

SPECIAL SESSION

The Board of Island County Commissioners met in Special Session, Monday, October 25, 1999, beginning at 10:00 a.m., prior to the Regular Board meeting of the Board which begins at 11:30 a.m. with the Elected Officials Roundtable. The purpose of the Special Session was to meet in Executive Session with special legal counsel to discuss pending and/or potential litigation, as allowed under R.C.W. 42.30.110 (1) (i).

Commissioners Shelton, McDowell and Thorn were present. The Executive Session was held in the Hearing Room, Courthouse Annex, Coupeville, and lasted until approximately 1-1/2 hours. No announcement was made at the conclusion of the session.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: _____

Margaret Rosenkranz, Clerk of the Board

REGULAR SESSION

The Regular Meeting of the Board of Island County Commissioners was held on September 27, 1999, beginning at 11:30 a.m. for the monthly Roundtable with Elected Officials, following with other meeting items as listed on the Agenda at 1:30 p.m. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman; Wm. L. McDowell, Member; and William F. Thorn present.

Roundtable Meeting with Island County Elected Officials

Elected Officials: Tom Baenen; Mike Hawley, Maxine Sauter; Suzanne Sinclair;

Others: Margaret Rosenkranz

Topic: I-695 and Budget Impacts Thereof

As far as what approach Island County should take towards I-695 should it pass, the Chairman indicated that general consensus among the Board was that before going further with the budget, to wait until results of ballot issue one week from tomorrow, but that dialogue continue as far as alternatives and options.

MINUTES APPROVED

By unanimous motion, the Board approved and signed Minutes from the meetings of September 27, September 30, and October 4, 1999.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.) # 60915-61166**\$377,510.09.

Veterans Assistance Fund: *[emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]*. The Board, by unanimous motion, accepted the recommendation of the Veterans Assistance Review Committee and denied Veteran's Claim #V99-12.

Claim for Damages, R-99-030CD, Garland E. Applegarth

Betty Kemp, Director, GSA/Risk Management, presented Claim for Damages by Garland E. Applegarth, filed with Risk Management on /13/99 in the amount of \$3,582.28 alleging damages to property from Island County Road Department mowing and trimming operation.

Investigation and recommendation was submitted by the County Engineer on 9/17/99, and Risk Management requested a survey of the property. On 10/7/99 the County Engineer advised that a survey of the property in question showed that the County had been on private property and recommended that Risk Management complete a damage assessment. That has been done, and Ms. Kemp recommended the claim be approved in the amount of \$3,582.28.

The Board, on unanimous motion, accepted the recommendation of Risk Management and approved Claim for Damages R-99-030CD in the amount of \$3,582.28.

PUBLIC HEARING SCHEDULED: RESOLUTION #C-136-99 In the Matter of Applying for a Community Development Block Grant for a Community Mental Health Center

Chairman Shelton referenced in the agenda packet of materials, a letter from Community Mental Health Services requesting that the County initiate a public hearing in the matter of Applying for a Community Development Block Grant for a Community Mental Health Center. Many people are aware of the issues surrounding Community Mental Health and the County-owned facility they currently operated out of which is not very adequate.

Kris Laaninen, Executive Director, Community Mental Health, confirmed that CMH had been

pursuing for about three years a new site for Island Mental Health. The building currently occupied pulls CMH out of compliance with current contract with North Sound Regional Support Network (NSRSN) because of major problems with accessibility for all people and particularly for individuals requiring handicapped parking spot. Additionally, the building is quite substandard in terms of what is needed to deliver proper professional services. Building problems include: poor lighting; not accessible upstairs to individuals who might not be able to climb a precarious outside staircase. They looked at lower cost renovations to the building in hope of addressing access and quality professional environment issues, but told by a structural engineer that the building could not sustain the kind of remodeling proposed, and not a structure to invest in because it does not have long term life. A suitable piece of property has been located near Service Alternatives in Coupeville, and CMH already pursued and were granted a conditional use permit from the Town of Coupeville. Community Mental Health would appreciate the opportunity to put forth a proposal for block grant funds.

Chairman Shelton was aware that in Island County this year there is not a CDBG application that would be competing with the mental health grant. In moving forward, the first step would be to schedule a public hearing on the matter of applying for CDBG grant.

Commissioner McDowell expressed his belief that government is best done for those who can help themselves the least, and the request before the Board certainly warrants support.

Commissioner Thorn also expressed his support.

By unanimous motion the Board approved Resolution #C-136-99 to set a public hearing in the matter of applying for a Community Development Block grant for a Community Mental Health Center, on November 8, 1999 at 10:15 a.m.

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

IN THE MATTER OF APPLYING FOR A)
COMMUNITY DEVELOPMENT BLOCK)
GRANT FOR A COMMUNITY MENTAL) RESOLUTION C-136-99
HEALTH CENTER)

WHEREAS, Island County is considering applying to the state Department of Community, Trade and Economic Development for funding assistance under the Community Development Block Grant (CDBG) General Purpose Grants Program; and

WHEREAS, CDBG General Purpose Grant funds are made available annually through a competitive application process to assist cities, towns, and counties in carrying out significant community and economic development projects that principally benefit low- and moderate-income persons, including but not limited to Community Facilities, such as community centers, health care facilities, and ECEAP/Headstart facilities, and

WHEREAS, the adopted Island County Growth Management Act Comprehensive Plan established policies which include the (a) promotion of the development of a comprehensive social and health service delivery program focusing on the identification of valid social and health needs and implementation of action programs or public services, (b) coordination and planning for the provision of public services, and their related facilities, in the most cost effective manner incorporating both the public and private sector, (c). identification of possible gaps and duplications in the delivery of all social and health service programs services, and (d) participation in the planning and decision-making processes of regional health planning agencies to assure efficient delivery of health care services.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Island County Commissioners that a Public Hearing be scheduled to:

1. Review information about the range of activities that may receive CDBG funding, including community facilities, economic development projects, housing, and public facilities all of which must principally benefit low-to-moderate income citizens and how to propose projects;
2. Respond to proposals for, and questions about, community development and housing needs in the county; and
3. Inform citizens about identified projects that are county priorities and applications being considered.

Reviewed this 25th day of October, 1999, and set for public hearing at 10:15 a.m. on the 8th day of November, 1999.

Board of County Commissioners

Island County, Washington

Mike Shelton, Chairman

Attest:
Margaret Rosenkranz
Clerk of the Board

Wm. L. "Mac" McDowell, Member

William F. Thorn, Member

2% Hotel/Motel Contract 1999 Award, Freeland Chamber

Chairman Shelton brought forward the request for contract approval of the 2% Hotel/Motel 1999 funds for the Freeland Chamber in the amount of \$5,000. A letter dated September 15, 1999, but received by the Commissioners Office October 18, 1999, from the Freeland Chamber, signed by Joan Watson, Treasurer, read as follows:

"The Freeland Chamber respectfully requests that the funds granted for the preparation and distribution of a brochure in the amount of \$4000 and \$1000 granted for the Freeland Visitor Information Center be forwarded to the Chamber. The Chamber understands that if the funds for a brochure is not used for that purpose in a timely manner that the funds will be returned to Island County."

Robert Whitlow, Fort Casey Road, Coupeville, member of the County's Motel/Hotel 2% Tax Advisory Committee, attended today's meeting because his understanding was that the Freeland Chamber was interested in using the funds for a purpose other than what the 2% Committee designated.

Chairman Shelton was unaware of any official request from the Freeland Chamber to the Board of County Commissioners to use the money for any other purpose. The letter dated September 15 from the Freeland Chamber clearly indicates they will use the money for the purpose as approved.

Mr. Whitlow pointed out that at the last advisory committee meeting, an item was discussed

at the request of the Freeland Chamber, which was to use the funds in a different manner than approved. He read his comments into the record as follows:

I wish to support the action that the 2% Hotel/Motel Tax Advisory Committee took in our last meeting, that is, that monies be spent for the purpose they were given or returned to the fund. We discussed at length this appropriation and unanimously agreed that if the funds were not spent on the brochures as requested that the money would return the 2% fund for redistribution. In the 1998 request for funds the application stated "The promotional brochure will benefit the greater Freeland area commerce and community by giving a tangible informational piece...". The Advisory Board felt strongly that Freeland must have a brochure to not only support their area but to add to the brochures of all the other areas to give total coverage at the secondary level; the "Whidbey & Camano Islands For All Seasons" brochure would be the first level. All other areas have brochures in place. We were not interested in providing operational funds for the VIC. I am concerned that 2% monies come into play in those areas that are of extra help to the applicant and will do that project which the applicant cannot do. In looking at the "Deposits and Expenditures from the Operating Account for August 1999" that an added notation by Lynn Tippetty includes last year's \$5,000.00 grant for brochures as income to balance this year's operational budget. Lynn's comments this year in defense of her wanting to use the 1999 grant for operational funds were that "due to all the other advertising being done for Freeland that the brochure was no longer a necessity.". The Advisory Board unanimously disagreed with that viewpoint. The "Proposed Budget for 2000" for Freeland included \$9,050.00 from 2% monies. The 1999 budget included \$23,000.00 of 2% funds. These sums of money were not granted and I am concerned that annual budgets are being built with funds that the Advisory Committee sees as project funds. The Advisory Committee strongly believes that we must establish a firm principal that monies be used only for the purpose granted or returned to the fund. I ask that the County Board of Commissioners support the Advisory Committee in maintaining this

principal.

Mr. Whitlow made reference to an additional letter which he did not believe the Board has seen, dated September 16, 1999 to the 2% Advisory Committee, concerning the budget required to carry the Freeland Chamber of Commerce to December 31, 1999.

Commissioner McDowell pointed out that the Board's letter to the Freeland Chamber dated March 10, 1999, stated the request was approved for Promotional Brochures-Printing/Distribution in the amount of \$4,000 and Visitor Information Center Operation Costs in the amount of \$1,000. The Board's response at this time he thought should restate that and note that should the money not be used as approved, that agency would be held liable to return the funds to the County.

Chairman Shelton agreed that a letter be written to the Freeland Chamber of Commerce requested concurrence they in fact intend to use the money as allowed by the 2% Committee [before the Contract with Freeland Chamber is approved by the Board]. Commissioners McDowell and Thorn agreed, as did Mr. Whitlow.

Hiring Requests & Personnel ActionS

As presented and described by Dick Toft, Director, Human resources, the Board by unanimous motion approved the following two Personnel Action Authorizations:

PAA # Description/Position No. Action Eff. Date

109/99 Acctg. Supervisor #2411 Replacement 11/3/99

110/99 Permit Coord. III #1602.03 New Position 10/25/99

[deactivates 1603.00]

Correction of Ordinance # C-105-99 Dealing with Rural Agriculture/ Commercial Agriculture Amendments Adopted

by the Board on September 27, 1999

Chairman Shelton explained that the Board had been advised by the Prosecuting Attorney's Office, in their capacity as Island County Code Reviser (GMA doc. #4973), that the text of Ordinance # C-105-99 regarding Rural Agriculture/Commercial Agriculture Amendments the Board adopted on September 27, 1999 needs to be corrected to add the words "as amended by Proposed Amendments 1, 2, 3, 4 and 5 attached hereto as Exhibit 'E'" after "Approved and Adopted this 27th day of September, 1999" on page 3 and then marking the Proposed Amendments attached as Exhibit "E" to properly reflect the action that we took. Otherwise, the Prosecutor cannot include the changes made by the Board in the proposed amendments to the county code.

Commissioner Thorn moved to correct the text of Ordinance No. C-105-99 regarding Rural Agriculture/Commercial Agriculture Amendments the Board adopted on September 27, 1999 to properly reflect what the Board decided. Those corrections would be to add the words "as amended by Proposed Amendments 1, 2, 3, 4 and 5 attached hereto as Exhibit "E" on page 3 after "Approved and Adopted this 27th day of September, 1999" and then marking the attached Proposed Amendments 1 through 5 as Exhibit "E". Motion, seconded by Commissioner McDowell, carried unanimously.

The Clerk of the Board made the appropriate changes, inserting the words "as amended by Proposed Amendments 1, 2, 3, 4 and 5 attached hereto as Exhibit 'E'" on page 3 of Ord. C-105-99 to be inserted after "Approved and Adopted this 27th day of September, 1999" and the Proposed Amendments have "Exhibit 'E'" handwritten on them. Each Commissioner and the Clerk of the Board then initialed the handwritten changes. [Corrected pages to Ordinance #C-

105-99: GMA doc. #4971].

Intergovernmental Cooperative Purchasing Agreement between Thurston County and Island County

Suzanne Sinclair, Island County Auditor, presented for the Board's review and approval, an Inter- local Agreement between Island county and Thurston County which if adopted would allow Island County to participate in the price proposal for Eagle Computer System CRIS+plus program and MINUTES+plus program, resulting from the bid process by Thurston County. This agreement does not obligate Island County to do anything, only would allow for Island County's use, if desired, to purchase the Eagle system at the same price Thurston County bid for.

The Board, by unanimous motion, approved the Intergovernmental Cooperative Purchasing Agreement with Thurston County dated 9/29/99, No. RM-AUD-990076.

Amendment No. 2 – Agreement with Bryan G. Young, Architects & Planners – Courthouse Expansion & Improvement; Juvenile Detention Facility

Mr. Kwarsick presented a request that the Board approve Amendment No. 2 to existing Agreement with Bryan G. Young, Architects & Planners. the purpose of the amendment is to launch the design services associated with the construction of the juvenile detention facility in Coupeville. Compensation involves \$193,850 for basic services and an additional \$24,882 in potential additional services and associated contract adjustment. Right now the preliminary maximum allowable construction cost is noted. Mr. Young intends to work with the Law and Justice officials to define the specific scope. Once the process is underway and dimensions pinned down for the 20-bed facility, Mr. Kwarsick will come back to the Board with a specific firm maximum allowable cost which will be rolled into the contract. By summer, Mr. Young expects to be at the point he would have construction documents prepared.

By unanimous motion, the Board approved Amendment No. 2 to the agreement with Bryan G. Young, Architects & Planners, as presented.

Staff Session for November

The November Staff Session schedule was approved by the Board for distribution, with special note that the regularly-scheduled staff sessions for the first and third Wednesdays are canceled,

replaced with one special staff session to be held on November 10, beginning at 9:00 a.m.

Contract: Island County Health Department and Community Mental Health for Therapeutic Child Development

By unanimous motion, the Board approved Island County Health Department and Community

Mental Health for Therapeutic Child Development, Contract #HD-08-99 in the amount of \$2,520, having been previously discussed at recent staff session.

Correction of Ordinance #C-130-99 - Critical Areas

Amendments per Code Reviser

As recommended by David L. Jamieson in a memo dated October 22, 1999 the Board by unanimous motion made the following changes and additions to Ordinance #C-130-99, Critical Areas Amendments, as recommended:

- Page 1 of the Ordinance, the 5th Whereas, after the word "regulations" place a semi-colon just before the words "**NOW, THEREFORE**";
- In the first Be it Hereby Ordained paragraph, cross out "proposed" just before the word amendments

Exhibit A-1 instead of using asterisks use 4 ellipses

- Exhibit A-2 in Item #7, third line, delete the word "stream" and replace it with the following language: "or a fish and wildlife habitat conservation area"
- Exhibit A-3 and A-4 - replace the three asterisks with four ellipses
- Exhibit A-5 – replace – replace the three asterisks with four ellipses; in #7 first line the word "Other" is small case "other".
- Exhibit B is to be attached (Findings) and a date inserted on Exhibit A-5 in item 5j once obtained from Jeff Tate.

Correction of Ordinance #C-133-99; C-134-99 and C-135-99

per Code Reviser

As recommended by Mr. Jamieson in a Memo to the Board dated October 22, 1999 the Board by unanimous motion made the following changes and additions to Ordinances #C-133-99, #C-134-99 and #C-135-99:

Ordinance #C-133-99:

- Exhibit B-2 Corrected version to read: "uses denoted with an asterisk may be followed in the RA, RF or CA zones ...". On Pages B-4 and B-5 make the proper indents; Item B-8 is to be renumbered with roman numerals rather than regular numbers, its, one through nine; and parenthesis added on page B-10 under D.1.A and B as noted.

Ordinance #C-134-99

- Remove the last two pages attached to the ordinance entitled "Rural Zone PRD Changes" because they are not an identified exhibit and are not to be attached as part of the Ordinance, rather were provided only for information and part of the record only; and note Findings still must be attached as an Exhibit.

Ordinance #C-135-99:

Findings are to be attached as an Exhibit as noted.

PATRICK MOODY SHORT PLAT #079/99 - REQUEST

FOR DECLARATION OF TRUST

By memorandum dated this date, Public works/Community Development staff advised that Mr. Moody applied for final approval of a three lot short plat. To comply with Island County Code 11.01, Land Development Standards, regarding the construction of private roads, Mr. Moody has chosen to place funds in a secured account to guarantee completion of the road, in the amount of \$2500.00. The private road is to be completed no later than March 21, 2000.

By unanimous motion, the Board approved Declaration of Trust for Short Plat #079/99.

PUBLIC HEARING SCHEDULED: ORDINANCE #C-137-99 PLG-046-99 - Technical Amendment Amending Chapter 17.03 Rural Service Zone

By unanimous motion, the Board scheduled a Public Hearing for November 15 at 11:00 a.m. for the purpose of considering proposed Ordinance #C-137-99 (PLG-046-99) in the matter of a Technical Amendment amending Chapter 17.03, Rural Service Zone. [GMA doc. # 4971]

GMA PUBLIC HEARINGS HELD

At 2:45 p.m., as advertised and scheduled, the Board opened public hearings on the following Ordinances:

- **Ordinance #C-121-99, PLG-043-99, Adopting Oak Harbor Interlocal Agreement Governing Land Use Decisions Within Non-Municipal portion of Oak Harbor's UGA**
- **Ordinance #C-122-99, PLG-044-99, Oak Harbor UGA Zones, Goldie Road Industrial Zones**
- **Ordinance #C-119-99, PLG-032-99, Amending Chapter 17.03 ICC To Comply With Order of Western Washington Growth Management Hearings Board relating to Freeland and Clinton**
(Continued from 10/18/99)

Attendance:

Staff/Consultant Keith Dearborn; Phil Bakke; Jeff Tate

Public: Charles H. Stromberg; John Graham; Lynne Wilcox;

William Stebbins; Tom Burdett, Oak Harbor Planning

Director; Rex Hankins, City of Oak Harbor City Council;

Richard Pasewark, Oak Harbor Comp Plan Task Force

Ordinance C-121-99, PLG-043-99, Adopting The Oak Harbor Interlocal Agreement Governing Land Use Decisions Within the Non-Municipal portion of Oak Harbor's UGA

The matter before the Board was Ordinance #C-122-99 dated 10/4/99, the proposed draft interlocal agreement with Oak Harbor, plus attachments. A one-page document "Technical Corrections" and six proposed amendments were provided for today's consideration.

Mr. Dearborn met with the Oak Harbor Comprehensive Plan Task Force last Thursday, who went very carefully through the agreement; issues in three of the proposed amendments were developed as a result of that Committee's review. The Oak Harbor Planning Commission meets tomorrow night; the City Council public hearing is scheduled for early November, with final action by the City scheduled for mid November. As with Langley, there has been in the City of Oak Harbor a very sincere and hard effort in trying to help get through the process by November 30 and the City is on a "fast-track" schedule to do so.

Mr. Dearborn summarized the differences between the Oak Harbor agreement from the Langley agreement:

- Two open space corridors in Oak Harbor
- 1. Waterloo Marsh corridor. County would commit for Waterloo Marsh to develop a long term management plan for the corridor over an 18 month period jointly with the City and bring it back for the Board's review and adoption as well as the City Council.
- 2. Oak Harbor Finn" area. A defined area in the north portion of Oak Harbor Oak Harbor Finn area determined at this point there needs to be a consistent critical area regulation i.e. the standards the County uses and the standards the City uses for the Oak Harbor Finn because the city is on one side, the county on the other.
- Five zoning classifications proposed for the Oak Harbor UGA as opposed to one zoning classification in Langley, because the comprehensive plan of the City has more than five different land use classifications for its UGA: residential classification is very similar to Langley's but the four non-residential classifications are borrowed from Oak Harbor with some changes.
- The County would be committing to revise the ACUIZ regulations. The County's ACUIZ standards are more

stringent in some ways than Oak Harbor; and the City is more stringent in their ACUIZ building code standards in some ways than the County. The next step would be to get the building officials together and start working out the differences. Policy objective is to borrow the most stringent regulation from each code and composite it into a code.

- Must annex if adjacent to City boundary. The City asked for 180 days to act on the annexation as opposed to Langley's limit of 120 days
- Annexation development agreement is very similar to Langley's. If not adjacent to the City, that agreement execution is a condition of application submittal; no project vests without one. When move outside the UGA to the JPA the same rules; if the City believes an annexation development agreement is necessary for a project that is required as a part of project approval, which is to make sure there is the ability to expand the UGA if needed.
- The expansion time horizon for Oak Harbor is 2013, longer than Langley's 2010, and Oak Harbor is following the schedule set out in the CWPPs to begin the revision process to their UGA.
- Scenic Corridors. Agreement in the Langley agreement to scenic corridor standards. Oak Harbor at this point does not have the same kind of designation in zoning land use standards for development in corridors. Oak Harbor does have a significant tree retention requirement.

Next, Mr. Dearborn reviewed the proposed Amendments:

Technical Amendments. Grammatical error corrections.

Amendment No. 1. ACUIZ amendment. Drafted to include a provision to ensure that the new standards would be consistent in the UGA as well as the JPA.

Amendment No. 2. Annexation development agreement is a model agreement and will vary application by application based upon specific circumstances. This amendment sets some specific conditions to the development of the annexation development agreement and makes it clear that the obligation to comply with City standards does not occur until a property is annexed or sewer service is extended to that property.

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Amendment No. 3. Zoning code use consistency amendment, which came up at the Committee meeting Thursday. The amendment would say if the City goes through a review process and amends its zoning classifications the County should consider the same amendments to make sure there is consistency.

Amendment No. 4. Regarding the Joint Planning Area, to make clear that the City will not always have comments on every type 3 application in the JPA, and do not want that to cause the application to stop review until comments are received. Comments are expected to be received during the public comment period; if not, assume the City has no comment on an application. Page 2. The annexation development agreement is a powerful tool for the City and the County to ensure that UGAs can be expandable. The City and County do not want to see the City come to the public hearing well down the line of the approval process and require an annexation development agreement. Rather, that should come very early in the process. Amendment 4 makes it clear that if the City determines within the JPA such a requirement is needed, notice be provided to the County during the public comment period or before.

Amendment No. 5. Correction of inadvertent error. One of the classifications of the City was misread on the Comp Plan map and developed a Highway Service Commercial zone when it should have been "Community Commercial Zone". This amendment substitutes this provisions for the Highway Service Commercial Zone in both the zoning code amendment and the attachment to the interlocal Agreement.

Amendment No. 6. Special landscape standards for conditional uses [in the residential area].

It does not make sense within the UGA to design non residential uses to look rural. This proposal would substitute for NR uses within the UGA landscaping standards to replace the non residential guideline.

As a part of the review, Commissioner McDowell has negotiated that the County will adopt a significant tree retention standard to be applied to land uses within the UGA [Exhibit E (page 37 of the Interlocal Agreement)].

The City also wants to make sure that some suggested additional language relating to extension of services

With regard to Amendment No. 2, Commissioner McDowell still has a concern that someone who is annexed to the City but proposes no development should not have to necessarily up grade that to City standards unless they develop their property. The property owner should be required to do whatever a City resident would be required to do at the time that resident is required to do so -- the same kind of timing should apply and the trigger to upgrade to City standards cannot be the mere fact of annexation. The trigger would be when that property owner and has the capability to increase intensity of use that current City standards would apply.

Mr. Dearborn suggested in h to delete "that until a property is annexed or sewer service is extended"; and the section then read:

"The County and City recognize that development of property that is not contiguous to city municipal boundaries shall comply with county zoning, Exhibit C, and except as modified in section 3.C, County Development Standards. Upon annexation a property that proposes to increase its development intensity or change its use will comply with such standards as specified by the City."

Chairman Shelton suggested something in the line of "Annexation does not automatically trigger City standards". What does trigger City standards will be left up to the City.

Commissioner Thorn suggested another point to be made is that the trigger is simply not automatic, it is annexation plus something.

The Chair commented that the plus would be determined by the City.

Commissioner McDowell stated that even if a property in the City had to put in sidewalks, once that property outside the City is annexed the owner should not have to put in sidewalks unless doing some kind of development action.

Mr. Dearborn thought that the one sentence addition did what Commissioner McDowell wanted, but went further than what he heard the Chair say. The City has a water service agreement everyone signs; many people within the UGA are on City water. There is a standard provision that stipulates compliance with all City standards. In practice that has not been a hard and fast rule, applied case by case, with logic and common sense used. He thought Commissioner McDowell was concerned that that is an informal policy, but the property owner has to sign they will comply with City standards. Agreed during last discussions with the City was that the annexation development agreement would set the timing for the conversion from County standards to City standards.

Commissioner McDowell wants to make sure that it is not simply annexation that triggers that conversion and is applicable to all properties in the City.

Consensus: Leave H the way it is. Add an additional sentence "Annexation alone shall not trigger compliance with City standards."

PUBLIC INPUT

Tom Burdett, Oak Harbor Planning Director, pointed out that the Fire Department may eventually be interested in some review of plans and perhaps some inspections of new development but there is no exact way of how that might be accomplished at this point but in the future may address that issue.

The City is implementing changes to the City's development regulations in phases and have tackled all phases necessary for new zoning districts in the City and now going through comprehensively in land use regulations to make sure consistency with Comp Plan . The I zone is a zone that is antiquated, that he thought had been borrowed from another jurisdiction, with a list of uses in his opinion are not necessarily evaluated or judged on what may or may not be comparable for the OH UGA, and the Task Force spent a considerable amount of time discussing those issues. The City would appreciate an opportunity to evaluate that list of uses and bring that back as a change with the other amendments necessary for ACUIZ. At this point the City does not have the Planning Commission input into the I zone. The City is much more confident of their PIP zone and PBZ than with the I zone. The City is looking at adopting some adult use regulations as part of the I zone.

The City intends to continue to use the water service agreement in use since 1992, a condition of ascertaining water. Primarily the City is concerned about water system back flow preventers, development of the extensions of water system that are the same required for anyone inside the City extending water service, but does include a section that goes beyond the City plans to retain and use staff discretion. No two are alike and he believes there needs to be some flexibility left in there he cautioned the Board of County Commissioners and the City Council not to make too specific.

He provided a hand-out for the record on Ordinance #C-121-99: Recommendation to the Planning Commission on the Interlocal Agreement with Island County for the Urban Growth Area (GMA doc. #), which includes:

1. Nothing herein shall prevent the City from enforcing the City's development standards imposed under Title 13 – Water.
2. Nothing shall be construed in this agreement to prohibit the City from

limiting new water service to properties outside the City limits.

Mr. Burdett confirmed there was no intent of the City withdrawing its water. Since the GMA and adoption of the first Comp Plan the City set its water service boundaries to the same limits as the UGA boundary but do not serve all urban services outside the boundary.

He read item III.H and did not have a problem the way it is currently worded. He cautioned in making it too specific, however. Wanted to make sure that any further amendments to item 3H would not prevent the City from being able to work with property owners that are annexing, as well as property owners that may be adjacent. [two examples cited: exotic birds raised; annexation of a property that may have an on-going clean up program for junk or junk cars]. He knew of no case where a condition of annexation required bringing everything to City code immediately.

The City does not have corridors, but is working on entry way corridors and thought that was probably not an issue that is ready for this agreement because there are no standards. The City would like to reserve the capability to bring this forward in a future year amendment once and if the Comprehensive Plan Task Force and Planning Commission set up some entry way standards.

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Richard Pasewark, Comprehensive Plan Task Force, supported III as is. His concern is with the fact that the City is obliging itself taking into the City structures in the UGA, and would like to have that land, those structures, basically be the same as the City's. He thought that the suggestion would mean that if a property or building were out of conformance the City would be obliged to annex it, and he would question that. Taking non developed properties and preclude certain things from the annexation agreement. He saw that as a disservice to the builder or developer.

No further people indicated a desire to comment and the public

input portion of the hearing was closed by the Chairman.

With regard to the proposed two additions Mr. Burdett pointed out from the recommendation to the Oak Harbor Planning Commission, if both are acceptable at this point, Mr. Dearborn suggested they be added now to Amendment No. 2:

Nothing herein shall prevent the City from enforcing the City's development standards imposed under Title 13 – Water.

Nothing shall be construed in this agreement to prohibit the City from limiting new water service to properties outside the City limits.

Mr. Burdett did clarify that Title 13 does give the City quite a bit of power bringing these up to standards and does go beyond strictly standards for the water system. Title 13 is "Water". In

1992 the City was out of space to develop single family plats. The GMA had to be complied with. The City wanted to be able to annex property to get more land inside the City limits for single family development, and ;put in place the water service agreement so that if any more properties developed the City would have the authority to require City standards.

Mr. Dearborn suggested incorporating #2 with the addition of the word "water " in front of development and after City.

Commissioner McDowell was not arguing the compliance with City standards, only that the person annexing should not have to have any more onerous standards than any other person within the City.

Commissioner Thorn agreed with the Chairman that once the property is annexed into the City, it is up to them, but he agreed that the annexation per se would not require compliance in and of itself; it has to be something else, which is up to the City.

Mr. Burdett pointed out an example: Hilltop Texaco was a non conforming use for some time, and the City actually changed the Comp Plan and Zoning Ordinance, and made it a conforming use through the Neighborhood Commercial zoning district. There are some that the City may require conformance and initiate a code enforcement action on it. He thought fundamentally there could be some uses that the City does not have a full inventory on and guessed that the City would most likely be willing to accommodate all, and would probably write annexation agreements such that the property owners know they are considered a legal non conforming use by virtue of annexation. The City's first choice is to let them continue and work them in without any kind of amortization period at all but in some cases other property owners have asked that the City negotiate in order to maintain neighborhood compatibility.

Mr.. Dearborn commented that the City has a capital facility plan to serve all of the UGA, having made an investment in new plant equipment and have a program to be able to have that happen; should at some point in the future the City is for whatever reason cut off from their water source, the City will have to decide who gets water and who does not and undeveloped property outside City boundaries would be the first properties to no longer have water.

Commissioner McDowell expressed his basic agreement: just the annexation itself will not trigger additional development by the property i.e. conform to city standards; properties that are going to be annexed will be treated just like properties within City limits currently as far as redoing anything with regard to non-conforming issues.

Chairman Shelton confirmed the Board's desire to not have newly annexed property come under more stringent requirements than the rest of the City.

Mr. Dearborn understood intent but did not think it was a major issue because it was already covered in the development agreement; the Board can come back and revisit it in terms of refining the language, which probably would be more appropriate after hearing from the Oak Harbor Planning Commission and City Council. However, Mr. Dearborn was concerned about Mr. Pasewark's comments because in the Committee meeting Mr. Pasewark had a collection of very thoughtful comments on the Interlocal Agreement and in the course of the evening it was clear he began to understand the issues better in terms of what was being committed to, and Mr. Dearborn did not want confusion on this point to slow down the City's adopting process.

The Chairman entertained the recommendation from Mr. Dearborn that the Board consider adopting the six amendments as proposed today, with the modifications previously outlined, to be incorporated into Ordinance #C-121-99 as part of that ordinance to be a complete composite document, and continue the hearing to a future date and time.

Commissioner Thorn moved that the Board adopt Amendment #2 to Ordinance #C-121-99 as modified in this hearing, with changes to paragraph III.H and the addition of paragraph I, and two new paragraphs J and K derived from recommendations of the Oak Harbor Planning Commission and changes:

I. Annexation alone shall not trigger compliance with City standards.

A. Nothing herein shall prevent the City from enforcing the City's water development standards imposed under Title 13-water.

B. Nothing shall be construed in this agreement to prohibit the City from

limiting new water service to properties outside the City limits.

Motion, seconded by Commissioner McDowell, carried unanimously.

Commissioner Thorn moved the approval of Amendments #1 through #6 to Ordinance #C-121-99, with Amendment #2 being the modified amendment just adopted. Motion, seconded by Commissioner McDowell, carried unanimously.

Commissioner Thorn then moved that the Board approve the technical corrections and that those along with the six amendments just adopted be incorporated into a single document, Ordinance #C-121-99. Motion, seconded by Commissioner McDowell, carried unanimously.

By unanimous motion, the Board continued the public hearing on Ordinance #C-121-99, PLG-043-99, to November 22nd at 3:00 p.m.

[Ord. #C-121-99 with amendments made to Exhibit A, Oak Harbor Interlocal Agreement, with pen and ink changes initialed by the Board: GMA Doc. #4965]; [Technical Amendment GMA doc. #4966]; [Amendments #1 through #6 GMA doc. #4967]

Ordinance #C-122-99, PLG-044-99, Oak Harbor UGA Zones, Goldie Road Industrial Zones

Phil Bakke, Comprehensive Plan Manager, presented Ordinance #C-122-99 after recommendations from the Planning Commission on a 1999 annual review docket ZAA-CPA 723-99 Oak Harbor UGA Zones and Goldie Road Industrial zones [GMA doc. #_____] an application of Island County to review the existing Island County adopted future land use map

and the Oak Harbor land use map. The Planning Commission recommended approval of the subject I

zones being proposed as the industrial "OH-I" community commercial planned business park and planned industrial park. The Commission instructed the Planning Department to forward the six sections of the Code to the Board, having reviewed Oak Harbor's zoning code and to establish consistency among permitted and conditional uses allowed in these zones while utilizing Island County development standards. As a result of the work with the City of Oak Harbor on the Interlocal Agreement, added also are: Oak Harbor residential zone; code provisions to establish standards for significant tree retention; and landscaping, screening and buffering standards that are consistent with the City of Oak Harbor for the specific zoning categories.

Two proposed Amendments were presented:

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Amendment No. 1 Proposed revision to exhibit B of to PLG-044-99, a revision to correct

a misinterpretation of color on a map when reviewing City of Oak Harbor's zoning map, and labeling an area Highway Service Commercial rather than Oak Harbor Community Commercial.

Amendment No. 2 Adds specific standards for landscape, screening and buffering in the Oak Harbor residential zone to apply to conditional uses established in the Oak Harbor residential zone to be added to section 17.03.180.

Mr. Bakke also noted that the cover ordinance, page 1, needs to be amended in the "It is Hereby

Ordained" paragraph, third sentence, by adding the word "Commissioners" so the first sentence would read: "It is hereby ordained that the Board of Island County Commissioners adopt the amendments to"

Exhibit A of the ordinance is a revision to the Island county Comprehensive Plan Land Use Element Goals and Policies, Municipal Urban Growth Area Policy B-10, striking the last four words of the sentence to read: "The County shall identify in its zoning atlas lands within unincorporated portions of the municipal urban growth areas with the applicable municipal zoning classifications."

Public Input

Inasmuch as Mr. Burdett received the proposal just today he requested time to review. If the CC zone is what the City has for the Ault Field Road area designated on the Comp Plan this would be the correct zone to use.

ACTION:

Mr. Dearborn suggested that the Ordinance be continued for a week to allow Mr. Burdett and Mr. Bakke to compare notes and make sure about consistency and report back k next Monday.

Intent is to have the uses be the same.

By unanimous motion, the Board continued Ordinance #C-122-99 and proposed amendments until November 1, 1999, at 10:45 a.m. [*Notice of Continuance GMA doc. #4970*]

Ordinance #C-119-99, PLG-032-99, Amending Chapter 17.03 ICC To Comply With Order of Western Washington Growth Management Hearings Board relating to Freeland and Clinton

The last Hearing of the day was on Ordinance #C-119-99, continued from October 18, 1999. Mr. Bakke referred to

Staff Memorandum dated October 17, 1999 regarding compliance relating to Clinton and Freeland, and the Findings and Legislative Intent handed out at the last hearing.

At the last hearing staff was directed to do further work on Proposed Amendment No. 1 forwarded from the Freeland Subarea Planning Group and incorporate proposed revisions and make them applicable to Clinton subregion as well. Amendment No. 2 is new and is proposed to replace Amendment No. 1 and contains language to accomplish that and proposes additional and modified findings. Language has been provided to preclude development of a single family residence on existing 14,500 sq. ft. lots in the Clinton/Freeland subareas from having to submit a site plan review showing build out of that property to 4 dwelling units per acre.

Further research into the record was accomplished through building and Assessor records to determine what the scale of multifamily was on or before 1990. The number of 12 units per acre was determined of multifamily, a Clinton apartment house constructed in 1968 with a base density of 12 units per acre and that is proposed as an upper limit to the number of dwelling units allowed on the Clinton subarea.

Further work has been done on the development agreement language forwarded from the Freeland Planning Commission to include the ULID process and general approval for that. And to allow people with an existing dwelling, who want to remodel an existing dwelling, or construct a single family residence to be able to opt out of having to do the development agreement in that area. The multifamily provision in the Freeland area worked out to be 17 units per acre. Research and findings concluded that the number of units prior to 1990 in Freeland was approximately 17 units per acre for multifamily, calculated by obtaining information from Building and the Assessor relative to the size and numbers of beds used by the Freeland Convalescent Center at that time – 27 beds in the facility in 1990 in use, roughly 1-1/2 acre piece of property which works out to 17 units per acre. Modifications and additions are proposed to the Freeland-Clinton non municipal urban growth area findings.

Timetable has been included that was submitted and approved to the Hearings Board directing the County to have the subarea planning groups complete their work by March 1, 2000, and transmittal of results with recommendations to the Planning Commission by May 1, 2000, and final Board action December 1, 2000.

Mr. Dearborn made it clear that there is no expectation to see any kind of multifamily density occur within Freeland or Clinton, and the Planning Commission clearly understood that health restraints would be the significant limitation on the ability to do multifamily in advance of a sewer system in Freeland or Clinton. Calculations of multifamily historic densities are substantially higher than could be achieved today through on site waste disposal.

Consensus: The Board disagreed that 17 units per acre was appropriate, based on a nursing home not multifamily. Appropriate cap for Freeland should be the apartment complex in Freeland located up behind the library, not the convalescent center.

Mr. Dearborn indicated that Mr. Tate was going to review the logical outer boundaries for Freeland and Clinton. Given the fact that Amendment No. 2 has been seen by Mr. Stromberg for the first time today, and Mr. Tate had to leave and therefore unable to complete the record discussion about the logical outer boundaries for Freeland and Clinton, Mr. Dearborn recommended the hearing be continued. He recalled that the hearing was closed to public input except for testimony on Amendment No. 2, particularly the insertion of the density cap.

Public Testimony

Charlie Stromberg, Citizens Growth Management Coalition, reserved his comments to the continued hearing.

ACTION:

By unanimous motion, the Board substituted Amendment No. 2 for Amendment No. 1 for Ordinance C-119-99 PLG-032-99.

CONTINUANCE:

By unanimous motion, the Board continued Ordinance #C-119-99 PLG-032-99 and Amendment No. 2, to November 1, 1999 at 10:45 a.m. [GMA doc. #4969]

The meeting adjourned 5:15 p.m.. The next Regular Meeting to be held on
November 1, 1999, beginning at 9:30 a.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board