

**ISLAND COUNTY PLANNING COMMISSION
SUMMARY MINUTES
COMMISSIONERS HEARING ROOM
TUESDAY, AUGUST 22, 2006**

MEMBERS PRESENT: Scott Yonkman Bill Massey
 Mike Joselyn Sheilah Crider
 Val Hillers Ray Gabelein
 Wayne Havens Deb Eidsness

MEMBERS ABSENT: Alan Schell

APPROVAL OF THE MINUTES

Mike Joselyn moved to approve the minutes of July 11, 2006 as written. The motion was seconded by Sheilah Crider and carried unanimously.

ITEMS FROM THE PUBLIC

Dale Caldwell, 1982 Buckthorn, Oak Harbor, submitted a letter for the record that he planned on reading at the Oak Harbor Planning Commission meeting this evening regarding the Fakkema Beach View Farm development. (Growth Management Record #8897)

He expressed concern about the proposed development and the public process. He attended the meeting today to find out whether he was being represented by the Island County Planning Commission and whether they were concerned about what is being proposed.

Phil Bakke, Island County Planning Director, explained that there are two boundaries cities are mandated under the Growth Management Act (GMA), the Urban Growth Area (UGA) and the Joint Planning Area (JPA). An UGA needs to be sized appropriately to facilitate 20 years of future growth that the county and the city agree is likely to happen for that city. The Office of Financial Management (OFM) provides to the county on an annual basis population projections for the following year. The county, in conjunction with the cities, work on those population figures to decide what their share of that population should be. The city will then go back and look at their capacity for accommodating new residences within that boundary and then the county and city will work together to adjust the UGA. The reasoning behind this is to encourage infilling in the city to help preserve open space and large lot zoning in the county. In theory it also

reduces cost because the city already has the infrastructure for sewer, water, roads, police, fire etc. so it is just a matter of adding to those facilities to accommodate that growth.

The JPA is an area where the city and the county work together to develop regulations that allow development to occur that will not preclude future development consistent with the applicable potential zone. For example, if you are in the JPA and have a 20 acre piece that you want to subdivide into four 5 acre parcels you will need to provide a site plan showing that the 5 acre zoning won't preclude future more dense development should the UGA go out into the JPA.

If a property is abutting the city boundary and they want to develop it the county cannot issue a permit until the property owner provides a letter from the city saying that they won't annex the property. The proposed Fakkema development is working its way through the city planning process and the city will transmit that to the county. County staff will review the land capacity analysis, the population projections and the overall boundary and then make their recommendation to the Planning Commission. The Planning Commission will hold public hearings on the proposal and forward their recommendation to the Board of Island County Commissioners.

Typically counties endeavor to not become too intimately involved with UGAs being requested by a city unless the city is not requesting a large enough UGA.

Sheilah Crider noted that there are two separate issues relating to the Fakkema Farm development. One dealt with 105 acres and was handled last year during the city's Comprehensive Plan review process and now resides with the County and the other is the remainder of Fakkema Farms of which they are going to leave 100 acres in open space.

Evan Reese, 2585 N West Beach Rd., Oak Harbor, expressed concern with regard to the Fakkema Farms development.

Angie Homola, 2362 Happy Lane, Oak Harbor, also expressed concern about the public process and being represented by officials they are able to vote for. There is a large group of citizens concerned about this development being annexed into the UGA.

She indicated on a map the piece that was just recently submitted to the Island County Planning Department for consideration into the UGA which was passed in 2005 by the City of Oak Harbor. This piece is 105 acres and includes an old barn and buildings that are structurally unsound. This piece is also adjacent to a large wetland area called Swan Lake watershed. The current proposal includes the 105 acre piece that was passed in 2005 and then extends that for an ultimate 377 acres with a possible 1,028 dwellings and 3 entrance points.

PLANNING DIRECTOR'S REPORT

Phil Bakke, Planning Director, updated the commission on the ongoing WEAN appeals regarding existing and ongoing agriculture, exempting from designation as agricultural resource lands of long-term significance those lands which are located within a Drainage or diking districts, and the lot segregation ordinance which clarified the standards for segregating parcels that are split by a County Road right of way.

The Board unanimously adopted the Planning Commission's recommendations with regards to appeal procedures for SEPA review and existing Master Planned Resorts.

NEW BUSINESS – Public Hearing- 2007-2012 Capital Improvement Program & Six Year Transportation Improvement Program for 2007-2012

Bill Oakes, Public Works Director, provided a brief overview of what is in the CIP & TIP and what has been removed.

Projects completed in the CIP include the Juvenile Detention Center , Records Storage Building at the Coupeville landfill, and a sheriff precinct at the site of the old Freeland fire station. Projects added to the CIP include Libbey Beach bulkhead and access repair, and the jail control remodel. The Camano Annex project has been accelerated drastically.

Projects completed in the TIP include Bayview Road, Monroe Landing Road, Utsalady Road and drainage, Saratoga deep culvert, and Lagoon Point drainage. Projects added to the TIP include improvements to Boon Road Section II, Anderson Road culvert, Gerdes Road outfall, Mountain View Road, Saratoga Road, and a geodectic control and aerial orthoimagery project.

During last years code revisions the Commission requested an annual update on how many times the peer review process was used. He indicated that his department has not gotten to that point with any permits this year.

Ray Gabelein inquired about the funding for the Useless Bay Pump Station and where construction begins for the Crawford Road project.

Bill Oakes indicated that funding for the Useless Bay Pump Station was in combination with expended design funds and an agreement with the Diking District for \$80,000 in capital expenses. Improvements to Crawford Road actually begin the north 8/10 of a mile down to the access to Porter Field.

Wayne Havens made note of the traffic problem at the Camano Island Transfer Station on Camano Hill Road.

Bill Oaks noted that as part of the improvements to Camano Hill Road there will be a follow on improvement based in Solid Waste that will reconfigure that transfer station to alleviate the traffic problems there.

Sheilah Crider commented on the proposal for a round-about at the Ault Field/Oak Harbor Road intersection. She strongly encouraged signalization versus a round-about noting that during the time that NAS Whidbey lets out and both the gates are open there is a tremendous amount of traffic and often times you see afternoon backups going into the Solid Waste Transfer Center.

Bill Oakes indicated that they are looking at both options.

Scott Yonkman asked how the County coordinates with the State with regards to priority projects, noting that Boon Road was an especially dangerous intersection.

Bill Oakes noted that the State has their own priority array; however the County does give input and works with the State on all the highway intersections with county roads. Boon Road, as part of the State's safety project, is scheduled to go out for advertisement this fall for realignment.

In working with the State if the County feels that a turn lane is needed and the State does not agree then it becomes a matter of how much the County will contribute. For example, the County actually funded the improvement to Monkey Hill Road because the County felt it was needed and the State didn't. The County also works with the State in selecting projects and identifying what our concerns are on the Highway 20, 532 and 525.

Mike Joselyn noted the improvement made to the exit for Admirals Cove by re-striping and putting in a turn lane and wondered if the State would be willing to do some re-striping in certain instances.

Bill Oakes noted that the State has a safety and maintenance section. There are limited funds but they are fast reaction funds. It takes a lot less time to re-stripe a turn lane then it does to build 8 to 12 feet of pavement to put one in.

Mike Joselyn expressed concern about the new realignment of Patmore Road. It is more of a safety hazard now then before it was realigned.

Bill Oakes said he would take a look at Patmore Road.

Wayne Havens questioned why the State does not include left hand turn lanes when they re-stripe roads.

Bill Oakes noted that the State has national standards they have to follow to warrant a left hand turn lane. Left turn lanes are typically designed where there is a history of rear end accidents. They are an engineering device to eliminate that particular hazard. Even if you have the width to put in a turn lane you are giving up shoulder area and shoulders are a safety item.

PUBLIC COMMENT

Angie Homala, 2362 Happy Lane, Oak Harbor, questioned why the speed limit along West Beach Road goes from 40 mph to 50 mph right at the county pull out beach access. It is a very steep stretch of road and she would like to see it brought back down to 40 mph.

PUBLIC COMMENT CLOSED

Sheilah Crider moved to recommend approval of the Six Year Transportation Plan for 2007-2012 to the Board of County Commissioners. The motion was seconded by Mike Joselyn and carried unanimously.

Val Hillers moved to recommend approval of the 2007-2012 Capital Improvement Plan to the Board of Island County Commissioners. The motion was seconded by Ray Gabelein and carried unanimously.

Public Meeting – ZAA 047/06 – Rezone from Rural to Rural Village

Handouts

Memorandum dated 8/21/06 from Andrew Hicks, to Planning Commission (Growth Management Record #8919)

Quarter Section Map NE ¼ Sec. 28, Twp. 32N., R3E depicting Lenz Enterprises property and surrounding properties with residential building permits (Growth Management Record #8920)

Andrew Hicks, Planner, provided the Commission with a memo addressing concerns that were raised during previous public hearings. The code citation submitted by David Platter (ICC 17.02.220) is from an outdated ICC. The citation refers to the Non-Residential Zone (NR) which no longer existed after 1998 per ICC 17.03. This code was replaced during the adoption of the new code in 1998 but was left as an invalid section of code for reference purposes.

Another comment pertained to the inappropriateness of using this site for residential purposes. He provided a quarter section map showing parcels in the immediate vicinity of the subject parcel that have residential building permits.

The Planning Department continues to recommend denial of this zoning amendment request.

Deb Eidsness said it was her opinion that the subject property fits more closely with the designation criteria for Rural Village than Residential. One of the County's arguments was that it property should be "characterized by existing development that is

predominantly non-residential and mixed-use.” The property does have a history of commercial uses and in fact still has a permanent commercial structure on it that houses a septic system.

The staff report states that “approval of this zoning amendment would have a large impact on the surrounding Rural zoned properties in terms of intensity of development.” It was her opinion that approval of this zoning amendment would favor the surrounding rural zoned properties and the look of the Camano Gateway because if this property is not allowed to be rezoned it will probably sit there forever in neglect as it is not suitable for residential development.

Phil Bakke pointed out that the designation criteria in the ICC does not make a distinction between a commercial drainfield and a residential drainfield.

Wayne Havens asked Mr. Lenz if there was a proposal for a left hand turn onto his property.

Mr. Lenz indicated that there was.

Val Hillers said they need to take into consideration what is the best use of this piece of property and not just concern ourselves with meeting the rules of the GMA.

Bill Massey supported the rezone request noting that he thought the intent of the GMA was to allow for recognition of those historical changes that occur to provide goods and services where they are needed. When you consider the current traffic problems of getting off and on Camano Island they should be looking at opportunities for future goods and services on Camano Island to alleviate that traffic congestion.

Scott Yonkman supported the rezone request. There is a need for commercial property on Camano Island and based on the testimony it seems apparent that is the best use for this parcel.

Sheilah Crider supported the rezone request. There are similar uses in the surrounding area and providing goods and services on Camano Island will help alleviate the traffic situation getting on and off of Camano Island.

Mike Joselyn supported the rezone for the same reasons expressed by his fellow Planning Commission members.

Ray Gabelein inquired as to when the restaurant left the property.

Andrew Hicks said they do not have an exact date but tax records show sometime between 1993-1994.

Ray Gabelein pointed out that the GMA was adopted by the state in 1990 so there was in fact existing commercial use on the property prior to GMA adoption.

Jeff Tate explained that the GMA date is July 1, 1990. The County code and Comprehensive Plan established a definition for existing use as of December 1, 1998. The County is looking at both those dates; it was in existence when the GMA was enacted but it was not in existence when the County's Comprehensive Plan and the designation criteria that were developed for the zone were put into place.

Ray Gabelein supported the rezone request. He agreed with the need to provide goods and services to Camano Island residents on Camano and also felt they should stand up for what is right for Island County versus the GMA.

Bill Massey moved to recommend to the Board of Island County Commissioners approval of ZAA 047/06 and further that they include in their findings that there were commercial activities on this site within those certain time frames that have been discussed and that in fact the dumping of material by the state during the highway improvement process was also a commercial activity. The motion was seconded by Val Hillers and carried unanimously.

ZAA 475/05 Rezone from Rural Service to Rural Village

Andrew Hicks, Planner, noted that the 1998 Potential Rural Service Study forms the basis for designation of Rural Service lands. During the hearing for ZAA 475/05 a Commissioner asked about the other parcels that were included in the Potential Rural Service Land study and asked how many of those parcels were not zoned according to the recommendations of the study. There were only two areas on Camano Island that were not zoned in accordance with the Potential Rural Service Lands Study recommendations. Those two areas are the Elger Bay store, which was zoned RV, and Windemere, Chiropractor, Salon, Clothing/Gifts, which was also zoned RV. The Elger Bay area was changed from RS to RV based upon testimony that revealed that there were other adjacent parcels that had a historical commercial use present. The exact reasoning for the Windemere location being zoned RV is not completely clear. Staff was unable to find any background information that describes why this property was zoned RV. The Planning Department continues to recommend denial of this rezone request.

Deb Eidsness said it seemed to her that after staff explained to the applicants what kind of uses they were allowed under the Rural Services zone they weren't pursuing the rezone as aggressively.

Wayne Havens said he wasn't sure what the RS zoning allows but he was in favor of some type of retail sales and service on the south end of Camano Island so those residents don't have to drive all the way to the plaza to do their shopping.

Phil Bakke indicated that the uses are very similar between the RS and RV zones the difference is mostly in the scale of the buildings. In the RS zone uses cannot exceed 4,000 square feet, however the residential component is not included in that square footage. The RV zone allows up to 10,000 square feet upon site plan approval. The subject property can be subdivided and additional buildings placed on it.

Andrew Hicks noted that he clarified for the applicants the fact that the 4,000 square foot limitation did not include the residential component.

Val Hillers said it appears, at least at this point, that RS zoning fits the applicant's needs.

Bill Massey agreed that the RS designation is correct for the property and gives the applicants the usability of the property that is at least apparently appropriate at this time.

Scott Yonkman said the RS zoning seems to be consistent with the surrounding area and supports staff's position on this application. It seems that the RV zone would allow some commercial activity that would be out of character with the surrounding neighborhood.

Bill Massey moved to recommend denial of ZAA 475/05 to the Board of County Commissioners. The motion was seconded by Val Hillers and carried unanimously.

Val Hillers asked that a statement be included in their findings that the Planning Commission believed that at this time the RS zoning seemed to fit however by denying this application they did not mean to totally prohibit any type of future development.

CPA 191/06 Approval of the Stanwood/Camano Capital Facility Plan being incorporated into the Island County Comprehensive Plan and an ordinance enabling the County to collect school impact fees

Handouts:

Email from John Coleman to Tom Baenen, Assessor, Elaine Marlow, County Budget Director (Growth Management Record # 8922)

Ltr dated 8/16/06 from Gary Platt, Stanwood/Camano School District, to John Coleman (Growth Management Record #8923)

Stanwood-Camano School District No. 401 – CFP Modified August 2006 (Growth Management Record #8924)

John Coleman, Planner, reminded the Planning Commission that the Stanwood/Camano School District has brought to the County a CFP that outlines how they plan to meet their capital facilities needs over the next 6 years. As part of the plan the school district proposes the use of impact fees on newly created parcels on Camano Island to help pay

for new school capital facilities that would be necessary to accommodate the students generated by any new development. The Island County Code (ICC) and the Comprehensive Plan do not allow the use of any sort of impact fees currently. In order to accept the school districts CFP the County must make changes to the ICC and Comprehensive Plan. Those necessary changes were submitted for the Planning Commission's consideration in Exhibits A & B of the staff report, dated June 7, 2006.

The Stanwood/Camano School District's CFP has been separated from the necessary changes to the ICC and Comprehensive Plan. They are under the same umbrella but they are two different ideas and are being treated as such.

The options are to either except both the CFP and the Comprehensive Plan and ICC changes; deny both the CFP and the Comprehensive Plan and ICC changes; or accept the CFP and deny the Comprehensive Plan and ICC changes.

He provided the Planning Commission with a set of questions that had been asked in previous meetings by Commission members that were sent to Tom Baenen, County Assessor, and Elaine Marlow, Budget Director, a letter from Gary Platt, Stanwood Camano School District providing written responses to some of the questions raised by Planning Commission members, and an updated version, with minor technical corrections, of the school districts CFP. He indicated that Tom Baenen was present today to answer any questions the Planning Commission may have.

Ray Gabelein said it seemed to him that an impact fee can result in a general tax increase because it will be reflected in the sales price and when that home is sold it can ultimately be used as a comparable for other homes in the area.

Mr. Baenen noted that was definitely a probability in that anything that is added to the price of a piece of property is reflected in the end sale price be that an impact fee or a difference in the cost of building permits or anything else. The Assessor's office is charged with valuing based on comparable sales. In the case of the Stanwood /Camano School District you have a joint district which crosses county lines. The state statutes say that it is not legal to tax properties in any district at different rates therefore you can't tax property on Camano Island different then you can tax properties in Stanwood. The market for both is utilized by both Snohomish and Island County in valuing properties and both are affected by things that may have been included that are not actually the cost of the home such as impact fees. How big an affect that has would depend in part on the size of the fee. There are so many variables that come into play when you put together the cost of a home that it is really hard to spell out just how big an affect impact fees would have overall when you use that as a market comparison.

Ray Gabelein said the general operating funds are not set and they would increase as the valuation increases.

Mr. Baenen said that was not entirely true. The state statute puts a limit on how much revenue a district may collect and it may collect only what it is allowed at a maximum to collect or its budget amount whichever is less. If valuations go up rates actually go down in most instances unless somebody has voted a special approval because you have increased the base on which the taxes will be calculated. So to say that because valuation goes up in a given fire district does not raise the revenue of that fire district unless they have increased their budget which is up to the district commissioners and the citizens in that district. It does not automatically occur, the rate is actually what is causing it to increase not increased value and if they don't increase their budget their rate is going to drop as the value goes up.

Ray Gabelein said basically what they are seeing happening in Island County is as the population grows and there are more homes and more need for fire services for example that budget does in fact go up.

Mr. Baenen said you would have an increase that is going to occur automatically because of increased population but it is still going to depend on budgeting that amount of money, it not an automatic thing.

Val Hillers asked Mr. Baenen if he had any thoughts on the administrative burden of collecting impact fees.

Mr. Baenen pointed out that the Assessor's office does not collect any tax that is done by the County Treasurer's office; the Assessor's office simple calculates the levies. There are many things that are collected by the Treasurer's office that are not real estate taxes, such as fees for the mosquito districts and diking and drainage districts, which are impounded in a fund that is dedicated for those specific districts. He assumed that the same thing could be done with impact fees on Camano Island

There were no questions for Elaine Marlow.

Wayne Havens said as indicated previously student growth has leveled out and currently impact fees cannot be assessed.

Val Hillers noted that she has some concerns with school impact fees but also has concerns about an inequitable situation across two county lines.

Bill Massey said he had some philosophical concerns with regards to impact fees. For example, John Coleman in his memo confirms the fact that if you have a \$200, 000 or a \$500,000 home the fee would be based on a per unit dollar amount so a very wealthy person would pay the same amount as the person who is building an affordable house.

Scott Yonkman concurred with Mr. Massey.

Sheilah Crider said she did not feel there was any justification for impact fees at this time.

Mike Joselyn was not in favor of impact fees partly because of the affordable housing issue.

Ray Gabelein opposed impact fees mainly because he felt they were basically a tax increase for the entire neighborhood and had a negative impact on affordable housing.

Sheilah Crider moved to recommend denial of CPA 191/06, approval of an amendment to enable the Stanwood/Camano School District to impose impact fees on newly created lots on Camano Island. The motion was seconded by Mike Joselyn and carried unanimously.

Bill Massey moved to recommend approval of the Stanwood/Camano CFP, excluding the mitigation fee portion. The motion was seconded by Val Hillers and opened for discussion.

Phil Bakke pointed out that the purpose for including the CFP in the Comprehensive Plan is to allow for impact fees should the student population increase.

Bill Massey withdrew his motion.

CPA 167/06 Amendments to the Island County Comprehensive Plan and Chapter 17.02 for the inclusion of development standards within Accident Potential Zones surrounding NAS Whidbey

Mike Kershner noted that the following changes had been made to 17.02.050:

- a. Additional Conditions of Development:
 - i. No subdivision of lands, including PRD's, shall occur within the Clear Zone or APZ-I.
 - ii. All development must meet the site coverage, open space, setbacks, and height standards of the respective underlying zone.
 - iii. For all utilities and communication development in APZ-I, no above ground transmission lines are permitted.
 - iv. For parcels completing farm management plans, EDU's may be earned on parcels located within APZ I and APZ II. However, those EDU's earned on parcels within the APZ's may be allocated only to parcels outside of the APZ's as consistent with ICC 17.03.180.F.

Staff determined that those building coverage's were either really high or really low and were not an effective regulation tool and that language was stricken. The other change involved clarifying the language that allows EDU's on CA parcels to be allocated on parcels outside of the APZ's.

The Planning Commission had expressed some concerns about whether there should be a variance process for uses within the APZ's. Currently there is no variance procedure in the ICC and staff is concerned that once you allow a variance you start to negate the allowed uses table that is currently in the code. All of the current variances deal with setbacks, numerical standards, and those types of issues therefore staff has decided to recommend no variance process be allowed for the uses.

Another concern of the Planning Commission was allowing Bed & Breakfast's and day care centers in the APZ's. In staff's presentation to the Planning Commission they noted that certain types of day care centers were allowed in APZ II but in researching that further it was determined that no day care centers are allowed in the APZ zones. B & B Inns are not allowed in any of the zones, and B & B rooms are allowed in the APZ II zone. The reasoning behind that is because B & B rooms allow for no more than two rooms and that is the same intensity as a single family residence.

There was some discussion about allowing Planned Residential Developments (PRDs) in the APZ I zone as well as the APZ II zone. Staff feels that PRDs should continue to be allowed in the APZ II zone but not in the APZ I zone. It comes down to an argument of clustering houses together and creating more open space or spreading the development out while minimizing the open space. Staff was not able to make any conclusive decisions and felt that PRDs should be allowed in APZ II zone and not in the APZ I zone.

Sheilah Crider said that was in direct conflict with the action that the Planning Commission took in 1999-2000 when they downzoned all the land around the airfield to 1du/5 acres.

Jeff Tate said when that action occurred PRDs were an allowed use, they have been an allowed use in those zones since 1998-1999. The question is should they continue to be allowed after the adoption of this ordinance.

Phil Bakke noted that staff's recommendation came out of the new study done by the Navy which recommended no further subdivision in the APZ I and Clear zones. There are only 2 parcels that would be affected.

Mike Kershner noted that the Navy's study also recommended single family residence in the APZ II zone at a density of 1 to 2 du/acre. In the APZ I zone they recommended the lowest density possible.

Jeff Tate pointed out that a PRD will not get you to that density which is why they felt comfortable with making a recommendation that PRDs could continue to be allowed in

the APZ II zone. A PRD will get you to a density of 1du/2 ½ acres which is substantially lower than the Navy's recommendations. The other issue that we talked a little bit to the Navy about was whether it was better to spread houses out or cluster them in one area. No one was able to come to a conclusion as to which scenario had the higher risk for casualties.

Sheilah Crider noted that the Navy's study was done mid week, mid day when most people are away from their homes. The APZ I & II zones are the most likely areas for an aircraft to crash and we really need to stop and think about whether you want to cluster a bunch of houses and run the risk of an aircraft taking out the entire cluster or having those homes interspersed throughout the area.

Phil Bakke noted that Rich Melaas, Community Liaison for NAS Whidbey, addressed that issue and one of the points he had made was not knowing where that path might be because it depends on the aircraft's approach. From a statistical prospective if the cluster of houses are in one spot that could mean that the aircraft is likely to miss all the houses. If they are spread out the odds of hitting one house is greater because there are more targets for the aircraft to hit.

Jeff Tate reiterated that the density on PRDs in the Rural zone will allow you to double the base density. It is actually broken down by size if the parcel is 20-40 acres it is a doubling of density with 65% in open space, if it is 40-80 acres you can get a little bit more it ends up being 1 house per 2.2 acres which is the highest density you could possibly achieve in the Rural zone. There is not an increase in the density bonus for anything over 80 acres.

The density is a function of how much is in the open space so that number can fluctuate. Your bonus is based on how many acres you put in open space not the base acreage of the entire parcel.

Val Hillers asked if you could actually cluster the homes on the edge of the APZ and have open space in the middle.

Mike Kershner noted that the code allows a cluster of no more than 6 dwelling units separated from other clusters by at least 200 feet of open space.

Phil Bakke noted that the maximum size of a PRD for bonuses is 80 acres. In the Rural zone that equates to 16 dwelling units, even less for AG zoned lands.

Sheilah Crider pointed out that the minimum lot size for a lot created by a PRD is ½ acre, which means you could have 6 dwelling units clustered together each on ½ acre lots. She felt that the homes needed to cluster as far away from the APZ I zone as possible.

Mike Kershner noted that all the PRD applications in the area will be routed to the Navy for their comments.

Phil Bakke noted that the code allows the Planning Director to place additional conditions on land use permits.

Ray Gabelein asked if he was correct in assuming that if a person had 20 Rural zoned acres in the APZ II zone and wanted to do a PRD they would be required to put a minimum of 65% in open space leaving roughly 7 acres to put homes on.

Mike Kershner said he thought it would be either 7 or 8 dwelling units, 3 or 4 above the minimum base density.

Ray Gabelein said the question then is which is better to have those 7 or 8 houses in one spot versus 4 houses scattered on the 20 acres.

Val Hillers said she thought you could argue that a cluster of homes on the edge of the zone was safer than in the middle.

Phil Bakke said staff would not support a PRD bonus without clustering as it defeats the purpose of the PRD which is to gain open space.

Ray Gabelein said he fully understood the importance of cooperating with and accommodating NAS Whidbey but one of the problems he has is that the landowners in the APZ I zone have not been notified that “no subdivisions of land including PRDs shall occur within the clear zone or APZ I.”

Phil Bakke noted that there are only two pieces of property that realistically have the ability to subdivide. The Planning Commission can continue the hearing and ask staff to provide written notice to those two property owners and provide them with time to respond or forward a recommendation to the Board and allow those two property owners to take up the issue with the Board.

Val Hillers asked how the regulations will change for property owners in the APZ zones.

Phil Bakke said there are two fundamental changes, one is the lot size. Currently the property owners have the ability to subdivide in APZ I. The second change has to do with future permitted and conditional uses which affects a considerably larger group of people.

Bill Massey noted that Oak Harbor and Island County are both recognized on the political front and within the Department of Defense nationally as doing the best job anywhere in the nation and other communities around the nation are modeling their ordinances after ours as a result of that. The key issue has been the reduction of density and that is why he does not support allowing PRDs in the APZ II zone.

Bill Massey moved to recommend to the BICC approval of CPA 167/06 with a revision as prepared by staff to remove the PRD portion. The motion was seconded by Sheilah Crider and opened for discussion.

The vote on the motion was 6 in favor, 1 opposed and 1 abstention.

Scott Yonkman opened discussion on adding a provision to notify the affected landowners.

Phil Bakke noted that there are some fairly sweeping changes to permitted and conditional uses in the APZ zones as a result of this ordinance and if the Planning Commission wanted everyone who might be potentially impacted to be notified then he would suggest they hold another public hearing and allow an opportunity for them to comment. If the Planning Commission is only talking about the two property owners who can no longer subdivide another option is to provide notification prior to the BICC's action.

Sheilah Crider said she believed providing notification to those two property owners prior to Board action would be fine.

Ray Gabelein moved to propose a friendly amendment that allows for notification and the ability to comment to those affected property owners in the APZ I zone regarding their inability to subdivide.

The motion died for lack of a second.

Bill Massey asked if it was correct that the Board can elect to hold their own public hearing.

Phil Bakke explained that the Board can either except the Planning Commission recommendation, remand it back or hold their own hearings.

Ray Gabelein moved to request that staff send formal notice to the two affected property owners noting that they can request a public hearing of the Board of County Commissioners. The motion was seconded by Bill Massey and carried unanimously.

The meeting adjourned at 12:20.

Respectfully submitted,

Pam Dill
Administrative Assistant