

ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING

SPECIAL SESSION - SEPTEMBER 24, 1999

The Board of Island County Commissioners met in Special Session on September 24, 1999, beginning at 9:30 a.m. for the purpose of conducting a joint workshop with the Planning Commission on Growth Board remand issue "Rural Densities".

Attendance:

**Board Members:** Mike Shelton; Wm. L. McDowell; William F. Thorn

**Planning Commission Members:** George Crampton, Mike Joselyn, Shielah Crider; Dave Osterberg

**Rural Densities Committee Members:** Joyce Fossek; Sandy Roberts

**Staff:** Phil Bakke

**Consultant:** Keith Dearborn

**Public:** Approximately 8 attended; Attendance Sheet circulated; copy on file [GMA doc. # ]

**Hand-Outs**

1. Report: Rural Densities Remand Committee with attachments: [GMA doc. # ]

Rural Densities Committee Membership List

Rural Densities Mission Statement dated 8/23/99

Summary: Langley Interlocal Agreement

E-mail dated 9/22/99 from Tom Roehl: proposed revised findings

E-mail dated 9/22/99 from John Graham offering proposals for adoption 9/23/99

E-mail dated 9/20/99 from John Graham "What are the Problems?"

E-mail dated 9/17/99 from John Graham "Why not Rural EDUs?"

E-mail dated 9/21/99 from Rolf Seitle regarding the recent e-mails

2. E-mail dated 9/23/99 from Rolf Seitle – views difference than the majority and set forth impressions/views in attached memorandum; explained could not attend workshop

[GMA doc. # ]

3. E-mail dated 9/23/99 from Al Glenn – statement for the record [GMA doc. # ]

4. E-mail dated 9-24-99 from Tom Roehl regarding the Report and explaining he was unable to attend the workshop but would still like the opportunity to address the Planning Commission and Board this matter. [GMA doc. # ]

**Maps Posted**

Natural Resource Lands – map showing parcelization around resource lands [GMA doc. # ]

## Critical Areas - series of six maps [GMA doc. # ]

### "REPORT

#### RURAL DENSITIES REMAND COMMITTEE

The twelve-member Rural Densities Remand Committee, chaired by Mac McDowell, met six times in August and September to discuss rural density issues. While all members shared a common concern regarding the retention of "rural character" and no one took issue with the Comprehensive Plan vision statement, there was no consensus on how to address densities in the Rural Area. A list of committee members is attached.

#### **Mission Statement**

The Committee's work focused on the adopted Mission Statement. Copy attached. Three members, John Graham, Rolfe Seitle and Marilyn Alexander, felt the Mission Statement limited the discussion inappropriately. These members believed that discussion of density in the Rural Area needed to be premised on the broad question of preserving "rural character." They argued that, if only the Mission Statement questions were answered, more fundamental concerns about density in the Rural Area would receive no consideration. After an extensive discussion, the Committee agreed to schedule an additional meeting to discuss whether larger lots in the Rural Area are needed to preserve "rural character."

#### **UGA's and Five-Acre Lots**

The Committee reviewed parcelization maps for each of the County's three UGA's and the Langley Interlocal Agreement. A summary of the Langley Interlocal is attached. The Committee did reach consensus on this Mission Statement question. Based on the Langley Interlocal, if the Oak Harbor Joint Planning Area is treated in a similar manner, five-acre lots do not present a threat to the expansion of UGA's.

#### **Natural Resource Lands and Five-Acre Lots**

The Committee adopted a statement (copy attached) that concluded that a pattern of five-acre lots did not threaten resource lands. All members agreed that Chapter 16.25 ICC provided protection to resource land users from nuisance complaints and that this concern did not justify further downzoning. There was not consensus, however, on whether a five-acre pattern of development threatened retention of resource lands.

The Committee reviewed parcelization maps. Most members agreed that there was no factual data to answer to this question - yes. Three members, John Graham, Rolfe Seitle and Marilyn Alexander, did not agree. John Graham's response to the Committee Statement is also attached. Rolfe and Marilyn did not disagree that the narrowly drawn question in the Mission Statement could be answered clearly in the negative. They both believed that question was too confining and missed important reasons why further downzoning is needed.

#### **Critical Areas and Five-Acre Lots**

The Committee could not reach consensus on this Mission Statement question. There was agreement by all Committee members that if an approach could be fashioned that all could support, then no additional reasons existed to justify additional downzoning.

The committee discussed a number of options for addressing critical areas and five-acre lots. There was general agreement that the reason for further downzoning was more to protect rural character and wildlife habitat, than to strictly answer the Mission Statement. In fact, the majority of the Committee concluded that a pattern of 5-acre lots was not a threat to critical areas. However, they were willing to consider a downzoning proposal if consensus could be reached. Options discussed were as follows:

1. Parcels within 330 feet of a Type 2-4 stream and Type 5 streams that are tributary to Type 2-4 streams should be zoned with a 10-acre minimum lot size;
  - a. that designation be based on existing maps that classify stream types;
  - b. that a technical amendment procedure similar to that recommended for the CA and RA zones be adopted;
  - c. that if a conservation easement is conveyed to protect the stream, then the property owner should be able to realize a 5-acre density.

This proposal was supported by all but four members: Sandy Roberts, John Graham, Rolfe Seitle and Marilyn Alexander.

1. Option 1 with no ability to divide to achieve 5-acre density. This option was supported by Sandy.
2. Option 2 expanded to include nine-acre properties within 330 feet of Category A and B wetlands. Rolfe and Marilyn supported this option.
3. Option 3 including all Type 5 streams. John Graham supported this option.

Several members who supported Option 1 indicated that to reach consensus they were open to adding wetlands to this option, particularly Category A wetlands. However, they felt that more detailed and comprehensive maps were needed to assess the impact of including these wetlands.

### **Planned Residential Developments**

As with other questions, there was consensus on some points relating to PRD's, but no consensus on all issues. All members believed that clustering through PRD's needed to be retained. As he learned more about PRD's, however, Paul Newman indicated that he was growing more concerned about PRD's generally and was not convinced that this option was desirable. There was no consensus on bonus density or maximum PRD size.

#### **1. Bonus Density**

Most Committee members believed a bonus that allowed a 2½-acre density average was necessary to make a PRD viable. While no member disagreed with this conclusion, John, Rolfe and Marilyn could not accept a bonus that high. A five-acre density bonus was acceptable to them. If a 2½-acre bonus was necessary to make PRD's viable, then each of them would recommend that the PRD option be abandoned.

#### **2. Maximum PRD Size**

Many members believed there should be no limit on PRD size. Most agreed that, if a cap was necessary, it should be 160 acres. Sandy urged the Committee to recommend a 40-acre cap. John, Rolfe and Marilyn were willing to agree to the 40-acre cap, but only if the density bonus was limited as discussed above. Sandy believed that the 2½-acre density bonus was necessary for PRD viability.

The Committee searched for a compromise between the 160 and 40 acreage limits. John Laechaver, Al, Don, Tom Olsen, and Tom Roehl indicated that an 80-acre limit could be supported if it allowed the Committee to reach consensus. John Graham said that he had not really thought about a size limit and that 80 acres may be okay. No consensus was reached to change the recommendation of the majority.

### **Conclusion**

Committee discussions on Rural Densities and the need for further downzoning were passionate. E-mails between meetings flowed vigorously. Several are attached to illustrate member viewpoints. A sincere

effort was made by all members to reach consensus. All members believed that zoning changes needed to be based on objective criteria and that property owners should be treated consistently and fairly. Most felt the data available to the County and the Committee did not support further downzoning. However, they were willing to consider a limited proposal if it would allow consensus to be reached. Unfortunately, it could not.

The Committee discussed whether it should request the schedule be changed so that it could meet again. All members were willing to devote more time to the issues. In the end, however, the committee concluded that the differences in views were so pronounced that continued deliberations were not likely to bridge the gap. This task they leave to the Board of Commissioners."

For the Rural Densities Remand Committee, Mr. Dearborn thought there probably was not the same level of understanding of the issue or the same level of expertise as for the AG issue. There were only two people on the committee who lived on acreage, and the Committee was a mixed collection of people with differing views. With the rural densities issue, there was no "carrot" so to speak to work with; there was less data and data was being developed as the committee worked. Opinions were expressed that that may not be based on facts at all, particular to Island County, but strongly held and passionately argued.

The first challenge was to gain agreement on the Mission Statement adopted by the Board. Three Committee members did not agree the statement correctly stated the challenge faced based on the remand. They did not disagree with the narrow questions [i.e. 4<sup>th</sup> paragraph in mission statement] but the concern was if they dealt with each question with blinders on the big picture could be missed. Even if all questions were answered in the negative, under Mission Statement issue #1, A, B and C, they wanted to discuss the question of whether future downzoning was needed to preserve rural character. After extensive discussion, the Committee agreed to discuss that at their last meeting; however there were so many things to cover they did not cover that issue as thoroughly as desired.

**UGAs and Five-Acre Lots.** The Committee began with the first question, restated: does a pattern of 5 acre lots present an undue threat to the expansion of UGAs for Langley, Oak Harbor and Coupeville? There were concerns about that and the Committee concluded, based on how land use is managed with the Langley Interlocal Agreement [and presuming the same for Oak Harbor and Coupeville), 5 acre lots did not present a threat to the expansion of UGAs. The Committee had the benefit of the UGA map and could see clearly regardless of visual pattern the way the Langley Interlocal Agreement was fashioned, the option was preserved to expand the UGAs. Also, Jeff Tate had done some calculations for the Committee with regard to population, showing that if the joint planning areas for each of the cities/town were converted to urban, and it was so large it was not conceivable that UGAs would ever expand beyond the joint planning areas, for Langley even some 50 to 70 years. Mr. Graham had been complimentary concerning the Langley Interlocal Agreement and commented to the Committee that had that been adopted before the Growth Board hearing he doubted the Growth Board would ever have concluded that the County had a 5 acre lot problem relating to UGAs.

**Natural Resource Lands.** Color-coded map posted [center wall] showed parcelization around resource lands: *Mustard Yellow = Mineral Lands Green = Commercial AG*

*Red = Lands 20+ acres Light Yellow = 9 to 19.99 acres*

The question the Committee discussed was: is the level of activity threatened by the pattern of use around it on a nuisance basis, concluding that Chapter 16.25 provided sufficient protection to the farmer; and therefore no justification to do further down zoning around resource lands. The Committee discussed whether a 5 acre lot or pattern of 5 acre lots created pressure on farm landowners to go to a more intensive use.

Chairman Shelton commented his believe that everyone knew the value of real estate in Island County, and that value made it too expensive to farm. Island County is very desirable place to live and that has driven the value of real estate up. The fact that AG is preserved in this County is not driven by economics but by the fact that these people love their land and continue to farm. There is also the concept that some people supplement the income from AG on a small basis; but those who make their living off the land do so because they have historically done that and choose to

continue.

Commissioner McDowell agreed, and recalled that some of the farmers testified who have been farming for years or generations that they will continue to do so as long as it is economically viable, but it is income that eventually closes down a farm, not because those farms have neighbors.

Mr. Dearborn pointed to the map, specifically the red and light yellow colored areas. The density pattern around resource lands now is 5 acres or less. The general conclusion from the map is that down zoning those 9+ acre parcels around resource lands would not do anything at this point in terms of being able to preserve the ability of those farmers to operate. Ms. Fossek made that same comment, as well as the majority of the Committee, seeing no reason to further down zone. Those Committee members who disagreed with the majority explained their desire for the broader point of view or another issue related to resource lands and the question of down zoning.

**Critical Areas.** Series of six maps posted on the wall on the right side show parcels 9 acres and larger adjacent to streams. The streams are: Glendale, Maxwellton, Chapman and an unnamed stream. The color-coding on the map represents:

*light yellow = 9 acre parcels bright yellow = 10 acres and larger.*

No consensus reached. The Committee looked at illustrations and the pattern of development around streams and asked the question: what are the opportunities to provide further protection to the corridors? The bottom two maps on the right are Wetland Areas, where the Committee looked at the same question. As the Report indicates, the majority of the Committee concluded that a pattern of 5 acre lots was not a threat to critical areas, but members were willing to consider a down zoning proposal if consensus could be reached. The Committee then over two nights discussed the four options noted in the Report. In this case, the Committee, even after all the evidence was presented, discussed the possibility of further down zoning, and from looking at the e-mails in the hand-out packet it can be seen that this was an effort to try to reach consensus on the issue further down zoning, not because there was a reason per se to further protect critical areas.

GMA requires looking at the questions of wildlife habitat and the County made aware that stream corridors provide habitat corridors so the question: to what extent do we address the question of larger lots in steam corridors and around wetlands. The maps illustrate what the opportunities are. The Committee looked at what the consequence would be and it became impossible for the Committee to calculate acreage in order to see the impacts. Staff decided it important to know what it was the Committee wanted to look at as far as any proposal before moving on. The significant point of discussion of critical areas was the observation made by John Graham that if a solution could be found here, the rest of the questions of rural character and critical areas would not be relevant any longer, and that would for the Coalition be sufficient action to safeguard rural character provided the County dealt with the RF zone and EDUs in the RF zone.

Mr. Dearborn next walked everyone through the four options on the second page of the Report. As he noted, there was no Committee consensus reached on this subject. The issues were for many people very critical and consequential questions. The proposal that received the most support was Option #1: Parcels within 330' of a Type 2 through 4 stream and Type 5 streams that are tributary top Type 2 through 4 steams should be zoned with a 10 acre minimum lot size. The map provides illustrations for Glendale, Maxwellton and Chapman as far as what the impact would be; the gray band represents 330' from the steams [measured from the center of the stream]; 330' was the number the Committee agreed on. Sandy Roberts proposed that and explained the rationale for it as one of traditional dimension of lot patterns in the County. There was strong concern that designations 2 through 4 be fixed in time based upon maps here now and not something continually changing as time goes on. The Committee agreed there must be more detailed and comprehensive maps in order to assess the impact of including these wetlands. Discussed too was that there should be a technical amendment process similar to that for Commercial AG, i.e. a way developed so that the land owner not be trapped in an incorrect zoning classification, and there was consensus on that.

Commissioner McDowell clarified that the consensus agreement on Option #1 as reported was correct as far as his vote, except with regard to Type 5 streams. Most property owners would certainly not think that type of "stream" as a stream by definition and he did not support the concept to tie that to a Type 5 stream; as he reminded, Type 5 streams potentially are just ditches running down a property. Mr. Dearborn agreed to make that correction to the Report.

Joyce Fossek expressed her support of Commissioner McDowell's comment as well with regard to Type 5 streams.

Mr. Dearborn reviewed 1C which he noted was controversial with this proposal. The majority of the Committee felt if the property is 9+ acres located on a stream, the property owner should have the ability, if a conservation easement is provided, to create two homes; they may be clustered or not, but there should be an incentive to create a "carrot" to get permanent preservation of the stream corridor.

Commissioner McDowell did not support that for Type 5 streams at all. Joyce Fossek agreed it should be limited to Type 2 through 4 only. Mr. Dearborn did point out that the County has had a rule over time that says if your initial parcel is within 10% of the minimum parcel size you may divide that parcel.

Mr. Dearborn recalled that John Graham asked that all Type 5 streams be included as well as Category A and B Wetlands. The majority of the Committee advanced the proposal originated by Tom Roehl as a way to try to achieve consensus not because in and of itself it was needed, but in trying to seek some common ground between the various interest groups.

Responding to Mr. Osterberg's request to hear something more about the pros and cons of including Type 5 streams and wetlands, Mr. Dearborn indicated that the wetland issue of concern to those who chose not to include it, and the issue to staff, was that the wetland maps are not complete nor accurate; how do we get a fixed map? The Type 5 stream problem relates to the fact these streams are dry part of the year; some years full, others only some water; many are ditches that start somewhere and end somewhere, but not something anyone would envision as a stream and many are not tributary to another stream; ephemeral streams that just start and stop. From a public perception it is hard to understand why a property would be zoned 10 acres in size instead of 5 just because of drainage channel classed as a Type 5 stream.

**Planned Residential Developments (PRDs).** Mr. Dearborn noted that consensus was reached on some points, but not all. Everyone thought PRDs a good form of development and offered opportunity to preserve rural character. Paul Newman became more and more concerned whether it was a good idea or not, but Mr. Dearborn pointed out that he did not think Mr. Newman had had an opportunity to read the staff analysis of PRDs since he seemed to be focused on the density question. There was no agreement reached on bonus density or cap on PRD size. The Committee discussed a size of 160 acres down to 40 acres, and searched for a compromise and struggled with that question. Part of the discussion had included a suggestion there be two sizes of PRDs – one for Whidbey and another for Camano; there are no large PRDs on Whidbey while there are two on Camano Island. When discussion came to the possibility of a cap at 80 acres, John Graham said he never really thought about a size limit of 80 acres but felt it might be okay. The majority felt the density had to get to 2-1/2 acre lots to make a PRD work; three members could not accept that and would rather sacrifice the PRD concept but could live with density of 5 acre average on PRD, but not 2-1/2. The details of how the cap would work are being reviewed by staff. The Growth Board has said the County must create a cap on intensity, and Mr. Dearborn interpreted that to mean the total number of units in a project.

Commissioner Thorn thought it related more to the total lot size and reflects on clustering.

Mr. Dearborn recalled that the Committee did not discuss the limit question, although the Committee did have the data from last year, the PRD study and the Land Development Study.

Commissioner Shelton observed that developing of PRDS really is a red herring unless the density potential is adequate to accommodate the type of infrastructure required under the PRD Ordinance. He thought that unless the County allows some kind of bonus approaching the 2-1/2 acre density PRDs would not occur – a developer would not choose that type of development. In 1984 and the subsequent adoption of GMA there seemed to be an indication that clustering is a desirable form of development in order to preserve rural character and provide appropriate infrastructure. Somehow in developing this plan the whole concept had been called into question to the point he was not sure people still believed it was a viable mechanism to use to preserve rural character.

An upper threshold and the possibility of pushing the PRD size out to where there is a concern about impacts approaching the need for urban services was question the Committee had to look at. The Committee's discussion with Mr. Dearborn's guidance was that the urban services issue essentially was sewer—density pushed to a point beyond being able to provide on site sewage disposal. That was the perspective discussed because that has been a concern about growth management [Kitsap; Snohomish; King]. Island County's standards require demonstration of the ability to provide on site sewer or the PRD is not approved. The Committee's feeling was that with regulations in place the urban services issue was not a concern with PRDs in this county. The Committee looked at an aerial showing Camano Hills – a PRD which has the largest open space area ever achieved, something like 80 or 90 acres. The argument was the larger open space the better, as opposed to having little pockets of open space.

Mr. Osterberg brought up the problems for down hill property owners as a result of storm water runoff and raised the question: " do we get to the point we have to have urban services and if so what is the solution?".

Mr. Dearborn replied that may well be something to look into because the County now has new Storm Water regulations effective on 12/1/98, modeled after the DOE manual.

Mrs. Crider wondered if there had been any thought given about focusing more on buffers and open space rather than parcel size. One of the things she is concerned with in this County is providing affordable housing, and should try to focus especially in PRDS looking at how to meet affordable housing. She thought that each PRD could meet a certain level of affordable housing; the larger parcels could absorb a great deal of the infrastructure costs, and incentives could be put in place for a builder to set aside 5% in a PRD for affordable housing.

Mr. Dearborn remembered that Tom Roehl had made the argument that PRDs were one of this County's last best hopes for getting affordable housing, and Sandy Roberts had said that he was finding it easier to sell a lot in a PRD than a 10 acre tract.

Commissioner Thorn suggested that one of the key elements of affordable housing was the availability of transportation and density is implicit in that; it would make sense that PRDs are appropriate sites for increasing affordable housing. There is a difference however between urban services and community services. The trend toward larger PRDs gives more flexibility in providing services and better opportunity of hiding the development visually, i.e. by creating thicker buffers both from the standpoint of visibility and windfall.

Mr. Dearborn commented that the argument the Coalition made in the appeal was that with no upper cap there could be a whole sea of PRDs – a huge urban node, a 1,000 acre PRD.

Chairman Shelton thought there seemed to be a variety of understanding about what affordable housing means. A PRD may be the best hope for someone to own a home, but he did not think affordable housing as mandated under GMA related to home ownership, rather shelter for people.

Commissioner Thorn agreed and noted that the average wage earner could not afford a medium range house nor a medium priced rental. PRDs he agreed were not the ultimate affordable housing, but was an appropriate site for one level of degree of affordability to a certain segment of the population.

Commissioner McDowell noted that GMA did not define affordable housing. He thought that the only real potential for many people was to rent an apartment. He did point out that Island County is the second highest assessed value, and there is a whole range of people who typically can and do qualify for home ownership, and those folks need to be considered in the affordability question as well. Commissioners Shelton and Thorn agreed.

Mrs. Crider thought that all segments of the population needed to be addressed; some who live here will never be able to buy a home and will be renters all their lives, there are others who may be able to afford ½ acre and a \$100,000 home. People need to be taken into consideration from a wide range of affordability, those earning a wage of \$6.50 per hour up to those who make \$650,000 a year.

Mr. Osterberg's impression was that 2-1/2 acre lots in the rural area as a rule would not pass the Growth Hearings Board - down to 2-1/2 acres as an exception but not the rule.

As far as Mr. Dearborn's take, he thought it a question of the mix and range that is appropriate. The two Growth Board decisions on the range of densities come out on the second day of the hearing [Jefferson County and Lewis County]; there is no fixed target from the Growth Board on what mix is right. Mr. Dearborn argued before the Growth Board that the appropriate mix is varied within each county and has to be based on a record, based on circumstances; regardless of the mix. The "cut-off" point is what the Committee struggled with. One point everyone agreed on was whatever zoning classification is created, it has to be based on objective criteria. Protecting resource lands may have been a good argument 40 years' ago but down zoning to protect resource lands would do nothing now and is not an argument any more. For critical areas there is more opportunity to have an effect; there are more larger parcels that have critical areas on them than there adjacent to resource lands.

As to the question of variety of densities: for the 9+ acres and larger there are 40,000 acres or about 2600 parcels. Distribution of parcel size less than 9 acres is about 50,000 acres. Other numbers, estimated and rounded off [note recent action on RAIDs has shifted numbers bit]

**Acreege Size Number of Acres No. Parcels**

10 to 20 acre size 15,000 acres 930

20 to 40 acre size 12,000 acres 355

40 to 80 acre size 2,500 acres 45

Greater than 80 2,500 acres 19

Based on that, Commissioner Thorn thought it could be argued there is a variety of parcel size.

Going back to 1984, Mr. Dearborn recalled that the distribution was the same, and even in 1970 there were very few large parcels left. The hang up is if the zoning classification is based on the parcel size existing today that tells people that because they did not divide their property they now do not receive the same benefit as their neighbors. Committee members were troubled by that distinction and John Graham made the point that to come up with a way to down zone around critical areas would result in the rest of the problem going away.

Joyce Fosseck made the observation there seemed to be very little reward to these folks; this group of property owners along a stream are prevented from enjoying the same benefits as others before them, and puts the zoning down to 10 acres. On Glendale Creek for example, there are parcels that do not even drain into the creek and would be zoned simply because it touches on that area. Maxwellton creek – a lot already in critical areas. Each is different yet the County tries to treat the property using a flat map as the criteria rather than dealing with the people in the community who own the property. The County should approach these people and let them know what is happening and why. The people who still have these farms are the very people who have saved Island County's rural area. Her thought was that for a 40 acre property bordering one of these streams the entire property should not be zoned 10 acre zoning ; in such cases she advocated split zoning: 10 acre zoning along the creek and the rest of the property remain the same zoning as everyone else enjoys in that zone.

Chairman Shelton suggested that if a property owner gives a 330' easement to protect a critical area perhaps an argument can be made that the development potential on the remaining property should go beyond someone who is not required to provide such an easement.

**PUBLIC INPUT**

Marianne Edain, speaking on behalf of WEAN, thought the manner in which the Rural Densities Committee went through the questions had the effect of dividing the larger question into such small pieces that the larger question

effectively was not addressed. When the Growth Hearings Board uses the term "pattern" she substitutes the term "cumulative effect". When the Growth Board talks about a pattern of 5 acre parcels having adverse impact it is not the pattern but the cumulative effect on development on these areas. She agreed with the conclusion of the Committee that the UGAs or joint planning areas would not be affected, but did believe resource lands, specifically AG lands, and critical areas will be affected by that cumulative effect. One of the serious defects on the Committee was that no members had expertise in rural areas or background in wildlife biology or ecology. One of the studies WEAN submitted to the Hearings Board talked about stream buffer sizes and why larger buffers were better than smaller ones, and the conclusion was stream buffers as development increases that buffer deteriorates and one can almost chart the pattern talked about here. She believed the county was already at a point of no return; there are already so many parcels of small size that remaining rural character is going to be difficult. Rural character in her definition includes full compliment, including plants and animals. She asked that the Study on Landscape Ecology and Wetland Biology be incorporated in the decision making.

Ms. Edain pointed out that there were a fair number of people with 5, 10 and 20 acre parcels asking to opt in the AG zone because they see it as a benefit, and these people are making a living. These are e highly energetic and very original people who are coming up with new AG products. The shape of Agricultural is changing and she thought it would continue to be an important part .

While Chairman Shelton agreed that people on 5 or 10 acres were doing some farming, he believed for the most part those folks were doing so to supplement their income.

Dean Enell, speaking for the Coalition, was sorry the Committee had been unable to reach consensus and thought it should be a matter of continued negotiation. He was encouraged by the fact that agreement had been reached on some subjects, and was happy to hear the County intended to provide better data and maps. There are 43 RAIDS and he thought that was something to take into account when discussing affordable housing. There is a considerable demand on land for residential purposes, and he thought that was because of rural character in Island County. Though the Committee did not reach consensus, he saw a lot of similarities and he suggested the better path to take would be to iron those issues out and come up with an agreement, with regard to: critical areas; some sort of incentive to the land owner who bears the brunt for preservation of the rural character in Island County; and improve maps and provide more definition of critical.

Commissioner McDowell asked if the Coalition's position to include all streams Type 2 through 5 and Category A and B wetlands was the final position or was the Coalition willing to continue to negotiate on that point.

Mr. Enell advised that the Coalition had been meeting over two years and was continuing to negotiate. The Coalition made a proposal which was an approach thought to be quite reasonable, and the backbone of something the Coalition thought could be approved. They are continuing to meet.

Jeanne Hunsinger, speaking on behalf of the Frei Family Tree Farm and extended Frei family, asked that her testimony be included as a part of the public testimony for each of the meetings held in which public testimony is taken regarding rural densities. [submitted in written form, **GMA doc. # \_\_\_\_\_**].

Her statement indicated agreement with the County's position stated in the Petition for Review for certain of the June 2, 1999 Growth Board rulings. They urge the County stand firm in seeking judicial relief should attempts to amend the Comp Plan and Development Regs produce versions that would burden those seeking home sites with additional land cost and further undermine the rights of landowners.

The Frei Family does not believe a reconsideration of the rural element will produce a more balanced application of GMA goals as they apply to Island County and likely any change would take more from those who have already been asked to give the most in order to mollify what they see as Island County's bullying faction. They concur that rural element provisions included in the September 1998 adopted Plan provides a variety of rural densities, and believe something is wrong with a Growth Board ruling that concludes the County's decision clearly erroneous, and believe it likely the courts will find the County's provisions for rural densities meets mandates of GMA. Any court would expect

that the densities allowed in the rural element would be quite different than in other counties as a result of incorporating this County's uniqueness. There seems to be no evidence to support the Growth Board's statement in the Final Order that says "...reacting to the statewide gobbling up of rural lands with sprawl, the legislature said Stop". The Legislatures tells counties to work to reduce sprawl but not required to stop sprawl. With over 85% of the lands in the County having been down zoned during Island County's last land use plan revisions, it seemed unlikely that the Growth Board could convince a court this County had not taken measures to reduce sprawl.

They are unaware of any evidence that would substantiate the position that wildlife and wildlife habitat are in jeopardy due to rural 5-acre zoning, including that of parcels 9 acres or larger, any part of which falls within 330' of certain streams and wetlands. Without clear evidence it is clearly inappropriate to down zone those lands. If the County changes the zoning, the Frei Family encourage Commissioner Shelton's suggestion that, in exchange for granting a conservation easement on the section felt to be of greatest importance, the land owner would have the right to greater density on his property than that of the base density of his or her neighbors [i.e. a 10 acre parcel with a conservation easement would be allowed 3 du's outside the conservation easement area].

In closing, Mr. Dearborn observed some general principles that seemed to be agreed to by everyone: focus on the critical areas for looking at the question of creating more diversity in density; create objective criteria. The real challenge is including wetlands into that. Streams seem to be better defined and the County has a much better data base for streams than for wetlands. The other focus issue is what to do with a 40 acre parcel with 1 acre wetland; it is not fair to make the whole parcel 10 acre lots but how can some distinction be made.

**GMA Calendar.** Mr. Dearborn noted that as a result of the Committee work and no consensus agreement reached, there is no ordinance to present to the Planning Commission and Board in order to schedule a public hearing on October 11<sup>th</sup> as envisioned. In a remand situation GMA allows modified rules in order to meet the remand schedule, and that process was followed with AG, and same proposed with rural densities, i.e. abbreviated the process to comply.

After discussion, general agreement was to take the approach of having two joint public hearings, one on Whidbey, another on Camano. The Planning Commission then can decide whether to go into special session to consider proposed modifications to the Board at a final hearing the week after the second joint hearing. Any modification or amendment be based upon public testimony received during those two joint hearings. [revised calendar to be e-mailed to Planning Commission members]

Meeting adjourned 12:05 p.m.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

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William F. Thorn, Member

**ATTEST:** \_\_\_\_\_

Margaret Rosenkranz, Clerk of the Board