

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - JANUARY 12, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 12, 1998, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Wm. L. McDowell, Chairman, Tom Shaughnessy, Member, and Mike Shelton, Member, were present. Also attending: Margaret Rosenkranz, Clerk of the Board, and Ellen Meyer, Adm. Assistant to the Board.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

1998 Voucher (War.) #17968 - #18004..... \$ 161,540.98

1997 Voucher (War.) #18006-#18206..... \$ 500,807.71.

EMPLOYEE OF THE MONTH AWARD – DECEMBER, 1997

Floyd Hawkins, Central Services Department – Mail Room, was honored by having been selected by his peers as Employee of the Month for December, 1997.

Hiring Requests & Personnel Actions

On presentation and a brief summary provided by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations, all four effective this date:

PAA 001/98 Public Health Nurse Position #2406.09 Increase in hours by 2 hrs./week

PAA 002/98 Deputy Clerk I Position #503.02 Replacement

PAA 003/98 Public Health Nurse Position #2406.01 Amend retirement date from 1/16/98 to 1/23/98; allow overlap to permit adequate training

PAA 004/98 Microcomputer Supt. Tech. Asst. Position #708.00 Replacement.

Re-appointments to Various Boards and Committees

By unanimous motion, the Board made the following reappointments to committees:

Board of Trustees, Camano Mosquito Control District

Debra Love, Camano Island Term to 1/1/2000

Roger Nelson, Camano Island Term to 1/1/2000

Island County Civil Service Commission

James K. Johnston, Oak Harbor Term to 2/1/2004

Veterans Assistance Review Advisory Committee

Bill Cornell, Oak Harbor Term to 1/14/2000

Resolution #C-02-98 In the Matter of Cancellation of Uncollectible Personalty Taxes as of January, 1998

Maxine Sauter, Island County Treasurer, appeared before the Board as she customarily does annually to request the Board's consideration of canceling certain uncollectible personalty [term as used in the] taxes as of January, in accordance with RCW 86.56.240. These are personal property taxes assessed upon certain accounts [list provided] that even through diligent search and inquiry the Treasurer's Office has been unable to collect, amounting to \$7,028.42 including interest and penalties.

By unanimous motion, the Board adopted Resolution #C-02-98 in the matter of cancellation of uncollectible personalty taxes as of January, 1998.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF CANCELLATION }
OF UNCOLLECTIBLE PERSONALTY } RESOLUTION C-02-98
TAXES AS OF JANUARY, 1998 }**

WHEREAS, in accordance with 86.56.240 RCW a list of uncollectible taxes, attached as Exhibit A, has been developed and filed with the Island County Auditor by the Island County Treasurer along with her affidavit to the Board asserting their uncollectibility, in order for the board to cancel the taxes due because of their uncollectibility.

NOW THEREFORE BE IT HEREBY RESOLVED that the Board of County Commissioners finds the attached list of overdue taxes cannot be satisfied and therefore shall be canceled by the Treasurer.

ADOPTED this 12th day of January, 1998.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

William L. McDowell, Chairman

Tom Shaughnessy, Member

J. Michael Shelton, Member

Attest: Margaret Rosenkranz, Clerk of the Board

easement – whidbey telephone company

Telephone at Dan Porter Park [Friends of Clinton Library]

Lee McFarland, representing General Services Administration/Property Management/Parks, presented for the Board's consideration a proposed easement from Island County to Whidbey Telephone Company, to allow the telephone company to install cable for a telephone, Dan Porter Park, for Clinton Library facility in that location. The Lease Agreement for Dan Porter Park and Friends of Clinton Library was signed March 17, 1997 and copy attached to the easement.

The Board, on unanimous motion, approved Easement for purposes of providing telephone service to the Clinton Library, the easement between Island County and Whidbey Telephone Company.

CLOSING DOCUMENTS – Purchase of Black property

in Town of Coupeville

Larry Kwarsick, Public Works Director, presented a variety of closing documents for the Board's review and signature relative to the purchase of the Black Property [Main Street Auto Body facility] located in the Town of Coupeville. Closing is to occur on or before the last day of this month. On Friday, Mr. Kwarsick sent a letter to the owners and occupants of the property reminding them of the schedule for closing and their responsibilities to do various things before closing, and asked them to volunteer whether or not they thought they would have any problems meeting deadlines or completing the work. The County will be withholding \$10,000 worth of payment even after the County takes possession, to guarantee satisfactory compliance with all clean-up requirements of the Department of Ecology. The check being processed today with this action will go to escrow.

By unanimous motion the Board approved the closing documents in connection with the purchase of the Black Property in the town of Coupeville as presented.

GOVERNMENT AGREEMENT FOR AID – RE LAND ACQUISITION RELOCATION

Next, for the Board's review and approval, Lew Legat, Assistant County Engineer, presented a proposed Agreement for Aid between Island County and the State of Washington Department of Transportation [WSDOT] for various land acquisition, relocation and related services. The agreement sets out how WSDOT would perform the work for the County.

On unanimous motion adopted by the Board, the Government Agreement for Aid was approved and signed.

QUIT CLAIM DEED – terminate temporary construction

easement on Assessor's Parcel R32922-487-1010

A Quit Claim Deed was presented for the Board's approval, to terminate a temporary construction easement on Assessor's Parcel #R32922-487-1010 that the owners had conveyed to island County to allow the County to repair and install a new cross-culvert under Maxwellton Road as part of the Maxwellton stream system.

By unanimous motion, the Board approved Quit Claim Deed to terminate temporary construction easement on Assessor's Parcel #R32922-487-1010.

With regard to matters related to the Erickson Road culvert, Mr. Legat advised that the new agent for this area from the State Department of Fish and Wildlife indicated to the County Engineer that there did not seem to be any particular problem with the temporary fix on Erickson Road. The DOFW agent will be back in the ear early February to meet with the County Engineer on site to review permitting. As far as installation of the culvert and restoring the road, the construction period for steam work is June through October.

PUBLIC INVOLVEMENT AND EDUCATION GRANT APPLICATION

Mr. Kwarsick presented an Application for a Public Involvement and Education Grant, as discussed with the Board during the last staff session, with four different purposes as specified in the grant proposal (i.e. Road Shop Maintenance Manual & Natural Resource Best Management Practices Workshops; PIE grant funds \$40,000; County funds \$22,000).

The Board, by unanimous motion approved the Public Involvement and Education Grant Application.

RESOLUTION #R- -98 INITIATING COUNTY ROAD PROJECT #CRP 98-01,

MABANA ROAD SHOULDER REPAIR

As requested and presented by Public Works staff, the Board by unanimous motion approved initiating CRP #98-01 under County Road Resolution #R-1-98 for Mabana Road Shoulder Repair, Camano Island, for a total appropriation of

\$25,065.00. This project is included in the officially adopted annual Road Program as Item #22.

HEARING HELD: APPLICATION FOR FRANCHISE #294, PLEASANT VIEW WATER CO., WATERLINES IN COUNTY ROADS IN PLATS OF PLEASANT VIEW, DIV. #1 & #2, AND PORTION OF ARROWHEAD ROAD ABUTTING SAID PLATS

A Public Hearing was held at 10:25 as scheduled and advertised, for the purpose of considering

Application for Franchise #294, Pleasant View Water Company, waterlines in county roads in plats of Pleasant View, Div. #1 and a portion of Arrowhead Road abutting said plats, Camano Island.

In a January 6, 1998 Memo to the Board. Roy L. Allen, Island County Engineer, advised of the Company's intent to upgrade the water system which had apparently been installed originally without benefit of a franchise. No expansion is proposed at this time to the existing system. All county department requested to comment responded with no objections to the proposal. The Planning Department noted that the water storage tank shown on the water system plans appears to be a new structure, considered an institutional use, and would require site plan approval prior to construction. The Camano Road Shop Supervisor requested that the valves be moved out of the paved surface of Pleasant View Street and Strand Street intersection. The franchise was approved as to form by Dave Jamieson, Deputy Prosecuting Attorney, and by Betty Kemp, Risk Management. All current requirements have been incorporated into the franchise, and therefore, Mr. Allen recommended the Board's approval of the franchise for a 25-year period.

Two citizens were in the audience at the time of hearing interested in the subject franchise

although they did not comment for or against the franchise when the Chairman called for public input.

By unanimous motion, the Board approved Franchise #294, Pleasant View Water Company,

for waterlines in county roads as presented.

BOND RELEASE – SPR 052/94 - RELEASE OF DECLARATION OF TRUST

FOR LES SCHWAB TIRE & AUTO CENTER \$1,970.75

Erika K. W. Jensen, Senior Planner, by Memo dated January 7, 1998, submitted request to release Declaration of Trust in the amount of \$1,960.75 for completion of landscaping under Site Plan Review #052/94, Les Schwab Tire and Auto Center. Ms. Jensen confirmed that by May 1, 1997, landscaping had been completed to county standards and conditions, and she recommended the Board approve a resolution releasing the bond.

By unanimous motion, the Board approved Resolution #C-03-98 [PLG-1-98] in the matter of release of the bond guaranteeing completion of work for S.P.R. #052/94.

STATE OF WASHINGTON

COUNTY OF Island County

In the Matter of Release of the Bond Guaranteeing}

Completion of Work for S.P.R. #052/94 } RESOLUTION PLG-1-98

Island County, Washington } C-03-98

WHEREAS, the completion of the landscaping required for Site Plan Review application #052/94 was completed to County standards as of May 1, 1997; and

WHEREAS, the following described work: planting of 8 flowering trees, 21 white fir, and 8 noble fir was completed; and

WHEREAS, to assure the completion of the landscaping above described, the developer/applicant furnished Island County with a declaration of trust in the amount of (#1,960.75) one thousand nine hundred sixty and 75/100 Dollars; and

WHEREAS, said work was inspected and found to comply with the County standards and conditions; NOW, THEREFORE,

IT IS HEREBY RESOLVED that the bond guaranteeing completion of said work in be released this date.

DATED this 12th day of January, 1998.

BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Commissioner

Tom Shaughnessy, Commissioner

ATTEST: Margaret Rosenkranz

Clerk of the Board

HEARING HELD: GMA Comprehensive Plan: Measures to Protect Rural Character (Continued from 12/22/97 and 1/5/98)

- **Redefined Policy Statements**
- **Statements for future development regulations**

A Public Hearing was held at beginning at 1:00 p.m., as scheduled and advertised, continued from December 22, 1997 and January 5, 1998, on the recommendation of the Island County Planning Commission on the issue of Measures to Protect Rural Character. In addition to Board members, Planning Commission members, consultants and staff, there were about approximately 8 – 10 others in the audience. An attendance sheet was circulated and on file. Hearing Record Instructions are of record from the previous two hearings. Public comments closed as of 1/5/98 public testimony.

Donna Keeler, Island County Comprehensive Planning Manager, submitted in response to the Board's direction 1/5/98, recommended actions [9 pages] supplied to the Board of County Commissioners from the Planning Commission, citizens, and organizations, on Measures to Protect Character. What she did was to include comments submitted to the Board taken from those last two hearings on this subject and tried to be as inclusive as she could; therefore, it is recognized that some may be in conflict with each other. The underlined portions referred to new recommended additions/revisions (verbal and written) provided by various parties during the Board hearings 12/22/97 and 1/5/98. Towards the back of the handout was a list of suggested policies and general comments and suggested policies. The document, entered for the record, was as follows:

MEASURES TO PROTECT RURAL CHARACTER

DRAFT DEVELOPMENT STANDARDS

Below are recommended actions supplied to the Board of County Commissioners from the Planning Commission, citizens, and organizations, on Measures to Protect Rural Character.

The recommendations below are all inclusive; therefore, some may be in conflict with each other.

Note: The underlined portions are new recommended additions/revisions (verbal and written) provided by various parties during the BOCC Hearings on the subject matter.

Recommended Actions:

The County should examine the history of existing development regulations for protection of rural character by reviewing approved PRDs, home industries, accessory uses, guest houses and other uses in the rural area to determine whether weaker or stronger standards are needed. The County should also review the monitoring and evaluation section of the zoning code. The original intent was to use a periodic review of each program to monitor its effectiveness. For the most part this has not been done (see Chapter 17.02.260). **(Adopted by the BOCC 1/5/1998)**

The County should develop policy statements and development regulations to support the GMA-definition of Rural Character. Based on an overall vision for the County, policy statements should be developed to ensure adequate provisions for retention of open space, protection of rural-based economies and opportunities to live and work within rural areas, protection of visual landscapes and fish and wildlife habitat, and limitations on low-density urban sprawl. The issue regarding whether programs should be voluntary, mandatory, or a combination would also need to be addressed. **(Adopted by the BOCC 1/5/1998)**

Preliminary Measures to Protect Rural Character. The following are preliminary options to consider for the preservation of rural character. The GMA-mandated issue of protecting against conflicts with the use of resource lands will be dealt with in more detail following the application of the preliminary mapping criteria. The GMA-mandated issue of protecting critical areas will be examined further during the Workshop/Hearing process in mid-January. The Workshop regarding rural densities is an integral part of defining final measures, because the amount of necessary measures to protect rural character is directly related to allowed densities. In general terms, the higher the density, the more measures that are necessary; the lower the density, the fewer measures.

(Note: * means measure currently used by the County).

A. General Land Use Regulations.

1. Residential Development.

a) Provide for a variety of densities. Maintain existing Rural Residential Zones

Large lot zoning. Limiting overall area which can be developed for large lot zoning.

Replace b) above with: Large lot zoning. Implement large lot zoning (1 house per 10 acres) in designated AG and Forest resource lands and permit densities varying from one dwelling unit per 2.5 acres to 1 DU per 5 acres either through PRD clustering or acreage tract subdivision options depending on location. Provide for perhaps higher densities in designated RAIDS.

Develop transition of uses and densities adjacent to resource areas.

Replace with: Develop transition zoning permitting a variety of compatible uses and densities adjacent to designated resource lands.

Maximum street yard setbacks, or minimum street yard setbacks.*

replace with: Continue to base street yard setbacks on road classifications.

e) Provide for accessory dwelling units.*

2. Non-Residential uses.

Minimizing and containing isolated non-residential uses.

Replace with: Minimize, and where appropriate, contain isolated non-residential uses.

b) Identify non-residential uses which are not dependent on significant infrastructure and which may not be desirable uses to have infill UGA's or non-residential RAIDS and provide mechanisms for their review and approval in the rural areas through the site plan review process without re-zoning.

Foster home base businesses.* Permit home occupations outright. Conditional uses for Home Occupations and Home Industries.

Replace with: Foster home based businesses and cottage industries. Permitting home industries and certain non-residential uses such as personal storage as "conditional uses" in limited cases while continuing to allow small scale home occupations as uses "permitted outright" in all zones.

Develop measures to support roadside farmstands or farmer's markets which may help farmers who wish to directly market products to nearby residential areas.*

Replace with: Develop measures to support farmstands or farmer's markets which may help farmers who wish to directly market products to the public. Remove restrictions that require products to be locally made or grown. Permit such stands outright when associated structures are less than 1000 square feet in area, but make them subject to site plan review when greater associated structures are greater than 100 sq. ft. in area and involve more than 20 parking spaces.

Develop measures to support silviculture industries. Including binding measures to permit conversion and subdivision to rural densities where local opposition to forest practices (especially harvesting) becomes manifest.

Designate the siting of water storage facilities by public water systems as a use of highest priority for the proper long term management and conservation of our water resources and designate such uses as "permitted" in all zones subject to screening requirements only when practical. Screening requirements when imposed should be done as simple conditions of Building Permit Review.

Subdivision Regulations.

Create standards for subdivisions and planned residential developments which encourage clustering and avoid or minimize the adverse impacts to the visual or physical environment while still fostering rural lifestyles and rural character.

1. Cluster development. In a cluster development, lots are grouped on a limited portion of the site and are smaller than those in a conventional subdivision. As a result, part of the site can remain undeveloped while retaining the same overall number of units. *

Cluster incentives. Greater density bonuses are available for providing the type of land and open space amenities which the community most values.* (invalidated)

Limit the size of residential clusters to 6 units and require a minimum of 750 ft separation between each cluster.

b) Mandatory clustering.

Require the cluster approach in only certain zoning districts, or when certain resources are present.

Authorize the planning commission to recommend it only when the developer's conventional plan would destroy or remove more than a specified percentage of certain listed resources, leaving determination on a case-by-case basis.

Provide Llocational criteria for cluster subdivisions.

2) Provide for flexible building envelopes. Or, Provide for reduced building envelopes and smaller lot sizes within clustered PRD developments in some cases. Or, Flexible building envelopes

3) Provide for varied spacing between buildings. In some cases allow "zero lot lines" for attached housing. In other cases (i.e. co-housing projects) provide for greater spacing in clusters to foster rural living and privacy on individual lots as well as within clusters.

Density Penalties. If a community is reluctant to require clustering, it might consider the approach taken by Clallam County, Washington. The County recently revised its zoning from a density of one unit per five acres (which was creating non-functional "farmettes") to a minimum of thirty acres. However, the original one unit per five acres density remains available if the house lots are downsized so as not to consume more than fifteen to twenty percent of the parcel. (delete)

Require planting of vegetation and retention of trees unless it can be shown that there would be health, safety and welfare impacts.

Minimize impervious surfaces.* (limit to 50%)

Open space standards.

Conservation Design for Subdivisions. Require identification of open space areas such as regulatory wetlands, flood plains and steep slopes, as well as including those unprotected elements of the natural landscape. Develop design guidelines to ensure that house sites are placed at a respectful proximity to the conservation areas, with homes backing up to woodlands or hedge-rows for privacy, fronting onto a central common or wildflower meadow, or views across open fields or boggy areas.]

Replace with: Conservation design for Subdivisions: Require identification of open space areas such as regulated wetlands.

Comment: Define "respectful proximity" It is inappropriate to require homes to be built in any particular area.

b) Voluntary Conservation Easements* (rare) and Deed Restrictions.*

c) Make creation of open space an option to developers.* Encourage creation by tax incentives, or modest increases in density.

Trails and walkways provided through open space area to neighboring residential communities.

Replace with: Permit the use of open space areas for off-site septic systems, trails and walkways, and, where desired by applicants, permit trail systems through open space areas to neighboring properties as connections to other trail systems.

6. Buffering Techniques.

Buffering Farm and Forest Operations. Develop guidelines to require that cluster lots be separated from the protected farm or forest land by a "buffer" strip, typically 75 to 100 feet wide.* (50 ft. buffer from AG/FM properties)

Replace with: Buffering Farm and Forest Operations. Develop guidelines to require that residential lot clusters be separated from designated Agriculture and Forest Lands of long-term commercial significance by buffer strips. (50 ft. minimum buffers from AG/FM properties).

Comment: Requirement for a buffer may not be the best solution. Re-planting and/or adding landscaping may be a better alternative.

Buffer highways and commercial roadways/areas with a buffer strip, 75 to 100 feet wide.*

Replace with: Avoid forested buffers along roadways where trees could impact power lines. Provide for native or pastoral open space buffers (50 ft. wide) along the most important designated scenic corridors. Permit such buffers to be used for on or off-site septic systems where necessary.

Comment: Requirement for a buffer on every road may not be appropriate. Re-planting and/or adding landscaping may be a better alternative.

7. Street Design.

a) Provide Guidelines to encourage that ensure every street connects through to another street; limit development of cul-de-sacs.

b) Curving driveways (delete)

c) Traffic circles (delete)

d) Tree Retention

e) Minimize impervious surfaces.* (limit to 50%)

Range of lot and house sizes. (delete)

Design Review for Commercial/Industrial and Institutional uses.

The county shall adopt design review standards for all non-residential projects outside of urban growth areas (UGA's) which will have for their primary purpose the avoidance or minimization of adverse visual and physical impacts on the environment and the protection of rural character of surrounding lands.

General Comments: 1) Wait to establish community design standards later. Commit to it now. Standards should be general/conceptual until more specific standards are developed by the sub-area communities. 2) Does the County want to get into the business of determining what is ugly? 3) Design review should be flexible over time. 4) Develop countywide standards within individual flexibility for established towns to define their own vision.

1. Building Design.

a) Historical Review.* (in Ebey's Landing)

Architectural style is not restricted. Evaluation of the appearance of a project based on the quality of its design and relationship to surroundings.

Comment: Too vague; difficult to apply

2. Relationship of building to site.

a) Minimize site disturbance.

(1) In areas where typical grid pattern streets may be inappropriate due to slopes and other physical characteristics of the land, New roads should follow existing contours where possible.

(2) Disturbance on individual lots should be limited. (delete)

3. Relationship of adverse project to adjoining area.

a) Minimization of visual impact of new structures/uses. (delete)

(1) Restrict development within a view shed which includes the area which can be viewed from the RAID. (delete) Comment: Could be a "takings issue." Needs to be fully described and defined prior to further action.

(2) Require structures/residences to be placed outside of open fields, and instead located adjacent to tree lines and wooded field edges. (delete)

comment: : Inappropriate to require homes to be built in a particular area

(3) Limit structures from being placed on ridge lines. (delete)

(4) Limit removal of trees from ridge lines. Retain tree lines. (delete) Or, encourage retention of trees. Comment: Open pasture is also a rural setting for some homeowners.

Retain treed areas between principal structures and roadways.* (scenic corridors) (delete)

Gen. Comment: Properties designated as scenic corridors with limitations/restrictions can cause problems to the county.

(6) Parking directed behind buildings. (delete)

Ensure compatibility. (delete)

(1) Ensure impacts of use are compatible with surrounding uses. (delete)

(2) Sensitivity of a building design to the existing character of a neighborhood; measured by the relationship of a building or project design elements to the design elements of the surrounding natural/physical and man-made environment. Compatibility measures include: building relationships to the street (such as height, facade details, landscaping, activities), the rhythm of spacing between buildings, the uniformity and quality of the building design elements, building scale, and the relationship of the building or project design elements to the design elements of surrounding buildings and natural environmental features. (delete)

Comment: Too vague, difficult to apply.

(3) Requirements for building materials (common building design language governing massing, shapes, forms, materials, window arrangements, etc.).* (building materials; for Site Plan Review) (delete)

(4) Pitched roofs.* (for Site Plan Review) (delete)

(5) Common height and scale. (delete)

4. Landscape and site treatment. (delete)

a) Landscape buffers and screens.* (for Site Plan Review) (delete)

Retention of natural vegetation. (delete)

5. Signs. (delete entire section) Comment: Input from the sign committee should be considered before implementing sign regulations.

a) Scaled and proportioned correctly in its design and visual relationship to buildings and surroundings.

b) Signs designed as integral architectural element of the building and site to which it principally relates.

c) Graphic elements held to the minimum needed to convey the sign's major message. Graphic elements composed on proportion to

the area of the sign face.

Signs compatible with signs on adjacent premises.

6. Lighting. (delete entire section)

a) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

Street lamps provided, in scale with pedestrian area standards.

c) Shielding of lighting. Lighting shall be directed downward and/or way from adjoining properties.

7. Network of sidewalks and pathways. (delete)

8. Street tree programs. (delete)

Suggested Policies and General Comments

There should be different site plan review standards for commercial development than for the rural area.

As a general principle, direct rural growth in ways consonant with the county's vision for protecting rural character, emphasizing large lot zoning.

protect and enhance existing open space, greenbelts, view corridors, parks, recreations and aquifer protection areas and historically significant areas, using development regulations, tax incentives, outright purchase of land, purchase of development rights, establishing a public benefit rating system, adopting a Natural Lands Program, and revising the existing Shoreline Master Program with increased emphasis on functions and values.

Protect our limited water reserves, especially our sole-source aquifer-a crucial factor for the future.

Protect wetlands, streams, lakes, steep slopes, beaches, wildlife habitat and other critical areas. Minimize the impact of development on the ecosystem. Revise the County critical areas with established infrastructure.

Focus higher density residential development, including multiple-family housing, in UGA's and other developed areas with established infrastructure.

Direct commercial development into areas of existing growth, primarily UGA's and RAIDs. Do not revive the concept of a non-residential floating zone. Limit commercial development in rural areas to that permitted by the GMA, and ensuring that it is visually compatible with the rural landscape and does not contribute to sprawl. Foster cottage industries with loans, education programs and incubator programs.

Carefully site any new, appropriately scaled light industry in UGA's and non-residential RAIDs.

Oppose any state or regional transportation plans that would increase traffic and development pressures.

Design, site and encourage funding mechanisms for appropriately scaled and environmentally compatible affordable housing; strictly control the use of accessory structures.

Maximize early and continuous public participation for rural and sub-area planning, with a special focus on local involvement.

Commit to balance regulatory measures with non-regulatory options and incentives, respecting owners' property rights, neighbors' property rights, and community needs.

Enforce existing codes regarding development and land use.

Examine existing land use patterns and create designations for their logical extension and continuation applying transitional zoning radiating inward from the "built" shorelines.

Establish PRD development as "preferred" for areas between subdivision along shorelines.

Establish 2.5 acre tract zoning (with PRD options) on areas immediately inland from "built" shoreline subdivisions. Thence, move inland with 5-acre tract zoning.

Establish resource and critical lands overlays with appropriate development regulations.

Provide for home-based businesses and cottage industries.

Provide for campgrounds, RV parks, golf courses, and other recreational uses.

Make all forms of agrarian lifestyles, including but not limited to, agriculture and forestry, permitted uses
in all rural lands.

Allow housing types of all kinds.

There should be no TDR's or PDR's

Implement a TDR program or other method of purchasing development rights or contributing in some way to farmers and foresters economic situation.

Implement a TDR program with teeth to provide real incentives to farmers and foresters to maintain their land in production.

Rural character cannot be legislated.

On a public benefit rating system: Impacts to the County should be known before creating a new program that shifts the tax burdens to new groups.

Consider supporting other items such as diversifying into higher income crops, expand farmers markets, and others (see BOCC minutes 12/22/97 pg. 12)

Should not allow "cookie-cutter" developments and streets should not be designed for emergency access vehicles.

Need to define what is rural character. In addition to ESB 6094, specific conditions to Island County include: (refer to paper submitted by the Coalition on December 22, 1997.

Emphasize lifestyle and economic conditions when interpreting rural character.

Important to create a vision before defining regulations. For example, what is the County's vision for RAIDS merging with the countryside?

The local economy depends on rural character.

Need to determine if the County is now rural and if we intend on keeping it that way.

Need prescriptive and performance guidelines to protect rural character.

County should reject regional transportation plans that would increase traffic and development pressures.

Impose a real estate excise tax to acquire development rights and natural land.

Impose impact fees to offset the cost of development

Require Realtors to inform clients of the impact of their proximity to farms in Island County

Keith Dearborn advised the Board that upon his review of what was provided by Ms. Keeler, he thought the document responded in format with what the Board asked for and encompassed all the comments the Board received.

Rufus Rose brought up a process question, that being his concern that the Planning Commission member, Bill Vincent, was not present, and was to be present to represent the Planning Commission on this matter. The way it appeared to him, the Board was getting in some cases a slanting of what the Planning Commission recommended, i.e. the consultant and planning staff interpreting what the Planning Commission meant, and on some of those interpretations Mr. Rose took issue.

Mr. Dearborn advised that Mr. Vincent called about today's hearing, and Mr. Dearborn indicated he did not think he needed to be here because the public comment period was complete. If he, Mr. Moore or Ms. Keeler provided incorrect advice in terms of Planning Commission thinking, Mr. Dearborn confirmed they definitely did not intend to do so, and needed to make sure they were not. He suggested the Board complete their work, noting that this matter goes back to the Planning Commission tomorrow and should there is any exception to actions the Board has taken, those can be

addressed, and the Planning Commission come back to the Board with further comment.

The Board went through each item as outlined in the document provided by Ms. Keeler; considered and reviewed same.

Commissioner Shelton made a part of the record his opinion that there should be no down zoning based solely on the fact that a property is located adjacent to a resource land.

With regard to language related to "Identify non-residential uses which are not dependent on significant infrastructure and which may not be desirable uses to have infill UGA's or non-residential RAIDS and provide mechanisms for their review and approval in the rural areas through the site plan review process without re-zoning" the Board suggested the attorney come up with a process or method.

Discussing the issue of farm stands or farmer's markets, Mr. Dearborn indicated an important policy issue relates to eliminating the restriction that products have to be locally made or grown and leaves these uses as potentially year-round uses, not just seasonal. Two Issues: focus on whether these are for nearby residential areas in the vicinity of the stand, or whether for tourists, and whether seasonal or permanent. If permanent and for tourists it is a very different type of use than if seasonal and focused on serving neighbors.

Mr. Moore explained that a certain portion (allow 30% not produced on site) of the products can be made off site, but there is still a requirement these predominately be for products grown or made locally. There are traffic issues and complaints associated with these roadside stand.

Commissioner Shelton did not believe that a farm stand selling what had been grown locally should be restricted to that. For farm stands he would envision some type of roadside stand selling particular products in season, and whether those products are locally grown or grown elsewhere did not make a difference. He would not agree allowing people catering to tourists to sell everything - for that type stand to spring up and down the highway at all - rather truly a farm stand. Consensus: stay with 4 as written; the Planning Commission to review this issue further.

Commissioner Shelton commented with regard to the silviculture issue that he was aware that the State DNR regularly rewrites forest practices and there are special rules that apply to forestry in counties made up of islands, and there is continued pressure to further revise those. He does not want to penalize foresters but in wanting a rural county then the county must be able to protect those people who want to farm and forest. He wants people to recognize if they stop the forest practice, a result can be residential views.

As a part of resource criteria, Mr. Dearborn had assumed that even for lands of long term commercial significance if there is a demonstration that those lands can no longer be put to the purpose designated, the county will have to take the land out of those designations. He agreed with use of the initial sentence and not the added proposed language shown in underline on Ms. Keeler's document. The remainder will be dealt with through the resource lands program. The Board concurred.

With regard to buffering techniques, consensus of the Board was that the proposed language in Ms. Keeler's document as follows to be deferred to Transportation Plan and Natural Lands Plan: "Buffer highways and commercial roadways/areas with a buffer strip, 75 to 100 feet wide.* Replace with: Avoid forested buffers along roadways where trees could impact power lines. Provide for native or pastoral open space buffers (50 ft. wide) along the most important designated scenic corridors. Permit such buffers to be used for on or off-site septic systems where necessary. Comment: Requirement for a buffer on every road may not be appropriate. Re-planting and/or adding landscaping may be a better alternative."

Siting of Water Storage Facilities. Ms. Keeler confirmed that as far as the issue of siting of water storage facilities, on researching the issue she had not found any Planning Department "turn downs" for siting water tanks based on landscaping.

Mr. Moore believed that the review of a PRD and all of its infrastructure should take place through one process. A phrase included that seemed to push the issue further than needed was noted by Mr. Dearborn: "as a use of highest priority for the proper long term management and conservation of our water resources". The Board agreed and decided

to eliminate that language as well as the last three words in the section "only when practical" . The Commissioners will be debating what is a practical screen as part of the development regulations. The Board agreed the goal is to create conditions to allow these to be permitted uses and processed with whatever building permit type approval the County requires rather than site plan review.

The clustering concept was discussed at length by the Planning Commission last Tuesday and recommended to fashion some ways to achieve density bonuses through clustering Growth Board cases have been reviewed by Mr. Dearborn carefully. He thought there were ways to be able to get higher densities through clustering in the rural areas. This he sees as important for Island County, if for no other reason than affordability and provide opportunities for housing for more people in the rural area.

Mr. Moore commented that Rufus Rose at a Planning Commission meeting posed a variable lot size rather than cluster, but adhere to the same base density within a tract of land.

The Board was in agreement to not require mandatory clustering. Providing locational criteria for cluster subdivisions is something the Board agreed to retain in the document, but noted that should be decided when criteria is provided.

Mr. Moore advised that information was handed out at the last Planning Commission meeting.

The Western Washington GMA board praised Clallam County for the way in which the county handled the remand from the GMA board on clustering and agricultural areas. It is a very interesting concept and Mr. Moore encouraged the Board and Planning Commission members to read the information.

Under open space standards everyone agreed the language needs to reflect current practice to permit use of open space areas for wells in addition to septic systems and etc. The concern, as stated by Mr. Dearborn is that county could not require a trail through the open space from one project to another; it is only if the applicant wants it that the County will so allow.

Regarding requirement for buffer Commissioner Shelton made the point that is known from experience requiring a buffer, especially 50' , do not withstand wind storms very well. Need to be very clear when someone chooses a PRD next to a farm or forest operation, the buffering goes with the development, not with the farm or forest operation. He was not saying that a 50' buffer was not adequate, but perhaps should not be all tall trees which then have all the trees on both sides cut down. In many PRD's Mr. Dearborn worked with in forest areas, the open space is required to be adjacent to the farm or forest land which creates much more than a 50' buffer.

Mr. Moore thought there should be buffers for all residential lots, not just from the standpoint of trees. The Heritage Lands Task Force recommended a buffer considerably larger than 50'.

That, Mr. Dearborn, believed could be achieved through the location of the open space in a PRD. In terms of short plats, Commissioner Shelton believed that any buffering requirements can be eliminated. What he suggested for this section would be language to say that a PRD located adjacent to resource lands has to have open space abutting the resource land or other buffering and that the buffering is not necessarily intended to be trees if not there.

As far as the language about the buffering of highways and commercial roadways, that is a Matter everyone agreed should be deferred to the time when the Transportation Plan and Natural Lands Plan are considered. The Commissioners will want to know the specific roads are being discussed. For example, the Chair would immediately think of Madrona Way to be a prime candidate. The State highways in Island County are scenic – part of Cascade Loop.

Regarding design review for commercial/industrial/institutional uses, the Commissioners agreed there should be general design standards county-wide, with more specific guidelines to be developed through a sub-area plan process for specific sub-areas.

ACTION:

The Board agreed to make the following tentative changes and revisions to be forwarded back to the Planning Commission:

A. General Land Use Regulations.

1. Residential Development

- a. *Provide for a variety of densities. [policy]*
- b. *Large lot zoning. Limiting overall area which can be developed for large lot zoning [underlined portion in Ms. Keeler's document "replace b) above" is premature – defer to Rural densities/Resource Lands/Clustering]*
- c. *Develop transition zoning permitting a variety of compatible uses adjacent to designated resource lands [see note].*
- d. *Continue to base street yard setbacks on road classifications.*
- e. *Provide for accessory dwelling units.**

2. Non-Residential uses.

- a. *Minimize, and where appropriate, contain isolated non-residential uses.*
 - b. *Identify non-residential uses which are not dependent on significant infrastructure and which may not be desirable uses to have infill UGA's or non-residential RAIDS and provide mechanisms for their review and approval in the rural areas through the site plan review process without re-zoning.*
3. *Foster home based businesses and cottage industries. Permitting home industries and certain non-residential uses such as personal storage as "conditional uses" in limited cases while continuing to allow small scale home occupations as uses "permitted outright" in all zones.*
 4. *Develop measures to support roadside farm stands or farmer's markets which may help farmers who wish to directly market products to nearby residential areas.**
 5. *Develop measures to support silviculture industries.*
 6. *Designate the siting of water storage facilities by public water systems as permitted in all zones subject to screening requirements.*

B. Subdivision Regulations.

Create standards for subdivisions and planned residential developments which encourage clustering and avoid or minimize the adverse impacts to the visual or physical environment while still fostering rural lifestyles and rural character.

*1. Cluster development. In a cluster development, lots are grouped on a limited portion of the site and are smaller than those in a conventional subdivision. As a result, part of the site can remain undeveloped while retaining the same overall number of units. **

a) *Cluster incentives. Greater density bonuses are available for providing the type of land and open space amenities which the community most values.**

a. Provide locational criteria for cluster subdivisions. [decide when criteria provided]

2. Provide for flexible building envelopes.

3. Provide for varied spacing between buildings. In some cases allow "zero lot lines" for single family housing. In other cases (i.e. co-housing projects) provide for greater spacing in clusters to foster rural living and privacy on individual lots as well as within clusters.

4. In PRD's require a landscaping plan than encourages retention of trees.

5. Minimize impervious surfaces.

6. Open Space Standards.

a) Conservation design for PRD's: Require identification of dedicated open space areas.

b) Permit the use of open space areas for off-site wells, septic systems, trails and walkways, and, where desired by applicants, permit trail systems through open space areas to neighboring properties as connections to other trail systems.

7. Buffering Techniques.

a) Buffering Farm and Forest Operations. Develop guidelines to require PRD's be separated from lands zoned Ag or Fm by dedicated open space areas or by other buffering measures [buffers does not always mean trees but may mean just a distance]

Comment: Requirement for a buffer on every road may not be the best solution. Re-planting and/or adding landscaping may be a better alternative.

8. Street Design.

a. Provide guidelines to encourage street connections.

9. Allow lot size averaging in subdivisions including short plats.

C. Design Review for Commercial/Industrial and Institutional uses.

The county shall adopt design review standards for all non-residential projects outside of urban growth areas (UGA's) which will have for their primary purpose the avoidance or minimization of adverse visual and physical impacts on the environment and the protection of rural character of surrounding lands. More specific design guidelines may be developed for a sub-area through a sub-area planning process.

1. Building Design.

a. Historical Review. (in Ebey's Landing)*

NOTE: The Board agreed that the remainder of the document beginning b) architectural style, through the end, up to Suggested Policies and General Comments, would be items referred to a committee for purposes of developing recommendations, those being:

"b) Architectural style is not restricted. Evaluation of the appearance of a project based on the quality of its design and relationship to surroundings.

Comment: Too vague; difficult to apply

2. Relationship of building to site.

a) Minimize site disturbance.

(1) In areas where typical grid pattern streets may be inappropriate due to slopes and other physical characteristics of the land. New road should follow existing contours where possible.

(2) Disturbance on individual lots should be limited. (~~delete~~)

3. Relationship of adverse project to adjoining area.

a. Minimization of visual impact of new structures/uses. (~~delete~~)

(1) Restrict development within a view shed which includes the area which can be viewed from the RAID. (~~delete~~) Comment: Could be a "takings issue." Needs to be fully described and defined prior to further action.

1. Require structures/residences to be placed outside of open fields, and instead located adjacent to tree lines and wooded field edges. (~~delete~~)

Comment: inappropriate to require homes to be built in a particular area

2. Limit structures from being placed on ridge lines. (~~delete~~)

3. Limit removal of trees from ridge lines. Retain tree lines. (~~delete~~) Or, encourage retention of trees. Comment: Open pasture is also a rural setting for some homeowners.

4. Retain treed areas between principal structures and roadways.* (scenic corridors) (~~delete~~)

Gen. Comment: Properties designated as scenic corridors with limitations/restrictions can cause problems to the county.

5. Parking directed behind buildings. (~~delete~~)

b) Ensure compatibility. (~~delete~~)

(1) Ensure impacts of use are compatible with surrounding uses. (~~delete~~)

(2) Sensitivity of a building design to the existing character of a neighborhood; measured by the relationship of a building or project design elements to the design elements of the surrounding natural/physical and man-made environment. Compatibility measures include: building relationships to the street (such as height, facade details, landscaping, activities), the rhythm of spacing between buildings, the uniformity and quality of the building design elements, building scale, and the relationship of the building or project design elements to the design elements of surrounding buildings and natural environmental features. (~~delete~~)

Comment: Too vague, difficult to apply.

1. Requirements for building materials (common building design language governing massing, shapes, forms, materials, window arrangements, etc.)* (building materials; for Site Plan Review) (~~delete~~)

(4) Pitched roofs.* (for Site Plan Review) (~~delete~~)

(5) Common height and scale. (~~delete~~)

4. Landscape and site treatment. (~~delete~~)

a. Landscape buffers and screens.* (for Site Plan Review) (~~delete~~)

b. Retention of natural vegetation. (~~delete~~)

5. Signs. (~~delete entire section~~) Comment: Input from the sign committee should be considered before implementing sign regulations.

a) Scaled and proportioned correctly in its design and visual relationship to buildings and surroundings.

b) Signs designed as integral architectural element of the building and site to which it principally relates.

c) Graphic elements held to the minimum needed to convey the sign's major message. Graphic elements composed on proportion to the area of the sign face.

d) Signs compatible with signs on adjacent premises.

6. Lighting. (~~delete entire section~~)

a) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

b) Street lamps provided, in scale with pedestrian area standards.

c) Shielding of lighting. Lighting shall be directed downward and/or way from adjoining properties."

Suggested Policies and General Comments

Board – Tentative Decision - to be forwarded back to the Planning Commission for their thoughts on these general comments; and the Board would not expect the Planning Commission to come back to the Board in 2 weeks with their comments:

- There should be different site plan review standards for commercial development in Clinton and Freeland and unincorporated UGA's than for the rural area.
- As a general principle, direct rural growth in ways consonant with the county's vision for protecting rural character, emphasizing large lot zoning.
- Protect and enhance existing open space, greenbelts, view corridors, parks, recreations and aquifer protection areas and historically significant areas, using development regulations, tax incentives, outright purchase of land, purchase of development rights, establishing a public benefit rating system, adopting a Natural Lands Program, and revising the existing Shoreline Master Program with increased emphasis on functions and values.
- Protect our limited water reserves, especially our sole-source aquifer-a crucial factor for the future.
- Protect wetlands, streams, lakes, steep slopes, beaches, wildlife habitat and other critical areas. Minimize the impact of development on the ecosystem. Revise the County critical areas with established infrastructure.
- Focus higher density residential development, including multiple-family housing, in UGA's and other developed areas with established infrastructure.
- Direct commercial development into areas of existing growth, primarily UGA's and RAIDs. Do not revive the

concept of a non-residential floating zone. Limit commercial development in rural areas to that permitted by the GMA, and ensuring that it is visually compatible with the rural landscape and does not contribute to sprawl. Foster cottage industries with loans, education programs and incubator programs.

- Carefully site any new, appropriately scaled light industry in UGA's and non-residential RAIDs.
- Design, site and encourage funding mechanisms for appropriately scaled and environmentally compatible affordable housing; strictly control the use of accessory structures.
- Maximize early and continuous public participation for rural and sub-area planning, with a special focus on local involvement.
- Commit to balance regulatory measures with non-regulatory options and incentives, respecting owners' property rights, neighbors' property rights, and community needs.
- Enforce existing codes regarding development and land use.
- Examine existing land use patterns and create designations for their logical extension and continuation applying transitional zoning radiating inward from the "built" shorelines.
- Consider PRD development as "preferred" for areas between subdivision along shorelines.
- Consider resource and critical lands overlays with appropriate development regulations.
- Establish home-based businesses and cottage industries.
- Consider campgrounds, RV parks, golf courses, and other recreational uses.
- Make all forms of agrarian lifestyles, including but not limited to, agriculture and forestry, permitted uses in all rural lands.
- Allow housing types of all kinds.
- Rural character cannot be legislated.
- On a public benefit rating system: Impacts to the County should be known before creating a new program that shifts the tax burdens to new groups.
- Should not allow "cookie-cutter" developments and streets should not be designed for emergency access vehicles.
- Need to define what is rural character. In addition to ESB 6094, specific conditions to Island County include: (refer to paper submitted by the Coalition on December 22, 1997).
- Emphasize lifestyle and economic conditions when interpreting rural character.
- Important to create a vision before defining regulations. For example, what is the County's vision for RAIDS merging with the countryside?
- Need to determine if the County is now rural and if we intend on keeping it that way.
- Need prescriptive or performance guidelines to protect rural character.
- Consider a real estate excise tax to acquire development rights and natural land. [Natural Lands Plan]
- Require notice to inform future owners of the impact of their proximity to farms in Island County

BOARD DECISION- MOTION:

Commissioner Shelton moved approval of the tentative decisions as amended this date on Measures to Protect Rural Character, but eliminating anything under "Suggested Policies and General Comments" [those are to be forwarded back to the Planning Commission for their thoughts on those general comments – and the Board would not expect the Planning Commission to come back to the Board in 2 weeks with their comments]. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

NOTE FOR THE RECORD: HEARING CANCELED - RESCHEDULED - GMA

COMPREHENSIVE PLAN – UNDEVELOPED SHORELINES AND

RURAL DENSITY/CLUSTERING

The Public Hearing originally scheduled for 1/12/98 at 1:30 p.m. was canceled, notice of cancellation provided on Friday, January 9, 1998, the Board having been advised that the Planning Commission did not on January 6 get to Undeveloped Shorelines, and did not finish Rural Densities/Clustering, and therefore, there were no recommendations on either issue from the Planning Commission.

Rufus Rose expressed some concern in that he received two e-mail messages; one canceling the hearing and a later message reinstating the hearing.

Chairman McDowell confirmed that the hearing had been canceled based on information the Board received.

Keith Dearborn suggested if anyone was present who did not receive notice of cancellation and could not return to the next hearing on this subject, recommending the hearing be held on January 26, that they be invited to make their comments now.

No one from the public so indicated at this time.

Vince Moore indicated that the only report to the Board from the Planning Commission to offer today was the work the Commission did January 6 on the rural densities which was almost complete, with the exception of one area. He confirmed that the Planning Commission had made formal motions and adopted several recommendations.

Mr. Dearborn handed out at this time the Planning Commission recommendation, following a public hearing on January 6, noting the Planning Commission actions [1 page, dated 1/12/98 @ 12:50 p .m.]. Mr. Dearborn explained there were a number of subjects the Planning Commission had not yet finished on the rural densities/clustering and undeveloped shoreline issue, but there were some where the Planning Commission did make tentative recommendations on. What he handed was effectively a report describing the tentative recommendation and the subject, for which the Commission would be holding a hearing on tomorrow:

"Rural Densities, Clustering, and Shorelines

"Following a Public Hearing on January 6, the Planning Commission made the following actions:

1. Shoreline Densities: The Planning Commission will consider the shoreline densities issue in the afternoon of Tuesday, January 13, 1998.
2. Rural Densities
 - a) The Planning Commission recommends continued use of the RR zone density of one unit per five acres for those properties currently zoned RR.
 - b) The Planning Commission recommend that certain additional zoned lands be considered for RAID designation. Such lands are those shown in blue on the map dated 1/6/1998. The

Planning Commission recommends that additional information be compiled as follows for the blue areas:

- Existing parcels over five acres in size
- Contiguous ownership's
- Water system availability
- Critical areas
- GMA resource lands
- Noise zones

3. Rural Clustering:

- a. The Planning Commission recommends that clustering be retained as an option for the RR zone with density bonuses.
- b. The Planning Commission recommends that modest bonus density be considered for affordable housing and permanent preservation of critical areas (and possibly Natural Lands).
- c. The Planning Commission will continue its review of clustering until the afternoon of January 13th to consider design, size, and separation issues.

4. Other Density Issues: The Planning Commission also continued its discussion of transition zoning and other density options until the afternoon of January 13th."

By unanimous motion, the Board rescheduled the public hearing to consider the recommendation of the Planning Commission on Undeveloped Shorelines and Rural Density/Clustering for January 26, 1998 beginning at 9:30 a.m. [there are other items on the Board's schedule regarding GMA – Comp Plan, but these two items, Undeveloped Shorelines and Rural Density/Clustering, are to be heard first]

Monday, January 19, 1998, is a holiday and all County offices will be closed. The next two joint Board of County Commissioners and Planning Commission workshops are scheduled as follows, both to be held in Hearing Room 1, Courthouse Annex, Coupeville:

January 16, 1998, **9:30 a.m. – Noon, Critical Areas**

January 26, 1998, **6:00 – 8:00 p.m., Natural Lands**

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

adjourned the meeting at 4:00 p.m. The next meeting to be January 26, 1997:

(1) Special Session beginning at 9:30 a.m. GMA-Comp Plan issues:

Undeveloped Shorelines

Rural Densities/Clustering

Master Planned Resorts

Fully Contained New Communities

Housing

Major Industrial Districts

Critical Areas ; and

(2) Regular Session beginning at 1:30 p.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz,

Clerk of the Board