

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - OCTOBER 19, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 19, 1998 beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Wm. L. McDowell, Chairman, Tom Shaughnessy, Member, and Mike Shelton, Member, were present.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.) #36065-36365..... \$ 805,022.32 .**

PERSONNEL ACTION AUTHORIZATIONS

Dick Toft, Human Resources Director, reviewed two proposed personnel action authorizations, both to be effective this date. By unanimous motion, the Board approved both PAA's as follows:

Health Department PAA 089/98 Position #2408.04 Pub. Hea. Coord. New Position

Public Works PAA 090/98 Position #2501 Pub. Works Dir. Reclassification.

CONTRACT FOR LIBBEY BEACH PARK SHORE PROTECTION

After review and explanation by Lee McFarland, GSA/Parks & Recreation Division, the Board by unanimous motion approved Professional Services Contract #RM-PARKS-98-0042 with Reed Middleton, Inc., Everett, to provide a design proposal for Libbey Beach Park shore protection, in an amount not to exceed \$11,500.00, relating to improvements to the eroding bluff at the west end of Libbey Road at Libbey Beach Park, Whidbey Island.

JOINT PLAN OF OPERATION - DEPARTMENT OF HEALTH & ISLAND COUNTY

By unanimous motion, the Board approved Interagency Agreement between the State of Washington Department of Health and Island County Health Department providing for a joint plan of operation delineating the responsibility of the State Department of Health and the Island County Health Department with respect to enforcement of Chapters 70.119A and 70.116 RCW and Chapters 246-290 and 246-291 WAC, Contract RM-HLTH-98-0033.

RESCHEDULE ORDINANCE #C-126-98 FOR PUBLIC HEARING – CHANGE IN DESIGNATION OF COUNTY EMERGENCY SERVICES DIRECTOR AND

AMENDMENT TO SECTION 9.24A050 ICC

Although the Board by motion on October 5, 1998, scheduled Ordinance #C-126-98 for public hearing this date at 3:00 p.m., legal notice was not provided as required. Therefore, the Board by unanimous motion, rescheduled the hearing for November 9, 1998 at 9:50 a.m.

CORRECTION TO ORDINANCE #c-108-98 – IN THE MATTER OF ADOPTING

A NEW ORDINANCE, CHAPTER 11.05, adequacy

By unanimous motion, the Board corrected the last paragraph on Page 2 of Ordinance #C-108-98 in the matter of adopting a new ordinance, chapter 11.05 ICC, governing adequacy procedures and requirements in Island County adopted on September 28, 1998, to correctly refer to "Adequacy" rather than "Concurrency".

MOTION CORRECTING PAGE 2, ORDINANCE #C-93-98, PBRS

By unanimous motion, the Board corrected Ordinance #C-93-98 adopted on September 28, 1998, in the matter of adopting a new ordinance to Chapter 3.40 ICC governing Island County Public Benefit Rating System, correcting the [4th Whereas paragraph on page 2, by inserting after "new" the words "Public Benefit Rating System".

RE-AFFIRM BOARD'S RECOMMENDATION OF APPROVAL TO STATE LIQUOR CONTROL BOARD 8/17/98 for Liquor License Assumption, License

#351445-4I, The Cozy Roadhouse, Clinton

The reconsideration of The Cozy Roadhouse liquor license was placed on the Chairman's Agenda by Chairman McDowell based on the most recent transmittal, October 15, 1998, from the Washington State Liquor Control Board letter and license reconsideration form. On August 17, 1998, the Board, based on favorable reports from the Island County Sheriff and Health Department, forwarded to the Washington State Liquor Control Board a favorable recommendation on said license by LAKA Enterprises, Inc., Larry and Kathryn Marty. The State Liquor Control Board by letter dated September 28, 1998, disapproved the application, and advised there was no reapplication for a period of one year following the denial, but that the applicant could petition for reconsideration within 60 days of the date of the denial letter. Applicant petitioned for reconsideration by the State Liquor Control Board, as well as submitting a letter to the Chairman of the Board of County Commissioners dated October 15, 1998, asking reaffirmation of approval action taken previously on August 17th. The County Commissioners received a copy of a letter to LAKA Enterprises, Inc., also dated October 15, 1998, along with a new license form for reconsideration, noting a final decision on the license would be made by the State Liquor Control Board in approximately 25 days following notice of reconsideration.

Both the Sheriff and Health Department reaffirmed their approvals August 17th, and by unanimous motion, the Board reaffirmed its recommendation of approval to the State Liquor Control Board.

ELECTED OFFICIALS ROUNDTABLE CANCELED FOR OCTOBER 26

The Chair announced cancellation of the roundtable meeting with Elected Officials on October 26th at 11:30 a.m. He is not able to attend at that time and asked that the meeting be canceled. He values sitting in on the informal sessions and is interested in participating. The next Elected Officials Roundtable is scheduled for November 23rd at 11:30 a.m.

CONTRACT & BOND - Strider Construction - Whidbey Slide Repairs

Based on recommendation of Roy L. Allen, County Engineer, and the Board's award of bid at a prior meeting, the Board by unanimous motion approved and signed a Contract and accepted a performance bond, from Strider Construction Company, Inc., Bellingham, for Island County Slide Repairs under CRPs 98-09, 98-10 and 98-11, in the amount of \$695,489.50.

BOND RELEASE - SPR 62/93 - Camano Plaza/Kent Myers

By memorandum dated October 13, 1998, Mr. Allen recommended bond release under Site Plan Review SPR 62/93, Camano Plaza/Kent Myers, based on staff inspection that found all bond requirements had been met and staff had no objection to the release of the bond guaranteeing completion of roads and project requirements.

By unanimous motion, the Board concurred and issued said bond release.

BOND RELEASE - SP 69/96 - Karen Bakke

In the case of SP 69/96 by Karen Bakke, Mr. Allen in a memorandum dated October 8, 1998, recommended bond release based again on staff visit confirming construction of private access road in compliance with conditions set out in Short Plat 69/96, therefore, staff had no objection to the release of bond.

By unanimous motion, the Board concurred and issued said bond release.

SUPPLEMENTAL AGREEMENT NO. 2 – Sheldon & Associates

Supplemental Agreement #2 to the Contract entered into with Sheldon & Associates, #PW-962041, was approved by unanimous motion of the Board extending contract for a period of 12 months [wetlands consultant – on-call basis] with the Chairman authorized to sign said agreement, or in the Chair's absence, the other two members of the Board.

FINAL SITE PLAN APPROVAL - SPR 406/96

Stacy Tucker, Associate Planner, presented to the Board for final approval, Site Plan #SPR 406/96 by Central Whidbey Fire and Rescue, for construction of a 4000+ sq. ft. fire station with 4 bays for emergency vehicles, a training facility of 1800+ sq. ft. and a 26,000 gallon water storage tank, located in the NE quarter of Section 17, Township 30 North, Range 2 East, W.M., on Assessor's Parcel #R23017-456-3250 [Day Road]. The project was granted conditional preliminary approval on July 7, 197. Application for final approval was reviewed and she confirmed that all conditions of approval had been met. County staff recommended the Board grant final site plan approval.

On unanimous motion, the Board provided Final Site Plan approval as recommended for SPR 406/96 by Central Whidbey Fire and rescue.

HEARING HELD: ORDINANCE #C-127-98 (R-52-98) - Revising ICC 10.01.060, Crescent Harbor Road Speed Limit at Crescent Harbor School to 20 mph "When Lights are Flashing"

A Public Hearing was held at 10:30 a.m. as scheduled and advertised, for the purpose of considering Ordinance #C-127-98 (R-52-98), revising ICC 10.01.060, Crescent Harbor Road Speed Limit at Crescent Harbor School to 20 mph "When Lights are Flashing" .

No one in the audience spoke either for or against said Ordinance. Staff recommended approval.

By unanimous motion, the Board approved Ordinance #C-127-98 (R-52-98), revising ICC 10.01.060, Crescent Harbor Road Speed Limit at Crescent Harbor School to 20 mph "When Lights are Flashing" .

BEFORE THE BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

AN ORDINANCE OF ISLAND COUNTY, WASHINGTON)

REGULATING SPEED LIMIT ON CRESCENT HARBOR) ORDINANCE NO. C-127-98

ROAD AS SHOWN ON ATTACHED EXHIBIT "A",) R-52-98

AMENDING ISLAND COUNTY CODE, TITLE X,)

CHAPTER 10.01)

_____)

WHEREAS, an engineering and traffic investigation has been made relative to the above described road; and

WHEREAS, from review of the information obtained during said engineering and traffic investigation, 50 miles per hour is greater than is reasonable and safe under the conditions found to exist upon the road described on the attached Exhibit; and

WHEREAS, regulation of maximum vehicle speeds and traffic control upon County roads is a function of

police power properly exercisable by the Board of County Commissioners; NOW, THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington, as follows:

The maximum speed on the road listed in the attached Exhibit "A" shall be as shown in said Exhibit, and the Island County Code is amended to read as shown on said Exhibit. Underlined material is added to existing county code and interlineated material is deleted.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FIVE DAYS FROM AND AFTER ITS PASSAGE INTO LAW.

REVIEWED this 5th day of October, 1998, and set for public hearing on the 19th day of October, 1998, at 10:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

ATTEST: Margaret Rosenkranz, Tom Shaughnessy, Member

Clerk of the Board Mike Shelton, Member

PASSED INTO LAW this 19th day of October, 1998, following public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

ATTEST: Margaret Rosenkranz, Mike Shelton, Member

Clerk of the Board Tom Shaughnessy, Member

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.

Deputy Prosecuting Attorney

Note: Exhibit A on file with Clerk of the Board

STREET ABUTTER'S AGREEMENT – Oak Harbor School District 201

regarding Crescent Harbor School Flashing Light

As a follow-on action to the adoption of Ordinance #C-127-98, the Board by unanimous motion approved Street Abutter's Agreement with Oak Harbor School District 201 regarding Crescent Harbor School Flashing Light.

REVIEW FINANCIAL REPORTS

(1) Treasurer: Current & YTD Cash Report/ County Investment Report and Status

Maxine Sauter, Island County Treasurer, provided the Current Expense Report for September 30, 1998, noting that total revenues were on target at 74.8% (actual 9 month percentage 75%) and were \$689,443 over last year at this time. Expenditures exceed budget estimates, 84.2% to 75%, and are \$1,424,760 over last year on September 30th. At this point in time, she predicted the County would run over estimated budget amounts and some transfers to Current Expense may have to be made at the end of the year. Approximately 59 million dollars are invested. Rates have gone down considerably and she suspected rates would stay down next year. The Treasurer's Report under memo dated October 12, 1998, is in writing and copy on file.

(2) Auditor: Monthly Review of Revenues & Expenditures

Suzanne Sinclair, Auditor, provided the Board with the Auditor's monthly review of revenues and expenditures. She reported that Current Expense revenues and expenditures were similar to last year's collections at this same time. Expenditures are running about \$1 million ahead of last year, but noted that the expenditure budget is larger than last year by about \$1.2 million. Expenditures are similar in percent-to-budget, these expenditures include about \$440,000 spent but not included in the budget; without that, expenditures this year would be about 75%, the same as last year. As far as other funds, revenues are behind last year by about 20%, but Ms. Sinclair noted too that expenditures were lower by about 17%. The widest swing in revenue seems to be in the capital funds and motor pool. The Auditor's Annual Report is in review and proofing at this time, scheduled for further Thursday, and she thought probably ready the following Monday.

PRESENTATION - CENSUS 2000

Val Thomas-Matson, U. S. Department of Commerce, Bureau of the Census, Partnership Specialist from the Seattle Regional Office, appeared before the Board to advise about early operations underway in promoting the 2000 census and to invite the County to partner with them in helping promote the importance of the census to the constituency of Island County. The Constitution requires every ten years to count all persons living in the United States, April 1st. In addition to the population "head count", the Bureau will also use that information for reapportionment, redistricting and for federal funds back to the state, the counties, the cities and services/other businesses in the community over the next ten years. The local census office for Island County will be out of the Everett office opening in October, 1999. For now the operations are being handled out of the Seattle office.

The census will be taken in three ways:

- mail out-mail back form for those who receive mail at their house, mailed approximately the last week in March.
- those who receive mail from a post office box or rural route box will receive hand-delivered census questionnaires to fill out and return by mail
- door-to-door enumeration .

Since not all persons reside in residences, the Bureau will also look at special places in group quarters to enumerate those who might be homeless, living in nunneries, jails, or in the military.

For every address someone from the Bureau will physically visit every housing unit. Census takers will be out up to three times between now and the beginning of 2000 to verify the housing units. There is both a census short form and long form. The short form contains some 6 or 7 questions and takes about 10 minutes to complete; the long form has about 34 subjects and takes almost ½ to 1 hour to complete. It is the long form that is delivered to one in six housing units and that form from which the Bureau gets most of the information that will be used on a county level to apply for federal funds [Title I, Housing and Community Development, Road, Road Improvement Act, Hospital updates, and bringing in the different types of facilities and services needed in a community]. The long form does cause some discomfort with individuals because of the personal nature of the questions, but all census workers are under an oath of

confidentiality [if breached a \$5,000 fine and 5 years in jail]. The forms are sent to the processing center and electronically read and all information becomes statistical and is no longer attached to a person. The forms are then sealed for 72 years. The number one use for census data after 72 years is ancestry research.

The processing center consists of a double check for duplications. Determining "where is your residence" is a self-identifying factor and means where you reside 5 months out of the year. As persons that are in the military will be counted via special operation. The population information will go to the President on December 31, 2000. The Governors then receive the information April 2001 and from then will begin the redistricting and reapportionment.

As to planning for the Census 2000, she asked that the County form a complete count committee which would include key stakeholders from throughout the community that would focus on identifying hard to reach populations such as migrant and seasonal farm workers, urban poor, recent immigrants, urbanized American Indians and Alaskan Natives, individuals who do not want to participate with the government, and homeless populations. This committee will meet about 5 to 6 times between the top of 1999 and April of 2000, to develop a work plan and action agenda, to decide who will do what to help communicate the importance of the census for areas of the community. Ms. Thomas-Matson is available to work with the committee as they come up with ideas on promoting the census, help increase the non-response rate.

The Commissioners expressed appreciation for the presentation and the Chairman indicated the Board would consider the request to form a complete count committee and respond at a later time to that question.

Public Presentation: FORMAL ACCEPTANCE OF THE COMPILED AND FINALIZED ISLAND COUNTY GMA COMPREHENSIVE PLAN, ZONING

ORDINANCE AND DEVELOPMENT REGULATIONS

At 4:00 p.m. as scheduled, with legal notice provided, a public presentation was made to formally accept the compiled and finalized Island County GMA Comprehensive Plan, Zoning Ordinance, Zoning Atlas and Development Regulations. Copies of all documents were available to the public. Copies can also be obtained at the Courthouse, Coupeville and Camano Annexes, Bay Printing, Oak Harbor, and The Copy Stop in Stanwood. Approximately 8 citizens were in attendance, along with County staff and Consultants.

Documents:

- Island County GMA Compliance Calendar – November, 1998, showing Public Information Meeting dates on the Plan & Development Regulations, and a series of additional times when people can make appointments to come in and learn more about how the Plan and Regulations affect a proposed project or property.
- Compiled Unabridged Version of the Development Regulations and Comprehensive Plan consisting of all amendments the Board adopted on September 28 and 29, 1998 including Fish & Wildlife Regulations adopted on September 14, 1998. [Colored maps are not available until the final printing of the Plan and Regulations in November]
- Resolution #C-133-98 – Accepting the Compiled Version of Island County's

GMA Comprehensive Plan and Development Regulations [for adoption today]

- Proposed Ordinance PLG-042-98 – Technical Amendments to the Plan and

Regulations and County Wide Planning Policies [to be set for hearing]

- Proposed Resolution PLG-040-98 - Findings and Legislative Intent relating to

Island County's GMA Comp Plan & Development Regulations [to be set for hearing]

- Proposed Ordinance PLG-041-98 – Adopting Procedures for Amending the

County's GMA Comp Plan and Development Regulations, Chapter 16.25 ICC

[to be set for hearing]

Keith Dearborn, the County's GMA Consultant, explained that the Findings and Legislative Intent began as the Planning Commission Findings and Legislative Intent, and identified in either cross out or underlined bold is language that is being proposed to be modified or added either to expand the findings or to modify the findings to conform to the Board's final action. He confirmed with C-TED that Island County is the first county to have completed everything for GMA compliance.

Highlights of some of the changes of significance terms of land use in the County: TDRs eliminated; increased PRD open space requirements and changed the NR open space requirements; set significant size limitations on NR uses – size limitations that in other jurisdictions were battles that lasted for years; eliminated use approval; NR floating zone eliminated uses are more specifically defined in the Code, limitations are established, as well as standards for NR and institutional uses.

Major changes in development standards include: new clearing and grading standards; stormwater standards; concurrency tests to be met at permit application; adequacy test has to be met, not for roads but for other subjects. New design, landscape and screening guidelines will significantly change the way development occurs and the way it appears in the county over time. Site Plan and PRD approval standards have gone from general discretionary standards to much more specific and explicit standards for approval. Also the PRD process and the Site Plan Review process have gone from two steps to just one step, and many uses that have to go through site plan today do not go through approval at all other than a building permit system because standards and design guidelines have been established.

RAIDS

17 new critical drainage areas created – this designation means that anyone within that drainage area has new study area requirements and standards to comply with.

There is now a grading ordinance when before it had none, the matter only partially addressed in 1984 by the then Board

If in a RAID there is not the same flexibility as outside a RAID for grading. If near a shoreline within a RAID requires greater restrictions and restrictions where there are none today

geological hazardous requirements have been expanded - requirements expanded generally but if in a RAID requires 100' from top and toe of the slope, and requires a geotech report in those areas and a plan of mitigation developed as a part of the application; a drainage plan is required if in a geologically hazardous area , using the 100 year storm rather than the 25 year storm.

Shoreline Master Program Amendments

The Shoreline Master Program amendment initiation was directly connected to the RAID process in terms of how it evolved

there is now a minimum setback for commercial development, going from 10' now to 50' for residential development will range from a minimum of 25' to 50' depending on the shoreline environment, with some exceptions for existing lot situations

residential docks and piers have standards and everybody will have to preserve vegetation within 10' of the bank if the bank is 10' or higher in size

beach stairway standards have been established

standards established for exempt activities for bulkheads, again the RAIDs created the rationale for those standards

all the shoreline wetlands over ¼ acre in size have a setback increased from 25' to 100'

every fish and wildlife habitat area on the shoreline [all of which have been mapped] have 75' setback [estimate half of the County's shorelines have fish and wildlife habitat designations]

streams with anadromous fish will have 100' setbacks where the setback today is 25' and habitat management plans have to be prepared not for eagles, but for a variety of additional species where no management plan was required before [species added]

Zoning Potential

Mr. Dearborn provided a graphic to show the significant change in zoning potential numbers reflective of the final action, showing every circumstance resulting in a down zone [depicted in red circle] and every circumstance resulting in an up zone [depicted in green circle]. The net effect is that about 35,000 more acres of land on December 1 will have less development potential than it does today. Even the 9,000 acres from the old Residential zone now in the new Rural Residential zone has been down zoned as well, setting aside all the standards added.

Comparing the old Residential zone versus RAIDs, the geographic area of the county has been reduced from about ¼ to 7% of the county, a significant reduction in area affected by the zoning classification; 70% of the Residential zone is being converted to Rural . The Residential Zone could have had a capacity of 200,000 people; the Board of Commissioners reduced the size and density of that area to a point where it has a capacity for 33,000 people. Where before there were about 180,000 new people that could live in the Residential zone there are now capacity for 11,000, only if every single parcel of land and every single owner decides to develop their property to the maximum density permitted.

Looking at RAID designations 89% of the lots in RAIDs have no further ability to subdivide; 11% are at a size where they could potentially add a home or another lot, or 2 or 3.

How Island County will look in 2020 if the Plan stays in effect and is not modified in the next 22 years: 30% of growth would be in cities; 10% would be in Freeland and Clinton, slightly lower if Freeland and Clinton were not RAIDs, 25% in RAIDs, and 35% in the rural area which includes commercial Ag, rural AG and rural forest.

The cities over the 22 year period are by their own plan and commitment increasing their density in terms of people per acre from a little under 4 to a little over 6; Freeland and Clinton depending on whether UGAs or not would double to triple density over the 22 years. RAIDs go up in density over that period by about 1/3, and there is a slight increase in density in the rural area.

RAID Questions: As a result of a flyer that was mailed to some county residents a number of questions have been asked associated with RAIDs and Mr. Dearborn took the time to respond to some of the questions that had been posed to him.

Why did the County put all the growth in RAIDs ?

Response. The County is not; there is no growth being put in RAIDs--no allocation is being made of growth between RAIDs and non-RAIDs. If RAIDs developed completely it would account for 25% of the population. On average, RAIDs have 50% constraints already for septic and water supply, and 30% constraints for critical areas. RAIDs are where development occurred in the Fifties, Sixties and Seventies. Nothing is being done to try to encourage growth in RAIDs, and in fact there are major hurdles on development within RAIDs as well as increased standards. Mr. Dearborn did not believe there was a factual basis for those standards if there were no RAIDs; there is a direct connection between those two.

RAIDs - A Result of Using the High Growth Forecast?

Response. RAIDs have nothing to do with the forecast; RAIDs would have been established potentially if there had been no population growth projected for the County. It is an option GMA allows as a result of the 1997 amendments and is not dependent upon the OFM forecast. While some people may think there is a significance difference between the high and medium population forecast in terms of planning, Mr. Dearborn recalled that the record did not demonstrate any consequential difference. The fact that Island County can finance all road improvements the County needs for the next 22 years without raising one tax beyond the taxes of today with the high forecast, confirms the forecast is not consequential to planning.

Do We Illegally Permit Suburban Densities in RAIDs?

Response. The County does not illegally permit them, but do permit them and is in fact a reality of GMA which says these are not urban densities but rural densities. Are they higher than one unit to 5 acres, yes. Illegally being done, absolutely not.

Do RAIDs Include Areas not Permitted by the GMA?

Response. Time will tell; the best possible job has been done. Reading C-TED guidance book explaining how to define RAIDs one can see this county matches up almost precisely and in fact C-TED is looking to Island County as the lead for RAIDs. If challenged at the Growth Board will the County succeed on all RAID boundaries Mr. Dearborn has no way of being able to tell, and he has given no assurances that the County would prevail. He thought without question, however, the County followed a rationale and logical process.

Were These RAIDs Adopted Without Telling Anyone?

Response. Mr. Dearborn did not see how people could say that. The County took six years to get to this point says something about the opportunities people had to learn and understand how the process occurred. The County went into high gear in the last 9 months forgets the fact that the RAID issue as an issue was dealt with at a workshop, two public hearings, a tentative decision 9 months ago by the Board on how to do RAIDs, went through two public review processes and final hearings before the Board before the decision was made.

The Whidbey News Times did an excellent job of explaining RAIDs, the article a little late in the process. This County did as much and went as far or further than any other county he knew in terms of public participation. An individual organization was afforded access to all data and then allowed that organization to present their own maps and data and analysis to the Planning Commission and considered that throughout the process. Changes were made in the RAID boundaries not in response to the individuals in those RAIDs but changes in response to the Coalition's request for changes in the boundaries. He reminded that if property is taken out of a RAID, small lots, and put it in the rural area does not change anything.

Island County consists of two islands with real constraints, a county of its own mentality unmatched anywhere else. This is the fifth most densely populated county in the state [subtracting the incorporated areas and deal just with the rural areas, Island is the second most densely populated county outside of urban areas]. Most people in the county live on small lots, not acreage. The character has been created over the years through the use of small lots, lots that would be considered urban in many places and definitely for many never would classify themselves as rural. Most people who live here do not work here and have to commute off island for jobs, clearly a complexity that is significant in terms of how one goes about planning in Island County. There is also the problem coming up which is that the fastest growing population segment is over 65. Around 2010 there will be more people over 65 than school age children. With the recent talk during the process about school impact fees he could not imagine the conversation being the same 15 years from now when the majority of the public have nothing to do with the school system.

Housing is growing increasingly unaffordable. Over half of the newcomers in the county will not be housed in affordable housing by 2020 and have to spend more than standards of today for housing. Most of the people that move

here are not moving here to live in a UGA, but to live in a rural area.

Remaining Issues Where There is no Consensus

1. Concerns about using the high growth forecast

2. Concerns about not putting 50% of the population growth in cities

Comments. Switching to the middle forecast and keeping kept the same population allocation to cities as with the high forecast, would achieve 50%. There is no substance to that at all. These two points are non-substantive political issues that have no bearing on the plan process. The first concern would have had bearing on the plan process if the Public Works Director confirmed serious problems financing growth with the high forecast but no problems with the mid forecast. However, what Mr. Kwarsick said was that there was no problem with the high forecast in financing growth for roads on the county arterial system. That being the case, the forecast becomes immaterial because the only place in the entire planning process the forecast is used is in the capital facility planning and transportation planning. The record reflects there is no effect. Island County is growing faster than the mid range forecast.

3. Long Term Commercial Significance for Agriculture and Forestry

Comments. Mr. Dearborn recognized that this issue probably would not be resolved short of a Growth Board appeal. The same standards and rules have been applied by Island County as have every other county in the state. Absent someone advising that the standards are different, Mr. Dearborn did not advise the Commissioners about any rational or factual basis to single out property owners for long term forest zoning with the facts and record that exist. He feels the same way today. The vast majority of those land owners have really done the County a great service by retaining their lands in forestry and agriculture. There are only 19 parcels of land over 80 acres of size in the rural area and a few of those in forest and AG zones – the point that was made was why penalize those people that have not taken advantage of the same development opportunities as their neighbors and declare them to be of long term commercial significance when they cannot make it work long term.

4. Fish and Wildlife Protection Habitat – Some Want Standards to be More Strict

Comments. Regulations are tailored to Island County and matches the evidence of record and is very reflective of the regulations that other counties have adopted.

1. RAID Issue Questions

Comments. Mr. Dearborn did not know whether this is a question of whether some RAIDs are too large or a question of some people believing everything done was wrong. He was willing to bet it highly unlikely the Growth Board would say everything Island County did here was wrong. Whether some RAIDs are too large is a question the County will be told if there is an appeal.

2. Request for Impact Fees

Comments. Mr. Dearborn's legal advice to the Board was there is no legal basis to impose impact fees in this County based on the factual record developed. Impact fees are being confused with taxes; an impact fee is not a tax, it mitigates the impact of a project. If all the money is available to do the road improvements there is no way to develop a rationale to say the County needs funds through road impact fees. If no school district has come forward and asked for school impact fees, the County has no basis to charge school impact fees. For parks, the same record exists as with roads. What has been forgotten is that the County is imposing impact fees on a project by project basis and has done so for years – mitigation fees under SEPA on a case by case basis for a particular intersection, signal or drainage system. Within a year or two he predicted the legislature would eliminate the ability to collect mitigation fees under SEPA and make it GMA only. With the facts now, Island County would be easily overturned in court by anyone

being asked to pay a road impact fee. At this point he did not think it could be defended legally.

Work Guarantee: The offer Mr. Dearborn made to the Board in 1984 is the same offer he made today – a life-time warranty on his work [his mistakes fixed for free; County mistakes if fixed by him would not be free]. As time proceeds, he is aware there will be found gaps, overlaps, incongruities, and things that do not mesh, and he told the Board he stood ready to do that at no charge to the County as long as the County wishes to call him back to help do that. He also committed not to represent any private property owner in Island County for his life time.

Resolution #C-133-98 [PLG-043-98] In the Matter of Accepting the Compiled Version of Island County's GMA Comprehensive Plan and Development Regulations

For the record, Keith Dearborn verified that the adoption of the Plan and Development Regulation occurred on September 28 and 29, 1998, and the Board now is receiving and accepting a compiled version of what was adopted. Notice of Adoption has already been published and the delivery to the Governor, C-TED and the Growth Board has occurred.

Commissioner Shelton moved that the Board adopt Resolution #C-133-98 in the matter of accepting the compiled version of Island County's GMA Comprehensive Plan and Development Regulations. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ACCEPTING THE COMPILED VERSION OF ISLAND COUNTY'S GMA COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS)
) RESOLUTION C-133 -98
) PLG-043-98
)
)

WHEREAS, the Board of Island County Commissioners adopted the County GMA Comprehensive Plan and Development Regulations on September 28 and 29, 1998; and

WHEREAS, the Board adopted Development Regulations for Critical Areas on September 14, 1998; and

WHEREAS, the Board also considered and adopted amendments to the Plan and Development Regulations all of which responded to public testimony and comment letters; and

WHEREAS, the amendments needed to be compiled into the Plan and Development Regulations.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Island County Commissioners hereby confirms that the Comprehensive Plan and Development Regulations attached hereto as Exhibit A and B respectively conform with the action of the Board taken on September 28 and 29, 1998.

BE IT FURTHER RESOLVED, that the Board also confirms that the amendments to Chapter 17.02 ICC for Critical Areas attached hereto as Exhibit B also conforms with the action of the Board taken on September 14, 1998.

Dated this 19th day of October, 1998.

**BOARD OF COUNTY
COMMISSIONERS OF**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

(Note for the Record: Exhibits A and B have been placed on file with the Clerk of the Board)

GMA PUBLIC HEARINGS SCHEDULED

By unanimous motion, the Board scheduled for Public Hearing on November 9, 1998 at 6:00 p.m., the following Resolution and two Ordinances:

Ordinance #C-136-98 [PLG-042-98] In the Matter of an Ordinance Concerning Technical Amendments to Island County's Comprehensive Plan, Development Regulations and County-Wide Planning Policies

Ordinance #C-135-98 [PLG-041-98] In the Matter of an Ordinance Adopting Procedures for Amending the County's GMA Comprehensive Plan and Development Regulations

Resolution #C-134-98 [PLG-040-98] In the Matter of Adopting Findings and Legislative Intent Relating to Island County's GMA Comprehensive Plan & Development Regulations .

With regard to Ordinance #C-136-98, Mr. Dearborn mentioned that Exhibits D and F did not yet have technical amendments; there may be some technical amendments before November 9th, and if so, will be on the Internet as soon as available. Exhibit D, Title 11, is awaiting Larry Kwarsick's return in order to determine whether there are any technical amendments. Exhibit F is waiting for final comments from each of the cities on the CWPPs as adopted by the Board on September 28th. He suggested there probably would be further technical amendments to Exhibit B, the Zoning Code, and Exhibit C, because staff is now going through an intensive review process and training.

For clarification on record, Mr. Dearborn stated that anything that is of substance would have to be considered in the annual review process if a Plan amendment. If it is a development regulation that implements the Plan and does not require a Plan change, it will have to be set for hearing separately from November 9th.

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

adjourned the meeting at 5:15 p.m., to meet in Regular Session on October

26, 1998 beginning at 1:30 p.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest:

Margaret Rosenkranz,

Clerk of the Board