

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
APRIL 12, 2004**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 12, 2004 beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th Street, Coupeville, Wa. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the meeting of April 5, 2004.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board as presented, with the exception of voucher #4530092 in the amount of \$2,737.93 [*see Planning item 7(b)*]: Voucher (War.) #186702 - 186927 and #186929 - 186987 \$413,073.41.

EMPLOYEE AWARDS

Employee Service Awards

Department	Employee	No. Years
Auditor	Motoko Pleasant	5 years
Public Works	David J. Hahn	5 years

Employee of the Month, March, 2004

Katy Wells from the Treasurer's Department was selected as the Employee of the Month for March 2004. Katy joined the County in February of 2000, and has the challenging task of handling all foreclosures and bankruptcies for the department.

Special Recognition

Island County Sheriff, Mike Hawley, presenting life-saving medals to two Island County Sheriff's Office employees:

- Deputy Scott Davis for heroically saving the life of an elderly resident who was trapped in a house fire in Coupeville in February. Deputy Davis has served with the Sheriff's Office for a combined total of 14 years, is a senior Deputy, and serves as the President of the Guild (DSG) - Criminal Division.
- Corrections Deputy Clark Sewell for his quick action in saving the life of an inmate who was attempting to commit suicide in a Jail cell last month. Deputy Sewell has served with the Island County Sheriff's Office for 3-1/2 years, and has a collateral assignment with the Electronic Home Detention program, and is the Vice-President of the Guild (DSG) - Corrections Division.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorization (s):

Dept.	PAA #	Description/Position #	Action	Eff. Date
WSU/Ext.	029/04	Prog. Coord/BeachWatchers 1207.03	Replacement	4/12/04
Planning	030/04	Plans Ex./Bldg Inspect. Tr. I 418.05	Replacement	4/12/04*
		*From .8 to 1.0 FTE = \$4,000 funded from Planning Department budget		
Sheriff	031/04	Deputized Officer 4014.01	Replacement	12/8/04**
		**New Hire date taking into account leave pay-out		
Public Works	032/04	Accounting Asst. 2216.01	Replacement	4/23/04

**LETTER RE LEASE AGREEMENT BETWEEN PORT OF COUPEVILLE & GREENBANK FARM
MANAGEMENT GROUP**

The Board received confirmation from bond counsel that proposed management contract with Greenbank Farm Management Group and other leases of land within the open space portion that functionally carry out the County's governmental purposes in acquiring that property would not adversely affect the tax exemption status of the limited tax general obligation improvement and refunding bonds.

By unanimous motion, the Board authorized the Chairman's signature on a letter to the Port of Coupeville advising: (1) the Lease Agreement was reviewed and approved by Island County; (2) the County does not intend to exercise its right under Section 2.15 of the Executory Conditional Sale Contract of September 15, 1997 to declare the entire remaining balance of the purchase price immediately due and payable when the Port executes the lease to Greenbank Farm Management Group and the County waives its right to do so; and (3) the waiver shall not extinguish or diminish the County's rights under Section 2.15 with respect to any other transfer that the Port may make at a future time.

LETTER TO WESTERN SURETY COMPANY REGARDING BOND NO. 22501829-KIMLER SHORT PLAT NO. 137/00

- Letter to Western Surety Company regarding Bond No. 22501829, Kimler Short Plat No. 137/00, was approved by unanimous motion of the Board asking that the Company furnish the Island County Health Department with the \$10,000 from the bond to use toward installation of the water line. Western Surety Company issued the bond to secure the performance of Kevin Kimler, DBA KCK Enterprises, to install a water distribution line, a condition of County Short Plat approval and Mr. Kimler defaulted in his bonded obligation to install the water distribution line and his performance deadline of September 15, 2001 has expired.

RESOLUTION #C-36-04 PROCLAIMING MAY AS COMMUNITY ACTION MONTH

- As brought forth by the Island County Health Department, the Board by unanimous motion approved Resolution #C-36-04 Proclaiming May as Community Action Month.

[Resolution #C-36-04 on file with the Clerk of the Board]

RESOLUTIONS APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS - LIQUID ASPHALT MATERIALS – ASPHALT CONCRETE MATERIALS

As presented by Dick Snyder, County Engineer, with a recommendation of approval, the Board by unanimous motion approved the following Resolutions approving specifications and call for bids:

- Resolution #C-37-04/R-11-04 in the matter of Approving Specifications and Authorizing Call for Bids of Liquid Asphalt Materials for the period of May 1, 2004 to May 1, 2005.
Bid Opening: April 29, 2004 at 10:15 a.m. Meeting Room #116, 1 N.E. 7th Street, Coupeville
- Resolution #C-38-04/R-12-04 In the Matter of Approving Specifications and Authorizing Call for Bids for Asphalt Concrete materials for the period of May 1, 2004 to May 1, 2005.
Bid Opening: April 29, 2004 at 10:00 a.m. Meeting Room #116, 1 N.E. 7th Street, Coupeville

[Resolutions #C-37-04 and C-38-04 placed on file with the Clerk of the Board]

HEARING SCHEDULED: ORDINANCE #C-39-04/R-13-04 – ORDINANCE ESTABLISHING PARKING RESTRICTIONS ON LOWELL POINT ROAD, CAMANO ISLAND, IN THE VICINITY OF THE CAMANO ISLAND TRAIL

As presented by the County Engineer, the Board by unanimous motion scheduled for Public Hearing Ordinance #C-39-04/R-13-04, an Ordinance Establishing Parking Restrictions on Lowell Point Road, Camano Island, in the Vicinity

of the Camano Island Trail, Sections 35 and 36, Twp 31N. R 2E., for Tuesday, May 4, 2004 at 3:00 p.m. at a location to be determined. [NOTE: location of Public Hearing subsequently determined to be Camano Multipurpose Center, 141 N. E. Camano Drive, Camano Island, Wa.]

HEARING SCHEDULED: RESOLUTION #C-40-04/R-14-04 - PETITION OF GAIL GLASEN FOR THE VACATION OF A PORTION OF COUNTY ROAD RIGHT-OF-WAY KNOWN AS HONEYMOON BAY ROAD

Resolution #C-40-04/R-14-04 in the matter of the Petition of Gail Glasen for the Vacation of a portion of County road right-of-way known as Honeymoon Bay Road in the Plat of Syndicate Addition to Freeland, Sec. 10, Twp 29N, R 2E. was set for public hearing by unanimous motion of the Board on May 3 10, 2004 at 10:20 a.m., Island County Courthouse, Commissioners Hearing Room, Coupeville, Wa.

CONSULTANT AGREEMENT PW-0420-09 - WESSON & ASSOCIATES, INC. - ARCHAEOLOGICAL AND HISTORIC RESOURCES MAPPING PROGRAM

Consultant Agreement #PW-0420-09 between Island County and Wesson & Associates, Inc.

for archaeological and historic resources mapping program, under work order #256 in the amount of \$9,500.00 was approved by unanimous motion of the Board as presented by Gwenn Maxfield, Assistant Public Works Director.

CHANGE ORDER NO. 2 - THREE KINGS ENVIRONMENTAL, INC. AND VOUCHER/WARRANT APPROVED/AUTHORIZED

As explained and summarized at Staff Session on April 7, presented by Phil Bakke today for the Board's approval, the Board by unanimous motion approved and signed Change Order #3 (RM-PLAN-04-0018) in the amount of \$2,650.46. Subsequent to approval of the contract, the Board by unanimous motion approved Voucher #4530092 to Three kings Environmental, Inc., in the amount of \$2737.93 (Warrant #186928) [*represents contract amount, minus retainage, plus sales tax*]

HEARINGS HELD TO CONSIDER THREE OPEN SPACE APPLICATIONS

At 10:30 a.m. as scheduled Public Hearings were held to consider three open space applications:

- OPS #307/03 Steven and Marijes Jones
- OPS #399/03 Frei Timber Company
- OPS #339/03 Randall Crosby for Crosby Restoration, Inc.

Phil Bakke, Planning and Community Development Director, summarized each application; staff recommendation was approval, subject to conditions. A copy of the Staff Report, attached to each application, was also briefly covered by Mr. Bakke.

OPS #307/03 Steven and Marijes Jones, Greenbank, requesting that 9 acres of their 10-acre parcel be placed in the Timber Land current use classification, for Parcel R22912-363-5050 located on South Whidbey. Applicants have submitted a Forest Management Plan identifying a series of goals for the management of the parcels. Staff recommends approval, subject to standard conditions as outlined in Staff Report.

OPS #399/03 Frei Timber Company, Langley, requesting that 16.85 acres be placed in the Timber Land current use classification, for Parcel S7674-00-0000D-0 located on South Whidbey. Applicants have submitted a Timber Management plan identifying a series of goals for the management of the parcel. Staff recommends approval, subject to conditions stipulated in Staff Report.

OPS #339/03 Randall Crosby for Crosby Restoration, Inc., Bellevue, requesting that 40 acres be reclassified from Designated Forest to the Timber Land Current Use Classification on Parcels: R33030-232-4620; R33030-232-5280; R33030-166-4610; and R33030-166-5260, located off Lone Lake Road, South Whidbey. Applicants have submitted a Forest Management Plan describing the makeup of existing vegetation, soil characteristics, and timber management

strategies. Staff recommends conditional approval as stated in the Staff Report.

In response to a question from Lori Hilleary, Clinton, with respect to OPS #399/03, Mr. Bakke explained that staff recommended approval, subject to conditions, that the property as requested be placed in the Timber Land Current Use Classification tax program. The property owners intend to manage the property for long-term forestry in accordance with state requirements for forest parcels and that it remain in Timber Land Use Classification. This particular property is not in timber as of yet.

Answering Commissioner McDowell's question on OPS #339/03, Mr. Bakke commented that the Timber Land Current Use Classification and Designated Forest programs were similar but had different size requirements.

Commissioner McDowell moved, seconded by Commissioner Shelton and carried unanimously to approve:

- OPS #307/03 Steven and Marijes Jones, 9 acres of their 10-acre parcel placed in the Timber Land current use classification, per staff recommendation of approval and subject to conditions noted;
- OPS #399/03 Frei Timber Company, 16.85 acres placed in the Timber Land current use classification per the recommendation of staff and subject to conditions recommended by staff;
- OPS #339/03 Randall Crosby for Crosby Restoration, Inc., 40 acres reclassified from Designated Forest to the Timber Land Current Use Classification, per staff recommendation and subject to conditions recommended by staff.

PUBLIC MEETING: CONSIDERATION OF 2003 ANNUAL REVIEW DOCKET - ORDINANCES
APPROVED BY THE PLANNING COMMISSION

- Ordinance #C-41-04 (PLG-030-03)
In The Matter Of Amending Chapter 17.03 ICC, The Island County Zoning Ordinance, To Incorporate Definitions And Standards Pertaining To Inoperable Vehicles
- Ordinance #C-42-04 (PLG-031-03)
In The Matter Of Amending The Transportation Element Of The Comprehensive Plan And Chapter 11.04 ICC To Change The Level Of Service (Los) For That Stretch Of East Camano Drive Located Between Camano Hill Road And Monticello Drive From The Current Los Of C To A Los Of D
- Ordinance #C-43-04 (PLG-032-03)
In The Matter Of Amending Chapter 11.01 ICC, The Island County Land Development Standards, To Incorporate Revised Standards For Joint Residential Driveways And Dead End Roads
- Ordinance #C-44-04 (PLG-033-03)
In The Matter Of Amending The Implementation Strategies Of The Island County Comprehensive Plan As They Pertain To Planned Residential Developments
- Ordinance #C-45-04 (PLG-034-03)

In The Matter Of Amending The Implementation Strategies Of The Comprehensive Plan As They Pertain To Non-Residential Development And The Non-Residential Development Standards Of Chapter 17.03 ICC
- Ordinance #C-46-04 (PLG-035-04)
In The Matter Of Amending The Implementation Strategies Of The Island County Comprehensive Plan As They Pertain To Best Management Practices
- Ordinance #C-47-04 (PLG-036-03)
In The Matter Of Amending The Implementation Strategies Of The Island County Comprehensive Plan As They Pertain To Earned Development Units And The Earned Development Unit Standards Of Chapter 17.03 ICC
- Ordinance #C-48-04 (PLG-037-03)
In The Matter Of Amending Chapter 17.03 ICC, The Island County Zoning Ordinance, To Incorporate Standards For The Development Of Guest Cottages
- Ordinance #C-49-04 (PLG-038-03)
In The Matter Of Amending The Implementation Strategies Of The Island County Comprehensive Plan And Chapter 17.03 ICC As They Pertain To Special Review Districts

[GMA # 7568] 2003 Annual Review Docket packet of Ordinances received from Island County Planning Commission]

Two members of the public attended, along with a representative of the press. Staff presentation by Mr. Bakke, along with Jeff Tate, Assistant Planning & Community Development Director, who introduced the 2003 annual review docket for consideration, and made available for the public copies of the ordinances, along with legislative findings of fact. Options available to the Board at this time: (1) adopt as presented per recommendations of the Island County Planning Commission; (2) remand issues back to Planning Commission further consideration; or schedule public hearings before the Board to consider any amendments that may be proposed. At today's meeting, only technical corrections can be considered. Under 16.26.050B when final adoption is taken the Board needs to conclude it considered all the amendments as a package and reviewed the cumulative affect of the various amendments to the comprehensive plan.

The Board agreed to deliberate on each proposed Ordinance and take final action when deliberation is complete on all the ordinances.

Ordinance #C-41-04 (PLG-030-03) - Amending Chapter 17.03 ICC, The Island County Zoning Ordinance, To Incorporate Definitions And Standards Pertaining To Inoperable Vehicles

Mr. Bakke confirmed that the ordinance had properly been before the Island County Planning Commission for multiple public hearings. An "interested parties list" [GMA #7578] of those who expressed an interest or who testified at those public hearings was established and those individuals were provided copies of the final ordinance as presented today. The ordinance deals with incorporation of standards for handling junk vehicles and outdoor storage, and sets up a performance standard for the non-inoperable vehicles or junk vehicles that would allowed

on any one parcel dependent upon the size of that parcel. This does not attempt to regulate the number of vehicles in private structures or accessory buildings, rather the County is trying to limit its involvement for those who have inoperable vehicles or outdoor items out of view from the general public. The ordinance relates to cases where neighbors and communities have to look at multiple inoperable vehicles and outdoor junk in plain view of the public. The ordinance was presented with three Findings of Fact and Legislative Intent.

Commissioner McDowell was supportive of the standards and definitions as applied to inoperable vehicles, noting this had been an issue for a lot of constituents for a lot of years.

Commissioner Shelton observed that the Planning Commission and staff had done a good job taking the subjectivity out of the standards, and he was supportive of the ordinance.

The Chairman expressed his view that there had been ample public review of the matter and that he had had ample opportunity to talk to various individuals and groups who were concerned, and after going through the issues and seeing how each item was being treated, the definition of junk, etc., were satisfied with what has been proposed.

Rufus Rose, South Whidbey, brought up the concern that much of the yard art could meet the definition of junk placed in yards visible from various highways and roads, with huge potential for complaints that would cause significant additional workload on the County.

Mr. Bakke noted that yard art was discussed among other items, by the Planning Commission and the Commission did not come up with any recommended changes dealing with yard art. Instead, a reasonably fair amount of flexibility was built in to the ordinance.

Ordinance #C-42-04 (PLG-031-03)In The Matter Of Amending The Transportation Element Of The Comprehensive Plan And Chapter 11.04 ICC To Change The Level Of Service (Los) For That Stretch Of East Camano Drive Located Between Camano Hill Road And Monticello Drive From The Current Los Of C To A Los Of D

Jeff Tate reported that the ordinance would modify the Transportation element as well as 11.04 ICC to reduce the level of service (LOS) standard from C to D for that stretch of East Camano Drive between Camano Hill and

Monticello Drive. The Transportation element in several cases indicates that on the ground improvements should not occur until the State widens SR 532 so as not to create a bottleneck situation where widen East Camano Drive only to funnel into two-lane State highway. The interim measure is to change the LOS from C to D and when the State widens SR532 change the LOS back to C and the County consider make the improvements called out for East Camano Drive at that time. He reviewed the definition of LOS C and D.

Commissioner McDowell was very supportive of the proposal, as he was when the issue was called to the Board's attention several years' ago that it had been an error in from the Comp Plan in 1998.

Commissioner Shelton also supported the ordinance. There were no other comments.

Ordinance #C-43-04 (PLG-032-03) In The Matter Of Amending Chapter 11.01 ICC, The Island County Land Development Standards, To Incorporate Revised Standards For Joint Residential Driveways And Dead End Roads

Mr. Tate explained the proposal. The two standards being changed include definitions and standards for joint residential driveways and adding definitions and standards for dead-end roads. Under County Code currently, a two-lot short plat is required to meet certain county road standards and this would make those standards apply to three and four-lot short plats, and for a two-lot short plat, offer the ability to have a joint residential driveway. This comes up fairly frequently and is mainly what staff sees in the form of subdivision. Item C, Dead End Road Standards, is all new language. Standards are established for a dead end road or driveway longer than 150 feet.

Commissioner McDowell had a problem with the 150 foot requirement in a) ii as well as c): the example: for a two-lot short plat, the first short plat lot is up front; the next 5 acres back behind it in excess of 150 feet; this would now require someone to put in a 60 foot diameter turn-around adjacent to the house or where the driveway ends.

Mt. Tate commented that where now the County Engineer might require building to road standards to serve a lot where no one else is affected, this proposal is intended to establish a dead-end road in lieu of that. As far as measuring the 150 feet, he used an example: a three-lot short plat, and the road traveling up through first two lots which have to meet county road standards, but when you get to the last lot there is a "relief" of standard.

Commissioner McDowell did not believe it made sense on a short plat to guess the distance of the property line to the house, and was confident intent was referring to the last property line. The other issue he questioned was the 30 foot radius turn around constructed like a cul-de-sac, which could potentially be fairly obnoxious in someone's yard. He believed a hammer head would be more appropriate, and would provide somewhere to drive back into and turn around, requiring a lot less asphalt than a 60 foot diameter cul-de-sac. He viewed this as a simple technical correction that could be made today.

Mr. Rose thought it would be useful to include a purpose statement i.e. the reason for this is by and large to provide for emergency vehicle ingress and egress and passing each other. Certain trucks and ambulances are 8' wide; note the chart at bottom of page 5 indicates for 3 to 4 lots the requirement for 14' wide paved. It is obvious that two 8' wide vehicles cannot pass on a 14' wide road; therefore questioned why in the world a requirement for turn-outs or hammer heads. He asked about potential that this ordinance would be applied retroactively. His contention was that you could not pass on a 14' road, yet the County appears to be

considering imposing a standard that is arbitrary, not necessary and is very expensive and wasteful of resources.

Commissioner Shelton thought that perhaps one other reason for a wider road would be that as there are more lots, the people that live there are going to be forced to pass one another with some degree of regularity as the number of lots increase. He noted that emergency vehicles would be on the road infrequently, with large amounts of time in-between.

Commissioner McDowell commented that in the case of a 14 foot wide road, with a fence on either side, you could

not pass, but typically somewhere along the stretch there is an area where someone can pull off. He did see Mr. Rose's point, however. It appears that the Planning Commission had given recognition to what Mr. Rose said, but cut it off at a two-lot short plat rather than some larger number.

The Commissioners confirmed that this ordinance would not be applied retroactively.

Mr. Bakke noted that the remaining items will satisfy 16.26.090.a.2 for the Five year procedure Island County placed on itself to have completed.

Ordinance #C-44-04 (PLG-033-03) - In The Matter Of Amending The Implementation Strategies Of The Island County Comprehensive Plan As They Pertain To Planned Residential Developments

Mr. Bakke commented that as can be noted from the Island County Planning Commission minutes and the reports from staff, a comprehensive review of the PRD program was made. As a result of that review, several changes were proposed to the Implementation Strategies of the Comprehensive Plan adding rural character. He recalled that the major question discussed had been: why are we not seeing applications for PRDs? The confusion seemed to be that people still envisioned the program as being akin to what it was prior to 1998.

Commissioner Shelton observed that density bonuses simply are not sufficient enough to encourage anyone to do a PRD. Mr. Bakke said that the Planning Commission looked at that issue but at the time was not quite prepared to say that this year. It was Commissioner McDowell's request that staff carry back to the Planning Commission the thought that if the County truly wants PRDs there must be enough bonuses to overcome the cost of doing just a basic 5 lot short plat.

Mr. Tate noted that there had been only one PRD since 1998. The Planning Commission wanted an opportunity to receive input from folks who have gone through such a process in order to evaluate economic implications. He recalled from having attended a South Whidbey Realtors meeting that they thought the program went away in 1998.

What this shows, Commissioner McDowell stated, was that there probably will not be any more in the future and he was not sure waiting two or three more years would change anything.

Mr. Rose observed that the Commissioners recognized that the PRD program was not working. He thought that Realtors and others who own land are fully aware that the program is available and do not want it. He asked if the Growth Hearings Board tied the Board's hands such that the Planning Commission could not be instructed to make the program work economically.

What will make the program work economically according to Commissioner Shelton is granting larger density bonuses, exactly what the Growth Hearings Board said the County cannot do.

Ordinance #C-45-04 (PLG-034-03) In The Matter Of Amending The Implementation Strategies Of The Comprehensive Plan As They Pertain To Non-Residential Development And The Non-Residential Development Standards Of Chapter 17.03 ICC

Staff pointed out that the Planning Commission conducted a comprehensive review of the non-residential zones and standards applied, including signage standards, site coverage ratios, setbacks, etc. that goes into a non-residential project, and made a series of recommendations:

1. the sign ordinance be modified to allow free standing signs to be located anywhere on the property;
2. modify setback requirement of the code to provide standards for dealing with zero lot lines for Rural Village and Rural Center zoned properties; and

3. looked at setbacks for light manufacturing zone and being able to not have the maximum 50 foot setback.

The Planning Commission also recommended a change to the Implementation Strategies of the Comprehensive Plan under Economic Development, to incorporate language to have the County put together standards for airport zones, and work with Island County Economic Development Council for those airport zones. Also added a section for non-residential design for an illustrative guidebook, and adding a provision in the Comprehensive Plan that the County put together a guide book for commercial property to help people understand what it is the code is requesting of them. Another recommendation of the Planning Commission was that the County put together monitoring program for non residential design projects and come up with outreach strategy for recognition of projects that meet or exceed the goals.

During a Staff Session with the Board when this was discussed, Commissioner McDowell recommended further modification of the maximum 50 foot setback and that it apply to the Rural Village as well as Light Manufacturing zones. Staff put together a proposed

modification that could be considered in that regard, and handed out that proposed change at this time, and with revised Findings of Fact [GMA Record #7569].

Commissioner McDowell pointed out this would still keep the parking lot behind the building and shield that from the road; whether it is 25 feet or ten feet, the parking lot will be behind the building which was in fact the whole nexus for this requirement.

Lori Hilleary, Clinton, agreed this made sense.

In response to an inquiry from Ms. Hilleary about development of the proposed changes to the Comprehensive Plan, how changes are proposed and who proposes them, and the process, Commissioner McDowell answered that there had been a five year public process for the Comprehensive Plan development; the changes being reviewed today are minor tweaks and review of that Plan, and part of the Board's review of the Comprehensive Plan. Hearings are held before the Planning Commission and any member of the public can bring anything forward for consideration.

Ordinance #C-46-04 (PLG-035-04) In the Matter of Amending the Implementation Strategies of the Island County Comprehensive Plan as they pertain to Best Management Practices

Mr. Tate confirmed that a review of all BMPs in place had been done for all the different BMP programs. Talking to staff involved in those programs, what was pointed out to the Planning Commission was that the standards themselves seem to be working very well, and there were no staff comments or public comments received requesting specific changes on BMPs. The conclusion drawn was that there are some monitoring requirements that should be written into the Implementation Strategies of the Comprehensive Plan as per this proposal. The County is required to look at the program under the Growth Management Act and conduct this review every seven years; the legislative body of the county has to make a conclusion as to whether it is working or not.

No comments were made on the ordinance at this time by members of the Board, or public.

Ordinance #C-47-04 (PLG-036-03) In The Matter Of Amending The Implementation Strategies Of The Island County Comprehensive Plan As They Pertain To Earned Development Units And The Earned Development Unit Standards Of Chapter 17.03 ICC

As explained by Mr. Tate, the Earned Development Unit (EDU) program received the same kind of review by the Planning Commission as the prior ordinance. This is a density bonus program for use by owners of commercial AG land, and changes are proposed to the ordinance as well as Implementation Strategies of the Comprehensive Plan. Realizing this is incentive program, a density bonus program, that helps preserve commercial AG land in an

agricultural state and that most farmers are not in the business of development, changes would make it clear that once the Board of County Commissioners approves the farm management plan, the owner can then transfer that to a

buyer/developer who can proceed with the subdivision. Remember that with subdivision a lot is involved and it is a lengthy process with standards to meet.

No comments were made on the ordinance at this time by members of the Board, or public.

Ordinance #48-04 (PLG-037-03) In The Matter Of Amending Chapter 17.03 ICC, The Island County Zoning Ordinance, To Incorporate Standards For The Development Of Guest Cottages

This ordinance pertains to guest cottages, and Mr. Tate recalled for the Board that in 1998 the State Growth Management Hearings Board placed parameters to be able to permit guest cottages in Island County in the rural area: (1) limitation not exceed 1,000 sq. ft.; and (2) that no more than 35 guest cottages be permitted in a single year. After going through and reviewing guest cottage provisions and tracking how many there were since 1998, staff found that the County had not reached 35 at this time. With respect to the limitation of 1,000 square feet, many have had difficulties with and interpretations have been made as to what exactly the 1,000 square feet includes. The Department in 2001 approached the Board seeking policy guidance on that and policy was adopted to further clarify what is meant by 1,000 square feet. This ordinance would incorporate that policy into county code.

No comments were made on the ordinance at this time by members of the Board, or public.

Ordinance #C-49-04 (PLG-038-03) In The Matter Of Amending The Implementation Strategies Of The Island County Comprehensive Plan And Chapter 17.03 ICC As They Pertain To Special Review Districts

Since the Special Review District (SRD) provisions have been in place, Mr. Tate advised there have been three applications: Au Sable; Greenbank; SPU. During Planning Commission hearings in response to questions, staff brought some recommendations for consideration. One had to do with the current requirement in the Comprehensive plan that an applicant needs to have 150 acres of land under their ownership. The proposed ordinance would help define what the 150 acres is – if the acreage is all contiguous they meet the standard; if the lands are not contiguous they must demonstrate the acreage is functionally connected. The second standard would clearly state that critical areas may be included into that total acreage count. Comprehensive plan changes would incorporate additional policies to help better implement the plan.

No comments were made on the ordinance at this time by members of the Board, or public.

Board Action on Ordinances

Mr. Bakke pointed out that Ordinance #C-44-04 through #C-49-04 are part of the Five-year review, and had been reviewed by the Planning Commission for consistency with the Growth Management Act, and as a result of the modifications to the programs, determined to comply with the Act as well as satisfy the County's review of the programs for the seven year update. Ordinances #C-41-04 through #C-43-04 comply as well with the GMA requirement for review every seven years. Mr. Tate added that every one of the ordinances meet requirements and comply with the GMA; it is only those #C-44-04 through #C-49-04 that are part of the seven year review.

Ordinance #C-41-04 (PLG-030-03) Amending Chapter 17.03 ICC, The Island County Zoning Ordinance, To Incorporate Definitions And Standards Pertaining To Inoperable Vehicles

Ordinance #C-42-04 (PLG-031-03) Amending The Transportation Element Of The Comprehensive Plan And Chapter 11.04 ICC To Change The Level Of Service (Los) For That Stretch Of East Camano Drive Located Between Camano Hill Road And Monticello Drive From The Current Los Of C To A Los Of D

Commissioner McDowell moved approval of Ordinance #C-41-04/PLG-030-03 and #C-42-04/PLG-031/03. Motion, seconded by Commissioner Shelton, carried unanimously.

[Ordinance #C-41-04 placed on file with the Clerk of the Board GMA #7570]

[Ordinance #C-42-04 placed on file with the Clerk of the Board GMA #7571]

Ordinance #C-43-04 (PLG-032-03) - Amending Chapter 11.01 ICC, The Island County Land Development Standards, To Incorporate Revised Standards For

Joint Residential Driveways And Dead End Roads

The technical correction suggested by Commissioner Shelton was to eliminate the word "area" from two places a.ii and c; and the Chairman concurred.

Commissioner McDowell suggested deletion of the word "area" and to include language "such as a hammer head" to provide clarification of intent in two places.

Both Mr. Bakke and Mr. Tate agreed intent was to be the same area in square footage as a radius and is a technical correction; Staff will prepare a Finding.

Commissioner McDowell moved approval of Ordinance #C-43-04 (PLG-032-03) Amending Chapter 11.01 ICC, The Island County Land Development Standards, To Incorporate Revised Standards For Joint Residential Driveways And Dead End Roads, with the following technical correction:

Deletion of the word "area" and to include language "such as a hammer head" to provide clarification of intent, so as to read:

D.1.a.ii

A cul-de-sac easement with a radius of forty (40) feet or an equivalent turnaround ~~area~~ , such as a hammer head, shall be required at the terminus of dead end easements longer than 150 feet and may be temporary in nature where extension to serve adjoining properties is planned.

D.1.c) Second sentence:

The turnaround shall be a constructed cul-de-sac with a radius of thirty (30) feet, or an equivalent turnaround ~~area~~ , such as a hammer head.

Motion, seconded by Commissioner Shelton, carried unanimously.

The Board followed by unanimous motion to approve Finding prepared by staff stating that:

The dead end road standard shall apply only to easements that are required to serve newly created lots within a short plat or PRD. This standard shall not apply to driveways, nor shall it apply to any area outside of the required easements needed to serve the newly created lots.

[Ordinance #C-43-04 placed on file with the Clerk of the Board GMA #7572]

Ordinance #C-44-04 (PLG-033-03) Amending The Implementation Strategies Of The Island County Comprehensive Plan As They Pertain To Planned Residential Developments

Commissioner McDowell moved approval of Ordinance #C-44-04 (PLG-033-03) Amending The Implementation Strategies Of The Island County Comprehensive Plan As They Pertain To Planned Residential Developments. Motion as seconded by Commissioner Shelton, carried unanimously.

[Ordinance #C-44-04 placed on file with the Clerk of the Board GMA #7573]

Ordinance #C-45-04 (PLG-034-03) Amending The Implementation Strategies Of The Comprehensive Plan As They Pertain To Non-Residential Development And The Non-Residential Development Standards Of Chapter 17.03 ICC

Commissioner McDowell believed it worthwhile for the Board to hold its own public hearing to consider the proposed change as handed out today. The idea was to keep the parking lot behind the building; to allow the building to be moved back in one instance for some type landscaping, he saw no reason to not move some other building back

as long as the parking lot stays behind the building.

On motion of Commissioner McDowell, the Board unanimously scheduled a Public Hearing on Ordinance #C-45-04 (PLG-034-03) Amending The Implementation Strategies Of The Comprehensive Plan As They Pertain To Non-Residential Development And The Non-

Residential Development Standards Of Chapter 17.03 ICC, and the proposed changes submitted today, on May 10, 2004 at 10:30 a.m.

Ordinance #C-46-04 (PLG-035-04) Amending the Implementation Strategies of the Island County Comprehensive Plan as they pertain to Best Management Practices

Ordinance #C-47-04 (PLG-036-03) Amending The Implementation Strategies Of The Island County Comprehensive Plan As They Pertain To Earned Development Units And The Earned Development Unit Standards Of Chapter 17.03 ICC

Ordinance #C-48 -04 (PLG-037-03) Amending Chapter 17.03 ICC, The Island County Zoning Ordinance, To Incorporate Standards For The Development Of Guest Cottages

Ordinance #C-49-04 (PLG-038-03) Amending The Implementation Strategies Of The Island County Comprehensive Plan And Chapter 17.03 ICC As They Pertain To Special Review Districts

Commissioner McDowell, moved, seconded by Commissioner Shelton and carried unanimously, to approve Ordinance #C-46-04 through Ordinance #C-49-04, along with comment that all of these ordinances meet the County's annual five year update, and the State requirement for seven year update.

[Ordinance #C-46-04 placed on file with the Clerk of the Board GMA #7574]

[Ordinance #C-47-04 placed on file with the Clerk of the Board GMA #7575]

[Ordinance #C-48-04 placed on file with the Clerk of the Board GMA #7576]

[Ordinance #C-49-04 placed on file with the Clerk of the Board GMA #7477]

The Board agreed with Mr. Bakke that with Ordinance #C-45-04, Board members received a copy of the proposed amendment as submitted and handed out today and had an opportunity to take that into account as discussed at Staff Session, and had looked at the cumulative affect of all the amendments as a part of the five year update.

Commissioner McDowell moved to acknowledge that the Board had reviewed all of the changes, including proposed amendments to be brought forward at public hearing under Ordinance #C-45-04, for the cumulative impact on all ordinances reviewed today, and that there is no cumulative impact that would warrant further consideration. Motion, seconded by Commissioner Shelton, carried unanimously.

SPECIAL SESSIONS NOTED FOR CAMANO ISLAND ON APRIL 13, 2004

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3:00 P.M. Camano Country Club (Clubhouse), 1243 S. Beach Drive, Camano Island
Public Hearing: Ordinance #C-16-04 In the Matter of Adopting an Interim Official Control That Designates Division 2 of the Plat of Thunder Ridge as a Critical Drainage Area

6:00 P.M. Elger Bay Elementary School, 1810 Elger Bay Road, Camano Island
Public Meeting: Review hunting rules and regulations on Camano Island
Safety concerns for neighborhoods and schools
Discuss how hikers and hunters can use public lands safely
Propose solutions, hear ideas.

ANNUAL JAIL INSPECTION BY BOARD OF COUNTY COMMISSIONERS

The Board recessed the meeting at Noon to make their annual inspection of the Island County Jail, and with no further business to come before the Board, the meeting adjourned after the jail inspection.

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There being no further business to come before the Board, meeting adjourned at 1:00 p.m. The next regular meeting of the Board will be held on April 19, 2004 at 9:30 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