

**ISLAND COUNTY PLANNING COMMISSION
SUMMARY MINUTES
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA
MONDAY, JULY 25, 2016**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Dean Enell – Chair</i>	
		<i>Karen Krug</i>
<i>District 2</i>		<i>Jeffery Wallin</i>
	<i>George Saul</i>	
		<i>Darin Hand</i>
<i>District 3</i>		<i>James Caspers</i>
	<i>Beth Munson – Vice Chair</i>	
	<i>Scott Yonkman</i>	

Meeting was called to order at 2:00 p.m. by Chair Enell.

ROLL CALL

Scott Yonkman, Val Hillers, George Saul, Dean Enell, Beth Munson

Planning and Community Development staff present: Hiller West, Director of Community Development; Beckye Frey, Long Range Planner; Beverly Mesa-Zendt, Assistant Director; Nathan Howard, Long Range Planner; Meredith Penny, Long Range Planner

DIRECTOR'S REPORT

Community Development Director, Hiller West, provided information on the following items:

- 2017 Budget in process, the Department will be asking for an additional FTE for Code Enforcement and Planning, .5 for each to be located on Camano. This will provide better customer service on Camano. The second request for an FTE will primarily cover records, accounting and administrative support for the Department.
- Long Range Planning staff has been heavily involved in public outreach, a meeting this evening will be held in Freeland.

Commissioner George Saul provided feedback on the Oak Harbor open house, stating he felt it was very well done in terms of materials provided and how it was presented.

Discussion ensued regarding public input and public outreach.

WORKSHOPS:

FREELAND DEVELOPMENT REGULATIONS NEXT STEPS

The July 25th open house is intended to gain community input on the code concepts prior to the code being written – specifically in the ‘commercial core’. There are several areas that need additional input to make sure the code will be created in a manner that is tailored to the community desires and needs and there are some changes from the 2010 Subarea Plan standards that staff is proposing which requires some community input.

Discussion revolved around the following 5 proposed stations as outlined below:

1. Density Double-Check

- The medium density district is intended for both smaller-lot single-family and multi-family developments. The Business Village is intended for mixed-use (residential above retail/office, etc.).
- The 2010 Subarea Plan uses a density range of 5 – 9 dwelling units per acre (du/a) for the medium density district and 9 – 12 du/a in the Business Village district. A typical apartment complex will be between 15 and 19 du/a, and a mixed-use development is typically greater than that.
- This station will provide visuals of density ranges and options, with the goal of identifying the appropriate ranges for the new Freeland districts in ways that will accomplish the Freeland goals (including restricting locations, building types, etc.).

2. Building Heights for Business Village

- The 2010 subarea plan has some contradictions in terms of character and building standards for the Business Village area. The intent is a compact, walkable, mixed-use district with a traditional village feel, with 3 stories allowed.
- One of the goals of the plan is to create a specific character, and to emphasize building form and site design over use. This would allow flexibility over time for a variety of uses (within reason) based on market factors.
- To be financially viable, a development may need a full third floor and a building configuration suitable for both commercial and residential uses. A typical commercial building will have higher ceilings than a residential unit. To allow for either/both residential and non-residential uses, a minimum first floor ceiling height will be needed to accommodate commercial uses. The building height maximum of 35 ft may need to be adjusted accommodate this development option.

3. Visualize Your Code

- This station will be a series of tables with maps of the commercial core of Freeland – the Business Village and Business General Districts. Each table will have a different focus – i.e. building types, parking configurations, etc.

- You are encouraged “play” with the options that have been identified... lay out the option cards along the map to help you visualize how they would appear if built and if you feel that the options would result in the character that is intended for Freeland.

4. Custom Code

- The new Freeland districts will be Island County’s first urban zoning districts. There will be many areas of Island County code that will still be applicable, but there will be many ways in which the Freeland code will be different. The differences will be both an increase in allowed uses/densities, but will also include development standards that will be new and in some cases have higher standards.
- This station will identify ways in which the Freeland code could differ from the Island County code.

5. Feedback Station

- Handouts & Questionnaires
- Comment cards
- Tables available for reading materials and providing comments

Commissioner questions covered the following:

- What public was invited for this evening’s presentation?
 - The entire community was invited, with a special note going out last Friday to remind the community the commercial core area is being discussed. Hoping for a large turn-out.
- Does Mixed Use always meant mixed commercial residential?
 - It could also be retail space with office space above. Mixed use could be side by side, not needing to be stacked, such as a restaurant with retail. Mixed Use means there will not be just stand alone uses. It allows for a lot of flexibility. The attempt is to get away from regulating uses in Freeland, wanting to use the more flexible types. Mixed Use building types do not focus on the use within. One of the goals is to have residential units in the Business Village; it was very clear in the plan. It will be flexible so that as the market shifts, new permissions will not be required.
- Business General
 - Commercial Uses, non-residential uses. It does allow Multi-Family as a secondary use. It is more of a retail office, commercial with some carefully integrated Residential Uses.
- Building height in Business General.
 - Currently 35’ in height is the limit in the Subarea Plan, in order to accommodate 3 stories it requires at least 36’. Different uses require different ceiling heights. By comparison Rural Center height standard is 40’, which is much of what Freeland’s current zoning is.

- Parking spaces.
 - Shared parking has been discussed, parking minimums and maximums. It will all be discussed at a later date. Where, how much, it will require balancing functionality with need and necessity. Creative options will be one of the future discussions.
- Transportation costs.
 - This is a County function. Streetscapes and the vision for Main Street will be ironed out with Public Works as this process moves along. Some ideas did not take underground utilities and such into consideration.
 - The community may identify a future park option.

COMPREHENSIVE PLAN NEXT STEPS

Assistant Director, Beverly Mesa-Zendt provided information to the Commission for the following three topics from the staff memo:

Several initiatives associated with the completion of the Island County 2036 Comprehensive Plan are ongoing or pending, including the following:

- Completion of all draft elements to include supporting maps and tables;
- Revision of current text on Implementation relating to data collection associated Benchmark Monitoring;
- Collection, summarization, and analysis of public comments and related draft edits;
- Preparation of development code ordinance updates to ensure zoning and development regulations are consistent with the comprehensive plan in accordance with the Growth Management Act; and
- Submission of the draft comprehensive plan to the Department of Commerce initiating the 60 day review and comment period required by the state.

Draft 2016 Comprehensive Plan Update

Staff continues to make substantial progress related to the finalization of all draft elements as part of the highest priority of tasks for the department. Over the past few weeks staff has done a review of the items remaining to be completed and the estimated timing that would be required. Based on this review, staff expects completion of draft elements by mid-August and anticipates seeking authorization from the Board of Island County Commissioners (Board) to submit the draft plan for review and comments from the Department of Commerce at that time, initiating the sixty day review period required by RCW 36.70A.106.

During this review period, staff anticipates a full inventory and analysis of public input related to the comprehensive plan development and will bring a summary of public comments to be reviewed and evaluated for inclusion into the 2016 comprehensive plan

update to the Planning Commission and Board for review. These community-led revisions, combined with Department of Commerce edits and any additional guidance provided by the Planning Commission and the Board, will inform the final updates to the comprehensive plan. Staff anticipates the following schedule for final plan development and adoption.

- Mid-August – staff will seek authorization from the Board to submit draft comprehensive plan to the Department of Commerce;
- August and September – staff will provide summary and analysis of public comments to the Board of Commissioners for evaluation, including finalization of Urban Growth Area and Joint Planning Area maps;
- October – final revised draft comprehensive plan prepared;
- November- December – final draft presented to the Planning Commission for review and recommendation; and
- January 2017 – final review and adoption by the Board.

This is a tentative schedule and may be subject to revision subject to the following:

- The nature and extent of the comments provided by the public;
- Changes that may be requested by the Department of Commerce;
- Changes initiated by the Planning Commission and Board; and
- Subsequent rounds of review by the Department of Commerce that may be necessitated if any substantive changes are proposed to the draft plan.

Preface, Implementation Section

Additionally, staff received some direction from the Board relating to residual language carried over from the current comprehensive plan, specifically as it relates to Benchmark Monitoring and Implementation. This section, although not required by state law, was adopted with the original Comprehensive Plan and called upon staff to routinely assemble and maintain significant amounts of data related to a number of plan components including the following topics.

- Growth and Development
- Urban Growth
- Transportation
- Affordable Housing
- Economic Development
- Property Rights and Permits
- Rural Lands
- Resource Lands
- Public Facilities and Services

This degree of data collection has never been achieved by staff and presents a significant challenge given limited staff resources available to dedicate to data collection and management. In addition, many aspects of data collection and how it would inform decision making processes are outlined within the individual chapters. Staff recognizes the value in

maintaining and reporting data as it relates to county development activity, population projections, code compliance, and all county permitting activity – and suggests that this data should be collected as needed (the current process) instead of on an ongoing basis.

Discussion Item: There are several options on how to proceed with this section, but staff would like to substantially change this text (not keep the original language) in acknowledgement of the limited resources available.

In the 2016 Comprehensive Plan Update, staff proposes to simplify and combine this Implementation section with the Introduction section (only the one section in the Preface). Staff would provide language regarding coordination with other jurisdictions, county, state and federal agencies to ensure that most appropriate and relevant data is utilized to inform future updates to the Comprehensive Plan.

Alternatively, the Board suggested an option of evaluating this section as part of a future docket item. Another option could be to build a set of implementation actions with each element update over the next 8 years and adopt an Implementation section during the next periodic update.

FINAL PUBLIC WORKSHOP ON PROPOSED AMENDMENTS TO TITLES 16 AND 17 OF ISLAND COUNTY CODE. *The amendments address various procedures and substantive requirements in both titles.*

Director Hiller West stated this was the final workshop of the code clean up amendments. The goal this afternoon is to identify which of these should move forward for public hearing and which you may have further concerns on.

Code Section Description

17.03.040 Farm Housing definition

Definition of “farm housing” states the following: *“Residential structures which are required for farm operators, employees, or family members of the operator or owner who are employed on the farm. These structures may be mobile homes, dormitories, or single-family dwellings. One of the adults living in the home must make over fifty percent of his or her gross income from the farming operation or be a caretaker of the farm.”*

This definition includes single-family dwellings. As currently defined, it allows density standards of the zone to be exceeded, based on gross income of one individual living in the home, and no apparent limitation as to the number of farm-worker dwellings. This

provision leads to a permanent dwelling being established, based on temporary circumstances. It creates a “loop hole” for Ag operators to establish multiple homes on one parcel, despite low-density limitations of Ag zones. Staff recommendation is to stress the temporary nature of these dwellings in the definition, and that the unit shall be removed when its use as a farm dwelling is no longer viable. In discussion at a previous workshop, the Planning Commission consensus appeared to be to defer further discussion of this proposed amendment to a future date, when input from the farming community and affected parties could be more fully considered.

Commissioners agreed this item should be moved out for a later, more extensive discussion due to the input received at the last meeting on this item.

17.03.180(F.3) EDU program/density bonus system

Needs definition of “prime agricultural soils”. Staff recommendation: make reference to the definition in the NRCS soils manual.

Mr. West stated this definition will be brought forward to the Commission for the public hearing.

17.03.180(L.4) Group Homes

Requires Group Homes to comply with the standards for Home Occupations in ICC 17.03.180(K.2). Not all of the standards for home occupations are relevant to group homes. Recommendation: select the standards for Home Occupations that should apply. See subsection 17.03.180(K).

Mr. West stated he would bring forward a recommendation with all of the standards that apply to group homes for the public hearing.

17.03.100(A.14) Wineries in the CA and RA zones

Allows wineries as a Type 1 decision in the CA zone. However, sec. 17.03.180T(1.d): states that wineries on parcels 10 acres or larger zoned Commercial Agriculture or Rural Agriculture may be allowed, processed as a Type II or III decision. Recommendation: the review process for wineries should be consistent in agricultural zones. The Type I process should apply, unless environmental (SEPA) review is necessary.

Commissioners commented on:

- *Whether there were standards for food processing as related to waste water?*
 - There are standards for the effluent, but not for the processing.
 - Clarification on what would trigger SEPA review.
- *Wanted to be sure if it was a Type I application it would still require review of water, effluent through the public health review.*
 - This was confirmed, it is reviewed regardless of whether it is Type I, II or III.

- *Whether a large traffic volume indicated in an application would trigger an environmental review*
 - It would most likely trigger a Traffic Concurrency Certificate from Public Works, which would determine if the road network is currently capable of supporting that type of traffic or whether any improvement would be necessary. If so the proposal is conditioned to provide those improvements as part of the Concurrency Certificate.
- *Noise and when this is reviewed.*
 - It might get addressed as part of the conditions of a Site Plan Review. The Sheriff's Office is the entity that enforces noise regulations. The County Code does not have much leverage to deal with noise on property.
- *Commissioners further asked about the need to change this to Type I. It is an area where there is a lot of controversy. Asked about the difference between 17.03.100A.14 and 17.03180.T.1d seeking further clarification regarding the conflicting codes.*
 - The recommendation is for wineries in Agricultural Zones, not residential or commercial. 180 is the Chapter of County Code that sets the standards for different types of uses and subsection T is the one that sets the standards for certain types of Small Scale Recreation and Tourist Uses. Under subsection 1.d it says wineries on parcels 10 acres or larger in size zoned Commercial Agriculture or Rural Agriculture. It is carving out special treatment for wineries that are ten acres or larger in size.
 - *It assumes that you will have something that brings tourists in, that it is not just the agriculture of producing wine.*
 - It goes back to the lack of definition for wineries, there is a lack of clarity in the Code. There is nothing in this section that states they need to generate a certain amount of tourism or activity or traffic that would bump it up to a Type II review. It just says that if they are 10 acres or larger that there needs to be a Type II or Type III review process. A Type III review process involves the Hearing Examiner. Therefore if you are a farmer who wants to establish a winery on 10 acres you would need to go to a public hearing before the Hearing Examiner to get approval, whereas there is another section of Code that says wineries should go through a Type I Review process. This amendment is about reconciling both sections of the Code.

Note: Commissioners need more information related to the definition of wineries before they could agree whether it should be a Type I or Type II permit. Until they know whether a winery automatically includes the possibility to have events, they can't decide whether it should be Type I, II or III.

17.03.035: 120-day permit review period

The use tables in this section refer to a 120-day permit review time period. However, there are many exceptions to this time period (see ICC 16.19.100), mostly taken from State statute. For Type I and II permits, the department strives to complete decisions in a shorter time frame. The

current average in-house review time for all land use permits is 74 days. Rather than cite the 120-day time period, it may be more accurate to cite the statute (RCW 36.70B), also because the required review time period may change by State law. Staff recommendation is to cite the statute.

Commissioners stated they would like a goal statement that the County's intention is to review these as quickly as possible, rather than just referring to the Statute.

17.03.060.C.5 Reduced lot sizes for new lots in Rural zone

This subsection provides that, in the Rural zone, “variations of ten (10) percent in the five acre lot size may be allowed to account for special site features, unusual topography or similar factors that make strict adherence to minimum lot size impractical.” There is no accounting for situations where the County or the State buys up ROW resulting in lot sizes now under the minimum. Lot area is defined in 17.03.040 as the “area within the lot lines”. In the 5-acre zone, for example, a 10-acre parcel that could normally be divided into 2 lots cannot, if ROW dedication for public road improvement is required and it reduces parent parcel to less than acres. Right-of-way dedication should not penalize the property owner. Staff recommendation is to include right-of-way dedicated as a result of a State or County requirement in the lot area for subdivision purposes.

Commissioners agreed with this item. Commissioners also noted the statement above was missing a number (ten) acres in the fourth line from the bottom.

17.03 (several sections) Building Height

Building height is regulated in each zone – department policy currently establishes how to measure it. This is sometimes confusing. Recommendation: establish that height measurement shall be as established in the building code.

Commissioners agreed with this item.

17.03.040 Lot area

Currently defined as “the total land area within the lot lines”. This often includes private tidelands, which are not buildable, for the purposes of meeting minimum lot size. Recommendation: for the purposes of calculating lot area, lands seaward of the OHWM would not be included in the calculation of lot size, as they are not buildable.

Commissioners agreed with this item.

16.06.070

Expiration of boundary line adjustments

Currently, boundary line adjustment approvals become final upon recording. Some approved BLA's have not been recorded in a timely fashion, properties have sold subsequent to the approval, but without having been recorded the boundary line(s) remains the same between properties, now with one or more owners who were not a part of the original application. Recommendation: require that boundary line adjustments be recorded within six (6) months of final approval.

Commissioners agreed with this item.

17.03.040

Definition of "Winery"

Whatcom County has no definition of 'winery' – Ag definition includes viticulture. Skagit County would deem the vineyard a farm and winery an agricultural processing facility – other uses to promote 'local agricultural products' on site are deemed an Ag accessory use. Kitsap County includes viticulture and wineries in definition of Ag uses. Chelan includes 'places of public or private assembly' in definition of winery. Recommendation: adopt a definition for "winery". This definition could be the one currently in Washington State statute (RCW 66.04.010(50): "a business conducted by any person for the manufacture of wine for sale, other than a domestic winery". Leave discussion of special events to a future date, as they are not directly related to the definition for winery.

Commissioners discussed this item, going over examples and concern for the limitations that may be put in place. The question of importing grapes from somewhere else was discussed.

Mr. West responded there are a large number of wineries that do import their grapes.

Importing of grapes is not the issue. You could import potatoes and still be a potato food processing plant. If you were talking about food processing it might be relevant, but wineries in this County are not about processing, we need to really think this through. There are tasting rooms and other things. Are they really willing to say it is only a place that makes wine?

Hiller West stated, the tasting rooms have been interpreted an accessory to a winery. The way it has been interpreted here is that if you have a winery, you have a tasting room. There has been a departmental policy that was drafted by his predecessor that limited the size of those tasting room so they wouldn't become concert sized.

Further discussion by the Commission commented on:

- *Adding benefits to someone who promotes the rural character by growing some grapes on their property.*
- *Manufacturing of wine could occur if you imported grapes, or grew your own grapes or both. Possibly adding a tax benefit to those who grows some of the grapes on the property.*

Mr. West stated that if this definition was adopted, it wouldn't prevent you from having special events, there would be a separate process for that

The Commission further stated that if this was the definition for winery then the earlier question relating to Type I or Type II with this definition would make them comfortable with the change to Type I decision because it wouldn't be a big tourist type of thing, it doesn't belong in the tourist activities.

Hiller West responded, that was the idea moving forward. You would have a fairly limited definition of what a winery is and if you wanted to add building blocks to that, you would need to go through more process.

It would get to the essence/core of the winery, which is the manufacturing of wine. All of the ancillary and auxiliary things would be handled elsewhere in the Code.

Commissioners are okay with this definition.

Public Comment:

Ron Nelson, EDC 180 NW Coveland, Coupeville

Listening to the discussion it led him to the North American Industry Classification System, which is how the Feds classify businesses. Wineries are considered as manufacturers. If they are an Event Center then they fall under a totally different code under arts, entertainment and recreation. If they are growing just grapes they fall under a different section which is agriculture.

17.03.040 Definition of "Camping"

Camping is not allowed outside of campgrounds, which authorizes the use. However, there is no definition of camping, and this becomes an issue for code enforcement. Webster's dictionary defines "**camp**" as: "*a place with temporary accommodations of huts, tents, or other structures, typically used by soldiers, refugees, prisoners, or travelers:*" To camp is to: "*live for a time in a camp, tent, or camper, as when on vacation:*" Wikipedia defines "**camping**" as: "**Camping** is an elective outdoor recreational activity. Generally held, participants leave developed areas to spend time outdoors in more natural ones in pursuit of activities providing them enjoyment. To be regarded as "camping" a minimum of one night is spent outdoors, distinguishing it from day-tripping, picnicking, and other similarly short-term recreational activities. Camping can be enjoyed through all four seasons." Note that both the noun and the verb refer to the temporary nature of a camp, or camping. The act of "camping" takes place in temporary structures or accommodations. Staff recommendation is to include a definition of "camping" in the ICC 17.03.040. Recommendation: adopt Webster's definition of "camping", and include a definition for "temporary".

Commissioners okay with this item.

17.03.060 Kennels

Kennels are a Conditional Use in the R zone, but allowed as a Home Industry, which actually has more restrictions because of the on-site residency requirement. Animal Control would like to see more stringent regulation of puppy mills, home breeders. Control officer cites Snohomish County code as good example. Recommendation: for further discussion. It may be appropriate to require a Conditional Use Permit in all zones, with specific performance standards for kennels.

Commissioners agreed.

17.03.040 Definition of “applicant”

This definition should refer to land use or land division, not limited to ‘land division’ only. See staff definition, which includes owners and authorized agents. The definition in ICC 17.04.040 currently is: “Any person who files an Application for Land Division who is either the Person(s) identified in the Assessor’s records as the Owner of the Property on which the proposed activity would be located or the authorized agent of such a person.”

Commissioners agreed.

17.03.180(T) Small scale recreation and tourist uses

Preamble of this section refers to the Rural zone, but it goes on to list uses in other zones as examples. Since this section refers to uses, and specifically calls out zones for some, the reference to the Rural zone in the preamble should be stricken.

Commissioners – no objections noted.

16.13.110.E Hearing Examiner jurisdiction

This subsection provides that the Hearing Examiner shall have no jurisdiction over Type I decisions. Ordinance C-47-16, adopted on 5/24/16, amended Island County’s administrative appeals process and provided for appeals of Type I decisions to be heard by the Hearing Examiner. Subsection E should be stricken.

Commissioners – no objections noted.

17.03.180.T(5) Equestrian Centers

Breeding and rental of horses should be revised to “breeding or rental of horses”. It is not necessary for an equestrian center to do both.

Commissioners – no objections noted.

Title 17 Expiration of permits

The code needs language providing for expiration of permit applications if there has been no action by the applicant within a certain period of time. Recommendation: provide for expiration of applications after one year of inaction.

Commissioners – suggestion of asking for an extension and clarifying when that period begins.

17.03.120 Rural Center (RC) zone

While 17.03.120 appears to identify all of the allowed and prohibited uses for the RC zone, it refers to “areas with a predominant pattern of Mixed-Use development existing on July 1, 1990, which are listed in ICC 17.03.155 and depicted in the Zoning Atlas”. There are a number of more specific standards for each “mixed use raid” identified in Appendix A of the Zoning Code. For example, 17.03.120.c lists “any building greater than 50,000 square feet” as a prohibited use; however, appendix A indicates that in the Clinton RAID, buildings greater than 14,000 square feet are prohibited. Separate standards for each RAID should be listed (for clarity) in 17.03.120, with specific zoning designations for each RAID. Recommendation: create a matrix of the various RAID’s and the specific standards and zoning that apply to each.

Director West stated he would provide the matrix for the public hearing.

Commissioners – no objections noted.

17.03.050 .G.7 Transfer of Development Rights

The reference to Transfer of Development Rights should be eliminated, as Island County does not administer a TDR program, or issue “certificates of development rights”. Recommendation: eliminate reference to TDR program. Should a TDR program be created in the future, it can be placed in a separate chapter.

Commissioners – no objections noted.

17.03.180.W.3.b Setback reduction for lots under one acre in size

For lots less than one (1) acre in size, the setback may be reduced as necessary to allow reasonable economic use of the property. The setback shall not be reduced to less than twenty (20) feet unless it is necessary to achieve a reasonable use as defined in chapters 17.02, 17.02A, and 17.02B. Recommendation: Revise the term “reasonable economic use” to “reasonable use” and adopt the following definition for reasonable use which has been proposed as part of the Fish and Wildlife Habitat Conservation Areas update in ICC 17.02B: “*Reasonable use means the logical or rational use of a specific parcel of land which a person can be expected to conduct or maintain fairly and appropriately under the specific circumstances, considering the size*”

of the lot, the type of use or structure proposed and similar uses and structures in the general vicinity of the lot, that are permitted uses consistent with and conforming to current regulations.

Commissioners – suggestion that it does not apply to setbacks by critical areas standards.

Commissioners suggested the definition of wineries and the review process of wineries in RA and CA be heard together at the public hearing, with the definition first. This needs to be carefully presented to avoid confusion.

Final discussion related to winery definition and Event Centers.

ITEMS FROM THE PUBLIC

Ron Nelson, EDC

As you have this discussion with wineries, please keep in mind when it comes to raising just agricultural products, the size of the farms around most of Island County do not permit people to make enough money to make a living. Therefore one of the things they are looking at is value added agriculture, how can you take things that you get pennies on the ton for and turn it into something for dollars on the ton.

Chair Enell asked for all in favor of adjournment to say "Aye". All Commissioners did.

Meeting adjourned at 3:50 p.m.

Respectfully submitted,



Paula Bradshaw