

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING****SPECIAL SESSION - GMA WORKSHOP - JUNE 5, 1998**

The Board of Island County Commissioners met in Special Session on June 5, 1998, beginning at 9:00 a.m. in the Commissioners Hearing Room, Coupeville, Wa. The purpose of the special session was to provide an opportunity in joint workshop for the Board to meet with staff, Island County Planning Commission, and Consultants, with today's specific agenda topic: NR Zones, Water Resources, Concurrency, Steep/Unstable Slopes, & Stormwater.

Members of the Public attended, and others were present as follows:

**Board Of County Commissioners:** Wm. L. McDowell, Chairman, Mike Shelton, Member, Tom Shaughnessy, Member

**Planning Commission:** Commissioners Sheilah Crider, Anne Pringle, Pat Churchill, Tom Olsen and Bill Vincent

**Consultants:** Keith Dearborn, Emil King, McConnell/Burke

**Staff:** Donna Keeler, Island County Planning Department, Joye Emmens, Island County Health Department; Larry Kwarsick, Public Works Director

**Revision of Business Land Use Needs for Island County**

John Hitt, Executive Director, EDC, indicated there had been numerous revisions in the Comprehensive Planning process as they relate to commercial and business zoning needs. Some of the changes are as follows:

- *The planning horizon has been extended from 2016 to 2020.*
- *The county-wide and sub-regional population allocations and forecasts have been significantly revised, and for the most part, increased.*

In the revisions to the Business Land Use Needs for Island County a market factor was employed of only 1.25 time calculated need, whereas most commercial land use consultants recommend a market factor of at least 3 times anticipated need.

Mr. Dearborn noted that the WWGMHB in the Clark County case validated a market factor substantially higher than 25%.

Mr. Hitt indicated he would talk with the Clark County Economic Development Council. Commercially zoned land must be carefully sited if it is to have a reasonable prospect of serving its intended purpose. Some major considerations are:

- *Access to the state highway*
- *Sewer or perc and water availability*
- *3-Phase power availability*
- *Number of owners*
- *Topography*
- *Proximity to non-compatible uses*
- *High speed communications availability*

- *Traffic count on street or highway fronting the site*
- *Drainage and environmental issues*

More remote areas, such as the airports, while very important to developing some types of job opportunities, are significantly constrained for many potential employers. The original 1996 commercial land use needs projection was 895 total acres. The revised 1998 projection is for 1,090 total acres.

### **Water Resources**

Joye Emmens presented a brief overview of the Findings of Fact for Groundwater Resource Protection and Water Supply Adequacy. Island County has proactively achieved a technical understanding of its water resource through numerous studies. Based on this knowledge, a number of water supply and groundwater resource protection and management plans and policies have been adopted and implemented. These elements manage adequacy and protection of the resource through a common goal of non-degradation. A summary of these efforts include:

- *USGS Water Resource Study*
- *EPA Sole Source Aquifer Designation*
- *Designation of Island County as a Critical Water Supply Service Area*
- *Adoption of Island County Salt Water Intrusion Policy*
- *Adoption of Island County Coordinated Water Plan*
- *Adoption of Water System and Fire Flow Standards*
- *Memorandum of Understanding between Island County and DOE on Water Resource Planning, Management, and Permitting Activities*
- *Potable Water Source and Supply*
- *Adoption of Groundwater Management Program*
- *Critical Recharge Area Requirements*
- *Hydrogeologist and data entry support hired for monitoring, database development and maintenance, resources management evaluations, and development of groundwater flow and sea water intrusion models*
- *Island County and USGS cooperative four year Ground Water Recharge Study*

Island County has shown foresight in proactively managing the groundwater resource. In many cases, such as the Sea Water Intrusion Policy and Aquifer Testing Requirements, Island County has lead the State in developing resource evaluation and management policies and has successfully worked to incorporate these into State approvals regarding Island County Resources.

The GMA water adequacy requirement for building permits and subdivisions was adopted in Island County a mere eleven weeks after GMA was effective and is the most stringent in the State. In 1992, ICC 8.09 was revised to include Critical Recharge Area Requirements. ICC 8.09.050 includes requirements for single family individual wells that include a meter at the well head and the establishment of a 100 foot sanitary control radius. These requirements far exceed state requirements for individual water supply approvals.

Requirements for public water supply approvals in Island County are more stringent than State requirements. In addition to meeting the criteria established by the State approvals in Island County require compliance with the CWSP,

DOH/ICHD Sea Water Intrusion Policy, metering, conservation, and aquifer testing. In many cases additional conditions of approval include ongoing monitoring requirements for water levels and sea water intrusion parameters. The existing water quality and water level monitoring program, comprehensive database, and construction of groundwater flow and sea water intrusion models, provides the best available data for determining adequacy and detecting trends. All of these integrated programs provide the technical basis for determining future groundwater capacity and future land use development prior to project approval.

GMA requires the designation and protection of critical areas, such as aquifer recharge areas. Criteria established in Chapter 8.09 ICC provide the basis for the protection of groundwater resources in critical recharge areas. This approach is more stringent than only applying protection measures in certain areas. Hydrogeologic evaluations are required prior to preliminary approval of projects identified by the Health Officer as having a potential for groundwater contamination. Appropriate mitigation measures are imposed as conditions of approval for projects with a potential for impacts to groundwater resources. Best Management Practices are applied as conditions of approval for land-use projects in Island County. Land use proposals are reviewed for the potential to impact groundwater resource quantity or quality. Proposals are reviewed on the basis of site-specific, project specific impacts to groundwater resources. Due to the complexity of the aquifer systems underlying Island County, it is difficult, if not impossible to apply regional determinations of groundwater resource protection and water availability. Given these management limitations, site specific, project specific evaluations are the best available option. Current programs are being implemented without grant funding thereby showing the commitment of integration of resource management and protection in land use development review and decision making.

Don Lee, Central Whidbey Water Resources Forum, indicated he sent a letter to the Chairman of the Planning Commission in April expressing the Forums concerns about the amount of potable water in Central Whidbey. The Forums Findings and Conclusions and a brief plan of activities are contained in a report which was presented to the Board of Commissioners in December of 1995. The key is to determine the amount of water being consumed for Central Whidbey. In general, the estimate of the use for Central Whidbey would be about 165 million gallons of water a year. DOE estimated the recharge based on numbers that had been assembled by the Ground Water Management Advisory Committee on rain fall and utilizing the information that did exist at that time from the USGS study. DOE came up with an estimate of somewhere between 132 million to 300 million gallons of water per year. The Forum feels that the numbers are clearly a cause for caution in Central Whidbey.

The following is a problem statement put together by the Forum:

The natural water supply in Central Whidbey Island is contained in sole source aquifers replenished by local precipitation therefore the natural supply is finitely limited. This limitation is compounded by the fact that salt water is a constant threat to intrude into the water supply. Some areas are currently experiencing ground water shortages and salt water intrusion. Many areas are being pumped to draw down below sea level. Without effective management based on sound analysis of well and water use status Central Whidbey will run out of potable ground water due to over-pumping, saltwater intrusion, and other pollution and/or loss of recharge areas therebythreatening existing and future water use.

As noted in the plan presented to the Board n December, 1995 The Forum strongly recommended and supported hiring a hydrogeologist. The Forum felt it was vital in Central Whidbey to get more data, especially on things like runoff. The Forum has not been able to continue its plan because of funding.

Mr. Dearborn stated that much of what the Forum recommended is being implemented.

### **Presentation by Larry Kwarsick: Concurrency and Adequacy**

Larry Kwarsick, Public Works Director, discussed the origin of the concurrency and adequacy requirements. Adequacy is based on GMA Goal #12, the State Subdivision Law, Proof of Water Availability and Public/Environmental Health Regulations, the Uniform Building Code, and Hearings Board decisions. As a subset of adequacy, there is concurrency. Concurrency is based upon the specific requirement of counties and cities to establish specific levels of service standards for arterial systems and their transit route systems.

Adequate public facilities means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums. Because the Legislature used the word "those" instead of "all" there is discretion in determining which public facilities are necessary to support development and how adequacy is determined .

Transportation concurrency is really implemented through a specific ordinance. Island County will have to adopt an implementing regulation that prohibits development approval if the development causes the level of service on a transportation facility to decline below the LOS standards, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. Concurrency is a tool to help balance the timing and sequencing of development with the provision of adequate facilities, an effort to minimize congestion and delays. The concurrency ordinance does not address incremental impacts.

Most county arterial and transit routes will meet or exceed the adopted LOS-C standard in the year 2020, with a few exceptions. Those that do not can be included in the TIP and programmed for a timely correction. The adopted LOS is LOS-C (rural) and LOS-D (urban); most county roads are currently operating at LOS-A or B.

Mr. Kwarsick's recommendation was that the test for concurrency, for those activities non-exempt, precede the submittal of a permit for development activity. The test for adequacy should be done during the review of land divisions and building permit applications. It is also recommended to test those facilities that the State Subdivision Law says have to be shown to be adequate.

The CFP developed four different categories of capital facilities: Category A are facilities owned or operated by Island County and subject to the requirement of concurrency; Category B facilities are not owned by Island County and are subject to the requirement of concurrency; Category C facilities are owned by Island County and not subject to concurrency; and Category D are facilities not owned by Island County and not subject to concurrency. The CFP LOS standards for administrative buildings, detention facilities, trails, courts, etc., are established for planning purposes only. At this time, neither concurrency nor adequacy tests are applied. The goal is to maintain the LOS standards though the year 2000 for all these facilities even though not testing for concurrency or adequacy.

There are very few development activities that are exempt from concurrency. Three examples are: single family residential structures, redevelopment of commercial structures when the traffic generation characteristics remain the same, and vested development. All regulated divisions of land and building permits are subject to an adequacy test. The subdivision facility review checks drainage ways, parks, recreation and playgrounds, potable water supplies, sanitary wastes, schools and school grounds, streets or roads, alleys, other public ways and transit stops. The check for adequacy is conducted by the owning agency or the regulatory agency. Agencies must respond in a timely fashion and have a valid comprehensive plan consistent with the County's.

## **Public Input**

Roland Gray, Oak Harbor, asked if the County had to apply these regulations to the LOS on State highways.

Mr. Kwarsick pointed out that there was a new piece of legislation that set up a process by which the State first has to define that portions of the State highway system are of State-wide significance and which are of regional significance. For those that are of regional significance, the RTPO has set LOS standards on. Those that are designated as having State-wide significance will have a LOS standard established by the State.

Mr. Dearborn asked for an assessment on what the concurrency standards would do to the development potential in Freeland and Clinton.

Mr. Kwarsick noted that concurrency does not deal with incremental impacts. There is a lot of

capacity on the roadways, and the problems the County will experience will be on the State highway systems, and intersections with County roads with the State highway system. The County is doing everything it can in terms of partnering up with the State to make those improvements.

The workshop recessed for lunch.

### Presentation by Larry Kwarsick – Island County Grading and Surface Water Ordinances

Larry Kwarsick indicated that both the grading and surface water ordinances were in very preliminary draft stage. The goal is to minimize degradation of water quality; control the sedimentation of streams, rivers, lakes wetlands and other surface water; control storm water runoff originating on developing land; preserve and protect aquatic habitat; maintain the quality of the county's water resources; minimize adverse effects caused by alterations in surface water or ground water quality, quantities, locations and flow patterns; and protect public safety by reducing slope stability and landslides. In terms of applicability, the County is talking about applying all development activities and land disturbing activities, including the construction of single family residential structures unless specifically exempted.

Development activity means any proposal which will result in construction, development, earth movement, clearing, or other site disturbance and requires a permit, approval or authorization from the county or is proposed by a public agency.

Land disturbing activity means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities also include Class IV General Forest Practices Permits, Class IV Platted Forest Practices Permits, and Conversion Option Harvest Plans. Conversion Option Plans are only available if regulated by local government by a grading permit.

The thresholds of developments are as follows:

- Small parcel residential development activity means an activity associated with an issued single family residential building permit, and that creates less than 4,000 square feet of impervious surface and which collects and concentrates drainage from less than 4,000 square feet of impervious surface.
- Best Management Practices and less than 500 cubic yards requires not grading permit.
- Other small parcel development activity means all activity which created less than 4,000 square feet of new impervious surface, collects and concentrates drainage from less than 4,000 square feet, and is not concurrent construction, repair, remodeling of a single family residence.
- Preliminary drainage plans and if in a UGA/RAID less than 100 cubic yards requires no grading permit or 500 cubic yards or less in a self contained area.
- Major development activity means any development activity or redevelopment that creates 4,000 square feet or more of new impervious surface, or which collects and concentrates drainage from 4,000 square feet or more impervious surface.

Geologically unstable areas are those areas that because of susceptibility to erosion, sliding, or other geologic events, are generally not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns, including those lands designated in the DOE Coastal Zone Atlas, including those lands within 100 feet (either at the top or the base) thereof. Those areas would require a grading plan and full drainage plan prepared and stamped by a civil engineer and a geotechnical report. A covenant signed by the owners of the site and notarized prior to issuance of any permit or approval would also be required as well as a disclosure.

In RAIDs and UGAs there would be increased requirements, but with the ability to avoid detention/retention if the downstream system is adequate for expected flows. Water quality is always a requirement. In regard to redevelopment existing conditions are the developed state and not a natural/undeveloped state. Source control required to prevent storm water pollution and water quality treatment to remove storm water pollutants.

### **Public Input**

John Graham, Coalition, said that in terms of water it seemed this was an area where the Coalition and the County

should be able to find common ground. He suggested the County put a schedule in the Comprehensive Plan for when the County-wide modeling being done by the hydrogeologist will be complete, along with a commitment to use the aquifer-like models along with well testing as a way to determine adequacy of water supply. He felt the County should look very hard at making a commitment to adopt the GWMP in total in the Comp Plan.

Joan Drinkwin, Puget Sound Water Quality, asked about not requiring retention and detention systems in the RAIDs if the drainage system can accept the increase in water flow. She also

asked if the County planned to have a drainage manual.

In this case, Mr. Kwarsick commented to note that one of the problems in RAIDs and UGAs was that retention/detention facilities consume a lot of space. He would like to encourage participation in correction of the infrastructure problems of requiring the consumption of land for on site retention and detention. It does not mean that the individuals would be required to deal with water quality problems or even infiltration from small storms. He confirmed the County's intent to create a drainage manual, one that would work in rural communities.

Jack Sikma, Holmes Harbor, submitted a letter dated June 3, 1998, regarding an urban growth designation for Holmes Harbor.

Mr. Dearborn agreed that Mr. Sikma's letter would be distributed to the Planning Commission for discussion at the next meeting.

Meeting adjourned.

**BOARD OF COUNTY  
COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

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Wm. L. McDowell, Chair

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Tom Shaughnessy, Member

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Mike Shelton, Member

**ATTEST:**

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Margaret Rosenkranz, Clerk of the Board