

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**REGULAR SESSION – JULY 27, 1998****REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on July 27, 1998, beginning at 11:00 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 in attendance were Margaret Rosenkranz, Clerk of the Board, and E. Meyer, Adm. Asst.

Roundtable Meeting with Island County Elected Officials

Meeting began at 12:45 P.M. due to the length of the Special Session.

Elected Officials Attending: Bill Hawkins, Prosecutor; Maxine Sauter, Treasurer; Marilee Black, County Clerk; Suzanne Sinclair, Auditor; Tom Baenen, Assessor; Mike Hawley, Sheriff [arr. 1:10 p.m.]

Mr. Hawkins recalled that from the Elected Officials meeting last month with the Board, there had been some comment about personnel issues but discussion held until Mr. Hawkins could be present. He put the thoughts in writing and submitted at this time 15 points under four general headings that the Elected Officials want to call to the Board's attention. Mr. Hawkins and the other Elected Officials reviewed briefly some of the key points in each category:

A. Hiring Process

Complaints about the system being too cumbersome and slow with unnecessary steps not required by law – slow and frustrating.

B. Wage Grid

Hiring process does not seem to be applied in an even-handed manner. Appointed Department Heads seem to be exempt from PAQ's. Certain positions not paid competitive salaries. Longevity plan fails to recognize that markets for different types of employees are different

C. Staffing Levels

Staffing levels are inadequate to fulfill Elected Officials statutory duties. Elected Officials' requests for new hires turned down without explanation.

D. Miscellaneous

Overtime should be provided for in the budgets, especially when understaffed and in light of FLSA. The Board has legal authority to raise the levy lid 106% a year, which has not been done; taxpayers coming to the various Elected Officials for service expect those services. Exempt employees need to be treated the same as represented employees. Termination benefits for terminating employees should be funded from other than the salary for that position. Elected Officials want to be more involved with union negotiation process. Elected Officials do not feel the Board supports them fully and some feel they have not been treated fairly over the years as far as budgets are concerned. Stray comments not well-chosen that may not represent the feelings of one or more Board members can have rather long-term and adverse consequences regarding employee morale.

Chairman McDowell, out of the 15 points, observed that every point but one had to do with funding; D.4 – regarding union negotiations is a request he thought could be done. He was appreciative of the concerns Elected Officials expressed, and expressed the Board's desire to work towards some of those. This issue to

be on the table next meeting with Elected Officials.

MINUTES FROM PREVIOUS MEETINGS APPROVED

Board minutes from the Special Session held on June 30, 1998, and Regular Session on July 6, 1998, were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (Warrants) #30993-31203for \$350,995.93.

Staff Session SCHEDULE for August

August Staff Session schedule was approved for distribution outlining the sessions for August 5 and 19, 1998.

Rhododendron Park Restroom Facility Contract

Betty Kemp, Director, GSA, presented for Board approval and signature a Rhododendron Park Restroom Facility contract. Funds come from REET 2, scheduled in capital expenditures between 1997-2002. The Board, by unanimous motion, approved and signed the Rhododendron Park Restroom Facility Contract between Jenkins, Inc. and Island County for the installation of restroom facilities at Rhododendron Park, #RM-PARKS-98-0043.

Hiring Requests & Personnel Actions

As presented and briefly reviewed by Dick Toft, Human Resources Director, the Board approved by unanimous motion the following two Personnel Action Authorizations for the Public Works Department:

PAA # Position Description Effective Date

067/98 Engr. Tech III, II .75 FTE reduce to 30 hrs./wk 8/1/98

Position #2224.03

068/98 Engr. Tech III, I .25 FTE new position –job share 2224.03

Position #2224.04 10 hr./wk 8/1/98

ADOPT-A-ROAD LITTER PROGRAM AGREEMENT – Save The Woods on Saratoga; Saratoga Road from 4680 Saratoga Rd to

intersection of Archwood Court & Pan Vista Lane

By unanimous motion, after having received a recommendation of approval from Larry Kwarsick, Public Works Director, the Board approved Adopt-A-Road Litter Program Agreement with Save The Woods on Saratoga for Saratoga Road from 4680 Saratoga Rd to intersection of Archwood Court & Pan Vista Lane. Diane Kendy, representing Save The Woods on Saratoga sent an e-mail message to the Commissioners thanking them for providing an opportunity to adopt a portion of Saratoga Road, pleased to be doing their part in maintaining the wonderful rural character of Island County.

BID AWARD – 1998 ACP Misc. Overlays, Camano Island,

CRP 98-07, WO #254

Mr. Kwarsick advised the Board that three bids had been received, all three very close. Bid award is recommended to the low bidder, Wilder Construction Company, Everett, in the total amount of \$262,559.00. The Board by unanimous motion approved bid award to Wilder Construction Company as recommended.

HEARING HELD: Franchise #44R renewal, Polnell Shores Community Association; waterlines in county roads in Plat of Polnell Shores and portion of Polnell Road

A Public Hearing was called to order at 2:25 p.m. as advertised, for the purpose of considering

Franchise #44R renewal, Polnell Shores Community Association; waterlines in county roads in Plat of Polnell Shores and portion of Polnell Road.

By way of letter dated July 8, 1998, the County Engineer, Roy L. Allen, reported from his review of the requested franchise application for renewal of current franchise covering an existing water distribution system in the Plat of Polnell Shores, that all departments requested to comment responded with no objections to the proposal. The franchise was reviewed and approved as to form by the Prosecuting Attorney and by Risk Management. It is noted that should an upgrade take place in the future: (1) there may not be any road cuts allowed; and (2) prior to work on an upgrade the plans and specifications need approval from the State Department of Health. Mr. Allen recommended the Board grant approval of the franchise.

No members from the public indicated a desire to speak either for or against said franchise renewal.

The Board by unanimous motion approved Franchise Renewal #44R for Polnell Shores Community Association.

**PUBLIC HEARING – Franchise #302, Passage Way
Water System; waterlines in county road Passage
Way in Plat of Saratoga Beach #6**

A Public Hearing was held at 2:35 p.m. as advertised, for the purpose of considering Franchise #302, by Passage Way Water System, to place waterlines in County Road right-of-way, Passage Way, in the Plat of Saratoga Beach #6.

Again by letter dated July 8, 1998, Mr. Allen reported from his review of the requested new franchise application for a water distribution system in the County right-of-way known as Passage Way located in the Plat of Saratoga Beach, Division #6, that all departments requested to comment responded with no objections to the proposal. The franchise was reviewed and approved as to form by the Prosecuting Attorney and by Risk Management. It is noted that should an upgrade take place in the future: (1) there may not be any road cuts allowed; and (2) prior to work on an upgrade the plans and specifications need approval from the State Department of Health. Mr. Allen recommended approval of the franchise.

At the time of public hearing, no one in the audience indicated a desire to speak either for or against said franchise.

The Board, by unanimous motion, approved Franchise #302 on behalf of Passage Way Water System.

After the hearing concluded and the Board was recessed until the next hearing, Kaarin Schweitzer indicated she had intended to be present at the hearing but had not made it in time. The Chair advised her to provide her comments in writing to the Public Works Department in order that her comments be on file regarding this matter.

PUBLIC HEARING – Franchise #18(4)R renewal, City of Oak Harbor; waterlines in county road DeGraff Road from SR 20 southerly

to NAS boundary, approx. 3,700 LF

A Public Hearing was held at 2:45 p.m. , as advertised, to consider the renewal of Franchise #18(4)R, by the City of Oak Harbor for waterlines in DeGraff Road from SR 20 southerly to NAS boundary, approximately 3,700 LF.

Mr. Allen's July 8, 1998 letter advised from his review of the requested franchise application renewal of current franchise covering an existing water distribution system in the County right-of-way known as DeGraff Road, located in Section 11, Twp. 33N, Rge. 1E, that this particular portion of their water distribution system was not included within the Urban Growth Area for Oak Harbor. All departments requested to comment responded with no objections to the proposal. The franchise was reviewed and approved as to form by the Prosecuting Attorney and by Risk Management. It is noted that should an upgrade take place in the future: (1) there may not be any road cuts allowed; and (2) prior to work on an upgrade the plans and specifications need approval from the State Department of Health. Mr. Allen recommended the Board grant approval of the franchise.

Ryan Goodman, Oak Harbor City Engineer, reported the City's concurrence with the conditions of franchise renewal and requested the County's favorable action.

No other members of the public indicated a desire to speak either for or against the proposed franchise renewal.

The Board by unanimous motion, approved Franchise Renewal 18(4)R by the City of Oak Harbor as recommended.

PRELIMINARY SITE PLAN APPROVAL - WESTERN WIRELESS RADIO TELECOMMUNICATIONS FACILITY WITH MICROWAVE ANTENNA

Stacy Tucker, Island County Planning Department, presented for the Board's approval, preliminary SPR, Western Wireless, for a radio telecommunications facility with microwave antenna. The project is located at 4643 St. Hwy 525, on Parcel #R32924-116-3080, South Whidbey. The Hearing Examiner recommended approval with conditions. Ms. Tucker for clarification, confirmed that staff recommended to the Hearing Examiner that final SPR for this application be waived, and asked that the Board authorize same, with staff to prepare a decision document reflecting that.

The Board, by unanimous motion, approved Preliminary Site Plan Review for Western Wireless, for a microwave antenna located at 4643 St. Hwy 525, Parcel #R32924-116-3080, South Whidbey, with the caveat that upon delivering a form to the Board of County Commissioners waiving Final Site Plan Approval, the Board sign same.

Resolution #C-99-98 [PLG-029-98] Amended County-Wide Planning Policies - new Policy #8, Parks, Recreation Open Space and

Natural Lands

Debra Little, Development Services Manager, presented for approval and signature, Resolution #C-99-98 [PLG-029-98] In the Matter of Amending the County-Wide Planning Policies, adding new Policy #8 for Parks, Recreation Open Space and Natural Lands. The document has been signed as of today by the Mayors of Coupeville, Langley and Oak Harbor.

At the time the matter was considered, those attending included: Larry Cort, Planner, Town of Coupeville; Nancy Conard, Mayor, Town of Coupeville; Tom Burdett, Oak Harbor City Planning Director.

The Board approved and signed, by unanimous motion, Resolution #C-99-98.

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

IN THE MATTER OF AMENDING THE) RESOLUTION #C-99-98

COUNTY-WIDE PLANNING POLICIES) PLG-029-98

WHEREAS, RCW 36.70A.210 – the Growth Management Act (GMA), specifies that Counties are regional governments within their boundaries and that cities/towns are the primary providers of urban governmental services within urban growth areas; and

WHEREAS, the GMA requires that the County develop county-wide planning policies which upon adoption will be used solely for establishing the framework from which county and city comprehensive plans are developed and adopted; and

WHEREAS, the county-wide planning policies will also provide the foundation for assuring that consistency criteria, required between county and cities/towns planning under the GMA; and

WHEREAS, to be effective there must be both agreement between the County and the Cities/Town on the County-Wide Planning Policies, and a commitment between the jurisdictions to adhere to and implement the policies.

WHEREAS, the Cities/Town and the County can gain additional valuation points on park and open space funding proposals before the Washington Interagency Advisory Committee.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the amendment to the County-Wide Planning Policies, concerning policies for parks, recreation open space and natural lands attached hereto as Exhibit A, be jointly adopted.

IN WITNESS THEREOF, the undersigned parties have executed this amendment this 27th day of July, 1998.

Wm. L. McDowell, Chairman Steve Dernbach, Mayor

Board of Island County Commissioners City of Oak Harbor

Nancy Conard, Mayor Lloyd H. Furman, Mayor

Town of Coupeville City of Langley

Exhibit A

COUNTY WIDE PLANNING POLICIES

C. ANALYSIS OF FISCAL IMPACTS

Section 2 of Re ESHB 1025 required that each county required to plan under the Growth Management Act (and the cities therein), develop and adopt a series of mutually agreed upon County-wide planning policies. These policies will establish a framework for the local adoption of comprehensive plans and development regulations. They will also provide the foundation for meeting County-wide determined (vs. State determined) consistency criteria as required by the Growth Management Act. These policies are not the equivalent of a regional comprehensive plan. The legislative direction is to develop policy statements to be used solely for the purpose of attaining consistency among plans of the

County and the Municipalities.

It is therefore the opinion of the Planning Officials of the Municipalities and the County that the County-Wide Planning Policies, in themselves, have no fiscal impact and are an agreed- upon method of guiding the planning activities required by the Growth Management Act. We recognize that as the Growth Management Act and these policies are implemented to their maximum extent, County Government may lose some tax base needed to operate essential services which serve both the County and Municipalities. To compensate for this, legislation may be required to provide tax base sharing. Neither the fiscal impacts of implementing the Growth Management Act itself nor development of land use plans and development regulations necessary to implement the GMA are addressed herein.

POLICY #1

POLICIES TO IMPLEMENT RCW 36.70A.110

i.e. URBAN GROWTH AREAS

It is the policy of the County and the Municipalities to:

1. cooperatively and jointly designate municipal Urban Growth Area (UGA) boundaries. The designation of UGA boundaries beyond the existing limits of incorporation of a municipality should be based on a demonstration by the municipalities that public facilities and service capacities either already exist or are planned for an can be efficiently, economically, and practicably provided by either public or private sources;
2. provide new municipal public works facilities only within, and not beyond Urban Growth Areas. Such facilities include:
 - streets, bridges and sidewalks built to municipal standards,
 - water storage, transmission and treatment facilities,
 - sanitary sewer collection and treatment facilities, and
 - storm sewer collection and treatment facilities.

Two exceptions are contemplated:

- the provision of municipal water service by "Purveyors" whether municipal or private, throughout the unincorporated County as needed to implement the County's "Coordinated Water System Plan", and "Groundwater Management Plan"; and
 - the siting of essential public facilities;
3. promote the retention of the overall rural character of the County by
 - a. including sufficient area within any UGA to accommodate anticipated growth and avoid market constraints that induce leapfrogging development, and
 - b. establishing zoning classifications that preserve rural character and foster long term rural development;
 4. enter into agreements (County and each City/Town) for expeditious, concurrent, and cost effective joint review of development proposals and public projects in the UGAs, with final approvals continuing to reside with the County for areas outside of City limits;
 5. consider the cooperative development of a Transfer of Development Rights program for potential interjurisdictional adoption and implementation; and

6. fully and cooperatively implement the County-Wide Planning Policies with the understanding that redress to all parties is available pursuant to the Growth Management Act. Since the County-Wide Planning Policies serve as the framework for the development and adoption of the County and municipal comprehensive plans to ensure consistency as required in RCW 36.70A.100, it is not anticipated that an amendment to the County-Wide Planning Policies will be necessary. However, in the unlikely event that the County, in collaboration with the municipalities, determines in conjunction with the development of their comprehensive plans that an amendment to the County- Wide Planning Policies is necessary to achieve the goals of the Growth Management Act as stated in RCW 326.70A.020, the Board of Island County Commissioners may amend the County-Wide Planning Policies in the same manner as their original adoption.

7. For the purposes of these policies, the term "Urban Growth Area" includes both the incorporated land and the surrounding unincorporated area that is planned to accommodate future urban development. Unincorporated areas of the County not contiguous to an incorporated area may be designated as an UGA upon the adoption of a UGA plan that demonstrates how public facilities and services are, or will be, provided consistent with the requirements of the GMA.

POLICY #2

A. POLICIES FOR SITING ESSENTIAL PUBLIC FACILITIES

OF A COUNTY OR STATE WIDE SIGNIFICANCE

It is the policy of the County and the Municipalities that:

1. provision shall be made in the County's and Municipalities' development regulations for siting important and essential public or quasi-public facilities of County or State-wide significance. Examples include, but are not limited to, airports, state education facilities, solid waste handling facilities, and public and private utilities. The objective is to achieve interjurisdictional consistency in these regulations;
2. siting requirements will be important factors in determining whether essential public facilities will be located in urban, growth or in rural areas. Siting requirements for County facilities within UGAs will be jointly and cooperatively established with the municipalities;
3. essential public facilities should not be located in Resource Lands and Critical Areas unless there is a demonstrated need and no alternative siting options are reasonable/feasible. Siting of essential Public Facilities within Resource and Critical Lands must be consistent with the Comprehensive Plans of the County and Municipalities and must be compatible with adjacent land use and consistent with development regulations adopted pursuant to RCW 36.70A;
4. essential public facilities sited outside of urban and urban growth areas must be self-supporting and not require the extension of Municipal urban services and facilities; and
5. the siting of major energy facilities, including throughput transmission facilities, shall not be considered essential public facilities and therefore, comprehensive plans, development regulations and local policies will apply to the siting of such facilities;

POLICY #3

POLICIES FOR JOINT COUNTY/MUNICIPALITY PLANNING

It is the policy of the county and the Municipalities that cooperative planning will be performed under the following policies:

1. The Municipalities and the County should coordinate capital facilities planning and funding within

UGAs. Cooperative effort is best suited to this level of planning and development because many capital facilities i.e. parks, public and private utilities, drainage and transportation facilities are regional in nature. Facility design and construction standards within the UGA shall be established cooperatively with the adjacent city to assure consistency; and

2. The County and Municipalities should also coordinate the development and implementation of long-range plans for fire protection, police services, air quality, transportation, solid waste, public and private utilities, and environmental plans such as watershed action and stormwater management plans.

3. The County and the Municipalities, in coordination with the Department of Ecology, have previously adopted a Ground Water Management Plan which provides for the protection of the quality and quantity of ground water used for public water supplies.

POLICY #4

POLICIES FOR COUNTY-WIDE ECONOMIC DEVELOPMENT

AND EMPLOYMENT

To ensure future economic vitality, broaden employment opportunities and meet the needs of projected growth while retaining a high- quality environment, it is the policy of the County and the Municipalities that:

1. economic growth should be encouraged within the capacities of the County's natural resources, public services and public facilities;
2. a joint comprehensive economic development plan aimed at diversifying the economy in appropriate areas of the County should be formulated. Economic development should implement and be consistent with the Comprehensive Land Use and Capital Facilities Plans. The plan should:
 - a. consider the goods, services and employment requirements of existing and projected population;
 - b. identify the siting requirements of businesses which have the highest probability of economic success in Island County and the least negative impact on the quality of life;
 - c. based on citizen input, existing land use patterns and local capacity (geographic, environmental and other considerations), determine areas suitable for desirable retail, commercial and industrial uses; and
 - d. encourage expansion of the tax base to support the infrastructure and services required by a growing population;
3. future retail/commercial/industrial development should be encouraged in urban or commercial centers as identified in the Comprehensive Plan of the County and Municipalities;
4. land use regulations and infrastructure plans of the County and Municipalities should be amended or developed as necessary to implement the economic development plan;
5. economic development in the four geographic regions of the County, i.e. North, Central and South Whidbey and Camano Island should proceed in a coordinated, but independent, fashion consistent with the Comprehensive Plans of the County and Municipalities; and
6. the County and the Municipalities will seek the participation and cooperation of Port Districts within areas of overlapping responsibility/jurisdiction.

POLICY #5

POLICIES FOR PROMOTING CONTIGUOUS AND ORDERLY DEVELOPMENT AND PROVIDING URBAN SERVICES TO SUCH DEVELOPMENT

It is the policy of the County and the Municipalities that developments within Urban Growth Areas (UGAs) will be contiguous, orderly and coordinated between the County and Municipalities' governments and utility service providers through the following policies:

1. The first preference for urban development is within municipal boundaries. The second preference for urban development is within areas annexed to municipalities in the UGA;
2. Non-urban development in the UGA should be discouraged. Non-urban development in the UGA should only be allowed if urban development is not possible and will be compatible with future urban development;
3. Governing entities shall require areas in the unincorporated area of the UGA, and contiguous to the municipal boundary, that are developing at urban densities or for urban purposes to:
 - a. be served by municipal water and sewer facilities, if available in a timely and reasonable manner by the municipality; or
 - b. annex or execute a pre-annexation agreement prior to development approval;
4. The forming of unincorporated enclaves shall be avoided in the UGA;
5. The minimum parcel sizes/density of new residential development within the UGA that proposes to utilize on-site sewage treatment systems shall be jointly and collaboratively established by the County and the municipalities in an adopted UGA Plan.
6. Urban development should not be permitted outside of the boundaries of UGAs except commercial/industrial development in existing rural community centers*, existing community business centers, existing retail business centers or existing industrial parks consistent with the County's and municipalities' existing Comprehensive Plans. Expansion of the boundaries of such existing and historically established areas shall not be permitted without their designation as Urban Growth Areas and compliance with the requirements of 36.70A.110 RCW.
7. Home Industries, Home Occupations, and independent Non-Residential Uses not dependent of Urban services, nor necessarily desirable in the UGAs should continue to be permissible subject to adopted performance and compatibility standards.

* Rural Community Centers - For the purposes of these policies, the term "Rural Community Center" includes those unincorporated places consisting of clustered residential and nonresidential uses developed at densities that can be supported without the full range of urban governmental services and facilities.

POLICY #6

B. POLICIES FOR COUNTY-WIDE TRANSPORTATION

FACILITIES & STRATEGIES

It is the policy of the County and the Municipalities that:

1. the Transportation element of the Island County Comprehensive Plan should include Urban Growth Area elements to assure consistency among planning jurisdictions. All transportation planning, including that of Federal and State Agencies as well as Port Districts, should be jointly and cooperatively developed,

adopted and implemented through coordinated planning;

2. the County and Municipalities will remain actively involved in multi-county regional transportation planning;
3. the County and Municipalities will cooperate in the analysis of and response to any major regional industrial, retail/ commercial, recreation or residential development proposals that may impact the transportation systems in Island County;
4. the capacity of the roadway system must be planned, built and managed to meet planned land use densities in UGAs, and the development of transportation modes offering alternatives, such as transit and telecommunications, to the automobile should be encouraged.
5. the planned transportation system should be implemented in a coordinated and cost-effective manner utilizing a fair and sufficient method of funding.

POLICY #7

POLICIES ON AFFORDABLE HOUSING, FOR ALL OF THE POPULATION

It is the policy of the County and Municipalities that:

1. a wide range of housing development types and densities throughout the County should be encouraged and promoted to meet the needs of a diverse population and provide affordable housing choices for all;
2. manufactured home parks at Urban densities, should be located within Urban Growth Areas.
3. multifamily housing, at urban densities, should be located within UGAs and/or unincorporated Rural or urban Community Centers;
4. the County and Municipalities should provide appropriately zoned lands and/or location criteria to assure the inclusion of multi- family housing and manufactured home parks within Urban Growth Areas and should provide for other types of housing for individuals with special needs throughout the county;
5. the comprehensive Plans of the County and Municipalities should consider housing and housing provision options such as:
 - a. development of boarding houses, single-room occupancy housing, scattered site housing, and accessory housing such as elder cottages, guest houses and/or attached apartments;
 - b. establishment of a public/private housing trust fund to provide loans and grants for development of low to moderate-income housing and housing for persons with special needs;
 - c. identification of publicly-owned properties, excluding those designated as Resource or Critical Lands, that could serve as possible sites for development of affordable low income or senior housing; and
 - d. identification of regulatory relief actions such as inclusionary zoning, density bonuses for the development of lower-cost housing or in-lieu-of payments into a housing trust fund, forgiveness of impact or mitigation fees for low-income housing as authorized under the Growth Management Act or priority permit process treatment of housing developments intended for or including affordable housing.
6. It is intended that provisions for affordable housing will be required elements of the economic development and comprehensive plans of the County and the Municipalities.

POLICY #8**POLICIES FOR PARKS, RECREATION****OPEN SPACE AND NATURAL LANDS**

To protect the rural and scenic character of Island County and to ensure that both urban and rural residents of the County have reasonable access to and opportunities for outdoor recreation, it is the policy of the county and the Municipalities that:

1. Each jurisdiction intends to include a park, recreation and open space element in its GMA Comprehensive Plan. These elements shall be coordinated and, where appropriate, the County and each of the cities should adopt level of service standards and definitions. Capital facility plans for funding and acquisition of new parks and recreation facilities should also be coordinated between the county and each of the cities to ensure efficient and effective use of public funds.
2. Establish a county-wide system of non-motorized trails. Trails would be established on a region wide basis.
3. Identify, establish and protect open space corridors and greenbelts within and between urban growth areas through (a) public acquisition of fee or lesser interests in these corridors by purchase donations, incentives such as density bonuses; and (b) by use of the open space tax program.
4. Develop and adopt a County-wide plan for the preservation and acquisition of lands for open space, recreation, and natural resources (Natural Lands Plan) that can serve as an "implementation umbrella" for municipal plans with open space components. The Plan should prioritize voluntary acquisition of sites based upon their conservation, open space, or recreation value. The Plan should coordinate implementation programs to acquire and protect these identified sites. The plan should implement County Comprehensive Plan policies regarding protection of the rural character and livability of Island County by protecting open space corridors, areas that are important to separate and define urban growth areas, and areas of more intensive rural development.
5. To preserve open space and create recreational opportunities by innovative incentives and/or regulatory techniques such as, but not limited to, purchase of developments rights, conservation easements, land trusts and community acquisition of lands for public ownership shall be encouraged.
6. The use of open space taxation laws shall be evaluated as a useful method of land use control and resource preservation.
7. Maintaining recreation and open space corridors shall be coordinated with land use elements.
8. A park and recreation system shall be promoted which is integrated with existing and planned land use patterns.
9. School districts, local public agencies, State and Federal governments, recreation districts, the Federal government, and private entities should work together to develop joint inter-agency agreements to provide facilities that not only meet the demands of the education for youth, but also provide for public recreation opportunities that reduce the unnecessary duplication of facilities within Island County.
10. Review, comment and coordinate with Navy plans such as the NAS Whidbey Island Base Master Plan, Natural Resources Management Plan, Outdoor Recreation Management Plan, etc. as Appropriate, and continue to maintain active communication.

EXTENSION OF PRELIMINARY SPR Trinity Lutheran Church SPR 056/94,

Ms. Little presented the request for extension of preliminary SPR #056/94, by Trinity Lutheran Church, Parcel S6455-00-01002-0, 6455-00-02000-2 & 6455-00-02000-0, Freeland, with staff recommending that the Board grant a one-year extension for completion. The Church has been working diligently trying to complete the plan and are very close.

The Board by unanimous motion approved the extension of one year for Preliminary Site Plan Review #056/94, Trinity Lutheran Church, Freeland.

GMA Public Hearings HELD

- **Ordinance C-85-98, PLG-020-98, Adopting a New Ordinance, Chapter 16.06 ICC, Governing Land Division in Island County**
- **Ordinance C-86-98, PLG-021-98, Adopting Amendments to Chapter 16.15 ICC, Site Plan Review**
- **Ordinance C-87-98, PLG-022-98, Adopting Amendments to Chapter 16.17 ICC, Planned Residential Development**

A Public Hearing was held beginning at 3:00 a.m., Regular Session of the Board, as scheduled and advertised, for the purpose of considering Ordinance #C-86-98 [PLG-021-98] Adopting Amendments to Chapter 16.15 ICC, Site Plan Review; Ordinance #C-87-98 [PLG-022-98] Adopting Amendments to Chapter 16.17 ICC, Planned Residential Development; and Ordinance #C-85-98 [PLG-020-98] Adopting a New Ordinance, Chapter 16.06 ICC, Governing Land Division in Island County. In addition to all members of the Board, staff included: Keith Dearborn, Debra Little, Stacey Tucker. Members of the audience: Richard D. Collins, Roland Gray, Chris Kelly, John Graham, Brian Bird.

Hearing ON Ordinance #C-86-98, PLG-021-98, Adopting Amendments to Chapter 16.15 ICC, Site Plan Review

Documents: 6/22/98 Public Hearing Draft

7/14/98 Planning Commission Recommendation

7/27/98 Board Hearing Draft

Comments Letters Proposed Specific Changes in the Ordinance

Letter dated 7/13/98 from Richard D. Collins, Langley

Letter dated 7/16/98 from John E. Hitt, Executive Director, EDC

Letter dated 7/22/98 from John Graham, Citizens Growth Management Coalition, Langley

Keith Dearborn referred to the comment letters received for the record, in each case, raising issues that were not raised at the Planning Commission meeting, all good issues for the Board to address and Mr. Dearborn will have comments and suggestions after the public testimony. The 7/27/98 Board Hearing Draft contains corrections, typographical errors, format changes all shown in bold, and Mr. Dearborn identified those changes since the Planning Commission Recommendation, all he believed technical and non-substantive.

Page 4. Top of the page is a change to conform to a decision the Board made during the last hearings. The Planning Commission recommended only one fee by charged when there was a consolidated application; language the Board incorporated was "a single fee" .

Page 5. Top of the page – old language to be deleted. Based on the Board's review last week of 16.19 this change is needed. The intent is with application requirements this be a complete list and there would be no others but those on the list that is being expected with an application. There may be additional information required after the application is submitted and found complete, but this is the check list for the site plan in .040. The existing language that says "as a minimum but need not be limited to" given the Board's decision on 16.19, suggested should be deleted.

Page 6 – minor typographic change – where it used to refer to "Regulations"; the Critical Areas Ordinance is an ordinance not a regulation.

Mr. Dearborn explained that once the Board adopted the Fish & Wildlife Ordinance the plan is to create a new chapter in Title 17.04, and put it in its own chapter with the other critical area regulations.

Page 7, #13. Minor typographical change: "Legal description of the property proposed for ~~division~~ the site plan;

Page 9 – #1 is a suggested re-write of the first open space provision, not designed to change anything but to make it clearer.

Page 13 . Insertion of a section. In the old ICC 16.15 there were provisions on open space, and still for some kinds of uses will require a dedication of opens pace for those non-residential uses in the rural area. This states what would be required for those that are providing open space as a part of a non-residential use and restates what is already stated in 16.17.

Page 13. Correct misspelling of the word conservation in 16.15.100.A.

Page 14. Section 110, bottom of the line, clearing the ordinance up. Where it used to combine lot creation for non-residential uses with site plan review, this clarifies and takes out the words "on the Lots created through".

Page 16. Top of the page. The reference to the Planning Director is not always correct and is being deleted and instead stating the approving authority. In Section 140.C, utilized is changed to used.

The Planning Commission heard the ordinance earlier in July, made modifications to it and recommended to the Board the 7/14/98 version almost identical excepted for the noted changes in the 7/27/98 draft.

This ordinance changes existing process and substantially simplifies the non-residential and institutional site plan review process in effect today. With site plan review today applicant must go through preliminary and final approval. For an institutional use or non-residential use being located through the floating zone process, use approval is required as well. The new system under this proposal is for one approval. Review criteria are proposed to change and become more specific and less judgmental, all designed to simplify the process, make it more predictable and ensure once conditions are established there is a ready means for the enforcement of compliance with those conditions of approval. The land division portion of site plan review is taken out of the SPR ordinance and proposing a new ordinance for land divisions. At some time in the Eighties, the old subdivision process was combined with the site plan review process which caused problems with interpretation because the approval criteria for a site plan made no distinction for a subdivision. There are substantial changes in the coverage of activity that has to have a site plan approval; no testimony on this came before the Planning Commission or in correspondence received to date; therefore, he assumed streamlining in terms of coverage is something people are not objecting to. The existing system has an administrative review, and a public hearing review – equivalent in the new system to a type II and type III. For the public hearing type site plan reviews today any non-residential site plan review where there are three or more lots would be subject to site plan review; the new system the number of lots created has no bearing on the site plan review process. Multi-family larger than 4 units always requires site plan review today, but under the new ordinance it would be 8 units that requires site plan review. Multi-family is only allowed in RAIDs; therefore projects in RAIDs that are less than 8 units would have just a building permit required under the proposal and no SPR requirements. Mobile home parks today require SPR; in the new system there would be no new mobile home parks. Community off-site sewage systems that DSHS approves today requires a public hearing and SPR approval; under the new proposal, they would not be reviewed in the SPR process. Today any addition to a non-residential structure or any new non-residential structure 4,000 sq. ft. or greater in size has to have a SPR but under the new system the numbers are substantially larger. In the rural Centers of Freeland and Clinton, the number is 12,000 sq. ft. In the rural zone there are size requirements, i.e. for a fire station with 2 bays or 4,000 sq. ft. SPR is required, but if smaller than that it is a permitted use. Group homes today always require site plan review and under the new proposal would require site plan review only if 6 people or more. The uses that will still require SPR in all cases at this point are: churches of any size, country inns, essential public facilities, gun clubs and shooting ranges, schools, surface mines. In RAIDs once 12,000 sq. ft. size exceeded those go through a public review for Freeland and Clinton, and a public review if over 4,000 sq. ft. in Terry's Corner, Ken's Corner, Plaza, Greenbank or Bayview.

On balance there is a substantial reduction in the amount of county process for types of projects and he considers it to

be a major policy recommendation, on which there have been no negative comments on extent of change. Comments received by the Planning Commission and Board have all been focused on specific features of the approval criteria or other technical questions.

PUBLIC TESTIMONY

John Graham, Citizens Growth Management Coalition, explained that the Coalition's concern is that in the effort to get to a good result the County may have gone a bit too far, particular with the PRD ordinance, but to some extent the Site Plan Review ordinance as well. Those points the Coalition feel should be amended or added back in are:

Recommend reading Staff May 22 review criteria for SPR. In reading this, he was surprised to find out that criteria for approval ignores substantially what staff recommended. Staff recommendations are much more detailed than appear in the final draft and much more detailed than the Coalition is asking for. Does staff still feel that way, and what happened to their recommendations?

Page 9. Criteria for Approval A.1.a Open Space. Does not specify that all the critical areas in that development will be so designated, and suggested including the word "all" between "include" and "critical", or a new statement: "Development should not be located on or in critical areas".

16.15.060 Criteria for Approval 2.B. Add a sentence to say "At a minimum 20% of the gross site area shall remain in undisturbed opens pace and/or as a landscape buffer". There needs to be a minimum quantitative descriptor .

Bring back in three areas in earlier drafts as spelled out in his comment letter July 22, 1998 for Surface water drainage, utility services, and advertising features. [Page 10, numbers 5, 6

and 7 of the draft before the Board now shown crossed out. For surface water it seems important that the 50% standard be reintroduced. Under utility services, the key element is

under ground utility lines. The Coalition will be commenting later on the Zoning Code

on what they believe requires a site plan review. For example, all communication towers, fire stations, and group homes should have to go through a SPR process.

Keith surface water drainage is eliminated here because it is being dealt with some place else, in two places: first, the new proposed storm water ordinance addresses a lot of the same issues and will be a regulation that applies throughout the county; second, in the proposed zoning code, i.e. the impervious surface requirement in the rural area for a church is proposed to be 50%; home industry 25%; country inns 25%; but in rural centers of Freeland and Clinton the 50% open space requirement no longer makes any sense at all and proposed impervious surface requirement could go as high as 90% and 70% in the rural villages. The impervious surface requirement is trying to be matched with the use and intensity in the zone.

Richard Collins, Langley, reviewed the points in his July 13, 1998 memo, which he now had had an opportunity to review wit a number of South Whidbey people who agree with what he has stated. Most of his suggestions he thought were relatively minor and to the issue of keeping things simple and trying to keep small words from becoming major

decisions later on interpretations. More flexibility is needed to afford opportunity for something unique to be done for a particular project.

Page 4. .030 Definitions. Defines the word "shall" as mandatory and "may" as having discretion. However, the word "should" is used in several places and it is not known how that would be interpreted. He suggested "may" and "should" should both be discretionary.

Page 9 .060 Criteria for Approval.

A.2(a) gives almost total authority to county planners to determination the placement, design and use of all property covered by this section. This is a powerful tool and would be interpreted by "least disturbance to natural features and landscape" which he can see as requiring specific placement of a building.

Page 9 A.2(b) recommended the statement say "fast growing, low maintenance, drought tolerant trees and shrubs are preferred" and take out the words "native" and "regional".

Page 10 A.3(a) Statement is so definitive. Need coverage to protect people's property for personal safety. Support language EDC recommends. A.3(b) - he suggests language state "The number of lighting fixtures should be adequate to light the use for safety, security, operations and visibility appropriate for type of use" or delete current paragraph in its entirety.

Page 11, 5.A.(g) contains a statement "minimize paving to reduce impacts to drainage systems and maximum the amount of native vegetation and soils to remain" . His recommendation is that this section be re-written to state: "minimize paving where appropriate and practical to retain or enhance the amount of vegetation and soils where practical."

Brian Bird made the point that there would be many cases with regard to guidelines where in fact, for example, paving which has different applications and uses in different locations. In many cases the paving will make sense; in others it is not necessary and becomes an issue of being affordable. Surface water management it should be noted that from Freeland north is an arid climate, borderline desert. He would like to see the same type of map as for water intrusion if there is to be a new standard implemented for water runoff and storm drainage. Why punish the person who lives in an area of low risk with the same standards in Seattle or a flood plain.

PUBLIC INPUT PORTION CLOSED

EDC Letter. Keith Dearborn referred to the EDC Letter dated July 16, 1998, and addressed the comments.

16.15.060 A.2 a) Modify 2 a) by adding at the end of the sentence: "...to the extent feasible in light of the purpose and needs of the development and it's overall economic impact". Mr. Dearborn explained that because with the zoning code distinctions are being made by use and type and intensity as to what does and does not go through SPR, and new standards for impervious surface and building coverage, he was not sure the change suggested is needed, but he did not believe it would create any great confusion to include it and there would be no consequential change to the ordinance by including it.

16.15.060 A.3 a) Change language to read: "Lighting fixtures must be shielded, hooded and oriented towards the ground so that direct rays of light from the lighting source(s) are not visible past the property boundaries". With regard to this suggested change, Mr. Dearborn stated that the concern here seems to be reflection. He talked to John Hitt and the concern was with the way 3 a) was written it may be impossible to comply with in many cases. The Planning Commission felt very strongly particularly in rural areas about glare and light spilling over onto adjacent properties. There may be a difference between rural and RAIDs; on balance, he thought the EDC recommendation might be a better way to state 3 a).

16.15.060 A 3 f) – EDC's suggestion is to add the word "area" to the end of the sentence. In this case, Mr. Dearborn in looking at the document could not find this reference in the ordinance.

John Graham stated that the Coalition would object to adding the term "to the extent feasible", believing it would negate the force of the whole first part of the sentence.

Richard Collins suggested changes. Mr. Dearborn thought the first suggested change by Mr. Collins to

.030 is a good change; "should" is used in the ordinance several places and that change should probably be made to 16.17 as well where the language is the same. Change in his letter about a typo has already been caught. The suggested change to .060 A.2 (a supporting the deletion of that, and EDC suggesting re-wording, Mr. Dearborn did not believe it should be deleted, but the re-wording suggested by EDC he did not think made a significant difference. Mr. Collins next suggestion is that the light language on page 10 that EDC has recommended be adopted, has already been discussed. Mr. Collins also has suggested re-wording of 3.b) which is worded the way staff suggested. Mr. Dearborn was not sure there was a significant difference in meaning, but could be to some. With regard to deleting the word "native" from A.2(b), Mr. Dearborn recalled that the Planning Commission discussed that at length and felt it appropriate to retain native, but to qualify it with the word regional or regionally, and he did not recommend the deletion of the word "native" . The last suggestion from Mr. Collins to A.5 g) on page 11 , because there are standards now for impervious surface and building coverage being set for uses, Mr. Dearborn did not think this change has a substantive effect.

Changes recommended by the Coalition.

Page 9 .060 1 A – wanting all critical areas to be included within open space. Mr. Dearborn's concern with that is that some critical areas are not being regulated and some activities that are either exempt or permitted, therefore Mr. Graham's recommendation both to 1A and SPR layout requirements would result in creating a conflict between what is being proposed for critical areas and SPR. His recommendation at this point was the first suggestion creates a change resulting in potential conflict. The change to 2 b) In looking at the zoning code, the least amount of impervious surface permitted is 20% in the Freeland and Clinton rural centers; everywhere else requirement is greater than 20%. Effectively he thought the proposal accomplished the 20% requirement in the Zoning Code and that is where that issue is debated and decided; this ordinance does not need to establish a standard. The minimum threshold of 20% would be consistent with the zoning code. As drafted by Mr. Graham, it is undisturbed open space or landscape buffer. The proposal of Mr. Graham about adding back in #5, 6 & 7 of .060 are being covered in the surface water ordinance and standards just discussed; reinserting this section from existing code with the exception of the 50% requirement is not needed.

To retain #6 and #7, existing language, it would be more appropriate to retain them for rural areas than it would be for RAIDs. A sign regulation is proposed for review and modification, and minor changes in 17.03; this is not needed given what is being done with the signage regulation.

BOARD DELIBERATION AND ACTION

EDC Recommendation.

.060 A 2 a). The Board adopted language reading: "locate development to minimize the amount of disturbance to natural features".

A 3 a) on page 10. The Board accepted EDC recommended language.

Richard Collins suggested changes

.030 "should" . - The Board agreed that the word "should" be defined the same as the word "may".

Typo Section 16.15.40 B2 - corrected

.060 A.2 a). Action taken by EDC recommendation above.

.060 A.2 b). Leave as is – change not approved

.060 A.3 a). Acted on per EDC recommendation above

.060 A.3 b). Board agreed – use language suggested by Mr. Collins: "The number of lighting fixtures should be adequate to light the use for safety, security, operations and visibility appropriate to type of use".

.060 A.5 g) Board agreed to eliminate g [address either in drainage or parking in 17.03]

Citizens Growth Management Coalition Recommendations

Page 9 1A. Change not accepted to insert the word "all" - leave language as is

.060 2. b). Board agreed to add the sentence suggested: "At the minimum, 20% (20%) of the gross site area shall remain in undisturbed open space and/or as a landscape buffer."

.060 5, 6 & 7 insert these three elements back in. Decision – put #6 back in with deletion of the last sentence: "any other utility installations remaining above ground shall be located and screened as to have a harmonious relation to neighboring properties and the site".

McDowell proposed changes

Page 5. Eliminate A.8 – adds nothing other than process to the applicant. Mr. Dearborn advised this was something staff wanted because they have to make a determination of whether the lot is legal or not, the qualifier "if known by the applicant" was an addition made as a result of prior public documents.

No Change – leave as is.

Page 6 #19. July 20 meeting minutes on 16.19 ICC show inclusion of a new process where someone can schedule an application meeting for Type I and II from a check list of application requirements reviewed at the counter. Commissioner McDowell's concern here for "Reports and determinations that are required by County critical Area Ordinance" is that could lead to requiring at application stage determining critical area is present. Mr. Dearborn remembered that at the Fish & Wildlife hearing this morning during special session handed out was a proposal for how to classify by type and when the requirements would be proposed, and he thought it would make more sense to discuss that as a part of the Fish & Wildlife Ordinance.

Hold – until discussions are held on Fish & Wildlife ordinance

Page 6 #B.11 Take out the word "and dimensions" - not sure how someone would dimension the perimeter of some irregular shaped buffer.

No Change – leave as is other than adding in parenthesis "(maps to approximate scale")

Page 8.G. Delete "floor plans and". Concern is building floor plans or elevations. Why would a building floor plan be essential to a site plan. what does this Code do for multiple buildings; is it a site plan for each building or one site plan for the whole thing. Commissioner Shelton suggested: "an architectural plan showing building footprints...".

Mr. Dearborn noted this as current language in effect since 1/1/85. He does not know how it is being interpreted, and the Board needs to compare it with C.1 on the previous page to determine to what extent the same thing is asked for twice.

Debra Little, Development Services Coordinator, stated that rarely does staff see buildings floor plans; what they look at is a site plan as a plan view, and applicant usually would have a footprint approved. Example - Freeland Plaza – all one ownership; Camano Plaza . Terry's Corner has 20 lots proposed now has one user the Post Office; applicant created a circulation plan with footprints to show where the buildings would go and established a building style using architectural elevations. The difference between C1 and G is that C1 goes to the square footage more than anything else tied in to the overall parking, septic and water; G goes to the look of the project. One criteria to find is that the

building design complies with the non-residential design guidelines.

The Board agreed that the inside floor plans were not an issue.

If the Board adopts the Non-residential Design Guidelines as a part of initial review, Mr. Dearborn stated that C-1 and G probably were not necessary as written. Staff needs to know square footage in order to size parking and decide whether the proposal goes through a public review process or not; therefore staff needs a foot print and square footage and the number of stories. He did not see anything in C-1 language that is not appropriate; the word "bulk" is redundant, meaning the same as size and height. Not sure G is needed if Non-Residential guidelines are adopted.

The Board agreed to: delete "bulk" in C.1 and delete "floor plans and" in G.

Page 14. .110 Commissioner McDowell felt the section seemed to imply that the person can say they want the County to dedicate for public use a road when the County does not always accept roads. Commissioner Shelton believed that dedicated public use did not necessarily mean that the County takes ownership.

In reviewing the section, Mr. Dearborn suggested perhaps the Board may want to keep the second sentence that says "refusal of the Board of County Commissioners to accept a dedication shall not be grounds for disapproval of the Site Plan submitted for final approval and recording by the Planning Director".

The Board agreed that that statement be retained - to be inserted at the end of the new language.

BOARD ACTION:

With the changes agreed to by the Board today, except #19 on page 6, the Board by unanimous motion directed Mr. Dearborn make the changes to Chapter 16.15 Site Plan Review as modified, but the Board re-look at #19 on Page6, and continue final decision until September 28, 1998 at 2:45 p.m.

HEARING SCHEDULED: ORDINANCE #C-100-98 [PLG-030-98], IN THE MATTER OF AN ORDINANCE CONCERNING AMENDED INTERIM APPLICATION PROCEDURES AFFECTING CHAPTER 17.02 ISLAND COUNTY CODE

By unanimous motion, the Board scheduled a Public Hearing for August 17, 1998 at 10:45 a.m. to consider proposed Ordinance #C-100-98 [PLG-030-98] in the matter of an Ordinance Concerning Amended Interim Application Procedures Affecting Chapter 17.02 Island County Code. Changes proposed are based on Superior Court hearing Friday, July 24, 1998, when Judge Hancock ruled based on the Skagit Surveyor's case and modified his Order deleting the conditional effective date for the comprehensive plan and development regulations. The proposed ordinance modifies the ordinance the Board adopted to match what Judge Hancock's ruling.

HEARING ON ORDINANCE #C-87-98, ADOPTING AMENDMENTS TO CHAPTER 16.17, PLANNED RESIDENTIAL DEVELOPMENT

Documents: July 14, 1998 Planning Commission Recommendation

July 27, 1997 Board Hearing Draft

Comment Letters:

Economic Development Council dated July 16, 1998

Citizens Growth Management Coalition received July 22, 1998

The 7/27/98 Board Hearing Draft, as with Site Plan Review, included correction of a number of minor typographical changes, none that Mr. Dearborn considered substantive. Some of the changes made in Site Plan Review need to be incorporated in the PRD ordinance as well for consistency purposes, and during the hearing Mr. Dearborn went

through those with the Board.

PUBLIC TESTIMONY

John Graham, Citizens Growth Management Coalition, noted that much of the Coalition's points were the same as for Site Plan Review, focusing on three main points:

1. By definition this is clustering, putting a lot of houses in a relatively small place and there must be more sensitivity as far as how it is done [spacing, buffers, etc.]
2. PRD offers a benefit, a 50% density bonus and it is only fair to observe minimum requirements to make sure clustering meets design standards
3. Urged zeroing in on some appropriate regulations.

Much research was done this winter by the Coalition who contacted other municipalities to pull in what other people have done in terms of criteria for PRD's; that information was included in the Coalition's Plan. The Technical Appendices shows that Planning Staff did an excellent job in terms of suggesting some criteria for PRD's. Mr. Graham was surprised to see today the criteria as minimal, and went over briefly some of the points in the Coalition's submission:

Criteria for Preliminary Approval

Include back in preservation of natural features and landscape – 75% open space feature.

PRD size and density [probably fits better under the Zoning Code]: Coalition's original position was that the PRD should be 20 acres, and after research found not many places where a 20 acre PRD could be done. The Coalition's statement contained in the cover letter suggests that the minimize size of a PRD be listed at 20 acres but add a short list of conditions under which smaller parcels may qualify, based on the fact that 10 acre PRD's create too much of a threat of urban sprawl in the rural area and realizing 20 acres is difficult.

Relationship of proposed buildings to site. One of the issues is the minimum separation distance between clusters. The Planning Commission decided on 200'; the Coalition originally recommended 750' and current Coalition recommendation suggests 500'. The Coalition suggests no building on forested ridge lines or other prominent physical features.

Relationship of Proposed lots and buildings to the surrounding area. Bring back language now proposed for deleted, and something in the old PRD code somewhat amended – that the best way to achieve the compatibility of proposed structures and lots could be achieved by subjecting cluster developments to minimal design review standards, which should include the overall appearance of a project based on the quality of design and relationship to surroundings; the appearance of the buildings including bulk, scale, placement, style, design, buffering and view obstruction; the relationship of buildings to size and relationship of project to adjoining area; landscaping; signs and lighting.

Criteria for Driveways, Parking and Circulation. Criteria needs to be brought back in.

Site Plan Review items the Board acted on earlier Mr. Graham thought the Board should include here as well relating to surface and groundwater, utilities, and recreational facilities.

Open Space. Pleased to see in current draft discussion about open space. Important to call this space within a PRD open space – no more than 50% should be recreational space; original purpose was undisturbed open space.

16.17.100 – New standard for open space, "B.A.

"be clearly defined, aggregated as one or at most several units (i.e. not split into many back or front yards) and clearly

separated from the clusters' building envelopes.". The concern here is open space is called community area what it basically would be is Harbor Point where open space is all in grass, BBQ's, ballfields, and very little if any undisturbed.

Richard Collins, Langley, noted Mr. Graham brought up an interesting point about needing to require more from the developer in PRDs because they are being given benefits. Mr. Collins had a different view in that he felt PRDs were something good for the County, something desired, and in order to get PRD's the County should be willing to provide ways to make it easier for PRDs to be developed. The wide buffer would seem to be totally out of line; 250' seems a good size. The Coalition submission contains several statements about native growth, etc., and Mr. Collins asked that the Board make sure it is understood regional native so as to not tie it down to only a few types of plants.

Brian Bird, Greenbank, spoke on behalf of streamlining the process. He looks at a lot of the developments that have gone in which were slow, and noted a ton of builders and developers who went broke on the Island. He thought an important aspect in looking at PRDs would be to try to get people interested in PRDs, and he saw as a key simplification of the process. As far as buffers, he said that flexibility was needed, and to not require a specific buffer – if the adjoining property owner to the PRD does not care why should there be a buffer, or at least there should be a minimized buffer in that case.

No one else indicated a desire to be heard on the subject of PRDs, and the public comment portion of the hearing was closed.

Stacy Tucker, Planning Staff, hoped to see criteria to allow staff to evaluate the transportation networks within and the design of those [page 10-criteria]. Staff recommended something similar to what has been noted during the SPR 16.15 review. Design factors should include lighting, signage, etc. Staff is looking at providing some type of shielding and making sure those are directed away from adjacent roadways and those types of criteria that are contained in the SPR [off site impacts of lighting].

Mr. Dearborn reviewed EDC's request and reviewed with the Board what this ordinance combined with the Zoning Code does:

1. can do today a 10 acre PRD but are very stringent limitations when 10 acres can be used for a PRD [and cannot go below 10 acres]
2. can receive 100% bonus before the Interim Ordinance; proposed ordinance reduces that to 50%
3. open space requirement for a PRD was 35%, now proposed to be 75%.
4. existing ordinance has no restriction on the number of units in a cluster; this proposal has 6. EDC is asking for that to be increased to 8; the Coalition agrees with 6 [six is the number staff in their review of PRDs approved is the size identified as the one that seemed to work best; and six is also the size being used in Clallam County for limits on the size of a cluster].
5. spacing requirement proposed between clusters in a PRD is 200'; this requirement

will only occur if a PRD is over 20 acres in size.

The Coalition since the beginning of the process urged the County adopt 700', now modified to 500'; EDC recommends 150'. The reason the ordinance has 200' is again the PRD review process showing that the PRDs that seem to work best were the ones that had separations of 100' to 200'. The Planning Commission, on Mr. Dearborn's recommendation, chose 200' because it was closer to what the Coalition wanted, yet within the evidence on record. There is nothing on record that suggests the distance needs to be 500' to 700' to have a good PRD.

Mr. Graham indicated his thought that the Coalition would agree that if there were at least some move towards some of the criteria suggested by staff and the Coalition last winter the Coalition's perceived need for separating clusters by more footage would be a lot less.

Mr. Dearborn, in talking about what seems to work best referred to the staff PRD Study by Stacy Tucker and Debra Little – their analysis based on existing PRD's. He would not think it could go beyond what staff concluded in their study unless there is more information that changes that conclusion. As far as the purpose of open space between clusters he thought the concern was not internal residence but impact on surrounding properties. He and Rich Unterman discussed the 200' and 700' figures and neither felt that was a criterion that absent the analysis that staff had done, would not have recommended a separation between clusters within a project because of the concern about the outside impacts to surrounding properties, and also would not have recommended a size limitation on clusters because focus is on what it looks like to surrounding properties, not what the effect is on the internal layout. For his purpose, having had the staff analysis done, took those numbers and incorporated those in the ordinance.

Debra Little took the Board through some of the process and layout involved with the Brentwood PRD, about 100 units.

Ms. Tucker commented about the staff review done on a variety of different sized PRD's. Some of the larger PRD's reviewed had a typical subdivision layout, arranged in large blocks with most of the houses in one area, with open space set aside in a completely different area, and on the larger PRD's, it was area that could not be developed because of terrain constraints. Staff is looking to have some standards for buffer requirements, and further guidance as to what kinds of buffers should be incorporated. Staff looks at clusters to break up the size so that off-site people will not be looking at 40 or 50 house grouped in one site in one area of the lot and then have open space area not integrated into the project. Some of the subdivision projects that had a more rural feel had roads lined with trees used as the buffer.

Mr. Dearborn commented that the proposal was to not allow PRD's in what will be the new Rural Residential zone in RAIDS; use lot averaging in RAIDS and there is a minimum lot size established; no density bonus. The advice from Rich Unterman and Mr. Dearborn was effectively by reducing density to 50% eliminates from a practical standpoint the attractiveness of the PRD even though as a matter of public policy it is stated to be the preferred form of development. There are only 19 parcels over 20 acres in size in the rural area to begin with, so the issue of the six and 200' became much more of a theoretical concern than a real concern. The previous open space requirement was "undisturbed area". It has been his understanding that well sites, drainfields, etc. have not been permitted in the open space. Because in the new proposal the open space is being increased to 75%, it is being required that at least 50% of the open space be undisturbed.

Ms. Little commented that the way staff had been using the term "open space" was as defined by the current zoning code.

Chairman McDowell recalled that the PRD was something that everyone had thought was something good, and initially had only a 35% open space requirement; now under current proposal 75%. The question: are we shooting ourselves in the foot if this in fact pushes more short plats with less controls vs. PRDs. In terms of utilizing the PRD Concept, Commissioner Shelton pointed out it was absolutely ridiculous in terms of affordable housing concept. If the PRD amendments are adopted and there is a 20 acre wooded piece of property, he would be absolutely opposed to allowing someone to build a cluster without providing for a buffer to the adjoining property.

Mr. Dearborn pointed out that this proposal did not do away with buffer requirements; staff wanted a specific numeric buffer, a distance. Buffer requirements can be found in approval criteria .060 page 10 of the 7/27/98 draft, and require the development be separated from rural ag, rural forest, commercial ag uses. In 2(d) site layout requires that dwellings not be visible from adjacent properties, county roads or state highways – qualifying language has been inserted "when site conditions permit". It is an absolute standard "shall" and not may. There is no numeric buffer requirement in terms of distance.

Ms. Tucker did not believe staff asked for a specific numeric buffer requirement, but for the terminology potentially for buffers to be included and a definition for buffers included in the definition section. Some of the problems in the past have been with vague standards. When reviewing an application she was not sure what separates the proposed development from adjacent uses in rural agricultural, rural forest or commercial agricultural - what that means.

Mr. Dearborn stated that there is no recommendation as part of the PRD Amendments any design review of the

individual homes being built in the PRD. To the extent that John Graham suggested reinstating criteria to deal with the design of those homes, Mr. Dearborn requested Board guidance on that issue.

Commissioner Shelton thought that to instigate some sort of design review for the development of the individual homes seemed to go beyond anything that had been considered. . There can certainly be input on the design of the layout of the PRD, but when it comes to building homes he would not want to have involvement in that. Ms. Little agreed.

Ms. Little stated that typically when a PRD is used and used very effectively is when someone has a parcel impacted by a wetland or very steep slopes.

The Chair asked if a PRD was the preferred alternative for development in the county as opposed to 4-lot subdivisions, is the process to far now to ever look at the density bonus again?

Mr. Dearborn thought not; that was the recommendation in Phase A, that number selected because that was the number Snohomish County convinced the Central Growth Board was acceptable; the Western Growth Board has not yet declared on that subject though Mr. Dearborn thought they were very concerned about larger size PRDs that were possible and the densities getting up to one unit to the acre with TDRs in a PRD and a feeling that those large scale PRDs even if theoretical and not real were potentially urban development in the rural area. For Island County in the rural area there are 19 parcels over 20 acres in size that remain. This ordinance does not set the density bonuses or the size for the PRD, rather the standards for review; the zoning code is where the open space requirement, density bonuses and sizes are set. From a legal vantage point there is no more logic to the 50% than described. During the workshop on PRDs it was clear that the 100% bonus was important for those PRDs that received approval. No one since that time had come forward arguing for a higher bonus density other than Tom Roehl who made the practical argument that effectively a 50% bonus dooms the PRD to extinction. One of the things that was not available when the hearing was held before Growth Board was the Staff PRD Report. If modifications are within the framework of the staff report it may be possible to suggest a higher bonus density.

At this point, it was Mr. Dearborn's suggestion that he have an opportunity to look at some of the suggestions Mr. Graham has made to make sure nothing has been missed by not adopting his recommendations, and give staff an opportunity to propose specific language changes where staff feels those changes are needed. By receiving those specific changes and the Board taking action on them one way or another, staff will then get a clearer sense of legislative intent.

BOARD ACTION: By unanimous motion, the Board continued the Public Hearing for Board deliberation on Ordinance #C-87-98, Chapter 16.17 ICC, PRD, until 1:30 p.m. on August 17, 1998. The public input portion of the hearing has been closed. Staff to be provided the opportunity to come back with specific amendments to create more clarity, and the Board will review John Graham's suggested additions to the standards of review. Mr. Dearborn will have specific recommendations for the Board on August 17th, and will try to put same out on the Internet by Friday, August 14 for people to review.

HEARING ON Ordinance #C-85-98 [PLG-020-98] Adopting a New Ordinance, Chapter 16.06 ICC, Governing Land Division in Island County

Due to time constraints of this day's hearings and not having been able to open the hearing on Ordinance #C-85-98, the Board by unanimous motion continued the Public Hearing on Ordinance #C-85-98 [PLG-020-98] ICC 16.06, to August 10, 1998 at 1:30 p.m.

There being no further business to come before the Board at this time, meeting adjourned at 6:30 p.m. The next special session to be held on July 28, 1998, at 6:00 p.m., for joint public hearing on Phase B Plan Elements, Development Regulations and DSEIS. Next Regular meeting scheduled for August 3, 1998 at 9:30 a.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