

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**REGULAR SESSION - FEBRUARY 2, 1998**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on February 2, 1998, beginning at 9:30 a.m., in the Island County Court-house Annex, Hearing Room, Coupeville, Wa. Commissioners present were: 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. Minutes from the meetings of December 15, 19, and 22, 1997, were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

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

Voucher (War.) Claims warrants #19614-#19915\$137,058.98

[original total presented was \$ 142,779.36 with adjustments made at the meeting: Sheriff's #9840046 pulled- incorrect fund – to go through Motor Pool; plus Veteran's Assistance].

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. The Board, by unanimous motion on Claim #V98-1, approved the recommendation of the Veterans Review Assistance Committee, approving a total of \$2,306.05, and denying the remainder of the claim.

Hiring Requests & Personnel Actions

As presented and reviewed by Dick Toft, Human resources Director, the Board by unanimous motion approved the following personnel action authorizations:

PAA #007/98 Deputy Pros. Atty-Dist. Ct. Position #1804, Replacement, effective 2/2/98

PAA #008/98 Deputy Pros. Atty-Dist.Ct. Position #1805, Replacement, effective 3/24/98.

Local Government Certification Form - Housing Authority of Island County's Application for Emergency Shelter Grant Program funds

As forwarded for action by Steve Gulliford, Executive Director, Housing Authority of Island County, the Board by unanimous motion approved and signed "Local Government Certification" form as part of the Authority's Application for Emergency Shelter Grant Program Funds. A joint application will be submitted with CADA and the Opportunity Council for a request of the maximum \$75,000 grant to be used for homeless prevention and to rent at least two residences on North Whidbey to provide shelter for domestic abuse victims and for homeless families.

Agreement for Arbitrage Compliance Specialist, continued**from January 26, 1998 meeting**

The agreement for Arbitrage Compliance Specialist presented by the Treasurer, Maxine Sauter, came before the Board for discussion once again, having been continued from January 26th to review with the provider the appropriate contractual language as opposed to an "engagement letter". Mrs. Sauter now presented a Contract which had been reviewed by the Deputy Prosecuting Attorney on Friday.

Betty Kemp, Director, GSA/Risk Management, reported that on review, David L. Jamieson, D.P.A., relayed his concern that Section 9 be changed to provide that any lawsuit as a result of the work done by this contractor should be considered under Washington State law as opposed to Colorado. Mrs. Kemp signed approving as far as indemnification and insurance because of indemnification provided in Item #7 "prior to commencing work that the County will be given proof of...".

Commissioner Shelton believed the issue brought up by Mr. Jamieson was valid and wondered if it would be worth asking if the company is willing to operate under Washington State law rather than Colorado. Mrs. Kemp stated that she had not had any problems when asking other companies to change the venue to the State of Washington. If the company was willing to change the venue, the Board could approve the contract on that basis; however, he felt comfortable approving it even if they did not make that change, recognizing the venue will be Colorado rather than Washington.

With regard to the contract between Island County and Arbitrage Compliance Specialists, Inc., for the purpose of preparing arbitrage rebate computations pertaining to the required rebate to the U. S. Government for the limited tax general obligation improvement and refunding bonds, Commissioner Shelton moved that the Chairman be authorized to sign the contract if the company changes the venue to Washington State; if not, the contract be brought back before the Board for further discussion. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Agreements for Collection Services, Skagit Bonded Collectors, L.L.C. and Credit Bureau of Island County, Inc.

In accordance with award of contract on November 24, 1997, to Skagit Bonded Collectors, L.L.C., Mt. Vernon, and Credit Bureau of Island County, Oak Harbor, to provide collection agency services used by the Island County District Court, Island County Superior Court Clerk and the Public Defense Department, the Board by unanimous motion approved and signed the actual contracts with both of those firms.

PETITION FOR VACATION OF FIRST STREET PLAT OF SARATOGA

Roy L. Allen, Island County Engineer, presented a Petition for Vacation of First Street in the Plat of Saratoga, by Shirish and Anjali S. Sharma and Edwin E. Allison, the unopened county road to be vacated commences at First Avenue above Lot 24 and Lot 14, Block B of Plat of Saratoga running downhill in a straight line in approximately a North-East direction towards Saratoga Bay.

By unanimous motion, the Board referred the Petition for Vacation to the County Engineer for review and recommendation back to the Board.

RELEASE OF BOND - Short Plat 44/95, Scott Herigstad

Grace Renee Herigstad by letter dated January 27, 1998, requested release of the improvement bond with Amwest Surety for Short Plat #44/95 inasmuch as all requirements had been met. Mr. Allen advised the Board that Department staff had conducted a road inspection of the subject site as of December, 1997, and found that all road requirements had been completed. Therefore, Mr. Allen recommended that the subject bond be released.

By unanimous motion, the Board released Bond as requested under Short Plat 44/95, based on staff recommendation that all road requirements had been completed.

HEALTH CONTRACTS APPROVED

Contracts, as presented and explained by Tim McDonald, Health Services Director, were approved by the Board by unanimous motion, as follows:

HD-01-98, Professional Services Contract, Island County and Roger S. Case, M.D.

DASA Interagency Work Order Amendment, 6420(I), Island County and DSHS

HS-01-98, Professional Services Contract, Island County and Center for Community Support.

PRELIMINARY SITE PLAN SPR#362/97 – NEXTEL COMMUNICATIONS

Erika Jensen, Island County Planning Department, presented the Hearing Examiner's recommendation of approval with conditions, for preliminary site plan SPR #362/97, by Nextel Communications, for construction of a 150 ft. high

monopole communication tower, with up to six 3" diameter omni-directional whip antennas, or nine 1'x4' panel antennae, near the top. The leased area is adjacent to the west property line on a 8.77 acre parcel located at 209 West Camano Hill Road, Camano Island. Height to the top of the antenna would be 164'. The facility would include a 220 sq. ft. equipment shelter, two GPS antennae and one test mobile antenna. All structures are to be within a leased area 145' x 145' and all structures will be fenced and surrounded by a 50' vegetated buffer on all sides. The Hearing Examiner heard the matter on January 15, 1998, and recommended approval subject to conditions as stated in his Findings of fact, Conclusions of Law and Recommendation signed on January 24, 1998. Staff recommends preliminary approval as recommended by the Hearing Examiner.

By unanimous motion, the Board granted preliminary approval for SPR 362/97 by Nextel Communications as recommended by staff and the Hearing Examiner.

GMA COMP PLAN SCHEDULE – CHANGES

By unanimous motion, after discussion with Keith Dearborn and staff, the Board approved the following changes to the GMA Comp Plan Schedule:

February 11, 1998 – Workshop - As scheduled 9:30 to Noon, but also to continue into the afternoon with respect to this particular workshop on existing zoning regulations; informal policies; PRD & Site Plan Ordinances and enforcement

February 13, 1998 – workshop – cancel [SEPA compliance; Review of Draft Executive Summary]

February 25, 1998 - add Workshop [time to be determined, either 10:00 a.m. or 2:00 p.m.]

Topic: UGA's; Population and Employment Projections; County-wide planning policies

March 10, 1998 Joint Planning Commission and Board of County Commissioners Public Hearing in Coupeville: reschedule to the evening of Monday, March 9, 1998 [specific time to be announced]

HEARINGS HELD: GMA – COMP PLAN 1:30 P.M.

Chairman McDowell opened a Public Hearing, as scheduled and advertised, beginning at 1:30 p.m. to consider the following GMA Comprehensive Plan elements: Undeveloped Shorelines, continued from 1/12/98 and 1/26/98; Rural Density/Clustering, continued from 1/12/98 and 1/26/98; Housing, continued from 1/26/98; and Natural Lands. The Hearing Record Instructions were read for information of all present. Approximately 20 members of the public were present at the time of hearing. Several members from the Island County Planning Commission were present, along with staff and legal consultant. An attendance sheet was circulated and copy is on file. The following documents and/or correspondence were entered as part of this record, received up until this point:

1. Issue Paper – Undeveloped Shorelines 12/18/97
2. Issue Paper – Rural Densities/Clustering 12/18/97
3. 10/20/97 letter to Heritage Task Force from Fred Frei, Jr. , Jeanne Hunsinger, Frei Tree Farm
4. 12/18/97 e-mail to Mike Shelton from Gloria Koll, Freeland, regarding shoreline issues
5. 12/29/97 – Comments/Changes to Workshop Draft by Tom Roehl on Rural Densities/
Clustering
6. 12/29/97 – Comments on Workshop Draft by Tom Roehl on – Undeveloped Shorelines
7. 12/30/97 – Citizens Growth Management Coalition, Position Paper #6-Rural Densities/Clustering
8. 1/5/98 – Letter to Mike Shelton from Robert Whitlow regards Colonel Crockett Farm Bed & Breakfast Inn

9. 1/6/98 – Letter to the Board from H. James Howe, Coupeville, comments dealing with protection of shorelines
10. 1/11/98 Citizens Growth Management Coalition Position Paper #7 – Shorelines
11. 1/12/98 Planning Commission Actions 1/6/98, Rural Densities, Clustering & Shorelines
12. 1/13/98 E-mail message from Tom Roehl regarding Planning Commission process regarding referenced subjects
13. 12/23/97 E-mail from Diane Kendy to Donna Keeler: Good work on undeveloped shorelines paper
14. 1/2/98 E-mail message from Donna Keeler forwarding additional information on rural densities in other Washington Counties for incorporation into issue paper
15. 1/15/98 letter from Raymond & Eva Mae Gabelein, Clinton, regarding Rural Density/Clustering
16. Board of Commissioners Draft Minutes 1/12/98, receiving the Planning Commission action [#11 above] and rescheduling Public Hearing for this date and time
17. 1/26/98 Copy of a Map with comments from Donna & Ivan Richardson, 5122 So. Bayview Road, Langley, - outlined in red their 10.42 acres & protest any downzoning from residential to any other zone
18. (A) 1/26/98 letter from David C. Henny, Whidbey Telephone Company, to incorporate into record previous correspondence : copies of two letters from Mr. Henny to the Planning Department dated 4/4/97, regarding Whidbey Telephone Co. Parcel #R23016-226-1100
 - A. 1/26/98 letter from David C. Henny, 6290 So. Bayview Road, Clinton, regarding personal properties, incorporating previous correspondence into the record
1. 1/22/98 letter from Chris e. and Marina P. Kelly, request their 4 parcels be included as
Commercial within the new Freeland RAID boundaries
2. 12/3/97 Letter from Robert B. Olson, Freeland, re daughter and son-in-law's property which borders the 13th Fairway, the 13th green and the 14th tee of Useless Bay Golf & Country Club – request continue to identify this property as Residential
3. 12/17/97 letter from Ron Wells, regarding parcel of property located at 1208 State Road 535, Camano Island, request resolution regarding legal non-conforming status of this property.
4. 12/10/97 letter from Robert L. Davis, Coupeville, Parcel #R23008-092-4980, proposed rural service zone would limit future potential and value
5. 1/28/98 Planning Commission Recommendation – Shorelines
6. 1/26/98 BOCC Draft Minutes – rescheduling hearing for 2/2/98 @ 1:30 p.m.
7. 12/19/97 record from Workshop
8. 1/26/98 Notice of Continuance
9. 1/28/98 Letter from Bernadette Johnson, Freeland, Windermere Real Estate
10. 1/30/98 Rural Densities/Clustering Planning Commission recommendation
11. Planning Commission record
12. Letter 1/29/98 from Gloria Koll, Freeland, consider best possible protection for sensitive areas on Whidbey and Camano Islands; give special attention to unstable bluffs, particularly feeder bluffs on our two islands.
13. 2/2/98, Wm. L. McDowell, Table of Counties – Densities with Populations from 100%
Larger to 100% Smaller than Island County's Population; Source: Directory of County
Officials in the State of Washington, January, 1998

RURAL DENSITIES, CLUSTERING, TRANSITION AREAS

Rufus Rose, Island County Planning Commission member, presented the recommendation of the Commission on Rural Densities, Clustering and Transition Areas:

Planning Commission Recommendation

"On January 12, 1998, the Planning Commission submitted a set of recommendations on rural densities, clustering, and shorelines. A copy of the recommendations is attached. Following further review of the subject, including a continuation of the 1/6/98 hearing on January 13th, 20th, and 23rd, the Planning Commission prepared the following final recommendations which have been combined with the recommended actions of 1/12/1998.

Recommended Actions on Densities, Clustering and Transitions Zones Rural Densities

The Planning Commission recommends continued use of the RR zone density of one unit per five acres for those properties currently zoned RR.

The Planning Commission recommends the development of a Remote Rural Zone, with a base density of 1 unit per 10 acres. The Remote Rural Zone would allow some uses outright and other permitted uses with conditions which may not be allowed in other areas, but would not prohibit those uses already allowed.

The Planning Commission recommends that certain additional zoned lands be considered for RAID designation. Such lands are those shown in blue on the map dated 1/6/1998. The Planning Commission recommends that additional information be compiled as follows for the blue areas:

Existing parcels over five acres in size

Contiguous ownership's

Water system availability

Critical areas

GMA resource lands

Noise zones

The Planning Commission recommends that further analysis be conducted of existing areas zoned RR with parcels predominately less than five acres in size, save analysis of the blue areas.

Clustering

The Planning Commission recommends that clustering be retained as an option for the RR zone with density bonuses, with a minimum lot size of 10 acres.

The Planning Commission recommends that modest density bonuses be considered for PRDs for affordable housing, aggregation of platted lots, permanent open space areas, and preservation of critical areas (and possibly Natural Lands). It is recommended that a "bonus-bonus be allotted for the provision of affordable housing, to a maximum of _____ %: (to be determined upon obtaining additional information). A maximum recommended bonus for the open space, aggregation of lots and critical areas is 50%.

Transition Zones Outside of UGA's

The Planning Commission recommends discussing the concept of the Transition Zone, dated 1/23/1998 (below), forward to the UGA workshop and ask the participants for their input.

01/23/98 Proposal for the UGA Transition Zones for Coupeville, Langley & Oak Harbor

Base density = 1 d.u./5 acres

Maximum lot size = .5 acre

Must shortplat to establish even 1 d.u. or record conservation easement to define interim open space prior to issuance of building permit.

Remainder of lot must be placed in interim open space, may be subdivided later at densities to be determined by municipality when parcel is included within the amended UGA. Initial lot may also be subdivided at that time provided access is available.

Subdivisions to base density only on lots greater than 5 acres require mandatory clustering with maximum lot size of 1 acre. No density bonus available. Open space placed in interim status, may be further subdivided later at densities to be determined by the municipality when included within the amended UGA."

Keith Dearborn provided for the record a copy of a memo [12/10/97 from Alison Moss, Bogle & Gates] which the Planning Commission used, that dealt with the Clark County Growth Board case and the Clark County Superior Court case on the question of accommodating the OFM forecast and the obligation of the county to account for the accommodation of population in the rural area as well as the urban area.

Mr. Dearborn noted there were a number of growth board decisions occurring during the time period the Planning Commission was considering density recommendations. One was the Clallam County decision and a Snohomish County Sky valley decision from the Central Board, and the Whatcom County decision. The Planning Commission did not have the opportunity to look at the most recent decision from Skagit County. The Mt. Vernon Supreme Court decision made clear that development regulations and the comp plan need to go together. The rural density discussion began with the rural 5 acre zone and the Planning Commission recommends that zone continue with as little change as possible as far as uses that are permitted and conditional. Looking at a working map dated 1/6/98 posted on the wall during the hearing, underneath that an overlay showing the existing zoning, Mr. Dearborn pointed to the yellow area which effectively shows the rural zone, and it is within that zone the 1 to 5 acre density should remain - and the uses permitted and conditional should essentially remain as is. The Planning Commission recommends that clustering should have an important purpose and function in Island County's regulatory system, with a modification so that instead of starting with a 20 acre parcel size to allow some variation for purposes of clustering, that the minimum size for a cluster project be reduced to 10 acres from 20 to make clustering more available and to encourage reaggregation of existing parcels to do so. The Planning Commission concluded that clustering without bonuses would not provide sufficient incentive to occur, and recommend continuing the bonus system, modified, but at this point specifics have not been worked out, but the basic bonus would encourage protection of critical areas, preservation of permanent open space and aggregation of small lots into larger parcels and clustering. The amount of the bonuses has not been calculated; it would be for the most part related to the amount of the area, the percentage of the site left undeveloped. The Planning Commission discussed the clustering question about how many units to allow in a cluster but felt they did not need to make a recommendation now; however, there should be a maximum for bonuses, i.e. a 50% bonus increase and suggest an additional bonus for affordable housing [almost on a formula basis and probably change over time, aiming at providing affordable housing through clustering and density bonuses]. Judy Stoloff has been asked to help with that formula. Affordable housing is not only low income housing, but concern about providing housing to moderate income work force so it is a broader view and definition. The Planning Commission had extensive discussion and concerns about creating a 1 unit to 10 acre "remote rural zone" which would be a voluntary option for property owners, i.e. a home industry that might have growth restrictions in a 5 are zone but would have less restrictions in the 10 acre zone. There were a number of things discussed in terms of what could be done in the 10 acre zone that could not be done in the 5. There was no closure reached on that issue but the notion that on a voluntary basis people could opt into a zoning classification that had less restriction than the 5 acre zone, more freedom, was attractive.

Rufus Rose commented that the emphasis should be that which is permitted now would not change, but this would be something other that could be done in rural residential, i.e. a larger home business or home industry. This provision would be for everything that is already allowed in a 5 acre rural residential zone "plus".

As Mr. Dearborn explained, the recommendation of the Commission in 1C and 1D return to the existing pattern of development, calling these potential RAIDS; 1C deals with existing platted lots in the old residential zone under 5 acres in size that do not fall in the RAID category. Looking at the map posted "Working Map 1/6/98" those are the "blue areas", the old residential zone outside of RAID designations, the areas the Planning Commission wants to look at more closely to determine whether those ought to be treated with some increased development opportunity. All of those areas have been downzoned to 1 unit to 5 acres by the Interim Ordinance. The Planning Commission wants a study of the blue areas to look at the subjects listed and re-examine whether the blue areas offer some greater development opportunity to be considered as a part of the zoning classifications that could lead to a new zoning classification [yet unnamed] to treat these areas. The Planning Commission wants to know: *what has been platted; what has not been platted; and what is in different ownerships?* This does not mean an increase of the density in those platted properties necessarily, but a zoning classification recognizing the existing lot pattern. The Planning Commission considered the illustration in South Whidbey where there was an old short plat in 2-1/2 acre lots adjacent to a larger parcel, both zoned residential, and asked: *why would it make sense as a matter of policy to see all those small lots develop because they are existing lots while possibly next to a larger parcel is actually better suited for that density and why would we be preventing it on that parcel while permitting it on the parcel that had already been divided?* The Planning Commission wants to go back and look at that and try to make some sense out of the issue and see about the possibility of whether a bonus density option would work there to encourage reaggregation of those lots. The Commission focused hard on how to find every option possible for affordable housing and concern is the gentrification of the county, particularly the rural 5 acre zone, the costs of those lots in the short and long term, and looking for ways to find opportunities for people to find smaller lot housing opportunities that fit with the County's overall growth strategy/vision. Recommendation 1D effectively would do the same kind of analysis in the rural residential zone; the Planning Commission would like a map to look in the rural zone where there is a predominant historic pattern less than 5 acres that has occurred.

PUBLIC INPUT

Kaarin Schweitzer, Baby Island/Saratoga Beach, Clinton, pointed out on a map the area she would be discussing, platted area of the Plat of Saratoga. For the record she submitted: (1) a sheet marked #2918 January 29 1997 consisting of a series of 25 photographs, Government Lots 3 & 4, Twp. 30N, R. 2E.; (2) a map noting Washington Department of Fish and Wildlife Priority Habitats and Species database Feb. 5, 1997, Township 30N, Range 2E, depicting bald eagle nest and bald eagle breeding territory; and (3) Washington Department of Fish and Wildlife Priority Habitats and Species data base Feb. 5, 1997, Township 30N, Range 2E, depicting Natural Open Space. She stated there are 60' wide lots, 3 houses at risk on the bluff now; a wet area 9 months' out of the year. Concern is how things will be addressed in the future and how pre-existing homeowners could protect themselves and their property. She indicated being aware of an owner-builder with a 60' wide waterfront lot that had just been cleared, a no perk lot, the bank undercut already exposing the house next door to possible damage to drainfield and going over the side. She wanted to know if there were some way to require clearing permits in some of these areas for protection of life and property, as well as wildlife habitats for Eagles, Sea lions, etc. In response to a request for clarification from a member of the audience, Ms. Schweitzer confirmed that her property is on Saratoga Beach, not the Plat of Saratoga, Section 19.

Mr. Dearborn commented there were two subjects being worked on that would focus on plats like this where there are identified problems: (1) Fish & Wildlife Habitat Critical Area regulation which will be developed; and (2) in the Shoreline Master Program update.

Commissioner Shelton commented that the County was developing a storm water management plan and while that would not address all of the ground water issues in the Plat of Saratoga and may not address specifically how to deal with those, it will recognize there are some serious issues in that area of South Whidbey that need to be dealt with.

Chairman McDowell mentioned the issue of existing lots and a potential "takings" issue of existing lots if made completely unusable.

Rich Melaas, Community/Planning Liaison, NAS Whidbey Island, supported the Planning Commission recommendation on Rural Densities, specifically in regard to a potential remote rural zone which might have some applications as far as compatibility with high noise zones and accident potential zones as far as promoting reductions

in potential densities wherein things that might be conditional uses in the 1 to 5 acre zone, such as a lumber or wood product manufacturer, fabricated metal and welding, storage of farm equipment and construction equipment would be outright permitted on a 10 acre parcel whereas it might be a conditional use in the 5 acre zone. As far as the "blue area" , NAS Whidbey supports looking at those areas already greater than 5 acre lots, and looking at the critical areas, noise zones and accident potential zones, rather than permitting higher densities, retain 1 per 5.

Don Jewett, South Whidbey, was not against clustering or those who want to cluster having some sort of a bonus, but was not sure how bonuses would be determined. He believes the right to develop a piece of property is a right everyone has as a property owner. He was concerned that throughout the process of planning and workshops, the concept of TDR's continued to come up, i.e. as late as the presentation of Natural Lands , the Public Works Department recommended that the County could purchase development rights in order to obtain natural lands. He asked that the Board make it clear to staff and counsel that the County does not want TDR's. Discussions he has had with people in the business say that development rights should be priced at the going rate of the property. He believes in the right of people to negotiate with each other but disagrees with the idea that government setting up the program. He is for property owners being able to do with their property what they want with the least possible government interference.

Mr. Dearborn clarified with regard to having to buy property or rights from another property to use bonuses – that was not a discussion by the Planning Commission. This bonus system would be completely limited to the property owned and relates to the amount of open space, critical area, the property owner is willing to commit permanently. It is only on the property itself and has nothing to do with taking rights or buying rights from another property.

Linn Emrich, Good Road, Camano Island, has 150 acres along the shoreline, and inquired about the zoning, bought as R but apparently now RR [on the map the red-hatched area on the east side of Camano, just north of 532, undeveloped shoreline].

Mr. Dearborn clarified that right now, the zoning would be effectively 1 unit to 5 acres.

Frank Milkowski, Shore Meadow Road, Freeland, addressed a 5 acre piece of property presently NR zoned and wanted some sort of idea how the RR and R proposed zoning would affect that. Traditionally it would support the light industrial or commercial use and was curious if that type of use would be allowed – i.e. storage type yard use with a residential manager.

While Mr. Dearborn could not address site specific questions, he did describe the options: in the NR zone today the only uses that can go forward are expansions of existing uses or if the Growth Board's rules for non residential uses in rural areas is met. This area may be in what is being called a RAID; if so it would be recognized as a non residential use under the Planning Commission and Board proposal; if not, the likelihood is that it would be rural in terms of zoning in the future, unless it falls within one of the blue areas. The Planning Commission and the Board will be considering uses that are permitted and conditional in the rural zone. Tourist and recreational uses, home businesses, cottage industries, small scale businesses, are all uses the 1997 Amendments to GMA permit in the rural area, but would not permit a general

commercial, retail or general services type use unless in a RAID or UGA.

Tom Roehl, T. J. Roehl & Associates, Freeland, representing himself and a series of clients [listed on the attendance sheet], as well as Island County Property Rights Alliance, commented on two items that came up at the last hearing of the Planning Commission which he categorized as last minute items, brought in only that day by the Planning Director: (1) the remote rural zone; and (2) transition zone concept. Property owners spoke extensively before the Commission about the ability to live rural lifestyles on rural parcels and the response was to create this zone. The same thing could be accomplished without creating a zone i.e. development standards which might be different for parcels that are 10 acres in size than parcels smaller than 10 acres in size. He recommended deleting the remote rural zone and instead deal with it in development standards and regulations. As far as clustering densities are concerned, he reminded that in 1984 a lot of the same players went through a process of down zoning about 85% of the county from 2-1/2 acre zone to 5 or 20. He thought clustering options should exist in the rural zone but not less than what we have now.

Bill Thorn, Citizens Growth Management Coalition, did not agree with the idea of the basic bonuses that go along with clustering, rather clustering makes sense in and of itself and a bonus to induce clustering is unnecessary. The Coalition's position would be softened if there were a TDR program. If bonuses were offered through the use of TDRs the Coalition would want to see it quite limited. The 50% recommended as a maximum for open space, aggregation and critical areas, ought to be at the very least the upper limit for any collection of bonuses. There should be a maximum number of dwelling units specified per cluster. He addressed concerns on items 1C and 1D that the potential is there of creating additional lots. The Coalition's position on that is there is sufficient platted lots in the county and no new ones are needed and both studies have the potential for that. A number of items have been taken under advisement and concern is these are disappearing into the woodwork and will come back buried in a large document making it extremely difficult to locate and discuss, and therefore suggested scheduling a review of all of those areas that have been taken under consideration for study. Mr. Thorn noted that the schedule on the Internet was badly out of date and should be updated. Donna Keeler confirmed that would be taken care of this week.

DISCUSSION

The Commissioners generally agreed with Mr. Roehl's assessment on the remote rural zone, and recommended deleting that from the recommendation.

As far as this being something that could be dealt with through development standards by giving increased uses or intensity of uses with a certain size property, Mr. Dearborn recalled that the Planning Commission talked about that briefly based on Mr. Roehl's question and comments before the Commission. It is a fair comment this matter came up on the last day and no one had opportunity to speak to it in advance. The question was: could you accomplish the same thing through development standards and parcel size as you could through a new zoning classification, to which Mr. Dearborn answered yes a system probably could be designed that could do that. The Planning Commission was intrigued by the idea of less process for larger parcels, more process and more standards for smaller parcels. He thought Vince Moore's interest was in trying to create opportunities, not necessarily a separate zone.

BOARD DECISION:

Rural Densities, Clustering

Commissioner Shelton moved that the Board approve the Planning Commission recommendation on Rural Densities and Clustering, with the following exceptions: (1) delete the language under 1b, Rural Densities, [lines 14, 15, 16] "The Planning Commission recommends the development of a Remote Rural Zone, with a base density of 1 unit per 10 acres. The Remote rural Zone would allow some uses outright and other permitted uses with conditions which may not be allowed in other areas, but would not prohibit those uses already allowed"; and (2) item 1d line 28 the last six words to be corrected to read: "same analysis as the blue areas". Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Transition Areas

Mr. Dearborn provided three handouts for the Board's information and today's record:

- [in overhead graphic type form] Guidance For Growth - Clustering on Ag Lands – Hudson v. Clallam County WWGMHB #96-2-0031
- What is interim open space and what can it be used for? Rural Cluster Subdivision within Rural/Urban Transition Area [dated received by the Planning Department 12/24/97]
[Snohomish County]
- Excerpt from the Skagit County Growth Board - Final Decision & Order 1/23/98 #97-2-0060c

With regard to clustering in the Ag zone, Mr. Dearborn pointed out that while the Clallam County decision applied to

Clallam County's Ag zone it was relevant to Island County's Rural, Ag and FM zones. Much of Clallam County's resource lands had been platted into fairly small lots, and the Growth Board upheld the County in a challenge, an example of some new flexibility that the Western Board saw as a result of the 1997 Amendments, based on two sections: (1) changed standard of review; and (2) change in the Ag section of GMA that encouraged clustering and other innovative techniques to preserve farm and forest land. Clallam County gave property owners who own small lots being zoned for resource use density bonuses if they clustered development on a portion of the property [if they own all the lots]. In Island County lands in the Ag and FM zones have been platted, either through tax lot segregations or subdivisions. Skagit County's proposal is not quite as generous on density but encourages clustering and gives bonuses from a 20 or 40 acre lot size to a 10 acre density if clustering in an Ag or FM zone. The Clallam County approach would give more significant density bonuses. When finished with candidate land mapping and the survey of each property owner to try to determine long term commercial significance, it is expected to find in Island County very little in either the Ag or FM category that qualifies for long term commercial significance, yet much of the land currently zoned Ag or FM the County will want to find ways to encourage retention in Ag and FM. There is no legal means to do that if those properties are not in the long term commercial significance category under GMA and therefore must be done through incentives. In Island County today, most of the land owners in active agriculture or forestry want to stay in that use as long as they can; economics, family and encroaching uses all have a bearing on their decisions.

Transition focuses on Urban Growth Areas (UGAs) and areas outside UGAs. The only city at this point to plan for an expanded UGA after the planning time period is Oak Harbor, to the west and southwest of Oak Harbor. In those areas where expansion is expected of an UGA over time adjacent to a city, the County needs to plan the land uses so that could possibly happen. Oak Harbor wants the option preserved to be able to expand their UGA beyond the 2013. At 2013 Oak Harbor indicated they will have used all their capacity given their current growth rate. Therefore, transition rules are needed that will allow for current decisions to be made regarding land use and development which do not foreclose the ability to expand that UGA in the future. Langley and Coupeville have not indicated a desire to see an expansion of their UGA after the 20 year period; if they want to preserve the option for that expansion, the County has to plan for land uses outside those UGA's.

Chairman McDowell suggested that question should be answered by both Langley and Coupeville in writing from each Mayor.

Commissioner Shelton expressed a real problem with telling someone with a piece of property adjacent to a UGA in the area of expansion, how they will use that property with the idea that sometime 20 years' from now the UGA might envelope that property. To him that seems to place an unnecessary burden on a relatively small group of property owners and something he was not willing to do. He found particularly offensive the transitional areas beyond the urban growth boundary.

Mr. Dearborn walked through some examples addressing that concern. In Snohomish County, the zoning up to the UGAs is 1 unit to 5; within ½ mile of the UGA there is an overlay that requires clustering with bonuses and the open space created in that cluster is temporary – lasts until the UGA is expanded and then that open space area is then developable at urban densities.

The Snohomish County system was upheld by the Central Growth Board. The focus is to preserve the option for later expansion of the UGA for those cities that the city and the county have agreed that option needs to be preserved. In the case of the Skagit County decision there are two choices for transition:

1. within the UGA – two choices, develop 1 unit to 5 acres density similar to Snohomish County, reserve/commit the balance of the property for future use
2. cluster development or a subdivision – require platting out the entire property as if it is going to be in a UGA and developed with urban services and then allows use of a portion of the property until those services are provided.

Mr. Dearborn stated that the proposal from the Planning Commission on this issue as well as the remote rural zone, was not by unanimous vote. The City representative on the Planning Commission voted against it not feeling it would work. The Planning Commission had reservations about making it work but felt there was a need to begin discussion

with the cities. The two questions to be worked on are: *what cities are going to have transition areas; and what are going to be the rules for property owners in that area?* If the County thinks the option needs to be preserved for later expansion of UGAs, even though the cities do not, the County has every legal right to provide for that. If a county and a city agree the UGA established will be permanent that permanence can be provided. There is a requirement of the Board of County Commissioners to create a transition area and a mechanism has to be provided to preserve that option. Proposal 3A is to move forward for workshop discussion with the cities.

PUBLIC COMMENTS

Bill Thorn, Citizens Growth Management Coalition, pointed out that specifying a maximum lot size effectively would uncouple that from what the base density is and act to preserve the area. He suggested consideration in regard to extra costs in this particular proposal requiring short platting up front that the County without any dramatic exchange of funds could relieve the burden of those short plat costs on the individual in some manner and could also look at buying the reserve rights at some reduced rate.

Tom Roehl, Project Planning Services, speaking for himself and the Property Rights Alliance, did not see the concept working. He thought transition areas should have base zoning of 1 house per 5 and with clustering to provide a public benefit of reserving lands for future development, the property owner should be compensated for providing that public benefit by giving additional units, i.e. 3 or 4 on 5 acres. Making people set aside lands under this scheme for the possibility of an UGA growing in the future is not fair. People should be given more incentive to reserve land for 20 years.

Chairman McDowell wanted to know how many 5 acre pieces around Oak Harbor are in such a category. For the person owning that 5 acre parcel not asking to subdivide now and only wanting to build a house, he tended to believe should be able to build it anywhere desired on that property. If a person has a 10 acre piece and wants to subdivide it now as opposed to later, and the base density is 1 for 5, he would not agree they should be allowed to just have 2 five's; at that point in time it would be appropriate to say if they wanted to subdivide it would be under certain conditions at a urban size with a bonus density greater than they have but still have a large piece set aside as open space for the next 15-20 years [under the original property owner's ownership].

Commissioner Shelton observed that Coupeville and Langley had drawn much more conservative urban growth boundaries than Oak Harbor so to allow some transitional area of some magnitude out into the county and penalize county property owners, he would not support. He would support 1 house per 5 acres around Langley and Coupeville but would not in any way restrict around Langley and Coupeville. He would still promote the 1 per 5 and if there are larger pieces that rather than allowing people to short plat into four 5 acre pieces, allow clustering with bonuses for example a bonus at 2-1/2 acre density. Coupeville has a well-documented water problem and he thought Coupeville drew the UGA boundary to some degree based on their ability to provide water. Langley made the decision to keep Langley a "village by the sea" but to do so, should not expect property owners in the County to somehow plan their lives over the next number of years on the fact that Langley may want to do something.

The Board in its discussion generally agreed with one house per five acres – that on parcels larger than five acres to provide for an as-yet to be determined density bonus [and review closer bonuses with staff before workshop with the cities], and to perhaps consider if someone wanted to cluster and reduce the sizes of the lots to more urban densities, to allow in the conservation easement the placement of drainfields with the idea that at some point sewers will be available and the drainfield will not be necessary.

Mr. Dearborn noted it would be helpful for the Board and Planning Commission to know for Oak Harbor the approximately where that transition area might need to be and what the lot sizes are in the existing development pattern within that area, where the critical areas are.

To the question *"has the City of Oak Harbor established their first boundary around their first transition area?"* Sheilah Crider, Island County Planning Commission member and member of the Oak Harbor City Council, answered affirmatively, there is an urban growth area and a transition area already identified and a map exists – referred to as the Joint Planning Area [JPA]. The transition area that took place in the City of Oak Harbor was for the next planning period after 2013.

Mr. Dearborn noted that both Langley and Coupeville have very sizable joint planing areas identified without any expectation that would be urban growth areas and quite a bit larger than the transition area would need to be. As he understands Langley and Coupeville expect a rural area to be managed for rural uses, not for urban growth.

BOARD DECISION - TRANSITION AREAS

Commissioner Shelton moved for Oak Harbor, the transition area, yet to be defined, will be based upon consultation with Oak Harbor on the amount of area that will be needed, initially needed to go to 2020 but now talking about a transition beyond 2020 as well, and their joint planning area provides an initial kind of identification of the boundary, that area will start with a base density of 1 unit to five acres for residential and for lots larger than 5 acres consider a bonus in cluster if preserving the option for later expansion, amount of bonus yet to be determined and the maximum size of the lot permitted with the bonus yet to be determined. For the City of Langley and Town of Coupeville, the County is not planning on any transition area absent either city or town formally advising the County they wish to have a transition area and if so, they will need to address the ability to provide services to that area and the population allocation they would be expecting to have accommodated within that area. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

Housing, continued from 1/26/98 and Natural Lands

The Board had not received a recommendation from the Planning Commission on either Housing or Natural Lands. Because a number of people in the audience indicated a desire to speak on the issue of housing, the following public testimony was taken at this time.

Peter Remington, Clinton. Recommended reintroduction of the Owner-Builder Amendment as it was originally voted in by the people.

Lee Compton, South Whidbey. Commented on the time limit imposed on owner-builders and people building their own homes either through the Owner-Builder Amendment or through a standard permit. The County's ordinance since the early Eighties apparently only allows for owner builders to live on their property one year while building their own house. That ordinance has not been enforced until this last year when the County hired an enforcement officer, and Mr. Compton will have an order against him soon to move off his property because he has been on his property over a year working to build his own home. He felt it very unrealistic for someone building their own home to be finished in one year. He has been a carpenter-craftsman for 30 years and doing the job very carefully and with a lot of thought and did not want to be pressured into a one year time limit.

Duke LeBaron, Bayview area, South Whidbey. Built his own house and it took approximately 5 years. This is a way of having affordable housing, his house built for much less than what it would cost if he had to go through a contractor. He believed the function of government was to protect the general public from harm from individuals or organizations. During the 5 years he spent living on his property and building his house he saw in no way how he harmed anyone else. The only possibility would be when it comes to selling the house, perhaps the person looking at the house might be harmed because it had not been inspected by a code inspector. He suggested in that case that on his Deed, which he would be willing to do, state something to the effect that the house was built under the Island County Owner-Builder Code and therefore may or may not be up to code standards at the time it was built.

Marianne Kennedy, Clinton. Spoke to the Owner-Builder Amendment and reinstatement of Mr. Rose's opinion published in the South Whidbey Record several weeks ago addressing most of the points critical to her and her husband when they decide to build, specifically living in temporary quarters while building incrementally as finances allow, and using one's own timber milled on the property. Mr. Rose's opinion addressed other issues as well that are critical to them which they support.

Tom Roehl, Greenbank. Encouraged the Board have the Island County Zoning Ordinance examined by a competent legal mind as to whether living in a camping vehicle on your own property is actually prohibited in the zoning ordinance. He submitted that it is not prohibited, is not mentioned anywhere in the ordinance. There are only three places in the ordinance where RV's and camping vehicles are mentioned, which is in the definition section saying they

are not dwelling units and not mobile homes. Temporary use approval was created because of the County's ban of single wide mobile homes from the residential zone. Recreation and camping vehicles are not prohibited in the County's ordinance and no one is prohibited from using a camping vehicle for its intended purpose on their property.

Mr. Roehl made this comment to the Board because as a taxpayer, he believed the County was heading for a lawsuit, a civil rights action. He understands there are 50 or 60 people who are about to be heavily affected by the enforcement officer efforts to interpret the ordinance this way. The Supreme Court set standards for how for how to interpret ordinances as to what is prohibited and what is not prohibited.

BOARD ACTION:

Inasmuch as the Board had not received a recommendation from the Planning Commission on either Housing or Natural Lands, the Board by unanimous motion, continued the public hearing on Housing an Natural Lands to February 9, 1998 at 1:30 p.m.

UNDEVELOPED SHORELINES

Bill Vincent, Island County Planning Commission member, provided the recommendation of the Planning Commission:

Planning Commission Recommendation - Shorelines

"Following a thorough analysis regarding Undeveloped Shorelines, including a Workshop on December 19, 1997, and Public Hearings on January 6, 20 and 23, 1998, the Planning Commission recommends the following actions:

That Options B, C and D as modified below be adopted as tentative decisions.

- A. **Establish future densities based on functions.** Existing development patterns would also be considered but would not be a predominant factor. Densities and shoreline designations would be linked to the ecological functions of any given area balanced with increased housing opportunities. Incentives, including density bonuses should be provided for actions such as, but not limited to, restoration and enhancement of ecological functions.
- B. **Develop policies and an implementation strategy for the SMMP prior to Comprehensive Plan adoption.** Begin by reviewing existing policies for potential changes, additions or deletions and for consistency with Comprehensive Plan policies. The Implementation strategy would highlight the remaining areas to be worked on, such as development regulation, long-term goals, and completion dates. The implementation strategy should be adopted as part of the Comprehensive Plan. Special priority should be given to undeveloped, unplatted shorelines to complete the implementation strategy for these areas concurrent with the adoption of the Comp Plan and Development Regulations.
- C. **Examine the history of the existing SMMP.** Staff has already begun reviewing the SMMP to identify the effective and non-effective use regulations or standards. With over 20 years in applying the SMA, there can be a great deal of benefit to this approach and to improve upon the existing program."

Mr. Vincent mentioned that during the Planing Commission review on this topic there were representatives from the Department of Ecology, Department of Fish & Wildlife, and a number of private citizens. The term "based on function" he explained was a term used for restoring wetlands functions and values, and functions relates to the physical or chemical or biological processes attributable to that area vital to the integrity of the shoreline and upland landscape and inter-relationships between the systems. There were concerns with regard to 200' setback, and determination was to base that on functions. Almost 80% of Island County's shoreline is already single family dwellings and platted lands; it is that 20% remaining focused on today.

Mr. Dearborn broke the subject down into three categories: Platted and developed land; Platted and undeveloped land; Unplatted undeveloped land. The recommendation of the Planning Commission focuses on the first two. Four maps dated 1/27/98 posted on the wall for display show the platted undeveloped lands in a darker brown color and the unplatted undeveloped lands show as butterscotch color. The Planning Commission recommends giving first priority of work to include densities and to the extent possible use restrictions for those shoreline properties. The comprehensive plan will deal with uses, densities and critical areas. One of the critical areas that has an important overlap with the

shoreline is fish and wildlife habitat. DOE and F&W identified a number of categories of habitat all shoreline related which they are very concerned about developing strong environmental regulations. DOE on the shoreline is much less concerned about density than they are about use regulations and environmental protections, and he understands that if Island County has good use regulations a good fish & wildlife habitat protection density does not have to follow the rural rule. The Planning Commission was concerned about housing opportunities, even though not the same type of affordability, there is a major difference between a 5 acre lot on the shoreline and a 1 acre lot in terms of opportunities it provides. The recommendation is look at those areas and the type of functional process that is occurring on the shoreline and from that information as well as ownership and existing parcel size, come back to the Board with some density recommendations. Recommendations C and D look at existing use standards for the most part, and policies, and ask what changes may be needed in those. The Planning Commission wants that to especially focus on the undeveloped unplatted areas to make sure that work is done for the comp plan.

After the comp plan has been completed, the remainder of the SMMP update will need to be done; he did not expect that work to be done during the comp plan process, given the schedule. The shoreline category is a special category which GMA has not effectively addressed directly; DOE has advised in writing that they are much less concerned about density. Working hypothesis is that normal rules for rural use that right now occur may not necessarily be the uniform zone applied in the shoreline area in the future. If there is no impact from density on the functions there is no basis for maintaining the 5 acre density on the shoreline.

Donna Keeler, Comprehensive Plan Manager, agreed DOE was interested in protecting the resource from the stance that even if Island County had a 1 to 5, that would not necessarily protect the resource in all cases.

PUBLIC INPUT

Bill Thorn, Citizens Growth Management Coalition, supported the proposal adopting options B, C and D, with provisional comments. They do have some problem with "balanced with increased housing opportunities" - will depend on how that is implemented. With regard to option C, the Coalition proposes inserting comment from DOE: *"Existing land uses should not be the only factors in defining future land use. The shoreline environment designation criteria should also be considered. Resource issues will take precedence in shoreline areas of statewide significance"*. He thought too that provisions need to be included for establishing monitoring for cumulative effects

Mr. Dearborn noted that shorelines of statewide significance are located either on the north end of Camano Island or the east side of Whidbey Island around Skagit Bay. The Planning Commission did insert the DOE guidance that Mr. Thorn mentioned in recommendation B.

Kaarin Schweitzer, Saratoga Beach, Clinton, reiterated Bill Thorn's comments. Her concern was about density with respect to platted but undeveloped areas and areas that are actually critical already, understanding this area to be a priority habitat yet houses can be placed in front of a natural waterfall. In Saratoga Beach a number of drainfields have failed as a result of continuing development. Some of the lots are so small there is no requirement for a permit for clearing. There could be lawsuits for property damage; it is not just the surface drainage it is the septic systems as well. What she would like to see happen is careful review and restrictions before any homes are permitted with septic systems and clearing of lots within 600' of the bluff in this area, and the best thing would be to figure out a way for a sewer system in this particular development as opposed to individual drainfields and septic systems.

Commissioner Shaughnessy believed the County's development regulations should address the concerns Ms. Schweitzer expressed.

Commissioner Shelton commented that the real issue was that it is very difficult to go back and undo something that may have been done in a way that would not be allowed today. He is aware that bluffs around the Island are coming down in many different areas, not just the area of Saratoga Beach. A sewer system would be an option resident driven.

Mr. Dearborn stated that the area she pointed out on the map would be platted and developed, an area that ultimately would be a RAID and focus has been on properties outside RAIDS. The Planning Commission recommends to not only develop an implementation strategy for all areas but to actually carry out that implementation strategy in the comp plan at this time, and come back to the developed areas after the comp plan has been adopted.

Linn Emrich, 1002 Good Road, Camano Island, is sensitive to environmental issues and manages his property with that sensitivity. In doing so he built habitat off his dike, a mile of waterway that is very active with birds; seals come in the channel and there is more activity in the dike channel than there was before. He originally purchased 100 acres - 50 acres high ground on the bluff and 50 diked in tideland acres. In 1994 he bought another 50 acres so his property now runs from Hwy. 532 northwesterly for one mile. He has put in two miles of road, a mile of dike; 4 miles of drainage ditch network; tight-lined all high concentrated runoff points on the hill that was causing erosion on the bluff and erosion now controlled. The land was all zoned R, 3-1/2 units per acre; he never intended or contemplated that kind of density, but did feel it was nice land for people who wanted some acreage around them and would eventually have 30 or a few more home sites on the property. Looking at the 1/27/98 map posted his property shows "red" [N. of 532 and continues in the butterscotch and darker brown] meaning there is no data – but in fact, he has much data about this property he can supply. Discussions of potential "no development" upsets him. He thinks on the high ground in the "butterscotch color" where the nice view property could be is where increased density should be applied. On his property he thought the overall density on the bluff lots should be 1 acre sites, 200' x 200', but did some sketching faced with less density and suggested 2-1/2 would work if he could transfer some density opportunities on the lower ground to the high ground, a half acre site would work. He would not sue anyone if the County makes it 5 acres. If he had 30 sites on 150 acres it would work [if he could shift them around].

As Commissioner Shelton observed, this was a classic example of preserving the lowlands and transferring the development rights of the lowlands to the uplands. And Mr. Dearborn stated that that option was the last sentence in B of the Planning Commission recommendation: *"Incentives, including density bonuses should be provided for actions such as, but not limited to, restoration and enhancement of ecological functions"*. As far as when there is a dike where the 200' start, is not an easy answer and more work has to be done. It is known when shellfish beds are being silted in and eelgrass lost. Some of those processes can be reversed and changed. Some people were talking to the Planning Commission about actual restoration of projects they had done on the shoreline recreating beach, recreating habitat, providing natural vegetation along the shoreline where it had been lost or removed over the years. The Planning Commission wanted to create incentives to encourage people to do that.

Tom Roehl, Freeland, who again was representing himself, a number of clients listed on the sign-up sheet and Island County Property Rights Alliance, stated that the recommendations were very general and vague. He was nervous about the critical area fish and wildlife regulations, which he thought depending on the degree to which the County gives WDFW their "wish list" could take away promotion of forest practices and agriculture in the County considerably without the desired environmental result. He found it curious that WDFW and to some extent DOE seemed to be transferring certain functions to the County that they already have. Regarding drainage, there have been many situations where people have had land slides on houses and the immediate impulse is to look at the bluff as the cause, but when investigated found that the source of the problem hydraulically can be inland. There are cases where the top part of the bluff is overloaded with drainfield water, but that usually results in surficial sliding, but some of the deeper problems tend to come from further way.

Questions on the 1/27/98 map posted – did not understand the significance of the way the maps are colored. Shoreline jurisdiction area is 200' in either direction of the high water line; shoreline environment that is protected through the Shoreline Act and primarily through use regulations. The County should not use the shoreline designation to dictate upland densities; it has not been development along the shoreline that causes problems, it is development in the shoreline that has caused problems.

Problems about siltation of clam beds and eelgrass damage are in the aquatic environment. Although there is a tendency to denigrate bulkheads, they are to many people an aesthetic issue and when properly located are harmless and in some cases beneficial to the aquatic environment. Most of the work for designation criteria was established in the Seventies and all designations based on functions; some of the use regulations either are too excessive or not excessive enough in different cases and should be reviewed.

Mr. Roehl has clients who are affected by everything, including RAIDS. One criteria

was to include lands that are greater than 2-1/2 acres if infrastructure is available.

Ms. Keeler explained that RAID boundaries were drawn based on criteria the Planning Commission established. Some properties extend further than 200' and also looking at densities and establish densities based on functions it could confuse things to look only at half the property or the 200' - being one density and the back half being another. Mr. Dearborn further clarified that the maps shown on the wall today showing RAID boundaries were drawn by staff before the Planning Commission established their criteria. New maps are in process.

DISCUSSION

The Chair suggested consideration that the SMMP be an overlay as opposed to a zone and there would be no issue of split-zoning.

Mr. Vincent clarified that in fact it was not the intent of the Planning Commission to make a new zone but an overlay for the same reason being discussed - the overlay was more important and relates to the functions aspect of the property. The reason for the concern about the 200' limit was because in some cases with the SMMP having 200' there are a number of areas that could be classified as wetlands or in some cases would fall in that classification; therefore, the Commission wanted to have the ability to have an overlay - to cover issues of water or wetlands possibly with these shoreline areas.

Commissioner Shelton thought that if establishing densities somewhat based on function there could not be a zone based on function, it would have to be an overlay. Very clearly the law says the County must consider the 200'. He suggested based on what Mr. Emrich stated that very realistically even though the 200' overlay zone from the shoreline may not be the issue in question, 200' will certainly have an impact on the ground further back in terms of densities.

It was clear to the Chairman that protections are in place under the SMMP for the 200'; he would not want to imply that restrictions placed on that 200' go inland beyond 200'.

And Mr. Dearborn verified that was not the intent. The Planning Commission sees the SMMP in the new system as an overlay; essentially overlays special use restrictions, and that the density impact may be similar.

Board Decision

Commissioner Shelton moved that the Board accept the recommendation of the Island County

Planning Commission with regard to Shorelines, Options B, C and D, with the specific understanding that shoreline area is an overlay. 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 5:40 p.m., to meet next in Regular

Session on February 9, 1998, beginning at 9:30 a.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