

**ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING**  
**SPECIAL SESSION – FEBRUARY 13, 2001**

The Board of Island County Commissioners met in Special Session on February 13, 2001, beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., to conduct a Joint Session of the Board of Island County Commissioners, Island County Planning Commission and the Island County Hearing Examiner. Present were the following:

Board of County Commissioners: William F. Thorn, Chairman  
Mike Shelton, Member  
Wm. L. McDowell, Member

Planning Commission:

Anne Pringle	Dave Osterberg
Mike Joselyn	George Crampton
Sheilah Crider	Pat Churchill
E. T. Silvers	John Edison
	Lynn Moses

Hearing Examiner: Michael Bobbink

Staff: Phil Bakke, Planning & Comm. Dev. Director  
Matt Kukuk, Code Enforcement Officer  
Bob McCaughan, Building Official  
Jeff Tate, Planning Manager

**Director's Report**

The Planning & Community Development Department is in the process of rebuilding its web page focusing on communication with the builders, developers and environmental groups. Development Information Bulletins (DIBS) are being prepared and available on the web site and at the counter, intended to provide general information, answer commonly asked questions regarding permits, procedures and regulations. A "same-day phone call return policy" is being implemented, as well as working on a building permit tracking system.

**Legislative Issues**

Commissioner Shelton reported on a number of issues before the Legislature. One of the key issues is the five-year update to the Comprehensive Plan. WSAC [Washington State Association of Counties] is supporting a bill that would push the date to 2008, a much more appropriate time for the County to have some track record with the existing Comprehensive Plan.

A significant issue is the listing of the salmon and the ESA and resulting requirements of counties to update Shoreline Master Plans. Island County has joined 30 other counties and the Association of Washington Businesses in a lawsuit against the State of Washington, brought on by the fact that the legislature has been unwilling to commit any funding to local governments and the two year timeline. The cost to Island County to complete the update of the Shoreline Master Program has been estimated between \$900,000 and one million. There is some question whether the new shoreline rules from DOE take into account Island County's existing Shoreline Master Plan and critical areas regulations as they relate to shorelines. Commissioner Shelton added that the ability of the State to pay for the Shoreline Master Plan update would be greatly enhanced just by lengthening the time involved. ESA is a federal program. Numerous bills have been presented relating to stormwater. Stormwater is a critical issue with regard to salmon protection, especially in Island County, where ultimately all stormwater ends up in Puget Sound.

The State Auditor proposed a bill relating to executive sessions for local governments, and proposes that minutes be taken and the session recorded which defeats the whole purpose of an executive session. This is an issue that both the Associations of Washington Counties and Cities are opposed to.

Chairman Thorn commented that Island County had been careful these past several years to take only a minimum increase in property taxes. Island County has basically three major sources of funding for the Current Expense Fund: property tax, sales tax and the interest. A down-turn in interest rates will hurt Island County. He thought that new shoreline rules should

be paid for at the state level, which is the primary reason he supports the County's joining the lawsuit Commissioner Shelton mentioned. He also felt that the new rules should be "stand alone" rules and not part of the Shoreline Management Master Plan because they are inconsistent with the objective of salmon recovery. He acknowledged the decline in salmon in Puget Sound, an indicator species, and whale populations are being affected. The general guidelines are to gain habitat and species, not just to hold the line and prevent further deterioration. He thought it important to consider getting underway in the foreseeable future.

Commissioner McDowell did not believe there was any way that Island County could accomplish the update of the Shoreline Master Plan in two years. He agreed with the Chairman that the new shoreline rules should be "stand alone" rules.

Lynn Moses was interested to know about what kind of assurance there might be from the Board that if the legislature provides for a 5 year timeline that the money would be put aside each year to cover the costs.

Commissioner Shelton hoped that some of the money would come from the State, and if so, would be dedicated funding for that single purpose. And the Chairman indicated that the County would in fact, start budgeting for that.

### **Presentation: Innovations in Building Permit Processing and Inspections**

Bob McCaughan, Building Official, gave the following presentation on Innovations in Building Permit Processing and Inspections: (Record # 6338)

#### **PERMIT INTAKE**

- Tracking numbers are assigned at the time of intake. This number becomes the permit number and it will follow the approved permit through all renewals and reissues.
- Setting up of tax parcel files and all data entry at the time of submittal prior to the applicant leaving.
- Categorizing of permits at intake for the type of processing. The four categories are OVER THE COUNTER, QUIK CHECKS, SIMPLE BUILDINGS, and COMPLEX PERMITS. (Focusing on over the counter permits.)
- Permits now go directly to the plan review drawer from intake.

#### **PERMIT PROCESSING**

- Every effort is to do a complete plan review prior to sending a letter to the applicant so that the project has one touch review.
- Permits after plan review approval are to go back to the initial permit tech that took the project in and will contact the applicant.

#### **FIELD INSPECTIONS**

- Island County is the only jurisdiction that accepts inspections by e-mail. This is an impressive approach that allows the applicant to add comments to the form that is accessed through the Island County web page. This approach allows for clean and almost mistake free requests for inspections.
- All inspection reports are now filed on tracking cards for individual projects.
- All previous inspections are now taken to the filed to avoid mistakes and redundancies in inspections. This approach has enhanced the speed of inspections allowed for more efficient use of staff time.
- One individual responsible for balancing and routing inspections.
- Encouraging contractors to take advantage of the consultations that we offer to avoid problems before they happen.
- A new style of permit cards that guide one through the most common inspections from the beginning of the project to final inspection.
- Useful tips on the back of the permit card.

#### **OTHER PROACTIVE APPROACHES**

- Builders, designers and trades people breakfast meetings.
- Notebook of requests for assistance available to all staff as a resource.
- Web page information.
- E-mail newsletter that can be sent to different areas of Island County

Mr. McCaughan commented that the State was considering adopting a new building code which would be a total material change. Instead of having one building code there would be two: (1) International Building Code; (2) International Residential Code. The state currently uses the Universal Building Code (UBC). Mr. Bakke is working with Mr. McCaughan to put together a subcommittee made up of builders and other interested parties to discuss the impacts the

proposed changes will have on the local constituents.

### **Freeland/Clinton Sub-area Committee Planning Process**

Jeff Tate provided an update on the Freeland/Clinton Sub-area Planning process. In January and February of 2000 Freeland and Clinton finished "Existing Condition Reports" and then began to define specific land use designations. The Freeland Committee held a community open house and presented the land use map. Many citizen volunteers came about as a result of the open house and have been working ever since. The original intention in Freeland was to define issues, land use designations, and prepare a draft plan. Because of the desire of the public to participate in the process, land use designations were held off in order to involve the public in defining the issues. The volunteers started meeting on Wednesday nights to discuss the issues. With the assistance of the volunteers a survey was created and sent to everyone within the Freeland zip code along with all property owners. The volunteers, with the assistance of a committee member, began putting together issue papers and came up with recommendations and suggestions. This January volunteers and committee members put on a major community open house. Sewer and storm water contracts have been initiated to begin work on the infrastructure plans for Freeland. The committee is now defining the land use designations and talking about goals and policies within each of those designations. Issue papers are being finalized and are being presented to the committee by the volunteers for review. Staff will summarize those and incorporate them into the draft plan, work on implementation measures, and a buildable lands analysis for Freeland.

Clinton is essentially going through the same process but in a little different order. The Clinton process has not received the amount of public interest and turnout that Freeland has had to date. Staff drafted a Clinton Sub-Area Plan and presented it at an open house on January 9, 2001.

Mr. Bakke added to note that staff set up a series of six meetings to go over all the issues and get the committee to make some preliminary judgments about whether or not there is support in the community for an NMUGA.

From Commissioner Shelton's perspective it seemed the economic hub of South Whidbey was going to be Freeland.

Anne Pringle asked for some clarification as to the status of the volunteers versus actual sub-area committee members. Mr. Tate confirmed that the committee made all the decisions; the volunteers were presenting a lot of the issues and doing much of the groundwork. Mr. Bakke verified that the NMUGA designation would be by vote of the committee, forwarded to the Planning Commission, and then to the Board of County Commissioners for a decision.

Commissioner Shelton felt it incumbent on the Planning Commission and Board to make the determination as to whether or not Freeland and Clinton become NMUGAs. The final determination will be up to the public. He felt strongly that the planning process was being driven by the people of Freeland. The Freeland Sub-Area Committee has had a lot of public participation and if they recommend NMUGA status to the Planning Commission and the Board, he truly believed that it is a community driven decision.

Commissioner McDowell understood the need for a plan in order for the public to know what they are voting on; however if the public does not want to pay for a sewer system it would not matter what the Planning Commission or the Board decided.

Mr. Bakke said the sewer study would help determine where the initial sewer service area is going to be. The Freeland Water District and the Holmes Harbor Sewer District are intending to draw a ULID boundary.

Dave Osterberg inquired as to whether the County planned to provide alternatives, and if so, would one alternative be "no action". Mr. Bakke confirmed that alternatives would be provided.

Commissioner Shelton said that with regard to those in Freeland who want to remain a mixed use RAID and somehow have the benefits of local control, he is supportive of local control, but pointed out that a RAID has a different designation in this County than a NMUGA and to somehow continue to receive the attention of the County to the extent currently being devoted probably would not happen if Freeland remains a RAID.

When using the entire zip code for Freeland Ms. Pringle thought was like saying those who live on Bayview Road and in part of Useless Bay should determine what happens in the Clinton area because they have a Clinton post office address. She felt the focus of efforts should be on those who live within the proposed boundary of the NMUGA, and not allow those who

live within the entire Freeland zip code to participate in the NMUGA decision.

Mr. Bakke acknowledged that people are participating in the Freeland planning process who are well outside the zip code; the decision on the issue of sewers will be made by those who are impacted. Mr. Tate believed it was important to include everyone within the zip code, even further out because the designation of Freeland as a NMUGA is a regional issue. Designating Freeland as a NMUGA is meant to help protect the rural character of all of South Whidbey.

Mr. Bobbink pointed the importance of public participation during the early stages of the process. By the time something comes before the Hearing Examiner public input is really not very important. The Hearing Examiner's job is to apply the regulations as they have been drafted and to approve or disapprove an application based on the legislative decisions already made.

George Crampton inquired about the cost of the stormwater and sewer studies. He did not understand why the residents of Oak Harbor should have to pay for improvements in Freeland. Mr. Bakke answered that the stormwater plan was being paid for out of County funds, and will be reimbursed when a sewer district is formed. The cost for each study is roughly \$118,000.00. Thus far, the County has received \$20,000.00 in planning grants.

#### Summary: Compliance Status – Island County (Record # 6337)

Mr. Bakke reported on one of the pending items on the compliance list was now before the Board of County Commissioners, Order No. 13, Species and Habitat, which he hoped would be completed next month. If so the County will request a determination of compliance from the GMHB.

Four items on the compliance list would be decided in Superior Court. Order No. 5, Rural Densities, (Appeal filed by WEAN); Order No. 10, BMP Manual, (Appeal filed by Island County to apply BMP's to Rural Zoned Farms); Order No. 14, Category B Wetlands, (Appeal filed by Island County to uphold 25' setback to all zones except Rural); Order No. 15, Type 5 Streams, (Appeal filed by Island County to uphold 25' non-wetland tributary stream setbacks to all zones except Rural). All the remaining items are in full compliance.

Ms. Pringle mentioned that a member of the public indicated receipt of a letter from the County advising that their property contained sensitive plant species, and that person questioned how the County knew there were sensitive plants on her property without going onto her property.

Commissioner McDowell explained that the County had been supplied by WEAN maps identifying sites; from that County staff drew a 300' radius around those sites and sent letters to everyone within that radius.

Mr. Churchill objected to the fact that a study on sensitive plant species has never been done on Camano Island.

Chairman Thorn explained that the proposal had been brought forward by WEAN, a private group on Whidbey Island. If a private group proposed the same thing on Camano Island the County would be obliged to respond.

#### Hearing Examiner's Report

Michael Bobbink reported that his work load had changed somewhat due to the fact that more of the routine matters were now being handled administratively. A majority of his work load deals with appeals, which seem to be more contentious and time consuming. He has seen very little unanticipated problems arising from the redraft of the ordinance. His job is to implement policy decisions so that people are treated the same in similar circumstances; he stays out of the political arena. He felt that most people appreciated the professionalism exhibited by everyone involved in the hearing examiner process.

#### 2001 Annual Review Docket ANNUAL REVIEW DOCKET (Record #6336)

Jeff Tate outlined the items on the 2001 docket, the first 7 proposed by staff, the last item from a private landowner.

1. Enforcement provisions of 11.01 & 11.02 ICC
2. 17.03.180 ICC, School Standards
3. Review 17.03.180 Institutional uses Standards
4. Forest Practice Standards

5. Review Rural Zone standards as they apply to small existing lots
6. Develop variance criteria for height
7. 17.03.180, Fire Station Standards
8. Au Sable – Rezone to special review district

Meeting adjourned at 11:40 a.m.

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

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William F. Thorn, Chairman

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Wm. L. McDowell, Member

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Mike Shelton, Member

**ATTEST:** \_\_\_\_\_  
Margaret Rosenkranz, Clerk of the Board