

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING FEBRUARY 10, 2004
SPECIAL SESSION**

The Board of Island County Commissioners met in Special Session, Tuesday, February 10, 2004, beginning at 9:00 a.m. Commissioners' Hearing Room, Island County Courthouse Annex, 1 N. E. 6th Street, Coupeville, Wa. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present. The Special Session was called for the purpose of the annual joint session of the Board, Island County Planning Commission and the Island County Hearing Examiner. The main topics were: review of 2004 Work Plan and the Hearing Examiner's Report.

Also Present:

Planning Commission Sheilah Crider Ray Gabelein Mike Joselyn
 Lyn Moses Bill Massey Henry Powers
 Scott Yonkman

Hearing Examiner: Michael Bobbink

Planning & Community Dev. Phil Bakke Jeff Tate Mitzi Hall

Phil Bakke, Planning Director, made note of the charts on the wall depicting all the annual review amendments since the Comprehensive Plan's adoption in 1998 through 2002. The 2003 annual review amendments consisted of the following:

- PLG – 030-03 Establishing standards for outdoor storage of inoperable vehicles and junk
- PLG – 031-03 Concurrency Standard update for West Camano Road
- PLG – 032-03 Review and update road standards
- PLG – 033-03 through 038/03 Fulfill County 5 year review and update established in ICC 16.26 by reviewing our: PRD Ordinance, Non-Residential Areas, Best Management Practices Program, Earned Development Unit Program, guest cottage code, and Special Review District Standards.
- Established a sub-committee to research and develop standards for composting & grinding

The 2004 Work Plan consists of five topic areas:

1. Permits

- Revamp application intake for Building/Planning
- Revamp applications (basic form with attachments specific to the applicant being applied for)
- Evaluate permit process and who does what
- Create a permit process flow chart with timelines and tracking for applicant
- Complete the DIBs and convert existing DIBs to tri-fold

Commissioner Shelton noted that Kitsap County worked in conjunction with a private consulting firm to develop a state-of-the-art permit tracking system that is receiving rave reviews. The Association of Counties is currently contemplating allowing other users to buy a license for this program. While Planning may be meeting timelines, customer's timelines

begin when they first start dealing with the County, which could be the Health or Public Works Departments. He felt there was room for improvement with regard to coordination between the departments.

Mr. Bakke eagerly welcomed policy development that would alleviate hold-ups on review of applications. Commissioner Shelton felt that coordination needed to come from the various department heads.

2. Administration

- BMP monitoring and enforcement program

- Connection with Development Coordinators
- Permit Tracking Systems
- New Web page
- AG BMP – Letter and monitoring
- Online working copy of the code for staff
- Camano office remodel
- Incentives for customer service
- Complete Coupeville office move

3. *Long Range Planning*

- Historical Advisory Committee update
- Building Code re-development/EAF/I-Code (Two chapters of the ICC that deal with building that need to be updated)
- Population Comprehensive Plan update
- Composting
- Non-Residential Guide Book
- Freeland Plan
- 9-lot Short Plats (amend from 4-lot process to 9-lot)
- SEPA administration
- EDC coordination
- 2004 Docket

Jeff Tate, Assistant Planning Director, commented to note that when the Comprehensive Plan was adopted in 1998 the requirement under the GMA was a five-year review program. Since then GMA now requires counties and cities to review plans every seven years. Island County is required to have the seven-year review completed by December 1, 2005. Island County has chosen to conduct a phased review, which began in 2002 and will be completed in 2005.

7 Year Review Program Status

2002	2003	2004	2005
Public Benefit Rating System	Planned Residential Developments Earned Development Units Guest Cottages	Population Allocations Urban Growth Areas Resource Lands	Critical Areas
	Best Management Practices Special Review Districts Non-Residential Zones & Design Standards	GMA changes since 1998 adoption	

2004 Annual Docket

- Population Projections and allocations
- Urban Growth Areas
- Resource Lands
- Amendments to Critical Areas Ordinance (CAO) submitted by public
- Review changes to GMA since 1998 & update Comprehensive Plan & Development Regulations if needed to comply with GMA changes
- Final review of plan and regulations except CAO
- Composting and grinding (carry over from 2003)
- Staff identified updates

4. *Training*

- Weekly Staff Training expanded to include :
 - Banks
 - Title companies

Surveyors
Appraisers

- International Building Code Training
- Classes and Internal Training for Certifications:
 - Videos
 - Planning & Building Association involvement

5. *Outreach*

Commissioner Shelton asked with regard to population projections had there ever been any consideration given to recognizing the different areas of the county, or was it truly designed as a county-wide population allocation.

Mr. Tate answered that had never been something the State got into, rather, left up to the counties and cities to determine how that is going to be broken down. The 1998 Comprehensive Plan broke it down between north, south and central Whidbey and Camano Island, and he anticipated the same sort of review again to recognize the different household sizes as well as the different growth rates within those areas. Camano Island and South Whidbey in particular have historically grown faster than Central and North Whidbey.

Mr. Gabelein inquired when staff anticipated the Freeland Sub-Area Plan would be completed.

Mr. Tate indicated he put together a list of tasks for the committee with a tentative time schedule, based on a two-meeting a month schedule, anticipated completion by the first of June.

Mr. Bobbink noted that during his work for Island County over the past fifteen years, he had seen enormous changes. Land use regulations are constantly changing and what he is dealing with today as a Hearing Examiner in some ways is significantly different than what he dealt with in the past. He has been through a couple of different code revisions but his job is basically the same. The Hearing Examiner process is a judicial process and consists of conducting hearings on either major projects or administrative appeals and making a record, because decisions made can be appealed. Appeals are usually contested hearings, often with attorneys involved, and the Hearing Examiner must make legal sense of the ordinances and regulations adopted by the Board of County Commissioners. The Hearing Examiner applies those regulations to individual cases and resolve disputes that arise, or in the case of major projects, provide a forum for community comment and testimony and to make a record that can stand up on appeal. The Hearing Examiner also ends up with some kind of non-official role in risk management by trying to make sure things are done carefully and legally so that the county's risk for lawsuits are reduced. The Hearing Examiner also plays a role in reviewing ordinances legal clarity to make sure the ordinance is interpreted in a consistent manner that carries out the intent of the legislative body, for example, the inoperable vehicle/outdoor storage issue that came about as a Comprehensive Plan amendment this year.

Mr. Bobbink pointed out that composting had become a major issue in Whatcom County that caused all sorts of community conflicts. At one point, that county placed a moratorium on composting because of inadequate regulations. He thought Island County would be well advised to finalize regulations on composting as soon as possible.

Commissioner McDowell concurred with the Hearing Examiner that Island County needed to get some regulations in place with regard to composting.

Over the years, Mr. Bobbink has worked with numerous staff members. Other than Mr. Bakke and Mr. Tate, the majority of the Planning Department staff are fairly new. Staff work quality affects his ability to do his job correctly, and he was pleased with the quality of work from the Planning staff as being comprehensive and well thought out. He addressed an issue regarding Island County's marina communities, dredged and disturbed shoreline areas with small lots that historically pre-date any kind of shoreline management (some by 20 or 30 years). These marina communities are designated Residential Shoreline and the same rules apply to them as to all the other Residential Shorelines in the county, yet have very unique

characteristics. These are existing small lots designed for and historically used for docking and getting people in and out, and in general, application of the residential shoreline regulations to marina communities is not always a good fit. These areas do not need the same kinds of more stringent rules and regulations that make sense for undisturbed areas in other communities. The way the code is currently written bulk-heading, variances, setbacks,

lot coverage, etc. are all applied in the same way that they are applied to other shoreline residential developments outside of these communities. The Department of Ecology has basically informed the county that because of the way the rules are written those same strict regulations apply to those marine communities. He felt that perhaps some kind of overlay that would apply only to the marina communities would resolve some of the conflicts and keep those areas out of regulations that are insensibly applied.

Ms. Moses asked the Hearing Examiner if he had reviewed the inoperable vehicle amendment. Mr. Bobbink indicated he had reviewed that amendment prior to the time it came before the Planning Commission. Ms. Moses noted that both the Planning Commission and the Prosecuting Attorney had made changes to the amendment. Mr. Bobbink was more than willing to review the revised version and make any suggestions he felt necessary.

Commissioner McDowell pointed out with regard to the application procedures the most frequent complaint he hears is from those people who submit an application, get it back from staff as incomplete, fix the items indicated and resubmit, only to receive a whole new set of items flagged as incomplete. The process needs to ensure that the applicant receives only one initial set of comments, and staff not continue to add additional items with each subsequent review. He concurred with Commissioner Shelton with the need for a coordinated review process.

Commissioner Shelton relayed the fact that one of the issues the Board felt pretty strongly about during the development of the 1998 Comprehensive Plan was that incomplete applications were no longer going to be accepted. The idea was to take the responsibility off staff to chase down the incomplete parts and put that back on the applicant. However, there needs to be some consideration given in order to reduce the time frame to work cooperatively and coordinate with other departments involved.

Mr. Bakke talked about one of the ideas staff discussed had been to establish a process for occupancy for residential projects, allowing permits to be issued prior to finalization, but require that all issues be resolved prior to occupancy.

Mr. Gabelein commented that one of the areas causing a delay in issuing building permits was the need for a septic permit from the Health Department prior to being able to turn anything in to the Building Department.

Commissioner Shelton mentioned that GMA was explicit about not being able to issue a building permit without water availability. He cautioned about the need that building permits in relation to septic permits must be coordinated. The building permit process must not get ahead of the septic permit.

The Special Session adjourned at 10:15 a.m. The Board will meet next in Regular Session on February 23, 2004 beginning at 11:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

William J. Byrd, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST:

Elaine Marlow
Clerk of the Board