attorney and Risk Manager. Changes as noted by the Deputy Prosecuting Attorney were made by the City of Langley, and the contract presented at this time for the County's execution.

By unanimous motion, the Board approved and signed the Contract for rental of City Hall Council Chambers for District Court, City of Langley.

Agreement: Clinton Water District for Library water hook-up

Lee McFarland, GSA/Property Management/Parks, presented for the Board's approval, an Agreement between the Clinton Water District and Island County. Island County owns property within the District's boundaries which the County has made available to the Friends of the Clinton Library for a library building, and the County has applied to the District to connect that property to the Clinton Water District system. The County requested the District waive general and local facilities charges and by this agreement, the District waives collection of said charges so long as the County owns the property and uses it for public purposes. Contract review has been accomplished, and approval received from the Deputy Prosecuting Attorney and Risk Management. Changes suggested by the D.P.A. have been made.

By unanimous motion, the Board approved and signed the Agreement between the Clinton Water District and Island County.

Agreement for Arbitrage Compliance Specialist

In accordance with discussion and agreement of the Finance Committee in late 1997, Maxine Sauter, Island County Treasurer, presented an agreement in the form of an engagement letter for arbitrage rebate services with Arbitrage Compliance Specialists, Inc. for the purpose of preparing arbitrage rebate computations pertaining to the required rebate to the U. S. government for the \$9.99M limited tax general obligation improvement and refunding bonds, 1997A. The investment detail and expenditures for the computation period is August 11, 1997 to August 11, 1998. The first year will come to a total charge of \$1,645.00, which includes a \$450.00 one-time initial set up/legal fee plus the base fee of \$1,195 for the first annual period. Mrs. Sauter indicated the second and third year cost would be \$1,195.

Betty Kemp, Director, GSA/Risk Management, reviewed the letter advised that she would have followed the County's normal contract format procedure, which would include professional liability. Mrs. Kemp called a representative of the firm and was advised the firm had no problems with any of the insurance the County ordinarily would request in a contract document. It is not, however, identified in the engagement letter.

Commissioner Shelton was the Chairman of the Board when the Finance Committee last met and recalled that it was the recommendation of the Finance Committee that Mrs. Sauter follow through and contract with Arbitrage Compliance Specialists, Inc. to do the work, and he had assumed it would involve more than an engagement letter.

The Board observed that the letter appeared to be more in the form of a proposal; agreed that the issue of liability insurance was quite important in terms of the work to be performed; and that the engagement letter only covered the period of one year for the amount of \$1,645 and nothing refers to the second or third years.

Ms. Kemp noted that should a contract be deemed necessary it would be fairly simple, and include a termination clause, effective date, outline what type professional insurance liability the firm has and the county indemnified in the event of error.

Commissioner Shelton suggested the Board continue its deliberation on this matter until next week's meeting, February 2, 1998, and that the Deputy Prosecuting Attorney review the engagement letter and determine if it is adequate or if a contract is necessary.

The Board continued the matter until February 2, 1998, and in the meantime asked that Mrs. Sauter call the firm to ask if they would in fact provide a contract with appropriate contractual language as opposed to the engagement letter.

Public Input

Suzanne S. Bretsch, Langley.

By way of a telephone call last week and a letter to the Board, Ms. Bretsch requested rather than attending the public input portion of today's meeting, because of a disability, the Board consider her letter for waiver of the dog licensing fee due to her medical necessity to retain her American Cocker Spaniel, Champion Sirius' Celestial Windsong. The Chairman read the letter, and the matter discussed with Board members.

The Board agreed that, after the Chairman discussed the matter with the Personnel Director/ADA, that regretfully, Island County Code has no provision within the sections of the code dealing with dog licensing and waivers (ICC 6.08.030) to waive a fee for someone with a medical condition, other than for Guide Dogs in ICC 6.08.040. There is an exemption in Island County Code 6.08.030, paragraph B, for someone running a commercial kennel. Since Ms. Bretsch noted she applied and was accepted for FHA housing in Oak Harbor, the question of whether or not she could obtain a waiver for payment of dog license fee would then be a question for the City of Oak Harbor rather than the County. A letter with this information will be sent to Ms. Bretsch from the Chairman.

CERTIFICATION OF 1998 ROAD LEVY

Larry Kwarsick, Public Works Director, presented the Certification of 1998 Road Levy, the annual certification as required by the State to be submitted to the County Road Administration Board. By unanimous motion, the Board approved the Certification of the 1998 Road Levy and Estimated Revenue Produced.

SUPPLEMENTAL AGREEMENT #1 TO AGREEMENT #PW-972017, Perteet

Engineering, Inc., East Camano Drive Phase I

Next, Mr. Kwarsick submitted to the Board, Supplemental Agreement #1 to Agreement PW-972017 for action, an agreement between Island County and Perteet Engineering, Inc., for East Camano Drive Phase I project, to increase the Scope of Work to include Claims Administration, extend termination date to 12/31/98 and increase payment by \$10,482, for total amount of agreement \$95,977.

The Board, by unanimous motion, approved and signed Supplemental Agreement #1 to Agreement #PW-972017 as presented.

PUBLIC HEARINGS SCHEDULED TO CONSIDER ORDINANCE #R-2-98,

Renaming MISCELLANEOUS County Roads on Whidbey and

Camano Islands

By unanimous motion, the Board scheduled two public hearings for the purpose of considering Ordinance #R-2-98, miscellaneous road name changes on Camano Island and Whidbey Island, the public hearing for Whidbey Island road name changes to be held on February 23, 1998 at 2:30 p.m., and for Camano Island, on February 24, 1998 at 2:00 p.m. at Terry's Corner Fire Station on Camano Island. The road name changes are:

Paul Street to Paul Avenue; Bythesea to Bythesea Way, Emerald Crescent/Gold Crescent/Quartz Crescent/Silver Crescent to add Court; Unnamed Road a/k/a 552N to Simpson Lane; Unnamed Road a/k/a

1140N to Beach View Lane; Unnamed Road to Hi Crest Road; Unnamed Road a/k/a 1600N to Browns Point Lane; Ski Yu Drive, portion from 90 degree turn easterly to the end to be named Arrowhead Beach Road.

BOND RELEASE, Construction of roads, SP 12/94, Bill Porter

Mr. Kwarsick provided a memorandum from the County Engineer, Roy L. Allen, dated January 20, 1998, concerning bond release for Short Plat #12/94, Bill Porter, reporting that staff conducted a road inspection of the site and as of October 13, 1997, determined all road requirements were completed, and therefore recommended the bond be released [declaration of trust in the amount of \$2,880.75 for completion of roads].

Based on Mr. Allen’s memorandum and Mr. Kwarsick’s concurrence in release of bond, the Board by unanimous motion, approved bond release for construction of roads under Short Plat #12/94 by Bill Porter.

ADOPT-A-ROAD LITTER PROGRAM AGREEMENTS & Renewals

The Board by unanimous motion, approved the following Adopt-A-Road Litter Program Agreements and Renewals: Windermere Real Estate/Dan Garrison Inc, East Camano Dr from Lehman to Monticello; SW Centaurs 4-H, Langley Rd from city limits to 1.9 miles; Lil’ Cat Boat Company, East Camano Drive from SR 532 at Terrys Corner to Cross Island/Arrowhead; New Applications: Helga Johnson/Windermere, Honeymoon Bay Rd from SR 525 to Harbor Hills Dr; Windermere/Dan Garrison Inc, Elger Bay Road from E. Camano Drive/ Monticello to Dry Lake Rd., as presented and recommended by the Public Works Director.

Resolution R-3-98 - Amending Island County Six Year Capital Improvement Program for the years 1998 – 2003 to include Libbey Beach Park Bulkhead, Camano Island Ballfield/ Playground, and Oak Harbor sports complex

Mr. Kwarsick submitted for the Board’s approval Resolution #R-3-98, for the purpose of amending the Island County Six Year Capital Improvement Program for the years 1998 – 2003, to include various projects that were either not complete or under-budgeted, or shown on a previous plan and need to be carried over and identified. This matter was a topic of discussion with the Board during a recent staff session. Libbey Beach Park Bulkhead is being added, for the amount of \$82,500; Camano Island Ballfield/Playground is being added at the cost of \$64,300; and Oak Harbor Sport Complex is included but the amount being amended from \$100,000 to \$145,800.

By unanimous motion the Board approved Resolution R-3-98 as submitted.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

**IN THE MATTER OF AMENDING ISLAND)
COUNTY’S SIX-YEAR CAPITAL IMPROVEMENT)
PROGRAM (CIP) FOR THE YEARS 1998-2003 TO) RESOLUTION NO. R-3-98
INCLUDE THE LIBBEY BEACH PARK BULKHEAD,)
CAMANO ISLAND BALLFIELD/PLAYGROUND, &)
OAK HARBOR SPORTS COMPLEX**

WHEREAS, the Public Works Director, in accordance with RCW 36.70A.070(3) and WAC 365-195-315, submitted his recommended plan for capital expenditures for 1998 through 2003; and

WHEREAS, the Island County Board of County Commissioners adopted the 1998-2003 Capital Improvement

Program (CIP) on June 23, 1997 by way of Resolution R-43-97; and

WHEREAS, the Libbey Beach Park Bulkhead project was not foreseen at that time; and

WHEREAS, the Camano Island Ballfield Project was included in the 1997-2002 CIP adopted by way of R-53-97 on August 11, 1997; and

WHEREAS, this project was not completed in 1997 and therefore needs to be carried over to 1998; and

WHEREAS, the Oak Harbor Sport Complex is anticipated to cost \$45,800 more than originally anticipated and

WHEREAS, the Board of County Commissioners adopted a budget for 1998 which includes funding for these three projects out of the REET funds;

NOW THEREFORE BE IT HEREBY RESOLVED that the 1998-2003 Capital Improvement Program is amended to include the following three projects at the estimated cost as indicated:

	<u>Current CIP</u>	<u>Amend to:</u>	
Libbey Beach Park Bulkhead	Not listed	\$82,500	
Camano Island Ballfield/Playground	\$0	\$64,300	
Oak Harbor Sport Complex	\$100,000	\$145,800	
TOTAL:	\$100,000	\$292,600	

ADOPTED this 26th day of January, 1998.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Attest: Mike Shelton, Member

Margaret Rosenkranz

Clerk of the Board

revision OF previous Ecology Grant

application for Watershed Grant

Mr. Kwarsick submitted and explained a revised watershed grant application as a result of notice from the Department of Ecology that the \$50,000 block grant to local communities had been changed and in lieu of that block grant, were reopening the process for a competitive grant, with intention to fund only 10 to 20 large projects. Because of that the County's grant application has been amended: page 3 identifies three projects which were part of the original grant application; page 4 identifies two additional activities now included in this grant application and are also shown on an EPA grant already submitted.

By unanimous motion, the Board approved the revised grant application for watershed grant to the Department of

Ecology.

ADDENDUM/AMENDMENT TO Black Property purchase agreement

The last item Mr. Kwarsick presented for Board action today was an Addendum/Amendment to the Purchase and Sale Agreement between Island County and Marilee Black, Phillip Black and Richard A. Melrose, for purchase of the Black Property. The purpose of the Addendum/Amendment is to extend the closing date until March 27, 1998, as requested by the sellers. Mr. Kwarsick provided the sellers with a punch list of actions and requirements that are pending dealing with their land use process for replacement facility, and hopefully they will be able to fulfill all the requirements of that list in order to close by March 27, 1998. He did not consider the remaining items to be significant, just work that needs to be done, actions that need to be taken and some issues to be reconciled with the Building Department regarding the replacement facility.

Chairman McDowell asked that Mr. Kwarsick request that the seller on a bi-weekly basis respond to what items have been taken care of.

By unanimous motion, the Board approved the Addendum/Amendment to Purchase and Sale Agreement between Island County and Marilee Black, Phillip Black and Richard A. Melrose.

**HEARINGS HELD: CONTINUED FROM SPECIAL SESSION THIS DATE GMA COMPREHEN-SIVE
PLAN TOPICS: Undeveloped Shorelines; Rural density/Clustering; Fully Contained New Communities;
Housing; Major Industrial
Districts; and Critical Areas**

A Public Hearing was held beginning at 2:45 p.m., having been continued from the Special Session held this morning at 9:30 a.m. on GMA Comprehensive Plan topics, the issues continued being: Undeveloped Shorelines; Rural Density/Clustering; Fully Contained New Communities; Housing; Major Industrial Districts; and Critical Areas. A sign-up sheet was again circulated and a copy placed on file. Approximatively 10 people attended, in addition to Board members, consultants, staff, press and Planning Commission members.

Undeveloped Shorelines; Rural Densities/Clustering; and Housing

By unanimous motion, the Board continued the Public Hearing to consider Undeveloped Shorelines, Rural Densities/Clustering and Housing to Monday, February 2, 1998, at 1:30 p.m.

Fully Contained New Communities

Chairman McDowell opened the hearing on Fully Contained New Communities, and noted the Hearing Record Instructions as read previously. For the record, the following correspondence and documents were entered having been received up until this point in time:

1. Issue Paper 1/8/98 – Fully Contained New communities.
2. Island County Planning Commission recommendation 1/15/98 – Policy provisions for Fully Contained New Communities should not be included in the Island County Comprehensive Plan.
3. Letter from Tom Roehl 1/12/98 – Commentary on Industrial Development, Master Planned Resorts, Fully Contained New Communities, with particular emphasis on Housing.
4. Letter from K. Kelzer 1/19/98 – Fully Contained New Communities should not be included in the Comp Plan.
5. 1/22/98 Island County Citizen's Growth Management Coalition Position Paper #9 – Fully Contained New Communities.
6. 1/23/98 Documents from Planning Commission record.

Bill Vincent, Planning Commission Member, presented the recommendation of the Island County Planning Commission, as follows:

Planning Commission Recommendation:

"Following a thorough analysis regarding the issue of Fully Contained New Communities, including a Workshop on January 8th, 1998, and a Public Hearing on January 13th, the Planning Commission recommends by a unanimous vote of four present commissioners the following action:

Recommended Action: Policy provisions for Fully Contained New Communities should not be included in the Island County Comprehensive Plan."

Public Input

Kim Kelzer, Freeland, urged the Board vote with the Planning Commission. With this issue, she believes it is a matter of scale, FCNC's as discussed are far too large. For example, the proposal in Freeland would house 58% of South Whidbey's future 20 year predicted growth; to put that many people in one spot is out of characteristic with the Island.

Bill Thorn, Camano Island, Island County Citizen's Growth Management Coalition, fully supported the Planning Commission recommendation, and agreed with Ms. Kelzer. In effect, creating a new town in Island County is totally unnecessary.

Steve Erickson, Langley, WEAN, agreed with the Planning Commission recommendation.

Jo Van Patten, Greenbank, agreed with the recommendation of the Planning Commission. As a taxpayer she is unwilling to support another developer, because until built out, which could be as long as 20 years, the community and taxpayers would foot the bill for services.

Board Action:

Commissioner Shelton moved that the Board accept the recommended action of the Planning Commission and not include Fully Contained New Communities in the Island County Comprehensive Plan. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Major Industrial Districts

Chairman McDowell opened the hearing on Major Industrial Districts, again noting the Hearing Record Instructions as read previously. For the record, the following correspondence and documents were entered having been received up until this point in time:

1. 1/15/98 Island County Planning Commission Recommendation – Request staff to re-draft the Major Industrial Developments Issue Paper to include an option which allows the County to designate Major Industrial Areas, but gives the County further definition as to what appropriate uses and designation criteria may be.
2. 1/13/98 E-mail Letter from Tom Roehl and Attachment – 1/12/98 Commentary on proposed issues of Housing, Industrial Developments, Master Planned Resorts, and Fully Contained New Communities.
3. 1/15/98 E-mail from John Graham – Island County Citizens Growth Management Coalition's Preliminary comments on Major Industrial Developments.
4. Issue Paper 1/8/98 – Major Industrial Developments.
5. 1/23/98 Documents from Planning Commission record.
6. 1/15/98 Letter from John Hitt, EDC, to Keith Dearborn regarding additional economic development work tasks.

Ben Vincent, on behalf of the Planning Commission, submitted the recommendation of the Island County Planning

Commission as follows:

Planning Commission Recommendation

"Following a thorough analysis regarding the issue of Major Industrial Developments, including a Workshop on January 7th, 1998 and a Public Hearing on January 13th, the Planning Commission recommends by a unanimous vote of four present commissioners [recommended] the following action:

Request staff to re-draft the Major Industrial Developments Issue Paper to include an option which allows the County to designate Major Industrial Areas but gives the County further definition as to what appropriate uses and designation criteria may be. The revised Issue Paper would be presented to the County's municipalities for consideration at the January 29th Workshop dealing with Urban Growth Areas Issues and County-wide Planning Policies prior to a subsequent recommendation on the subject by the Planning Commission."

Public Input

Steve Erickson, Langley, WEAN, believed there was a scale problem here, and he believed it clear what is contemplated by major industrial districts is not what the people of Island County have in mind. He thought that existing sites already identified fit quite nicely for the most part under rural areas of more intensive development and saw no purpose in designating major industrial developments.

Bill Thorn, Camano Island, Citizen's Growth Management Coalition, did not support the idea of major industrial development in the County. RCW 36.70A.365 provides that siting is to be done through a process in concert with cities, and he did not believe that dialogue had yet occurred. He agreed that scale was an issue. He agreed that there are some resource based industries that would probably be appropriate for the County but to term them as major industrial development may be a misnomer. If the Board approves the recommendation of the Planning Commission, he asked that very careful consideration be given by staff to the scale question and type of uses that would be allowed. Preference is there be no businesses classed as a major industrial development as defined in the Act or reasonably implied in the Act, located in the County.

Discussion

Vince Moore, Island County Planning Director, explained the reason this issue was placed before the Planning Commission by staff and consultant was because of the need for an additional option to non-residential RAIDS to provide for industry on Central and South Whidbey and on Camano Island. While the Act uses the term industrial what is intended by staff is light manufacturing activities as recommended in the EDC report. The Langley and Coupeville UGA's have no substantial areas developed for light manufacturing, and the recommendation is to come up with appropriate scale. There is a need to make a finding about there not being adequate room for these activities inside the UGAs. If the City of Langley and Town of Coupeville formally agree there are no areas within their UGAs and that they have no plans to put areas within those UGAs that would strengthen the County's position. The Goldie Road area is totally included within the UGA of Oak Harbor. One area which may be of issue in North Whidbey would be the Planning Commission recommendation with respect to lands around the Wes Lupian Airport.

Commissioner Shelton agreed with the recommendation of the Planning Commission and that there needed to be some defining work done in terms of major industrial developments related to Island County. He recognized that one of the big problems in locating light manufacturing in Island County is the fact there are no pre-determined sites. He is very much committed to identifying those areas and allowing those types of light manufacturing businesses to locate in Island County.

Keith Dearborn, Bogle & Gates, Consultant/Legal Counsel, commented that the evidence in the record before the Planning Commission was that there are no parcels over 20 acres in size in any city or IUGA that are undeveloped at present, and in the case of Oak Harbor, it was no parcel over 5 acres in size. Those were factors the Planning Commission considered to be significant in dealing with the question of how to locate these uses. There was much

debate before the Planning Commission over what industrial means, and the general consensus was that did not mean smoke stacks and traditional heavy industry. In order to consider these uses outside a UGA or city there has to be clearly demonstrated there is no land of sufficient size within a city or UGA to accommodate the use.

Board Decision:

Commissioner Shelton moved that the Board approve the recommended action of the Island County Planning Commission with regard to Major Industrial Developments.

Critical Areas

The Public Hearing on Critical Areas was opened by the Chairman, and he confirmed that the same Hearing Record Instructions apply as read at the hearing this morning. Documents and correspondence entered into the record on this subject received up until this date, follows:

1. Issue Papers-Critical Areas:

Wetlands

Geologically Hazardous Areas, Flood Plains & Aquifer Recharge Areas;

Fish & Wildlife Habitat Conservation Areas

2. 12/23/97 Letter from Alison Moss, Bogle & Gates, to Steve Erickson, WEAN
3. 11/25/97 Letter from Steve Erickson, WEAN, to Keith Dearborn, Bogle & Gates
4. 12/21/97 Memo from Keith Dearborn to Board of Commissioners and Planning Commission regarding legislative intent – ESB 6094
5. 12/23/97 Transmittal from Larry Kwarsick to Board of Commissioners – Draft Island County Wetland Compensation Program
6. 1/14/98 Letter from Washington Department of Fish & Wildlife with draft list of WDFW priority habitats & species for Island County
7. 12/4/97 Letter from Keith Dearborn to Steve Erickson
8. 3/16/89 Memo from David L. Jamieson, Jr., D.P.A. to Larry Kwarsick, re Applicability of the Wetlands Regulation of the Island County Zoning Ordinance to Construction and Maintenance of Drainage Ditch by the Island County Road Department
9. 1/21/98 e-mail message from William R. Applegate to Vince Moore regarding Critical Areas Workshop Drafts
10. 1/16/98 letter from Steve Erickson, WEAN, to WWGMA Hearings Board, Board of Commissioners and Planning Commission
11. 1/6/98 Department of Ecology letter to Alison Moss – recommended revisions
12. 1/5/98 Letter to Frank Groznik, Environmental Planner, Jones & Stokes Associates, Inc., from Mark Goldsmith, Habitat Biologist, DOE
13. 1/16/98 letter from Tom Roehl – commentary on the issue papers re Critical Lands
14. 1/22/98 Island County Citizens Growth Management Coalition Position Paper #12, Critical Areas
15. 1/23/98 Documents/Correspondence from the Planning Commission Record
16. 1/22/98 Letter from Fred Frei, Jr., Jeanne Hunsinger, Frei Tree Farm, regarding Critical Areas (WDFW Suggestions)
17. 1/26/98 Letter to Chairman McDowell from Raymond K. Hellwig, Supervisor, Shorelands and Environmental Assistance Program, Department of Ecology regarding mitigation sequencing and other critical areas

Alison Moss, Bogle & Gates, presented the one-page Planning Commission recommendation:

Planning Commission Recommendation:

"Following a thorough analysis regarding critical areas, including a Workshop on January 16th, 1998 and a Public Hearing on January 20th and January 23rd, the Planning Commission recommends the following actions.

Recommended Actions

RE: Fish and Wildlife

On January 20th the Planning Commission voted to recommend the following: After reviewing the current regulations including the Hydraulics Code, Clean Water Act, River and Harbors Act, and the Federal Endangered Species Act, and determining they satisfy GMA requirements, the Planning Commission recommends the County continue with current measures for protection of fish and wildlife habitat.

REVISION. On January 23rd, the Planning Commission voted to reconsider the above recommendation and adopted the following revision: The Planning Commission recommends adopting Option 4.C. on Page 9 and 10 of the Fish And Wildlife Habitat Conservation Areas issue paper, dated 1/15/98, which reads as follows:

Adopt amendment specifying the specific habitats to be protected, measures to protect anadromous fish, and protect shoreline habitats.

RE: Wetlands

The Planning Commission approved a motion to direct counsel, consultants and staff to prepare a paper describing that existing administrative authority can be used to increase the minimum buffers required for wetland protection.

The Planning Commission has concluded that the county has already determined that its current wetland policies comply with GMA requirements and recommends no change at this time to the existing wetlands ordinance. The Planning Commission deferred any action on amendments until the County completes its Comprehensive Plan and development regulations.

RE: Aquifer Recharge Areas, Flood Plains and Geologically Hazardous Areas

The Planning Commission has reviewed the current regulations regarding aquifer recharge areas, flood plains, and geologically hazardous areas and has determined they satisfy GMA requirements and no further review is required at this time."

Alison Moss, Bogle & Gates, described the five kinds of critical areas the County is to designate and protect, grouped here into three topics in the Planning Commission Recommendation and Issue Papers. Review of Fish and Wildlife Habitat Conservation Areas revealed the County did not complete review of regulations in the 1990's; formal action needs to be taken on that topic. The Planning Commission initially recommended, based on testimony there would not be any significant adverse impacts to fish and wildlife habitat while the County completes the comp plan and development regulations and that there are a whole host of other regulations protecting these areas, that the County not do anything at this time. The Planning Commission met later and reconsidered that recommendation and now recommend Option C in the Issue Paper to adopt amendments specifying the specific habitats to be protected; adopt measures to protect anadromous fish [born and spawned in fresh water and grow up in salt water] and to protect certain kinds of shoreline habitats, such as kelp and eelgrass beds, shellfish areas and herring and smelt spawning areas. There is currently pending before WWGMHB an appeal of some of Island County's critical areas regulations and the scope of that appeal is not clear, and the Hearings Board has taken no action on one portion of that appeal. Fish and Wildlife conservation areas may potentially be subject of that appeal which will not be heard by the WWGMHB until mid-May.

At the workshop on this issue, Ms. Moss recalled that Mr. Erickson on behalf of WEAN pointed out an incorrect

reference in the Issue Paper. WEAN pointed out they believed that locally rare flora should be protected, but the Issue Paper incorrectly stated fauna instead. That has now been corrected.

Public Comments: Fish and Wildlife Habitat Conservation Areas

Fred Frei, Jr., Frei Tree Farm, expressed concern in regard the Washington Department of Fish & Wildlife [WDFW] recommendations. His opinion was that if WDFW staff had to involve themselves personally with any small portion of the necessary sacrifice to make those suggestions come to fruition their suggestions as to best available science might change very drastically. He concluded that WDFW is encouraging rules that would mandate more than 4 acres of buffers around ¼ acre wetlands and he questions whether this is really best available science. With regard to type 5 waters, WDFW indicates there should be at least 150' buffers on both sides, and wondered if the WDFW had provided Planning with a complete review of what is mapped by the State for type 5 waters in Island County. It was obvious from the State's water typing maps that 150' buffers along type 5 waters would result in an extensive area [30,000 sq.ft. for every 1,000 ft., or more than 6 acres]. He wanted to know if land owners would be allowed reasonable use of their land in these buffers or as stated in 11/12/96 draft Island County Comprehensive Plan-Policy and Land Use element, Critical Areas, page 36, the remainder of the lands. By calling these type 5 waters streams the WDFW places an entirely inappropriate connotation and may be encouraging an inaccurate perception among many people. In regard to whether non-conversion forest practitioners should or should not be concerned with the WDFW recommendations, Mr. Frei believed the answer to be a strong yes. Frei Tree Farm believes that extensively listing of endangered threatened sensitive species at the State and Federal level should not be added to by a list of locally important flora and fauna. Even as Island County is addressing wetlands, wildlife and other critical area issues, the State is in process of reworking the Forest Practice Act that applies to non-conversion forest practices.

Steve Erickson, WEAN, provided for the Board and the record a letter dated 1/25/98 to the Commissioners on Critical Areas, 36.70A.060(5) Rural Element and 36.70A.172 Critical Areas—designation and protection—best available science to be used [3 pages]. GMA requires that the County must for fish and wildlife habitat conservation areas designate and adopt development regulations to protect them pursuant to GMA. The County never did that and WEAN has a motion before the WWGMHB to find the County out of compliance for not adopting those regulations. The regulations the County is to adopt must meet GMA's new best available science standard.

Mr. Erickson pointed out that the new GMA rural element specifies the provisions that shall apply to the rural element, and shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources. The reality is that the County must have provisions in the policy part of the plan that include measures for protecting critical areas. GMA's best available science standard states that in designating and protecting critical areas counties and cities shall include the best available science in developing policies and development regulations. He stated his hope not to have to argue that before the WWGMHB, rather that the Board act proactively. The question is whether or not Island County will act for the future and not short term expediency.

The losses, according to Mr. Erickson, that occurred to biological critical areas are not nebulous; Nationally estimated only 45% of original wetlands and 10-30% of riparian habitat remain. Locally there have been many square miles lost of those aquatic resources including Maxwelton, Deer Lagoon and Cornet Bay estuaries, and extensive degradation of palustrine wetlands, both forested and non-forested. Losses of other kinds of terrestrial ecosystems are also high on the Island and now reduced to small disconnected fragments, particularly late successional and mature forest, oak savannah and native prairie; any further loss threatens their very existence. Loss of biodiversity at the species level is also ongoing; at least two and possibly four native species may have been rendered locally extinct in the last decade, he believes. There are numerous other species which have reduced populations that are also at imminent risk of extirpation from Whidbey Island [refer to foot note of his letter - still preliminary reviewing field data accumulated]. He made the point that a new factory can always be built somewhere but once a native ecosystem is gone, it is gone and cannot be brought back.

Mr. Erickson suggested policies and goals for the County to adopt:

- No additional loss of critically rare native ecosystems, including late successional and mature forests, oak

savannah and prairie.

- No net loss over the short term, by functions and values, of wetlands, and fish and wildlife habitat, and a net increase over time.
- No extirpation of native species, including locally rare native flora, and the long term recovery of these species to well distributed healthy populations that are not threatened or endangered.
- Require development be planned and designed in the context of the surrounding landscape, so connectivity is retained or restored, allowing the dispersal and movement of fauna, flora, and their gene pools through the landscape over time [look beyond narrow boundaries and look at its place in the landscape].
- Base development approval on wildlife "friendly" planning and design, including retention of native ecosystems, including forests, wetlands, and prairies.
- Manage roadsides to encourage and maintain native plant communities, consistent with public health and safety.
- Manage storm water so as not to degrade water quality and ecological functioning of wetlands, streams, riparian areas, and other wildlife habitat conservation areas. It is time to start encouraging developments to not just dig big bathtub ponds which have very poor quality of habitat and do a very poor job of cleaning pollutants from the water. Need to start encouraging created marsh systems with that water.
- Take advantage of opportunities for ecological restoration and enhancement, including the upgrading of culverts to be wildlife friendly and removing roads which cause environmental damage and serve no real transportation purposes, such as Erickson Road and Wilkinson Road on South Whidbey.
- Provide incentives for ecological conservation and restoration, including tax reductions.

Bill Thorn, Citizen's Growth Management Coalition, stated that for critical areas the County's overall stance should not be to justify doing as little as legally possible or avoid the requirements of best science. As stated in the Coalition's Position Paper on Critical Areas, the best way for the County to deal with the legal challenge is to take the responsible actions it should be taking anyway, which is to amend and upgrade policies and regulations. The Coalition agrees with Vince Moore when he stated on January 20, 1998 that there was no question that the County's critical area regulations need to be updated and amended and it was not question of if, but a matter of when. The Coalition's Position paper on this topic contains specific recommendations including things like acquisition of sensitive areas, support WEAN's position on no net loss and no extinction of wildlife, flora and fauna, native species of any kind on both islands.

Geologically Hazardous Areas; Flood Plains; Wetlands and Aquifer Recharge Areas

Regarding the remaining four critical areas, geologically hazardous areas, flood plains, wetlands and areas that recharge aquifers, Ms. Moss noted the first three that the County had pre-GMA regulations a previous Board of Commissioners reviewed and approved as complying with the GMA. Those actions were taken and notices of adoption published in the newspaper, which in her opinion started an appeal period which has long since expired. She also is of the opinion that Island County completed with the steps under the GMA for those three kinds of critical areas. For aquifer recharge areas, the County adopted regulations and Ground Water Management Plan in compliance with GMA after the effective date of the Act. On those four critical areas, she confirmed legal counsel's belief the County took the steps required.

Wetlands regulations and potentially the other three topics are the subject of pending litigation that WEAN has brought and the scope of that litigation is not known at this time and will not know until early February. She drew attention to the January 23, 1998, memorandum from WWGMHB in which the Hearings Board declined to rule on a motion legal counsel brought arguing that the time period for appealing Island County's wetlands regulations expired 5 years and 7 months ago. The WWGMHB declined to rule on that motion until the hearing on the merits, which will not occur until May. Inasmuch as the scope of the appeal is not known for that reason legal counsel advised the Board to take no

action on those topics at this time.

As far as Wetlands, Ms. Moss recalled that the Planning Commission carefully asked everyone who testified whether they believed wetlands would be at risk if the County took no further action on wetlands at this time, and concluded from that testimony that they would not be, and also concluded that the County had reviewed the wetlands regulation and had taken the proper steps under the GMA and for those reasons to defer any action on wetlands amendments until completion of pressing Growth Management work.

With regard to Aquifer Recharge, the Board of Commissioners adopted the Ground Water Management Plan and the Board of Health adopted implementing regulations in 1992. As far as Flood Plains and Geologically Hazardous Areas the County reviewed pre-GMA regulations and determine same to be consistent with the Act. For those reasons, the Planning Commission recommended the Board take no further action on those three topics at this time. Ms. Moss confirmed that was legal counsel's recommendation as well, based on the fact that there is pending litigation.

Ms. Moss pointed out that in the Department of Ecology letter received this date, one topic is raised that was not in their comment letter. Raymond Hellwig comments that the County should consider using mitigation sequencing. DOE submitted detailed comments to the Planning Commission and that issue was not raised, nor in the workshop; therefore, that was not an issue that the Planning Commission ever had an opportunity to consider.

Public Comments – Wetlands; Geologically Hazardous Areas; Flood Plains; Aquifer Recharge

Steve Erickson, WEAN, did not understand how WEAN's appeal before the Hearings Board would negate the County's obligation to review these ordinances and fix problems. The Issue Paper on Geologically Hazardous Areas, Flood Plains and Aquifer Recharge Areas looks like a legal defense and not a review of the regulations or evaluation of adequacy. For example, there are two faults found to run under Island County; for the Board not to look closely at whether development near those faults should be upgraded or the need for stiffer building codes he termed as insane. Clearing on bluffs is an on-going issue. To say there are no issues related to Aquifer recharge areas he thought was absurd; the availability of water is the overwhelming issue that controls development outside of Oak Harbor. Regarding wetlands, he believed the County had had ample expert testimony from the agencies with expertise there are problems with the existing wetland ordinance, that buffers are inadequate, and there are other problems with the ordinance. The fact WEAN appealed the County's presumed adoption in 1992 does not mean the County cannot address those issues and is silly not to. He does not agree with the recommendation of the Planning Commission.

Bill Thorn, Citizen's Growth Management Coalition, expressed disagreement with the Planning Commission recommendation as well. He encouraged the Board demonstrate leadership and do the responsible thing – forget about the legalities and consider that the existing regulations are not adequate for protection that needs to be done. He asked a question to be answered by the Planning Director: how has the Ground Water Management Plan been implemented and what has not been done.

Additional Documents Entered for the Record during the Hearing:

1. 1/25/98 Letter from Steve Erickson, WEAN, to Island County Commissioners, regarding Critical Areas; 36.70A.060(5) Rural Element; and RCW 36.70A.172 Critical areas—designation and protection—best available science to be used
2. 1/23/98 Letter to Alison Moss and Steve Erickson from Western Washington Growth Management Hearings Board regarding WEAN v. Island County-Case #97-2-0064
3. 1/22/98 Letter to Wm. L. McDowell from Alison Moss, Bogle & Gates, regarding schedule for WEAN's Appeal of Wetlands Regulations
4. 1/26/98 Planning Commission Recommendation on Critical Areas
5. 1/26/98 Corrected Issue Paper – Fish & Wildlife Habitat Conservation Areas

Discussion

Ms. Moss reported that Planning Commission had asked for a response on steps taken under the Ground Water Management Plan, but that review has not yet been completed. On the question of whether the County should or may take any action, she acknowledged that was a policy question; of course the Board may take action now, but the question is whether it is wise when in the course of litigation. It is their legal recommendation that the Board not take action, but the Board is free to review and amend regulations at this time. She advised that another issue important to the Planning Commission was that the regulations today permit the Planning Director to require larger buffers on sensitive wetlands and on anadromous fish bearing streams. This was a very important factor in the Planning Commission decision not to reopen that issue at this time. The recommendation is not that the Board never do anything, but that the Board defer action until litigation is resolved.

Commissioner Shelton thought that some of the issues around the fish habitat, etc. had been brought up. In the ideal world there should be all kinds of buffers would be established. In the real world, one of the things that must be kept in mind is what really constitutes a stream. It is a major issue when the County starts telling those people it is trying to encourage them to continue operations to continue rural character, and then somehow put regulations in place which greatly deter them being able to continue. There are some issues to be wrestled with.

Chairman McDowell believed with regard to the earlier regulations, such as wetlands and others, with the exception of fish & wildlife, that when adopted back in the early Nineties the participated and the then Board adopted same under GMA. To now say the County has to reopen those issues five years later he did not believe was in the spirit nor letter of the law of GMA.

Ms. Moss confirmed the recommendation of the Planning Commission was not to take action on the four topics at this time; legal counsel recommends no action because of being under litigation.

Keith Dearborn confirmed recommendation to defer any action on Wetlands, Aquifer Recharge, Flood Plains and Geologically Hazardous Areas, until the appeal to the Growth Board is finalized. The Planning Commission made a determination that there is no reason at this point to change those regulations based on the testimony and evidence they received. The reasoning of the Planning Commission was that for now and in this time period there is no evidence there will be significant harm to those critical areas while the plan is being developed, and that the Board return to the question after the plan is developed. Legal Counsel recommends the Board not even reach that determination now, and decide to defer any decision both on the adequacy of those regulations and the changes that may be needed until after the litigation is complete.

Board Decision

Commissioner Shelton moved that the Board defer any action on Wetlands, Aquifer Recharge Areas, Flood Plains and Geologically Hazardous Areas until litigation has been completed; and that the Board accept the recommended action of the Planning Commission on Fish and Wildlife. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 3:45 p.m., to meet next in Regular Session on February 2, 1998, beginning at 9:30 a.m. The Board will meet in Special Session for a GMA Comp Plan workshop on Natural Lands tonight from 6:00 p.m. to 8:00 p.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest:

Margaret Rosenkranz, Clerk of the Board