

ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING

SPECIAL & REGULAR SESSIONS – OCTOBER 18, 1999

SPECIAL SESSION

The Board of Island County Commissioners will met in Special Session, Monday, October 18,

1999, beginning at 8:00 a.m., prior to the Regular Board meeting beginning at 9:30 a.m. The purpose was to meet in Executive Session with special legal counsel to discuss pending and/or potential litigation, as allowed under R.C.W. 42.30.110 (1) (i).

Commissioners Shelton, McDowell and Thorn were present. The Executive Session was held in the Hearing Room, Courthouse Annex, Coupeville, and lasted until approximately 9:25 a.m. No announcement was made at the conclusion of the session.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: _____

Margaret Rosenkranz, Clerk of the Board

REGULAR SESSION - OCTOBER 18, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 18, 1999, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #60162-60358..... \$222,208.16.

Hiring Requests & Personnel Actions

After receiving a presentation and summary of proposed personnel actions by the Human Resource Director, Dick Toft, the Board by unanimous motion, approved the following personnel action authorizations:

PAA # Description/Position # Action Eff. Date

105/99 Pub. Hea. Nurse III #2404.01 Replacement 12/7/99

107/99 Laborer I/Camano #2245.16 Replacement 10/18/99

108/99 Chief Dep. Treas. #2101.00 Replacement 10/29/99

Appointment to Marine Resource Committee

As was discussed at Staff Session October 13th, the Board now by unanimous motion, appointed Jeff Tate, Island County Planning Department, to serve as a member of the Island County Marine Resources Committee to fill the vacancy left by the resignation of Ted Hofstad.

POTENTIAL TO IMPLEMENT ADDITIONAL 2% HOTEL/MOTEL EXCISE TAX

In follow-up to discussion during the October 13th Staff Session, the action before the Board at this time was with respect to whether or not the Board favored formally referring to the 2% Committee a proposal to adopt an additional 2% hotel/motel tax. The Advisory Committee meets October 29th at which time this matter could be considered. The Committee previously indicated they favored the additional tax if used for a County-wide advertising program in conjunction with the cities and town. Forty-five days' from this date is the earliest that the Board of Commissioners could hear the proposal, as set forth by State Law.

The concern Commissioner Thorn expressed with the proposed draft interlocal agreement with the cities and town was that it was not specific about Camano Island, and he was interested in seeing something more explicit about Camano participation.

Loretta Martin, Freeland, Executive Director, Langley Chamber of Commerce, and member of the Island County Chambers Coalition, was interested to hear the thoughts of the Board regarding this issue in order to report back to their members about imposition of the additional 2% hotel/motel tax. She advised that the City of Oak Harbor recommended that a portion of their 2% funds be directed towards an all-Island marketing campaign and set aside a certain portion of monies to be directed by the Chambers Coalition towards that campaign.

Tamela Sipes, Interim Executive Director, Oak Harbor Chamber of Commerce, confirmed that the City of Oak Harbor adopted a resolution signed by the Mayor and City Council on October 5th agreeing to cooperate with Island County, the Greater Oak Harbor Chamber of Commerce and others to pursue an Island County wide marketing program for tourism [utilizing the existing 2% itself]. The City's 2% Committee met and will be forwarding a recommendation to the City Council for consideration at Public Hearing October 19th, for City Council action November 3^d, that an additional 2% be added to the existing 2%, earmarked specifically for an all island wide tourism marketing program. She understood that the County's adoption of the additional 2% would be contingent on the cities and town agreeing to also impose the additional 2%.

Chairman Shelton was not willing to initiate the second 2% if the cities and town were not also willing to do so, believing it would not be fair to put B&B's located in the County at a 2% higher rate than the cities or town, and he was anxious to hear from the B&B owners and other lodging owners who would have to add the 2% on to the price of a room should the additional tax be imposed.

Commissioner McDowell pointed out the need for the County to contact the three cities and express concern about the time constraint – the 45 day requirement associated with adoption of the additional 2% tax, and provide a copy of the proposal to the cities and town.

Rita Kuller, Coupeville business owner and on the Board of Directors of the Central Whidbey Chamber of Commerce, was present at the request of Robert L. Whitlow, owner, The Crockett Farm Bed and Breakfast Inn and Member of the County's Lodging Tax Advisory Committee, to read a letter into the record from Mr. Whitlow:

"I regret that I cannot be present to share my thoughts in person. However, I do wish to have read into

the record my understanding of the viewpoint of both the approximately sixty Overnight Accommodation Business Owners, Executive Directors and board Members of five Island Chambers of Commerce, including five of the six members of the Chamber Coalition who met at the Greenbank Farm on October 14, 1998 and the Lodging Tax Advisory Committee, of which I am a member.

It is my understanding that our request to the Island County Commissioners is to implement the additional 2% Hotel/Motel Tax under the following provisions:

1. That ALL additional funds generated by this increase, from ALL sources be used to fund an all-island professional marketing program.

1. This Island County Marketing Program is to be designed and managed by a Professional Marketing firm with excellent marketing experience in tourism.

3. This firm is to be an off-island company, knowledgeable in what it will take to bring tourists to Whidbey Island and what we as business owners can do to help this process.

In addition, the Lodging Tax Advisory Board at their last meeting passed the motion that the Chamber Coalition be given the oversight responsibilities for the firm chosen to design and manage the marketing program. The members of the Chamber Coalition who were present at this meeting agreed to organize the Coalition to accept such responsibilities. I believe this reorganization is now in progress.

As I have stated before, this is an unbelievable opportunity for Island County to be highly visible in the tourist trade, create one Island County Marketing program, coordinate the efforts of all tourist related businesses, create additional tourist dollars plus all the benefits which result in doing this job professionally.

I again ask you to support this program in all its entirety. Thank You. "

Ms. Kuller was aware that the City of Oak Harbor was going to adopt the resolution, and she hoped they would take the further action formally as Ms. Sipes indicated. She believed that the City Council in showing their support for a County wide campaign was going to earmark a certain amount of dollars given to the Oak Harbor Chamber to go towards the County wide campaign.

Commissioner McDowell noted that the proposed draft agreement written in August of 1998,

talked about the use of 2% funds to be for "shoulder season" as opposed to year around, and questioned if that perhaps was too restrictive.

Ms. Kuller clarified that the group was talking year around rather than just the shoulder season because in order to promote something for fall or winter, it has to be worked on during summer and spring. In order to get traffic here in those other months the program itself has to be worked on year around.

Ms. Martin further clarified that accommodations members present at the meeting at Greenbank Farm pointed out that July and August are already full tourism months, and additional promotion for that time could cause a negative impression of the Island with tremendous ferry backups and backups at the bridge, and therefore felt additional monies should go toward promoting the shoulder months.

Joann Lechtner, Eagle's Nest, South Whidbey, spoke on behalf of herself and the Whidbey Bed & Breakfast

Association members. She agreed support would certainly change as far as the additional 2%; without concurrence of the cities and town. With regard to comments about the shoulder season being a little restrictive, she thought that the professional to be hired would determine where strengths and weaknesses are throughout the County and throughout the season as needed, and she favored taking out the reference to shoulder season. She asked that the Board consider the following:

1. B&B Association would support an increase only if the additional 2% funds were used to hire a qualified marketing and public relations firm from outside the County to help develop a promotional campaign to increase tourism in Island County.
2. To fund an on-going basis of such a professionally designed program that would be aimed at promoting all of the County's tourism destinations.
3. The funds should be used for no other purpose other than the perpetuation of an on-going tourism program and advertising for the strength and growth of our County's second largest economic industry.

The Chairman agreed that the mayors be contacted about imposition of the additional 2% tax, and provide to them at least a proposed draft interlocal agreement, and that the Board send the issue of potential imposition of the additional 2% hotel/motel tax to the County's 2% Advisory Committee for review and recommendation back to the Board.

By unanimous motion, the Board referred the issue of the potential additional 2% Hotel/Motel Excise Tax to the Special Excise Tax 2% Committee for their recommendation back to the Board with emphasis on their consideration of this subject at their October 29, 1999 meeting, and that the Board notify the cities and town of the County's intent and send a copy of the draft

proposed interlocal agreement that would garner their participation in this program should it go ahead.

Contract of Intent - Lucent Definity PBX Phone Switch System

Cathy Caryl, Director, Central Services, recommended purchase of new phone switch, the Lucent Definity phone switch system. As she noted in a memorandum to the Board, the company specializes exclusively in PBX switches and peripherals. An Interlocal Agreement with Spokane County has been worked out such that Island County and take advantage of Spokane County's RFP and selection process for this equipment, and take advantage of any other competitive bids let by Spokane County.

By unanimous motion, the Board approved the Intergovernmental Cooperative Agreement between Island County and Spokane County.

HEARING SCHEDULED: ORDINANCE #C-132-99 - Proposal to Expand Size and Composition of the Island County Board of Health

Commissioner Thorn moved that the Board schedule a Public Hearing to consider proposed Ordinance #C-132-99, a proposal to expand the size and composition of the Island County Board of Health, with the hearing date set for November 8, 1999 at 11:10 a.m. Motion, seconded by Commissioner Shelton, carried by majority vote; Commissioner McDowell voted opposed.

Grant between DOE and Island County for NW Straits Project: Establish and Organize the Is. Co. Marine Resources Committee

The Board, by unanimous motion, approved Grant Contract #RM-EXT 99-0070 between the State Department of Ecology and Island County for the NW Straits Project to establish and

organize the Island County Marine Resources Committee, in the amount of \$10,000.

Petition for Vacation of County Road – Hultman Road

Larry Kwarsick, Director, Public Works/Community Development, presented a Petition for Vacation of Hultman Road, a County Road on –Camano Island, located in Section 18, T32N, R3E, submitted by Petitioner: Bruce I. Zelk, et. al.

By unanimous motion, the Board referred the petition to the County Engineer for review and report back to the Board.

Consultant Agreement–Transportation Planning & Engr Inc.

As presented and recommended for approval by Mr. Kwarsick, the Board by unanimous motion approved Consultant Agreement PW-992039 under CRP 99-02, Work Order 289, between Island County and Transportation Planning & Engineering Inc., a survey and design consultant contract for work on the reconfiguration of East Camano Drive/Cross Island and Arrowhead Road intersection on Camano Island.

Review Financial Reports

Treasurer’s Current & YTD Cash Report; County Investment Report & Status

Maxine Sauter, Island County Treasurer, summarized from her written report submitted to the Board under memo dated October 12, 1999, reporting revenues up or on target for major areas. Investments are doing well. Property tax collections are on target. As far as interest on investments, today there was a surge in interest for 90 days at several banks. The average interest rates this year ranged from 5.1 through 5.95%.

Auditor’s Monthly Review of Revenues and Expenditures

Suzanne Sinclair, Island County Auditor, provided the Auditor’s September Revenues and Expenditures in written format at this time. The most significant comment relative to this report was that the revenues for the other funds are off from last year because of not having their refund data to add in.

SPECIAL OCCASION LIQUOR LICENSE # 071122- CAMANO COUNTRY CLUB

By unanimous motion, the Board approved Special Occasion Liquor License No. 071122 by the Camano Country Club to be held October 23, 1999 from 5:30 p.m. to 10:00 p.m. at the Camano Country Club, located at 1243 S. Beach Drive, Camano Island, WA., contingent upon receipt of favorable recommendation from the Island County Health and Sheriff’s Department.

PUBLIC HEARINGS SCHEDULED: ORDINANCE #C-133-99 [PLG-040-99] AMENDING THE COMP PLAN AND DEVELOPMENT REGULATIONS;

ORDINANCE #C-134-99 [PLG-041-99] PLANNED RESIDENTIAL DEVELOPMENT

& ORDINANCE #C-135-99 [PLG-042-99] RURAL DENSITIES

As scheduled on today's agenda, the Board, by unanimous motion, scheduled the following listed ordinances for public hearing to be held November 8, 1999 beginning at 1:30 p.m., with continuation date, if needed, for November 22, 1999 at 3:00 p.m. (for amendments only):

- C-133-99 [plg-040-99] Amending the Comprehensive Plan and Development Regulations to comply with the Order of the Western Washington Growth Management Hearings Board;

[GMA doc. #4905]

- C-134-99 [plg-041-99] planned residential development (PRDs) Amending the Comprehensive Plan and Development Regulations to comply with the Order of the Western Washington Growth Management Hearings Board [GMA doc. #4906]
- C-135-99 [plg-042-99] rural densities - Amending the Comprehensive Plan and Development Regulations to comply with the Order of the Western Washington Growth Management Hearings Board [GMA doc. #4907]

The Board was provided by Keith Dearborn a copy of Rural Forest Land Use Distribution [GMA doc. #4909].

HEARING HELD: ORDINANCE #C-119-99 (PLG-032-99) AMENDING 17.03 ICC

TO COMPLY WITH THE ORDER OF THE WWGMHB RELATING TO FREELAND/CLINTON

As advertised and scheduled on today's agenda, a public hearing was held beginning at 1:30 p.m. on Ordinance #C-119-99 (PLG-032-99) amending Island County Code Chapter 17.03 to comply with the order of the Western Washington Growth Management Hearings Board order related to Freeland/Clinton RAIDs [GMA doc. #4849].

Attendance:

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

Consultant/Staff: Keith Dearborn; Phil Bakke

Audience: John Graham; Charlie Stromberg; Stanford Roberts

Phil Bakke, Comprehensive Planning Manager, provided the following handouts for the Board:

- Memorandum to the Board dated October 17, 1999 RE: Compliance Relating to Clinton & Freeland [GMA doc. #4902]
- Document titled: Findings and Legislative Intent, Island County GMA Comprehensive Plan, Freeland and Clinton: Non-Municipal Urban Growth Areas [GMA doc. # 4904]
- Proposed Amendment #1: [GMA doc. #4903]

Mr. Bakke explained that the Ordinance had been prepared to address the June 2, 1999 Western Washington Growth Management Hearings Board Order and the July 8, 1999 order of reconsideration with respect to the Clinton/Freeland RAIDs and the ongoing non-municipal urban growth area studies. Appendix A of 17.03 adds additional conditions under which development in the Clinton/Freeland area may continue to progress during the period of time the UGAs are being worked on. One of the things that is trying to be accomplished is to preclude a situation where future urban development can be achieved in these two areas. To address that issue a requirement is proposed that when an individual comes in to develop a piece of property, site plans need to be prepared that can show at some future point what the build-out of that property would be at 4-dwelling units per acre. Mr. Bakke noted this was a similar practice as used under the interlocal agreements surrounding the cities to cue the individual that the possibility exists for some additional subdivisions and try not to design the project in such a way that would preclude that potential future development.

Also addressed is to look and see whether or not the level of development permitted under the current code is greater than what was in existence in these two areas in 1990. Staff researched the Assessor and Building Department records and concluded that the building size in Clinton was approximately 14,000 square feet of gross floor area (Clinton Professional Building) and in Freeland, 27,000 square feet of gross floor area (Freeland Grocery Store).

Another item addressed was to set up a mechanism whereby when an individual comes in to develop a piece of property the County, as a condition of permit approval, will require development be executed that assures the individual understands that the county is in the process of a non-municipal urban growth area study and as such if the community and county decide to give these two areas that designation, additional costs will be incurred by the

applicant for the development of public services such as sewer. This proposal has been presented to both the Clinton and Freeland Sub-Area Planning Groups, with Amendment No. 1 proposed and voted on by the Freeland Sub-Area Planning Group with a request of staff to bring this forward to the Board during the hearing process.

The Freeland Sub-Area Zoning Map and the Clinton Sub-Area Zoning map show the RAID area in question; the red area loosely designated the Rural Center zoning; the light green area designating Rural Residential. Dark green on the Freeland map designates park land. These maps have a 1984 base layer; however, the third map is a working map that the Freeland Sub-Area Planning Group put together describing the specific study area and demonstrates current parcelization of the Freeland area.

Proposed Amendment No. 1

Language changes proposed are shown as strike-out for deletions and language added as underlined, for the purpose of exemption the construction of single family residences from the site plan or development agreement requirements and clarify the components of a development agreement. The rationale includes:

1. The Freeland Sub-Area Planning Group raised concern regarding the requirement for landowners to submit a site plan showing the development of the property at a pre-described density for all projects including Building Permits. An applicant proposing to build a single-family residence, deck or re-model should not be required to prepare a site plan. Additional flexibility should be given to the site plan process to allow for a written narrative instead of drawings.
2. Development relating to a single family residence should not be required to execute a development agreement.
3. The language prescribing the intent of the Development Agreement is too broad and should reflect costs of future essential public facilities that are approved by the Freeland Community only.

In response to a question by Commissioner McDowell as to the actual remand statement, Mr. Bakke advised that the Growth Board directed that the County take interim action pending the non-municipal urban growth area studies for these two areas to preclude the development of a pattern of low-density sprawl and permitting urban growth adopt provisions for urban services. He believed by imposing a requirement for a site plan to show future density that the possibility of low density sprawl is being addressed, and by requiring a development agreement in the case of a non-municipal growth area he did not think there would be objection

to the funding that will be required to provide urban services.

PUBLIC INPUT

Charlie Stromberg, speaking for the Citizens Growth Management Coalition, submitted the following letter addressed to the Board of County Commissioners, dated this date on the subject of Freeland & Clinton Interim Regs: RAID vs. UGA, Hearing Testimony October 18, 1999

[GMA doc. #4901]:

"The Citizens Growth Management Coalition has the following comments on proposed ordinance C-119-99 (PLG-032-99) which is intended to comply with the requirements of the Growth Management Hearings Board (GMHB) Order of July 8, 1999.

The GMHB Order of June 2, 1999 states: 'We find that the Clinton and Freeland RAIDs, with their current boundaries and allowed densities, are not limited areas of intensive rural development, but constitute non-

municipal urban growth. The designation of these RAIDs allows the development of a new pattern of low-density sprawl and permits urban growth outside of a designated UGA.' The Board ordered the County (Order #8) to: 'Reassess the designations, densities and uses allowed in Freeland and Clinton RAIDs. Either (a) do proper analysis, make provisions for urban services and designate as non-municipal UGAs; or (b) restrict boundaries, uses and densities allowed.'

In its Order of July 8, 1999, the GMHB gave the County until November 30, 1999 to: 'take interim action to preclude the development of a new pattern of low density sprawl and the permitting of urban growth without provision of urban services while the remainder of the process is being completed.'

The Coalition believes the proposed ordinance does not comply with the GMHB order provisions stated above. Low density sprawl is occurring and has been occurring since the approval of the Comprehensive Plan on September 28, 1998.

1. Freeland and Clinton

The unstated assumption of the County Ordinance #C-119-99 is that unincorporated UGAs in Freeland and Clinton will be established and that therefore densities must be high enough not to preclude or interfere with the future UGA. This is the type of approach that the County is taking to protect the areas around the Langley and Oak Harbor UGAs.

However, there is no assurance that Unincorporated UGAs will be approved. What is evident in both Freeland & Clinton Advisory Committees is a low level of enthusiasm for locally funded districts to provide urban services. The County has stated that it does not intend to pay for these urban services.

Planning for Clinton and Freeland as if UGA status is a certainty is leading the County to confound the requirements of the GMHB order which is: NOT allowing urban sprawl development beyond proper RAID boundaries until (and if) the decision to create UGAs has been made and funding mechanisms identified.

To the Coalition, the County is trying to have its cake and eat it too. It is assuming eventual UGA status (and allowing growth to continue under that assumption) but providing none of the funding or leadership to support this assumption. The worst case the Coalition sees is that urban-type development will continue-and then a year from now the decision will be made to stay a RAID.

To comply with the GMHB Orders, the boundaries, designations, densities, and uses allowed in the Freeland and Clinton RAIDs should be reduced to proper RAID standards by the November 30, 1999 deadline. The time frame allowed by the GMHB can then be used to do the detailed planning and decision-making needed, either to confirm RAID status or to move toward UGA status. If urban sprawl is allowed to continue under conditions that are now allowed in RAIDs, however, the one year period for interim regulations :UGA the added six months is way too long a time for more intense development to be allowed in the oversized RAID. One year has already passed since the original approval of the Plan, so the total time for low density sprawl to occur-unless prevented by interim ordinances-will be two and a half years. This is unacceptable.

II. Holmes Harbor.

Reduce the Holmes Harbor (Freeland RAID sub area) densities to RAID densities: Zoning Code, Appendix A: Change the base density for Holmes Harbor to 3 DU/acre instead of 3-6. until the unincorporated Freeland UGA is complete, if it ever is. This must include planning and funding for stormwater retention facilities.

III. Clinton

Appendix A.-Clinton

2. Increasing the ultimate density from 3 to 4 does not 'preclude the development of a new pattern of low-density sprawl etc.

4. What is the dollar cost for each property development of the pro-rata fair share of the cost of the public facilities and services needed to carry out the UGA . This provision creates an unknown future liability for the property owner.

IV. Freeland

5. Increasing the ultimate density from 3 to 4 does not 'preclude the development of a new pattern of low-density sprawl etc.

7. This reduces the maximum building size from 50,000 square feet to 27,000 square feet which is larger than the Clinton cap of 14,000 square fee. Why?

8. What is the dollar cost for each property development of the pro-rata fair share of the cost of the public facility and services needed to carry out the UGA. This provision creates an unknown future liability for the property owner.

The Coalition is willing to work with the County to solve these problems.

For the Coalition, Charlie Stromberg, Chair, 5783 Menlo Beach Ln. Freeland, 98249 WA"

In response to Keith Dearborn's question as to what Mr. Stromberg proposed as logical outer boundaries for Freeland, Mr. Stromberg responded that it was the County's job to propose logical outer boundaries, but believed they needed to be pulled back as with the other RAIDS;

the Coalition does not have a position or specific recommendation as to what those boundaries should be.

Mr. Dearborn reminded that the WWGMHB asked for specifics as to where the Coalition believed the boundaries exceeded logical boundaries.

Mr. Stromberg stated that the Coalition provided that to the WWGMHB, and is how WWGMHB arrived at their decision that the County pull those boundaries back, and confirmed they had provided that information to the County.

Responding to Mr. Dearborn's question on the issue referenced in #8 and #4 of the Coalition's letter about how the County could create a dollar cost figure prior to completion of UGA studies, Mr. Stromberg stated that was a conundrum built by the County; however, RAID

boundaries should be established. In his opinion the County was already moving on to municipal UGAs and telling people they have to sign on for all those things. His intent was to illustrate the County was putting the cart before the horse.

Chairman Shelton commented with respect to the sub-area planning process and jumping ahead to the cost, he took exception to Mr. Stromberg's comment that there seemed not to be any real desire to move forward to urban growth status, and noted that the sub-area planning group took a vote of 8 or 7-1 to proceed towards urban growth status. The statement made in the letter Mr. Stromberg provided that "The County has stated that it does not intend to pay for these urban services" the Chairman pointed out that in fact he has said since day one he believed that an integral part of developing urban growth status for both Freeland and Clinton will be the ability of the County to provide some funding to bring that along. In terms of some of the grant programs it was his hope that the County will be able to provide some funding so that the ultimate urban growth status will not be borne in total by the people who live there. On several occasions he recalled Mr. Stromberg saying that the County continues to promote low-density sprawl and at this time, asked Mr. Stromberg for examples of where this may be occurring.

Mr. Stromberg stated that the Coalition supported the idea of non-municipal UGAs for Freeland and Clinton as a way of keeping growth from impacting rural areas and to create a proper balance. On the issue of non-availability of funding, he concurred he could have been listening to second-hand comments about how staff have been talking to planning area committees and indicating the County really has no money and would not be providing much staff support, etc. If the County is beginning to move in the direction of assisting in the transition he thought that would be a welcome sign. He hears the County now talking about taking Freeland from 700 to 4,000 people, and questioned about water availability, and what would happen to the adjacent water districts. He encouraged the Board to do a good job of city planning because he thought this spoke to creating cities, which meant there would be a need to look at creating new streets for the densities and solving the drainage problems around Freeland. As a former planning director and having worked with lots of special districts in Colorado, he said that if the County was really going to create a non-municipal UGA, the County must work with property owners so they are aware they can get higher densities and therefore a higher return on their property, and therefore want to be in a special district.

As he listed to members of the two sub-area committees that briefed the Chamber, Mr. Stromberg thought it was broken up so that the "red" area for commercial in Freeland is in two separate sub-committees which made no sense to him if that was where the high densities are to be. Part of his problems with the "red" area is the multi-family and thought there was no limit on it – and could be any amount of density. He was worried that it did not seem the County was doing the kind of work necessary to prepare this to be successful and function well, and not hurt people around it with unintended things like water, drainage, other utilities, percolation, and road and highway types of problems.

Chairman Shelton advised that if Mr. Stromberg was saying that the County needed to first design a water system, stormwater system, sewer system and all those things prior to making the decision to become an urban growth area he would disagree. It was his hope that the sub-area planning groups are first looking at the land use patterns to see if in fact UGA status is something that is achievable and of benefit to all concerned. He pointed out that based on the Freeland Water District's assessment of that system, the District may be confident in being able to provide for the level of population density proposed.

Mr. Stromberg explained that with one vote against, the Committee expressed their desire to try for UGA status, and he saw the next thing being to figure out the cost and how it works.

The Chairman's opinion was that the Freeland group was progressing forward, taking the right steps in the correct direction. It would appear from the testimony Mr. Stromberg disagrees with that direction. Although the Clinton Sub-Area Planning Committee may well have struggled a bit more than the Freeland Sub-Area Planning Group, it is hoped that they continue to move in the right direction.

Mr. Stromberg thought it important to be fiscally sound. Going from 700 to 4000 population he believed would change the whole vernacular of the place and said that if that was the kind of jump the County built in to get to the higher population projection for the entire County, then these two non-municipal UGAs would be picking up all the slack. He remembered talking to the Board before and providing a matrix of the kinds of equations involved.

Chairman Shelton pointed out that Langley does not currently have the City itself sewer, let alone the urban growth area. While recognizing that the process is a difficult one to get to where it needs to be, he did not believe what they were doing was all for not.

Commissioner McDowell questioned with regard to Mr. Stromberg's statement about boundaries, and whether in fact he and/or the Coalition had provided something that actually showed what they believe the boundaries should be, or whether they simply made a statement of "smaller".

Mr. Stromberg stated there were no lines specified, just that they were to be smaller, which he thought should be done through staff study.

Commissioner Thorn felt that the County was doing the best it could to accommodate a large population. Through this interim process the advisory group was going through the preliminary steps to assess what would happen in those areas, and was pretty committed to the idea that they would become an incorporated UGA at some point in the future.

One of the first things he thought that needed to occur was to educate the population as to what is involved in the process, and at a point in the future the time will come when cost studies etc. will be needed. However, he could not understand the implication that the County was doing something wrong.

Mr. Stromberg stated that the County was extending the time frame that the GMHB gave for creating a non-municipal UGA by a year and a half.

Keith Dearborn was not aware of what Mr. Stromberg was referring to inasmuch as the deadline given by the GMHB was December, 2000.

Mr. Stromberg said the wording in the ordinance indicated the County was going to extend it by a year, and if not done by the end of a year, extend it by another six months.

Mr. Dearborn clarified that the County did not have the freedom to pick deadlines exactly the way the Growth Board picked them, which is why the year was used and a six month extension provided if needed. Obvious if it were extended for six months, the County would be out of compliance with the order of the Growth Board.

Mr. Stromberg commented that the Growth Board said if the County was not going to set the non-municipal UGA in November, those RAID boundaries were to be cut back, and he felt it was clear in the order in the 2nd and 3rd paragraphs. Also, rather than just keeping urban sprawl from happening in the RAID, the County is upping the ante by saying instead of three units, that goes to four, and then there are the big numbers that are to be allowed for commercial and multi-family, some he thought out of bounds to begin with for a RAID. The primary thrust of what he and the Coalition are saying is: "take care of the RAID as it is right now and not let it get screwed up; you guys are pushing it in the direction of the UGA rather than keeping it in a RAID".

John Graham, also speaking for the Coalition, advised the Coalition thought long and hard about this issue in order to come to the position as stated in the letter read into the record and through Mr. Stromberg's testimony. Essentially the Coalition is saying that the County is doing a terrific job of addressing what in some instances is the wrong question. Reading from the second page of Mr. Bakke's memorandum: "...the challenges at this stage of the planning process is very similar to our UGA's in that the County and our Cities are developing regulatory tools to enable us to look down the road and identify actions that may impact the ability to annex areas of the UGA. As with Clinton and Freeland, we want to develop tools to help ensure that development being undertaken while we are working on the sub-area plans will not in some way preclude their designation as non-municipal UGA's". This is extremely well written and the whole package of documents extremely well done if it was sure that Clinton and Freeland would in fact become UGAs.

This is where the Coalition is concerned. If it were perfectly clear that Clinton and Freeland were irrevocably headed toward UGA status, then everything the County is doing would make absolute sense and the Coalition's concerns would largely evaporate. While Mr. Shelton stated that designation of stormwater systems etc. should come after deciding UGA status, that may be fine but the Coalition is looking for some semblance of a commitment from the municipalities and regions involved, as well as the County, that this will be so. Their "nightmare" is that the County will pass the ordinance with the purpose of not impeding the future growth of a UGA in Freeland and Clinton. So if the county adopts the ordinance, very parallel to the ordinances setting out the joint planning areas in Langley and Oak Harbor, and make perfect sense, but the gridlock continues. That 7-1 vote in Freeland evaporates when people start looking at the bills, and get even more gun-shy about paying for sewers in Clinton and living in the Clinton area. He knew it was by no means a sure thing that the people there in Clinton would vote for these things so what the Coalition sees over the year 2000 is hard-eyed stares between the County on one side and the good citizens of Clinton and Freeland on the other – everyone clutching their pocketbooks, but nothing happens for this year. He thought the County had always shown a real reluctance despite Mr. Shelton's hope of putting a lot of money into infrastructure for these places, and also shown a reluctance to tell individuals or sub-groups "no" or to impose a county-wide will on sub-groups. Mr. Graham suggested the sensible course would be to continue what is being done. The committees in Clinton and Freeland he thought were terrific and had nothing but praise for what was going on there. He suggested thought that the ordinances comply with RAID criteria, not UGA criteria. Then if funding problems are solved and someone actually writes a check or a commitment letter, start planning as has been done with the JPA for Oak Harbor and Langley. He noted the Coalition had some small line item concerns, but the overriding concern was on these

ordinances and suggested going back to the drawing board and rewrite them so as to make the safe, conservative assumption that these two places will be RAIDs, and if funding is provided, turn the switch and move toward UGA status.

Answering a question of clarification by Keith Dearborn if the Coalition's assumption was that if these two areas do not become UGAs the urban population tentatively allocated to Freeland and Clinton would then be allocated to Oak Harbor and Langley, Mr. Graham indicated if they did not become non-municipal UGAs, then all they can do is absorb the population that's allowable for RAIDs. Where that extra population goes creates another conundrum for the County. Mr. Graham hoped they became UGAs. He does not see what would be lost to rewrite the ordinances not to abrogate RAID status while going forward with RAID planning. The Coalition fully supports the planning and the committees and the UGA status.

Mr. Dearborn advised that Jeff Tate of the Planning staff did an analysis similar to what was done for the eight RAIDs, but as yet had not been provided for the public record. He thought it may be appropriate to continue the hearing for a week in order to allow the opportunity for Mr. Tate to attend the hearing and present his analysis of logical outer boundaries, in order to address the concerns stated in testimony given by Mr. Stromberg that this work had not been done.

Chairman Shelton commented that it should be obvious that by putting together the planning groups for Clinton and Freeland the Board recognized those areas to be more than just "run of the mill" RAIDs, and have historically been much more. The fact remains that they have remained unincorporated and do not currently have infrastructure sufficient to enable them to truly develop at urban densities in many places. He has been very open with the members by saying this was his hope.

In answer to some of the concerns expressed by the Coalition, the Chairman commented that one of the things the Hearing Board said was that the County could not allow patterns of urban development that did not exist in 1990; therefore the County went to Clinton and Freeland and said on the commercial side it looks like anything larger than 14,000 square feet in Clinton and 27,000 square feet in Freeland obviously didn't exist prior to 1990. This indicates then that if somebody comes in, in the meantime, and wants to build a new commercial building 50,000 square feet, the County will say "no" because that is a pattern that did not exist in 1990. What the County is saying is we are in time limbo, so if someone wants to develop a piece of property they need to understand that they have to show how they can develop it at urban densities in case it becomes an urban growth area. The Coalition says this needs to be done assuming there is going to be an urban growth area, but what happens if there isn't an urban growth area?

Responding to Commissioner Thorn's comment that changing the RAID boundaries would not change the study boundaries, Chairman Shelton stated that was understood, but if changing the RAID boundaries and those in that particular RAID are excluded, you cannot then develop their property at the RAID density.

Commissioner Thorn thought that would be the wrong direction and a contradiction of what the Growth Board came back to the County with. Precluding the development of a new pattern of low-density sprawl is very important, and increasing density in that area makes sense, including the addition of multi-family housing if it works out and is the ideal scenario. If the County is to have the ability to locate affordable housing, which the multi-family designation typically is, new rental units and condos are properly located where people can have a transportation link and other desirable traits for the county's evolution. He supported those 100% and could not see the Coalition's arguments as anything constructive in the way of trying to achieve that end. It is highly desirable to have these areas develop as unincorporated, not incorporated, UGAs. Some of the comments made might be more relevant to incorporated UGAs, and would not propose any changes at this point. The Growth Board's order has one alternative which is to "restrict the boundaries, uses and densities allowed" and he thought that had been done. The boundaries are restricted by what has already been mapped; the uses have been constrained further, and the densities have been constrained further by what has been proposed, clarifying that restriction does not mean smaller.

Mr. Stromberg's interpretation was that the County either by November 30th must create a non-municipal UGA, or if not finished, must bring those boundaries back so that they meet RAID definitions.

Mr. Dearborn confirmed that the extension was approved by the Growth Board.

Mr. Stromberg indicated the County could expect the Coalition to likely contest that with the Growth Management Hearings Board.

Mr. Dearborn further clarified that the County asked for reconsideration and were given the extension to December, 2000, with two milestones: one, the Committee report; and the other for the Planning Commission Recommendation.

However, Mr. Stromberg expressed his belief that this still ignored the Hearings Board's November 30th deadline. Although they were not saying it had to be done, as a planner, he knew these things took time and support the work being done. He held the belief that the uses for the RAIDs in the first place were overblown, and with no rationale that the Committee had gone through, or anyone else, other than perhaps staff, to say "four is the magic number".

Chairman Shelton noted that while the boundaries have not been pulled in, uses have been restricted, and Commissioner Thorn mentioned too that the boundaries had been restricted. He did not believe anyone could ever accuse the county of promoting low-density sprawl if guaranteeing four dwelling units per acre.

Mr. Stromberg maintained his position that this was in the wrong place; three or four units per acre in his opinion is still low density sprawl. Chairman Shelton pointed out the opposite – that was not low density sprawl, rather urban development in a rural area was what was struck down.

At this point, Mr. Dearborn commented that all three Growth Boards had said that four units to the acre is urban by definition. In Island County's case that number was selected as the minimum because of prior Growth Board guidance and because of knowledge to achieve that density that needed is a sewer system in the County or very creative use of community waste disposal – those are the reasons for establishing that bottom threshold.

Mr. Stromberg stated by allowing or requiring those densities the County was forcing urban development into rural areas and maybe into a non-municipal UGA.

The Chair disagreed, noting that the County wants to make sure, through the site plan process, that if it does become urban development, it will be able to develop at the rate of at least four dwelling units per acres.

Mr. Stromberg said three were allowed to start with and it is all the way up to six in Holmes Harbor.

At this time, Mr. Dearborn made the observation that the conversation tended to be more towards arguing than rather than discussing and felt the record should be clear in pointing out that both Commissioners Shelton and Thorn stated that many of Mr. Stromberg's statements are not in the County's opinion, factual. Although there have been no inquiries by the Coalition to staff over the last two weeks on this issue, continuation of this hearing is proposed for the purpose of allowing Mr. Tate an opportunity to provide the Board with the same kind of mapping information that was provided for the invalid RAIDs for Freeland and Clinton.

Commissioner Thorn expressed his belief that this was important to do in view of Mr. Stromberg's statement that the Coalition would likely contest that point.

On behalf of the Coalition, Mr. Graham stated however that that decision had not yet been made.

Commissioner McDowell commented that the proposed amendment refers only to lots of existing record as relates to building permits for people who only want to remodel, accessory building or building a deck should not be required to sign anything.

Commissioner Thorn disagreed with regard to the single family residence as proposed because to him that was the most likely form of development that would happen. One way to mitigate that might be to state that if a single family residence is sited on a lot that is of some particular size that would reflect the intent, then he could agree.

Mr. Dearborn explained that if the Board wanted to consider this amendment for Freeland then the same should be considered for Clinton, and proposed some minor wording changes. With regard to #8., the reference to "essential" public facilities is a defined term in the code but he did not believe it was the intent, and recommended striking the word "essential" and the phrase "..by the Freeland Community" and simply state "approved through the ULID process".

Commissioner McDowell suggested eliminating reference to ULID and simply state "..through appropriate funding process". The Board agreed.

Mr. Dearborn also had some concerns with regard to the lot size, feeling intent was for small lots that have no future development potential that they wanted to exempt the single family residence from this requirement and that seems logical.

On that point, Commissioner Thorn stated that if it was already on a small lot then there was obviously no further development potential there. Chairman Shelton agreed, adding that part of the issue was covered through the site plan issue wherein if someone is going to build a house on a five-acre piece a site plan will be required to make sure that person doesn't build a house where the road is going to need to go.

Mr. Dearborn advised that the amendment could be continued as well and another draft prepared to address concerns the Board has in order to make it clear that if someone is building a single family residence on an existing lot that is at the lot size permitted that these requirements would not be imposed, or for an expansion of an existing home, remodel, deck, etc.

With no further comments from the public, the comment period was closed.

Commissioner McDowell asked that staff bring forward as part of the proposal to incorporate the amendment and changes as discussed.

It was moved by Commissioner Thorn that the hearing be continued to October 25th at 2:45 p.m. to consider the Freeland information presented, including Amendment #1 as presented with recommended changes; and to include Clinton as recommended by staff, as well as information regarding establishment of the RAID boundaries. Motion was seconded by Commissioner McDowell, and carried unanimously.

The Board concurred in Mr. Dearborn's clarification that the continuance was to consider amendments and additional information on logical outer boundaries and there would be no further testimony accepted except as to the amendment or the logical outer boundary information which people would not have had the opportunity to see. [Notice of Continuance – GMA doc. #4908]

There being no further business to come before the Board at this time, the
the Chairman adjourned the meeting at 2:55 p.m., to meet in Regular Session
on October 25, beginning at 11:30 a.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

_____ William F. Thorn, Member

ATTEST: _____

Margaret Rosenkranz, Clerk of the Board