

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - AUGUST 24, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 24, 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. Minutes from Regular Board Meetings held on July 13 and 20, 1998, along with minutes from Special Sessions held on July 14, 16, and 21, 1998 were approved and signed.

Roundtable with County Elected Officials

Elected Officials Attending: Bill Hawkins, Prosecutor; Maxine Sauter, Treasurer; Marilee Black, County Clerk; Suzanne Sinclair, Auditor; Tom Baenen, Assessor; Peter Strow, District Court Judge.

CHANGE TIME OF ROUNDTABLE Meeting

Meeting time re-addressed, to allow one or both Superior Court Judges to attend, as well as the District Court Judge. Consensus, beginning September 28th, was that the Roundtable meeting with Elected Officials 11:30 a.m. instead of 11:00 a.m.

Personnel Issues [15 Points, continued from 7/27/98]

(Dick Toft, Human Resources Director, called to attend this portion of the discussion)

Hiring Process

A.1 Procedural issue. If an employee quits and that position has been funded and budgeted, the Elected Official should be able to hire and not have to go through the hiring process steps. Why do Elected Officials have to come to the Board when that position is funded. It is not required legally for Elected Officials to have to come back and ask for permission from the Board to fund a position for the remainder of the year that has already been funded. The focus here is on an Elected Official filling a funded position, which by law is the responsibility of the independent Elected Official. The process could be streamlined and left to the elected official working with the Auditor/Budget Director. D.3 , a related issue: "*Need to fund termination benefits for terminating employees from a fund other than the salary for that employee's position. Department heads need to avoid the gap in employment that presently exists...*". Most departments are aware of retirement schedules for their office and could budget for it at the start of the year .

The Commissioners noted that part of the issue related to the tracking of personnel actions. Some years ago these were handled only on a monthly basis and the then Board required leave pay-out be consumed prior to refilling the position. This Board instituted a policy whereby one-half of that leave pay-out is picked up, and towards the end of the year depending on amount left, pick up the entire amount allowing re-hire immediately. The effective date of the hire, from a budgetary standpoint, is the reason Commissioner Shelton was aware of to continue this practice. The total buy-out annually is a large unfunded liability. What the Board looks at on Mondays are PAA's – signed off by the Auditor and Budget Director, clearly establishing, based on funds available, calculation of what the refill date is, using the 50% rule and in some cases where departments show they have the funds available, to hire immediately.

Ms. Sinclair suggested follow-up action by the Board as far as a policy decision on how leave pay-outs are to be funded. What happens when it is done department by department penalizes the department who has a hire proportion of people who have been there for a long time. If the Board decided to treat the employment force as a whole and make some kind of actuarial determination of what your average pay-out is each year that could be funded. If that were done, it would alleviate the need to run each PAA by to make sure that pay-out is funded.

Mr. Toft relayed his understanding of how the process came about, which was to provide the Board some control of

positions and the funds supporting those positions, so as new people were not hired in positions not approved. The PAA process provides the leave pay-out approval; within which is where the 50-50% determination comes in as well as the Budget Director working with grant funded positions, etc. About the end of this last year, he has taken the liberty on key elements on behalf of Elected Officials when there is not sufficient time to get before the Board, knowing it is a budgeted approved position, to start recruitment and advertising.

Ms. Sinclair did not object to continuing the PAA process as it provides a good trail. She thought that if there were something not right on a PAA, then perhaps it might be up to Human Resources to bring that up. Judge Strow believed it prudent the Commissioners keep that particular check because although department heads would be familiar with the status of their own budget, they would not be with the budget for the overall county.

A.1 - Board agreed:

For current budgeted positions when an employee leaves PAAs still need to be run through for a record; work with the Auditor to determine start date [each sign-off on the form have an opportunity to raise question] and at BOCC Monday meeting present what has been done to the Board in that respect in order that the Board have some knowledge about what is going on.

The Commissioners agreed there was a need to do an analysis of the funds set aside for the pay-outs to see what has been used. The analysis would provide an idea of what the total annual average cost for buy-outs is. An actuarial could be done based on three years' prior experience.

A.2 Perception of Elected Officials is that some Appointed Department Head positions do not have a job descriptions and those positions simply filled by the Board, for example the Budget Director. They ask for the same process used to hire the Human Resources Director continue, i.e. advertising, and some of the Elected Officials brought in to sit on a committee.

Mr. Toft sent a memo in February or March to applicable department heads to update all PAQ's and summary job descriptions for all appointed department heads and only one remains to be done. There's a distinction to be made between what is required for union positions and exempt positions.

Commissioner McDowell's belief was that an Elected Official's appointment of a chief deputy position is that Elected Official's prerogative, likewise true for the Board appointing department heads. He looks on budgeting under the Board's review and therefore under the Board's purview to fill the Budget Director position.

And Mr. Toft pointed out that it had been addressed in the language in the latest revision to the personnel policy to allow each Elected Official to pick their chief deputy. Once PAQs are turned in Mr. Toft sends them to the Board and a decision is made wither or not to send it to Bob Braun; almost without fail the Board chooses to add that distance and send them out to Braun.

Mr. Baenen thought that if the Elected Official sends in a PAQ sometimes it is not a competitive comparison by comparing to the 1990 grid. General consensus being expressed here by the Elected Officials he thought was that they would participate in the process for a broader review of the grid. Mr. Hawkins suggested the area of the grid that could be re-visited might be limited to clerical positions. If and until it is done, it is a fairness issue.

Commissioner Shelton pointed out that clearly different in Island County than any other county is that Island County's step increases take 30 years rather than 6 to 8 years. Mr. Toft indicated that had been looked at, but the fiscal impact is significant.

A.3 Number of growth of employees in Elected Officials' offices versus Appointed Department Head offices.

Ms. Sinclair explained here that one of the things to be recognized is that for the Elected Officials a lot of what they do is serve the public; the public has increased in numbers which in turn has increased the number of transactions, and translates into staff.

Roundtable concluded at 12:10 p.m. with agreement to pick up next meeting with item B–Wage Grid.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher** (Warrants) # 32535 - 32803\$ 377,640.80.

NORTHWEST WASHINGTON PRIVATE INDUSTRY COUNCIL

By unanimous motion, the Board reappointed the following to the Northwest Washington PIC:

Rhea Nelson, Oak Harbor – 3-yr. term to 7/27/01 representing Community

Based Organizations

Jim Woessner, Oak Harbor – 3-yr. term to 7/27/00 representing the Private

Sector

James Arnsberger, Oak Harbor – 3-yr. term to 7/27/01 representing Community

Based Organizations

Staff Session Schedule for September

The Board approved for distribution the Staff Session Schedule for September detailing the sessions to be held on September 9 and 23, beginning at 9:00 a.m. held in the Courthouse Annex Hearing Room, Coupeville.

Contract Amendment: DASA Substance Abuse

Treatment & Prevention

As was previously discussed at staff session with the Health Services Director, the Board by unanimous motion approved Health Contract, Contract Amendment #6420-2, DASA, for Substance Abuse Treatment and Prevention, increasing the contract by \$5,391.00 for welfare reform substance abuse treatment services.

HIRING REQUESTS & PERSONNEL ACTIONS

The following personnel action authorizations were approved by unanimous motion of the Board, after presentation and review by Dick Toft, Human Resources Director:

Planning Department

PAA 075/98 Plans Exam/Bldg. Ins. Replacement/Change Eff. 8/24/98

Public Works Department

PAA 077/98 Solid Waste Attd. Replacement Eff. 9/1/98

Health Department

PAA 073/98 Public Health Nurse Personnel Action Eff. 8/24/98

PAA 07/98 Public Health Nurse Personnel Action Eff. 9/1/98

RESOLUTION #C-109-98 [#R-43-98] SALE OF SURPLUS EQUIPMENT

By unanimous motion, the Board approved Resolution #C-109-98, Sale of Surplus Equipment as presented, with the exception based on request of Elizabeth McKay, Juvenile Court Services, to delete from the list of sale, Item #7, 1988 Chev Caprice 4-dr; sale set for September 26, 1998 at 11:00 a.m., Oak Harbor Road Shop, 3149 Schay' Road, Oak Harbor.

S T A T E O F W A S H I N G T O N

C O U N T Y O F I S L A N D

IN THE MATTER OF THE SALE) RESOLUTION NO.: C-109-98

OF SURPLUS COUNTY EQUIPMENT) R-43-98

WHEREAS, Island County has certain equipment which has lost its economic value/utility to the County; and

WHEREAS, pursuant to Island County Code Chapter 2.31, such items may be disposed of through public auction; and

WHEREAS, the items described on attached Exhibit A are now, and have been, the property of Island County, State of Washington; and

WHEREAS, said items have lost their economic value to the County, and it is in the best interest of Island County and the people thereof that said items be sold to the highest and best bidder at public auction;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the items listed on the attached Exhibit A shall be sold at public auction to be held at the Oak Harbor County Road Shop, 3149 Schay' Road, Oak Harbor, WA 98277, on the 26th day of September, 1998 at 11:00 a.m.;

BE IT FURTHER RESOLVED:

1) Public will be able to view vehicles shown on attached exhibit A at the Oak Harbor County Road Shop on Thursday and Friday, September 24 & 25, 1998, from 9:00 a.m. to 4:00 p.m.

2) All sales shall be for CASH and shall be considered final.

3) The items are sold "AS IS, WHERE IS", without guarantee of present or future condition or performance.

4) Equipment maintenance records will not be supplied with equipment.

5) A SALE OF EQUIPMENT AGREEMENT will be signed by the successful bidder for licensed equipment. After payment has been made and the Agreement form executed, the title will be signed over to the purchaser. Purchaser is responsible for paying sales tax/other costs of title transfer.

6) The Island County Treasurer shall conduct said auction on the fore-aid date, time and place. After the items have been sold, the sale will be recessed for one-half hour to determine if items sold have been paid for and all necessary paperwork completed. If any item remains unpaid, it will then be declared up for bid.

7) All items sold shall be removed from County property no later than 4:30 p.m. Monday, September 28, 1998.

ADOPTED this 24th day of August, 1998.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chair Mike Shelton, Member

Tom Shaughnessy, Member

Attest:

Margaret Rosenkranz

Clerk of the Board

HEARING HELD: Franchise #303, Michael & Anne Taft; for sewer collection line in county roads Lake Avenue and First Street in plats of Lighthouse Shores, Divisions 2 and 3

A Public Hearing was held at 2:20 p.m. as advertised, for the purpose of considering Franchise Application #303 by Michael & Anne Taft, for placement of sewer collection line in county roads Lake Avenue and First Street in the Plat of Lighthouse Shores, Divisions 2 and 3.

The Board received under letter dated August 19, 1998, the County Engineer's recommendation of approval of the franchise.

No one in the audience appeared to speak either for or against the proposed franchise when the Chair called for public comments on the application.

By unanimous motion, the Board approved Franchise #303 by Michael & Anne Taft.

RESOLUTION #C-110-98 [#R-44-98] APPROVING PLANS & SPECS AND AUTHORIZING CALL FOR BIDS FOR POSSESSION ROAD, EDGECLIFF ROAD AND FERRYDOCK

ROAD REPAIRS

The Public Works Director requested approval of plans and specifications and authorizing call for bids for Possession Road, Edgecliff Road and Ferrydock Road repairs, setting bid opening for September 17, 1998 at 10:30 a.m., Room 5, Courthouse Annex, Coupeville. He asked that the Board authorizing the Chairman to reschedule bid opening to a later date if FEMA approval had not been received in time to meet this schedule.

By unanimous motion, the Board adopted Resolution #C110-98 approving plans & specs and authorizing call for bids for Possession Road, Edgecliff Road and Ferrydock Road repairs, with bid opening set for September 17, 1998 at 10:30 a.m., Room 5, Courthouse Annex, Coupeville, and authorizing the Chairman [or in the Chair's absence, a majority of the Board] to reschedule the date as necessary, with the understanding that the Chairman [or majority of the Board in the Chair's absence] can sign appropriate addendum's as necessitated because of the FEMA relationship.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING PLANS &)

SPECIFICATIONS AND AUTHORIZING CALL) **RESOLUTION NO. C-110-98**

FOR BIDS FOR WHIDBEY ISLAND SLIDES) **R-44-98**

REPAIR: POSSESSION ROAD, CRP 98-09)

EDGECLIFF DRIVE, CRP 98-10; FERRYDOCK)

ROAD, CRP 98-11

WHEREAS, sufficient funds are available in the Island County Road Fund for Whidbey Island slides Repair; NOW THEREFORE,

BE IT HEREBY RESOLVED that the Plans and Specifications are approved and that the County Engineer is authorized and directed to call for bids for furnishing said construction. Bid Opening is to be the 17th day of September, 1998, at 10:30 a.m., Room 5, located in the Human Resources Building.

ADOPTED this 24th day of August, 1998.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

ATTEST: By: Ellen K. Meyer For:

Margaret Rosenkranz, Clerk of the Board

RESOLUTION #C-111-98 [#R-45-98] – Approve plans & specs & authorize call for bids for Woodland Beach Road repair

Rather than as originally requested by the Public Works Director, that the Board set a bid opening on September 17, 1998 at 11:30 a.m., Mr. Kwarsick asked that the Board instead authorize the Chairman to approve Plans and Specifications and authorize call for bids for Woodland Beach Road Report and to set the bid opening.

By unanimous motion the Board approved Resolution #C-111-98, R-45-98, in the matter of allowing the Chairman of the Board of Island County Commissioners [or in the absence of the Chairman, a majority of the Board] to approve Plans and Specifications and authorize call for bids for Woodland Beach Road Repair CRP 98-08, and to set the bid opening date, time and place. The Department will need to prepare a new Resolution #C-111-98 [R-45-98] for Board's signature reflecting this motion, and the title of the Resolution will also need to be changed.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING PLANS &)

SPECIFICATIONS AND AUTHORIZING CALL) RESOLUTION NO. **C-111-98**

FOR BIDS FOR **WOODLAND BEACH ROAD) R-45-98**

REPAIR, CRP 98-06)

WHEREAS, sufficient funds are available in the Island County Road Fund for Woodland Beach Road Repair; NOW THEREFORE,

BE IT HEREBY RESOLVED that the Chairman of the Board of Island County Commissioners (or in the absence of the Chairman, a majority of the Board) is allowed to approve Plans and Specifications and Authorize Call for Bids for Woodland Beach Road Repair, CRP 98-06, and to set the bid opening date, time and place.

ALSO, BE IT HEREBY RESOLVED, the Plans & Specifications are hereby approved and bid opening date is set for September 24, 1998 at 10:30 a.m., Room 5, Human Resources Building, 501 Center Street, Coupeville, WA.

ADOPTED this 24th day of August, 1998.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

ATTEST:

Margaret Rosenkranz,

Clerk of the Board

RESOLUTION #C-112-98 [#R-46-98] Approve loan agreement between Washington State DOE and Island County for Glendale

Creek Open Channel Project

As presented and recommended for approval by Larry Kwarsick, Public Works Director, the Board by unanimous motion approved Resolution #C-112-98 approving loan agreement between the Washington State DOE and Island County, to commence with the project design and construction the Glendale Creek Open Channel project, loan not to exceed \$645,000 for term of 5 years at zero interest.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING A)	RESOLUTION C-112-98
LOAN AGREEMENT BETWEEN)	R-46-98
WASHINGTON STATE DEPARTMENT)	
OF ECOLOGY AND ISLAND COUNTY)	
FOR THE GLENDALE CREEK OPEN)	
CHANNEL PROJECT)	
)	
)	
)	

WHEREAS, in response to the 1997 storm disaster there is a need to commence with the project design and construction on the Glendale Creek Open Channel project; and

WHEREAS, there is a need to provide financial resources for this project in the Island County Road Fund; and

WHEREAS, the Water Quality Program of the Washington State Department of Ecology has approved a loan to Island County from the Washington State Water Pollution Control Revolving Fund not to exceed \$645,000.00 for a term of five years at zero percent per annum interest, and requires said loan proceeds to be used to finance the project design and construction of the Glendale Creek Open Channel Project; and

WHEREAS, this loan does not create an indebtedness for Island County in excess of any constitutional or statutory limitation; **NOW THEREFORE**,

BE IT HEREBY RESOLVED that the loan agreement attached hereto as Exhibit A between Island County and the Washington State Department of Ecology is approved.

ADOPTED this **24th** day of **August** , **1998**.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

ATTEST:

Margaret Rosenkranz,

Clerk of the Board

RESOLUTION #C-113-98 [#R-47-98] – ApprovE plans & specs & AuthorIZING

call for bids-Camano Is. Family Resource Center

Gary Hess, Engineer, Public Works Department, discussed with the Board request for approval of plans and specifications and authorizing call for bids for the Camano Island Family Resource Center, with bid opening scheduled for September 22, 1998 at 1:30 p.m. in Meeting Room #5, Human Resources Building, Coupeville.

By unanimous motion, the Board adopted Resolution #C-113-98 in the matter of approving plans and specifications and authorizing call for bids for construction of Camano Island Family Resource Center, W.O. #203, adding moist stop and Tyvek commercial grade to specs.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING PLANS)

SPECIFICATIONS AND AUTHORIZING CALL) RESOLUTION NO. C-113-98

FOR BIDS FOR CONSTRUCTION OF CAMANO) R-47-98

ISLAND FAMILY RESOURCE CENTER)

WORK ORDER NO. 203)

WHEREAS, sufficient funds are available from a **Community Development Block Grant plus matching funds from the Island County REET I Fund** for the construction of the Camano Island Family Resource Center; **NOW THEREFORE**,

BE IT HEREBY RESOLVED that the Plans and Specifications are approved and the Public Works Director is authorized and directed to call for bids for furnishing said construction. Bid Opening is to be the 22nd day of September, 1998, at 1:30 p.m. in Meeting Room 5, Human Resources Building, 501 Center Street, Coupeville, Washington.

ADOPTED this 24th day of August, 1998.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

ATTEST:

Margaret Rosenkranz,

Clerk of the Board

ABUTTER'S AGREEMENT AND COVENANTS – JACK AND LYNNE D. LYNCH

Based on the recommendation of the Public Works Director, the Board by unanimous motion approved Abutter's Agreement and Covenants with Jack & Lynne D. Lynch, representing work within the County right-of-way adjoining Lot 20, Possession View Beach Div. #2, as discussed in workshop session last week, the agreement limited to \$7500 commitment on the part of the County; work inspected by the County as it occurs.

CONTRACT & BOND - Wilkes Gary Heights Drainage

By unanimous motion, as presented and recommended by Mr. Kwarsick, the Board approved the Contract and accepted Performance Bond from Pacific North Construction, Inc., Woodinville, for Wilkes Gary Heights Drainage project [aka Fowler Drainage] in the vicinity of Lots 22 and 23 Wilkes Gary Heights, Camano Island.

RESOLUTION #C-114-98 [#R-42-98] INITIATING CRP #98-14

As a follow-on item to contract and performance bond above, the Board by unanimous motion adopted Resolution #C-114-98 [R-42-98] initiating County Road Project 98-14, Work Order 239, Wilkes Gary Heights Drainage (vic. Lots 22/23 Fowler); Contract Construction, CE, PE; \$210,700.

KETTLES TRAIL BID AWARD

Mr. Kwarsick noted that August 31st is a fifth Monday when no Commissioners meeting is scheduled and the Labor Day holiday also falling on a Monday when no meeting will be held, therefore he asked that the Board authorize the Chairman to take action on the recommendation of Public Works to award the bid for Kettles Trail [bid opening

August 27, 1998] prior to the next regular Board meeting scheduled for September 14, 1998.

The Board, by unanimous motion, authorized the Chairman of the Board [or in the absence of the Chairman a majority of the Board] to award the bid for the Kettles Trail Project for bids to be opened on August 27, 1998.

RAP PROJECTS

As presented by Dick Synder, Construction Engineer, the Board approved submittal of five

RAP projects through the County Road Administration Board Rural Arterial Program, part of the Six Year Transportation Improvement program:

Monroe Landing Road - Section 2

Monroe Landing Road – Section 1B

Monroe Landing Road – Section 1A

Camano Hill Road – RD No. 54470

Frostad Road – Section 1 [Rd 65140].

AWARDS PRESENTATION – ISLAND COUNTY COMPREHENSIVE PLAN CHILDREN’S POSTER EVENT – GRADES 1 – 3

Chairman McDowell, along with Alysen Forbes, representing the Island County Planning Department, presented awards to children Grades 1 – 3 for award winning Drawings on Scenes Portraying Their Neighborhoods and Communities - Island County Comprehensive Plan Children’s Poster Event. The children’s selected artwork will be featured in the final Island County 20 Year Comprehensive Plan. Parents, grandparents and friends were present to observe the presentation of awards: Award winners were: Krissy McGill, Oak Harbor Elementary; Alexia Hemphill, Coupeville Elementary; Ashley Huff, Oak Harbor Elementary; Katie Hall, Coupeville Elementary; Rachel Taube, Broadview Elementary; Michael Pasewark; Hailey Johnson, South Whidbey Primary School ; Liana Cave, South Whidbey Primary School; Alicia Tobin, Stanwood Elementary; and Cory Tobin, Stanwood Elementary.

Those children who were unable to attend the award ceremony but receive their awards by mail were:

Hailey Johnson, South Whidbey Primary School; Liana Cave, South Whidbey Primary School

Alicia Tobin, Stanwood Elementary; Cory Tobin, Stanwood Elementary

Public Hearing: Ordinance #C-100-98 Amended

Interim Application Procedures

A Public Hearing was held at 2:45 p.m. as scheduled and advertised, continued from August 17, 1998. Publicinput was closed inasmuch as public input taken and completed previously and today’s hearing for the Board’s deliberation and action.

On July 27, 1998, a public hearing was scheduled for August 17th 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. As explained by Keith Dearborn, the changes proposed were 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. On August 17th Mr. Dearborn presented the Ordinance which had been reviewed by Elaine Spencer, Bogle Gates, who made a minor changes on

page 2, and outlined those, to conform to the Judge's latest ruling making it clear the County is not adopting a new interim ordinance, but continuing the effect of the interim ordinances already adopted and that those would cease to be effective when the County's GMA Comp Plan and Zoning Code are adopted. The Judge heard the matter first and ruled that it was so clear cut he saw no reason to wait for the Growth Board, rendered his decision. The Growth Board provided an opportunity for the parties to provide comment by Friday of last week, but to date had seen no response from the growth Board. Therefore the Board continued the hearing until this date and time.

Mr. Dearborn reported today that the County had not received the modified order of the Growth Board but it is expected sometime this week.

By unanimous motion, the Board continued the Public Hearing to September 14, 1998 at 10:45 a.m. to allow an opportunity to receive the Growth Board's modified order.

**HEARINGS HELD: ORDINANCE #C-91-98 [PLG-024-98] CHAPTER 11.03 ICC ESTABLISH-ING
ADDITIONAL DEVELOPMENT STANDARDS RELATING TO STORMWATER MANAGEMENT; AND
ORDINANCE #C-92-98 [PLG-025-98] CHAPTER 11.02 ICC**

**ADOPTING A NEW ORDINANCE CHAPTER 11.02 ICC AND AMENDMENTS TO
CHAPTER 11.01 ICC GOVERNING CLEARING AND GRADING IN ISLAND COUNTY**

A Public Hearing was held at 3:00 p.m. as scheduled and advertised, continued from August 10, 1998, to consider GMA topics, Stormwater Chapter 11.03 and Grading, Chapter 11.02.

Present: Peggy Berto; Brian Bird; John Graham, Suzanne Sinclair, Keith Dearborn; and Larry Kwarsick.

Mr. Dearborn explained that both of these Ordinances were scheduled on August 10th but the Board could not conduct the hearing in that the Planning Commission had not yet made a recommendation to the Board. The Board at that time requested the Planning Commission consider the two ordinances again and make a recommendation, forwarding to the Planning Commission, Board collective suggestions on the two ordinances. The Planning Commission considered the two ordinances last Tuesday and provided recommendations to the Board. These proposed ordinances were not included in the Phase A ordinance package, and are the only two development regulations that were not. The need for the ordinances came as a result of the review of RAIDs which Public Works Department conducted in late Spring. The Board directed the Public Works Director then to prepare enhanced ordinances on clearing and grading to protect rural character, and on stormwater.

**ORDINANCE #C-92-98 [PLG-025-98] CHAPTER 11.02 ADOPTING A NEW ORDINANCE CHAPTER 11.02
ICC AND AMENDMENTS TO CHAPTER 11.01 ICC GOVERNING CLEARING & GRADING IN ISLAND
COUNTY**

Document: Ordinance #C-92-98 and Chapter 11.02 Clearing and Grading Requirements - 8/18/98 Planning Commission Recommendation

Comment Letters: Letter dated 7/6/98 from Steve Erickson, WEAN

public input

Peggy Berto, Freeland, read a letter for the record regarding a situation that should be addressed while revisions are being considered for excavating and grading, that being provisions for disposal of excess dirt accumulated when grading is done on the shoulder of county roads and from installation of new septic systems, housing development or clearing from slide areas. From 1993 through 1996 County road crews and private contractors asked and were given permission to deposit excess dirt on her property on Fish Road in Freeland. When the County road crews stopped using the site in 1996, contractors continued using the site. A new Release and Indemnity Agreement was submitted, but denied by County staff, with a request for a SEPA and grading permit application. June 1998 she applied for the permit and was informed that the maximum fill allowed without a permit was 500 cu. yds. A SEPA sign was posted

along with a "No Trespassing" sign. Several private parties ignored the signs. Public Works conditions outlined as requirements for approval of the SEPA and grading permit are unreasonable and more like a list of options to choose as her punishment for some kind of criminal act. She thought she had been doing a good thing as a service to the community and the road crews and contracts expressed a lot of appreciation for her providing a local spit for their use.

Brian Byrd, Greenbank, asked for some clarification on Page 7 regarding Definition QQ, regarding the slope of 40% and steeper, believing it should be increased before implementing grading restrictions.

No other members of the public commented at this time, and public comment period closed on Ordinance #C-92-98.

STAFF COMMENT

Mr. Kwarsick noted currently it is 15%. On a 40% slope, Commissioner Shelton believed the possibilities for things happening in terms of clearing and grading are greatly increased.

Addressing comments of Peggy Berto, Mr. Kwarsick noted that she applied for a grading permit as noted. A meeting is scheduled for Wednesday to discuss conditions that could be applied to the grading permit, now under SEPA review process. The fill on her property has reached the 500 cu. yd. stage which is why Mr. Fry did not approve the hold harmless agreement. To date the only tentative conditions suggested are the installation of a silt fence if determined to be necessary and the necessity of defining access to the site. Overall there is a value for those individuals who need and/or want to provide an opportunity within the community to have fill disposal sites.

Commissioner Shelton agreed that getting rid of material can be a significant issue, a savings for a public works project. If the County is to utilize private property to dump public waste and if the SEPA threshold is triggered, the County needs to take care of that for the property owner; and it needs to be made clear to the property owner that after the County project is over and the property owner continues to use it as a dump site if at some point that triggers SEPA the property owner is responsible.

The Commissioners agreed that Mr. Kwarsick develop a policy to make sure when there is an agreement from a landowner for the County to dump materials, to make sure that when the County dumps any material that the property owner is aware of any permits required, and that there is a potential cumulative effect that at some point may trigger the SEPA threshold; and if the County makes up a significant portion of the 500 cu. yards that is dumped, that the County may want to participate in some way, pro-rated share or some amount, for whatever process the property owner has to go through.

With regard to the Ordinance and the exemptions as the Planning Commission recommended to the Board, Page 11, he believed original intent of the exemption section was to establish several different classes of exemptions, i.e. exemptions that would apply in unincorporated Island County and exemptions that would apply in RAIDs and/or Urban Growth Areas. Intent was to provide greater oversight of grading activities in RAIDs and/or UGAs, therefore set the threshold level lower than the 500 cu. yd. threshold level of review in other areas.

Paragraph B.1.A provision would exempt grading or filling at 200 cu. yds. or more which he thought somewhat contrary to some concerns expressed in terms of regulatory oversight in UGAs and RAIDs because 250 cu. yds. or more would be an open opportunity for filling and grading in those areas. Generally, grading is the precursor to some form of development and best to catch the concept at the very beginning phases and make sure it is consistent with cities or town goals and objectives for development, which is why he felt it should be lowered in a UGA.

Mr. Dearborn pointed out that the whole UGA will be zoned with the city or town zoning so that when an annexation occurs the property owner will know what that zoning is. Transition density bonus could be used in lieu of annexation, one of three options:

- 1) annex and utilize the uses permitted by the city or town
- 2) develop at a 5 acre lot or whatever the zoning is

3) cluster development at a higher density reserving 75% for future urban use.

Inasmuch as the provision is included on page 11: "grading which is regulated by this chapter but for which review has occurred and conditions specified in compliance with this chapter, as a requirement of the approval of the development activity" Mr. Kwarsick thought the conditions could be imposed at the building permit stage i.e. conditions can be imposed under this Ordinance but would not have to apply for a separate grading. And Mr. Dearborn noted the fact that conditions were being added to comply with 11.02 would not convert the permit to a higher category permit.

BOARD DECISION:

By unanimous motion, the Board tentatively approved Ordinance #C-92-98 [PLG-025-98] In the Matter of Adopting a New Ordinance, Chapter 11.02 ICC, And Amendments to Chapter 11.01 ICC Governing Clearing & Grading in Island County, with two changes on Page 11, in section B.1.a) change the word "more" to "less", and delete Urban Growth Areas; with the Board's final adoption to take place at continued public hearing on September 28, 1998 at 2:45 p.m.

ORDINANCE #C-91-98 [PLG-024-98] ADOPTING A NEW ORDINANCE CHAPTER 11.03 ICC ESTABLISHING ADDITIONAL DEVELOPMENT STANDARDS RELATING TO STORMWATER MANAGEMENT

Recommendation: Island County Planning Commission Recommendation dated 8/18/98

Staff Proposal: Memorandum dated August 22, 1998 from Larry Kwarsick regarding proposed staff amendments to Stormwater Management Ordinance

Comment Letter: Letter dated July 9, 1998, from Steve Erickson, WEAN

The Board reviewed and considered the recommendation of the Planning Commission dated 8/18/98, and Memorandum dated August 22, 1998 from Larry Kwarsick regarding proposed staff amendments to Stormwater Management Ordinance and comment letters received, along with public input.

Mr. Dearborn explained this to be the same issue and process as the clearing and grading ordinance, as well as the same reason for its consideration. The matter has been through the Planning Commission, SEPA review done. One comment letter, from WEAN, on the proposal was received during the SEPA comment period. The Planning Commission reviewed the Board's changes and without modification recommended back to the Board an ordinance incorporating all suggestions Board members individually sent the Planning Commission. One issue raised was whether assigned to the drainage manual can be a number of subject areas that were originally proposed for the ordinance without improperly delegating the Board's legislative authority. In Mr. Dearborn's opinion, adopting the drainage manual would not delegate the Board's legislative authority; as long as the Board preserves the ability to adopt the drainage manual by this ordinance. He advised that a quick review done by Alison Moss of other counties resulted in a great variety and noted there did not seem to be an accepted pattern for how that is done. Counsel believes the DOE model ordinance puts a great deal of the standards in the drainage manual and the Board is free to decide what it wants in the ordinance and the manual. Private applicants have historically tended to like everything in one place, either in the Ordinance or the Manual.

PUBLIC INPUT

Brian Bird, Greenbank, asked for clarification in 11.03.090, page 31 Q – definition of a small parcel, wondering exactly what that meant – ¼ of an acre, 5 acres? He was concerned about the person wanting to build in the middle of a 5 acre parcel, a 2500 sq. ft. home and wanted the driveway paved, which could get beyond the stated figure of 5,000 sq. ft. of impervious surface. He suggested this seemed to be excessive regulation. Impervious surface could be significant on a lot but insignificant on an acreage parcels. He did not think a stable or an accessory building should fall under this provision, and can see some confusion in how it is described.

Page 31, Q- the definition of Development Activity, Small Parcel Residential is: "Small parcel residential development activity" means a development activity for a single family dwelling which requires a single family residential permit or grading permit, and that creates less than 5,000 sq. ft. of impervious surface". Larry Kwarsick reviewed the three different forms of development under this ordinance:

- small parcel residential – a development activity associated with a single family dwelling unit construction, for which there is no impervious surface specification
- development not associated with the building of a home – impervious surface specified
- major development.

In this case, the term "small" does not refer to size, it is the character and nature of the activity itself. And Mr. Dearborn added that size of the home in relationship to the lot is not the question, it is the generation of stormwater from the impervious surface that is the concern.

Mr. Kwarsick's recommendation contained an exemption not included in the Planning Commission version – to exempt under certain conditions the requirements of the ordinance if it is a parcel 2-1/2 acres or greater in size. The Board had previously agreed in concept with that recommendation.

John Graham, Citizens Growth Management Coalition, stated that the Coalition remained generally comfortable with the ordinance and urged the Board's adoption, viewing the proposed ordinance to be long overdue and a matter of good government, and research on the Internet indicates it is a key element of legal liability in other counties in the State. When the issue about a drainage manual came up before the Planning Commission he thought then, as he does now, Mr. Dearborn's arguments that it is not necessary to have this ordinance and the drainage manual go together made sense. He also thought the suggestion that the ordinance be bound into the manual completely meets that concern.

BOARD REVIEW

Mr. Kwarsick reviewed with the Board his recommendation for a number of additions and deletions to the ordinance, under cover memo dated August 22, 1998.

Item #1 – areas listed recommended to be eliminated from the proposal [to appear in the manual instead]

.130C/.140C - detailed requirements of a preliminary or final drainage plan; this is to be specified in the manual, along with deletion of:

Revisions to drainage plans – 11.03.150;

Drainage inspection process – 11.03.160;

Submittal of record drawings – 11.03.170;

Process for construction acceptance – 11.03.190 – OK to delete as proposed;

Drainage review fees – 11.03.200;

Detention in Wetlands – 11.03.250;

Release of applicant from maintenance responsibility – 11.03.290;

Easements and dedications granted to the county – 11.03.300;

Easements granted to the public – 11.03.310; and

The definition of Ordinary High Water Mark which is used in the ordinance

Without going through all the definitions, he suggested four the Board should seriously consider

Drainage Narrative. "Drainage Narrative" means a written report detailing the proposed BMPs/ improvements which detail how the performance objectives of this ordinance shall be achieved, or when necessary the proposed conventional rate and water quality control measures necessary to mitigate the surface water impacts of the proposal. In the case of a major development activity, the narrative shall be prepared by a civil engineer.

New impervious surface. "New impervious surface" means the addition of compacted surface, whether paved, graveled, dirt, or other hard surface, as well as the paving of pre-existing dirt, gravel, or other similar compacted surfaces.

Illicit Discharge. "Illicit discharge" means all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or ground water quality standards, including but not limited to, sanitary sewer connections, industrial process water, interior floor drains, and gray water systems.

Water Quality Sensitive Area. "Water quality sensitive area" means areas that are sensitive to a change in water quality. Subject to local priorities, a documented water quality sensitive areas includes, but is not limited to, water bodies

1. Listed in reports required under Section 303(d) of the Clean Water Act or adopted local non-point action plans under Chapter 400-12 WAC; or
2. Listed by the Washington State Department of Fish and Wildlife as habitat for priority salmon species.

Mr. Kwarsick proposed the drainage narrative as an alternate to the preliminary drainage plan in association with the concept of low impact development; however, the drainage narrative concept goes beyond that and would allow a land owner to not have to hire an engineer to develop the preliminary drainage plan. It is not only the low impact concept but also is the conventional concept. The concept of a drainage narrative is only something required if the area is in a critical drainage area. The Planning Commission recommendation suggests that the County Engineer or Public Works Director make a site inspection and determine whether or not a preliminary drainage plan is required. For his purpose, a critical area takes an action on the part of the Board to designate a geographic area as a critical area.

Mr. Dearborn explained that the critical drainage area provision is being eliminated by the amendments to 11.01 so something has to be done to retain that concept.

Mr. Kwarsick proposed for small residential development a drainage narrative would not be required unless the proposal was in a designated critical drainage area and then under B, the applicant could either submit a drainage narrative or accept conditions fulfilling the low impact development standard rate control. If outside a critical drainage area and over 2-1/2 acres in sizes, they are exempt altogether. He agreed that 3.A should be re-written to include "... within critical drainage areas, and for properties that are under 2-1/2 acres in size"

Mr. Kwarsick asked that the Board consider the drainage narrative and also to consider low impact development concept, and discussed some of his more key recommendations.

1. Drainage Review for Other Small Development Activities. With drainage review for other small activities Mr. Kwarsick's opinion was that the county was losing some flexibility by virtue of what is being proposed [without drainage narrative]and there should be something else proportionate to some of the smaller developments .
2. Exemptions for Small Parcel Residential and Other Small Parcel Development Activities. Need to exempt development at some lot size threshold as long as development is not adjacent to a critical area or on a steep or unstable slope. Looking at "A" he described the kind of places in the county where lots are 2-1/2 acres or larger not associated with critical areas where potentially would have cumulative impacts. He noted the intention is that it is a critical drainage area and probably should be so stated, i.e. could say sites within or adjacent to a critical

area and agreed there is no need to state steep and unstable slopes in that those are critical areas.

3. Drainage Review for Major Development Activities. Mr. Kwarsick is recommending the Board consider having at least as an alternative the low impact concept but also to provide some waivers to both the preparation and construction of some of the engineered drainage systems, and suggested that ability be maintained. Mr. Kwarsick further recommends doing away with the preliminary drainage plan and replace it with a narrative if the low impact concepts were being proposed.

With regard to Paragraph A at the bottom of page 5 , Mr. Dearborn commented that the major development activity is anything over 5,000 sq. ft. that requires a public hearing – a Type III decision, and he suggested this section state that.

4. Drainage Review Process. As noted, the Planning Commission's recommendation does not provide for the submittal of a drainage narrative and therefore is much more burdensome and lacks proportionality. Mr. Kwarsick referred to his other comments on subparagraph E of the Planning Commission's recommendation which incorrectly changed the reference from final to preliminary. He suggested that the low impact development concept not be the priority, but have it as an alternative concept someone could chose to do - the language can be re-worded such that the conventional engineering methods used today are the priorities.

Rather than continue with his memo of August 22, 1998, in the interest of time, Mr. Kwarsick stated his recommendation was that the Board consider those modifications to the Planning Commission's recommendation and include at least as an alternative the low impact concept, including the drainage narrative concept.

Chairman McDowell referred to page 6, section .080 of the Ordinance, Planning Commission Recommendation, and supported the concern of Mr. Bird.

Mr. Dearborn replied that Mr. Kwarsick's suggestion of a drainage narrative is in lieu of a preliminary drainage plan and is a valuable addition. One of the things yet to be done is that all of the RAIDs that have specific drainage problems to be fixed based upon the list of projects in the Stormwater Management Plan have to be gone through RAID by RAID and determine what can be done and how it should be done before the Plan is finalized - and call out as conditions of the RAID designation whatever actions may be necessary to address stormwater issues in those RAIDS given the record at this time identifying them as problem areas.

Mr. Kwarsick recalled providing an e-mail message on August 20 that dealt with those concerns in response to Mr. Dearborn's request he look at a specific Hearings Board decision. His review tended to indicate that Island County's circumstance is not at all like the Clark County because Island County does not have areas like Clark County which were identified by the State as water quality sensitive areas. Island County does not yet have those areas identified and is looking proactively at stormwater standards to attempt to ensure there are no designated water quality sensitive areas. On Page 12 Mr. Kwarsick recommended inserting illicit connections and uses which is not now in the ordinance. In his opinion to get support of Water Quality Action Team, DOE and Fish & Wildlife, there needs to be some sort of action to prevent those kinds of illicit connections and discharges. Currently, there are no water quality sensitive area designations in or around Island County that relate to contaminates from stormwater.

Mr. Dearborn suggested staff do a double check on whether or not the County has enforcement on that and rather than set up a new enforcement process refer to the health code that such a discharge is a violation _____ and will be enforced [if there if that enforcement there]. He agreed with Mr. Kwarsick that noting it in the ordinance is important.

On page 3 of Mr. Kwarsick's recommendation, the definition for Water Quality Sensitive Area, Mr. Dearborn thought had been effectively picked up through the Fish and Wildlife Habitat Critical Area Regulations, and questioned if #2 was needed. Mr. Kwarsick agreed that #2 could be eliminated under Water quality Sensitive Area and fold #1 into the definition. From his discussion with DOE this definition was one DOE would look for in the ordinance.

Referring to the 5,000 sq. ft. not including driveway, Mr. Kwarsick believed his proposed exemption effectively provided for that [page 5 -] for small development and major development, an exemption to provide, for less than 5,000 sq. ft. of impervious surface, excluding driveway.

The Board agreed:

- for small development and major development, an exemption to provide, for less than 5,000 sq. ft. of impervious surface, excluding driveway.
- drainage narrative is a viable alternative to a preliminary drainage plan
- include low impact as an alternative
- drainage narratives not be required for single family housing – small residential development unless in a critical area
- Ordinance, Page 6, replace A with language Mr. Kwarsick proposed [page 3 Kwarsick Memo]
- Mr. Kwarsick's proposal to delete specific sections [page 1 his memo] approved except for Table of Contents, language related to easements and dedications .300 and .310 not be deleted, and specify what it is that will be in the drainage manual so there is clear identification [description]
- Correct the label to Section .030 to read: Island county Drainage Manual
- Definition – New Impervious Surface – more appropriate for drainage manual than ordinance
- Definition Section – and Illicit Discharge definition – For all the definitions, suggested Anna Tamura in Public Works do a global of the ordinance and double check and make sure the words that are used and then do a definition for those words that are used. Double check whether or not the County has enforcement on that and rather than set up a new enforcement process refer to the health code that such a discharge is a violation _____ and will be enforced.
- Include definition as Mr. Kwarsick recommended for Water Quality Sensitive Area, with the deletion of #2 and #1 folded into the definition.
- compilation checks and consistency checks between Mr. Dearborn and Mr. Kwarsick need to be done

BOARD ACTION:

By unanimous motion the Board continued deliberations on proposed Ordinance #C-91-98 as amended, until September 14, 1998 at 4:00 p.m.

HEARING HELD: ORDINANCE #C-87-98 [PLG-022-98] PLANNED

RESIDENTIAL DEVELOPMENT, CHAPTER 16.17 ICC

A Public Hearing, scheduled for 5:00 p.m., was conducted beginning at 5:30 p.m. due to the length of the previous hearing, continued from August 17, 1998, Ordinance #C-87-98 PLG-022-98, Planned Residential Development, Chapter 16.17 ICC. Public comment had already been taken and concluded at that prior hearing.

Documents:

- 8/24/98 Final Board Review Draft
- proposed amendment page 11
- 8/24/98 Coalition suggestions and Mr. Dearborn's mark up of that

Last week the Board had a long discussion and after that discussion asked Mr. Dearborn to take the comments provided by staff and the Coalition and blend them together in a revised proposal which has now been done. As far as

getting that out to all interested parties was unable to do so before last night when it was e-mailed to the interested parties.

Mr. Dearborn went through the 8/24/98 proposed draft to review with the Board the differences from the proposal last week and discuss further refinements of the language suggested by John Graham, Citizens Growth Management Coalition, and Staff comments.

Page 4 Definitions. Staff suggested six definitions be added to the ordinance, three are already defined in the Zoning Code and have not been included here, open space and conservation easement and community area. Three definitions are proposed to be added, Buffer, Clusters, and Screening – not exactly as staff proposed but the general concept is.

"Buffer" means a separation designed to absorb potential conflicts between differing land uses, or to protect critical areas or significant natural features. Generally, buffers shall be left in a natural state, or, if necessary, may be supplemented by landscaping and are used so that Structures, Uses and roads permitted by the PRD are not visible from Adjacent Properties or public or private roads external to the PRD.

"Clusters" or "Cluster design" means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for Open Space including Community Area.

"Screening" means a method of visually or acoustically shielding or obscuring one form of land use from another by fencing, walls, berms, landscaping, or any combination thereof.

Commissioner Shaughnessy question inclusion of the words under definition for buffer "not visible" - how can that be achieved, thinking the idea was more for screening; he suggested taking out the words "and visible" and inserting the word "screened". Chairman McDowell agreed.

Mr. Dearborn recalled the prior language had included: "when site conditions permit". He did note that these definitions may be more appropriate in the Zoning Code. Staff wants as much direction as possible – the general rule is that buffers shall be left in their natural state. Berms would be part of the landscaping and not something totally treated as impermissible. The focus is on screening.

The Board agreed on the following language change for the definition of Buffer: "...Uses and roads permitted by the PRD, where site conditions permit, are screened from adjacent properties or public or private roads external to the PRD".

Page 8. Item F. "A conceptual plan showing location and design of roadway and Community Area lighting and PRD signage.

Staff wanted to include in landscaping plan a plan for lighting for the whole PRD. This has been rewritten so it is a separate conceptual plan, showing location and design of the roadway and community area lighting, and the PRD signage.

Page 10. Deleted #1 and #2 on open space and site layout suggested by Mr. Dearborn and Rich Unterman and taken instead the suggestions of the Coalition and Staff and converted them into changes on 11 and 12.

Pages 11 and 12: This picks up the priority concern staff had [1b]. 1a) is essentially the re-write from The Coalition. The first is a general statement about the protection of natural features; 1b deals with the priorities for open space.

1. Preservation of natural features.

a) Proposed Structures, Uses and Roads shall be located to minimize disturbance to natural features by, for example, minimizing tree and soil removal.

b) Open Space, in the amount required by Chapter 17.03 ICC, shall protect natural features in the following order of importance or priority:

(i) first, include critical areas designated and regulated by Chapter 17.02 ICC;

(ii) second, include areas that are in active Agricultural/Farm or Forest Use;

(iii) third, include areas classified with prime agricultural soils by the Soil Conservation Service;

(iv) fourth, includes areas of historical or archaeological value that are not otherwise protected by applicable Federal, State, or County regulation; and

(v) fifth, include natural features, identified by the Applicant, that are important to the overall design of the PRD.

c) When site conditions permit, open space shall be one contiguous area.

2. Relationship of proposed Structures, Uses and Roads to site and surrounding area.

- a) Dwelling units shall be grouped in Clusters with each Dwelling Unit having visual and/or physical access to open space.
- b) No more than six (6) Dwelling Units shall be included in a Cluster.
- c) A Cluster shall be separated from other Clusters by at least one hundred fifty (150) feet of Open Space.
- d) Structures, uses and roads shall be located so they are buffered or screened from Public Roads and Adjacent Properties.
- e) Placement of Structures, Uses or Roads on undisturbed, forested ridgelines should be avoided.
- f) Lighting fixtures shall be shielded, hooded and oriented towards the ground so that direct rays of light from the lighting sources are not visible past the property boundaries. The maximum number of lighting fixtures should be adequate to light the use for safety, security, operations and visibility, appropriate to the type of Use.

3. Traffic and Circulation.

- a) Vehicular access shall be designed and located to minimize interference with traffic flow on adjacent Roads.
- b) Access points on the site shall not interfere with access to Adjacent properties.
- c) Interior Roads shall be designed to minimize conflicts between pedestrian and vehicular circulation.
- d) Interior Roads and parking areas shall be designed so there are not conflicts between the maneuvering areas for the parking spaces and the major circulation through the sites.
- e) Driveways, Roads and parking areas shall be designed so exiting vehicles are not required to pack out into a public or private road that is external to the PRD.

4. Utility Service. When feasible, electrical, telephone and cable utility lines shall be installed underground.

5. Recreational facilities.

- a. Clubhouses, beaches, swimming pools, exercise pathways, tennis courts and other special recreation features are encouraged.

a. When site conditions permit, recreational structures shall not be located adjacent to

public or private Roads that are external to the PRD.

Mr. Dearborn clarified for Chairman McDowell that if someone said the only way to minimize the disturbance is to put it in the area effectively the least [cut and fill] would defeat the whole idea of trying to encourage people to use PRDs. One way to deal with the issue would be to change "shall" to "should". He referred to Page 12, Paragraph B is existing language used since 1984 with the hope people were not going to take these literally in all cases blindly follow the words when common sense or logic would say not. Page 9 of the ordinance, #1 states that natural features and landscape shall be preserved in their natural state insofar as practical by minimizing tree and soil removal.

John Graham labeled this as the last "shred" of the recommendations from the Coalition. Take that out of 1a creates Harbor Points here and there must be some restrictions on a PRD in Island County.

Commissioners Shelton and Shaughnessy were comfortable with the word "shall" remaining, not knowing of any case where that section had been interpreted as stated in Commissioner McDowell's concern. The language broad enough. The Chair agreed with the way Mr. Graham explained – the language not for the purpose of preventing access or use of the entire property and to make reasonable use of the terrain to minimize cuts and fills is good practice and idea.

Mr. Dearborn suggested working on the language in 1b to make sure, and Chairman McDowell suggested adding "creativity, innovation or full use of the site . That coupled with the record, Mr. Dearborn thought should provide guidance. And with that, Chair agreed to the word "shall" remaining in 1a.

Commissioner Shelton noted that in 1b, includes areas of historical or archaeological value – what is protected that is not already protected? Mr. Dearborn suggested this be deleted ; it came from old language and may well not be appropriate now. This was not a change suggested by the Coalition, and Mr. Graham had no objection.

Commissioner McDowell would rather give the option to the landowner first, other than critical areas, where that open space is placed.

Mr. Dearborn envisioned as an example having as open space common pasture for horses common barn or stable for those horses, all fenced off. That is open space in the same way that trees would be open space. It is the buffers that are undisturbed. 1.b)(ii) probably is not correct as written because it would require the inclusion of areas that are in active

Ag, Farm or forest use – recommended (ii) and (iii) need to be struck to fit. A change has been suggested by The Coalition in b), to add the phrase "be clearly defined and", and Mr. Dearborn agreed it did make it clearer.

The Board agreed to the following re-write of 1b):

a. Open Space, in the amount required by Chapter 17.03 ICC, shall be clearly defined and protect natural features in the following order of importance or priority

(i) first, include critical areas designated and regulated by Chapter 17.02 ICC;

i. include natural features, identified by the applicant, that are important to the overall design of the PRD.

The Coalition recommended a change to 1c "When site conditions permit, Open Space shall be one or at most several contiguous areas and shall not include private yards" and the suggestion here has been re-written by Mr. Dearborn to state: "When protection of natural features permit,"; The thought behind 1.c is so as not to see lots of little stamp open spaces in a PRD. Mr. Dearborn would have concern about deleting that qualification.

The final wording the Board agreed to at this time for 1c was:

"When site conditions permit, the aggregation of Open space is encouraged into one area and shall not include private yards".

#2.c Generally with No., 2 Mr. Dearborn noted that both staff and the Coalition agreed with, with the exception of finding a compromise for the spacing issue in 2c. The number 200' was the original suggestion; staff did not think more than 100' was needed and then agreed 200' and allow for a reduction on that on a site by site basis. The Coalition wanted 700', reduced that to 500' and now has come down to 200'. The EDC recommends 150'. There is no science on this subject at all, and would only come into play if in a PRD over 20 acres. The Staff suggestion has been refined by Mr. Dearborn in today's handout for Amending page 11:

"A cluster shall be separated from other Clusters by at least two hundred (200) feet of Open space, except this requirement may be reduced if required to protect natural features or if the proposed separation provides a sight obscuring buffer.". This would allow the reduction to something smaller than 150'. Mr. Graham looked at it and provided a note to Mr. Dearborn to that the language would be fine but to make it clear state: "may be reduced but not to less than 100' ".

The Board agreed with the language as proposed by Mr. Dearborn today: "A cluster shall be separated from other Clusters by at least two hundred (200) feet of Open space, except this requirement may be reduced if required to protect natural features or if the proposed separation provides a sight obscuring buffer.".

Page 12, Section 5B, the Coalition suggests re-wording: When site conditions permit, recreational structures shall not be located adjacent to public or private roads that are external to the PRD. They shall be screened from such roads."

Page 12

d). Language agreed to, with the addition of "When natural vegetation exists on the site...".

e. Language agreed to striking "avoided" and adding: sited to minimize tree and soil removal.

f. Language okay as suggested

1. a – e, agreed to the language as written, with correction of the word "pack" to "back".

2. Language okay as suggested
3. 5. a – approved as written: "When site conditions permit, recreational structures shall not be located adjacent to public or private Roads that are external to the PRD."

Page 15. Changes not significant and involve re-organization. The Coalition wanted to say first open space and then talk about community area as a component of open space, which Mr. Dearborn thought a fair correction. Other changes are grammatical and capitalization changes. Words capitalized are defined terms in Title 16 or 17. Board agreed.

Page 16. D – moved but retained the 50% provision so that there is some limitation on the amount of the open space that can be used as community area, but still making it clear that community area can be used. For E, Mr. Dearborn re-looked at that today and believed the new #1 correctly should stay with the word "location" added in the list of things that are factored in; the new #2 no longer needed. Board agreed.

16.17.110 – adds back in existing language: Refusal of the Board of County Commissioners to accept a dedication shall not be grounds for disapproval of the planned residential development or Subdivision submitted for final approval and recording by the planning director. Board agreed.

Page 18. One other change that Mr. Dearborn noted for today's consideration was to section 16.17.130. One of the things staff wanted was much more precision about when an amendment has to go back through the review process. Existing code states it either is a major alteration or the changes generate environmental impacts not assessed in the original PRD/. To clarify this, Mr. Dearborn suggests striking the word "major" . Further clarifying language was discussed at this time, with consensus to re-write the language starting at (a) "alterations in Building layout or circulation are proposed that generate environmental impacts not considered in the previous PRD approval".

BOARD ACTION:

By unanimous motion, the Board approved tentatively Ordinance #C-87-98 PLG-022-98, Planned Residential Development, Chapter 16.17 ICC as amended today, and continued the public hearing to September 28, 1998 at 2:45 P.M. for final adoption.

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

adjourned the meeting at 7:30 p.m., to meet next as follows:

9/7/98 is a Holiday and there is no meeting of the Board [County Offices Closed]

9/8/98 @ 9:00 a.m.: Special Session, Board of Island County Commissioners – GMA Workshop-
Comprehensive Plan and Development Regulations 9/14/98 @ 9:30 a.m. - Regular Board Meeting:

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Attest: Mike Shelton, Member

Margaret Rosenkranz,

Clerk of the Board