

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

SPECIAL SESSION - SEPTEMBER 25, 1998 – GMA WORK SESSION

The Board of Island County Commissioners met in Special Session September 23, 1998, at 4:00 p.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., for a GMA work session with staff and consultants on GMA Plan and Development Regulation issues. Although a noticed public meeting, there were no public comments inasmuch as this was a work session only.

Attendance:

Commissioners: Wm. L. McDowell, Tom Shaughnessy, Mike Shelton

Consultant/Staff: Larry Kwarsick; Phil Bakke, Jeff Tate, Emil King, Keith Dearborn

DISCUSSION ON AMENDMENT REQUESTS

Keith Dearborn commenced the workshop discussion suggesting to start with Larry's suggested changes on capital facilities element and the critical drainage area designation issue. The review will cover Larry's plan amendment package in standard format and following that will review portions of 17.03 Title 16, RAID boundaries and shoreline management with a series of minor technical changes needed. One other issue requiring discussion this date will be the Engle Farms issue--4 homes with private road/dedicated easement that is an extension of a public road; small lots built on and large lots on water side of approximately 2-3 acres..a problem that can be solved with proposed code change to Section 16.06.

Absent comment to the contrary or obvious further discussion/consideration requested, presumed consensus reached to bring forward for adoption.

Discussion on Larry's handout with 5 bulleted topics:

Land Use Plan Element, Text and map changes

Plan Element-CFP, Text and map changes

Plan Element-Natural Lands, Map Change

Plan Element-ICC 11.02, Text Changes

Plan Element-ICC 11.03, Text changes

Land Use Plan Element - Proposal to reconcile for the sake of consistency that which is being proposed in clearing and grading ordinance as steep slope definition and that described as steep slopes in the land use element. 1) Modify Map H on page 52; and 2) Modify geologically hazardous areas (steep/unstable slopes) Overlay Designation criteria on page 110 to 40%.

Plan Element-CFP - Being proposed to bring plan into consistency with what the Board has previously adopted and to respond to recommendations proposed during the process dealing with ICC 11.02 - Storm Water, ICC 11.04 - Concurrency and ICC 11.05-Adequacy.

Page 5: Insert the words, "or building permit process" at the end of sentence to read: "Other LOS goals stated in the CFP are essentially a measure of capacity intended to assist the County in determining facility needs and in some cases determine the adequacy of existing public facilities during the land subdivision process or building permit process." Delete next sentence: "They also support the determination of as required under GMA and its implementing statutes."

Page 7: Insert " and building permit processes, to read: "By establishing levels of service as the basis for providing capital facilities, for achieving concurrency for specified facilities and for ensuring the adequacy of public facilities during the division of land and building permit processes, ..."

Page 13: Under Increased Level of Service, change 50 year to 25 year with detention facilities designed for..." and change next number from 2, 10 or 20, to "25-year storms." Since conveyance systems are being built at the 25 year design storm frequency it was only logical to build detention at the same standard. The only other standards that come into play are for fish passage or installations within fish bearing streams which conveyance systems will have to be designed to meet the Fish and Wildlife standards which is a 100 years design flow.

Page 15: Delete sentence: "The current population forecasts are conservative and do not reflect historical trends."

Page 24: Amendment Proposed by GMC under **1.2 Applications of Standards**, Change Section 1.1.1 to 1.2.1; Section 1.1.2 to 1.2.2, and delete the following: "In the event that a non-county provider is unable to correct existing system deficiencies or maintain the level of service standards because of budgetary, priority, or other reasons, the County will not impose GMA 'concurrency' requirements for the public facility, unless specifically required by state law. Such default by a non-county provider shall not be sufficient cause to jeopardize growth and development in the County. Such default shall cause the Capital Facility Plan of the non-county provider to be inconsistent with the County Comprehensive Plan.". Because the statement is somewhat dated and not necessary to the plan and has no obvious negative impacts, staff supports it's elimination. (Affects State transportation systems and city arterials only).

1.2.3 Categories C and D. Proposed to change as follows: "The standards for levels of service ~~for of each type of~~ those public ~~facility~~ facilities in categories C and D, that are required to be found adequate pursuant to RCW 58.17 or required to be found adequate for building permits, and all not apply to development permits issued by the County, as applicable."

Page 26 and Page 27: Reiterated changes due to stormwater requirements level of service standards to 25-year storms.

Page 34. Reiterating reference to building permits.

Page 35. Correction to reflect categories titled C & D facilities instead of A and B.

Pages 36 & 37. Section 3.3.3, replace the word "capacity" with "concurrency"; 3.3.4.b. change "environmental review" to "a traffic report/study"; and in f. delete the words "the following" from the first sentence; and change remaining paragraph as follows: "Public facilities shall achieve and maintain the standard for levels of service within the ~~impacted~~ service area as determined by ~~environmental review~~ a concurrency management process. No development in the implementing ordinance, may be ~~issued~~ submitted if the standard for levels of service are not achieve and maintained for the following public facilities and assigned service areas:

"County arterials/transit routes/intersection - the service area includes those County arterials/county transit routes and their intersections impacted by the proposed development as determined by ~~environmental review~~ a traffic report/study submitted in compliance."

Page 114 & 115, under **Wastewater, Planning Efforts and Facilities**. Changes being proposed are the result of comment received from the DOE and are actually within appendix A of the Capital Facilities Plan and are dated statements because at the time they were included, Clinton and Juniper Beach were underway and they are now complete.

Natural Lands Plan

Page 11, Modification of Map of Urban Growth Area and Joint Planning area Open Space Corridors to delete designation as in the Crescent Harbor area across from Federal lands requested by NAS Whidbey.

11.02 Clearing and Grading Ordinance

Changes being proposed to adopted ordinance (C-92-98) to provide consistent terms and references with Land Use Element and other implementing regulations; to eliminate defined terms not utilized in ordinance and to clarify relationships between the COHP and FPA. Such as the term "geologically unstable" historically used while the GMA uses the term "geologically hazardous" so this has been changed throughout the entire document. No substantive changes because they are treated the same.

On Page 6 of Attachment A to C-92-98, Section FF., adding the words "and their associated forest practices permit" to now read, "Land disturbing activities also include Class IV General Forest Practices Permits, Class IV Platted Forest Practices Permits, and Conversion Option Harvest Plans and their associated forest practices permit...".

Page 14 under **11.02.140 - Reports on Geotechnical Engineering, Soils Engineering, Engineering Geology and Mitigation Plans**, adding the following words underlined: "In the case of land-disturbing activities proposed on a steep slope, not in a geological hazardous area a soils engineering report shall be required. In the case of land-disturbing activities proposed to be entirely within or proposed to be entirely within....". Change being requested by DOE and DoW to make sure that land disturbing activities on steep slopes requires special evaluation and consideration.

Page 16 under **11.02.160 A.**, the proposed changes currently read: "hazardous area or slope, steep slope, or...". This change is consistent throughout, however, the second change in this section needs to have the word "area" added after "hazardous". The Board concurred that the verbiage "or slope" following "hazardous area" to be excessive and confusing, and not necessary. Agreed to delete through document.

Page 23 . Again adding language to ensure the Forest Practices Permit and the Conversion Option Harvest Plan are always linked.

The remaining document all changes with slope clarifications.

11.03 Stormwater Ordinance

Implementing Regulation equivalency with DOE Storm Water Manual and DFW. Deletion of terms defined by not used. Consistency with ICC 11.02, Clearing and Grading.

On Page 4, Exhibit A, C-91-98, H., as requested by DOE, verbiage added to assure that the definition for Critical Drainage Area includes the "water quality sensitive area".

Page 6, **N. Development activity, major**. Adding verbiage to the definition "and/or land disturbing" and "of two (2) acres or more, not associated with the construction of a single family resident or associated with Class IV Forest Practice Permits or a Conversion Option Harvest Plan and its associated grading permit."

Generally Larry does not support the idea of qualifying preexisting conditions as undisturbed forest to cure old problems. It would be his opinion to not include this change in definition as it is not part of the DOE Manual and not part of law. There are currently no water quality sensitive areas in existence so at this point it doesn't apply, but may at some time in the future apply to Holmes Harbor. The failed parameter has to be associated with stormwater runoff, not non-point pollution, dealing with pollutants that are carried in stormwater only.

Keith Dearborn does not believe this requirement to be that onerous. The redevelopment standards contained throughout this document are more lenient than any other jurisdiction he has worked in.

Page 7, under **HH. Impervious surface**. Add the words, "Common impervious surfaces include roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled surfaces." Delete "A graveled area and open", and add the word "Open" at beginning of last sentence.

Page 8, **RR. Redevelopment.** Replace the word "development" with "land disturbing".

Page 10, **JJJ. Water Quality Sensitive Area.** Change in definition as requested by DOE which meets their definition requirements to read: "'Water quality sensitive area' means areas that are sensitive to a change in water quality, and have an existing and documented water quality listed in final reports required under Section 303 (d) of the Clean Water Act or designated in adopted local non-point action plans under Chapter 400-12.WAC."

11.03.080 Critical Drainage Areas - Designation

Requested by DOE to change the word may to shall, to read: "Any lands determined by the Board of Island County Commissioners to meet the following criteria shall be designated critical drainage areas by resolution of the Board:" Consensus is that because discretionary authority is still within the Board's purview, the shall to may change is not substantial.

Page 23, Section **11.03.240 Redevelopment, B.:** Delete last sentence stating: "In the case of projects to widen, or otherwise redevelop an existing road, the site for which water quality treatment is required shall include only the portion undergoing redevelopment, plus that portion of road which front on, and drain to or from, the redevelopment."

Page 24, **11.03.250 Detention in Wetlands.** Delete entire section as a virtual impossibility to get such detention approved.

Larry will have the Island County Stormwater Design Manual and Critical Drainage Area and resolution to adopt complete and ready for action by the Board on Monday.

Natural Lands Plan - Discussed a September 18, 1998 proposal by the Coalition to amend line 14, page 15, by adding: d) "Open space makes economic sense. Open space is good for business and is good business. Open space, and the rural character it promotes, is the major driver behind the tourism industry and a major attraction for retirees and new businesses that want a higher quality of life for themselves and their employees." Commissioner McDowell was not inclined to believe open space is a "major driver" behind tourism.

Larry read the following staff recommendations to the Board for consideration:

- **Capital Facilities Plan - Over all Comment:**

1. Staff intends to request that the Board schedule the Comprehensive Stormwater and Flood Hazard Management Plan for adoption before the end of the year.
2. The Critical Drainage Area resolution has been prepared and is intended to avoid the exacerbation of stormwater problems in RAIDs. The County, during its annual budgetary process, prioritizes stormwater capital improvement projects and over the past 2 years has made a substantial commitment in this area.
3. The Board has adopted both optional REET programs.
4. This comment (aquifer-wide analysis) seems to be misplaced in their letter.

Growth Assumption - amendment to page 19, top of page

Their request is reasonable. The sentence is dated and based on staff work back in 1993-4.

Page 29, Section 1.2.2

Their request is reasonable. The comment is dated and based upon an uncertainty about the status of state facilities in 1993-4.

Page 37, i.e. insert a section on impact fees.

I don't recommend that the County commission a study as suggested, however the first annual review will certainly address the effectiveness of the County's Plans, implementing regulations, and financial

capacities. It is my understanding that should the County waive impact fees for affordable housing that the fees are not literally waived, instead they are paid by the County.

A lot of misconception exists with regard to what impact fees can and cannot be used for.

Page 42, Section 3.3.4

Building permits and subdivisions are dealt with differently, i.e. "as applicable".

Significant Issues with Legal Ramifications - Item #4

ICC 11.05 - The Adequacy Ordinance, requires that surface water systems be adequate in critical and all other areas of the County. The Adequacy Ordinance and the LOS Standards adopted intake CFP and the ordinance satisfy the GMHB Oak Harbor decision mandates.

ICC 11.02 - The Surface Water Ordinance, imposes substantial requirements for infrastructure improvements and mitigation on new development in Critical Drainage Areas.

Discussed mapping issue involving a recorded easement and road end situation that occurred before effective date of ordinance.

Proposed Amendments to:

16.06 ICC

1) To repeal Resolution C-23-88 to allow use of BLA's to adjust boundaries of more than three lots, requested by Dick Chapin and recommended for approval by staff.

Commissioner McDowell commented that this would supersede any previous resolutions that condition or relate to land divisions.

2) To remove the requirement that existing legal lots have separate identification numbers to qualify as exempt from land division requirements, requested by Brian Bird and recommend for approval by staff.

Keith Dearborn advised that the legislative history has to be clear that you are doing this for some other reason than solving someone else's problem.

16.17 ICC

3) To reduce the amount of Open Space that can be used for Community Area from 50% to 15%, requested by the Coalition and recommend for approval by staff.

Keith advised that calculation and believes the Coalition is correct, and it could be reduced to 15% of the Open Space required to $\frac{3}{4}$ acre Community Area should be enough room.

Mike Shelton commented his belief that in the past they have required certain amenities. Only flexibility would be for well sites away from pollution zone.

Consensus was reached on this amendment, initially set aside for further discussion, to reduce to 15%.

16.14 ICC

4) To modify definition in this Chapter to include shorelines regulated by the Shoreline master Program, requested by

staff. A technical amendment to correct the inadvertent exclusion of lands below ordinary high water. Conforms definition to administrative practice. Still SEPA exempt to work on docks.

The Board requested that the legislative intent on this issue be made clear.

16.19 ICC

5) Amendment to modify Table B for Permit Classifications needed to ensure its conformance with all final decisions on other codes, requested and recommended for approval by staff.

A) Comparison of High versus Medium Population Projections

Document for review dated 9/25/98. Using high series population projection, 30% of new growth is allocated for the Municipal Urban growth Areas of Oak Harbor, Langley and Coupeville, with the remaining 70% for the rural area.

Regardless of action taken now, it remains the desire and intent to follow through with the proposed benchmark and monitoring system to carefully analyze the results of the 2000 census to adjust future population projects up or down as appropriate.

The Board went into Executive Session at 6:05 p.m. for five minutes. Upon reconvening, the Board announced no changes recommended to the document as presented.

Proposed Amendment to 17.03 ICC

B) To change effective date of Plan and New Codes from October 1 to December 1. Requested by staff and recommended for approval.

17.03.050 ICC

6) Adding new section G. dealing with treatment of pending and approved applications to provide clear transition rules needed to complete review and processing of pending applications and consistent treatment of approved uses, requested by staff and recommended for approval. The various types of permits and applications addressed include: 1. Incomplete Applications; 2. Complete Applications; 3. Applications granted Preliminary Approval; 4. Approved Projects; 5. Withdrawal of Applications; 6. Contract rezones and Conditional Uses and 7. Transfer of Development Rights.

Keith Dearborn called attention specifically to Item 6., noting if a person has a rezone granted prior to January 1, 1985 when the new codes went into effect, and the buildings have not been built or use developed, and if not within a RAID, that contract zone will be lost.

17.03.180 ICC

7) Proposal to amend above section to establish building coverage and impervious surface ratios for lots with Guest Cottages, requested by staff and recommended for approval.

17.03.220 ICC

8) Proposed to provide for rezone of CA zoned properties because no specific rezone process was provided for in the new Zoning Code. This amendment uses the standard that has been used in Chapter 17.02 ICC for AG rezones, requested by staff and recommended for approval.

9) Proposal requested by the Coalition and recommended for approval by staff to address cumulative impact of **Guest Cottages and Density Bonuses** to permit guest cottages on existing lots and new lots created by land division segregation; does not allow guest cottages in new PRD's and does not permit density bonuses to be combined.

10) Requested by Coalition and recommended for approval by staff to require that **EDU's** must be clustered and

cannot be combined with density bonuses to ensure that such use will not result in low density sprawl. Deleting minimum parcel size will allow denser clustering without changing overall density.

Keith Dearborn advised that what is being suggested is contrary to state law; GMA expressly says you have to have a minimum parcel size of one acres, although he does not believe this to be a logical restriction, and feels it's removal gives greater flexibility to the property owner.

Mac McDowell stated that the potential exists that the farmlands envisioned may not comprise 25% all in one spot.

Keith advised that the point was a good one and that clustered would be taken out.

11) Amendment proposed by Richard Wright and recommended for approval by staff to modify the 40 acre size restriction to allow smaller parcel owners to opt into CA. The change as proposed would allow any owner to request CA zoning if their farm is 10 acres or larger in size.

17.03.180 ICC

12) Requested by EDC and recommended for approval by staff to eliminate front yard setbacks in the RC Zone to allow greater flexibility while not changing the parking restriction.

13)& 14) Requested by Arnie Deckwa regarding RAID to add to Appendix A : CORNET BAY

1. Overnight Lodging not to exceed twelve (12) units will be allowed as a Permitted Use. Cornet Bay is the County's only waterfront Village Commercial RAID and provides recreation services for sportsfishing including a marina and county dock. Existing uses include lodging and bed and breakfast. The proposed RAID specific conditions would recognize these existing uses and permit new uses of a similar nature.

Commissioners McDowell and Shaughnessy felt that no limit should be placed on the number of units as the land would determine what it would support. Commissioner Shelton favored keeping the 12 unit limit.

15) Requested by the Coalition proposing changes to major issues section of the Comp Plan..two the **Economic Development Section**; the first, adding to Page 32, Lines 8-10 the words: "..consistent with the County's rural character and protective of its environment.."; and second, adding on page 32, line 16+: "As the May, 1996 EDC Report, 'Business Land Use Needs for Island County to the Year 2016' noted, 'The rural quality is a direct economic asset. It is the major driver behind our tourism industry and services to attract non-transportation dependent businesses that want a higher quality of life for themselves and their employees. Additionally, retirees are important to our economy as their incomes fuel much of our retail and service sectors. The goals or preserving rural lands and enhancing economic vitality are not mutually exclusive."

Change the term "the major driver" to "a major factor" and correct typo "..tourism industry and services.." to read "..tourism industry and serves..".

Under Airports and Aviation Impacts section page 35, line 1+ , change to read: "Airports and related support facilities are an important part of the transportation network serving Island County. They range from the U.S. Naval Air Station to small private landing strips and these airports provide public benefits to the community."

16) Amendment proposed by staff and Coalition to bring back the term Mixed-Use RAIDs from the Phase A Land Use Element to describe rural Centers, Rural Villages, and Rural Service Areas. The Non-Residential RAID designation would be the Airport and Light Manufacturing Areas, for the purpose of making the process of identifying RAIDs and applying zoning designations within them more easily understandable. There will be a corollary change in 17.03. Staff recommending approval.

17) Requested by staff/Coalition revising the policies describing the Rural Lands zone, as follows: Page 127, Line 4,

"H) Minor or small scale agriculture activities are consistent with rural areas, support rural character, and should be protected and encouraged." Staff recommending approval.

Housing/Land Use Element

18) Proposed amendment requested by Staff/Coalition for revisions to Affordable Housing Density Bonus in order to simplify to provide for 110% median income (approximately \$42,000) and below and to allow for a 150%, 200% or 300% density bonus based on a 7 year, 15 year or 30 year time of commitment, respectively. The potential densities that would be allowed under the Planning Commission's proposal for PRDs, Affordable Housing and Guest Cottages would allow a level of density that may be in appropriate for the Rural Area.

Emil King reported that the analysis in the Housing Element which shows an affordability gap for those below 110% median income was the basis for the rationale to increase from 80% median income.

Commissioner McDowell suggested the time frames be changed from 7, 15 and 30 to 3, 5 and 15

Emil pointed to the examples found that are utilized in other similar systems, i.e.: Washington State Affordable Housing Fund has a minimum 50 year commitment; Washington State Housing Finance commission has a minimum of 22 years and maximum of 60 years, with 50 being typical; and Snohomish County has a 50-year commitment. The Freeland Self Help Housing project has no restrictions, and the Oak Harbor SHH project has a system where if the house is sold after a number of years, you have to give a majority of the profit realized back to self help housing. Island County's proposal has not established a person or place to give the money, which would basically equate to appreciation on the house and land over and above the rate of inflation, back to unless it went into general county coffers.

Keith Dearborn advised that the Island County Housing Authority had agreed to administer this program as far as management and adherence and enforcement of the covenant if requested to do so.

Mike Shelton commented that all the county was doing was to provide some break to the buyer in the costs of the land, and are not subsidizing the construction, and therefore does not believe they should be penalized down the road because they could not afford to do it on their own. He would agree Commissioner McDowell that the time restrictions should not be very great. He is still unconvinced that the County can solve the issue of affordable housing through the PRD process.

Mike suggested the possibility of establishing some kind of matching requirements with other programs.

Mac McDowell recommended the limit be placed at 300% density bonus for 3 years.

Keith Dearborn suggested the Board consider the 300% for 3 years proposal over the weekend and come back Monday ready to move forward or bring forth a new alternative.

Wetlands Overlay

19) Page 134, Line 8: Policies: A. Protect, preserve and enhance wetlands ~~with the intent~~ to achieve no net loss of wetland functions. Revision requested by Staff/Coalition to close a loophole on wetlands. Do not know if Alison has had opportunity to review/comment.

20) Page 145 Line 22+. Request by Staff/Coalition to revise policies describing small-scale recreation and tourism uses as follows: D. Provide for other small-scale recreation and tourist uses in the Rural land use designation, such as golf courses, model hobby parks, restaurants, wineries and breweries on parcels of an appropriate size. Provided, all activities shall be screened from the view of adjacent neighbors and the uses shall not disrupt the character of any surrounding permitted uses. This policy will not be implemented for golf courses until the County has adopted appropriate land use standards for them. Residential development around golf courses, if any, must meet all requirements for residential development in the Rural Zone.

Consensus to strike first sentence of the new (underlined) section as Island County has no specific land-use standards in place governing golf-courses and would be mitigated through the SEPA process.

21) Page 144, Line 10: Requested by Staff/Coalition to revise policies describing Economic Development Add new Policy B to stress element of long-term guidance more forcefully than it is as follows:

"Acknowledge as a basis for planing that the goals of preserving rural lands and enhancing economic vitality are complementary and not mutually exclusive. The county's rural character is a direct economic asset. It is the major driver behind the tourism industry and a major attraction for retirees and new businesses that want a higher quality of life for themselves and their employees."

Consensus to change from "the major driver" to "a major factor".

Page 144, Line 21+ K. Encourage and support public /farmers markets and small-scale farming operations.

L. Encourage and support private efforts to enhance the profitability of profitable agriculture and forestry operations, with value-added and specialty products and cooperative marketing programs..

To show greater support at the county-level for these type efforts/operations.

Page 145, Line 5: ~~P. Identify non-residential uses which are not dependent on significant infrastructure and which may not be desirable uses to have infill UGAs or non-residential or mixed use areas of more intensive rural development, and provide mechanisms for their review and approval in the rural areas through the site plan review process without rezoning.~~

This section deemed excessive as already provided for within R,CA,RA and RF zones.

Draft Utilities Element

23) Requested by Coalition to strengthen policy language: Page 5, Line 5, g) Encourage system design practices intended to minimize the number and duration of interruptions to customer service, including underground lines where practicable. Most distribution lines off trunklines are 35Kv or 4Kv and should go underground with proper casing.

Consensus to leave as originally written and not include amendment.

24) Requested by Coalition various revisions to Housing Element: Keith Dearborn recommended the Board review over the weekend and come back Monday ready to discuss.

25) Requested by staff to regulate development within the unincorporated portion of the municipal Urban Growth Areas prior to adoption of Municipal Zoning Standards by the County, IV. GOALS AND POLICIES. Rewrite by Keith Dearborn of numerous recommendations from the Planning Commission. Concerning B. 4. "Within the UGA, ~~contiguous to the municipal boundary,~~ the County shall require a) Residential development at urban density, or homes sited to not preclude future urban densities; and" . Commissioner McDowell suggested to add to the end of this sentence, "...if requested by the municipality".

Recommended weekend review by the Board and be ready for Monday.

26) Sponsored by Mike Shelton and recommended for approval by staff to include the recently re-opened Maxwellton Store in the Rural Service land use category which aims to acknowledge existing isolated commercial uses.

RAIDs

27) Requested by Staff/Coalition for revision for method of calculation of RAID base density and minimum lot size to calculate the allowable base density in RAIDs by determining the existing average parcel size for all parcels under 5 acres in size within the RAID. The impact of this change in base density calculation is that 9 RAIDs would have a different base density than by calculating base density as the average parcel size of lands within long plats. This

provides for Base Density along with Minimum Lot Size in acres or Square Feet, as well as an Alternative Base Density. Predominant is 5 acres in size and under.

Mike Shelton requested that Freeland and Clinton be treated differently and listed in Appendix A for special conditions that may apply.

28) RE: Sandy Point RAID; Requested by the Board and various citizens to reduce the size by approximately 140 acres by removing the southern portion from View Road down to Wycliffe Road because low density development that has occurred south of View Road is not consistent with the very intensively developed area that exists north of View Road. Staff recommends approval.

29) RE: Utsalady RAID; requested by Board/Coalition to reduce the size of the Utsalady RAID by 77 acres by removal of 32 parcels which would result in the split of the RAID proposed by the Planning Commission, thereby creating a northern RAID named "Utsalady" and a Southern RAID named "Madrona". Staff recommends approval.

30) RE: Ledgewood RAID; requested by Board/Coalition to reduce the size of the Ledgewood RAID by 72 acres by removing 12 parcels which would result in a split of the RAID as proposed by the Planning

Commission, thereby creating a northern RAID named "Ledgewood" and a southern RAID named "Teronda West". Staff recommends approval.

Mike Shelton suggested that Bon Air goes up on the other side of the road with developed lots if they wanted to include them within the boundaries.

Mac McDowell expressed his discomfort with holding them out.

Consensus to hold till Monday and research to get additional info on parcels developed or undeveloped to consider whether or not to include within the RAID boundary.

Jeff provided a map of the area for review at the end of the meeting. Consensus was reached to leave as is.

31) Requested by Board for separation of Country Club RAID to make distinction by identifying two distinct areas. Entire area west of Crest View Drive to be redesignated as a separate RAID and named "Lost Lake" which would then be subject to a 1 du per 2.5 acre density. Staff recommends approval.

32) Requested by Board to increase the size of the Lands Hill RAID by approximately 95 acres by adding to the northern portion of the RAID, defined on the north and east by top of bluff and to the West by Good Road and Smith Road, and to the South by SR 532 and Amy Place.

33) Requested by Board to increase the size of the Livingston Bay RAID by approximately 17 acres by adding to the western portion of the RAID. This area is defined on the north, west and portion of the east side by agriculture lands; on portion of east side by the Plat of Livingston Bay and on the south by shoreline.

34) Requested by Board to increase the size of the Livingston Bay Heights RAID by approximately 95 acres by adding to the northern and southern portions are defined on the east by shoreline, on the west by Sunrise Boulevard and on the north and south by Rural Forest lands.

35) Requested by Board and citizens to increase the size of the Mariner's Cove RAID by approximately 16 acres by adding to the northeaster portion an area comprised of 5 parcels defined by Strawberry Point and a private access (Waterford Place).

36) Requested by staff to change zoning designation for Soundview Shopper to split zoned rural and rural service. Approval recommended by staff.

37) Resolution PLG-036-98 amending CWPP incorporating all changes into one document attached as Exhibit A, for adoption concurrent with the Comp Plan.

Shoreline Management Element

1) Revision requested by Wm. McDowell on Section VII Historical/Cultural Element, General Development Policies, archaeological requirements, to provide a more simplified process for property owners to evaluate archaeological resources, consult with tribes and protect sites

Consensus to refer to Deputy Prosecuting Attorney to see anything in the amendment is contrary to existing court case.

2) Revision requested by Wm. McDowell to move and incorporate setback requirements into the setback portion of the zoning code (17.05.100.9 to 17.03 ICC), with modification to the rationale as used to establish a more equitable shoreline setback policy in residential areas. Approval recommended by staff.

3) Revision requested by Wm. McDowell to 17.05.095 Recreation, b. Use Requirements, 6. to add the words "or for impaired individuals" to end of sentence, for the purpose of providing motorized access for individuals with disabilities. Recommended for approval by staff.

Consensus to use the term "physically challenged" in place of the word "impaired".

4) Revision to 17.05.070 ICC, Standards for Locating Docks and Piers, 4. to read "With the exception of those areas designed for individual dock ownership use." ; changing the word "proven" to "shown" in a., and deleting item "b.", requested by Wm. McDowell to exempt communities designed for residential docks such as Lagoon Point, Mariners Cove and Sandy Hook, recommended for approval by staff.

5) Revision to definition of Affected Tribe contained in 17.05.020 ICC requested by Wm. McDowell to direct attention to only those tribes recognized by the Federal Government, recommended for approval by staff.

Consensus to refer to Deputy Prosecuting Attorney.

6) Revision requested by Wm. McDowell regarding Q. Piers, 2. to add at the end of the sentence "..except for residential shoreline communities designed for private docks." Revision proposed regarding improvements under O. 6. to be brought back on Monday for discussion.

7) Requested by Wm. McDowell to make the definition of Accessory Structure contained in 17.05.020 consistent with 17.03.040, recommended for approval by staff.

8) Revision requested by Wm. McDowell to 17.05.035 ICC, Shoreline Use Classification Table, to maintain existing shoreline permit application process for listed uses.

The table as printed lists dredging as a permitted use; feels this may need to be verified for the rationale for changing from permitted to conditioned. Need further discussion.

9) Revision requested by Wm. McDowell to make the definition of Clearing contained in ICC 17.05.020 reflect a more commonly accepted and realistic definition to read: "Clearing: Activity associated with property modification or maintenance. Clearing means the destruction or removal by mechanical means of trees including, but not limited to, root material removal and/or topsoil material."

10) Revision requested by Wm. McDowell to General Use Requirements under 17.05.045.b.15 ICC,

removing the term non-conforming and replacing with language consistent with 17.03 ICC. Recommended for

approval by staff.

11) Revision requested by Wm. McDowell on Shore Defense Work, Section 17.05.120.C.9.(a) & (d) ICC to increase maximum setback whereby a bulkhead can be approved from 50 to 100 feet. Proposed to allow bulkheads to be constructed where a single adjacent lot already has a legally established bulkhead as opposed to requiring both adjacent lots to have legally established bulkheads.

12) Revision requested by Wm. McDowell on Shore Defense Work, Section 17.05.120.C.9.(b) ICC to more clearly define disrepair. Threshold suggested of 50% functional value be used to distinguish between functional and non-functional shore defense work; staff recommends approval.

13) Revision requested by Wm. McDowell to delete Section 17.05.100.b16. ICC, Removal of Trees from Shoreline bluffs, as section could not effectively be enforced. Staff recommends approval.

14) Revision requested by Wm. McDowell Aquaculture Section to emphasize the importance of visual impacts in the review process associated with such projects during permitting process; recommended for approval by staff.

15) Revision requested by Wm. McDowell on Section 17.05.070 ICC, Standards for construction of docks and piers, using San Juan County's code on construction standards, No's 1-11 for possible incorporation. Additional standards are being recommended for design and construction of docks and piers to enhance visual compatibility and environmental protection. Staff recommends approval.

Consensus to delete item #2; remove the word "full" from #5; delete #7; #8 and #11.

16) Letter dated September 23, 1998 from Swinomish Tribal Community RE: Comments to the final draft of the 1998 Island County Shoreline master Program and Development Regulations. Keith will review over weekend and advise.

17) Supplemental Draft EIS, Shoreline Management Element, requested by Coalition.

11. Public Access Element, Page 5, Lines 13-14: "...It is, therefore, important to consider the impact "IMPACT" which public access development could have on the property and activities of adjacent landowners, as well as the impact which *not* providing it will have on meeting the legitimate needs of county residents and visitors. Also the "IMPACT of not providing adequate public access must be considered, in order to ensure existing facilities are not overused and/or private rights violated."

Jeff Tate explained that one of the goals of the SMA and which is written in the current SMP is providing public access to the shorelines, of which, single family residential development is the biggest form.

Page 6, Beginning Line 16: "Residential Development as a Source of and Access to the Shores and Tidelands Residential waterfront development has the greatest single potential for providing needed access to shores and tidelands in the County. The vast majority of the County's platted lots are to be found on fresh and saltwater shorelines, providing view and access to individual lot owners. It has been the rule, rather than the exception, that developers, in designing and laying out streets within waterfront developments, will provide access to shores and tidelands for the public living there. With residential construction consuming more and more shoreline, however, few options are left open to the general public for access to shorelines. Many of these access roads are One option is to more widely disseminate maps showing road endings dedicated to the County citizens for the public's use and maintenance. It would also be advantageous if Island County and the municipalities of Oak Harbor, Coupeville and Langley developed programs, separately or cooperatively, in which lands could be acquired within the shorelines for public use."

Commissioner McDowell inquired if the statement on disseminating maps would in any way obligate or require the county to print maps.

Commissioner Shaughnessy commented that many of these road ends on Camano Island in particular are located in highly dense areas mostly for the use of the community.

Commissioner Shelton commented that these are public areas.

Keith Dearborn advised that if you own tidelands, you own up to extreme low tide, and while you have to right to prevent people excluding Indians from digging shellfish, you do not have the right to prevent people from walking across them below ordinary high water.

Commissioner Shaughnessy suggested to leave the language the way it originally was written with no changes.

No consensus reached.

Criteria for Designation, Aquatic-Conservation, Page 22, Line 17+ 3. ~~Should the protected species flourish so that it no longer meets the criteria for a highly sensitive species and is removed from the protected species list, the Aquatic Conservation designation should be reconsidered.~~

Jeff will review and find out reasoning for the policy.

Page 24, Line 2, 13. ~~Applicable and reasonable~~ Mitigative measures shall be applied as one of the conditions..."

Consensus to leave as originally written.

17.05 - C. Forest Management Practices, Page 31, Lines 14

4. Logging ~~should be avoided~~ is prohibited in shorelines with slopes of such grade that large sediment runoff will be precipitated unless adequate restoration and erosion control can be expeditiously accomplished.

This is controlled by DNR.

17.05.065 Commercial Development, Page 75, beginning line 17

2A. In low bank areas, the minimum setback for commercial structures shall be one hundred (100) ~~fifty (50)~~ feet landward from the OHWM, except in the Urban Environment, where water-dependent commercial development shall not be required to maintain a shoreline setback.

3. In low bank areas, commercial parking and loading areas shall be located at least one hundred (100) ~~fifty (50)~~ feet landward from the OHWM and shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.

17.05.100 Residential Development, Page 84, beginning line 6, already addressed.

15. Natural vegetation between the OHWM and a line ten feet landward from the top of banks or bluffs ten feet or higher shall be retained, except for limited removal necessary for view enhancement, removal of hazardous, diseased or damaged trees and to allow for pedestrian waterfront access.

Commissioner McDowell request the whole section of this be brought back to review entire context.

Page 92, lines 2-5, 10B. Use of a bulkhead or other shore defense works to protect a platted lot where no structure presently exists is prohibited, EXCEPT where property is adjacent to and downdrift from a jetty, bulkhead, or similar structure and threatened by serious erosion caused or increased by those structures, in which case, a bulkhead may be allowed considered, if there are no other means to provide for the reasonable use of the property as defined by Chapter 17.02 ICC."

17.05.130 Utilities, Page 97, lines 14-16

(k) Desalination and reverse osmosis systems should only be used for water supply when 1) traditional methods

cannot supply the quantity and quality of potable water required by the Island County Health Department; 2) the Health Department certifies that the body of seawater to which the brine is discharged has the capability to adequately flush and make harmless that discharge; and the cumulative discharges of all systems for desalination and reverse osmosis in that area do not, with the addition of an additional system, now present a pollution hazard.

The Health Department advised the Board that this is not a function they perform.

There being no further proposed amendments for review at this time, the workshop adjourned at 10:00 p.m., to meet next in Regular Session on September 28, 1998 beginning at 11:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

ATTEST: Tom Shaughnessy, Member

Margaret Rosenkranz, Clerk of the Board Mike Shelton, Member