

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION - JANUARY 7, 2002**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 7, 2002, beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman,; Mike Shelton, Chairman, Wm. L. McDowell, Member, and William F. Thorn, Member, present. By unanimous motion, the Board approved and signed the December 24, 2001 minutes of meeting.

**VOUCHERS AND PAYMENT OF BILLS**

Year 2001 vouchers/warrants [dated 1/7/02 printed 10:25:24], were approved for payment by unanimous motion of the Board: Voucher (War.) # 114,514 – 114,773..... \$138,012.95.

Year 2002 vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #114,775 -114,787.....\$12,401.99.

**Veterans Assistance Fund:** [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. As recommended by the Veterans Assistance Review Committee, the Board by unanimous motion denied Veterans Assistance Claims #V1-23 and #V1-24.

**HIRING REQUESTS & PERSONNEL ACTIONS**

As presented by Dick Toft, Human Resource Director, the Board by unanimous motion, approved the following personnel action authorization:

<b>Dept.</b>	<b>PAA</b>	<b>Description</b>	<b>Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Assessor	#130/01	Appraiser I	1108.04	New Position	1-7-02
Sheriff	#001/02	Dep. Officer	4012.03	Replacement	1-7-02

**AMENDMENT #4-CONSOLIDATED CONTRACT #C08645(4)**

Having been approved by the Board of Health on December 17, 2001, the Board by unanimous motion, approved Amendment #4 to Consolidated Contract C08645(4) with the State Department of Health, for amended amount of \$436,123.00, bringing the new total to \$832,176, which extends the contract for 12 months [RM-HLTH-00-0020].

**INTERGOVERNMENTAL AGREEMENT WITH I-COM - STATE ENHANCED 911 OPERATION FUNDS  
FY 2002**

The Board, by unanimous motion, approved and signed Intergovernmental Agreement between Island County and Island County Emergency Services Communication Center (I-COM) for financial assistance for State Enhanced 911 Operational Funds FY 2002 in the amount of \$304,866 [RM#BOC-01-0114] under State Military Department Contract EM 03-0087 with the County.

**RESOLUTION #C-01-02/R-01-02 – AMENDING CRP 01-04 ORDER #129-SEAWARD WAY/DRIFTWOOD  
WAY ROAD IMPROVEMENTS**

As recommended by Bill Oakes, Public Works Director, the Board by unanimous motion approved Resolution #C-01-02/R-01-02 which amends County Road Project 01-04, Work Order #129, Seaward Way/Driftwood Way Road Improvements, increasing total amount by approximately \$50,000 to cover additional slope stabilization work and some paving.

**HEARING HELD: ORDINANCE #C-172-01/R-63-01 SETTING ONE-YEAR LOAD RESTRICTION ON  
GLENDALE ROAD**

As advertised and scheduled, the Chairman opened a public hearing at 10:20 a.m. to consider Ordinance #C-172-01/R-63-01, setting a One-Year Load Restriction on Glendale Road, located in Sec. 1, Twp. 28N, Rge. 3E. Mr. Oakes presented staff recommendation to approve weight restriction on Glendale Road for a period of one year, from Humphrey Road to Holst Road, not to exceed 5 tons, with special permit required for anything over 5 tons.

No comments were made by members of the public at the time of hearing, either for or against the proposed ordinance. Chairman Shelton supported adoption of the Ordinance after talking with construction folks with respect this action enabling subsurface to settle in and hopefully prevent asphalt cracks, etc. Dick Snyder, County Engineer, concurred with the Chairman.

The Board, by unanimous motion, adopted Ordinance #C-172-01/R-63-01, setting a One-Year Load Restriction on Glendale Road, located in Sec. 1, Twp. 28N, Rge. 3E.

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

**IN THE MATTER OF SETTING A ONE-YEAR)  
LOAD RESTRICTION ON GLENDALE ROAD)**

**ORDINANCE C-172-01  
R-63-01**

\_\_\_\_\_) **WHEREAS**, under the authority of RCW 46.44.080, the Board of County Commissioners may adopt, by ordinance, weight restrictions on public roads within their jurisdiction, whenever said road will be damaged unless the permitted weight of motor trucks or other vehicles are reduced; and

**WHEREAS**, portions of Glendale Road proposed for a load restriction were recently reconstructed under CRP 97-04; and

**WHEREAS**, it has been determined by the County Engineer that a portion of Glendale Road, some of which has been recently reconstructed, will be seriously damaged or destroyed unless the permissible weight of vehicles is reduced to five (5) tons maximum for a 9 one-year period; and

**WHEREAS**, it is in the public's interest to preserve and prolong the integrity of the roadway surface and stability of the road base, and therefore maintain a safe roadway; and

**WHEREAS**, regulation of weight restrictions upon County rights-of-way is a function of police power properly exercisable by the Board of County Commissioners; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED** by the Board of County Commissioners of Island County, Washington, as follows:

The maximum authorized vehicular weight on the roads listed in the attached Exhibit "A" shall be as indicated in said Exhibit.

**THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FIFTEEN DAYS FROM AND AFTER ITS PASSAGE INTO LAW AND TERMINATE 1 YEAR THEREAFTER.**

**REVIEWED** this 17 day of December, 2001, and set for public hearing on the 7 day of January, 2002 at 10:20 a.m.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Chairman  
Mike Shelton, Member  
Wm. L. McDowell, Member

ATTEST: Elaine Marlow,  
Clerk of the Board

**PASSED INTO LAW** this 7 day of January, 2002 following public hearing.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

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

**ATTEST:** Elaine Marlow,  
Clerk of the Board

**APPROVED AS TO FORM:**

David L. Jamieson, Jr.  
Deputy Prosecuting Attorney and  
Code Revisor

BICC 01-810

*[Exhibit "A" placed on file with the Clerk of the Board]*

**HEARING HELD: ORDINANCE #C-173-01/R-68-01 REGULATING SPEED  
LIMIT ON GLENDALE ROAD AND HUMPHREY ROAD**

- As scheduled and advertised, a public hearing was held at 10:30 a.m. to consider Ordinance #C-173-01/R-68-01, regulating speed limit on Glendale Road located in Sec. 1, Twp. 28N., Rge. 3E and Humphrey Road, located in Sec. 1, Twp 28N., Rge 3E. and Secs. 25/26, Twp 29N., Rge 3E.

- Staff recommendation presented by Mr. Oakes was in support of the Board's approval of speed limit reduction as proposed on Glendale Road, reducing approximately the last half mile speed limit from 35 mph to 25 mph, and Humphrey Road setting consistent speed limit of 35 mph for the majority of the road, with the last section in the vicinity of Glendale Road being reduced to 25 mph.

On behalf of herself, and WEAN, Langley, Marianne Edain, agreed it was a good thing to reduce the speed limit but thought it a bad thing to have Glendale Road open so this is necessary. She believes it clearly foreseeable there will be damage, noting the further problem of an approved forest practice permit on the top of the hill which will cause pretty severe damage either to Glendale Road or Humphrey Road or both. Her view was that reducing the speed limit seems a sad after the fact bandaide for major decisions that should have been made earlier to protect that area.

Gretchen Vollbrecht, Humphrey Road, Clinton, has a child and noted there were a number of children who lived on the road, who cross to play with one another and wait for the school bus on it; and would like to see the speed limit reduced, and then be enforced. She noted there was a little boy already this year hit as he was waiting for the bus.

Steve Erickson, WEAN, Langley, suggested speed bumps.

With no further testimony from the public, the Board by unanimous motion, adopted Ordinance #C-173-01/R-68-01, an Ordinance of Island County regulating Speed Limit on Glendale Road located in Sec. 1, Twp. 28N., Rge. 3E and Humphrey Road, located in Sec. 1, Twp 28N., Rge 3E. and Secs. 25/26, Twp 29N., Rge 3E.

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

**IN THE MATTER OF REGULATING SPEED )  
LIMITS ON HUMPHREY AND GLENDALE )  
ROADS AS SHOWN IN ATTACHED EXHIBIT )      **ORDINANCE C-173-01**  
"A" AMENDING ISLAND COUNTY CODE )      **R-68-01**  
TITLE X, CHAPTER 10.01 )**

- **WHEREAS**, an engineering and traffic investigation has been made relative to Humphrey Road and Glendale Road by Nichols Consulting Engineers, an engineering consulting firm under contract with Island County to review the need for possible traffic calming measures on Humphrey Road and Glendale Road; and

**WHEREAS**, the speed limit on a portion of Humphrey Road, from the old Jim John Resort Road to a point 1.47 miles south of Orr Road, is still 50 miles per hour; and

**WHEREAS**, the speed limit on a portion of Glendale Road rebuilt under CRP 97-04 adjacent to the Plat of Glendale is 35 miles per hour; and

**WHEREAS**, from review of the information obtained during said engineering and traffic investigation, the 50 miles per hour speed limit on this section of Humphrey Road and the 5 miles per hour speed limit on this section of Glendale Road is greater than is reasonable and safe under the conditions found to exist upon the roads described on the attached- Exhibit "A"; and

**WHEREAS**, the engineering and traffic investigation also revealed the need to adjust the speed on the roads listed on the attached Exhibit "A"; and

**WHEREAS**, regulation of maximum vehicle speeds and traffic control upon County roads is a function of police power properly exercisable by the Board of County Commissioners; **NOW, THEREFORE,**

**BE IT HEREBY ORDAINED** by the Board of County Commissioners of Island County, Washington, as follows:

The maximum speed on the roads listed in the attached Exhibit "A" shall be as shown in said Exhibit, and the Island County Code is amended to read as shown on said Exhibit. Underlined material is added to existing County code and interlineated material is deleted.

**THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FIFTEEN DAYS FROM AND AFTER ITS PASSAGE INTO LAW.**

**REVIEWED** this 17 day of December, 2001, and set for public hearing on the 7 day of January, 2002 at 10:30 a.m.

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

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

**ATTEST:** Elaine Marlow, Clerk of the Board

**PASSED INTO LAW** this 7 day of January, 2002 following public hearing.

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

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

**ATTEST:** Elaine Marlow,  
Clerk of the Board

**APPROVED AS TO FORM:**

David L. Jamieson, Jr.  
Deputy Prosecuting Attorney and Code Reviser

BICC 01-811

*[Exhibit placed on file with the Clerk of the Board]*

**HEARING HELD: OPS 337/01, JOHN & IRENE CARR – REQUEST CHANGE 35.9 ACRE PARCEL FROM DESIGNATED FOREST TO TIMBER LAND CURRENT USE CLASSIFICATION. PARCEL #R03225-463-4640, CENTRAL WHIDBEY ISLAND**

A Public Hearing was held to consider Open Space application OPS 337/01 by John & Irene Carr, requesting to change a 35.9 acre parcel from Designated Forest to Timber Land current use classification, Parcel #R03225-463-4640, located in Central Whidbey, in the NE ¼ of Section 25, Township 32N, Range 1W.

Island County Planning Staff Report was dated December 3, 2001, prepared by Jeff Tate, and included Proposal, Findings, Analysis, Conclusions and Recommendation. This is a single undeveloped parcel 35.9 acres in size, currently classified in the Designated Forest tax program, originally harvested around the turn of the Century. Applicants submitted a Forest Land Management Plan containing all of the referenced information. The preservation of this parcel in a state of timber land is consistent with criteria in RCW 84.34.04 (a)-(c) and the Island County Comprehensive Plan. Staff recommended approval, subject to the following conditions:

1. All future forest practices activity on the subject property shall be consistent with the submitted Forest Land Management Plan and all Resource Management Recommendations contained in the report shall be followed as a condition of this approval.
2. All future forest practices activity on the subject property shall [be] consistent with Washington Forest Practices Regulations, RCW 76.09 and WAC 222, and all other applicable County, State and Federal regulations.
3. This approval is limited to transfer of the subject parcel from Designated Forest to Open Timber current use. Additional permits and/or approvals will be required for other land use activities including, but not limited to, clearing and grading related to removal of timber.

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No one in the audience spoke either for or against the Open Space Application.

By unanimous motion, the Board approved Open Space application OPS 337/01 by John & Irene Carr, requesting to change a 35.9 acre parcel from Designated Forest to Timber Land current use classification, Parcel #R03225-463-4640, located in Central Whidbey, in the NE ¼ of Section 25, Township 32N, Range 1W, as recommended by staff with conditions stated.

**HEARING HELD: ORDINANCE #C-159-01 (PLG-028-01) ADOPTING AMENDMENTS TO CHAPTER 16.19 ICC LAND USE REVIEW**

As introduced on December 3, 2001 [GMA #7100] and scheduled for hearing this date and time, as advertised, a public hearing was held to consider Ordinance C-159-01 (PLG-028-01) Adopting Amendments to Chapter 16.19 ICC Land Use Review to correct an unintended inconsistency with the provisions of RCW 58.17.033 (1) with regard to the vesting of subdivisions and short subdivisions, to be retroactive to September 29, 1998 when Chapter 16.19 was adopted.

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At the time of hearing approximately 20 people were in the audience. [sign-up sheet GMA #7138].

Correspondence received prior to the hearing includes:

- Fax cover 12-31-01 with letter dated 12-28-01 from Gerald Steel, PE, Attorney-at-law, Seattle Comments for 1-7-02 hearing [GMA #7139]
- Fax cover 12-28-01 w letter dated 12-28-01 re Public Disclosure request [GMA #7140]

Debra Little, Planning Manager, summarized the proposal as a technical amendment to the County Land Use Review process, Chapter 16.19 Island County Code, to bring the County Code into conformance with State regulations for land divisions, to clarify that a long or short subdivision application is considered vested on the date a complete application is submitted rather than on the date the county sends an acceptance letter. Approval of the proposed amendment will ensure that Island County regulations are consistent with language in State regulations contained in RCW 58.17.

Carolyn Cliff, Attorney, Langley, representing Swan Enterprises, Inc., submitted a copy of her Outline of Remarks for 1/7/02 hearing on Ordinance C-159-01 regarding Island County Vesting of Short and Long Subdivision, including attachments: State law requiring that subdivision application vest to the zoning in effect at the time that a fully complete application is submitted; and ICC 16.06.090.F) by Carolyn Cliff, Attorney for Swan Enterprises, Inc. [GMA #7141].

Wayne Tippery, President, Swan Enterprises, Inc., was present in the audience at the time of hearing. Ms. Cliff confirmed that Swan is asking that the Board adopt the amendment and to adopt the amendment as it was proposed by the Island County Planning Department without changes requested by Gerald Steel representing Cameron Woodard Homeowners Association, for reasons stated in her submitted outline for the record. She agreed that language of the development regulations should be changed.

Steve Erickson, WEAN, Langley, made the point that Keith Dearborn, the County's consultant, was paid over a million dollars, and recalled Mr. Dearborn having said that if something was ruled illegal or there was a problem, he would fix it at no charge; therefore, Mr. Erickson suggested the County send the bill to Mr. Dearborn for the time involved. He thought too that probably the bill for legal fees for Ms. Cliff and for Gerald Steel should be sent to Mr. Dearborn.

David L. Jamieson, Jr. Chief Civil Deputy Prosecuting Attorney, pointed out the problem with the ordinance was identified some time ago; he had informed the Planning Department when preparing a "clean-up" of other ordinances that it would be a good idea to add this. This is nothing new that came up as a result of Swan Enterprise, Inc., application. The State Constitution gives the authority to counties to make local ordinances so long as they are not in conflict with general laws of the State, citing explanation contained in Washington Supreme Court in Weeden v. San Juan County. The issue of whether a county can lawfully adopt an ordinance that would delay vesting of a subdivision or short subdivision was addressed in a case Adams v. Thurston County, in 70 Wa. Appellant 471. In that case, the Court of Appeals clearly said that Thurston County's ordinance delaying vesting was invalid because there is a general state law stating that when short subdivisions or subdivisions are filed, when a complete application, those applications must be considered under the zoning and other land use ordinances in effect on the date that the application is filed, not later. The proposal before the Board today would bring the County ordinance into compliance with state law.

Commissioner Thorn believed the relevant language here was what constitutes a complete application which may or may not occur on the date the paperwork is turned in.

By unanimous motion, the Board adopted Ordinance #C-159-01/PLG-028-01 in the matter of adopting Amendments to Chapter 16.19 ICC Land Use Review. [GMA #7142]

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

IN THE MATTER OF ADOPTING )	
AMENDMENTS TO CHAPTER 16.19 )	ORDINANCE C-159-01
ICC, LAND USE REVIEW )	PLG-028-01
_____ )	

**WHEREAS**, Chapter 16.06 ICC, the Island County Land Division Ordinance, was adopted in 1998 to govern land divisions in Island County and was expressly intended to implement Chapter 58.17 RCW; and

**WHEREAS**, Chapter 16.19 ICC, the Land Use Review Process, was substantially amended, also in 1998, to implement changes to the land use permit review process to comply with the 1995 Regulatory Reform Act (HB 1724); and

**WHEREAS**, the provisions of Chapter 16.19 ICC as amended regarding vesting can be construed to conflict with the provisions of RCW 58.17.033(1) with regard to the vesting of subdivision and short subdivision applications; and

**WHEREAS**, Island County did not intend to create any inconsistency between the provisions of Chapter

16.19 ICC and those of RCW 58.17.033(1) with regard to the vesting of subdivision and short subdivision applications, and Island County has processed such applications in conformity with the provisions of RCW 58.17.033(1) since Chapter 16.19 ICC was amended; and

**WHEREAS**, the provisions of Chapter 16.19 ICC as amended regarding vesting can be clarified to avoid an inconsistency with RCW 58.17.033(1); and

**WHEREAS**, such a clarification is remedial in nature and should therefore be expressly made retroactive to the effective date of the amendments to Chapter 16.19 ICC, so that the clarification applies to all subdivision and short subdivision applications submitted to Island County on or after that date; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 16.19 ICC 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; **NOW, THEREFORE**,

**IT IS HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts the proposed amendment to Chapter 16.19 ICC attached hereto as Exhibit A, to be effective prospectively and, with respect to subdivision and short subdivision applications submitted on or after September 29, 1998, retroactively. Material stricken through is deleted and material underlined is added.

Reviewed this 3 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

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

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

**ATTEST:** Elaine Marlow  
Clerk of the Board

BICC -01-777

APPROVED and ADOPTED this 7 day of January, 2002.

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

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

**ATTEST:** Elaine Marlow  
Clerk of the Board

**APPROVED AS TO FORM:**

David L. Jamieson, Jr.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

*[Exhibit placed on file with the Clerk of the Board]*

**HEARINGS HELD: ANNUAL COMP PLAN AMENDMENTS**

Attendance Sheet entered as GMA record #7138. All ordinances were reviewed in Public Hearings before the Island County Planning Commission in June and July, 2001.

**Ordinance C-162-01 (PLG-022-01) Amending the Island County Zoning Ordinance Chapter 17.03 ICC to Incorporate Site Coverage Variance Standards**

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A Public Hearing was held on Ordinance #C-162-01 (PLG-022-01) Amending the Island County Zoning Ordinance Chapter 17.03 ICC to Incorporate Site Coverage Variance Standards As introduced on December 3, 2001 [GMA #7103]

and scheduled for hearing this date and time, as advertised. Prior to the Hearing, the following correspondence was received for the record:

- 1/3/02 Letter from Steve Erickson, WEAN, comments on variance amendment #7145
- 1/3/02 e-mail from Steve Erickson, WEAN, to Whatsnext RE variance amendment #7146
- 1/3/02 e-mail from Drew Kampion RE impervious surface standards #7147
- 1/4/02 e-mail from Duane Fulgham RE impervious surfaces #7148
- 1/5/02 e-mail from Michael Seraphinoff - RE impervious surfaces #7149
- 1/5/02 e-mail from Sarah Birger RE impervious surface rules #7150
- 1/6/02 e-mail from Dean Enell RE impervious surfaces #7151

Jeff Tate, Comprehensive Plan Manager, gave the staff presentation and recommendation, and included a brief history:

1998 BOCC adopted Comp Plan and implementing development regulations, within which were a series of site coverage ratios, a broad term including three ratios: building coverage on lots; impervious surface coverage on lots; and open space coverage on lots. The matrix adopted in 1998 shows maximum percent allowed in each of those categories within different uses and zones. Since 1998 a number of requests for variation of those have been received. Staff presented to the Planning Commission for 2001 annual review a proposed variance process to allow variation of the ratios. Existing language allows for the variation of site coverage ratios and that the County may consider requests to vary or adapt strict application of any of the provisions listed, and parking, signage and site coverage requirements can be varied.

Seven standards in subsection D are the variance requirements to be met, one of which is that the variance must be to provide reasonable use of the parcel. Staff has found it difficult to make that finding for site coverage ratios and prepared an amendment to provide guidance on how to review that. The amendment would not allow something that is not already allowed in the code, rather creates perimeters and guidance for staff to implement it. He noted too that in some ways, creating the perimeters will be more restrictive and creates sideboards. The proposed amendment separates existing and new uses. "Existing Uses" refers to existing uses that no longer conform to what the zoning ordinance may allow now, either in the sense that the use is no longer permitted or that that use no longer conforms to a specific land use standard. The proposed amendment is consistent with the intent of the code which allows expansion of existing uses that no longer conform to specific land use standards.

The amendment contains a clause to state that open space requirements cannot be varied, only building coverage and impervious surface standards. It is something of a performance sort of review.

Commissioner Thorn referred to Section .210.D.3.a)(i) second sentence that states that "Existing Uses shall be allowed to exceed site coverage ratios ..." noting that the word shall should be changed to may since it is a permissive thing that is being created. It makes sense in giving staff some criteria by which to judge these requests as they come in and to allow sideboards to be used to limit the degree to which this is applied. Mr. Tate agreed with that suggested change.

Chairman Shelton reviewed "3.C(ii) The granting of any site coverage variance for impervious surface shall only be allowed if it can be demonstrated that the post-development rate of surface water runoff does not exceed the rate of pre-development surface water runoff." and believed it was an impossible thing to achieve. Mr. Tate confirmed intent was with regard to the amount of water that leaves that particular site.

Commissioner McDowell pointed out that the rate to compare with is the existing rate, not before it was built 50 years' ago; i.e. the new construction cannot exceed the rate of the existing runoff. Whether it is a currently developed or undeveloped piece of property, Mr. Tate agreed intent is to say: what it is today versus what is being applied to expand to.

Consensus: 3.C(ii) Add the word existing in the last sentence to read: "...does not exceed the existing rate of pre-development surface water runoff".

Rick McArdle, Shocke-Brent Planning Office, Everett, representing Camano Chapel, spoke in support of the proposed code amendment. The Chapel has been located in a rural area since the early Fifties, continued to grow as the community has grown, now in need of expanding facilities, and had worked with the County for the last couple of

years to obtain permits and approvals to do that. Existing code fails to recognize the unique nature of institutional uses such as churches that have been historically located in rural areas. He supported staff proposal for a variance process to evaluate these kinds of proposals as a reasonable approach to an outright increase in allowable impervious; and would not be an automatic approval, recognizing tough criteria to meet, and involve an additional layer of review.

Joe Mosolino, Brideck Lane, Oak Harbor, strongly supported the amendment as proposed which would give needed flexibility to the County and give homeowners a needed way to address unique and other than ordinary circumstances found in a rural community.

Tom Fisher, Citizens Growth Management Coalition, Clinton, appreciated the need for a variance process generally, but thought the perimeters upon which variances are based should be much more specific and tighter and consider all the down stream affects and rural character. Specifically, he directed attention to the last section, C – for all uses, noting that C (i) is so vague as to be virtually unworkable as a perimeters; C (iii) – the imperative here is “must consider” but who is to say whether it is to be finally utilized or not?; and C (iv) probably every variation brought before the Board could be deleted based on this alone if considering definition of rural character.

Steve Erickson, WEAN, commented that the proposal did not just apply to rebuilding and reconstructing in instances of emergencies or destruction, rather to both existing and new uses throughout the county, suggesting it was being done for the benefit of one property owner. The provision in A-5 Site coverage ratios which may be varied by the minimum necessary to ensure the provision of adequate emergency services for the area proposed to be served. It is vague as to whether or not that only applies to existing uses or also new uses, and he believed it should be limited to existing uses. In terms of applying these standards to new uses, he did not think it should be allowed. Detention ponds and those kinds of engineered technologies may have the effect of making the surface water go elsewhere over a longer period of time, but the total amount is increased. Those increased peak flows over time have the effect of degrading the hydrological system. Ratios that are allowed now, 25% and 10% are already really high and those numbers should be reduced and a variance required to go beyond reduced numbers.

Various other provisions included he thought were rather vague. The rate of surface water runoff is an environmental issue. WEAN is very disturbed by what appears to be becoming a ritualized mantra appearing in every ordinance coming before the Board – some document some time or another that talked about adverse environmental impacts and these were discussed then. The SEPA responsible official is not relieved of at a minimum reviewing those impacts to the extent of identifying them and issuing a threshold determination as to whether they will or will not have adverse environmental impacts.

Mr. Erickson pointed out that when this matter came before the Planning Commission Mr. Bakke told the Planning Commission that the impervious surface standards had been developed apparently for reasons having to do with aesthetics; if that is the case, then those impacts were not reviewed before. Regarding environmental review in general, he pointed out that the amendment to be discussed later about height variances, there is serious concern about impacts to the surrounding Area and neighbors must be notified. He suggested for a variance on impervious surface standards, everyone who lives in the watershed should be notified.

Reasonable use criteria are there to prevent a takings. The ordinance is terribly confusing and contradictory in that way. A reasonable use clause can be added, in general, for the entire county code actually but it goes far beyond that in this case. The increase in open space ratio does not make up for the increase in the area that can be hardened. It does not make sense to apply this to new uses. A new use from the start should have to live within the standards. The proposal as written throws the doors open to something that is already a problem and will be a bigger problem as time goes on. He suggested the proposal be pitched and not adopted.

Marianne Edain, WEAN, believed thought adopting the proposal would be a grave error. She did not think Camano Chapel’s specific and individual problems should result in increasing impervious surface in the entire county. There are no limits on the number of individual instances which could be brought to the County for a variance, the upshot being that non residential uses county wide would expand and she challenged planning staff to show where the impacts of such a county wide increase in impervious surface had been studied. Having been a part of the negotiating committee that negotiated specific standards, she was “miffed” to now find that their long and hard work was being changed. As far as the reasonable use exception, Ms. Edain stated that these are conditional uses by their nature; to invoke reasonable use on something that was a dispensation in the first place is totally inconsistent and

inappropriate. If as Mr. Tate indicated this is to codify and limit actual practice, that practice is in violation of the codes and should not be happening. A county wide limit should be set on how much impervious surface should be allowed in any given watershed because damage is happening and will increase in intensity. Her proposal was this go back for a re-write and that there be very strenuous environmental review.

John Rice, Administrator, Camano Chapel, observed that nationally, faith based institutions have a long standing heritage of being located in the heart of residential communities they serve; by design the two go together. Since 1951 Camano Chapel has expanded to meet the needs of the community. The Chapel is unable to meet the growing population of the community without further expansion of common areas and multi-use meeting or classroom space and has been working with the County since July 1999 with regard to development rights under current codes. The existing code places institutional uses under requirements as commercial development and does not give adequate relief for existing users who based on prior development over time exceed the new site coverage limitations. The insurance appraisal for the property and improvements exceeds four million dollars and the Chapel is not in a position to simply sell and move and must pursue reasonable on-site solutions to accommodate continued growth.

In response, although Camano Chapel was represented today, Mr. Tate confirmed there had been many others at the counter and who met with staff during pre-application conferences about this issue; it has caused problems with other property owners. He agreed language in C-1 on the last page is vague dealing with harmonious transition between surrounding uses, but it directs staff and applicant to think about it, review the Comprehensive Plan with respect to rural transition and rural character and such issues. Section C-4 on the same page goes back to the previous two sections to note, i.e. doing a site coverage variance going to other standards which allow increasing those standards, an off-setting of impacts such as aesthetic, by using some other standards. The reason this is before the Board now is to codify something to allow the County to proceed; staff never processed a variance for any sort of site coverage. Standards of WAC 197-11-600 4C and WAC 197-11-625, adoption of addendum, for environmental review were used. In that adoption existing environmental documents are adopted, and those documents are listed; staff is of the opinion that the County has complied. When Mr. Erickson said that during the Planning Commission discussion staff said that the impervious surface standards were merely aesthetic, Mr. Tate said it was true that staff very clearly stated that one of the reasons that impervious surface standards and all site coverage ratios were added to the code was to help deal with rural character; it is a limiting factor and it was not to say that impervious surface standards have no place in environmental protection; rather, part of the reason those are in the zoning ordinance is to help control scale and bulk of development of properties. Existing use is defined as something that existed prior to 1998.

Commissioner Thorn expressed regret that the Planning Commission did not come to the Board with a firm recommendation; the Planning Commission is an advisory group to the Board of County Commissioners. He pointed out that often things are brought to the attention of staff and the Board because of a particular application but that is not the case in this instance; there is more than one concern that was brought forth. Camano Chapel did not request this change; rather was brought forward by staff. Variances are permitted now; standards as represented in the proposal represent a tighter situation than present, and give planners some basis for operating and using the intent of the Comprehensive Plan as outlined. In processing applications a certain amount of judgment leeway is needed on the part of staff in order to make sense out of applications. He pointed out that this variance is a one-time event for the history of a property.

Commissioner McDowell pointed out that clearly the County had the mechanism to review proposed Comp Plan changes once a year, and the change would not apply just to Camano Chapel; since 1998 a variance has been allowed and in some ways the proposal here would tighten that up with sideboards added and restricts to one-time only. He agreed that C (i) be removed although he did acknowledge explanation by Mr. Tate that it does focus applicant and staff thoughts on that. The rates noted by Mr. Erickson, 25% and 10%, Commissioner McDowell thought in fact were well established and effective, noting the most recent Storm Water Manual of Washington State still uses the rate of runoff as a way to describe and deal with the fact there are impervious surfaces. He did not believe the percents were too high at all.

Chairman Shelton believed that faith-based organizations are a key to a strong healthy community and commented about what would be the Chapel's alternative if money were not a problem, noting an important thing to remember was that even if they had the money and were able to buy property and relocate, the current facility will still be

there. He noted too the difference between existing and new uses, i.e. existing uses are already established in the community, and to expand and meet the needs of the community seems appropriate. New uses are uses not now in the community. The proposed ordinance has requirements in order to meet site coverage variance requirements and are described under 3.b)(i): “The granting of any site coverage variance for building coverage shall only be allowed when the open space ratio is increased by a minimum factor of 50%”. Therefore, the mitigating circumstances under the proposal that would be put in place would seem to offset the consideration of increased site coverage.

After further discussion of the proposal and amendments and changes thereto between the Board and staff, the Board, by unanimous motion, adopted Ordinance #C-162-01 (PLG-022-01) Amending the Island County Zoning Ordinance Chapter 17.03 ICC to Incorporate Site Coverage Variance Standards with the following changes:

3.a)(i) Second sentence, change “shall” to “may”;

Delete the sentence “This provision is limited in that it can only be granted one time.”

Rewrite last sentence: “A site coverage variance is limited in that it can only be granted one time.” and move that sentence to the beginning of #3.

3.C(ii) Add the word existing in the last sentence to read: “...does not exceed the existing rate of pre-development surface water runoff”.

[GMA #7144]

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

IN THE MATTER OF AMENDING THE	)	
ISLAND COUNTY ZONING ORDINANCE,	)	ORDINANCE C-162-01
CHAPTER 17.03 ICC, TO INCORPORATE	)	PLG-022-01
SITE COVERAGE VARIANCE STANDARDS	)	
	)	
	)	

**WHEREAS**, the application for CPA 048/01 Site Coverage Variance Process was requested by the Island County Planning Director to create a process that would allow for the variation of the standard site coverage requirements. The proposed application was duly docketed for Planning Commission consideration and the Department’s required report forwarded to the Planning Commission within the prescribed time period; and

**WHEREAS**, the Island County Planning Commission held three public hearings on the proposed amendments. The first publicly noticed hearing was held on June 12, 2001 at the Camano Grange Hall located on Camano Island. The second publicly noticed hearing was held on June 19, 2001 in the Commissioner’s Hearing Room in Coupeville. The third publicly noticed hearing was held on July 17, 2001 in the Commissioner’s Hearing Room in Coupeville; and

**WHEREAS**, during all three hearings, Planning and Community Development staff presented to the Planning Commission and the public the proposed site coverage variance standards. Staff explained that the site coverage requirements were adopted in 1998 and later amended in 1999. The purpose of adopting site coverage requirements was to preserve rural character and to control and limit scale and bulk of development; and

**WHEREAS**, verbal public input was received during public hearings and written input was accepted at hearings and at the counter. Comments varied from support for the proposal to objections. The Camano Chapel presented written and verbal testimony during two of the hearings supporting the proposed amendment including a letter that was signed by approximately 100 people. Most other testimony that was heard was in opposition of the amendment; and

**WHEREAS**, the Planning Commission concluded that this proposal would provide needed options to property

owners while maintaining the rural character of Island County meets the needs of a broad range of constituents in the community; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapters 17.03 ICC, relating to the incorporation of a site coverage variance process, are not likely to have a significant adverse environmental impact that was not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts amendments to Chapter 17.03 ICC, hereto attached as Exhibit A, establishing a variance process for site coverage requirements. Material stricken through is deleted and material underlined is added.

Reviewed this 3 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON  
William F. Thorn, Chairman  
Mike Shelton, Member  
Wm. L. McDowell, Member

ATTEST:  
Elaine Marlow  
Clerk of the Board

BICC 01-780

APPROVED AND ADOPTED as amended this 7 day of January, 2002.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON  
William F. Thorn, Member  
Mike Shelton, Chairman  
Wm. L. McDowell, Member

ATTEST:  
Elaine Marlow  
Clerk of the Board

APPROVED AS TO FORM:  
DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

*[Exhibit A placed on file with the Clerk of the Board]*

**Ordinance #C-166-01 (PLG-027-01) Amending the Island County Comprehensive Plan, Chapter 17.03 ICC, the Island County Zoning Ordinance and the Island County Zoning Atlas to Rezone parcels R13101-493-1600 & R13101-391-3010 to Special Review District and to Adopt Goals, Policies and Development Standards for the Au Sable Special Review District**

Ordinance #C-166-01 (PLG-027-01) Amending the Island County Comprehensive Plan, Chapter 17.03 ICC, the Island County Zoning Ordinance and the Island County Zoning Atlas to Rezone parcels R13101-493-1600 & R13101-391-3010 to Special Review District and to Adopt Goals, Policies and Development Standards for the Au Sable Special Review District, came on for hearing as advertised and scheduled, introduced on December 3, 2001 [GMA #7107].

Mr. Tate described the proposed amendment in order to provide Au Sable with the zoning category on their property and a specific section of zoning code dealing with development of that property. The purpose of a special review district is to allow for uses that cannot be clearly defined or typically do not fit within a zoning category. Au Sable Institute owns the old Whidbey Game Farm property and their goal is to do some native prairie restoration. The Institute has on-site biologists and staff and would like to bring students in and work it into an educational program. The proposed amendment would change the zoning to special review district in both the Zoning ordinance and the

Comprehensive Plan Future Land Use Plan Map, add goals and policies in the Comp Plan that identify and acknowledge that use, and create a set of zoning standards that benefit both Au Sable and the County.

Bob Merrick, Coupeville, representing Whidbey Audubon Society, spoke in favor of the proposal. He was aware of the Au Sable proposal at the old Game Farm site and felt that granting this zoning status to the Institute would facilitate the development of an activity of great benefit to the people for educational activities and the environment of Whidbey Island and Island County. It is an educational institution, trains students in environmental preservation and protection, and in the process will restore an important piece of remnant prairie.

Cal DeWitt, Director, Au Sable Institute, Coupeville, commented about having worked cooperatively with the County since the purchase of the Game farm June 30, 1999 and helped them to work through various possibilities within the existing zoning, but believe that the Special Review District designation would be the most appropriate way for the Institute to proceed. The property is located within the Ebey’s Landing National Historical Reserve and Au Sable is working with National Park Service. The overall emphasis of the Institute is on land stewardship, environmental preservation. A focal point of this property is the prairie remnant of about 3-1/2 acres they expect to use as a kind of show case for restoration ecology.

Steve Erickson, WEAN, supported approval of the proposed amendment and was glad to see the prairie remnant going into good hands. He did have some concerns regarding controlled burns in that there are no standards for approving a controlled burn plan. Language should indicate that it is reviewed by Island County Planning & Community Development, and approval by agencies with jurisdiction.

Commissioner Thorn referred Mr. Erickson to Section 17.03.161.A.6 which would cover that concern, reading: “... according to a fire management plan approved by the Island County Planning and Community Development Department and any other agencies with jurisdiction”.

And Commissioner McDowell mentioned the new ordinance adopted by the County regarding burning that he believed did speak to controlled burns, and it is the County that issues that permit.

Don Meehan, WSU Extension Agent, Island County, supported educational institutions in Island County. He looked at this effort as a huge economic boon to the County because it imports dollars and recognized the value of special review district designation. He thought the controlled burns would be done in association with research and hoped that the research side of things as it relates to burning did not get overlooked.

Benye Weber, speaking for Rob Harbour on behalf of Ebey’s Landing National Historic Reserve, to encourage adoption of the proposal for this zoning change.

Marianne Edain, WEAN, agreed this was a great idea.

By unanimous motion, the Board adopted Ordinance #C-166-01 (PLG-027-01) as presented, Amending the Island County Comprehensive Plan, Chapter 17.03 ICC, the Island County Zoning Ordinance and the Island County Zoning Atlas to Rezone parcels R13101-493-1600 & R13101-391-3010 to Special Review District and to Adopt Goals, Policies and Development Standards for the Au Sable Special Review District. [GMA #7157 as adopted]

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

IN THE MATTER OF AMENDING THE ISLAND	)	
COUNTY COMPREHENSIVE PLAN, CHAPTER 17.03	)	ORDINANCE C-166-01
ICC, THE ISLAND COUNTY ZONING ORDINANCE	)	PLG-027-01
AND THE ISLAND COUNTY ZONING ATLAS TO	)	
REZONE PARCELS	)	
R13101-493-1600 & R13101-391-3010 TO SPECIAL	)	
REVIEW DISTRICT AND TO ADOPT GOALS, POLICIES	)	
AND DEVELOPMENT STANDARDS FOR THE AU	)	

SABLE SPECIAL REVIEW DISTRICT )  
 )

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**WHEREAS**, the application for CPA 053/01 Au Sable Rezone from Rural to Special Review District was requested by the Au Sable Institute to rezone 175 acres from Rural to Special Review District, adopt a Master Plan for the site and incorporate new language into the Island County Comprehensive Plan and Zoning Ordinance that will govern the use of the property. The proposed application was duly docketed for Planning Commission consideration and the Department's report forwarded to the Planning Commission within the prescribed time period; and

**WHEREAS**, the Island County Planning Commission held two public hearings on the proposed amendments. The first publicly noticed hearing was held on June 12, 2001 at the Camano Grange Hall located on Camano Island. The second publicly noticed hearing was held on June 19, 2001 in the Commissioner's Hearing Room in Coupeville; and

**WHEREAS**, during both hearings, Planning and Community Development staff presented to the Planning Commission and the public the proposed standards, policies, goals and purpose of the rezone and amendments to the Comprehensive Plan and Development Regulations. Staff explained the purpose of the Special Review District and that the only other such site is the Greenbank Farm; and

**WHEREAS**, the purpose of the Au Sable rezone is to allow for the conversion of a game farm to an educational facility used primarily for the restoration and management of native vegetation as it has been prescribed in both the Master Plan and through the Public Benefit Rating System (OPS 712/00). The facility is to be used primarily by visiting faculty members and matriculated students and to a lesser extent for the education of the general public; and

**WHEREAS**, the Special Review District designation does not exist to promote commercial opportunity rather it provides a mechanism to accommodate uses that are unique, are difficult to site and/or are not addressed in the Development Regulations. An educational facility of this nature is not addressed in the Development Regulations. It is different from other educational facilities in that it includes dormitory facilities for students and faculty; and

**WHEREAS**, the proposed rezone will promote enhancement and preservation of rural character and natural features of the landscape and environment. If the site were to stay in the Rural zoning designation there is a potential for 35 new homesites on this 175 acre parcel of which a portion lies in forestry use. As an educational facility more than 125 acres will be preserved and restored to native prairie habitat; and

**WHEREAS**, Au Sable provided the County with a Master Plan for the long term development of its site. The Development Regulations were drafted such that a limited and reasonable amount of flexibility would exist that would allow for slight variations from the specifics of the Master Plan. The Master Plan is conceptual in nature in terms of the location, size and number of structures that will eventually be developed upon the property. The code was developed with an intention to allow varying degrees of flexibility related to size and location of structures; and

**WHEREAS**, the Master Plan is less conceptual and more specific as it pertains to the overall objectives, strategies, types of permitted and conditional uses and the intensity of use. These are items that allow for no administrative discretion to vary from the specifics of the Master Plan; and

**WHEREAS**, this approval is limited to a rezone to Special Review District and adoption of land use standards for this site. Building permits and other governmental approvals will be necessary as development occurs on the site; and

**WHEREAS**, verbal public input was received during public hearings and written input was accepted at hearings and at the counter. All testimony that was received supported the proposed rezone and adoption of site specific land use standards. Representatives of Au Sable proposed some amended language to the specific use regulations that would allow for a bit more flexibility related to the use of the site and the long term needs of Au Sable. There were no objections presented related to these amendments; and

**WHEREAS**, the Planning Commission concluded that this proposal would ensure that the future development and use of the site meets the needs of a broad range of constituents in the community; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.03 relating to the reclassification of parcels R13101-493-1600 & R13101-391-3010 to Special Review District and the incorporation of goals, policies and development standards into the Island County Comprehensive Plan and the Island County Zoning Ordinance are not likely to have a significant adverse environmental impact that was not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts amendments to the Island County Comprehensive Plan, hereto attached as Exhibit A, Chapter 17.03 ICC, hereto attached as Exhibit B, and the Island County Zoning Atlas, hereto attached as Exhibit C, that designates parcels R13101-493-1600 & R13101-391-3010 as a Special Review District and establishes goals, policies and development standards for the Au Sable Special Review District. Material stricken through is deleted and material underlined is added.

Reviewed this 3 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Chairman  
Mike Shelton, Member  
Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board

BICC 01-784

APPROVED AND ADOPTED this 7 day of January, 2002.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Member  
Mike Shelton, Chairman  
Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board

**APPROVED AS TO FORM:**  
DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

*[Exhibits A, B and C placed on file with the Clerk of the Board]*

**[12:30 p.m. Lunch Recess; hearing resumed at 1:30 p.m. ]**

**Ordinance #C-160-01 (PLG-020-01) Amending Chapters 11.01, 11.02, 11.02 and 17.03 of the Island County Code, Provisions Related to Penalties and Enforcement**

A Public Hearing was held, as advertised and scheduled, to consider Ordinance #C-160-01 (PLG-020-01) Amending Chapters 11.01, 11.02, 11.02 and 17.03 of the Island County Code, Provisions Related to Penalties and Enforcement, introduced on December 3, 2001, entered as GMA #7101.

As Mr. Bakke explained, this further streamlines the enforcement process and builds in the authorities granted under 17.03. This transfers authority for enforcement from Chapter 11 from the Public Works Director/County Engineer to the Planning Director. This was coordinated with Public Works and the Public Works Director concurs with this change.

No comments were made from members of the public, either for or against Ordinance #C-160-01.

In discussing the language of 11.01.140, the Board agreed with Mr. Bakke’s suggestion that the word “evidence” should be changed to “guidance”.

By unanimous motion, the Board adopted Ordinance #C-160-01 (PLG-020-01) Amending Chapters 11.01, 11.02, 11.02 and 17.03 of the Island County Code, Provisions Related to Penalties and Enforcement, with the following change: 11.01.140, in the second sentence, the word “evidence” changed to “guidance”. [GMA #7143 as adopted]

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

<b>IN THE MATTER OF AMENDING</b>	)	
<b>CHAPTERS 11.01, 11.02, 11.03 AND 17.03</b>	)	<b>ORDINANCE C-160-01</b>
<b>OF THE ISLAND COUNTY CODE,</b>	)	<b>PLG-020-01</b>
<b>PROVISIONS RELATED TO</b>	)	
<b>PENALTIES AND ENFORCEMENT</b>	)	

**WHEREAS**, DRA 049/01 Penalties and Enforcement application was submitted in accordance with Section 16.26 Island County Code and forwarded to the Planning Commission within the prescribed time period; and

**WHEREAS**, the Island County Planning Commission held two public hearings on the proposed amendments. The first meeting was noticed on May 29, 2001 in all Island County newspapers and held on June 12, 2001 in the afternoon at the Camano Grange Hall on Camano Island, WA. The second hearing was noticed on June 9, 2001 and held on June 19, 2001 during the morning in the Island County Commissioners Hearing Room located in the Courthouse Annex in Coupeville, WA; and

**WHEREAS**, the Commission recognizes the seriousness of the enforcement provision of the code and has considered each proposed amendment carefully; and

**WHEREAS**, the proposed amendment provides more predictability and accountability of the enforcement program by centralizing authority and utilizing a common set of standards and enforcement tools; and

**WHEREAS**, utilizing 17.03 Enforcement standards for Chapters 11.01, 11.02, & 11.03 in many cases will consolidate enforcement efforts and increase efficiency. For example, in many cases a violation of Chapter 11.01 will include a violation of Chapter 17.02. If the amendment is adopted there will be one response that will include both violations in one effort thereby reducing paperwork and cost to the County; and

**WHEREAS**, the Commission acknowledges the need for this amendment but also recognizes its impact on Planning and Community Development. As such the Commission recommends that the Board of Commissioners ensure that the costs associated with Planning and Community Development be covered by Public Works; and

**WHEREAS**, pursuant to WAC 197-11-800(20) the adoption of legislation, rules, regulations, resolutions or ordinances, or any plan or program relating solely to government procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt from SEPA; and

**WHEREAS**, CPA 049/01 proposes to shift enforcement provisions that are currently located in Chapter 11.01, 11.02 and 11.03 ICC to Chapter 17.03 ICC; **NOW, THEREFORE**

**BE IT HEREBY ORDAINED** by the Board of Island County Commissioners that the enforcement provisions of Chapter 11.01 ICC, attached hereto as Exhibit A, of Chapter 11.02 ICC, attached hereto as Exhibit B, of Chapter 11.03 ICC, attached hereto as Exhibit C and of Chapter 17.03, attached hereto as Exhibit D are hereby amended. Material stricken through is deleted and material underlined is added.

Reviewed this 3 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Chairman  
Mike Shelton, Member

Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board

BICC 01-778

APPROVED AND ADOPTED as amended this 7 day of January, 2002.

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

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

**ATTEST:** Elaine Marlow  
Clerk of the Board

**APPROVED AS TO FORM:**  
DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

*[Exhibits placed on file with the Clerk of the Board]*

-  
**Ordinance #C-161-01 (PLG-021-01) Amending the Island County Zoning Ordinance, Chapter 17.03 ICC, to Incorporate Development Standards for Schools**

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Ordinance #C-161-01 (PLG-021-01) Amending the Island County Zoning Ordinance, Chapter 17.03 ICC, to Incorporate Development Standards for Schools, came on for hearing as advertised and scheduled, introduced on December 3, 2001 [GMA #7102].

-  
Jeff Tate noted the need to correct an error on 7 of 10, 17.03.180.L.2.a)(ii) in the first two lines number 1 needs to be changed to 7 so it reads "7 to 35 students". Also, errors in the table on page 9 of 10 Mr. Bakke agreed that needed to be corrected were under the column labeled 250-499 students and 500-1000 students for open space ratios which should all be 40% and not the 50 and 45% as reflected in that table.

Items 6 and 7 under 17.03.180.L.2.a)(i) and #8 under 17.03.180.L.2.(a) (iii)(7) and (8) were reviewed and discussed with staff, ultimately coming to the conclusion that it is best not to try to design school layouts, that safety and welfare of the children, trails, artificial turf, delivery access, those kinds of issues are best left up to the school. With assistance of Mr. Bakke and Mr. Tate, substitute language, changes and deletions were drafted that everyone agreed with. There was discussion under 17.03.180.Q.2.s) about why 25% was specified because it is something that would be the choice of the school as far as how to balance that out, and substitute language agreed on to state "Consideration shall be given to use of pervious surfaces for parking areas.". Item (3) under (ii) on page 7 of 10 was also discussed as far as the figure of 50' for playground setback from property lines and it was agreed that that number should be 10'.

No comments were made from members of the public, either for or against Ordinance #C-161-01.

By unanimous motion, the Board adopted Ordinance #C-161-01 (PLG-021-01) Amending the Island County Zoning Ordinance, Chapter 17.03 ICC, to Incorporate Development Standards for Schools, with the following changes:

-  
Page 7 of 10.

Top of page delete (6)

Currently-labeled (7) becomes (6) to read: "Natural habitat must be retained and

incorporated into the instructional facilities, to the extent practical..”.

Currently-labeled (8) becomes (7) – no changes

Currently-labeled (9) becomes (8) – no changes

17.03.180.L.2.a)(ii) in the first two lines number 1 changed to 7 to read “7 to 35 students” .

(ii) (3) the figure 50’ changed to 10’

- Page 8 of 10. Items (7) and (8) deleted entirely.

Page 9 of 10 Table Columns labeled 250-499 students and 500-1000 students, open space ratios all to be 40% all the way down under those columns

- 17.03.180.Q.2.s) Delete language as currently written and substitute the following language: “Consideration shall be given to use of pervious surfaces for parking areas.”.  
[GMA #7144 as adopted]

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

IN THE MATTER OF AMENDING THE )  
ISLAND COUNTY ZONING ORDINANCE, ) ORDINANCE C-161-01  
CHAPTER 17.03 ICC, TO INCORPORATE ) PLG-021-01  
DEVELOPMENT STANDARDS FOR )  
SCHOOLS )

**WHEREAS**, the application for CPA 047/01 School Standards was requested by the Island County Planning Director to replace a reserved section in the Development Regulations. The proposed application was duly docketed for Planning Commission consideration and the Department’s required report forwarded to the Planning Commission within the prescribed time period; and

**WHEREAS**, the Island County Planning Commission held two public hearings on the proposed amendments. The first publicly noticed hearing was held on June 12, 2001 at the Camano Grange Hall located on Camano Island. The second publicly noticed hearing was held on June 19, 2001 in the Commissioner’s Hearing Room in Coupeville; and

**WHEREAS**, during both hearings, Planning and Community Development staff presented to the Planning Commission and the public the proposed school standards. Staff explained the rationale for reserving the section at the time the Comprehensive Plan and Development Regulations were adopted and explained the rationale behind the draft regulations. Staff also provided the details of a meeting held on June 1, 2001 between staff, officers of the Stanwood-Camano and Coupeville school districts, and Planning Commissioner George Crampton to discuss the CPA. Additionally, staff explained the rationale for a series of amendments to the CPA that were jointly proposed by staff and the school districts as a result of the June 1<sup>st</sup> meeting; and

**WHEREAS**, verbal public input was received during public hearings and written input was accepted at hearings and at the counter. Public testimony was essentially limited to a follow-up letter after the June 1<sup>st</sup> meeting from the Stanwood-Camano School District; and

**WHEREAS**, as a result of the June 1<sup>st</sup> meeting and the Stanwood-Camano School District letter, staff drew up several amendments to address concerns of the school district. These addressed natural habitat retention, landscape design and application process, artificial turf, playground security, parking, and the definition of Open Space as it applies to schools; and

**WHEREAS**, during deliberations on July 10, 2001, several Planning Commission members indicated that they felt that requiring a flagpole at schools was not in the purview of land use law and that it should be a policy decision

made by individual school districts. The Planning Commission moved to strike this requirement from the proposal; and

**WHEREAS**, during deliberations on July 10, 2001, the Planning Commission discussed several aspects of requiring natural habitat retention in school construction projects. Most comments indicated that it was appropriate for natural habitat to be preserved to the extent possible and incorporated into the school grounds. An indication that it was not appropriate to dictate curriculum decisions to school districts was prevalent among the commissioners. The Planning Commission moved to amend the natural habitat retention requirement such that the effect is to require the preservation of natural habitat and the construction of low-impact trails, while preserving the ability to construct outdoor learning stations, but not requiring their construction; and

**WHEREAS**, during deliberations on July 10, 2001, the Planning Commission discussed pedestrian access to schools. Several comments were made in favor of requiring safe pedestrian access to schools, be it through sidewalks or another solution. The Planning Commission moved to amend the proposal to include a requirement for "delineated safe pedestrian access" to schools; and

**WHEREAS**, during deliberations on July 10, 2001, the Planning Commission indicated that encouraging the use of public transit for transportation to and from schools for both faculty and students was a laudable goal, but they did not have enough information to devise a solution to creating a requirement for a public transit access to schools. Staff was directed to contact Island Transit and amend the proposal to reflect the Planning Commission's desire for a public transit requirement that was also acceptable to Island Transit. Island Transit indicated its approval of the proposed language for public transit on July 12, 2001; and

**WHEREAS**, during deliberations on July 10, 2001, the Planning Commission expressed concern about a lack of firm directives in the proposal for schools to use when planning their design. The Planning Commission moved to amend the design requirement to refer to the Island County Non-Residential Design Guidelines; and

**WHEREAS**, during deliberations on July 10, 2001, the Planning Commission noted several concerns about impervious surface and adopted amendments to proposed rules on athletic field surfaces and parking to minimize the amount of impervious surface created in school construction; and

**WHEREAS**, during deliberations on July 10, 2001, the Planning Commission discussed at length the appropriate amount of parking for a school. The Planning Commission moved to amend the proposal to increase the amount of parking required and allowed, and to base the amount of parking strictly on the number of students for which the school is designed; and

**WHEREAS**, during deliberations on July 10, 2001, the Planning Commission voiced concerns about balancing school safety considerations with allowing easy access for members of the community after school hours. The Planning Commission moved to amend regulations regarding playground areas to ensure that access is controlled during school hours without limiting after-hours accessibility; and

**WHEREAS**, the Planning Commission concluded that this proposal would ensure that future school construction and expansion in Island County meets the needs of a broad range of constituents in the community; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.03 relating to the incorporation of development standards for schools are not likely to have a significant adverse environmental impact that was not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts amendments to Chapter 17.03 ICC, hereto attached as Exhibit A, establishing development standards for schools. Material stricken through is deleted and material underlined is added.

Reviewed this 3 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

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

William F. Thorn, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

**ATTEST:**

Elaine Marlow

Clerk of the Board

BICC 01-779



The second publicly noticed hearing was held on June 19, 2001 in the Commissioner's Hearing Room in Coupeville; and

**WHEREAS**, during both hearings, Planning and Community Development staff presented to the Planning Commission and the public the proposed modified standard. Staff explained the rationale for amending ICC 17.03.180.N which currently applies a more stringent set of mobile home standards to parcels within the Rural Residential Zone, however, does not apply these same standards to similar parcels that are zoned Rural; and

**WHEREAS**, verbal public input was received during public hearings and written input was accepted at hearings and at the counter. Public testimony was essentially limited to the Saratoga Beach Owners Association which supports the proposed amendment; and

**WHEREAS**, during both public hearings staff explained that the Rural Residential Zone is considered the high density residential zoning designation in the rural area of the county. The Rural Residential zone is made of a number of existing densely platted parcels, the majority of which are less than one acre in size. As a result, more stringent mobile home standards were included in these densely populated areas; and

**WHEREAS**, during both public hearings staff explained that there were numerous areas in the County that were zoned Rural and that had similar characteristics as those areas zoned Rural Residential. A number of these areas zoned Rural had a similar density, look and feel as those areas zoned Rural Residential. However, even though these Rural zoned areas were similar in make up, the same mobile home standards were not applicable. As a result, a parcel size threshold of 2.5 acres was proposed in the Rural Zone, whereby all parcels less than 2.5 acres would be subject to the mobile home standards set forth in ICC 17.03.180.N while those parcels greater than 2.5 acres would not be subject to the more stringent standards; and

**WHEREAS**, the 2.5 acre threshold was decided upon in order to maintain consistency with the various other sections of the zoning ordinance which have the same threshold, e.g. Home Industries, Bed and Breakfast Inns, Accessory Uses; and

**WHEREAS**, the Planning Commission concluded that this proposal would ensure that zoning regulations are applied in a fair and consistent manner and that it meets the needs of a broad range of constituents in the community; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.03 ICC, relating to the incorporation of minimum standards for the development of mobile homes to parcels that are zoned Rural, are not likely to have a significant adverse environmental impact that was not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; **NOW, THEREFORE,**

**BE IT HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts amendments to Chapter 17.03 ICC, hereto attached as Exhibit A, establishing minimum standards for the development of mobile homes in the Rural Zone. Material stricken through is deleted and material underlined is added.

Reviewed this 3 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Chairman  
Mike Shelton, Member  
Wm. L. McDowell, Member

**ATTEST:**  
Elaine Marlow  
Clerk of the Board

BICC 01-781

APPROVED AND ADOPTED this 7 day of January, 2002.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Member  
Mike Shelton, Chairman  
Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow

Clerk of the Board

**APPROVED AS TO FORM:**

DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

*[Exhibit A placed on file with the Clerk of the Board]*

**Ordinance #C-164-01 (PLG-025-01) Amending the Island County Zoning Ordinance, Chapter 17.03 ICC to Incorporate Height Variance Standards**

A Public Hearing was held on Ordinance #C-164-01/PLG-025-01 Amending the Island County Zoning Ordinance, Chapter 17.03 ICC to Incorporate Height Variance Standards, as advertised, introduced at public meeting on December 3, 2001 and entered as GMA record #7105. Typographical error to be corrected on the first page of the ordinance fourth Whereas paragraph the word "sever" corrected to "severe".

Mr. Tate pointed out that in 1999 as part of the stipulated amendments agreed upon between the County and the Coalition, a height limitation was added for each of the zones. Prior to 1999 there were no height limitations. Property owners want to exceed the height limitations for a number of reasons, one of which is that sometimes the property may be large enough that an increase in height is innocuous and does not affect the surrounding properties or neighborhoods; certain lots depending upon topography and how height is measured some fairly normal residential structures are not able to fit within the 35' height limit. The proposal allows for a variance, described by Mr. Tate to be more of a performance section of code, and would offset what the potential impacts of increasing the height might be, by increasing side yard setbacks. The examples he used were:

Smaller lots along the shoreline where a view might be the issue, increasing height by a few feet could be offset by increasing side yard setbacks

Larger parcels – building 38' structure in the middle of the property that affects no one – that should be allowed if the owner is willing to increase the side yard setbacks away from adjacent residential structures

He explained that for the table on the last page, for example, "75 foot increased setback on all property lines" was on top of the existing 5' . The Commissioners discussed with staff how the table should be revised to reflect intent, for example, "15' increased setback" be changed to read "20' to all sideyards", etc.

Next, Mr. Bakke explained that the rationale used for 40' was based on the UBC intensely stringent requirements for construction of buildings which exceed 40' in height.

No one in the audience commented either for or against Ordinance #C-164-01 as proposed or with respect to changes discussed.

By unanimous motion, the Board adopted Ordinance #C-164-01/PLG-025-01 Amending the Island County Zoning Ordinance, Chapter 17.03 ICC to Incorporate Height Variance Standards, with the following changes:

Ordinance, first page, fourth Whereas paragraph, change "sever" to "severe".

17.03.210 Variances D.3.(iii) (1) Corrections to sideyard setbacks to read

7 feet to all sideyards

9 feet to all sideyards

11 feet to all sideyards

13 feet to all sideyards

15 feet to all sideyards

17.03.210 Variances D.3.(iii) (2)

First sentence, correct (i) to (1)

Correct the table as follows:

20 foot setback on all property lines
35 foot setback on all property lines
50 foot setback on all property lines
65 foot setback on all property lines
80 foot setback on all property lines .

GMA #7155 as adopted.

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

IN THE MATTER OF AMENDING THE ISLAND )	
COUNTY ZONING ORDINANCE, CHAPTER )	ORDINANCE C-164-01
17.03 ICC, TO INCORPORATE HEIGHT )	PLG-025-01
VARIANCE STANDARDS )	

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**WHEREAS**, the application for CPA 051/01 Height Variance Process was requested by the Island County Planning Director to create a process that would allow for the variation of the standard height limitation within each zone. The proposed application was duly docketed for Planning Commission consideration and the Department’s required report forwarded to the Planning Commission within the prescribed time period; and

**WHEREAS**, the Island County Planning Commission held two public hearings on the proposed amendments. The first publicly noticed hearing was held on June 12, 2001 at the Camano Grange Hall located on Camano Island. The second publicly noticed hearing was held on June 19, 2001 in the Commissioner’s Hearing Room in Coupeville; and

**WHEREAS**, during both hearings, Planning and Community Development staff presented to the Planning Commission and the public the proposed height variance standards. Staff explained that the height limitations for each zone were adopted in 1999. Prior to 1999 there were no height limitations prescribed in local land use standards. The purpose of adopting height limitations in each of the zones was to preserve rural character and to control and limit scale and bulk of development; and

**WHEREAS**, since 1999 a number of development proposals have been presented to the county that required dramatic redesign or were denied because the proposal could not meet the height limitation. Many of these proposals were located upon very large parcels or parcels with severe topographic constraints. The purpose of creating a variance process for height standards is to take into consideration the size of the parcel and the topography of the parcel given the above stated purpose for having a height standard; and

**WHEREAS**, if a parcel is large enough and the structure is not going to impact the surrounding neighborhood and/or rural character and doesn’t impact surrounding views a height variation should be an option for a property owner; and

**WHEREAS**, allowing an increase in height is preferable over decreasing height and creating a larger structural footprint in order to achieve the desired square footage. An increase in square footage results in a greater amount of impervious surface and can result in a greater degree of scale and bulk which will take away from rural character; and

**WHEREAS**, the Comprehensive Plan and Development Regulations strive to maintain rural character. One means by which to achieve rural character is to promote pitched roofs and other architectural features that are typically associated with a rural landscape. Height limitations have caused the design of some structures to be drastically modified resulting in a structure that is not reduced in size, rather they are architecturally modified to a degree that will achieve compliance with the height standard while sacrificing the ability to fit within the rural landscape; and

**WHEREAS**, the goal of the height variance is to create options for a property owner with conditions that will allow for an increase in height of a structure while preserving rural character and limiting scale and bulk. It is the goal that the height variance process will achieve protection of rural character and limitation of scale and bulk by means of increasing or improving other development standards; and

**WHEREAS**, the Planning Commission concluded that a variation in height would have its most immediate impact on adjacent property owners. The current variance process is reviewed as a Type II decision which requires notification in the newspaper and that a sign be posted on the property. Because it is common for adjacent property owners to not be full time residents, it is important that notification also be mailed when a variation in height is

requested. Therefore, the Planning Commission has concluded that it is appropriate to review height variance requests as a Type III decision; and

**WHEREAS**, non-residential design guidelines require that commercial and multi-family structures have a peaked roof. There is no such requirement for residential structures. The Planning Commission has determined that it is appropriate to require any residential structure that is granted relief from the height limitations that the structure must have a peaked roof with a pitch not less than 4:12. The Planning Commission believes that this is more than an aesthetic issue. The Planning Commission desires to avoid the unintended possibility of approving height variances that are requested for the sole purpose of creating an additional story and to avoid allowing variances that would permit a bulky 40 foot residential structure with a flat roof; and

**WHEREAS**, verbal public input was received during public hearings and written input was accepted at hearings and at the counter. Comments varied from support for the proposal to objections; and

**WHEREAS**, the Planning Commission concluded that this proposal would provide needed options to property owners while maintaining the rural character of Island County meets the needs of a broad range of constituents in the community; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.03 ICC, relating to the incorporation of a height variance process, are not likely to have a significant adverse environmental impact that was not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts amendments to Chapter 17.03 ICC, hereto attached as Exhibit A, establishing a height variance process. Material stricken through is deleted and material underlined is added.

Reviewed this 3 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

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

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

**ATTEST:** Elaine Marlow,  
Clerk of the Board

BICC 01-782

APPROVED AND ADOPTED as amended this 7 day of January, 2002.

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

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

**ATTEST:** Elaine Marlow, Clerk of the Board

**APPROVED AS TO FORM:**  
DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

*[Exhibit A placed on file with the Clerk of the Board]*

**Ordinance #C-165-01 (PLG-026-01) Amending the Island County Zoning Ordinance Chapter 17.03 ICC to Incorporate Development Standards for Fire Stations**

Ordinance #C-165-01 (PLG-026-01) Amending the Island County Zoning Ordinance Chapter 17.03 ICC to Incorporate Development Standards for Fire Stations, as advertised, introduced at public meeting on December 3, 2001 [GMA record #7106] came on for public hearing.

Mr. Tate pointed out that fire stations are already listed as permitted and conditional uses in each of the zones, sizes

and scales well defined so that the only thing to be added are standards as proposed in this amendment, most he thought obvious anyway.

- Commissioner Shelton observed that a change to the language in L.9.c) was necessary. The language states "Primary access for emergency use of station equipment must be to and from a county arterial, county collector road highway or state highway. If a fire station abuts more than one road type, then all access shall be via the higher class of road." He did not think that the word shall should be used because, as an example, the new fire station in Freeland accesses onto Cameron Road, not the State Highway.

Discussing this issue, consensus reached to add the term "when practical".

- Regards a question about 9.d relating to language about blinking lights at fire stations, Mr. Bakke suggested the item be removed inasmuch as it could be handled in the traffic mitigation report required for concurrency. In further discussion, the language was redrafted.

- In item L.9.f Commissioners and staff revised the language by changing the word "shall" in the first line to "should" and 9.g which would have prohibited outdoor storage of equipment was deleted.

- There were no comments, for or against, from members of the public on Ordinance #C-164-01 as proposed or with respect to changes discussed.

By unanimous motion, the Board adopted Ordinance #C-165-01 (PLG-026-01) Amending the Island County Zoning Ordinance Chapter 17.03 ICC to Incorporate Development Standards for Fire Stations, with the following changes:

- 17.03.180.L.9.c) 4<sup>th</sup> line after the word road add" when practical".
- 17.03.180.L.9.d) First sentence rewritten to state: "A signal must be located at the primary access to control traffic during emergency responses.". Delete second sentence.
- 17.03.180.L.9.f) First line, change "shall" to "should".
- 17.03.180.L.9.g) Delete in entirety.
- 17.03.180.L.9.h) Becomes g).

GMA #7156 as adopted.

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

IN THE MATTER OF AMENDING THE ISLAND	)	
COUNTY ZONING ORDINANCE, CHAPTER 17.03	)	ORDINANCE C-165-01
ICC, TO INCORPORATE DEVELOPMENT	)	PLG-026-01
STANDARDS FOR FIRE STATIONS	)	
	)	

**WHEREAS**, the application for CPA 052/01 Fire Station Standards was requested by the Island County Planning Director to replace a reserved section in the Development Regulations. The proposed application was duly docketed for Planning Commission consideration and the Department's required report forwarded to the Planning Commission within the prescribed time period; and

**WHEREAS**, the Island County Planning Commission held two public hearings on the proposed amendments. The first publicly noticed hearing was held on June 12, 2001 at the Camano Grange Hall located on Camano Island. The second publicly noticed hearing was held on June 19, 2001 in the Commissioner's Hearing Room in Coupeville; and

**WHEREAS**, during both hearings, Planning and Community Development staff presented to the Planning Commission and the public the proposed fire station standards. Staff explained the rationale for reserving the section at the time the Comprehensive Plan and Development Regulations were adopted and explained the rationale behind the draft regulations. Staff also provided the details of a meeting held on June 6, 2001 between staff, Fire Chiefs and Fire Commissioners from each of the Island County fire districts, and Planning Commissioner John Edison to discuss

the CPA. Additionally, staff explained the rationale for a series of amendments to the CPA that were proposed by staff as a result of the June 6th meeting; and

**WHEREAS**, verbal public input was received during public hearings and written input was accepted at hearings and at the counter. Public testimony was essentially limited to a follow-up letter after the June 1<sup>st</sup> meeting from the Stanwood-Camano School District; and

**WHEREAS**, as a result of the June 6th meeting staff drew up several amendments to address concerns of the fire districts. These addressed minimum lot size, co-location of public services, fire station egress and traffic safety, location of fire stations relative to schools, fire station design requirements, and outdoor storage of equipment; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.03 relating to the incorporation of development standards for fire stations are not likely to have a significant adverse environmental impact that was not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; **NOW, THEREFORE**,

**BE IT HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts amendments to Chapter 17.03 ICC, hereto attached as Exhibit A, establishing development standards for fire stations. Material stricken through is deleted and material underlined is added.

Reviewed this 3 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Chairman  
Mike Shelton, Member  
Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow, Clerk of the Board

BICC 1-783

APPROVED AND ADOPTED as amended this 7 day of January, 2002.

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

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

**ATTEST:** Elaine Marlow  
Clerk of the Board

**APPROVED AS TO FORM:**  
DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

*[Exhibit A placed on file with the Clerk of the Board]*

**HEARING HELD: ORDINANCE #C-177-01/PLG-032-01 INTERIM AMENDMENT OF ICC 17.02.110 -  
COMPLY WITH WESTERN WA. GROWTH MANAGEMENT HEARINGS BOARD'S ORDER  
REGARDING CATEGORY B WETLAND BUFFERS**

A Public Hearing was held, as scheduled and advertised, discussed at Staff Session December 19, 2001, introduced at Board meeting on December 24, 2001 [GMA #7120], to consider Ordinance #C-177-01/PLG-032-01, Interim Amendment of ICC 17.02.110 to Comply with the Western Washington Growth Management Hearings Board's Order Regarding Category B Wetland Buffers. Attendance Sheet entered as GMA record #7138. Staff represented through Phil Bakke and Jeff Tate.

No comments for or against were made by members of the public.

By unanimous motion, the Board adopted Ordinance #C-177-01/PLG-032-01 Interim Amendment of ICC 17.02.110 to Comply with the Western Washington Growth Management Hearings Board's Order Regarding Category B Wetland Buffers. [GMA #7158 as adopted]

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

IN THE MATTER OF INTERIM AMENDMENT ) OF ICC 17.02.110 TO COMPLY WITH THE ) WESTERN WASHINGTON GROWTH ) MANAGEMENT HEARINGS BOARD'S ORDER ) REGARDING CATEGORY B WETLAND ) BUFFERS ) _____ )	ORDINANCE C-177-01 PLG-032-01
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**WHEREAS**, various parties filed petitions with the Western Washington Growth Management Hearings Board (Hearings Board) to review Island County's Growth Management Act (GMA) Comprehensive Plan and Development Regulations; and

**WHEREAS**, the Hearings Board entered its Final Decision and Order on June 2, 1999; and

**WHEREAS**, the Hearings Board found that the Category B wetland buffer provisions of Island County's Critical Areas Regulations (Chapter 17.02 ICC) did not comply with the GMA; and

**WHEREAS**, on April 10, 2000 the Board of Island County Commissioners adopted Ordinance C-03-00 which increased the Category B wetland buffers in the Rural Zone from 25 feet to 50 feet, but retained the buffer at 25 feet within all other zones; and

**WHEREAS**, on November 17, 2000, despite acknowledging that the wetland buffer sizes could not be directly challenged, the Hearings Board found that the requirement for 50 foot buffers in the Rural Zone complied with the GMA, but that "In order to achieve compliance in all other zones, the County must either increase Category B wetland buffers to at least 50 feet or analyze (on the record and including BAS) the adequacy of its other provisions to protect wildlife functions in those zones"; and

**WHEREAS**, Island County has appealed the Hearings Board's Compliance Hearing Order of November 17, 2000, which disapproved the Category B wetland buffers established in Ordinance C-03-00, in *Island County v. Western Washington Growth Management Hearings Board*, Island County Superior Court No. 00-2-00757-9, but it is necessary to adopt an interim ordinance to avoid a finding of invalidity and a recommendation of sanctions during the pendency of the appeal; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.02 ICC relating to Category B wetland buffers, needed on an interim basis to comply with the November 17, 2000, Compliance Hearing Order of the Hearings Board, 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; **NOW, THEREFORE**,

**IT IS HEREBY ORDAINED** in order to comply with the Hearings Board's orders of June 2, 1999 and November 17, 2000, the Board of Island County Commissioners hereby adopts the amendments to Chapter 17.02, attached hereto as Exhibit A, relating to Category B wetland buffers and the Findings of Fact, attached hereto as Exhibit B. Material stricken through is deleted and material underlined is added.

**BE IT FURTHER ORDAINED** that the amendments to the Category B wetland buffers shall go into effect on January 7, 2002, and shall remain in effect until Court approval of the Category B wetland buffer provisions of Ordinance C-03-00. The Board hereby declares its intent to reenact this interim amendment so that it remains in full force during the pendency of the lawsuit or until a determination is made whether any other permanent regulations are necessary.

Reviewed this 24 day of December, 2001 and set for public hearing at 10:45 a.m. on the 7 day of January, 2002.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
William F. Thorn, Chairman  
Mike Shelton, Member  
Wm. L. McDowell, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board

BICC 01-831

**APPROVED AS TO FORM:**

~~David L. Jamieson, Jr.~~ A. O. Denny  
Deputy Prosecuting Attorney & ~~Code Reviser~~

**APPROVED AS ADOPTED** after public hearing held this 7 day of January, 2002 in accordance with RCW 36.70A.390.

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

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

**ATTEST:** Elaine Marlow  
Clerk of the Board

*[Exhibits A and B placed on file with the Clerk of the Board]*

**PUBLIC HEARINGS SCHEDULED ON OPEN SPACE APPLICATIONS**

The Board, by unanimous motion, scheduled a public hearing for January 28, 2002, at 2:45 p.m. on the following Open Space Applications:

OPS 390/01, Kevin Demaray – Assessor's Parcel R32916-486-2840, R32916-421-2840, R32916-416-3490 and R32916-482-3440, requesting that 38 acres be changes from Designated Forest to Timber Land current use classification. South Whidbey Island, WA.

OPS 408/01, Hall Family Partnership – Assessor's Parcel R23225-333-4630, requesting that 40 acres be placed in the Timber Land current use classification. Camano Island, WA.

**HEARING SCHEDULED: ORDINANCE #C-02-02 (PLG-029-01) AMENDING ISLAND COUNTY COMPREHENSIVE PLAN & CH. 17.03 ICC - IMPLEMENTING ISLAND COUNTY/TOWN OF COUPEVILLE INTERLOCAL AGREEMENT**

The Board on unanimous motion, scheduled a public hearing to be held on January 28, 2002 at 2:45 p.m. to consider Ordinance #C-02-02 (PLG-029-01) Amending the Island County Comprehensive Plan and Chapter 17.03 ICC to implement the Island County/Town of Coupeville Interlocal Agreement. Amending the Island County Comprehensive Plan and Chapter 17.03 ICC to implement the Island County / Town of Coupeville Interlocal Agreement [GMA record #7159] and a public hearing for the Adoption of Coupeville Interlocal Agreement

There being no further business to come before the Board at this time, the meeting adjourned at 2:30 p.m., to meet next in Regular Session on January 14, 2002 at 9:30 a.m.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

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William F. Thorn, Member

**ATTEST:**

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Elaine Marlow, Clerk of the Board