

**PLANNING COMMISSION  
 COMMISSIONERS HEARING ROOM, COUPEVILLE, WA  
 TUESDAY OCTOBER 28, 2008**

	<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>Terry Reynolds</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>	

Chair Alan Schell called the meeting to order at 9:04.

**ROLL CALL**

Deb Eidsness and Wayne Havens via video link, Mike Joselyn, Alan Schell, Val Hillers, Scott Yonkman

*Commissioner Hillers moved to approve both September 23, 2008 and October 14, 2008 minutes as presented, Commissioner Joselyn seconded, motion carried unanimously.*

**ITEMS FROM THE PUBLIC**

**None**

**DIRECTOR'S REPORT**

Director, Jeff Tate advised the Commission that last Thursday the Camano Gateway corridor group finished their work. The Board of Commissioners adopted an Interim Control for the commercial areas located on SR 532 on Camano Island, which established interim regulations that govern commercial development for a period of about six months that will expire in mid February. The Board's assignment to staff was to work with a group of interested citizens and property owners to address permanent regulations.

The group consisted of about twenty people; two architects, five of the commercial property owners, the Chamber of Commerce, several advocacy groups on Camano and several interested citizens.

It was a very positive experience, a diverse set of opinions, with everyone getting along well. And as a result there is a package of materials addressing permanent regulations that will be forwarded to the Planning Commission shortly for consideration. It affects the types of uses that will be permitted, the standards that would regulate design, landscaping, signage, lighting and those types of issues.

Although there wasn't total consent among the group, there was consent that certain concepts and ideas should be advanced for broader public discussion.

There will be two Planning Commission meetings on Camano on this topic. There would be at least one hearing date and one deliberation date. The second date may be a combined hearing followed by deliberation. There will probably be significant interest from the community.

The second item was the Findings regarding Affordable Housing and the Seattle Pacific University proposal. The Planning Commission had already authorized the Chair to sign the Findings of Fact. On the issue of Affordable Housing, there wasn't any feedback other than a couple comments that it was ok, so the Department assumed silence was consent.

On the PA 400/07 SPU findings, there was a minor change to one of the findings. Mr. Tate directed the Commission to finding # 17, page 3; Commissioner Hillers correctly pointed out that it was worded slightly different than what was discussed at the hearing. The changes related to whether or not you are allowed to cut or remove trees and for what reason.

The Commission reviewed finding # 17. Chair Schell stated the modification made was correct with his recollection. The remainder of the Commission concurred. The Findings of Fact for both CPA 210/08 Affordable Housing Amendments (Amendments to the Implementation Strategies of the Housing Element) and CPA 400/07 Designation of Camp Casey as an Existing Master Planned Resort and adoption of the Camp Casey Master Plan were signed by the Chair.

Mr. Tate stated for the Record he needed to advise the Commission of a noticing problem. The notice appeared 10 days in advance of the hearing. The notice was sent to the Whidbey News Times October 7<sup>th</sup> with the request that it be published in the October 15<sup>th</sup> issue. Confirmation the notice was received occurred on the same day, but one of the employees of the paper had a sudden illness and the Department received notice from the paper on October 15<sup>th</sup> that three Department notices had not been printed that day. It was then printed in the October 18<sup>th</sup> issue.

Since there are not any decisions being made at today's hearing it does not pose any harm or threat, Mr. Tate stated he just wanted to clarify this for the Record.

### **Education – Ebey's Landing**

Mark Preiss provided a hand-out of Ebey's Forever Conference, the 30<sup>th</sup> Anniversary of Ebey's Landing National Historic Reserve will be celebrated on November 7 & 8, 2008.

A ten minute DVD made by two middle school students as part of their history day project was played for the Planning Commission.

- ◆ Ebey's Landing; a prairie of wildflowers above a rocky beach with a vast landscape of mountains and farmlands with a view of Puget Sound waters.
- ◆ 30 years ago a legal feud between environmentalists and property owners divided the Whidbey Island community.
- ◆ A bold compromise mended the feud and preserved the natural beauty that had been a part of life for more than a century.
- ◆ In October of 1850 the first permanent settler, Isaac Ebey filed a donation land claim in both his and his wife Rebecca's name for a square mile of land including a bluff overlooking the sea, a strip of beach and many acres of fertile farmland. The prairie and the beach were both given the Ebey name and retained his legacy due to his influence in the community
- ◆ As the population grew, local farmers experienced increasing conflict with the island's growth as it became apparent that their property was worth far more as view than as farming acreage.
- ◆ In 1917 Harry Smith purchased 320 acres of the original Isaac Ebey donation land claim. After his death, his sons George and Knight continued to farm with their wives Marion and Roberta, yet the farm became less profitable.
- ◆ Part of the upper land that was not good farmland was sold to keep up with the taxes.
- ◆ Unhappy community members met at a public hearing and attempted to stop the rezoning, but were unsuccessful.
- ◆ In the fall of 1970, the Smith's came across Seattle Realtor Robert Hanson who had an idea for Rocking K-Bar Ranch, a condominium project for the northwest ridge of the Smith Farm. The intention was to blend the project into the landscape and not hamper the beauty of the farm.
- ◆ The public was against any development.
- ◆ Hanson then found a new project nearby at Keystone Spit and his attention was diverted.
- ◆ In 1971 the first official committee against development was formed by local resident Joan McPherson who thought the only suitable compromise would be a national seashore, but her attempts at a compromise failed.
- ◆ The Friends of Ebey's were also active during this long conflict. They were a group of locals who were also in search of a compromise to keep the Smith's happy and their land undeveloped. Some of their work involved lobbying local politicians, such as Lloyd Meeds.
- ◆ In 1976 a local environmental group stopped Hanson's Keystone development plans, depleting his assets and leaving him unable to help the Smiths.
- ◆ In 1978 the Smith's who were tired of conflict began to search for their own compromise to the situation. They asked the State for \$750,000 for their strip of beach rather than seeking more profit from a private buyer.
- ◆ The State's offer fell short.

- ◆ Bud Wagner, a Seattle businessman who saw potential profit made a counter offer. In June of 1978 he bought 1/3 of the Smith's farm for \$350,000.
- ◆ Ownership was divided into 61 parcels of land between Wagner, Roberta and the newly widowed Marion Smith. The parcels were divided into different ownership and staggered in such a way that the complicated legal review process that had entangled earlier attempts at development on the island were no longer applicable.
- ◆ The first successful compromise came in December where the landowners agreed to sell the beach property for \$713,000 to the State, although the prairie still remained unprotected and Wagner had roads paved in preparation for development.
- ◆ In response to the drastic visual change that accompanied the new roads, the Friends of Ebey's filed a Federal injunction in hopes of delaying any development.
- ◆ U.S. Representative Lloyd Meeds unexpectedly renewed his interest in preserving Ebey's Landing. He came across a new land management idea called a Reserve, which was first used in England after World War Two.
- ◆ It preserved open space without threatening the property rights of the landowners or changing the lifestyles and cultures of Whidbey Island.
  - In a Reserve the government encourages private ownership of the land, but protects it by purchasing the development rights. The concept required cooperation between federal, state and local governments and the community members to preserve the land and work toward a mutually acceptable plan to protect the landscape.
- ◆ On April 27<sup>th</sup>, Meeds submitted a provision to the National Parks and Recreation Act of 1978 designating 27 square miles of Central Whidbey's original land claims as a National Historical Reserve.
- ◆ The Reserve was to have the same boundaries and a unit of local government as manager and would receive \$5,000,000.00 to purchase development rights and architectural controls within the most critical areas of the Reserve.
- ◆ On November 10, 1978, President Carter signed Public Law 95625, part of which officially established Ebey's Landing National Historical Reserve, making it the first Historical Reserve in the country.
  - Its formation would maintain an unbroken historical record of the central Whidbey Island community from the 19<sup>th</sup> century exploration and settlement in Puget Sound to present time.
- ◆ After two years of negotiations the Smith's agreed to sell all but 20 acres of their land for 2.4 million dollars, which expanded the region now protected from development.
- ◆ The journey of Ebey's Landing National Reserve was not smooth. It was a bitter fight between the prairie landowners and community members who felt the need to prevent the loss of a rural landscape to the forces of suburbanization, but conflict has subsided and compromise was created.

- ◆ Marion Smith said, “It’s a nice feeling to look ahead to the future with a smile on our faces after a long ten year struggle for all of us”.
- ◆ After 30 years, the Reserve can be considered remarkable for what it has done. A historic village, working farms, an Indian prairie, a network of trails, good restaurants and intriguing galleries have created a middle ground between buildings and suburbia.
- ◆ In the end a compromise had been found that would meet the needs and interests of the community forever.

The DVD concluded.

Mr. Preiss stated one of the key points he wanted to share with the Planning Commission was that when they looked at how to protect this piece of Island County rural character and heritage, they did not have a template anywhere across the country. There was nothing like this that existed anywhere in the United States. He stated it was pretty remarkable.

The other piece that was critical to the community 30 years ago and continues to be a really important part of the Reserve today is that they wanted a unit of local government to be established to manage the park. Most parks have a parks superintendent and the property is owned by the Federal Government.

Here, 85% of the property is privately held. They wanted to continue to encourage that so after the Reserve was formed it took 10 years for the community to create the first Conservation Plan for the Reserve. It was then sent to the National Parks Service and the Solicitor General indicating what was wanted for the future of the park. After it was approved the Trust Board was formed.

Mr. Preiss stated he works for the nine-member Trust Board not the National Parks Service. The Trust Board is comprised of four members appointed by Island County, three appointed by the Town of Coupeville, one that represents the National Parks Service and one that represents Washington State Parks. Seven of the members are local volunteer citizens.

The Reserve is 17,450 plus acres, 4,000 of which is Penn Cove. There are 13,000 land based acres with conservation easements on approximately 3,000 acres and the Whidbey Camano Land Trust has another approximately 600 acres that are protected with conservation easements.

The purpose of purchasing the development rights was to protect those farmlands into perpetuity. Of the high priority lands that were identified thirty years ago by the community, there are significant historic farmsteads dating back from the donation land claims that remain unprotected. Funding is continuing to be sought to purchase the development rights with the assistance of the Land Trust.

Most of the conservation easements have construction zones identifying a five acre development zone that could be handed down with the property for heirs to use. When the property owner wants to develop those five acre development zones, they will need to work with the Historical Advisory Committee and with Ebey's Land Trust, who holds the easement. Ebey's wasn't established to stop development, it was established to help protect the rural character and to accommodate change. The Planning Commission and Island County are key partners in how that is done. One of the tools is the conservation easement; the other tools are planning, zoning, design review and education.

The Trust Board cannot achieve its' mission unless the partners are meaningfully connected and committed. Island County is a critical partner. In addition to design review and planning issues he hopes they can establish annual workshop training opportunities with the Planning Commission and Island County staff.

He stated that he thinks of the planning, zoning and design review as a safety net that helps protect historic structures. There are more than 350 structures that are listed as nationally significant within the boundaries of Ebey's Reserve. There are more than 50 archaeological sites; the film Snow Falling on Cedars used the Ferry House on Ebey's Prairie. An archaeological dig required to protect the area found evidence of human activity from 9,000 years ago. There is a layering of history that is amazing; it is amazingly intact and the degree of integrity is significant, which is why it is a National Park. He encouraged the Planning Commission to remember the national significance when looking at the different issues facing this community.

Mr. Tate spent a few minutes explaining one of the County's roles. There is a committee, the Historical Advisory Committee, which is comprised of members of the public that help the County in reviewing applications for land use proposal or development within the Reserve boundary. Any building permit or land use permit within the Reserve goes through this committee before any decision or recommendation is made by the County.

The Historical Advisory Committee has a section of Code 17.04 that establishes the standards for development within the Reserve boundary.

The Town of Coupeville also has a Design Review Board. Town staff works with the Design Review Board to work through development proposals with a different set of regulations.

Mr. Tate stated that Mr. Preiss, Town staff and the Department have been discussing ways to improve service to their customers. Currently a contractor has to learn the system and rules for both the Town and the County. There are very different things being looked at between the more compact environment of the town and the rural area of the county, but there are probably ways to serve the customers better, something that will make it easier to understand County Code, with visual aides that will help with the work of protecting the Reserve.

Mr. Preiss stated the more the applicant, builder and architect understands up front, walking through the Codes and the review process before money is expended on plans, the more successful the end product will be.

Commissioner Yonkman agreed one of the key things is disclosure upfront. To have anyone who is considering buying property within the property to have all the information up front regarding what restrictions they will fall under before they purchase the property. The Realtors should have these documents in their office when showing property in the Reserve, making it crystal clear up front what is required.

Mr. Preiss stated there had been some discussion with the real estate agencies and those things have been discussed. There are a lot of creative builders and architects that if they knew they were building in this unique landscape they could put their creativity to work.

Mr. Tate stated that beyond disclosure, the County is looking for ways to improve the process to avoid situations where a permit is being sought after they are well into the design of their home. When a homeowner has already sited the drainfield and a well and has spent a substantial amount of money on architecture at that point it is extremely difficult to begin a discussion of how they need to change things. There are better ways of getting information out there and talking earlier in the process.

Commissioner Yonkman stated as part of this disclosure process they may want to include a site meeting prior even to purchase.

Mr. Preiss stated they do not want to add layers of bureaucracy to the process, but if some of these things are in place, they think it may actually streamline the process, saving a lot of time, frustration and money. He stated it was good to hear that perspective as it is one of the things that have been discussed.

Commissioner Yonkman stated another thing that would be good to provide would be a list of consultants able to conduct feasibility work for this area.

Commissioner Hillers stated the builders and contractors should also have this information.

Mr. Preiss stated these were all great ideas and thanked the Commission for the opportunity to discuss the Reserve.

## **UNFINISHED BUSINESS**

### Countywide Parks Plan

Mr. Tate stated there have been two public hearings, one on Camano and one in Coupeville. There has been written feedback as well as oral comments regarding the Parks Plan. He stated he now wanted to check with the Planning Commission to see what guidance they may have for staff.

First he discussed the schedule. The original schedule had today as the deliberation date, today's agenda did not include that because staff wanted to approach it a little differently. There have been a lot of comments from the public as well the different agencies that represent other park managers in the County. He stated he wanted to spend a little more time talking with these agencies about some of their goals and considering how to better incorporate some of these comments into this document.

There is not a defined deadline imposed on the County, eligibility for grant money was one of his concerns, but he felt it would be prudent to spend the time necessary to talk with the other managers and address the issue of labeling or classifying park properties. This process will not accomplish a designation for the properties, but perhaps some criteria for how you designate the properties that would then be considered and implemented in the site specific park plans.

Commissioner Hillers stated that the comments are primarily about what is missing and not about what the goals are. The goals and policies did not get any comments suggesting those were problems. It's the inventory and description that people are concerned about. The appendix, the summary of properties is not fully developed.

Mr. Tate stated he had been hesitant to have too many versions of this document out in the public domain as it can be confusing; a great deal of information has been gathered and inserted and the next iteration of the document will be very specific and will include a lot more up to date information.

Mr. Tate inquired whether the Planning Commission felt labeling or categorizing different types of properties had merit, stating the different properties within the system such as ball fields, public waterfront access points with boat launches, campgrounds and dog parks and open recreation will have very different objectives.

Chair Schell stated there is an element of people who are focused on one specific place. WEAN provided a broader outlook, such as park properties that are not necessarily for people, this would fall under designation of properties. He stated he felt there were a lot of good comments and the Commission should take those comments and look at what could be incorporated into the final product. There were a lot of insightful suggestions.

Mr. Tate stated he agreed, specific feedback on one area won't be resolved by this Plan. This document deals with the broader outlook. Some of the comments focused his attention on the properties that the Department is responsible for managing. It is a Parks and Recreation Plan. The park properties can be called out, but there are other properties that have a recreational value that can also be included, such as the Swantown Lake area. There are other areas throughout the County that have recreation and open space value and it maybe appropriate to have a different section devoted to those, yet the Plan will not result in a formal designation of any of those properties as a park or not as a park.

He stated WEAN's comments were very helpful on the broader themes, the general ideas that could be incorporated as were comments of Carol Triplet on Camano regarding the role of volunteer groups and how it can be better defined and acknowledged.

Chair Schell stated it may take some pushing from the County Commissioners to attempt to have an interlocal agreement between County organizations like Public Works and Parks, working together for a common goal. The public doesn't understand the difference, if it is County property they think it should be taken care of.

*(Problems with the audio portion of the video link to Camano occurred from this point forward)*

Chair Schell stated the Commission was in agreement with Mr. Tate's suggestion of postponing deliberations and coming back with a document that incorporates suggestions received. There would also then need to be another public hearing on the next draft.

Mr. Tate stated he would be working on something to make sure the public is apprised of the work of the Planning Commission in order to address their concerns.

Chair Schell stated that some of the comments received indicated they had not read the document or hadn't understood what was being said. He suggested a possible flyer indicating what this is doing and what it is not doing, that it is a Plan and nothing is being cast in stone at this time, specific parks will be discussed at a future time.

Mr. Tate stated he is also looking for the Planning Commission's individual comments on the Parks Plan in the coming weeks and they may be provided electronically.

Commissioner Joselyn asked when there might be an annual meeting with the 14 agencies.

Mr. Tate stated there would probably not be a meeting prior to the adoption of a Parks Plan. He stated he would be doing individual outreach to the different agencies and once the Plan is in place he would like to see continued ongoing strategy discussion occurring such as annual meetings.

Commissioner Joselyn asked if salmon recovery was a park issue.

Mr. Tate replied that salmon recovery is a program that is operated by the Department and he felt there was potential on parks properties to be doing projects, as a lot of the park properties have waterfront access. It is a good opportunity to see what can be done on public property because salmon recovery goals span to everyone. Grant opportunities for a salmon enhancement project may provide park and open space benefit as well.

Commissioner Joselyn stated the Plan talks about biking trails, active hiking trails and horse trails, he asked if there were any strategies for developing something for mountain bikes for those who would like to cross country other than on the highway.

Mr. Tate stated there are several properties in the County that have larger acreage tracts where there is historic use of some of the trails by bikers. That is where the Site Specific Plan would address whether some areas are more appropriate than others. Even through education on certain trails within the same property where you would ask bikers through self enforcement to use one area, saving another for foot traffic. The same would go for horseback riding. Those activities are harder on the landscape and protection of the environment elements of those properties is important. It may be a really defined strategy within a specific property. Bikers are one of the groups we want to include.

Chair Schell stated the Plan needs to address this very carefully, Fort Ebey is used by a lot of mountain bikers and that can destroy a lot of the environment. He stated you would want to give a mountain biker a great spot to enjoy mountain biking, but not necessarily in environmentally sensitive areas. Then there is also the issue of motor bikes.

### **Findings: Right of Way Segregation Amendment**

Mr. Tate stated the last item on the agenda was listed as amendment to the Right-of-Way Segregation Ordinance; it is actually an amendment to the Findings of Fact of the Right-of-Way Segregation Ordinance. In late May the Planning Commission made a recommendation on the Right-of-Way Ordinance, this is not to revisit the words or amendments, but to add an addition of Finding of Fact # 10.

Mr. Tate remarked this is written into parts of the Plan and the Ordinance, but he wanted to make sure it was clear in the Findings before bringing the recommendation to the Board of Commissioners. With the addition of Finding # 10 it will be clear there is a requirement that a landowner who wants to divide their property in the future using the provision in the amendments must still go through the subdivision process.

For years under the right-of-way segregation concept, if a parcel was bisected by a road you could go to the Assessor's Office, not the Planning Department and get new tax ID numbers for the parcels on each side of the road. It was an exemption to the subdivision ordinance, it allowed for it to be done easily through the Assessor's Office and not through the Planning Department. One of the things learned through the appeal process of the earlier ordinance was that RCW 58.17 is the State Statute governing subdivisions and it lists what types of land divisions can be exempt from going through a subdivision, a right-of-way segregation is not one of them.

The Ordinance references the need for compliance with Chapter 16.06 which is the Subdivision Ordinance, but he stated he wanted to make the Findings clear when transmitting this Ordinance that the 319 lots that have a road going through the middle of them, but have never been segregated, must go through the subdivision process if they want to segregate them in the future. The amendments recommended by the Planning Commission for adoption by the Board said those lots are not subject to the minimum lot size of the zone. The addition of this Finding clearly spells out the fact that the lot would still have to go through that subdivision process, essentially a short plat.

Chair Schell stated that although this was a major clarification and an important one, it was his understanding he had been given the authorization by the Commission in late May or early April to sign these Findings. He therefore signed the Findings.

No objections were made to the addition of Finding # 10 by the Planning Commission.

The Planning Commission schedule was discussed for upcoming evening meetings on Camano on November 18<sup>th</sup> and December 2<sup>nd</sup>, with a location yet to be determined.

*Commissioner Hillers moved to adjourn, Commissioner Joselyn seconded, the motion carried unanimously.*

Meeting adjourned at 10:27 a.m.

Respectfully submitted,

Paula Bradshaw  
Administrative Assistant