

**ISLAND COUNTY PLANNING COMMISSION
SUMMARY MINUTES
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA
TUESDAY OCTOBER 2, 2007**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Ray Gabelein</i>	
	<i>Mike Joselyn</i>	
<i>District 2</i>	<i>Sheilah Crider</i>	
		<i>Bill Massey</i>
	<i>Alan Schell</i>	
<i>District 3</i>	<i>Wayne Havens</i>	
	<i>Deb Eidsness</i>	
		<i>Scott Yonkman</i>

ROLL CALL

Ray Gabelein, Mike Joselyn, Val Hillers, Sheilah Crider, Wayne Havens, Deb Eidsness, Alan Schell

Chair Val Hillers adds item to the agenda – Approval of the Minutes of Sept 11, 2007
Sheilah Crider moved to approve the minutes, Alan Schell seconded and the motion passed unanimously.

ITEMS FROM THE PUBLIC

NONE

PLANNING DIRECTOR'S REPORT

JEFF TATE

Wetlands update, working on draft set of regulations and policies that will then be forwarded to the Planning Commission. By the middle of the month we will be sending off documents to a printer for distribution, target date is October 30, 2007 to transmit a set of draft regulation documents to the Planning Commission. Planning Commission will be holding its first public hearing on November 13, 2007; with a target date of mid-December for forwarding a recommendation to the Board of Island County Commissioners.

A priority item in 2008 is to incorporate training and education issues into regularly scheduled Planning Commission meetings. 15 to 30 minute for education would be added to the agendas developing a curriculum during the year to go over issues such as LID's and updates of Growth Management Act Amendments from the Legislature. Director Tate asked the Commissioners to email any subjects they would like to have added to that curriculum.

NEW BUSINESS - Public Hearing

Amendment to Chapter 16.06 ICC, which allows for the recording of subdivisions and short subdivisions on media other than Mylar.

Jeff Tate

Ordinance PLG-008-07 is before the Planning Commission at the request of the Prosecuting Attorney's Office. State law changed several years ago and the Auditor recording rules also changed, for many years it had to be in the format of Mylar. As this is a code that implements Comp Plan Policies and Regulations, it is something that needs to come before the Planning Commission. It is allowing applicants to submit their short plats on something other than Mylar. As technology has advanced, the Auditor's Office scans these and stores them in digital format, so the media is less important.

Alan Schell moved to amend Chapter 16.06 ICC to allow for the recording of subdivisions and short subdivisions on media other than Mylar. Sheilah Crider seconded, the motion carried unanimously.

UNFINISHED BUSINESS – Public Meeting

Deliberations on adopting Freeland Sub Area Plan and designation of Freeland as a Non-Municipal Urban Growth Area

Chair Hillers reminds the public that this is a public meeting, not a public hearing and as such their will not be an opportunity for public input, but assured the public the Planning Commission understands the topic is very important to them.

Jeff Tate

Provided two hand outs to the Planning Commission, a two page matrix, highlighting some of the main issues, and a color map of the Freeland area for Commissioners to use and take notes.

Chairman Hillers and Ray Gabelein provided input as to the usability of this matrix.

Background items

Jeff Tate

Provided a background to the items that occurred that brought the Planning Commission to this hearing.

- In 1998 the County adopted the Comprehensive Plan and established Freeland as a Rural Area of Intensive Development.
- When the Board of Commissioners adopted the Comprehensive Plan there were several appeals and one of those appeals related to Freeland as a RAID. Characterizing many motions and decisions over the course of a couple years, most of the appeals had to do with the boundary of Freeland and the uses and intensity and density of uses that were allowed in Freeland.
- One of the decisions that emerged from the GMHB was that Freeland looked more like an Urban Growth Area and less like a RAID, which initiated this whole process.

- The BICC established a population target of 4,000 people by 2020.
- A citizen Sub Area Planning Committee was established to work through a process and develop a Sub Area Plan and target a population of 4,000. They held 76 meetings and hearings over a period of five years to provide a final recommendation in 2004.
- After the vote by the Sub Area Planning Committee, the County had to work through Sewer and Storm water issues.
- A parallel process occurred as well, SEPA. For this document, the County went through a scoping process to identify issues before writing an Environmental Impact Statement.
 - Greg Waddell and BHC provided their expertise behind a document that independently evaluated alternatives and environmental impacts. This resulted in the Draft Environmental Impact Statement.
- Today we finally have a document before the Planning Commission.
 - The core focus is the sub area plan. At the end of this deliberation process is whether the Freeland Sub Area Plan should be adopted and incorporated into the County's Comprehensive Plan.

Future Items for the Sub Area Plan (Policy Document)

- After the deliberation process is over, the Finding of Fact that represents the discussion and the issues that the commission members talked about and transmit that back to the Planning Commission for evaluation.
- The Sub Area Plan document will need to be cleaned up in terms of formatting and grammar and incorporate the substantive decisions, the Planning Commission made during this process. Then a final version will need to be completed and transmitted back to the Planning Commission. It will then be back before the Planning Commission for confirmation that it does represent all the substantive items decided.
- The Final Environmental Impact Statement will be issued, again with the help of Greg Waddell and BHC. This document will incorporate comments that were received during the process into the Final EIS. This happens on the administrative side to accompany the Sub Area Plan.
- Then it will be transmitted to the Board of Island County Commissioners who will make the final decision on this policy document.

Future Items for Implementing the Plan (Land Use Regulations)

- Work with the community on developing regulations to implement the plan.
 - Zoning
 - Design standards
 - Set backs etc., all of the details to implement the policies in the plan

These will put all the words and documents in place to initiate the Non-Municipal Urban Growth Area designation. Development cannot occur until another branch of the process is also completed.

Future Items Required for Development

- The establishment of a sewer district to create and build a sewer and the infrastructure that would support the development allowed under this plan.
- The establishment of a taxing district to build and maintain the infrastructure.

At best it will be a matter of a couple of years before the first development permit will be submitted under this plan. The infrastructure must be in place first. Part of it will depend on the will of the community of Freeland to initiate the process to establish the sewer district and the building of the sewer plant as well as the building of the infrastructure. It is likely to happen in increments.

Mr. Tate indicated the hand out of the color map is the same as on the one projected on the wall. The Planning Commission has had time to look over the Freeland Sub Area Plan, the Public Comments and he would not be going over those again in detail. Should the Planning Commission have questions on any of those regards, they can ask.

The Freeland Sub Area Plan

Jeff Tate

The Vision Statement is the first item after the Table of Contents.

The Sub Area Planning Committee identified different issues, the Committee members and members of the public divided into different groups and developed Issue Papers. All of the Issue Papers are located in the Appendices. The Issue Papers go into great detail, a lot of work and a lot of time was spent trying to provide the Sub Area Planning Committee on some of the big issues. The Vision Statement is one of the Issue Papers.

We received public comment that one of the 19th statement had been left out. After looking back on the FSAP Committee minutes, there was never a vote on it. Mr. Tate wanted to provide a background as to why the 19th statement was never included. Staff has no opposition to it being included; it was never incorporated simply because it was never voted on.

Sheilah Crider

Stated if it was included as it is written today, in the finally analysis it could be amended, modified, changed or in some way crafted differently. She asked when the NMUGA is formed would they extrapolate out from these 19 statements, what their single Vision Statement was to be; which is normally one to two lines that support the mission statement?

Mr. Tate stated that was correct. In terms of process, what this would lead to is a direction from the Planning Commission to staff to:

- One incorporate into the Appendices
- And two, to write out a statement or two that reflect this broader vision, which are a couple paragraphs.

When the Plan is transmitted back to the Planning Commission, staff would want some type of affirmation whether or not it captured the essence of that 19th statement.

Ray Gabelein moved to add the 19th Vision Statement into the Issue Paper in the Appendices; and for staff to use it to come up with a shorter version. Deb Eidsness seconded the motion.

Alan suggested they address the plan before they start the minutia of the amendments. Otherwise they are amending something that isn't on the table.

Sheilah Crider suggested at the end they could move to accept the Plan as amended today.

Alan suggested adding the words to be included upon the final adoption of the Plan.

Ray Gabelein stated he would accept that as a friendly amendment.

Chair Hillers called for a vote for including the 19th Vision Statement. The motion carried unanimously.

RAY GABELEIN

As a reminder as you read those Appendices, and the Issue Papers, in some cases two or three people contributed to an Issue Paper, sometimes it was five or six and in some cases it was a just a single person. It was not necessarily the Committee's opinion, even though the Committee accepted that to be placed in the Appendices, it was in some cases, just one persons opinion. There were several sub-committees that worked on different issues.

SHEIL CRIDER

Stated she had worked on Vision Statements for more than 25 years and found this 19th Vision Statement difficult. Stated it did not deal with the community as a whole, and wondered why they were not considered such. She came up with *Freeland is a Community where its residents, business owners and visitors experience an exceptional quality of life in harmony with its surroundings in recognition of its history.* She stated it was longer than she would prefer it to be, but it encompassed all the citizens of Freeland. A community is all of its citizens and each has value. Freeland has that opportunity to convey that.

Jeff Tate

Asked if that statement was something the Commission believed would be useful for the staff to translate that into a more concise statement for the Plan. Asked if that captures the essence of the longer 19th vision statement?

Ray Gabelein

Stated he felt comfortable with this particular statement being used.

Chair Hillers

As she understands the 19th statement would be used in the Issue Papers in the Appendices as the others are and this would be used in the crafting something for the final plan.

Jeff stated the Department would use that as guidance.

Land Use Definitions, Goals and Policies.

Jeff Tate stated regarding the should and shall words in the Plan. There are two specific area that might cause a concern if the document were changed to have shall, the stronger term to be included, simply because it might box you in when trying to develop the regulations. Specifically on page 9 of the Plan, items e and f

Under the section entitled Light Manufacturing Zone.

- ✓ Common or shared ingress and egress points as well as internal circulation systems for vehicles and pedestrians should be required. *This is how it reads in the Draft Plan*
- ✓ Access to Public Transportation should be required.

He stated these are noble objectives. From a staff prospective, they don't have objections to the word shall being used throughout the document with the exception of these two area because they may not be able to implement them in every instance. When you are developing regulations, you are looking as to how they would affect projects on the ground.

Ray Gabelein moved to except should verses shall in those two instances; page 9, items E and F and page 63, items E and F. Sheilah Crider seconded the motion.

Ray Gabelein

Stated after further consideration, his concern in using shall in the plan is that they might be boxing in someone in the future that had a really good idea, something that hasn't been thought of yet. Thinks this might be something that is better dealt with in the development regulations and there will have to be some flexibility in the development regulations in order to do some very creative projects.

Sheilah Crider

Stated item F the Commission has no control over. Public transportation is provided by a totally separate organization over which, the Commission has no jurisdiction.

Alan Schell

Asked as a point of clarification, did voting on this accept all the other shalls? Did the Commission want to go over each shall throughout the entire document?

Chair Hillers stated that the Planning Commission could choose to leave everything as should

Alan Schell stated he did not want to tie down people who are living there right now, gives them no wiggle room.

Mr. Tate

Stated to keep in mind as you go through this document, its primary purpose is to guide the creation of the regulations, not to review and evaluate development proposals. The only time this document would be looked at in those instances is when there is a conflict or a lack of clarity in the Code. When the development regulations are before the Planning Commission in the future there will be the opportunity to make sure the regulations match.

Alan Schell

Stressed his concern in regard to existing businesses or residence being limited in the future due to excessively restrictive rules that are a result of shall being used in this document. Proposes to his colleagues to think about leaving the “shoulds” as they currently are in the document.

Chair Hillers

The discussion has moved beyond the motion now before the Commission.

Commissioner Schell would like to request the motion maker to remove the motion.

Ray Gabelein withdraws his motion, Sheilah Crider withdraws her second.

Alan Schell moved to accept all “shoulds” as written in the document, Sheilah Crider seconded the motion.

Jeff Tate

The policy document guides the rules. When an issue is conflicting, you would go back to the policy document.

Ray Gabelein

If the Sub Area Planning Committee felt strongly about this and they have stated that and the Planning Director is comfortable using shalls throughout the document, I'd like to see the Planning Commission leaving the shalls in.

Sheilah

The inevitability of all this is that the County Code will drive whatever occurs within the county, including Freeland until it becomes a city. Those areas in existing Code that say shall, will continue to say shall when it applies to North Whidbey, Camano or Freeland. Nothing we do and nothing written in this document will change the Comp Plan.

Ray Gabelein

Stated he requested to keep the document the way the Committee suggested, simply out of honoring the work the Committee has done. If the Planning Director was stating he couldn't work with it, Mr. Gabelein wouldn't suggest it. He would like to forward a document that recognizes the hard work that has been done.

Chair Hillers calls for a vote leaving the document related to shoulds and shalls as presented to the Commission on August 14, 2007. Wayne Havens and Ray Gabelein opposed, motion passed with two opposing votes.

Jeff Tate

There is a discrepancy on the map, between the terms Industrial zone and Light Manufacturing. In the text you see the label Light Manufacturing on the map you see Industrial zone. In the text you see Light Manufacturing text but no Industrial text. As Jim short stated one changed through

the process and one didn't. Light Manufacturing was the term that was chosen for the Sub Area Plan and staff never changed the map.

Alan Schell moved to change the grey area designated as Industrial be changed to Light Manufacturing. Deb Eidsness and Sheilah Crider simultaneously seconded.

Ray Gabelein

Wanted to be sure that the true definition of Light Manufacturing covers what NBBI is currently doing and that they would not be impacted.

Greg Waddell

County Code notes specifically boat building, typically Light Manufacturing covers that.

Ray Gabelein

Stated he was concerned with a change that might be challenged by a State regulation in the future.

Wayne Havens

Should that property be sold to someone that wanted to manufacture something that doesn't come under the Light Manufacturing?

Jeff Tate

The plan only calls for one designation. If you look at the policies, the goal of what is there now. It is a matter of what designation you want to give it. It is more important to look at the definition policies rather than the label.

Sheilah Crider

There is a distinct difference between Nichols and Interstate Label, no matter what happens with Nichols Brothers; it needs to be defined, so that they may continue their operation if there is a future catastrophic occurrence.

Mr. Tate believes the language that is in the plan fits the use of the Nichols Brothers, so that in the event they need to change their operation, rebuild etc., it is protected.

Ray Gabelein

Asked as most counties have Light Manufacturing and Industrial zone, was possible for that piece of property be covered either way. Asks what the down side might be.

Greg Waddell

Stated it was a valid concern and would be of value to discuss amending the County's Zoning Ordinance to separate the definitions between what most would consider heavy manufacturing or industrial and light manufacturing. There are a lot of light manufacturing, rather than commercial uses. He stated it would be worthwhile to look at other designation for this property.

Chair Hillers looked into this particular item. Maybe the County Code needs some uses that may not be considered light or small.

Sheilah Crider stated she believed Ms. Hillers is right; this one business is unlike any other business.

Jeff Tate stated it is currently designated Rural Center.

Ray Gabelein

We have a chance to right a wrong. Stated he would like to consider creating the language that accepts industrial/ light manufacturing in a manner that would allow the flexibility of heavy and light uses in the Freeland Sub Area Plan.

Alan Schell stated he was concerned if it is changed and they go out of business, a refinery could take its place and is concerned for the community.

Chair Hillers

Reads the definition of Industrial as designated in Oak Harbor; it is small scale stuff.

Alan Schell moved to withdraw his motion, Sheilah Crider withdrew her second.

Ray Gabelein moved to have an industrial designation; the language and verbiage put into the Plan for an Industrial zone to reflect the Industrial zone on the map and changing the label of Light Manufacturing as a land use designation to Industrial. Alan Schell seconded.

Chair Hillers calls for a vote, motion carried unanimously.

Sheilah Crider moved to have staff along with the consultant create a new definition for Light Manufacturing that will be inserted into this document and would apply to land uses previously defined in Light Manufacturing. Deb Eidsness seconded.

Discussion on the motion in regards to the current mixed used language.

Chair Hillers calls for a vote, motion carried unanimously.

Chair calls for a ten minutes break 10:50 a.m.

Back on the record at 10:59 a.m.

Joint Planning Area

Jeff Tate

Stated in regards to the JPA, maybe the term was the wrong term and it should be renamed trying to incorporate the meaning. The essence of what trying to be achieved related to the JPA as a gateway to Freeland. It would become an overlay within a zoning ordinance. It would be a highway gateway it's an area that would call for consideration of what would happen in the

future. RAID's are set in stone, they can't be expanded, and Urban Growth Areas may be expanded in the future.

Sheilah

Stated it wasn't a JPA, because the County regulates it all. In regards to a future growth area, suggest the Commission rely on staff and the consultant to come up with the language to do the same things a JPA would and it would be cite specific with language that could be transferred elsewhere in the county.

Greg Waddell

Stated the reason they recommended that the language be changed or eliminated is because it requires an interlocal agreement.

Ray Gabelein

Agreed with Commissioner Crider but at the same time there will be a disadvantage if you don't have an area next to the NMUGA as it grows. Stated he would lean toward changing the name and the definition.

Greg Waddell

Stated he would recommend the future growth planning area.

Alan Schell

Stated when he looks at it, it is more than a JPA. It is at a different level than a UGA, it is almost like a covenant. Who regulates these guidelines? Does the County have the staff to make sure this is in place?

Jeff Tate

Responded the County does have the authority, it is an overlay, but it would be like any other regulation or code, as a Department they would have to deal with. What creates burden on enforcement is the number of violations.

Alan Schell

Utilities shall be located under ground. All garbage receptacles shall be screened from the highway. There are quite a few that impact land owners.

Jeff Tate

Responded that there are a lot of impacts to the individual landowners; there are certain zones that have these same types of regulations. It is a small enough area that it doesn't cause great concern.

Deb Eidsness

Agreed that it is more like a covenant, doesn't think the rural area should be regulated to such a degree. Need to also look at the people.

Sheilah Crider

Stated it is to protect an area around a city, there is not a city. Quite frankly this just shouldn't apply. This may remain county for the next 50 years.

Val Hillers

Stated it is written like highway corridors, but it includes a lot of areas that are not on the highway.

Ray Gabelein

Questioned where the language came from

Jeff Tate

Stated some of it is new language; some of it was adopted from existing County Code. Not all of it came from existing Code, at least not the language specific to a highway corridor.

Alan Schell

Stated that he thinks we would all be shocked if this would all be developed in the next twenty years. Could staff draft something that would protect the highway corridor, limiting it to the highway corridor, rather than as is currently stated?

Deb Eidsness

Agreed there are a lot of things that should be planned, but not unreasonable restrictions on the landowner.

Sheilah Crider

Stated if you look at the highway corridor they are different than urban highway corridor. When talking to PSE, they have no intention of putting underground utility. The cost to the property owner would be excessive.

Jeff Tate

Provided some clarification, when looking at the highway overlay there are different sections, the sections that apply within the Urban Growth Area and the area that had been called the JPA are less restrictive.

Val Hillers

Stated the question is not just what is here, but what isn't here. Are there things that are missing of what would happen in that future growth area?

Jeff Tate

Replied it was a good point. Using the City's Joint Planning Area as an example, you do something called shadow planning. If you are developing, you have to site it in a manner that it could be used in the future for growth. This is required in Langlely, Oak Harbor. To make sure that in the future it can be developed.

Ray Gabelein

Is this something that could come back for discussion when the development regulations come back?

Jeff

Suggested

1. Making a motion to say that the highway corridor and a future growth area are to be included in the Sub Area Plan.
2. For an implementation strategy to be built into the Plan that says that development regulations will be established for the highway corridor overlay and that standards within the future growth area ensure future expansion isn't precluded.
3. Refine and elaborate more in the Finding of Fact to provide more guidance to push that forward.

Sheilah Crider with regards to eliminating the JPA, there is conflict with it as is now. Moved to remove language pertaining to the Joint Planning Area and replace with Future Growth Planning Area in relation to Freeland. Ray Gabelein seconded.

Jeff Tate

Asked to clarify the purpose of the Future Growth Planning Area, such as creating regulations so that as development occurs it doesn't preclude future growth, and stating other reasons why the future growth planning area is being established.

Sheilah Crider

Stated that if in fact Freeland does incorporate that area will become a JPA.

Chair Hillers called for a vote on the motion. Motion carried unanimously.

Sheilah Crider

Moved to incorporate a Highway Corridor Overlay into the Freeland Sub Area Plan with separate standards for the areas that fall within the Urban Growth Area and the Future Growth Planning Area and development regulations shall be established to protect the gateway in and out of Freeland. Ray Gabelein seconded. The motion carried unanimously.

Sheilah Crider moved for staff to create strategies to make the aforementioned happen. Deb Eidsness seconded. Motion carried unanimously.

Chair Hillers

Next item is the Bjork property at 1715, Interstate Label requested to have the zoning changed from Business General and Freeland Village to Industrial/ Light Manufacturing.

Jeff identified the subject property. Discussion regarding current zoning definitions and the three different mixed used definitions.

Ray Gabelein stated that Mixed Use Commercial fits the subject property better.

Sheilah Crider

Disagreed, it stipulates pedestrian friendly areas where residential and non-residential uses compliment each other. It is transitional you go from residential to this use and the goes onto more intense commercial as you progress further into town.

Jeff Tate

Stated that all the pink areas will be given their own designations under Mixed Use, through the development regulation process; you develop the zoning regulations and the zoning map each then being given their own designation.

Alan Schell

Stated the Auto Body Shop, which is right next to it zoned Commercial, wouldn't it be best to make them both Commercial Mixed Use.

Greg Waddell

One of the recommendations was to limit the number of the mixed use categories. This will affect zoning countywide. They are recommending combining some of the business and mixed use categories so that they meet the policy of the different mixed use categories, but that there aren't separate categories for each one.

Ray Gabelein

Interstate label were do go out of business and then the owner wanted to sell to someone else that might want to use it as light manufacturing. What would happen then?

Jeff Tate

Existing use does kick in, there would need to have something done within three years.

Mike Joselyn moved to add Light Manufacturing to the definition of Business General. Sheilah Crider seconded, motion carried unanimously.

In relation to the Bjork property at 1715, Interstate Label request to have the zoning changed from Business General and Freeland Village to Industrial/ Light Manufacturing. The request is denied but the definition of Business General was changed to add Light Manufacturing.

Ray Gabelein

Mixed Use Commercial language doesn't match the language on page 64. Stated Will revisit this issue at the end of the session.

Jeff Tate

Next item is the request from Les Asplund 1705 East Main St., next door neighbor, this property is zoned Freeland Village, the request is to be rezoned Light Manufacturing.

Ray Gabelein moved for the request for 1705 East Main St. to be changed to Business General to allow for light manufacturing. Sheilah Crider seconded, the motion carried unanimously.

Chair Hillers

The next request is of the property at Honeymoon Bay Rd. and Highway 525, owned by Eric Winter, the request is to be changed from Low Density Residential to Mixed Use.

Ray Gabelein

Moved to approve the request and to include the property to the east to the same zoning, Mixed Use for both pieces of property at highway 525 and Honeymoon Bay Road, Mike Joselyn seconded. The motion carried unanimously.

Jeff Tate

Stated the next request doesn't have a Department recommendation for the 6.5 acres south of Highway 525, owned by Wicher. The request submitted is to be rezoned from Low Density Residential to Mixed Use.

Deb Eidsness

Felt this property would make a good transitional property.

Sheilah Crider

Asked if there is anything in our Code that would preclude this property owner from putting a business on the highway and a medium density residential use on the back side?

Ray Gabelein

The Committee's general feeling was to not have a large box store on the highway.

Sheilah Crider moved to approve the request, Mike Joselyn seconded, the motion carried with Ray Gabelein recusing himself as he owns the property adjacent to it.

Lunch break 12:22

Back on the record 12:33

Freeland Hill

Chair Val Hillers indicated the next item is under discussion is Freeland Hill

Jeff Tate

Provided overview

- Map of current zoning – Rural
- Map of proposed zoning
- Topography map
- Aerial map

Wayne Havens

Questioned staff regarding the slide potential of the property below. Stated he assumed if this development happened it would be after the sewer connection and therefore also the drainage issue.

Deb Eidsness

General public wanted to preserve the open space, but no-one could step up to pay for it.

Jeff Tate replied that was correct without funding the park idea cannot be addressed.

Alan Schell

Questioned if Freeland Hill were to be left alone, to leave the density as it is, what would it do to the density projections?

Jeff Tate replied any changes in zoning would not have a material effect on the overall figure.

Deb Eidsness

Given the steep slopes, if Rural Estate was allowed there would be 10 houses allowed. Could clustering the homes work?

Wayne Havens

Stated as with a PRD, if they put 8 acres in open space, but they would have 2 acres to cluster 20 homes. That is the size of two football fields, without the end zones to visualize this.

Ray Gabelein

Felt it would be a mistake to take it out of the Urban Growth Area, a Rural Estate designation would allow a mansion to be built that would be clear cut in order to have a massive view. Said he felt it would be better to keep the density high enough to encourage cluster development. It would be better to encourage walking paths, protection of the slopes, the trees, green belt etc.

Ray Gabelein moved to change the Houseworth property from Medium Density to Low Density zoning with the provision that to achieve the higher end of the density, clustering would be required. Alan Schell seconded the motion.

Alan Schell

Registered a concern if clustering was not done regarding the runoff from a small development, should it be clear cut or lawn planted and watered.

Sheilah Crider

Stated there was a third option in the memo of September 7, but it is not the motion on the floor. Nothing precludes that property owner from clear cutting that property and doing the clustered development at the bottom. Stated she was not sure she could support the motion as is.

Chair Hillers restated the motion on the floor.

Alan Schell

Stated that since Commissioner Crider has stated she is unable to support the current motion, he felt that opens the topic to discuss her concerns or her suggestion.

Sheilah Crider

Suggested the Commission consider reducing the density of both parcels of ten acres to rural estate, one house per acre, by doing clustered development and retaining 80 to 85 of the property in its current situation they could achieve a density bonus. There could even be inducement to do all of the building on the lower end of the hill, leaving the remainder of the hill as we see it today. If there were encouragements we might be able to keep something that we see today, that is enjoyed by the community and loved and yet allow the property owners receive some measure of compensation for their investment.

Ray Gabelein

Stated there is no clear indication that it is an unstable slope. It is a steep slope. A development on the base of the hill was not on the list of the wishes of the community. Thought it would be better for the development to be on the upper portion of the property, where it is less steep, retaining trees along the steep slope.

Chair Hillers

There is a motion.

Ray Gabelein calls for a vote

***Ray Gabelein, Mike Joselyn, Deb Eidsness, and Val Hillers vote for the motion
Alan Schell, Wayne Havens, Sheilah Crider opposed, motion passed.***

Chair Hillers calls for review of the second ten acre property.

Mike Joselyn moved to have the north piece be left at Low Density and have same requirements as the previous parcel regarding achieving the higher end of the density. Sheilah Crider seconded the motion. Motion passes unanimously.

Design Review

Chair Hillers indicates the next item for consideration is design review.

Jeff Tate

The Freeland Sub Area Planning Committee met, design review was discussed throughout the whole process. The conclusion was:

- An implementation strategy to be incorporated into the Sub Area Plan.
 - The following proposal was forwarded by staff to the Freeland Sub Area Planning Committee: Island County Planning & Community Development in coordination with representatives of the Freeland NMUGA will conduct a periodic review of the non-residential design, goals, policies and implementing regulations. The review will consider the effectiveness of the standards, whether they are achieving the adopted goals and policies, and what modifications would be necessary in order to better achieve the goals and policies. At a minimum this review will be conducted in accordance with the timeframes established in state statute which mandates Island County conduct a review of its Comp Plan every seven years.

- The Committee deliberated on that and ultimately voted to modify it to say that the Department in coordination with a group of representatives down in Freeland will develop the regulations. Rick Brown included in his motion that the members involved be professionals, designers, so people who have an eye for architectural features and how things should look in a commercial zone would be involved.
- Recommendation to have Island County Planning Commission set up a representative body of Freeland residents, business owners, and other appropriate professionals to work with the Island County Planning Department in developing these design standards. There is also incorporated into that recommendation, period review to continue to evaluate and improve the regulations.

Through the public comment process, one of the biggest issues to come up regarding design review is the desire of some residents is to have a design review committee that evaluates permits as they are submitted and prior to approval by the County. The Departments does not support the creation of a design review committee, but certainly support the creation of a group that would help create the regulations.

Chair Hillers

Asked for clarification, most things appear to be about what a building looks like. Then there is this one letter that address how buildings effect Holmes Harbor and that the design review committee would somehow be related to access to the harbor and recreational use. Is this only related to how a building looks?

Jeff Tate

Design regulation relate primarily to how buildings look, there are connectivity issues and those get beyond those design issues. Obviously everyone here looked at these materials. Most of the focus has been aesthetics, such as architectural design, and landscaping.

Greg Waddell

A lot of jurisdictions are developing LID guidelines and regulations and they take into consideration in things like how you collect your rainwater, how you actually develop in a manner that is more ecological friendly.

Jeff Tate

Those standards are very hard to implement in a rural area, they become more practical in an urban area. Perhaps in Freeland it becomes part of things that are more aggressively pursued.

Sheilah Crider

Another aspect and concern in regards to design and consequently runoff is oxygenation of Freeland's Holmes Harbor. Today we don't know what the regulations from the State will be. Island County Health Department will regulate how those things are dealt with. Stated there were other public comments received that opposed a small group of people, whomever they were, telling the people what they may or may not do. Stated she would expect the permitting agency to be the one to enforce the regulations. She would disagree with forming any kind of committee that would have oversight over and above what Island County would do.

Ray Gabelein

Stated he agreed with Commissioner Crider's comments, although he believes there should be some input from professionals and the citizens on how these design standards happen, he absolutely cannot support a separate design review committee with authority, but without any liability. They could make a decision that rejects a person's project which results in litigation and then the liability would fall in the tax payer's lap. They can review those standards from time to time with Island County when it's appropriate, but not on a project by project basis.

Sheilah Crider

Moved to have the Planning Commission recommend to the Board of County Commission that they assemble a group of professionals in the industry of whom they choose as the design review committee for Freeland that would come back to this body for further review and hearings. Alan Schell seconded. Ray Gabelein asked to amend it to a committee to develop design standards for Freeland in conjunction with Island County.

Motion maker removes the original motion from the floor, the seconder removed the second.

Ray Gabelein

Made a motion for the Planning Commission to make a recommendation to the Board of County Commissioners, that they appoint some citizens in Freeland, including professionals in design in conjunction with the Island County Planning Department to develop design standards for Freeland NMUGA. And that the committee sunsets at the completion of their work. Deb Eidsness seconded. The motion carried unanimously.

Chair Hillers

Asked if the questions submitted by Charlie Stromberg related to water availability impact to wells and water systems would be addressed?

Greg Waddell

Responded that all of those comments and questions will be addressed in the Final EIS.

Sheilah Crider

Neglected to have the motion indicated that it was non-residential buildings that the design regulations would be

Sheilah Crider moved to amend the previous motion have added to its language that it would be for non-residential buildings only. Ray Gabelein & Deb Eidsness seconded simultaneously. The motion carried unanimously.

Sheilah Crider

Stated that one of the items in Mr. Stromberg's letter related to SR 525, but that is Washington State controlled, as with all state highways, we may make minor modifications but WASH DOT makes any major changes and planning to that. Stated she wanted to make sure that was mentioned for the record.

Greg Waddell

Responded that the State & the County are working together on items that impact Freeland.

Jeff Tate

Stated for further clarification of the record, Mr. Stromberg's letter also addressed concurrency, while the County is subject to concurrency standards, the State is not.

Chair Hillers

Questioned regarding the concern over the numerous land use designations in Freeland.

Ray Gabelein

Brings up the mixed use definitions on page 63 and 64, they need to mirror each other. Offered a suggestion as to language, stated he felt the language on page 64 should be used on page 63.

Chair Hillers

Asked that staff looks at the language on these pages to reflect it more as a goal.

Jeff Tate

Has no problem in addressing this issue, but transmitting a new goal statement at a later date is not the best idea, would prefer to go over those today.

Greg Waddell

Suggested the wording, in MXR provide a residential zoning classification where the tract size location, topography, infrastructure and other criteria support the feasibility of incorporating ...and so forth, then in MXC it would say, provide a commercial zoning classification where commercial uses is the primary land use and that allows a residential use that is complimentary to the commercial use. They would then been goals and would be consistent with the MXT.

Val Hillers

Suggested the Mixed Use Commercial definition be basically a flip of the residential, where it emphasizes the commercial use with some residential use allowed.

Wayne asked for clarification regarding Lou Malzone's letter of August 28th. The statement started with what does this mean exactly, would like to know where he got his information.

Jeff Tate

The author was addressing the BHC memo. Mr. Tate stated at this point a decision needs to be made on whether or not Freeland is designated as a NMUGA and whether the Sub Area Plan is adopted. The Planning Commission makes their recommendation and the Board of Island County Commissioners make the decision. If adopted it is out there, it exists but nothing goes into effect until all the other pieces are in effect. You will also need the zoning regulations, which will be before the Planning Commission in the future. No development can occur until the infrastructure is in place. Existing zoning will remain in effect until all this is in place. This is phase one of a large project. In the interim he felt it was wise once the policy plan is adopted by the

Commissioners, to keep the plan in mind when a development proposal comes in that it doesn't conflict with the policy plan and allow a fatal problematic situation to occur.

Ray Gabelein

Stated another item he wanted to discuss was in regards to the second page of the transmittal letter from the Sub Area Planning Committee Chairman. He wanted to bring to everyone's attention that on the fifth line down, under sewer and storm water in the section of implementation, it states, "we (talking about the FSAPC) also request the Island County Planning Commission assist the citizens of Freeland by providing funding to hire consultants to determine what grant money may be available to design infrastructure. He felt this needed to be clarified, if the Planning Commission accepts this plan, the Planning Commission is not agreeing to, nor do they have the authority to provide funding.

Recommendation on Designating Freeland as a NMUGA

Chair Hillers

Asks if the Commission is ready to make a decision

Alan Schell

Moved to designate Freeland as a Non-Municipal Urban Growth Area and that the Freeland Sub Area Plan be adopted as amended. Sheilah Crider seconded. Motion carried unanimously.

Alan Schell moved that the Plan be incorporated as a new chapter of the Island County Comprehensive Plan. Sheilah Crider seconded. The motion carried unanimously.

Wayne Havens made a motion to adjourn, Sheilah Crider seconded. The motion carried.

The meeting adjourned at 2:35 p.m.

Respectfully submitted

Paula Bradshaw
Administrative Assistant