

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

SPECIAL SESSION - SEPTEMBER 8, 1998 - GMA WORKSHOP

The Board of Island County Commissioners met in Special Session on September 8, 1998, at 9:00 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. for the purpose of conducting a GMA Comp Plan/Development Regulations , Phase B, Workshop. Those attending were:

County Commissioners: Wm. L. McDowell; Tom Shaughnessy; Mike Shelton

Planning Commission: Anne Pringle; Linda Moore; Bill Vincent; Tom Olsen; Sheilah Crider; Rufus Rose; George Crampton

Consultant/Staff: Keith Dearborn; Emil King

Audience: Chris Douthitt, Whidbey News Times; John Graham; Charlie Spromberg; Diane Kendy; Don Jewett; John Hitt [and 4 others not identified]

Handouts - Phase B Documents:

- 1) Revised Island County Comp Plan 9/8/98 Planning Commission Recommendation
- 2) Title 17.03 Zoning Code, with Appendix A [Appendix B, NR design guidelines, not yet received - being Federal Expressed today]; Exhibit C- UGA maps for Oak Harbor, Coupeville and Langley
- 3) Shoreline Element "Shoreline Master Program"
 - A. Shoreline Element of the Comp Plan
 - B. New Chapter, 16.21 on Shoreline Administration
 - C. New Chapter 17.05, Shoreline Use Regulations
- 4) Planning Commission Preliminary Findings of Fact

Mr. Rose felt the Planning Commission complied with what their understanding was of the law, and by majority vote, had agreed to forward the recommendation to the Board. He expressed thanks to the consultant and staff for the support provided to the Commission, and asked that those professionals be called out by name in the document. Over the process, his observations were: affordable housing had been a difficult issue and caused a lot of interest; tried to pay attention to senior needs; rural character was high on everybody's vocabulary. design criteria, now a first in Island County, applies to NR and hoped to see great deliberation on that subject though he is not sure what the process is because that information has not come back from Rich Untermann; concurrency and transportation are political issues and on-going; the position Island County is taking is reasonable and logical, but one that would require a great deal of monitoring; public input was extremely valuable and generous.

With regard to the State Land Use Study Commission there needs to be a good feeling for what they are about, which is to try to make GMA work. At a recent meeting Growth Management Hearings Board representatives spoke about their inability to bring appeals to a finite conclusions, and their solution was to rely on local elected officials. Island County needs to let the legislature know what it cost the County for this process, and what changes, if any, the Board would recommend be made at the State level. Planning staff need the latitude to exercise common sense. He thought down-zoning was excessive and that what this would mean to individual property owners not yet clear.

Ms. Moore pointed out what she thought had been done right: the Board's hands-on management [and she encouraged that to continue through the implementation phase]; involving Keith Dearborn; getting to the point where there were more facts than opinions; the availability of those facts was very important and a GIS system something the County

needs, along with adequate funding of the Planning Department; lowering affordable housing medium income level in the PRD's from 120 to 80% medium income, the PRD ordinance can be a very workable tool, but will take some consumer education.

She disclosed for the record that she recently purchased a home in the Sandy Point area on Wilkenson Road on the edge of the Sandy Point RAID. She believed the Board should anticipate hearing further public comment at subsequent hearings on RAID Boundaries, particularly Sandy Point Raid and Freeland RAID. The size of the Sandy Point RAID just about tripled and there seems to be a lot of concern about that. For the Freeland RAID, there remains concern in that a certain number of people disagree with splitting Freeland with commercial on both sides; they think it is a bad concept and that commercial on the south side of 525 is bad for downtown Freeland business. With regard to mobile home designation, there needs to be review about where those parks can be located and make sure the County is comfortable about the variety of where those can be located. There needs to be an upper limit on density for adult home care and RV parks. The vast majority of the public just want to be able to get needed business taken care of in the Planning Department in a timely manner.

Ms. Pringle was pleased that the Plan was finally finished on the part of the Planning Commission, and felt that for most part the Commission did the best they could under difficult circumstances to make it as fair as possible and stay the middle course. Everyone needs to remember that this is an evolving process that will go on year by year and the Plan should not be considered as cast in concrete forever. There is further work remaining, i.e. sub-area planning, etc.

Mr. Vincent was impressed with what he saw, and the two important points he saw that would make the Plan function were: a bench-marking program to measure what government is doing and what it is required to do; and that the Planning Director make a record of any variances approved and report same back to the Planning Commission twice a year so the Commission is aware of those and can look into the necessity of perhaps making changes.

Mr. Olsen thought everyone associated with the work on the Plan could be proud of the document. He realized there must be some fine-tuning and agreed with the comments that this is not cast in concrete and there can be some changes made when needed.

Ms. Crider expressed thanks to the Board for bringing on Keith Dearborn and qualified consultants to help get the job done, all provided what was needed in order to put together the very best document that could be done. Consultants provided the Commission with the tools necessary and thus able to find a place for compromise. The housing element is what she thought was most lacking and over the next year wanted to do whatever is needed to make it what it should be. Staff encouraged the Planning Commission to make certain that Findings of Fact adequately addressed legislative intent of the Commission and she was concerned that perhaps that had not been done. The last ten months' work has been most significant. While she disagreed with a lot of the down zoning, she believed it had to be done.

Commissioner Shelton agreed that Mr. Dearborn very capably assisted the County in accomplishing completion of a GMA Comp Plan. Often the Board has been criticized for expending tax dollars to get the document completed but his belief was those dollars were necessary in order to complete the Plan. He expressed great appreciation to the members of the Planning Commission, all volunteers who worked to complete the Plan. Though the Plan may not have put everyone on the same plate, he had observed over the last 4 or 5 months "a new civility" and thanked all those who participated as interest groups and put in untold hours of work into this Plan, resulting in a better County Comp Plan.

Commissioner Shaughnessy agreed the process would continue on and that it is an evolving Plan, and he too thanked everyone involved and offered a personal note of thanks to Mr. Dearborn for accepting the challenge. With respect to the issue of down-zoning under the Plan, he believed that the public was not yet fully aware of what was occurring, the information perhaps not covered the issue to the extent he thought it should have been. The down-zoning was not something he was overly proud of but acknowledged it had to be done.

Chairman McDowell also expressed his appreciation to members of the Planning Commission who took on a difficult task under trying circumstances as volunteers, and thanked Mr. Dearborn for serving as the "quarterback" .

Additional Materials for the Record provided by Mr. Dearborn:

- **"Preliminary Analysis of Existing Residential Zone and Proposed Rural Residential Zone"**

Shows the consequence of changes in zoning classifications that occurred over the years and tells what has occurred with Planning Commission recommendation in RAIDs, number of acres existing and proposed, population potential, percent reduction that has occurred. The result of down-zoning accounts for a 69% reduction in the total acreage of existing lands zoned Residential, and the population capacity of the County significantly reduced. Growth for the next 20 years is 33,900 people approximately in unincorporated Island County, of which 11,000 is projected to go in RAIDs. RAIDs account for about 1/3 of the total growth over the next 20 years; in addition, another 13,000 is projected to go in the cities and town. The cities and town growth rate is about 60% and the RAID growth rate about 50%. When looking at a total for unincorporated Island County, about 1/3 of total growth is predicted for RAIDs, and 2/3 for rural area [43,900 high series OFM projected total, of which 33,900 is projected as unincorporated County growth; UGAs 13,400; unincorporated county 30,500].

Mr. Dearborn noted that Mr. Spromberg, Coalition Co-Chair, did an analysis of the RAIDs but has not had a chance to complete that work with staff and the Planning Commission asked Jeff Tate to take the time to allow Mr. Spromberg to be able to correct the analysis and be able to provide that information to the Board during the final review process. Mr. Dearborn's opinion is that the County had been overly conservative in its RAID boundaries and in fact, there are another 14,000 acres that could qualify as RAIDs. The biggest challenge is that there are only a few large parcels of land left in the county. If people are unhappy with the population potential it is because of lots created in the 1950's and 1960's, not with decisions made in the last 10-15 years. He had no question but that the Plan as presented by the Planning Commission was legally defensible. Over the next 30 days the Board will have an opportunity to hear further arguments and proposals for refinements. The Board will hold public hearings on September 22 and 24, 1998 at 6:00 p.m. with final action scheduled at public hearing on September 28 at 2:45 p.m.

- **Chart: Rural Residential Summary**

Chart is a Rural Residential Summary showing numbers from July 14, 1998 Draft compared with the September 8, 1998 Planning Commission Recommendation. Under the September 8, 1998, Planning Commission Recommendation:

Land Supply Total

Acres Parcels

Rural Residential

Less than 1.5 acres 8,179 16,055

Between 1.5 and 4.5 acres 1,151 585

Greater than 4.5 acres 1,060 109

DISTRICT TOTAL 10,390 16,749

On Friday Mr. Dearborn received a call indicating that DOE staff received the Coalition's RAID analysis and were upset by it and confirmed an interagency meeting to decide what to do. He suggested DOE wait until the County finished its work and that DOE take the time to come to the County to review that work in order to understand what has been recommended by the Planning Commission.

The Planning Commission added several provisions in Appendix A relating to special conditions for some RAIDs [pages 89 and 90 of the zoning code]. Holmes Harbor RAID conditions were proposed during Phase A and he was not aware of any public comment from property owners or individuals involved with Holmes Harbor; it is a sub-area within the Freeland RAID. The Planning Commission was particularly concerned that development within that drainage basin continue to contribute its pro-rata fair share for

stormwater improvements within that sub-basin. Condition #3 relates to a very small area added to the RAID boundary

at the south end of the RAID [Misty Meadows – 3 properties]; the Commission felt that the density maximum should be less than in other areas for Freeland. For the Bayview Area [refer to the maps posted on the wall] the concern is about the rural agriculture activities and category A wetland [page 90] and conditions are based on that – if a conservation easement is not granted to the county or a non-profit organization to protect the wetland and rural agricultural properties, those properties are not to be within the RAID. It was his understanding that the property owners are drawing up a conservation easement and expect to submit that before the County completes its process this month.

PUBLIC COMMENT

John Graham stated that the Coalition would be ready with a refined written submission within a week, nothing new, and would attend and participate in the workshop on September 23rd. The Coalition still has concern that some of the things done by the Planning Commission recommendation, taken together, create an accumulative impact, such as: RAID boundaries, affordable housing, density bonuses, mobile home parks, rental of guest houses, 30/70 split, PRD density bonus 100% with only 50% open space and opt out provisions for farms. To put even one-half of those on one parcel would mean that someone could put 18 dwelling units on 10 acres of rural land. The Coalition acknowledges the pain of down-zoning, but the problem is that with that pain the County still has to meet the requirements of GMA.

The only thing Mr. Hitt saw missing from the list of issues remaining for EDC was about the future status of Freeland and Clinton, particularly in the overall context of there not being adequate types of commercially zoned land.

Don Jewett reiterated prior comments, as also addressed in his August 15, 1998 letter, as far as his concern about enforcement – he questions pages 86 to 90 coming under the Planning Department for enforcement, feeling this more appropriately should come under the prosecutor.

AMENDMENT TO PLAN INTRODUCED

Commissioner Shaughnessy introduced an amendment to the Island County Comprehensive Plan to create more specific restrictions for siting of communication towers in Island County . The Board agreed to send a letter to all communication cell tower owner/operators in Island County with a copy of the proposed amendment advising that the Board will conduct public hearings on the Plan September 22 and 24, 1998 and any comment they might have to offer related to this amendment needs to be received by the end of either of the two public hearings mentioned above, prior to final adoption on September 28, 1998.

ADDITIONAL WORKSHOP SCHEDULED

Mr. Dearborn noted that consistently throughout the process the Planning Commission and Board received excellent submittals from EDC, Property Rights Alliance and The Coalition. Mr. Dearborn provided a one-page outline of the remaining issues from each of the three organizations that focus on the Zoning Code. Given there are only two public hearings remaining before the Board, September 22 and 24, 1998, at 6:00 p.m., Mr. Dearborn suggested the Board schedule a workshop and allow one hour for each organization to address the Board with their remaining issues [a workshop in public session, with each organization inviting three or four members of their organizations to participate]. Planning Commission members who wish to participate are invited to attend and listen.

The Board agreed with Mr. Dearborn's suggestion and scheduled a public workshop session during already scheduled Staff Session September 23, 1998, the three organizations scheduled for one hour each beginning at 4:00 p.m.

Meeting adjourned at 10:55 a.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

biggest challenge we have is that we have few large parcels of land left in the County

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest:

Margaret Rosenkranz, Clerk of the Board