

***ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING***

***SPECIAL SESSION - OCTOBER 28, 1997***

The Board of Island County Commissioners met in Special Session on Tuesday, 28, October 1997, at 1:00 p.m., in the Island County Courthouse Annex, Basement Hearing Room I, Coupeville, Wa. The Special Session was called for the purpose of allowing the Board an opportunity to meet with the Planning Director, members of the Island County Planning Commission, and Planning Consultant, to review progress on completion of the Island County Comprehensive Plan.

Attending were:

Board of County Commissioners: Mike Shelton, Chairman; Wm. L. McDowell, Member and Tom Shaughnessy, Member

Planning Commission: Tom Olsen; Ann Pringle; Sheilah Crider; Jo Ann Silvers; Richard Hart; Linda Moore, Rufus Rose

Planning Consultant: Bob Burke and Emil King, McConnell/Burke, Inc., Kirkland

Staff: Vince Moore, Director, Planning & Community Development; Donna Keeler,

Manager, Comprehensive Planning; Margaret Rosenkranz, Auditor & Ex-Officio Clerk of the Board; E. Meyer, Secy to Board

Others Present: Members of the press and audience members numbered approximately 25

Chairman Mike Shelton explained that over the last few days events occurred which convinced the Board to consider taking a different approach to complete the County's Comprehensive Plan. Last Thursday, Commissioner Shaughnessy attended the Northwest Washington Planners Information Forum and heard a presentation on some planning concepts. One of the presenters was Keith Dearborn, a land use attorney and after that meeting, Commissioner Shaughnessy had some extensive conversation with him, called Commissioner McDowell to relay the information and asked that he get in touch with Mr. Dearborn. Commissioner McDowell did so on Friday to ask if Mr. Dearborn would be interested in getting involved in the development of the Comprehensive Plan. Mr. Dearborn reviewed the question over the weekend, and from the Chairman's conversation with him yesterday, found that Mr. Dearborn is willing, assuming satisfactory agreement on a contract.

The proposal is that the Planning Commission and Staff approach this as a team concept, and having already introduced a land use consultant into the mix, to now introduce to the team Keith Dearborn and the Board of Commissioners. The concept utilizes Mr. Dearborn's familiarity with GMA. Mr. Dearborn was instrumental in development of Island County's 1984 Zoning Ordinance and is a land use attorney, serves on the Land Use Study Commission appointed by the Governor, and credentialed in terms of providing leadership and expertise needed to get the Plan developed and make sure development of the Plan stays within the bounds of GMA, and attempt to bring staff, Planning Commission, the Board and the community to the table and in agreement with this concept as much as possible. The concept also continues to utilize the Planning Commission, Planning Staff, Planning Director, and a land use consultant, with coaching for the team to come from Keith Dearborn.

Chairman Shelton believes the February date established by the Growth Management Hearings Board is a critical date and not to be taken lightly, and would not want to see citizens placed in the position of Island County receiving sanctions from the Governor.

Commissioner Shaughnessy recalled that in talking with Mr. Dearborn last Thursday a parallel was evident between development of the 1984 Ordinance and the frustrations the County went through at that time and the struggles now occurring and being proposed. It worked in 1984 and he believes it will work today.

Commissioner McDowell pointed out that Mr. Dearborn knows from the aspect of an attorney what GMA is about, has been working on the Land Use Study Commission for several years and is up-to-date on all recent decisions of the Hearings Boards, and he has absolute confidence in him. Mr. Dearborn worked with Island County previously and is familiar with current regulations and the comp plan, and has a good background and a personal interest in Island County. The County struggled 10 years prior to 1984 when Mr. Dearborn was brought on and Mr. Dearborn brought conclusion to the process. With the suggestion of the threat of sanctions by the Governor, Commissioner McDowell thought that even if the County did not have a final document by February, efforts the County is taking to get it finalized would be obvious and not lead the Governor to sanction the County. He views

Keith Dearborn as the quarterback or coach on this effort, and is aware that staff is on board with this approach.

Vince Moore agreed this was a very good development, and noted he had great respect for Mr. Dearborn and his capabilities, as an example. Mr. Dearborn understands the issues and had worked in the past with Bob Burke and Ron McConnell, and thought this would be a very successful effort.

Tom Olsen, referring to the proposal from McDonnell/Burke [copies provided], commented that he had just a short time ago received the proposal, it appeared to be no different time line wise than what was presented at the last meeting, which had been determined by the Commissioners not to be satisfactory. The Planning Commission expressed its hope as a group to have something out by end of year, maybe not completely finished, but

at least ready to move along.

The County Commissioners too had just received the proposal on arrival today, and noted the time line showing an ending date of May, 1998. The Board thought that once Mr. Dearborn was on board he could comment about those "in-between spaces" and if there is any way to reduce the time frame, could make that recommendation. Chairman Shelton confirmed the concept of a team approach was not designed to cut anyone out of the process, rather to bring the County to a concluding product in as short a time frame as possible.

Commissioner McDowell agreed that the Planning Commission was required as the policy direction body within the confines of what is established by the attorney and land use consultant. He asked if Planning Commission members were willing to meet in regular meeting more than once a month, for example four Tuesdays a month as opposed to calling special sessions [saves dollars and notice requirements].

Mr. Olsen agreed, and pointed out that at least three Planning Commission members had previously expressed a willingness. Ms. Pringle and Ms. Crider confirmed that at this time.

Commissioner McDowell observed that once Mr. Dearborn was on board and has had a few days to look over the situation, hopefully the Board would be in a position to sign a contract as soon as Monday. After

input from Mr. Dearborn, he suggested then the Planning Commission take up the matter of how often they need to meet and change the regular meeting schedule to accommodate that.

Planning Commission members present noted their agreement to this.

Mr. Moore pointed out that one of the key factors in order for the Planning Commission to meet effectively is to have information before them on certain issues. The recommended schedule calls for the draft plan to be through the Planning Commission by about mid-December, and draft material out from the consultants and the key decisions. What takes place from about the holiday season through the mid-January is editing, consistency check and preparation of executive summary. There is much technical work that needs to be done. There is a good team assigned and ready to put the materials forward.

Mr. Rose told the Board he saw this as promising news, but suggested it would be helpful as soon as Mr. Dearborn is hired to schedule a joint meeting with all players in an effort to avoid any miscommunication. He saw no reason that what the Planning Commission had not fleshed out could be done in the next few weeks if the Commission held special meetings in among the 4 regular meetings a month, if the two consultants could meet that schedule for next week.

Chairman Shelton felt the only thing that would prevent that from happening is that there has to be agreement on contractual terms with Mr. Dearborn and contract approved in public meeting of the Board. Commissioner Shaughnessy reminded that Mr. Dearborn is a practicing attorney and has current clients. Commissioner McDowell was not sure a meeting as soon as Tuesday could happen, but Mr. Dearborn did state he would work in Island County as his main focus for the next several months.

Mr. Rose commented on the McConnell/-Burke proposal, concerned at seeing the sign ordinance included, since the Planning Commission should be able, with the subcommittee, to prepare a draft sign ordinance well before anything could be done on the Comp plan.

He urged that the Board confirm their memo to keep the sign ordinance separate from the Comp Plan effort.

Vince Moore acknowledged that included in the consultant proposal was also an alternative schedule showing the sign ordinance and farm & forest protection ordinance as separate items. However, Mr. Moore pointed out that scenario would require having to go through separate SEPA process on the sign ordinance and farm and forest protection ordinance. Strategically if the sign ordinance and farm & forestry protection ordinance can be wrapped into the development regulations that could be done without a separate SEPA process. Staff is trying to put together an interim ordinance with regard to the last ruling of the Growth Management Hearings Board.

Chairman Shelton stated that the sign ordinance and the farm & forestry protection ordinance certainly would need to be a part of the overall adoption process. The memo referenced by Mr. Rose was signed by Commissioners Shaughnessy and McDowell; the Chair did not sign that memo giving direction to move the sign ordinance forward, but that decision was in fact made by a majority of the Board.

Commissioner McDowell's reason for moving the sign ordinance forward was because it had been on the agenda for almost a year and had heard from people on the subcommittee that it was almost done. He was surprised to see it in this proposal from McConnell/Burke. Since it has been included in the proposal, he agreed to re-look at the decision; however, right now the decision has been made to go ahead on the sign ordinance.

Commissioner Shaughnessy suggested he would talk to Mr. Dearborn about that too and get his opinion, but as Commissioner McDowell stated, the matter was on the agenda for a long time, close to being completed, and he saw no reason to hold it up any longer.

Mr. Olsen received a letter from Ken Myers that he believed should be addressed, regarding the sign ordinance. He gave the letter to the Board and asked for assistance in responding. Commissioner McDowell agreed to provide a response.

Linda Moore thanked the Board for taking this step and termed it as very promising. Although Mr. Dearborn has some positions she personally does not share, she acknowledged that his leadership and intellectual command of the subject matter were above question and felt he would provide some real leadership. She suggested it would be helpful when the Board discusses the scope of Mr. Dearborn's contract to ask Mr. Dearborn, Bob Burke and Vince Moore to come back to the Planning Commission not with just a schedule, but also an idea of how everyone would work together. She commented that the Planning Commission may well serve the process better by meeting less rather than more.

Commissioner Shaughnessy noted that the expert would be brought on board and he will listen to that expert and go from there.

Mr. Rose encouraged the Board to look at the Land Use Study Commission draft annual report [copy provided] . He believed that the Commission would probably be proposing legislation at next session and this provides an opportunity to comment now and it would be useful to emphasize deficiencies seen in GMA in Island County.

Chairman Shelton pointed out this year is a short Legislative Session and from what he has heard, GMA will not be a priority so he seriously doubted there would be any major changes to the law enacted during this session.

Mrs. Crider asked that when Mr. Dearborn looks at the schedule proposed, alternate and recommended, she was certain he would be able to find some areas where he could shorten the time line. The Planning Commission hopes to have a document in hand to provide to the public by the end of the year, and she encouraged everyone to get on board with them to work to have that occur.

Don Jewett, Langley, observed Mr. Dearborn's work the entire year of 1984, and asked that the Board go back to review those conversations. His impression was that if the Board approved a contract Monday with Mr. Dearborn, the County would be paying him through next August or September.

Commissioner McDowell talked to Mr. Dearborn about that issue and the dollars paid to him in 1984 for over a year's worth of work, and addressed with him where it is anticipated he will pick up the work, i.e. much of the work is already done based on the direction of the Planning Commission for the last several years, but there are some difficult issues remaining. The Commissioner indicated to Mr. Dearborn he was not interested in having him re-invent the wheel or starting from square one. The direction Mr. Dearborn will be starting from is what has been approved so far. Commissioner McDowell is very mindful of spending public dollars.

Commissioner Shaughnessy stated that Mr. Dearborn was well aware of the February 4 deadline.

Gordon Koetje, Greenbank, told the Commissioners this was the first time in a long time he observed such a proposal as proactive versus reactive, and he complimented everyone at the table, and asked them to move forward so the citizens can get on with their work.

Linda Moore advised that the Planning Commission from time to time had been troubled about the interface relative to on going litigation and inquired if Mr. Dearborn's scope of responsibility would include some

interface or responsibility with respect to on going litigation (WEAN litigation and the suit in front of the GMA Hearings Board).

Chairman Shelton stated that Planning Staff had been working on an interim ordinance that would address those decisions; however, the County needs to get a compliant plan adopted so the issue of being out of compliance will no longer be the focus.

Commissioner McDowell, on the question of Mr. Dearborn's involvement with litigation, stated that to be a matter he wanted to discuss with current counsel. Commissioner Shaughnessy knew that Mr. Dearborn was familiar with current and litigation and thought the answer was, yes, Mr. Dearborn would be involved.

Rufus Rose confirmed that the Planning Commission this morning voted unanimously to drop the TDR concept, and was interested to know if the Board felt that was binding or did they see that that issue may be resurrected.

All Commissioners answered they did not see that issue being resurrected.

Jeanie Hunsinger, Langley, asked if the County would appeal the last decision of the Growth Management Hearings Board.

Chairman Shelton advised that no decision had yet been made either to appeal or not to appeal. The Commissioners believed that Keith Dearborn would be involved in discussion and consideration of that issue.

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

the meeting adjourned at 1:50 p.m. The next Regular Meeting of the

Board is scheduled for November 3, 1997 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

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Tom Shaughnessy, Member

Attest:

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Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board