

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

SPECIAL SESSION - SEPTEMBER 24, 1998

The Board of Island County Commissioners met in Special Session on September 24, 1998, beginning at 6:00 p.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Commissioners Wm. L. McDowell, Chairman, Tom Shaughnessy, Member, and Mike Shelton, Member, were present.

Purpose of Session. On September 1, 1998, the Board received final recommendations from the Planning Commission on the following: County GMA Comprehensive Plan; Capital Facilities Planning; and Implementing GMA Development Regulations. Public Hearing being conducted tonight to take public comments on possible amendments to the Planning Commission recommendations on the above Plan Elements and Development Regulations. Final adoption of the Plan and Regulations has been scheduled for September 28 beginning at 2:45 p.m.

Attendance: Approximately 27 members of the public attended; attendance sheet placed on file. Staff and Consultants present, included: Keith Dearborn; Larry Kwarsick; Stacy Tucker; Phil Bakke; Emil King; Vince Moore; Jeff Tate.

Opening Comments.

As with the hearing on September 22nd, Mr. Dearborn advised those who submitted written comments previously need not re-submit those tonight, only to note for the record the date of previous correspondence. People were asked to address specific requests, and if there were new comments, those needed to be orally presented or in writing at the end of tonight's hearing.

The Board will meet in final GMA Workshop tomorrow at 4:00 p.m., to review final amendments to the Plan, Code and Shoreline Master Program, based upon the public hearings and comments. On September 28th, the Board begins final deliberations on the Comp Plan, Zoning Code and Shoreline Master Program. Yet to be finally decided is the effective date of the new Comprehensive Plan. It had been anticipated the date would be October 1, but now is believed to be later than that. There is a whole collection of ordinances which the Board took final testimony and made a final decision on but final action held until September 28th as part of the Comprehensive Plan; all ordinances are available on the Internet or from the Planning Department.

PUBLIC TESTIMONY

Kaarin Schweitzer, Saratoga Beach, advised as to the extent of the nature of Saratoga Beach Division #1, that after being logged off in the Sixties the developer brought in fill to many of the waterfront lots, confirmed by an as-built obtained from the County showing the soil was 2' of sand fill on top of the hard pan. She thought particularly in RAID waterfront areas needed much more care about adequate drainage. There are some 64 lots just in Division #1 that are developed, cleared or built on, which will drain directly on the neighbors below. Her recommendation was that before any lots are permitted to be logged, cleared or built on, that drains be required to run all the way at least to the county drainage so it not end up on neighbor's lots. Many parts are a critical drainage area, particular Division #1.

Commissioner Shelton advised that the RAID designation for that area had been eliminated. It does not preclude someone from building on an existing platted lot but there will not be any additional lots platted in the area, partially because of testimony and also because of the identified drainage problems in the area.

Towers Rockwell, 4347 Bellegrave, Langley, indicated she and her mother's property had been zoned 3.5 units per acre since 1984. They count on this to be able to stay on their property. They were happy to hear last week their property would be included in the Sandy Point RAID, but when attending Tuesday's hearing saddened by what her neighbors said about wanting the RAID boundary to end at the 28 acre piece and not have that be residential anymore, and was surprised too about the article in the Whidbey Record regarding the RAID and property down through Witter Road.

Don Smith, Fire Chief, Island County Fire District #3, was concerned about property on Saratoga Road the District

wants to build a fire station on. In talking to County planners, he was advised this afternoon that fire stations were not included. He presumed that had been an oversight, not imagining a fire station could not be built where the need exists. The property is in the new rural residential zone and fire stations are included as an institution use but noted as "reserved" [page 54, #10] and he was not sure what that meant. The District is talking about a 2500 sq. ft. pre-engineered steel building, a three-bay volunteer station with no sleeping quarters. His request was that the County reconsider limitations for building fire stations. All county fire chiefs are concerned about the ability to build fire stations in appropriate locations.

Mr. Dearborn's understanding was that the property was included in a RAID where fire stations are not a permitted or conditional use in the Rural Residential zone the way the Code is written; two-bay permitted; more than two-bay would be a conditional use]. Fire stations are permitted uses in the Rural Centers and Rural zone and Rural Village.

Julia Henny, representing Whidbey Telephone Company, submitted a letter for the record from Whidbey Telephone Company dated this date, addressing suggestions for improvements to the draft Island County Comprehensive Plan in relation to telecommunications. The primary concern was the ability to plan adequately to accommodate the provisioning of telecommunication services, with specific concern about the communication tower amendment applicability to existing towers.

There is also concern about the affect of wording conferring a preference upon any wireless provider over any other wireless provider with respect to facilities contemplated in the future. Another concern relates to restrictions on telecommunication towers which include screening provisions and maximum height. Screening provisions as now proposed would require trees to surround the tower which to be in excess of 250' tall and a provision requiring screening within 150' radius of the facility, which prove to exceed property lines in some cases. The height restriction is in conflict with the height of existing towers. There are some concerns over portions of the draft Shoreline Management element with respect to submarine cables, although most of the changes are improvements that provide clarification of the services Whidbey Telephone Company provides and hopes to provide in the future.

Brian Bird, Greenbank, presented information relative to 20 acre parcels and the ability to segregate out one acre every ten years. He had an architect draw up a map [displayed at this time] showing two scenarios, both he thought should be accepted:

1. 20 acre property with a house, which under the regulation the person would be able to segregate off one acre
2. 20 acre parcel where someone wants to build a house and segregate out one acre.

He would like the ability provided so that a person could have the one acre segregation and build a house on the other portion of the property. Regarding five acre segregation's, he thought simplifying the process of creating inexpensive and more available properties for people looking for property and for children is very important and conforms to State regulations. Diminishing parcels would have a huge inflationary impact on this Island where property values could accelerate. He noted too that impact or development fees only add to the selling price.

Under ICC 16.06, item #G, regarding existing legal lots, he proposed there be a fair system, one that establishes a timeline regarding existing legal lots as has occurred since the 1850's or when people started buying property in Island County. Parcel numbers were created in 1984 and he found out that the county record for parcel numbers or tracking of parcels is actually located in Whatcom County -- a ledger maintained that keeps track of the parcels. He submitted for the record a statement obtained from public records [State Archivist of the State of Washington, Bellingham] from records of Treasurer of Island County, Washington, Real Property Assessment and Tax roll, 1970 Volume 2, Township 30 – Range 2E, Page 38] showing that the parcels were established or on the tax rolls, but did not assign parcel numbers. It is a legal description and shows the property owner and size of the parcel. Another document Mr. Bird submitted for the record was provided to show how Snohomish County handles this: if created prior to April 15, 1957, all they require is a recorded deed or contract documenting that the lot existed April 15, 1957. The issue is what is a legal building lot and how it was formed. Added requirements are health requirements, current zoning, lot size requirements or those in effect at the time the lot was created. This shows how simple it can be - a recorded deed is

proof it is a separate lot and people should not be required to show separate identification numbers; as it is unfair and unrealistic.

Mr. Dearborn observed that Mr. Bird was asking for setting up a simplified system of re-identifying parcels – an amendment to 16.06 that exempts lots that were created in a different way than the exemption currently proposed. Technically the public hearing is closed on 16.06, but did indicate he could take this information and re-look at 16.06 and see if there is an issue.

Richard Chapin, displayed an illustration as an exhibit, explaining that for about the last 25 years, he and his wife owned about 4-1/2 acres on Bush Point [colored in yellow on the exhibit]. After the GMA decision invalidating the rural residential zone, he went before the State Land Use Study Commission urging some kind of action to overcome what he felt was a very poor decision in the GMA, and pointed out that in the real world there are situations that are neither rural nor urban. His thought was there were certain circumstances such as those that existed in the Bush Point area, that would justify in a rural area allowing greater than rural density. As shown on the exhibit, his 4-1/2 acres is surrounded by very small lots, most around 12,500 sq. ft., many with mobile homes; only one large area on Bush Point which is a retainage pond; another large lot across from him is fully developed. Therefore, he argued for allowing his property to be developed consistent with surrounding property. The Land Use Commission agreed and Mr. Chapin spent the next number of months working with the Commission to define what circumstances would justify a county allowing greater than rural density in a rural area.

The solution by the Land Use Commission was approved by the legislature, thus, his disappointment in August when he found out the RAID had been removed from Bush Point. At that time, Mr. Chapin wrote a letter to Commissioner Shelton [copy of the letter dated August 25, 1998 submitted for the record] pointing out that what he now had on Bush Point was 8 existing lots, 5 which are tiny lots not big enough to build on; lots 7 and 8 over 1-1/2 acre each and way out of scale with surrounding area, all existing legal lots based on an early 1900's plat of Bush Point. On the exhibit, he showed what he wanted to end up with [or something like it]: not more than 7 lots—at this point 5 lots anywhere from 21,000 to 30,000 sq. ft. In his opinion, he would be entitled on a boundary line adjustment to create those 5 lots [take the 7 he has and end up either with 5 shown or not more than 7]. However, he is concerned over the existence of Island County Resolution #C-23-88 adopted May 2, 1988, establishing County policies and procedures relating to the combination of lots and plat vacation/alteration, providing to adjust boundaries of more than 3 lots the BLA process cannot be used, rather would require a plat revision, which does not seem consistent with the BLA provisions to be adopted. He suggested the Board rescind that resolution to avoid problems it could create in terms of BLAs.

He requested confirmation on record or legislative intent that what he is proposing, or something like it, is consistent with the intent in adopting the BLA, or if not, to reconsider the RAID designation. Fairness says one way or the other this property should be entitled to be developed consistent with what is around it.

Until now, Mr. Dearborn had assumed that as a matter policy the County had not viewed the BLA process in 16.06 to be limited to three lots or less, simply a question of whether there were going to be the same number or fewer lots being created by the adjustment of boundaries. He will review Resolution #C-23-88, talk with staff, and have a report at tomorrow's workshop.

Tom Puentes, Bellellen Way, Langley, from the neighborhood that would be impacted by the Sandy Point RAID extension, noted one of the key points in trying to decide any RAID was to balance individual property rights versus how it affects society as a whole. In his opinion, and in the opinion of most of those canvassed in the neighborhood up and down Wilkenson Road from the Sandy Point area down to Wycliff Road, the RAID as extended is not commensurate with the guidelines established to keep RAIDs in compliance with the rural nature of the neighborhood. During the hearing on September 22nd, his wife displayed a map that demonstrated where the RAID originally was and as extended all the way down to Wycliff Road is not in keeping with the rural nature of the neighborhood.

The extension of Sandy Point RAID does not meet the criteria in RCW 36.70A.070 GMA, or the September 8, 1998 draft Island County Zoning Code and is not commensurate with the existing neighborhood. He asked for the Board's

consideration in what the Code states, look at the density that exists there and how the continued expansion would affect existing property values, etc. He submitted too a letter from another neighbor for the record [dated 9/21/98 from The Neals, Langley] opposed to the RAID extension.

Ted Basrak, Witter Road, Langley, voiced concern and objection to the Sandy Point RAID. He enjoys the fact this is a very peaceful and quiet community. If the RAID is extended as proposed he understands there could be a large increase in the number of homes and activity occurring in that community and neighborhood.

Diana Bleakley, View Road, Langley, collected signatures with Gretchen Puentes turned in last Tuesday from the neighborhood against extension of the RAID. What most people hoped for was that any development would be in keeping with what is already there, most 1+ acres. There has been a moratorium on water since she has lived there going on 5 years. Not opposed to building as such just would like to have it in keeping with what is already there.

Richard Wright, Broadmoor Road, Camano Island, reminded there were some 13 goals in the GMA, most very complex, one being to preserve and protect resource lands. By his calculation, according to existing land use, Island County has 15,591 acres of resource land, while according to the current Plan, only 1900 acres. He owns 19.74 acres in the area in-between, currently zoned under the old plan as AG having received that designation in 1991. He thought the least the County could do would be to offer those folks in that in-between figure [between 1900 and 15,000 acres] a designation they wish, under the old or new code. Mr. Wright requested his property designation remain as Resource AG. He has recently been granted an agricultural water rights permit.

Jack Sikma, Holmes Harbor Golf Course property, discussed the RAID at Holmes Harbor and the development around the golf course, and the fact that the current Comp Plan includes some specifics for Holmes Harbor. The base density is 3 dwelling units per acre and recognizing existing lots and contribution to a fair share fee to storm water improvement plan, he is aware that storm water improvements are needed in some areas. The Plan talks about an Island County Comprehensive Stormwater and Flood Hazard Management Plan and he asked if that was an existing or new plan yet to come.

He pointed out that when Holmes Harbor built the sewer system there some properties were unplatted [bigger properties that were assessed at the 3-1/2 units per acre density, 12,500 sq. ft. versus 14,500 sq. ft.]; assessments are being paid based on that and have not been able to plat those properties because of the situation at this time since the new Comp Plan has not been adopted. Existing development –most of the properties are within the 7200 to 8500 sq. ft. area, five to six units per acre category. He has asked a number of times for a way to continue to be able to plat property at the underlying zone, which is up to 6 acres and that has been recognized with some conditions. His only concern is that most of the conditions at this point are still a work in process and he does not know exactly what is being asked. He asks that the County not lose sight of the fact that there is a level of trust here on his part that there be some reasonableness to solving the problem of storm water, and reminded that economics has to be considered in any solution. He does not want this to bog down into something more than it needs to be. GMA's first two goals are to find places for density and to do that by reducing sprawl in other areas, and he sees Holmes Harbor Golf Course as an area that can expand and meet those goals for South Whidbey.

Mr. Dearborn suggested Mr. Sikma get in touch with Larry Kwarsick in the next day or two to see what the storm water plan calls for in Holmes Harbor.

John McDonagh, Coupeville, representing Western Wireless, concurred with Julia Henny's comments earlier about proposed changes to the land use standards with respect to communication towers. He asked that changes regarding cell communication towers be withdrawn from the development regulations in favor of setting up a more substantial and comprehensive look at how wireless facilities would be developed in Island County. Changes proposed appear to contain conflicting statements and goals. Although provisions for co-locating are included, the height restrictions effectively would prohibit co-location to occur on any towers. Monopoles are addressed specifically, and Ms. Henny addressed concerns regarding maximum height and screening provisions. The maximum height section in the proposed amendment limits monopoles to a height of 60' yet lattice towers are not addressed at all, there is no definition of tower types, antennas or what co-location might mean, and there are no provisions to deal with co-location on a water tank, another tower, utility pole or a building. He suggested there be a committee of citizens, carriers and others

involved in the industry, to develop a workable section in the land use development standards providing predictability for the community and providers as far as where facilities might be located. Mr. McDonagh agreed to put his comments in writing and submit same for the record.

Robert Stanwood Bergman, Wilkenson Road, 25 year resident, living towards Sandy Point from Beachwood, the mobile home on the corner, explained he started renting the property 15 years' ago

from a gentleman on Wilkenson Road, a mother-in-law's double wide. He purchased the mobile with the options that when the property could be subdivided he would be able to parcel off an acre. He still at this time unfortunately owns a double wide without the property underneath, after having invested substantial time and money, settled in and it is his home. He asked if there were any exception to the rule for this case.

Commissioner Shelton believed that the person owning the property would be able to subdivide the property, and the acre Mr. Bergman is talking about as a result of what is being proposed.

John Graham, representing the Citizens Growth Management Coalition, relayed his understanding of an option presented to the Coalition today: regarding resource lands - effectively would create a commercial forest zone that someone would opt into and the incentive would be the EDU program; Rural AG and Rural Forest would be up-zoned to one in 10 but with no bonuses, no guest house rentals, etc. Mr. Graham, after being on the phone all afternoon, stated that the Coalition and Audubon could agree; WEAN has gone to its Board of Directors. In return, the request is that there be no appeal on resource lands by the Coalition or its members if this was agreed. Mr. Graham thought it absolutely 'nuts' for CSD or Coalition to be engaged in an appeal with County leaders on resource land because as far as he knew, they agree in concept with everything that is trying to be done -- rural character is important and the best way to support it is to preserve farms and forests, and the best way to preserve farms and forests is to preserve farmers and foresters and their economic well being. He requested the County hang on a bit in that they are getting to a point of agreement; even if agreement is not reached with WEAN by Monday night, it would still make sense for the Board to agree to the changes because: (1) the rest of the Coalition has some influence which will be used ; and (2) there is no doubt at all that the County's legal case would be stronger if these changes are made.

The Coalition suggests no changes at all to what is already written in terms of the Rural Service Zone. The request in reviving the name "Mixed Uses" is asking for a change in adopted nomenclature – to recreate the name of Mixed Use RAIDs for the rural centers, for large and small shopping centers [rural commercial #1 and #1] rural villages and rural service zones, because it gives a more realistic and solid basis for future planning over the next 22 years, and because it avoids inconsistencies. Freeland and Clinton are not the same as Bayview and Ken's Corner; most of what is now being called rural villages are not really rural villages – all these are not non-residential, it is all mixed use in the sense it consists of commercial uses and residential uses in the same real estate.

In terms of RAIDs, the law on what is a logical outer boundary in a RAID is extremely complex and in some cases seems to be contradictory, and is all in the eye of the beholder in many ways. He and Mr. Dearborn have a respectful disagreement on this issue. Mr. Graham believes the Land Use Study Commission is on Mr. Dearborn's side and C-TED on Mr. Graham's side. Over the last few months, he thought it fairly clear that the Planning Commission did not have a good understanding of the law and the process deteriorated, and sometimes decisions seemed to him to come down to what the local landowner wanted.

As far as the issue of stormwater, Mr. Graham saw four important points:

- that the County adopt the Comprehensive Stormwater Flood Hazard Management Plan
- declare RAIDs, especially those with stormwater problems, as critical drainage areas
- adopt an effective funding mechanism for paying for the infrastructure to solve these problems
- include a very strong public statement assuring that drainage and other infrastructure will be in place before houses are built especially in the RAIDs

In terms of Country Inns, Mr. Graham served on the EDC committee that came up with the compromise solution advocating country inns of up to 40 rooms. He personally was willing to go along with it because of the positive benefits for tourism, but should it go past 40 his deal is off.

There are many examples where a lot of inns operating at the level of 40 rooms or less do just fine. He urged the County stay at 40 rooms, which as far as he was aware, no one would appeal.

The Coalition believes allowing rental of guest houses doubles density, just as in PRDs but without criteria. He understands the decision would not make all these things "stackable", but still does not believe it solves the basic problem of putting a guest house on rural land. A quick density drawing he did showed that on a 40 acre parcel with non-additive density bonuses if a person used base density in the rural area it would be 8 houses, but with guest houses would be 16; a PRD bonus of 100% would also be 16, so the effect is the same but without the criteria.

In terms of PRDs the Coalition prefers 50% , but understands that affordable housing and now the guest bonuses may be as high as 250% which by his analysis would mean 28 dwelling units on 20 acres of an affordable housing PRD. There are two criteria that should be noted: (1) figure out what the break point is economically; (2) keeping an eye on the densities created. The Coalition thinks this is the wrong direction by trying to put affordable housing in rural areas; it is the worst possible place to site it, and should instead go in already built up areas stressing multi-family dwellings and rentals. He did not see what was wrong with asking a young couple to live in Oak Harbor to make sure there are good multi-family rentals rather than try to put them in rural areas with no infrastructure, where they would have to have two cars, and density bonuses are created that fly in the face of anything GMA is likely to permit.

Mr. Graham asked that time be spent on the sign and lighting issue. The Coalition's statement already well-known and included in the document submitted last night.

EDC agrees with the Coalition on Freeland and Clinton – that the County should move faster and be done in a year; that the County seriously consider supporting infrastructure – not paying for it all but some kind of give and take relationship.

There are maybe 35 small points in the document the Coalition submitted as good additions to good planning, and asked that Mr. Dearborn and Mr. King review those.

Mr. Dearborn explained there was no agreement between he and Mr. Graham, that what Mr. Graham described was an idea he and Mr. Graham talked about, that if Mr. Graham could assure there would be no appeal , he would bring the idea to the Board and the Board could decide, and suggested the need to discuss any change such as this with the effected parties, including property owners who would be affected. The Board was not yet aware of that idea.

Arnie Deckwa, Cornet Bay Road, submitted a letter for the record with respect to his property at Cornet Bay, along with a diagram of the Deckwa property noting the location of the Deckwa property, Cornet Bay Marina and Island County Dock. While rural village zoning allows such uses as restaurants, medical and veterinarian clinics, it does not allow for overnight lodging. His property line begins in line with the Island County Dock, along Cornet Bay Road 660' toward Deception Pass Marina; the lines on both sides of the property go up the hill over 400', is view property looking directly at Ben Ure Island. Looking out over the water one can see Deception Pass Marina, the Island County Dock and Ben Ure Island. The location is about one mile from Deception Pass State Park and around the corner by water from the Deception pass Bridge. The Park has up to 5 million people in one year, the largest visited state park in Washington. One mile from Cornet Bay at the intersection of Highway 20 and Cornet Bay Road is North Whidbey Park and RV, full in the summer as is Deception Pass State Park and Sunrise RV Resort. A restaurant and overnight lodging such as cottages and a motel seems a logical addition to the property and Mr. Deckwa asked for reconsideration of the rural village concept and add overnight lodging.

Mr. Dearborn mentioned that he had been asked by Commissioner Shaughnessy to prepare an amendment that would allow overnight lodging in Cornet Bay, focused on Cornet Bay as a special condition.

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Tom Roehl, Greenbank, supported Mr. Deckwa's statements and allowing overnight lodging at Cornet Bay, and additionally, it be considered for other areas as well. Even in the Rural Village, he thought for example a "Bailey's Corner" provides a local neighborhood service and serves a useful function. It is hard for that type business to survive and if they could build up and have upstairs apartments or rental units should be allowed.

With regard to what Mr. Graham called a change in nomenclature for Mixed Uses he had no problem with and supported the idea of making sure that single family and multi-family are allowed at least in the RS and RV zones, and there should, be a special provision in the Freeland RAID [pointed to the area he referred to on a map posted] for the interim period and perhaps think about that as well in Clinton while the sub-area planning process is being done. The proposal by Mr. Graham to shift sites that are now RV into the RS designation he disagreed with unless made identical in terms of the kinds of permitted uses that would be allowed there. With regard to the idea on the issue of guest cottages he did not think anyone who wanted guest cottages anticipated not being counted as part of the allowable density in a subdivisions or PRD for new development. Most of those who want guest cottage options are already here and have land. He suggested in new developments people have to choose -- guest houses would be considered part of the density calculation on a new PRD or new subdivision -- and have to make a commitment if they get a certain number of units they will voluntarily waive their right to guest houses on those lots. On the other hand, he felt it should stay the way it is for people having guest cottages on existing lots. There is a significant amount of land being down zoned from residential to rural residential and being able to have one guest house per primary residence is not a big deal.

He was interested in knowing more about the AG concept and reminded that those who need to be involved are those who are the most affected. While he understands the process is one of give and take, he asked that everyone keep in mind who the real givers are -- other peoples resources, people who have devoted generations of time building up assets. In 1984 all their assets came on the table and were negotiated -- now it is 1998 and all their assets are back on the table again. The process should be approached with a great deal of gratitude to the Frei family, Engles, Sherman and Muzzels, and others who have refrained from developing all these years and now have their lands as the target of others who desire to keep it the way it is. To make zones optional in order to get the EDUs does not sound harmful if the details could be worked out.

As far as Mr. Graham's rhetorical question of how many could have afforded a house when only making \$30,000 a year, Mr. Roehl stated that was how he got here and it would be sad that entry level teachers can only live in an apartment -- they should be able to afford a house and they traditionally have been able to. The education system faces more and more people retiring and have to hire more people at entry level; it is not hard to see the pattern and realize the need to redefine affordable housing. The PRD situation at 50% essentially would accomplish no PRDs done for affordable housing; the only kind at that density would be for the upper middle class or the wealthy.

The County already has stormwater standards and ordinance, and the problems with stormwater are not with what has been done since the ordinance was adopted, but from subdivisions and development that occurred in the Fifties, Sixties and early Seventies. Since 1981 there has been a stormwater ordinance requiring pre-development levels of runoff and rates. He agreed it could be improved, but he did not think the County was in the position to say another house could not be built in Freeland until there is some new plan.

Earle Darst, Central Whidbey, agreed with everything Mr. Roehl stated. Under Rural AG he noted four conditional uses, and thought there actually should be at least 20. Number 4 states that any use allowed in the Rural zone upon approval by the Board of a farm management plan as set forth in ICC 127.03.180 processed as a type 4 decision. He looked over the farm management plan and felt it unnecessary and should be deleted. Rural AG does not include any prime land which is #2 and #3 soils [shown in green and pink on the map displayed]. Most Rural AG is in #4 and #6 soils [yellow and white on the map]; class #4 is marginal, class #6 cannot be farmed economically. Mr. Darst recalled an article two or three weeks' ago in the Bellingham Herald talking about Whatcom County winning its suit against the Growth Management Act, noting the Superior Court had thrown out a lot of the rulings of the review board, and thought the Board should read that before final action is taken.

Vivian Darst, resident of Seattle but owner of property north of Coupeville, reiterated from her testimony in August asking that retreat centers be included in the Rural and Rural AG zones which has not been done. She would like to see it as a category to allow a retreat or conference center that would allow housing. She could see herself being involved in a co-housing project in the future and did not see anything that would address that – a large tract of property that could house several people with community lands, possibility for farming as well as community workshop areas and shared tool places, but people having their own houses within a huge community. She was concerned about most of the property she or her father owns has been down zoned somewhat. One property on Seacliff Lane consists of 8.9 acres adjacent to Mr. Hoveneer, a partner with her father in developing many lots and who had just about gotten to the place of asking for 7 new lots, which were all approved by the West Beach Road Association, when GMA shut everything down and caused difficulties for them financially. The piece of property, together with Mr. Hoveneer's, is surrounded by other small lots that are 1-1/2 acres on the shoreline as well as some 2-1/2 acre lots – now all in the rural zone. Her request was there be some exception for property surrounded by other properties of a smaller nature, taking into consideration they have one or two of the last parcels. She supported what her father has been saying, that his property not be Rural AG, rather that it be Rural.

Kaarin Schweitzer commented that it was good news that her area is no longer a RAID, but if the way development occurs on individual lots did not change she wondered how the land was benefited and how land could be declared a critical drainage area.

The Chairman pointed out that GMA did not aggregate property owned by various people; those are existing lots. Commissioner Shelton recalled that the property was taken out of consideration as a RAID because the County recognized that development in that area would exacerbate the identified drainage problems. In that particular area, the County has worked on some particular drainage issues in conjunction with some outfalls, and he thought the county would continue to work on those issues. Current regulations do not permit someone to drain on someone else's property. Further, Chairman McDowell advised about two possibilities if neighbors have the same concerns as Ms. Schweitzer: (1) form a ULID – vote in taxing authority to deal with a particular utility issue; (2) surface water utility – similar to LID except the County participates because of roads.

STAFF PRESENTATION - JEFF TATE:

Jeff Tate identified several issues and points he thought would benefit the Board and public in understanding what had been done during the RAID process. The overhead he used was a conversion matrix showing what happened with the existing zoning under the 1984 code and what is proposed now. Across the top the matrix shows the proposed zoning categories. Because the names have changed through the process he put down the densities so as to identify what zones are being referenced more clearly. On the left hand side is the old zoning categories, or what actually is in existence now under the 1984 code. Looking across the top at the rural residential, look on the side at the old zoning where it shows residential the 3-1/2 dwelling units per 1 acre and go all the way across to the far right column, it can be seen there is currently 34,000 acres zoned residential. The proposed zoning where it shows RR, and in parenthesis where it says RAID, - go to the bottom of that and note 10,390 is how many acres were proposed up until the Planning Commission hearings in September, and with some modifications they made, additions and deletions to RAIDS, above that hand-written shows at 10,270 acres now. Looking down that column from the top is the number of calculations done -- where that acreage has come from, what zones it was pulled from – a little from AG, FM and NR, all less than 200 acres. Next can be seen the RR – there were 580 acres out of the 10,270 that have actually experienced an up-zone. The figure of 9,225 acres was existing residential and that is what has been proposed to stay residential under the current RAIDS. The percentages shown of what the current percentage of where the land came from is 90% from the existing residential zone. Regarding Mr. Wright mentioning a number of Resource AG acres initially – actually comes out to 22,450 under old zone and now under the new proposal, 24,745 so the reality is there is a little more than 2,000 acres in resource land than previously.

It can be seen from information in the handout packet under Useless Bay/Bayview RAID there is a separate calculation that shows how many acres are proposed to be in that conservation easement if that ends up being what is adopted.

The overhead on the wall, based on what the Planning Commission recommended from September 8, has gone through

a calculation, a break down of what the parcel counts are, breaking it down by parcel size and parcel ranges, identifying what percentage that holds for the Residential zone, what's improved and unimproved and some average parcel sizes within those as well as an average parcel size for the entire residential zone. Of the 10,270 acres proposed 82% is less than 5 acres. The last column, greater than 20 acres in the County, shows there are 214 acres proposed to be zoned residential accounting for 8 parcels. Clearly a majority of the parcels and acreage included in the residential zone fall less than 5 acres. More than 50% is improved. Parcel breakdown shows the number of parcels within the categories – just over 98% of parcel count fall under the 5 acre threshold. Average parcel size for the entire residential zone is just less than 7/10th of an acre.

Mr. Tate addressed some comments made Charlie Stromberg in a letter to the Board dated September 23rd. He read the comment in Mr. Stromberg's letter first, then addressed said comment

The public does not know the RAIDs locations as we heard from Sandy Point comments, and more specifically, the State was not given RAID parcel maps or the data analysis; Mr. Stromberg was the only citizen given the RAID maps and data analysis; Mr. Stromberg was the only one who put the maps together, County staff did not, and the Planning Commission used his maps on August 26th and 27th which was after public comment was closed.

As far as Mr. Stromberg being the only one received the data because Mr. Stromberg was the only person who asked for that data. The data was part of the public comment, public record, and would have been provided to anybody had they asked. He dealt with a number of individuals who called or came in to talk about specific property concerns with respect to RAIDs, and every request to meet with staff was honored, and that information presented to the Planning Commission to make a decision on that request.

Mr. Stromberg claims again he was the one who put the maps together, county staff did not.

The maps were provided to Mr. Stromberg by Mr. Tate. It's true the maps were not put together, but in fact were in a notebook format readily available to be copied by anyone.

The built environment portion of the GMA law has been ignored. We need quarter section parcel maps which show those properties which have built dwelling units. This information should be the basis for drawing a logical outer boundaries and also used to set the average lot size for the infill development.

When the County first embarked on designating these RAIDs, the decision was made to take the quarter section maps and look at parcelization first. Then the decision was made to access the Assessor's data base to find out the information on improved and unimproved parcels and were able to obtain that data, which was then put in a format that could be read for each of the RAIDs. When the Planning Commission was going through its public hearing, the Commission was presented with that data so they could make a valued judgment on whether that RAID had enough improvements or development in that RAID to justify it being called a RAID, and they actually took some RAIDs out based on that decision -- that there were certain plats and certain RAIDs not developed enough to justify being called a RAID. It was Mr. Tate's feeling that the staff and Commission made a successful attempt in identifying where that historical development pattern has actually occurred.

One of the other comments that was made was that in Island County the old residential zone should be the source for most of the land designated as RAIDs.

As the chart showed before 90% of it was, with the exception of a few parcels that were zoned otherwise.

The land in the old rural zone which allowed before 1984 a density of 2-1/2 acres per dwelling unit and now allows 5 acres per dwelling unit generally should not be placed in RAIDs

Some 600 or so acres were placed, out of 10,700 or 10,270 , within the RAID designation.

The record is clear that the RAID boundaries were set politically by each member of the Board of County

Commissioners working with the three persons he appointed to the Planning Commission as a committee. Planning staff input has not been a factor.

Mr. Tate felt that when staff went through this whole process starting at least a year ago, staff came up with a recommendation for RAID boundaries. The Planning staff presented that recommendation to the Planning Commission for input; their recommendation was to pass that on to the Board. The Planning Staff had their recommendation; it was the first recommendation that went out and included about 80 or 90 so RAIDs. There are now only 38 RAIDs proposed; granted some of them have been connected so that would reduce the number, but in other cases, once staff presented its recommendation and other departments and public able to comment, certain RAIDs were taken out.

The storm drainage and flood information was not used to limit RAID boundaries. The storm drainage and flood plan has been before the Commissioners for two years and has not been passed. RAIDs have many flood problems. Will Mr. Kwarsick make a report to the Commissioners prior to adoption of the Comp Plan as promised.

When staff went through the process of identifying the RAIDs and coming up with reasons why they should or should not be RAIDs, or should be larger or smaller, one of the things considered was input from the Engineering Department and Health Department. Those were factors that were used in justifying what the RAID boundaries should be and whether it should be a RAID or not.

No staff review of the hurried RAID boundary expansion boundaries by the Planning Commission on August 26th and 27th. West Beach, Sandy Point and Mutiny Sands, Freeland and Useless Bay/Bayview Commercial. These boundary changes are zoning changes which were made with no public notice in the paper, no posting of property, no public comment was allowed. Lack of notice is probably an issue on setting many of the other RAID boundaries.

With regard to RAID boundaries, all meetings were published and announced. The Planning Commission accepted public comment the entire time. On request for a RAID expansion or modification, staff was asked to present to the Planning Commission materials and information that would allow the Commission to make a judgment.

There being no further business to come before the Board at this time,

the Chairman adjourned the meeting at 8:30 p.m., to meet next in Special

Session on September 25 beginning at 4:00 p.m., GMA Workshop.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest: _____

Margaret Rosenkranz, Clerk of the Board

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on _____ beginning at _____...