

JOINT ISLAND COUNTY COMMISSIONERS & PLANNING COMMISSION

SPECIAL SESSION - JULY 28, 1998

Island County Planning Commission

Hearings Continued to August 4, 1998

Due to time constraints and the consideration of the Planning Commission on items continued from previous hearings, the Commission was unable to open the hearings scheduled for July 28th on: Plan Elements, Capital Facilities Plan and Zoning Regulations. Rufus Rose, Chairman, Island County Planning Commission, confirmed that the Planning Commission continued it's hearing from this afternoon to August 4, 1998 at 9:00 a.m. However, he has been advised that the Hearing Room is not available that date, and therefore arrangements need to be made for the meeting to be held in some other county facility, so that the Planning Commission may meet in continued public hearing to hear those items. Once a location has been secured, all Planning Commission members will be advised, contingent on consultant and/or appropriate staff being able to attend at that date and time.

PUBLIC HEARING: PHASE B PLAN ELEMENTS, DEVELOPMENT

REGULATIONS AND DSEIS

The third joint public hearing of the Island County Planning Commission and Board of County Commissioners was held on July 28, 1998, beginning at 6:00 p.m. as scheduled and advertised, for the purpose of taking public comments on the Draft Comprehensive Plan Phase B Elements, Development Regulations and DSEIS.

Attendance:

Citizens: approximately 25 citizens attended. Attendance Sheet on file.

Board of County Commissioners: Wm. L. McDowell; Mike Shelton

Planning Commission: Rufus Rose, Linda Moore, Sheilah Crider, Tom Olsen, Richard Hart, George Crampton

Staff: Larry Kwarsick; Emil King

Emil King pointed out that at the prior two public hearings, one in Coupeville July 21st and one on Camano Island July 22nd, Keith Dearborn reviewed documents available for members of the public and summarized key highlights of what had changed using an overhead presentation, and noted the Phase B documents that are part of the public review process. Mr. King reviewed those documents:

- Island County Comprehensive Plan, including Land Use Element from Phase A verbatim with changes that had been reviewed by the Planning Commission
- New Zoning Code
- Draft Shoreline Master Program composed of three different documents, each ultimately a separate section of the Plan and Regulations
 - master program & goals & policies
 - new chapter 16.21 – shoreline administration chapter
 - new chapter 17.05 – shoreline use regulations
- Capital Facilities Plan Element

- Supplemental Draft EIS [combines the first supplemental draft EIS with the staff draft plan in 1996, the second supplemental EIS that was made available in Phase A and further supplemental EIS being presented to accompany Phase B.]
- Technical Appendices

Mr. King advised the audience that four of the six documents were still available free of cost this evening. Others can be purchased from Bay Printing, Coffee Stop or Printery. Alternatively a copy can be downloaded from the County's web page, or request a copy from Mr. King or Debby Ross.

GMA Calendar Update. July 14 Phase B documents were released; hearing held July 21, 22 and tonight. Next month the Planning Commission will hold a hearing on August 11 focusing on the Shoreline Master Program and Zoning Regulations, and on August 13 re-opening Plan Elements and Capital Facilities Plan. The public comment period ends on August 14th at 4:30 p.m. The Board of County Commissioners will conduct public hearings on September 22 and 24, with final adoption scheduled by the Board on September 28.

PUBLIC COMMENTS

[County Commissioners and/or Planning Commission members advised citizens with specific questions on specific pieces of property to be sure to review the zoning code, to meet after the meeting with a staff member and/or put their specific concerns and questions in writing for the record and an individual response]

Bill Hamilton, North Whidbey, was interested in establishing a forest meditation retreat with the idea of a small retreat facility with low impact, a camp out with small shelters done in rural residential and agriculture. This would be a quiet activity keeping the nature and forest. He did envision making it available for recreational vehicles who want to do a retreat.

Vivian Darst, Seattle, property owner of several pieces of property in the Central Whidbey area, a few zoned Rural Residential at this time but according to the Plan, will go to Rural zoning. One parcel she has an interest in is her Dad's 46 acres, surrounding five acres she owns zoned in the new Rural zone, but will be surrounded by her Dad's property which is to be in Rural Agriculture. It is her understanding that the rural zone allows RV's and campers and tents within a campground but Rural Ag would not and she believes that for the retreat she would want to expand the 5 acres and join up some of the land coming from her Dad to her 5 acres. Her concern was that in reading the Plan, one clause indicates that anything that could be done in the rural zone could be done in rural agriculture based upon a permit, but the checklist in front of the book did not show that campgrounds and RV parks were allowed, or a country inn. Her vision for such retreat includes: using a large tract of land divided up into several parcels, a small retreat camp-style, but also a larger conference center; also something on the line of a co-housing type project and shared facility. She felt it unfair in general that some people have been down-zoned who have been holding properties for a long time. Her Dad was planning a residential development north of Sierra; a lot of money has been invested and all of a sudden it cannot be done.

Doug Francis, Oak Harbor, representing the Whidbey Island Radio Control Society, AMA Chartered Club #624, entered a letter for the record [copy on record] requesting an addition to the Plan and Development Regulations:

Model Hobby Parks and Sites to the land and recreational; uses of Rural, Rural Residential, Forest and Agricultural, under the generally used heading of small-scale recreational uses.

He envisioned that in the next 20 years there may be the need for a total of 3 or 4 such parks/sites within Island county

Bud Wallgren, Oak Harbor, addressed the County Sign Ordinance, having been in business in Island County since 1960, primarily in the Oak Harbor area, but recently in unincorporated Island County. In dealing with sign ordinances in various jurisdictions, he finds Island County has the most restrictive sign ordinance of any county he deals with. Signs are critical to the success of small business; serve as a constant reminder to the general public of the goods and/or services that are being provided in a particular establishment, and have a place in the business community.

Rather than having a combined pole and free-standing sign along with the building signs as far as total allowable square footage, he suggested those two items be separated. With regard to pole signs, the current ordinance calls for 40 sq. ft. per side and he recommended that be increased to 64 sq. ft.; maximum height be increased from 16' to 22'. Sixty-four sq. ft. allows an 8x8 sign on top of a pole and provides enough clearance from the bottom for trucks to go around it without hitting the sign. He believed that back-lit [internally lit signs] should be allowed both for pole signs and building signs. Current ordinance calls for indirect lighting or lighting that shines up on signs, but he personally felt it created more light pollution than a good tasteful internally lit sign. Oak Harbor has what he felt was a very workable ordinance that with a few modifications could work well for Island County.

Charlie Stromberg, Freeland, Co-Chair, Citizens Growth Management Coalition [CGMA] entered three letters for the record:

1. July 28, 1998 RAID'S ANALYSIS OF TIGHT OUTER BOUNDARIES
2. July 28, 1998 USELESS BAY/BAYVIEW RAID; DIKES, WETLANDS, MUD FLATS , TSUNAMI'S & EARTHQUAKES; QUALIFYING THE USELESS BAY /BAYVIEW RAID
3. July 23, 1998 TSUNAMI

Mr. Stromberg received RAID information from which he did a fairly detailed analysis of all of the RAIDS, and focused on the Useless Bay/Bayview RAID [submittal #2]. When looking at qualifying that RAID he put together for display taping together 24 quarter section maps on a 3' x 4' cardboard display.

The Country Club/Long Beach RAID on Camano Island has 1,584 acres or 2.5 square miles and Useless Bay/Bayview RAID has 1,331 acres or 2.4 square miles. In his analysis, if the maximum of unplatted land in a RAID should be 10-20% [conclusion he made based on GMA] Useless Bay/Bayview RAID contains 76.1% of unplatted lands. On his map he then traced color on some of the lines found on the map showing how little platted land there is yet GMA says that RAIDS ought to be bounded by platted lands and the boundaries should be tight. The red line is the extreme high tide land line and also the boundary of Diking District #1. All of the lowland is still low; the dike keeps the ocean out. Residential with urban densities of 2 dwelling units per acre is set to be in that area; agricultural is also shown starting from Gabelein Road for a few hundred acres and he did not think that wetlands, agriculture or forest belong in RAIDS. He remembered that Bill Seivers the developer of the Country Club site once told him he could not get an office and business park zoning on Thompson Road because citizens did not want any more water to drain on the back side of the dike. The wide blue line on his map display shows as dike on the map and he pointed to a square area, a lagoon and not shown as available for residential or agricultural uses. Red and orange lines show the shoreline from aerial , and the low marsh line still marked Deer Lagoon, shown in the RAID.

The blue line is the meander line of the beach which goes through Useless Bay beach sites. Looking at known navigation charts for Puget Sound [posted] he reminded when talking about tsunamis, the dike is not very high and would not take much of a wave to get across. There is an earthquake fault that the Sheriff's Department/Emergency Services says is south of Freeland close to Useless Bay. High bluffs are very vulnerable in this RAID. His question to Keith Dearborn and staff is: "how can we justify the boundaries of this RAID?". He provided a spreadsheet that tabulated the RAIDS, and found a significant number that are very high proportion of unplatted land; another significant portion where staff says it is not something that will provide more lots either because of noise zones, slopes or the way the averages work. He took all of the data off each RAID analyses done by staff.

October of 1995 he gave a paper on the structure of Island County to the Planning Commission and the Board supporting the idea to recognize the fact there are urbanized areas especially around the shorelines that are not completed, and noted it should be possible to finish out the utility infrastructure in those areas. After that, however, GMA was amended to create RAIDS, but that RAIDS should not be a way to expand out into the rural areas and increase the amount of sprawl. He read from RCW 37.70A.070.(5)(d) iv A, B, D and D [see submittal #1 for today's record].

Mr. Stromberg concluded that a RAID should have no more than 10% to 20% unplatted land added to fill in its built/platted logical outer boundaries which are to minimize and contain these pockets of urban plats. Staff comments

should be followed to eliminate the RAIDs which do not provide a significant development opportunity or cannot be developed due to criteria such as airport noise zones. He suggested since this wealth of information he found in staff comments is important and had not been put before the Board until notebooks were provided last week, that the County deserves to hear planning staff, review comments, and that the public really had not been provided information on RAIDs at the time started.

Richard Hartman, Ft. Ebey Road, Pondella Estates, Coupeville, seven years ago purchased ten acres with 4 good building sites and he planned when he could afford it, to develop the property as such. He recently talked to a planner and explained his problem and was advised that all of that area, including Sierra, Pondilla and Hill Valley was rezoned into 5 acres for 1 house. He feels that this is unreasonable and would like to be assured of review and/or appeal process. He looks at his 10 acres as an infill piece, noting the purpose of GMA is to prevent urban sprawl his question is: "to put at least 3 homes on his 10 acres how will that add to urban sprawl?".

Earle Darst, Central Whidbey, suggested the Board reconsider and add back in mobile home parks as a conditional use in Rural Agricultural, Rural and Rural Residential, which he thought would help solve the affordable housing problem. Under Rural Agricultural [page 31] conditional uses should be spelled out and include mobile home parks, RV Campgrounds, golf courses, B&B Inns. The two criteria, i.e. 20 acres or more and taxed as open space, are not valid, and the County instead should consider the quality of the soil classification. He suggested: throw out rural agriculture entirely as not needed, rather should be Rural 5 acre minimum. The term "Urban sprawl" should be included in the definitions and should be defined as "country-side living".

Carrie Ann Astesie, had three areas of concern.

The Shoreline Management Element document did not seem to have addressed adequately water quality in much detail, specifically concerned about the potential contamination by failing septic tanks existing now and in the future especially with allowing building between existing houses closer than setback.

Water quality in proposed marinas can be jeopardized and there should be a paragraph addressing a plan, inspection and enforcement as far as availability to recycle or reuse oil and bilge water for any by product to maintain a boat.

Definition of geologic hazards - most geologically hazardous environments are in the shoreline and it is the most geologically changing environment. There is a need to address the problems with bluffs which are unstable, potential for earthquakes as well as tsunamis is real.

Harry Gesture, South Whidbey, commented on the Shoreline Element of the plan, noting some areas of concern, mainly in the area of setback and construction setbacks and the process. Referring to general development policies, item #6 on page 11, this references granting variances and provisions of the master plan only in those limited instances when strict compliance to the master program would prevent any reasonable use of the property, yet on page 16 in the environmental development policies, the statement is made that new developments should be restricted to those which are compatible with the natural limitations of the land, and he sees those two statements to be in disagreement with each other. Using criteria shown on page 18, items 2 & 5, the shoreline is not that, rather a very tender environment which needs to be handled very carefully and some of the applications proposed do not comply with that caring. A few specific changes he suggested were:

Page 20, Aquatic Conservation. Statement is made "...should the protected species flourish so that it no longer meets the criteria of highly sensitive species and is removed from the protected species list, the aquatic conservation designation should be reconsidered". The reason he thought these areas were set aside were to maintain that lack of impact – this statement would be short vision and suggested it be removed.

Page 29 Forest Management Practices. Suggest #2 the reference to logging and thinning operations within 200' of the mean water mark have added to that sentence, where it says "in a safe manner" to add "and non-impacting manner". Item #4 with reference to logging should be avoided in shorelines with slopes of such grades....." he suggested that language be changed to say that logging should not be conducted.

Page 31 Residential Area #2 – subdivisions should be designed to adequately protect the water and shoreline, and

suggested adding at the end of the sentence "and adjacent areas".

Page 32 Bulkheads. Item #6 references non-structural shore defense works and as incentives for not using bulkheads or other armored shore defense works, referencing one of those incentives as increased setbacks. He agrees with that, but he thought it did not correlate at all with the 25' reduced setback reflected on page 79 which permits setbacks to go to 25' which does provide an incentive and represents more poor management of the land on the Island.

Page 78 Wetlands. Item #6 - reference that residential structures shall not be located on wetland areas etc. unless complete flood-proofing measurements have been provided, although under subdivisions, it cannot be done. There is no compliance there, no balance[i.e. if he owns a piece of property, splits it up and sells it as individual lots an individual property owner can build on those lands].

Page 79, Item #12 – Subdivision of lots on feeder bluffs should allow sufficient lot depth for development – he strongly urged should be changed to shall.

Page 86, item 10.B. The issue of a bulkhead and permission to build a bulkhead additionally is permitted where property is adjacent to and down drift from a jetty bulkhead or similar structure and threatened by serious erosion. This only moves the problem down one lot; a bulkhead is not an answer and there has to be another approach to it.

Dean Enell, South Whidbey, expressed thanks on completion of the Comp Plan; he was not totally happy with it, but not totally unhappy either. He appreciates that the Plan has a goal and a vision, with some regulations for getting there, and that there are processes established for tackling the increased complexity that the 21st Century will demand. He thought that the definition of Rural Character was one of the best he had ever seen and was happy to see benchmarks provided. He suggested the following be re-addressed and changed:

Stream Buffers. With continuing descent of native Coho salmon it is hard to believe the County would reduce stream buffers which equate directly to salmon habitat preservation. Recommend using best available science from the Department of Fisheries and increase the stream buffers.

RAIDS. Need tighter boundaries on RAIDS.

Water. Focus on the carrying capacity of Island County. Like to see some concrete steps to ensure this resource is not threatened as the County absorbs the 50% population increase in the next 20 years. Make development contingent upon proof that water sources are adequate rather than forcing non-development community to prove an inadequacy.

Transportation. Adopt a positive attitude with current State legislation which does exactly as what is professed in numerous places in the Comp Plan, namely throttling development to preserve the quality of life enjoyed in Island County. Being able to get on and off the Island and move around once here is a quality of life factor that deserves consideration and pro-active consideration.

SEPA Appeal. Encourage citizen involvement be maintained specifically the issue of standing; anyone in the county should be able to question environmental impact.

To accomplish the goals of GMA required a hammer or carrot to influence where 44,000 newcomers would go. Mr. Dearborn told him there are 5,000 extra lots in the Plan beyond what the 44,000 need, but Mr. Enell thinks the figure is far too low and is a gross overestimate.

PRDs are a good thing but can be abused. PRDs are proposed to be reduced from 20 acres to 10 which in his opinion opens a lot of rural land to development. Recommend a change in the Plan and put the PRD acreage back to 20.

If people decide to live in the rural areas the community should not be required to absorb all the costs for the services necessary. To get a handle on the costs of providing services demanded by growth should be passed on to the beneficiaries through impact fees.

Diane Kendy, Save the Woods On Saratoga, Langley, submitted a letter for the record dated today, which expressed

areas of concern [summarized below]:

- urging that the Commissioners stand by their vote of January 26, 1998 not to include the concept of Master Planned Resorts in the new Comp Plan;
- golf courses in rural areas should likewise not be included
- country inns with maximum size of 40 units need to be sited on a minimum of 10 acres instead of 5 acres
- concurrency regulations presently exempt "vested development activities" and that

language is far too broad

- Island County needs to start assessing impact fees to help pay for a fair share of the extra county services that are necessitated.

Don Jewett, South Whidbey, commented that where enforcement of the Plan is proposed through the Planning Department, he believed enforcement should be provided through the law enforcement system via the Sheriff and Prosecuting Attorney. He met with the Sheriff who indicated this could be done very easily. The PBRs and Natural Lands Plans are not required elements of the Comp Plan, are seem to be crammed in at the last moment – when what should be done is to cut back and be more efficient. He urged that the Board provide the governmental services on last year's budget and hold same to no tax increase.

Gary Piazzon, Coupeville, congratulated the Commission and Board for putting together a Comp Plan reflecting the values of the people who provided input, and he believed there were a lot of good things in the Plan, one of which was the Natural Lands element reflecting expanding awareness of the value of land beyond economics. The groundwater element has some very good features, and he was pleased to see the number of RAIDS reduced and the density of shorelines recognizing the impacts mentioned. There were a couple of articles in the newspaper recently that generated discussion within the community concerning earthquakes and tsunamis – these are unpredictable and in this area, expected events that should not be ignored. He applauded the Commissioners for including Clinton and Freeland and considering them for UGA status. He was happy to see the exclusion of Master Planned Resorts, Fully Contained Communities and NR Floating zones. The Sign ordinance he thought was a very good ordinance, sensitive to the goal as stated in the Comp Plan to maintain rural character. Mr. Piazzon then shared his concerns:

-Protecting shorelines and tax dollars from results of people losing property. Would like to see setbacks increased a little. Sees vegetation preserved to not just the top of the bluff but within 10 or 20' of the landward of the top of the bluff – those plants have a very important function via their roots in maintaining the integrity of that shoreline.

-Concerned that commercial buildings of up to 12,000 sq. ft. will not need SPR and the public will not be able to comment on those applications and placement within the rural zone. Seems to be large increase over the previous regulations which were 4,000 sq. ft.

-There should be some limitations on golf courses since they have a significant impact on the environment and rural character; can be overuse of toxic materials to maintain the golf courses and their placement should be considered carefully and limited appropriately.

-Country Inns up to 40 units; sounds a bit like hotels and he thought there should be some limitations

-Glad to see the Wildlife Ordinance will be revisited in light of recent information, perhaps enhanced and improved upon, particularly the buffer zones.

-Agree with Dean Enell about impact fees.

John Graham, Citizens Growth Management Coalition, appreciated the changes the draft that reduces rural sprawl, the biggest change being the down-zoning of what used to be called Residential. However, since that time, he thought

the County seemed to have made a series of moves, intended or not and taken together, reintroduced that sprawl, specifically five issues:

The 70-30% split allocation of population is not an effective logic with the Hearings Board. The 50-50% goal set as a long term planning goal in County Wide Planning Policies is good. Unfortunately, the effort seems to have died under strong pressure from the City of Oak Harbor. His suggestions on behalf of the Coalition were:

1. Get more serious and energetic about Freeland and Clinton becoming non-municipal UGA's including decisions to help support financing of sewer and stormwater facilities in both places and assigning non-municipal UGA numbers.
1. Stop letting Oak Harbor be the tail wagging the County Comp Plan dog; it is the County and not the City that has the final authority to draw IUGA boundaries and assign county wide population allocations. The County should consider a cost sharing scheme as part of the CWPPs where any money contributed by the County for UGA infrastructure after depreciation would be paid back. Use CWPPs to start serious talks about how the infrastructure can be allocated to support a 50-50% population split.
2. Do not allocate what used to be RAID populations into the rural area. Coalition supports an intense analysis of carrying capacity of the RAIDs and applauded when some deleted or reduced in size to reflect problems pointed out by County staff regarding water and steep slopes. What they see in the documents is to suggest that population be allocated into the rural areas and not UGA's.
3. Re-explain density bonuses. By and large it is a good thing and the Coalition favors 50% density bonuses for PRDs, farm management plans which include some density bonuses, but do not agree that density bonuses should be the only tool for affordable housing. Density bonuses in current draft are excess to the need.
4. Do not allow rental of guest houses essentially doubling the density on every parcel of land on which there is a guest house creating a 2.5 zoning in a rural area when GMHB has firmly rejected that density.

As to sign standards, the Coalition very strongly would oppose a relaxation of sign standards as proposed by Mr. Wallgren. Oak Harbor, particular Highway 20 in Oak Harbor, seems hardly a model for signage for the unincorporated parts of Island County. Coalition submissions suggest that current standards be maintained and minimal standards for lighting be added. As far as the Freeland and Clinton UGAs, a Planning Commission member recalled having heard for Freeland that the expansion of the RAID boundaries south of 525 actually operated to defeat the goal of turning Freeland into a UGA because the availability of perk and water south of 525 will encourage that area to develop first w/o infrastructure rather than developing the core area of Freeland with infrastructure. Mr. Graham remembered when working with the EDC Committee that the Committee in fact had projected a business park in that area. He thought now this was an issue that the people of Freeland must look at, just as the people of Clinton started to do two months ago. The County should encourage the people in these local municipalities.

John Chambers, Oak Harbor, had some inquiries and was advised by the Commissioners to individually consult via appointment with Planning staff for specific answers to:

- inquired about a proposed 100' setback regarding waterfront property related to drainfields
- 25' setback on no bank waterfront
- property in the open space tax program and is currently or will be zoned Rural Agriculture or Rural Forest, can he pay back taxes and penalties and have it taken out of that zoning, and if so, what would the zoning be?
- if a property will be zoned RA or RF and includes 10 tax parcel numbers, all are less than 20 acres, yet all would be individual building sites. If that is the situation those parcels should not be zoned RF or RA because that is not what they will be used for in the long run.

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 8:15 p.m. The next Regular Meeting will be held on August 3, 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