

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
SEPTEMBER 16, 2008 – SPECIAL SESSION**

The Board of Island County Commissioners met in Special Session on September 16, 2008 beginning at 6:00 p.m. at the Camano Senior and Community Center, 606 Arrowhead Road, Camano Island, Washington. The purpose of the Special Session was to hold a required public hearing following the Board's August 18, 2008 adoption of Ordinance C-86-08 (PLG-011-08) In the Matter of Adopting an Interim Official Control that Regulates Commercial Development within Non-Residential Rural Areas of Intensive Development Adjacent to State Route 532 and consider adoption of any changes to the interim control after public comment. Commissioners John Dean, Chairman, Phillip Bakke, Member, and Wm. L. McDowell, Member attended.

Attendance: Approximately 24 members of the public and County staff

[Attendance sheets on file with the Clerk of the Board – GMA No. 9969]

[Special Session Notice on file with the Clerk of the Board – GMA No. 9970]

Hand-outs:

- *Ordinance C-86-08 (PLG-011-08) In the Matter of Adopting an Interim Official Control that Regulates Commercial Development within Non-Residential Rural Areas of Intensive Development Adjacent to State Route 532 (GMA No. 9971)*
- *Map/Guide (GMA No. 9972)*

Chairman Dean opened the evening by welcoming the assembly and saying that the purpose of the public hearing is to address Ordinance C-86-08 (PLG-011-08), adopted by the Board on August 18, 2008, and consider any changes to the ordinance following public comment. The Chairman then turned the meeting over to Jeff Tate, Director of Planning and Community Development, who explained the ordinance's background.

Mr. Tate said that Ordinance C-86-08 (PLG-011-08) is an interim official control, a technical name for a set of rules that go into effect on property or an area of property on a temporary basis. Under state law counties and cities may adopt interim official controls and the term "interim" or definition of "temporary" means six months. There are provisions in statute that allow counties and cities to extend that time beyond six months if necessary but the effort is to work through outstanding issues and stay within that timeframe or less when possible.

The ordinance at issue affects commercial development that would occur along SR 532, Mr. Tate provided a map for clarification. He oriented the assembly to the map by describing the various colors with emphasis primarily in the color dark red signifying Rural Village and the color pink indicating Rural Service. Rural Village and Rural Service zoning designations are two commercial zoning designations in the Island County Zoning Ordinance. The interim control would affect those indicated areas.

As a reminder of previous events concerning this subject, Mr. Tate said that the Board held a public hearing on August 18, 2008 for the purpose of considering an earlier version of an interim control, Ordinance C-71-08 (PLG-010-08). The Board opted at that time not to enact that interim control but instead considered and adopted Ordinance C-86-08 (PLG-011-08). State law mandates that the Board hold a public hearing on the interim control within 60 days so the hearing on the alternative ordinance was scheduled for September 16, 2008. A number of comments concerning the new interim control, as well as comments concerning the earlier version, were received by the Board and staff. The first version invoked reaction both pro and con resulting in the current version which is more focused on different types of design elements rather than very restrictive regulations; that is, design features, landscaping features, and many aesthetic elements of commercial development that may not be clearly enumerated in current

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regulations. The exercise began with an evaluation of what current County code says about commercial development, reaction over the years on several different development proposals, and community response concerning different elements of what was being permitted.

Staff created, and the Board put into place, a series of 28 different standards and regulations in the interim control that would affect building standards in the way they look, landscaping in conjunction with those buildings, site development standards regarding minimum lot size and setbacks, along with a group of standards that would affect complexes or commercial developments that have multiple buildings.

Mr. Tate said that the comments received were very general in nature, some for enactment of the ordinance and some not, with a few comments submitted that were a little more specific to standards within the interim control. A comment letter was received from the Senior Services Center with respect to the Second Chance Thrift Store on SR 532 when entering the Gateway area. The concern expressed had to do with development standard #3 which established a maximum 30-foot setback on all lot lines that abut a road. Feedback was received on standard #10 establishing a building height limit of 25 feet in combination with standard #9 which established a roof pitch of 4:12. It was said that the steeper the roof the more difficult it is to meet the height restriction; it is requested that the height restriction be increased in order to achieve the 4:12 roof pitch. The last specific comment was more technical in nature regarding standard #27 wherein a wrong word is inserted:

- (As it appears in the ordinance)
27. New developments shall provide and obvious pedestrian/non-motorized connection to adjacent properties.
- (Technical correction changing “and” to “an”)
27. New developments shall provide an obvious pedestrian/non-motorized connection to adjacent properties.

Mr. Tate reviewed the evening’s format by saying the Board will open the floor to public comment and thereafter have the option of either closing the public comment portion of the hearing, proceeding to a decision, or extending and allowing for additional public comment.

At Chairman Dean’s request Mr. Tate explained the purpose of the interim control in relation to the Camano Gateway Working Group.

Mr. Tate said there is another side effort currently in process involving what is termed to be a “Camano Gateway Working Group,” assembled to begin working on a more permanent solution. The group has held thus far one meeting on September 4 with a second meeting scheduled on September 18, 3:30 p.m., at Four Springs. The group has been tasked with evaluating commercial development regulations and determining something that goes beyond the interim control. Following five scheduled meetings the Group will provide a recommendation to the Island County Planning Commission who will hold public hearings on Camano. The Planning Commission will then make a recommendation that is passed along to the Board of County Commissioners who can accept that recommendation and hold its own public hearing or remand it back to the Planning Commission for revision.

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Mr. Tate continued to say that the grass roots level is comprised of a number of commercial property owners in the area, architects, land use consultants, and citizens, a group of about 20 people who will attempt to find a balance among various interests. Some participants have a direct interest because they own property or have a financial stake in what is determined. Discussion includes issues well beyond regulations and design of buildings; it also includes transportation and economic challenges of keeping businesses afloat. The working group is scheduled to complete its meetings about the middle of October with a goal of forwarding a recommendation to the Planning Commission at that time. Such recommendation will be posted on Planning's website with publicly-noticed hearings on Camano.

Chairman Dean opened the floor to public comment.

Bruce Hawthorne, 909 SR 532, Camano, has an issue with the building height standard of 25 feet in that it may limit an architect to design specifications with not much freedom. He believes the height restriction should be more flexible.

Lawrence Baum, residing at 1285 Talagwa Lane, Camano, expressed a curiosity as to why the evening's attendance of people is far short versus the earlier two meetings. How does the Board interpret the limited showing?

Chairman Dean said that the community seems to now understand that the ordinance is an interim control only, an attempt to try to manage the future of SR 532, he believes some middle ground has been met. The Board is not trying to stop development at this point but instead leave some doors and windows open for that effort to proceed and at the same time, address the need to do some quality planning for the corridor.

Ellen Schufreider, 969 N. Sunset Drive, Camano, said if one goes beyond the height restriction of 25 feet then there is the possibility of a three story building. She is also concerned about signage as that issue does not seem to be addressed in the interim control.

Commissioner McDowell referred Ms. Schufreider to standard #8 which says that "no building shall be greater than two stories in height."

Chuck Schufreider, 969 N. Sunset Drive, Camano, is a member of the Gateway committee and supports the moratorium and ordinance. He thanked staff and the Board for bringing the interim control to the table and looks forward to future work on the issue.

Robert Cole, 5210 268th NW, Stanwood, said the ordinance is better than the earlier version but still he has issue with the maximum building height restriction of 25 feet and roof pitch of 4:12, he suggests a height restriction of 30 feet instead. Mr. Cole believes that 30 feet would allow more choices for the architect and the configuration of the buildings. He does not appreciate what he refers to as "micromanaging." He also has issue with varied height (standard #22), setbacks (standards #3 and #4), and pedestrian/non-motorized connection to adjacent properties (standard #27). That said, he understands the ordinance is merely an interim control, it does not need to be perfect, and he can live with it.

Robin Taylor, 535 N. Waugh Road, Mount Vernon, attended again representing his sister. He said that he and his sister, as affected property owners, did not receive prior or any notice of the process. He reiterated that the interim control diminishes his sister's property by 60%, valued at

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about \$300,000, without any public comment. He said the Board should repeal its prior action of adoption.

Karla Jacks, 606 Arrowhead, Camano, is the Executive Director of the Camano Senior Services Association which owns the Second Chance Thrift Shop located on SR 532. In response to Mr. Taylor's comment concerning lack of notice, Ms. Jacks said the Association received hand-delivered notice of the issue. She asked if the ordinance could change following the working group's review to which she was told yes. The Second Chance Thrift Shop is the primary income to fund the Senior Center and if the Thrift Shop did not exist, there would not be money to pay the mortgage on the Center. The Association will be an active participant in the working group because the Center is very important to the community.

The Chairman closed the public comment portion of the hearing.

Chairman Dean said the Board's intent is not to make it impossible for businesses or the Senior Center Thrift Shop to succeed. The intention is to incorporate some design standards or perhaps suggest some adjustment to the ordinance that will make the area more attractive to business and draw people to the community. In response to public concern, he wonders if a height restriction of 30 feet is reasonable.

Mr. Tate said that standard #8 and #9 are, to him, more important an influence in standard than #10, the height restriction. There is a two-story height limit and a roof pitch of 4:12 which seems to ensure not much in the way of flat-roofed development. The County has been operating under restrictions of height limit in all zones for many years and it has come up in the past that height limit is the one thing that turns good architecture into something odd just to maximize the amount of space. Mr. Tate would support the idea of not having a height limit but instead limiting the number of stories and roof pitch which are better design ideas for making sure there is good design without having too large of structures. He recommends, from a design point of view, eliminating standard #10 since the two-story height limit accomplishes a cap on height.

The Chairman expressed his belief that Planning, concerning the 50-foot setback (standard #4), proposed the standard because it was thinking more into the future than simply for today.

Mr. Tate said when looking at an adjacent property that has a different intensity of land use it is more important to have a larger setback than govern what happens within the 50 feet. The comprehensive plan requires compatibility between different properties in different zoning designations. With a commercial building designation, a more intense commercial use, the larger area around the perimeter is used to soften impact either through berming, landscaping, and those types of techniques. The burden of ensuring that compatibility exists between the commercial property and adjacent Rural zone property that has a minimum lot size of five acres, a low intensity land use, falls more on the commercial property than it does on the rural property.

Commissioner Bakke, concerning signage, mentioned that the County has comprehensive signage standards that began in 1972 and moved forward with revisions in 1984, 1997, and 2002. The interim control is not supplementing any of the current sign standards in the County which is basically a 100-square foot sign located at the entrance of a project with interior signage identifying buildings on the inside. Concerning pedestrian access, the Commissioner's impression of the intent concerning standards #24 and #25 was not necessarily to connect pedestrian access with adjacent parcels as it is more to ensure that pedestrian access is addressed

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within the development. Relating to the building height issue, Commissioner Bakke is uncomfortable not having a height limit specified in the ordinance particularly given the ordinance is temporary in nature. He would be interested in knowing the work group's thoughts in terms of recommendations and believes the limitation could be lifted, but there would need to be more or additional limitations or explanation provided in the code for unique circumstances. Commissioner Bakke believes 25 feet is too low, as seen in past projects.

Commissioner Bakke would offer amending standard #22 to say:

22. Structures within a complex shall be of varied height, roof style, color, orientation, and dimension.

While such revision would reinforce what he believes is the intent behind the code, the idea was not supported by the Board.

Concerning standard #10, Commissioner Bakke said the existing standard is 30 feet and 35 feet for all other zones; he suggests the standard be revised to 35 feet.

He concluded by thanking the community, the Camano Gateway Working Group, and staff for moving forward on the matter. Commissioner Bakke believes the idea to be a good one and is eager to see what consensus and ideas can be gained from the work group. He appreciates the volunteer effort.

Commissioner McDowell commented that he believes standard #10, maximum building height, should be omitted because the maximum two stories and the building footprint not exceeding 4,000 square feet identify the intent. Concerning standard #27, he suggests the language be changed to read:

27. New developments shall provide and (sic) obvious pedestrian/non-motorized connection to adjacent commercial properties.

Berms will be placed between different properties and there would not be a pathway through a berm.

Motions followed:

1. Commissioner McDowell moved to strike standard #10 from the ordinance:
 10. ~~Maximum building height shall not exceed twenty five (25) feet. Building height shall be measured to the highest point of the building excluding architectural features such as cupolas and chimneys.~~

Seconded by Chairman Dean, motion carried. Commissioner Bakke opposed the motion.

2. Commissioner McDowell moved to amend standard #27 to add the word "commercial":
 27. New developments shall provide and (sic) obvious pedestrian/non-motorized connection to adjacent commercial properties.

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Seconded by Commissioner Bakke, unanimously carried.

Concerning the 30-foot setback on all lot lines that abut a road, Commissioner McDowell asked if the setback could be moved to the middle of one's property rather than in a corner. He referred to the property on SR 532 and Good Road.

Mr. Tate said that maximum setbacks are not a new technique, there are maximum setbacks in current code. The principle is that at full build-out along SR 532 and Good Road, as an example, there would be structures up against the road as close as possible with parking behind. As build-out occurs on the property staff will require that the perimeter of the property be aligned with structures.

3. Commissioner McDowell moved to correct a technical error in standard #27, "and" to "an":

27. New developments shall provide ~~an~~ obvious pedestrian/non-motorized connection to adjacent commercial properties.

Seconded by Commissioner Bakke, unanimously carried.

Chairman Dean said the ordinance was previously adopted on August 18, 2008 so a motion to that effect is unnecessary and it remains in place without additional official action. He thanked the assembly for their comments.

Meeting adjourned at 6:22 p.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Phillip Bakke, Member

Wm. L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board