

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - MARCH 6, 2000**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on March 6, , 2000, at 9:30 a.m., Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Chairman, William F. Thorn, member and Mike Shelton, Member, present.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion [including approval of February payroll:
Voucher (War.) # 69755 - 70019\$ 367,730.74.

**LOCAL GOVERNMENT CERTIFICATION – HOUSING AUTHORITY OF ISLAND COUNTY - EMERGENCY
SHELTER GRANT PROGRAM**

By letter dated March 2, 2000, Steve Gulliford, Executive Director, asked for the Board's approval and signature on a form entitled **Certification by the Local Government** associated with the Authority's application for year 2001 Emergency Shelter Grant Program funds, as has been requested in past years. By unanimous motion, the Board authorized the Chairman's signature on Form I, Local Government Certification, for the State of Washington 2001 Emergency Shelter Grant application by the Housing Authority of Island County [BICC 00-147].

HIRING REQUESTS & PERSONNEL ACTIONS

After a presentation by the Human Resources Director, Dick Toft, the Board by unanimous motion, approved the following personnel authorization actions:

PAA No.	Position	Action	Eff. Date
026/00	Vol. Program Asst. 1207.01	Replacement	3/17/00
028/00	Sergeant 4023.02	New Position	3/6/00
029/00	Sergeant 4023.02	New Position	3/6/00
030/00	Sergeant 4023.03	New Position	3/6/00
031/00	Sergeant 4023.04	New Position	3/6/00
032/00	Deputized Officer 4014.15	Replacement	3/27/00
025/00	Dep. P.A. – District Ct. 1805.00	Replacement	3/17/00
027/00	Court Commissioner 1006.00	New Position	2/28/00

**INTERLOCAL AGREEMENT WITH THE TOWN OF COUPEVILLE FOR EMPLOYEE ASSISTANCE
PROGRAM – HPN – #RM-HR-00-0023**

By unanimous motion, the Board approved Interlocal Agreement with the Town of Coupeville to join in Island County's agreement with Health Promotion Network (HPN) for employee assistance program services beginning April 1, 2000 through December 31, 2000 renewed automatically unless written notice provided. Further, the Board by unanimous motion, approved Amendment No. 1 to the Agreement for Employee Assistance Program Services dated 12/6/99 with Health Promotion Network to recognize the County's Interlocal Agreement with the Town of to participate in the program.

CONTRACT AMENDMENT 20901(1) WITH DSHS FOR ALTERNATIVE RESPONSE

As discussed at the Board of Health meeting on 2/28/00, the Chairman was given approval to sign for the Board of Health and the Boar of County Commissioners when the Contract Amendment was presented. The Amendment extends alternative response for another 6 months, to June 30, 2000, in the amount of \$6,284.00 [new maximum consideration \$14,444]. By unanimous motion, the Board approved and signed Amendment 209-01(1).

**RESOLUTION #C-20-00 IN THE MATTER OF CERTIFYING THE LEVIES FOR COLLECTION OF TAXES IN
THE YEAR 2000**

Tom Baenen, County Assessor, and Lanny Key, Levy analyst, handed out a copy of the levies. This year has been an involved process and has taken longer due in part because of problems with the new system in use in the Assessor and Treasurer's offices, as well as computer problems Snohomish County encountered. Historically, the largest portion of the levy goes to State Schools and the same is true this year.

By unanimous motion, the Board adopted Resolution #C-20-00 certifying the levies for collection of taxes in the year 2000.

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

IN RE THE MATTER OF CERTIFYING)
THE LEVIES FOR COLLECTION OF) RESOLUTION C-20-00
TAXES IN THE YEAR 2000)
_____)

WHEREAS, the Clerk of the Board of County Commissioners has received and filed as public record the certified budgets or estimates of the taxing districts of Island County, for the purposes of levying taxes, all as required by RCW 84.52.020, and

WHEREAS, the board scheduled a public meeting for March 6, 2000 to receive the levy estimates and requests, and to set the levies for the year 2000 and

WHEREAS, the Board of County Commissioners hereby determines to levy taxes as allowed and required by law, based upon the assessed valuation as determined by the Island County Assessor, and set forth in Exhibit A, which is attached hereto, and by reference incorporated herein, NOW THEREFORE,

BE IT HEREBY RESOLVED that the Board of County Commissioners of Island County, Washington, hereby levies and certifies to the Island County Assessor, the above taxes for collection in the year 2000 as set forth in Exhibit A attached hereto, to be extended upon the rolls against the taxable property in Island County.

NOW, THEREFORE, BE IT RESOLVED,

ADOPTED this 6th day of March, 2000.

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

Margaret Rosenkranz
Clerk of the Board
BICC 00-130

Wm. L. McDowell, Chairman
Mike Shelton, Member
William F. Thorn, Member

[note: Exhibit A is on file with the Clerk of the Board attached to C-20-00]

**RESOLUTION #C-21-00 IN THE MATTER OF APPROVING SPECIFICATIONS AND AUTHORITY CALL FOR
BIDS FOR TITLE REPORTS**

The Board, by unanimous motion, approved Resolution #C-21-00 submitted by the County Treasurer approving specifications and authorizing call for bids for title reports.

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

IN RE THE MATTER OF APPROVING)
SPECIFICATIONS AND AUTHORIZING) RESOLUTION C-21-00
CALL FOR BIDS FOR: TITLE REPORTS)

WHEREAS, the purchase of title reports are required for tax foreclosure,

BE IT HEREBY RESOLVED that Attachment A, Invitation For Bids (with bid form), for Title Reports, and specifications are approved as written. The County Treasurer is authorized and directed to call for bids for furnishing Island County with these services. The bids are to be received by the Island County Treasurer not later than 3:00 p.m. on April 3, 2000, with bid opening to occur at that time in office of Island County Treasurer and bid award to occur at 9:45 a.m. on [*] April 6, 2000 in the Hearing Room, Courthouse Annex, Coupeville, Washington.

ADOPTED this 6th day of March, 2000.

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

Margaret Rosenkranz
Clerk of the Board
BICC 00-141

William L. McDowell, Chairman
William F. Thorn, Member
J. Michael Shelton, Member

[note: Attachment A, Invitation for Bids, is on file with the Clerk of the Board attached to C-21-00]

[*] Correct bid award date is April 10, 2000 @ 9:45 a.m. See March 13, 2000 BOCC Minutes reflecting the correction

**QUITCLAIM DEED FOR EAST CAMANO DRIVE,
PHASE 2- BONNIE & DON BRINDLE**

As presented and recommended for approval by Larry Kwarsick, Public Works Director, the Board by unanimous motion approved and accepted a Quitclaim Deed associated with East Camano Drive, Phase 2, from Bonnie and Don Brindle, with payment in the amount of \$5,400.00 for land, on parcel 374-0940, Sec 3, Twp 31N, R 3E, with corrections on the Deed of the page numbers under Schedule A, page 6 and 7 and the map page to read 7 of 7.

**CONSTRUCTION EASEMENT & AGREEMENT – EAST CAMANO DRIVE,
PHASE 2; OWNER BONNIE AND DON BRINDLE**

As a companion action, the Board by unanimous motion approved and accepted a Construction Easement & Agreement related to East Camano Drive, Phase 2, from Bonnie and Don Brindle with payment of \$600.00 for the construction easement, on parcel 374-0940; Sec 3, Twp 31N, R 3E.

**AGREEMENT FOR BOUNDARY LINE ADJUSTMENT FOR
COURTHOUSE MASTER PLAN – WORK ORDER #305**

Mr. Kwarsick presented for approval, an Agreement for Boundary Line Adjustment for Courthouse Master Plan – Island County and H.B. & S. B. McDonald; Courthouse Master Plan Work Order #305; Boundary Line Adjustment Cost. The Agreement between Island County and the McDonalds involving a boundary line issue discovered in association with development of the Coupeville Courthouse Master Plan construction documents and survey. The McDonalds and another party, Gary Hoyt, had been occupying property that based on survey and record title was actually held in ownership by Island County. Mr. Kwarsick met with the Board and legal counsel and the collective opinion was that this seemed to be the most expeditious and cost effective way to resolve the issue. This action will take the approval of the Town of Coupeville for the boundary line adjustment. Actual locations have been field-identified. There is no issue of gifting inasmuch as the McDonalds are paying for the land per square foot value; in turn, the County will pay the cost of the BLA (\$3,395.00 includes survey, preparation, recording).

By unanimous motion, the Board approved the Agreement for Boundary Line Adjustment between Island County and H. B. and S. B. McDonald, Work Order #305.

**BID AWARD – COURTHOUSE EXPANSION AND IMPROVEMENT
PROJECT LAW AND JUSTICE FACILITY**

Larry Kwarsick and Gary Ness, Public Works Engineer, reported from review of bids opened on February 24, 2000 for the Courthouse Expansion and Improvement Project, Phase 1B, Law and Justice Facility, Work Order #301, recommending award to the low bidder, Haskell Constructors, including Alternates 1, 2b, 3a, 3b and 6, for total amount of \$5,185,080.00, including Washington State Sales Tax. The bid was within 1.4% of the architect's estimate.

By unanimous motion, the Board awarded the bid to the low bidder, Haskell Constructors, including Alternates 1, 2b, 3a, 3b and 6, for total amount of \$5,185,080.00, including Washington State Sales Tax.

HEARING SET: OPEN SPACE APPLICATION OPS 818/99 MICHAEL HEGGENES

On presentation of the Planning Director, Phil Bakke, the Board by unanimous motion scheduled a public hearing on March 27, 2000 at 2:45 p.m. to consider Open Space Application #OPS 818/99 by Michael Heggenes, Assessor's Parcel R32804-310-2380, for placement of 15 acres of a 17-acre parcel into the Timber Land Tax Classification Program.

**RESOLUTION #C-22-00 CERTIFICATION OF THE ISLAND COUNTY
PERSONAL PROPERTY INVENTORY FOR 1999**

As required by RCW 36.32.210, the Board by unanimous motion approved Resolution #C-22-00 to certify the inventory of all personal property of Island County related to the various county departments for the year 1999.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF CERTIFICATION)
OF THE ISLAND COUNTY PERSONAL) RESOLUTION NO. C- -00
PROPERTY INVENTORY FOR 1999)

WHEREAS, pursuant to R.C.W. 36.32.210, the Board of County Commissioners of Island County, Washington, hereby certifies that the inventory of all personal property of Island County, Washington, consisting of the returns from the various county departments for the year 1999 shall be filed with the Island County Auditor on March 6, 2000; and

WHEREAS, the members of the Board of Island County Commissioners hereby certify that they have reviewed said inventory of personal property for the year 1999, and believe the same to be complete, accurate and true to the best of their knowledge and belief, based upon the information submitted and certified by the individual elected officials and county department heads.

ADOPTED this 6th day of March, 2000.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Wm. L. "Mac" McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board

[inventories from the various county departments are on file with the County Auditor]

AGREEMENT FOR PROFESSIONAL SERVICES - T B ENTERPRISES

Kathy Carpenter, Chief Deputy Treasurer, presented for approval and signature Agreement for Professional Services RM-TREAS-00-0025 with Bernice Bainbridge, TB Enterprises, Coupeville, for services not to exceed \$1,000 for the year 2000. Work performed includes review and servicing the Property Tax System and training Treasurer's personnel. The Contract was reviewed and approved by the Risk Manager, with the addition of spouse as part owner of TB Enterprises; copy of business license has been provided. The Treasurer has verified this would be an independent contractor as opposed to an employee and provided a copy of the contractor's business license. The Treasurer researched the issue and with assistance from Senator Haugen's staff made sure there is no threat to the individual's retirement status. The Treasurer has also confirmed that the contractor was comfortable this action was not a threat to her retirement and was going in with her eyes wide open and comfortable that DOR would not invalidate her medical retirement.

The Commissioners and Auditor discussed various aspects of the proposed contract. The Board considered issues brought to their attention: whether appropriate license had been provided; concerns related to the scope of work and potential of failing the independent contractor test; a question of whether or not the County is assuming any potential liability should contractor's disability retirement benefits suffer as a result of the contract. Prior to taking action, the Board requested a statement from the contractor acknowledging her responsibility that any potential problems associated with her disability retirement as a result of this contract rested with her and the County would not be held responsible.

Ms. Carpenter returned later and provided a memorandum to the Board that stated: "I talked with Bernice this morning who stated that she was well aware of the retirement issue and assumes the responsibility that her contract entails."

With that statement, the Board by unanimous motion, approved and signed Contract for Professional Services RM-TREAS-00-0025 between Island County and Bernice Bainbridge, TB Enterprises.

HEARING HELD: ORDINANCE #C-118-99 (PLG-001-99), AMENDING CHAPTER 17.03 ICC REGARDING COMMUNICATION TOWERS

A hearing was held beginning at 1:30 p.m., continued from 12/13/99 & 2/7/00, on Ordinance #C-118-99 (PLG-001-99), Amending Chapter 17.03 ICC regarding Communication Towers, also having been the subject at staff sessions held on 3/1/00 and 2/23/00. The matter was forwarded to the Board from the Planning Commission.

Attendance

Public: 9 [Attendance Sheet GMA #5578]
 Staff: Phil Bakke, Planning Director

Handouts:

Proposed Amendment No. 1 dated 3/3/00 [GMA doc. #5579]

Correspondence for the Record:

3/6/00 Letter Andrew T. King, The Meridian Group, Seattle, on behalf of Sprint PCS
 GMA #5488
 3/5/00 e-mail Pat & Ken Sasson, Greenbank GMA #5490
 3/5/00 e-mail Julie Glover, Langley GMA #5489
 3/4/00 e-mail Mark Wahl, Langley GMA #5491
 2/25/00 Letter Bill Monroe, Odella Pacific Corporation, on behalf of U. S. West Wireless
 GMA #5503
 2/18/00 Letter Whidbey Aububon Society GMA #5435
 2/12/00 Letter Marty Rogers-Jorgensen, Oak Harbor GMA #5436
 2/7/00 Letter Sarah O. Richards & Al Grapel, Coupeville GMA #5473

Mr. Bakke reviewed the proposed changes as contained in Amendment No. 1. This is a new section of Code amending 17.03.040 and 17.03.180.L.8; underlining reflects new code language; strike-throughs reflect language proposed by the Planning Commission proposed for removal; and bold underlined are modifications proposed today as a result of the previous public hearings of the Board.

Public Comments

Billie Barb, Mutiny Bay area, Freeland. Asked for clarification about limiting the total height of the facility to not more than 45' above average tree height and the ability of topping trees – height above the trees is a concern. Aesthetics a main concern; towers stick up and from different areas and some can be seen more than others. Although towers may be needed, somehow the towers need to be buffered. Towers should be kept out of areas that should be pristine, i.e. Ebey's Prairie.

The Chair explained this is a site specific determination as far as average tree height; when looked at by staff about average height it is the site on that particular piece of property. The proposal is written such that the most that can be topped is whatever the height initial was; if that height initially was 20' and the trees grow 2' to 3' the most that can be cut back is to that initial 20'. The industry has stated that the array on top can never be buffer because it has to be clear of trees.

Gary Piazzon, speaking on behalf of the Citizens Growth Management Coalition, agreed that this is an aesthetic issue. Visually the idea of having several towers the same height, if appropriately painted, could provide less of a visual impact. If co-location were redefined to include multiple towers on the same site, with a limit, could influence and change the height restrictions and make those a little lower; 20' is required which is better than 45' above the average tree height. Example: if three service providers were required to locate at the same site, they could do so using three different towers all at the same height [there is also 10' separation between antenna vertically]. Three towers at the same height, horizontally spread out, being more pleasing aesthetically than one higher tower, is an aesthetic judgment call.

There would be leeway if concealment technology were employed more widely especially along major view corridors in the Reserve: avoid towers in the Reserve. Another option would be to require use of satellite technology, although it would be an added expense to the company. He commended the County for the proposed changes, most very good. One issue of continuing concern had to do with service and security lights [not tower lighting]. Suggestion is require those be turned off when not necessary. If used for security, employ motion sensor. If used to maintenance the site after dark, use an off and on switch.

Regarding danger to birds if a tower is high enough the type of hazard lights should be the type that avoid confusion of birds who migrate through this major flyway. To prevent avian mortality, require bird flight detectors in towers requiring guy wires, a simple plastic device emitting a sound, easily applied; Snohomish PUD has done this already. There is concern too about incentive for removal of towers once they become obsolete. His suggestion was to require a bond at the time of application which would cover the removal. Another way would be to apply a penalty of \$1,000 a day after the 180 day period has expired.

Regarding height and whether one tower should support multiple antennas or multiple towers support one antenna, there was a ratio issue involved: a 40' antenna array above a 40' set of trees would have greater visual impact than if the same array stuck out above trees 100' high. He thought the solution might be to work out a "golden triangle" and apply ratios to direct staff in making decisions – something that creates a two-thirds, i.e. where the height of the tower protrudes no more

than ¼ or 1/3 above the heights of the trees so the trees dominate. As far as the language about the feasibility factor if co-location is not feasible that a mutually acceptable technical expert should be hired. he was not sure the words “mutually acceptably” need be included.

John Graham, Citizens Growth Management Coalition, supported comments made by Mr. Piazzon on behalf of the Coalition and he too commended the County for its hard work on the proposal, excellent research and a lot of good consideration. He provided the following comments/suggestions:

m, Lights and Signals. Correct typographical error where the statement reads: sight source unless...” the word “sight” should be corrected to read “light”.

n, Noise. If there are generators associated with a communication tower it might be a good idea to require generators be put in below ground level.

q, Bond should be required associated with removal of obsolete tower within 180 days of the abandonment or discontinuation of use. Many people believe these towers will be obsolete in 10 or 15 years.

Lynne Wilcox, Oak Harbor, asked for clarification of what she understood about maximum height, and Board members and Mr. Bakke provided that clarification.

Staff/Board Comments

Mr. Bakke regarding removal of facilities after the 180 day period, this section of Code is being added to the Land Use Development Standards of the zoning ordinance and as such any violation is a violation of Chapter 17.03 and the administrative remedy for the County is to assess a \$1,000 civil penalty and a \$500 per day penalty for violations of this Code.

Commissioner Shelton observed that one common thread has been the belief that co-location is a good thing. There has been talk about co-location in terms of multiple towers as opposed to one higher tower. He thought co-location ultimately probably more desirable from a cell phone company standpoint, i.e. believing three carriers on one pole probably reduces the cost for all. The industry has indicated concern about extending the pole after the fact [to allow co-location at a later time] that actually it would require a new pole. In terms of the bond for the removal he thought that given the fact the County Code already contains provisions of penalties those were adequate.

Mr. Bakke confirmed for Commissioner Shelton that he thought the Code was clearly written such that if someone agreed to co-locate they could put the top antenna at 40' even when they do not have anyone else to co locate yet.

Commissioner Thorn had a number of comments, most in the category of technical or administrative corrections:

Definitions.

Lattice Support Structure. The language “three or four-sided” be replaced with “multi- sided”.

Support Structure. Where it states “...to support an Wireless” the word an be changed to a.

Wireless Communication Antenna Array. Words in next to the last line place a period after the word energy and delete “that can be attached to a building or sign”.

17.03.180 Land Use Standards

L.8.a) (ii) change the language in bold now reading “in areas with compatible land use” to read: “to be compatible e with land uses in the area”.

L.8.b)(i) Change “will” to “shall”

L.8.b)(iv) Delete “personal” ; capitalize wireless; insert Communication after Wireless; capitalize the word facility.

Further consider suggested five year sunset on a permit for a tower

Anywhere there is a Type I approval process that simultaneously must waive the conditional use because all cell towers are defined as conditional use which requires Type II or above review process.

Mr. Bakke acknowledged the express intent of the Board to have these as defined Type I decisions, and suggested if that

needed to be modified it could be handled through a technical correction.

L.8. (c)(vii) delete "Permits" and replace it with "Applications"

Commissioner Thorn suggested consideration as well on the following:

L.8. (g) Screening and Siting Standards. Likes suggestion of a ratio, the 1/3 cap: that if the 45' exceeded 1/3 of the total height the 1/3 would kick in rather than 45'; i.e. 90'

trees would allow 135' tower or 45' protrusion. Insert sentence: "Every effort shall be made by the applicant to locate towers within an area of mature tall trees or demonstrate why this is not possible".

On the Co-Location paragraph he suggested the Board consider language from the Pierce County development regulations include: "A tower shall not be permitted unless the applicant demonstrates there are no existing towers or support structures available which can accommodate the applicant's proposed antenna. Fees, costs or contractual provisions that are necessary to accommodate co-location may not be used as a justification to construct a tower within the required separation.". This language would obviate the words in the first part of the paragraph that read "or is not made available at market rate cost".

(ii) (3) Second line "statement of report demonstrating" of needs to be corrected to or.

l) Need to site a specific height minimum, 6'.

m) Agrees with the idea of using motion sensing for ground lighting; make the typographical correction noted by John Graham on light source. Add a sentence that would say: "Unless otherwise required by Federal or State authority, tower mounted lights shall be intermittent rather than steady". Regarding avian mortality, refer to the latest issue of Audubon Magazine about lighting and effects of lighting on wildlife, birds and the environment in general and note studies showing birds are attracted to a steady light because they navigate by stars and confuse a steady light with a star. Suggest a generic sentence to indicate that some sort of sonic bird warning device be employed on a tower, guyed or otherwise.

(i) (5) Not necessary to say "If a site is owned fee simple". Intent is that statement of intent be provided and whether owned or leased or subleased does not matter.

Mr. Bakke suggested that (7) Copies of lease legal description of easements necessary should be rewritten to state: "Copies of lease agreements and/or easements.".

q Add cross reference to ICC 17.03.

The Board concurred with Mr. Thorn's suggested technical/administrative changes.

Commissioner Thorn thought it would be useful to have the Public Works Director or Planning Director have leeway in the implementation, to the extent that where a really desirable site evolves that either or both would have flexibility in how many towers are sited there. He would like to see one generic statement that provides that leeway. And there was consensus reached that the Planning Director develop the language to include.

Chairman McDowell agreed with the suggestion regarding the ratio [i.e. golden triangle description] 1/3 – 2/3. There was no intent to have a set of 45' trees and then a 45' tower above those. More arrays on one pole seems more reasonable when there is a set of 125' trees versus 45' tower above a set of 45' trees. Board consensus reached on this issue directing the Planning Director to come up with the appropriate language.

As far as roof mounted not being any more than 10' above the building or camouflaged, the Chairman brought up an example, Pennington Hill where the Town's water tower is completely hidden by trees; the idea that that would have to have some type of technology on the tower would not make sense and he thought more of a blight to have a chimney on top of that water tank than the monopole. With regard to the security lighting issue he thought the up-coming lighting ordinance would address this lighting as it does for any other structure lighting.

Both the Chairman and Commissioner Shelton did not agree with the suggested 5 year sunset.

Board Action

By unanimous motion the Board continued the public hearing on Ordinance #C-118-99 to March 20, 2000 at 1:30 p.m. Mr. Bakke was directed to make the changes the Board agreed up today and the matter brought back for public hearing at another

time, the only topic open for further public comment at the next hearing to be the 1/3 – 2/3 ratio.

[Notice of Continuance GMA doc. #5580]

**HEARING HELD: ORDINANCE #C-124-99 (PLG-030-99), AMENDING
CHAPTER 17.03.ICC REGARDING SIGNS & LIGHTING**

A Public Hearing was held at 3:00 p.m., continued from 12/6/99, 12/27/99, 1/24/00 and 2/14/00, on Ordinance #C-124-99 (PLG-030-99), Amending Chapter 17.03.ICC regarding Signs & Lighting. At the last hearing, the Board directed the Planning Director incorporate amendments discussed and agreed to by a majority of the Board on 2/14/00 into new Exhibit A to the Ordinance.

Attendance

Public: 15 [Attendance Sheet GMA #5581]
Staff: Phil Bakke, Planning Director

Correspondence Received in Commissioner’s’ Office Since the Last Hearing:

Allen Peyser, Greenbank	3/6/00	GMA doc. #5486
Bill and Gloria Koll, Freeland	3/6/00	GMA doc. #5595
Dan Lien, Camano Island	3/6/00	GMA doc. #5484
Pat & Ken Sasson, Greenbank	3/5/00	GMA doc. #5494
Robert Kenny, Langley	3/5/00	GMA doc. #5493
Ross Chapin	3/4/00	GMA doc. #5496
Mark Wahl, Langley	3/4/00	GMA doc. #5495
Richard G. Bowen, Coupeville	3/3/00	GMA doc. #5485
Pete & Betsy Friedman, Freeland	3/1/00	GMA doc. #5492

Handouts:

Exhibit A – Revised 2-14-00 GMA doc. #

Mr. Bakke reviewed proposed changes contained in Exhibit A, revised from current code by the Board as a result of public testimony and Board deliberations at the 12/6/99 and 2/14/00 Public Hearings.

Public Testimony

Al Peyser, Greenbank, referred to his letter submitted containing his comments on the proposal, and reviewed key points: like to see more restriction placed than less on signs; if signs are packed one after another the look ends up like Aurora Avenue; large signs are almost ineffective because people driving the highways look for little signs announcing what businesses are coming up within the next number of miles or feet. As a member of the group planning for Freeland, requested assurance that group would have the option of providing for more stringent rules than County-wide

Steve Shapiro, Langley, a member of the Freeland sub-area planning council, clarified that as a group, there was no official position on this issue. He submitted a letter expressing the views of he and his wife Debora Valis, and an accompanying letter drafted by Rick Brown expressing the desires of the Freeland Central Business District Sub-Committee regarding regulations on sign heights and [GMA doc. #5582]. The members of the Freeland Central Business District Sub-Committee at the last meeting unanimously supported the letter drafted by Rick Brown. As business owners, he and his wife provided the following recommendation:

- Freestanding signs shall not exceed 6’ in height including decorative or architectural bases. In addition there shall be no exposed support structures for freestanding signs. The height of freestanding signs shall be measured from average ground elevation at the base of the sign. No artificial berm or mound shall be constructed solely to elevate the base of the sign above average grade level. Freestanding signs may be located within 5’ of a property line and shall be erected in a location that does not interfere with access visibility.
- Signs shall not be internally illuminated.
- All existing signs shall comply with this chapter within three years.

Tom Shaughnessy, Camano Island, Director of Economic Development Council for Island and San Juan counties, reviewed issues of concern with the proposal:

Section 1

- Public Use Sign. Caution to be careful in defining public use sign and take note of other signs such as chambers, rotary, civic organizations – make sure those organizations are identified and appreciated
- Direct rays onto abutting properties. For areas of commercial uses and high intensity, question how it is possible to deal with direct rays of light on abutting properties .

Section 2

- d) (i) Creative and distinctive To be creative and distinctive, questioned the definition of box sign that requires such things as solid color dark background, white lettering.
- (g) (i) "...sign not exceeding nine (9) square feet in area per side.". He understood and applauded the 9 sq. ft. idea and the concept of rural character; however, driving down the highway on Camano or Whidbey there are very few businesses that use 9 sq. ft. signs, most use 4 x 8.
- (g) (iii) "Bright or fluorescent colors and reflective surfaces in the background area of the sign are prohibited" . He sees no issue and wondered why this was proposed to be prohibited.
- Section 4. Outdoor Lighting Standards. Personally he did not understand this extreme.
- Section 5. Existing Signs and Lighting. (i) "The sign is related; or "; and (ii) "If more than 60% of the sign is damaged, replaced or repaired; or". He asked how 60% is being defined 60% of area or cost).

Don Pinter, Coupeville, President of the Clinton Chamber of Commerce, indicated this issue had been discussed with the Coalition of Chambers; they agree about not wanting the island to look like Aurora Avenue but question how much of the proposal had been scientifically determined. Most signs, i.e. pole signs, are at the height placed to allow trucks to go underneath. He agreed with the statement in 17.03.180.S.1. "Signage is recognized as a very important element of any Non-Residential Use or activity." While a comment is made about "creative and distinctive" the proposal then limits what can be done as far as colors, letter size and size of the sign is typically logically based on the speed of vehicles, how big the sign, how many words can be read on it, etc.

One morning from Ledgewood to work in Clinton he found just one sign he believed would meet these requirements. Signs are an important part of the businesses and need to be there. The most common signs are box signs; those apparently preferred are channel signs which are very expensive which most businesses on the island could not afford. Reader boards serve a major purpose and most are used for community oriented purposes i.e. in front of Useless Bay Store is used to advertise the girls basketball tournament.

Phil Hebner, Clinton, spoke on behalf of real estate, Dalton Realty. Their reader board sign is used a lot for the community. Cars drive by at 40 and 50 mph and signs have to be big enough to read, simple. He did not see addressed in proposal real estate signs placed in yards 2x4 either on a post or metal frame, and can be white background with color wording, others are light blue or dark blue backgrounds, which he believes is creative, attractive and helpful in making people aware of businesses. To have to change signs will be very time consuming and costly for many people on the island.

Tom Roehl, Freeland, confirmed no consensus on the Freeland sub-committee about this issue, the mission of that group is to detailed community input from the business owners and residents to find out what they want. As far as County wide standards he shared some of the concerns expressed: dark background with light lettering vs. other way around but did not know how to fix the problem. There have been some new signs replacing old ones in Freeland that are really attractive [i.e. the old Ace Hardware]. For free-standing signs the height becomes less material if there are some trees or landscaping around it, but the fact it is high does not create a negative impact.

Ann Medlock, Clinton, recalled comments from the head of the State's Economic Development Office some years' ago warning that the County's economic future depended on not being a replica of the mainland counties; if we stayed rural we would prosper. Every move made narrowing the gap between what Island County is and urbanized counties are is a step toward Island County's own economic downfall. Retirees dollars are just as real as a manufacturing plant. Retirees find and choose this county because it is different, beautiful, quiet and gently paced. It has been reported that one retired couple brings a local economy the same dollar benefits as three industrial jobs. Tourists spend money here because this county is not like where they come from. She reminded that channel lit signs are not being required, only preferred to those that glare so brightly. Wood signs and many other types of signs are more handsome and rural than even a channel lit sign.

Gerald Hill, Freeland, submitted a letter concerning his request for additions to Signs and Lighting" [GMA doc. #5583]. When he began looking into this matter two years' ago he compiled and submitted a lot of research on this subject, and in particular, referred to University of B.C. , Vancouver, study, research on the effects of globe-like or back lit signs not

properly shielded and street lights not properly shielded that impact drivers on nearby roadways. Since this is a rural county but also a county with a large population of elderly, he thought it was an important point because of the diminished ability to adjust to bright lights. He remembered a report from the former EDC director John Hitt reporting that a technical software business was ready to settle in the Freeland area but at the time decided not to because the County did not have good standards governing issues such as this. Having an ordinance as well written as possible is important to attract businesses. Under S. Signages and Outdoor Lighting, a) (ii) he proposed an addition: "The Business for the Sign is expanded or redeveloped by more than 50%; or". He supported the rest of the ordinance as written.

John Graham, speaking on behalf of Citizens for Sensible Development, proposed what he termed as three technical changes relatively minor:

S.1.c) Rewrite to more clearly state intent: "If internally lit signs shall be box signs or channel lit signs; if externally lit the light source shall come from above the sign." Or changing the dash to a semi-colon would be an improvement; the dash is what is misleading.

S.4.(vi) (1) the word luminaries needs to be corrected to "luminarias"

S.5.a) (iii) change to "If the plastic/melamine panel of a Box Sign is no longer utilized the any replacement panel facing shall utilize a..."

He added that the reference Ms. Medlock made was to Mike Fitzgerald who later became the head of DCTED, who talked about Island County being a greenbelt and noted that as the other side gets so full up and traffic so bad Island County becomes more attractive, part of which is tourism and retirees, as well as attracting new businesses. New businesses need not just infrastructure but are looking for quality of life. Citizens have testified since December about not wanting commercial areas and lights to look like Aurora Avenue. He observed the proposal to be a good draft, a decent compromise on a difficult issue, and asked that the County not allow back lit signs, provide control spill over of lighting, maintain standards for lighting and night sky protections, and not allow increases in square footage of signs or increase in sign height.

All of Section 2 represents a negotiation achieved by the Citizens Growth Management Coalition and the County last May regarding NR uses in rural areas, a "done deal" an issue the Coalition absolutely will not agree to reopen.

The report from the Freeland Central Business District committee illustrates that not every business person thinks larger, higher or brighter signs are what Island County wants or needs.

There are plenty of examples how to do it right [Ken's Korner, Freeland are some examples]. He urged that the Board pass the draft as is with the technical language changes proposed today.

Herb Hunt, Freeland, business owner in Freeland, commented on having seen the Island sporadically grow and change sometimes uncontrollably. Driving up and down the island, one can see signs of various sizes and forms, many very ugly in , stakes and forms which do not add to the rural character nor was it something as a citizen he was proud of. His desire was to see fairly stringent and comprehensive sign ordinances such as is proposed, with the following comments and recommended changes:

- height of signs at 18' is very tall and no necessity for height to be at that level
- to continue with a rural setting on the island takes good planning
- neighborhood lighting is a very good section and strongly encourages it
- existing signs need to be maintained and gradually need to conform to the ordinance, the concern that the current draft can be easily worked around; i.e. many signs in the community and business area which will never change or conform and continue to be an eyesore.

Mr. Hunt is currently a member on the Freeland Central Business District and attends the Freeland Sub-planning meetings and is encouraged by some of the very creative and future planning and considerations for that area.

Billie Barb, Freeland, was interested in maintaining the rural character, noting that the natural beauty on the island is incomparable to a lot of other places. Speaking for herself and a lot of others, they take their dollars to the stores and businesses that try to keep the beauty of the area and do not go to stores with 25' signs, flashing neon signs. She saw the proposal as a good start.

Bud Wallgren, Oak Harbor, been in business for 40 of the 51 years he has resided on Whidbey Island, observed the sign ordinance in Island County is the most restrictive of any of the jurisdictions he does business in [San Juan, Skagit and

Whatcom counties]. He believes in back lit signs; signs stand as silent salesmen for the businesses, and in the dark winter months the sign lit to let people know where that operation is. Regarding sign height of 18', he thought it made no difference whether 18' or 20' as far as the sign on the top, the concern is allowing 40 sq. ft. a side on a sign. If it is a 6 x 6 sign and the top 18', that means the clearance at the bottom is 12' while the legal height on over-the-highway trucks is 13' 6". With respect to colors, a lot of time, effort and dollars go into creating an image for a company or bank. He clarified he was representing himself as a businessman with a tire store in the unincorporated area of South Whidbey and also as a board member of Whidbey Island Bank with four units in the unincorporated area of the County; all bank signs are white background with dark lettering. Signage has to be recognized as an important element of any NR use and additional hardships should not be created for businesses; these businesses provide jobs for the young people on the island, the people selling the goods, collecting the tax dollars to support county services.

Bill Sievers, Freeland, a businessman off Highway 525, addressed the definition of a box sign. He agreed with the suggestion to scratch melamine. As far as utilizing a dark color with the white background he thought was asking for trouble, i.e. dictating colors to business people. He questioned on Page 2 the sign area 100 sq. ft. in area per business and of that amount, freestanding signs shall not exceed forty sq. ft. in area per side. Generally in the sign business a double-faced sign is counted as 40 sq. ft. of sign area so he is concerned about "each side"; you cannot read both sides at the same time and that needs to be clarified.

Section 2.g)(v) Lighting requirements. (1) ...shielded light sources directed solely downward, the concern is that during the day if this is in effect nice cedar sand blasted signs, quilting signs, etc. if required to add a fluorescent tube to illuminate it during the day would just make it look worse. His suggestion was to still allow some upward lighting, such as par 30 flood lights. The language about protecting the view of the night sky is of concern and he thought unbelievable. He likes the night sky too looking out at Edmonds at night and likes the lights as part of the view. His comments were generally restricted to the commercial areas on South Whidbey and felt deeply about merchants along the highway in Clinton, Ken's Korner, Bayview, and Freeland. Percentage wise the amount of signs is very small in terms of all of Island County. He thought that lighted signs provide excitement, color and a lot of things. Many lighted signs are already over the maximum square footage proposed; a 40' pole sign is small when in the air. He thought the proposed still needed work and was disappointed in it at this point.

Mr. Pinter spoke from the perspective of a commercial lender at Interwest Bank in Clinton who handles a lot of financial statements and noted his awareness that people are here because they like the lifestyle not because they are making any money. Many who planned on retiring are stuck in the business because they cannot find a buyer. The biggest issue is that 90% of the signs are white with dark lettering and this proposal would require a change to the vast majority of signs, and looking at businesses, sees a real hardship caused by this proposal and recommended the ordinance not be adopted.

Mr. Hill commented on costs to owners if a panel is made for a sign to repair it -- having a little more paint used on the sign to make it blue or red background with lighter lettering is a nominal cost. He measured the height of every sign on South Whidbey and found only about four signs that did not comply to the height standard. It should be understood that when a sign is mounted on a building that is unshielded and lights more than just the parking lot it really impacts neighborhoods. He announced the fact that one of the things he is currently working on for the South Whidbey Schools is starting an astronomy program and one of the things needed is just such an ordinance to protect the night sky.

Dr. Shapiro agreed with Mr. Sievers that the direction from which a sign is externally illuminated is not the issue, it is whether or not the sign is illuminated or something else and would not recommend requiring that externally illuminated signs be illuminated from above, below is fine as long as it is just the sign that gets illuminated. As far as the hardship imposes on businesses for having to repair or replace signs or come into compliance, he thought there were lots of options.

Mr. Sievers referred to Section 4.a)(vi) Exemptions (2) and noted that a lot of people are going to fluorescent replacement lamps and suggested that be added. Section 5.a)(ii) regarding if more than 60% of the sign is damaged, replaced or repaired" he questioned what happened in a windstorm, and thought that a person should be able to replace that without conforming. The cost of replacing sign faces is expensive and there are no sign companies locally that can do it.

Mr. Graham suggested that it did make a difference if there are lights on the ground pointing up; that is night sky pollution and is the real problem, the lighting has to come from up going down. Dr. Shapiro agreed and stood corrected.

STAFF COMMENTS

Mr. Bakke clarified that the restriction of color on a box sign as defined in the Ordinance is only restricted if the box sign is lit from inside. There could be a box sign lit from above not internally illuminated and any color could be used. Any place in the proposal referring to melamine facing the word melamine should be deleted. The language "60% of the sign is damaged, replaced or repaired; or" when 60% of the components of the sign are damaged it needs to come into compliance [includes the whole cost of the sign].

BOARD DELIBERATION

Commissioner Shelton commented that when the Comprehensive Plan was developed one of the things agreement was reached on was to allow folks in the Rural zone who wanted a home industry to be able to do so and Island County's plan probably goes farther than any other plan in the State in that respect, yet does not allow commercially-oriented signs in the rural zone. Section 2 sign limitations are severe and rightfully so. The Commissioners recognized the wide variety of opinion on this issue and tried to draft an ordinance to accommodate for that and allow those businesses with existing signs to continue short of the exceptions listed in Section 5. The 18' height was his idea because there were two other opinions on the Board, 20' and 16'; he took the middle ground. While he recognized Mr. Wallgren's comment about the danger of trucks hitting those signs he hoped that could be mitigated to some degree by the placement of the sign. Under lighting requirements an attempt was made to allow those who have lights to continue, recognizing they can only light their own property and not neighbors property and the requirements seem logical, a good compromise. It is important to allow sub-area planning groups to function in Freeland and Clinton and this ordinance not intended to preclude them in their deliberations and the ordinance written such as to not preclude those groups from coming up with sign definitions that might be different than this proposal.

Commissioner Thorn recalled when the EDC under direction of John Hitt put forth a business plan that included a premise that rural character is the economic engine of this County, and Mr. Thorn believed this ordinance had a lot to do with preventing impacts on rural character. He agreed with several of the suggested technical changes:

- delete the word "melamine" wherever it occurs in the ordinance;
- S.1.c) The CSD proposed change of wording for purposes of clarification .
- S.4.a)(vi) (1) CSD suggestion to use the correct word: "luminarias"
- S.5.a) (iii) CSD suggestion to change the word the to any

Commissioner Thorn expressed two regrets: having gone from 16' to 18' which he did not believe in; and having gone away from the prohibition of any new mercury vapor lights and thought those should be prohibited from sale and use in the county from here on out and existing ones phased out. Those issues aside, with the four changes proposed, he was prepared to accept the ordinance.

Chairman McDowell did not agree with the second technical amendment suggested by Mr. Thorn, rather thought the dash could simply be replaced with a comma. He agreed with the deletion of the word "melamine" wherever it occurs in the ordinance and to use the correct term "luminarias" and in section .5.a) (iii) to change the word the to any. One issue he saw as having significant impacts was lighting standards: when driving through a residential area any light that can be seen now on someone's property in three years the fixture has to be changed. His opinion is that is absolutely wrong and did not support that. He acknowledged that very early on the complaint had been the mercury vapor lights and there was not much objection to those being phased out. He did not hear people testify that lighting to driveways, etc. should be phased out and felt that way too intrusive, and if nothing else, should exempt any fixture below 60 watts and avoid hundreds of enforcement actions. Whidbey Island Bank or Interwest Bank that developed over years of research a form for a sign that easily identifies it the idea now that County government would require for a night time sign the color had to be changed was not something he particularly agreed with. He suggested the approach that if kept below a certain level of lighting, the business can continue using the signs they historically developed to identify the business. He disagreed with Mr. Graham's comment as far as Section 2 being a "done deal" in that any negotiation, any agreement made before public hearing was an agreement only to the point of bringing it to public hearing and not that the Board's hands are tied in any way. In this particular case he thought Section 2 was fine, but disagreed with the statement made by Mr. Graham.

As to a maximum limit on lighting Mr. Bakke suggested 4.a.(vi) add item (6) to state: lighting fixtures 60 watts or less. The Board agreed.

ACTION:

By motion made by Commissioner Shelton, seconded by Commissioner Thorn and carried unanimously adopting Ordinance #C-124-00, PLG-030-99 amending chapter 17.03 Island County Code regarding signs and lighting, with four technical amendments to Exhibit A-Revised 2/14/00 as follows:

Deletion of the word "melamine" wherever it occurs in this Ordinance;

17.03.180.S.1.c) Replace the dash with a comma after the word "technology";

17.03.180 S.4.a)(vi) (1) Correct the word to read "luminarias";

17.03.180 S.4.a) (vi) Add new item (6) to read: lighting fixtures 60 watts or less;

17.03.180 S.5.a) (iii) After the word utilized change the to any.

A motion by Commissioner McDowell to address the sign height issue brought up by Mr. Wallgren that depending on sign design and location staff would be authorized to raise the height, died for lack of a second; Commissioners Thorn and Shelton believed not necessary inasmuch as sign location options are available.

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

IN THE MATTER OF AMENDING)
CHAPTER 17.03, ISLAND COUNTY) ORDINANCE C-124-99
ZONING CODE REGARDING SIGNS AND) PLG-030-99
LIGHTING)

WHEREAS, the application for Signs and Lighting , DRA 709/99, application attached as Exhibit "B" and staff report attached as Exhibit "C" were submitted in accordance with Chapter 16.26 ICC within the prescribed time period; and

WHEREAS, the Island County Planning Commission held public hearings on June 24, 1999 in Coupeville and on July 7, 1999 on Camano Island, affidavits of publication attached as Exhibit "D", and the Planning Commission adopted the recommendation attached hereto as Exhibit "1"; and

WHEREAS, effective and clear signage and lighting is recognized as an essential element of non-residential business activity; and

WHEREAS, pursuant to WAC 197-11-600 the County SEPA Official has determined that the changes to Chapter 17.03 ICC relating to Signs and Lighting are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; and

WHEREAS, the proposed amendment is consistent with the adopted Comprehensive Plan and adopted Findings of Fact and Legislative Intent; and

WHEREAS, the Island County Planning Commission recommended approval of DRA 709/99 Signs and Lighting as shown in Exhibit "A"; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the Signs and Lighting amendments to ICC 17.03.180.R attached hereto as Exhibit "A". Material stricken through is deleted and material underlined is added. The Board also adopts the Findings of Fact and Legislative Intent attached hereto as Exhibit "E" to support the changes to the Development Regulations.

Reviewed this 4th day of October, 1999 and set for public hearing at 1:30 p.m. on the 6th day of December, 1999.

**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 BICC 99-564

APPROVED as amended at public hearings on 12/6/99, 12/27/99, 1/24/00, 2/14/00 & 3/6/00 as contained in Amended Exhibit A dated 2/14/00 attached, and adopted following public hearing this 6th day of March, 2000.

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

Wm. L. McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM: as proposed for ICC 17.03 amendments
David L. Jamieson, Jr.
Deputy Prosecuting Attorney

& Island County Code Reviser

[copy complete with exhibits is on file with the Clerk of the Board; entered in the GMA record as doc. #5584]

There being no further business to come before the Board at this time, the meeting adjourned at 5:45 p.m. The next meeting will be held on March 13, 2000 at 9:30 a.m.

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

Wm. L. McDowell, Chairman

William F. Thorn, Member

Mike Shelton, Member

ATTEST: _____
Margaret Rosenkranz, Clerk of the Board