

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
AUGUST 18, 2008 – SPECIAL SESSION**

The Board of Island County Commissioners met in Special Session on August 18, 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 continue the August 4, 2008 public hearing so the Board could consider adoption of any changes to Ordinance C-71-08 (PLG-010-08) 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. Commissioners John Dean, Chairman, Phillip Bakke, Member, and Wm. L. McDowell, Member attended.

Attendance: Approximately 33 members of the public, press, and County staff

[Attendance sheets on file with the Clerk of the Board – GMA No. 9963]

[Special Session Notice on file with the Clerk of the Board – GMA No. 9964]

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. 9965)*
- *Ordinance Comparison Chart (GMA No. 9966)*
- *Map/Guide (GMA No. 9967)*

Chairman Dean opened the evening by saying the public hearing is a continuation of an earlier hearing on August 4, 2008 concerning Ordinance C-71-08 (PLG-010-08), an interim control ordinance adopted on June 16, 2008. The interim control temporarily regulates commercial development within Non-Residential Rural Areas of Intensive Development (RAIDs) adjacent to SR 532, allowing a citizen and business based working group time to review and possibly fine tune design standards for Camano's entry corridor from Lands Hill to Terry's Corner. The Board took public comment at the hearing on August 4 and closed further comment at that time. The purpose of the August 18 public hearing is so the Board can consider adoption of any changes.

The Chairman continued to say that at the August 4 public hearing the Board heard a variety of eloquent and reasoned testimony both pro and con, so much so that the Board continued the hearing to allow time to weigh the ramifications of any decision and to provide County Planning staff the opportunity to review their recommendations in light of public testimony. Chairman Dean thanked the assembly for taking the time to testify at the earlier hearing and he, as well, appreciated receiving e-mail from individuals expressing their opinions.

The hearing was then turned over to the Planning and Community Development Director.

As background, Mr. Tate said that on August 4, 2008 a public hearing was held concerning Ordinance C-71-08 (PLG-010-08) and public testimony provided both in support of and in opposition to the ordinance. The Board opted on August 4 to not take action that evening but instead, agreed to continue the public hearing to August 18 in order to allow time for consideration of public comments. The ordinance is a temporary control, to go into effect for a period not to exceed six months, and was written by Planning and Community Development staff on its own and without any assistance by members of the community. The effect of the ordinance is to place some restrictive land use standards on commercially-zoned areas located along SR 532 from the beginning of the eastern end of Camano along 532 through Terry's Corner. Areas affected are: Terry's Corner, a Rural Village area allowing for commercial development; Camano Gateway located at the intersection of SR 532 and Good Road; and in between Terry's Corner and Good Road Camano Marine, an isolated Commercial use.

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Mr. Tate provided a map/guide to the Board and assembly depicting the affected areas under the interim control. The ordinance imposed restrictive standards on land use development for those depicted areas of commercially-zoned properties, more restrictive than what the current code allows affecting building size, minimum lot size, number of dwelling units, standards for site coverage, impervious surfaces, and setbacks. It does not establish a moratorium on development but clearly makes it a much more restrictive area to develop during the period of time of the sub-area planning process.

Mr. Tate said that staff, after receiving public testimony on August 4, began collecting ideas for options and alternatives for presentation to the Board. The Board can either enact or reaffirm the ordinance currently at issue or alternatively, repeal the ordinance. A third option would be to enact a different type of control in that area. Mr. Tate at this point provided the Board and assembly with Ordinance C-86-08 (PLG-011-08) for consideration. He then described the differences between Ordinance C-71-08 (PLG-010-08) [Option A], adopted in June, and new Ordinance C-86-08 (PLG-011-08) [Option B] so the Board and assembly could easily tell them apart.

Mr. Tate said that the interim ordinance adopted by the Board in June and considered at public hearing on August 4 [Option A] placed restrictions on the basic types of development standards: lowering building size; expanding the size of setbacks; and decreasing site coverage ratios, some of the broader controls for land use. Proposed Ordinance C-86-08/PLG-011-08 [Option B] steps away from that slightly and looks more at design standards. Mr. Tate provided and reviewed a spreadsheet showing a comparison of the two ordinances saying that staff has put together, in the new ordinance, a series of standards based on their evaluation of several projects permitted over the years in the area. The spreadsheet sets out the differences in ordinances Option A and Option B pertaining to:

- Minimum lot size
- Maximum building size
- Building height
- Residential units
- Impervious surface limit
- Building height
- Roof pitch
- Setbacks
- Design regulations

Staff believes there are areas where code can be strengthened relating to design and more of the aesthetic and functional elements of the projects, with heavy emphasis on design more so than anything else. Mr. Tate said it is important to emphasize that under the current rules today design regulations apply ubiquitously throughout the County. Option A relies upon the same commercial design standards because design standards were not initially included. Under the new alternative, however, there is clarification and detail about design regulations. The interim design regulations would last for a period of six months and during that time, there would continue to be forward movement on the Camano sub-area planning project with an open community-oriented process.

In terms of procedure, Mr. Tate reminded the Board that it has the option of enacting or repealing Ordinance C-71-08/PLG-010-08 [Option A], or it could consider alternative Ordinance C-86-

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08/PLG-011-08 [Option B], or ideas for another alternative. If the Board chooses to consider Option B, the alternative ordinance, it can take an immediate action putting it into effect but another public hearing would be necessary in three to four weeks. Mr. Tate said that staff is comfortable with and supports the Board enacting the second alternative, Option B, believing that it fills some of the holes that staff has encountered in processing permit applications in the last several years.

Chairman Dean expressed a concern about the alternative ordinance and the 4,000 square feet maximum building size, which doubles what it was in the first interim control but is less than one-half of the current rules. He asked Mr. Tate if he believes that number would hold after the interim period and was curious how staff arrived at 4,000 square feet.

Mr. Tate said the current code, concerning the Rural Village zoning designation, states that if a structure is built 0-4,000 square feet it is processed through a building permit. The current rules maintain that if a structure is over 4,000 square feet and up to 10,000 square feet (no building can be larger than 10,000 square feet), staff reviews it through a site plan review process. For staff, 4,000 square feet was something of a threshold because it is already a figure used in the code. Mr. Tate believes that 4,000 square feet, for commercial structures, is still a small structure for commercial use but there will need to be discussion about what an overall project should be: how many square feet versus how many square feet in an individual structure within a bigger project. In his opinion, this is a perfect example of the type of standard that should be on the table for discussion as the process moves forward.

Commissioner McDowell, after reviewing the comparisons, was unclear what the buildings would look like, are they even buildable?

Mr. Tate said the 4,000 square feet is the footprint size, not a gross floor area for two floors. And such buildings are built with the mentioned roof pitch, within 25 feet.

Chairman Dean felt, following the last public hearing, that he did not want to kill development or bankrupt developers as that was not the intent of anyone in the County. He believes, nevertheless, that one of the more important things the Board can do is attempt to get a handle on the planning of the corridor. Such planning was part of his motivation for running for office and something generations from now people will appreciate. Many of the concepts lay a foundation for the working group who will come together for the remainder of the year and the control does not kill any projects but instead allows some activities and credibility so investors and banks know that developers are sincere. No one is attempting to put an end to individual development. The Chairman said that the interim control is some middle ground to allow the planning work process to proceed while continuing to allow developers to remain alive as a viable project. It is his hope that the adversarial roles can be dropped and the six months of planning can begin in a joined effort to arrive at something that keeps the rural and commercial areas alive.

Commissioner Bakke thanked Mr. Tate and his staff for working on the interim controls. Many of the standards listed are issues, over the years, that have been incorporated into projects with willing landowners and then again, some were not. He believes that Mr. Tate and his staff have laid the groundwork for connectivity of commercial buildings in order to allow people to get out of their cars and shop a large integrated complex. He cited proposed ordinance Option B, paragraph 13:

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Architectural styles shall not be theme based but shall be integrated in appearance and functionally (not physically) connected.

Roof pitch on buildings over the years has made a huge difference in the design layout of a project because instead of flat roofs there is an added third dimension in the architecture, completely transforming the look and appearance of a development. Commissioner Bakke said that Mr. Tate listened to the August 4 public comments, at that hearing, and incorporated those concerns into the proposed ordinance, Option B.

Commissioner McDowell asked concerning the maximum setback of 30 feet, if that number put the building close to the property line with parking behind the building. Mr. Tate replied that it did.

Commissioner McDowell went on to say that the original code changes, relative to the Growth Management Act, did change property values but were dictated by state law. Ordinance Option A, while it was not a moratorium, the effects may have seemed as such when wanting to expand an existing business. The Commissioner did not agree with the maximum building size in the original interim control [Option A] in that 2,000 square feet or the impervious surface limit of 20% did not fit his idea of what a commercial building should be. At the appropriate time he will motion to repeal and replace Ordinance C-71-08/PLG-010-08 [Option A] in favor of Ordinance C-86-08/PLG-011-08 [Option B] as Option B appears to be a more balanced option and closer to middle ground. Commissioner McDowell wanted the assembly to know that it was not the Board's intent to make someone's property worthless; he believes that Option B will provide options.

Commissioner McDowell moved to repeal Ordinance C-71-08/PLG-010-08 [Option A] and replace it with Ordinance C-86-08/PLG-011-08 [Option B], seconded by Commissioner Bakke, unanimously carried. A public hearing is scheduled on the newly adopted Ordinance C-86-08/PLG-011-08 [Option B] on September 16, 2008 at 6:00 p.m. at a location to be determined. *[Ordinances on file with the Clerk of the Board]*

Chairman Dean said if the decision raised questions the Board would be happy to answer those at the table.

The assembly began to express concerns surrounding the action of the Board in adopting the new interim control.

Commissioner McDowell in response said the Board has the ability to impose an interim ordinance on short notice and thereafter hold a public hearing within 60 days. Another public hearing is scheduled on the new control in 30 days and at that point, the assembly will again have the opportunity to speak as before and the Board will listen to comments and make a decision.

In response to remarks from Mr. Platter concerning the location of buildings and setbacks, Commissioner Bakke said he is not striving to have development on Camano fit what is happening around the country, though the movement seems to be building structures close to roads so both the front and back are attractive with parking in the back. Such is the expectation growing across Island County with a number of similar projects within the last 10 years.

Commissioner McDowell said a year ago he would have agreed with Mr. Platter concerning his issue of setbacks but since that time he has observed a new design guideline, primarily in Oak

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Harbor with three projects where the buildings are located close to the property line with parking in the back. He believes those projects have added a tremendous amount of good design to Oak Harbor's prior no design and he encouraged Mr. Platter to visit the sites.

Pat Churchill indicated her confusion with the repeal of one ordinance and adoption of another. She believes the public hearing process must occur first before any Board action.

Chairman Dean said the original interim control was adopted June 16, 2008. State law allows the County to have in place an interim control ordinance, a "time-out" to allow the community to arrive at some planning concepts, especially in areas where there is a tremendous amount of growth pressure or the need to catch up with planning. There is a need for some long term plan for the entire corridor.

The Chairman continued to say that the concept is an opportunity to give the community, along with a working group made up of developers, property owners, realtors, and architects, time for dialogue during the next six months for the purpose of arriving at a common vision. A baseline is created with the adoption of the interim control of what, at the very least, a commercial development would look like. The outcome of the process of the working group may result in something much grander but the Board wanted to hold the scale of any commercial development at a lower level to allow time to arrive at some planning concepts. Chairman Dean reiterated that there is no emergency; the idea is to prevent a rush to the counter with a series of undesirable development requests.

The assembly continued to express their belief there is no emergency and therefore an interim control should not be adopted.

Commissioner McDowell said that the Planning Commission, when creating its work plan the past year, suggested that the Board take another look at the gateway to Camano Island. He agreed there is no emergency, that the uncertainty was raised by the Planning Commission.

Chairman Dean requested that the discussion continue at the subsequent public hearing on September 16. He said written comments in the meantime are welcome and adjourned the public hearing, concluding at 7:09 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