

**PLANNING COMMISSION
CAMANO CHAPEL, 867 S WEST CAMANO DR., CAMANO ISLAND, WA
TUESDAY FEBRUARY 24, 2009**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Ray Gabelein</i>	
	<i>Mike Joselyn</i>	
<i>District 2</i>	<i>Terry Reynolds</i>	
	<i>Rex Porter</i>	
	<i>Alan Schell</i>	
<i>District 3</i>	<i>Wayne Havens</i>	
	<i>Deb Eidsness</i>	
	<i>Scott Yonkman</i>	

Meeting called to order at 6:00 p.m. by Chairman Alan Schell

ROLL CALL

Rex Porter, Terry Reynolds, Val Hillers, Alan Schell, Ray Gabelein, Mike Joselyn, Deb Eidsness, Wayne Havens

APPROVAL OF THE MINUTES

Minutes of January 27, 2009

Commissioner Gabelein moved to approve the January 27, 2009 minutes, Commissioner Hillers seconded, motion carried unanimously.

ELECTION OF OFFICERS

Commissioner Hillers nominated Commissioner Gabelein for Chair, Commissioner Eidsness seconded.

Chair called for discussion, there was none.

*Commissioner Joselyn moved to close the nominations, Commissioner Hillers seconded
Chair Schell called for a vote, motion carried unanimously.*

Commissioner Gabelein nominated Terry Reynolds for Vice Chair, Commissioner Joselyn seconded.

Chair called for discussion, there was none.

*Commissioner Joselyn moved to close the nominations, Commissioner Porter seconded.
Chair Schell called for a vote, motion carried unanimously.*

ITEMS FROM THE PUBLIC

Allison Warner, 316 Dove Dr., Camano Island, WA.

She stated she had a question regarding the role of the Planning Commission in steering the Non-Point Pollution Plan.

Director Jeff Tate stated the Non-Point Pollution Plan was a policy document adopted by the Board of Commissioners in February or March of 2007. It is not a plan that went through Planning Commission; it went to the Board of Island County Commissioners directly from the citizen committee representing Camano Island in that Plan.

The Planning Department has the responsibility of monitoring the recommendations and working towards implementing the recommendations outlined in that Plan. A report is prepared that provides an overview of where each recommendation is at. There were 50 or 51 recommendations; the report provides a summary of whether the task has been completed or whether it is an ongoing issue or something that has yet to be addressed.

Some items are never completed and remain ongoing; some are very finite, providing direction on something needing to be done or a partnership with other agencies that need to be formed. There are lots of agencies identified in the Non-Point Plan; it doesn't all fall on the Planning Department or even the County. There is the Conversation District, the Extension Office, State Parks; a variety of different groups identified as agencies or groups that can help implement the Plan. The summary report also includes updates from other agencies.

There has been some discussion of incorporating the Non-Point Pollution Plan into the Comprehensive Plan, but that has not happened as of yet. It is currently a policy document that sits next to the Comp Plan rather than in it.

Ron Wells, 175 Triangle Cove Lane, Camano Island, WA

Asked about the status of public comment related to the Camano Gateway and the Wetland amendments in the Planning Commission's agenda this evening and asked if a decision would be made at this hearing.

Chair Schell stated the public comment had closed on February 10th and the meeting this evening was a public meeting, where the Planning Commission would deliberate and perhaps come to a decision, but it was not a hearing open to public comment.

DIRECTOR'S REPORT

Director Jeff Tate stated he would like to acknowledge that this was the last meeting of Chairman Schell and Commissioner Eidsness. He stated he would like to thank them for their service, dedication and involvement.

Mr. Tate provided background for the deliberation process for the items on the agenda. The Planning Commission has already held public hearings on the two matters on the agenda. The Planning Commission also established a public comment period that went beyond those two hearings to provide the public to submit written public comment on these issues after having heard what was said at those hearings.

Deliberations are an opportunity for the Planning Commission to begin a discussion, they have heard testimony and read testimony and they have heard staff's presentations and staff's opinion on different issues. Now is the opportunity for the Planning Commission to discuss with one another the issues. To share thoughts, concerns, perhaps propose modification. He further stated he hoped the Commission would be able to vote on a recommendation this evening.

Once the Commission votes on a recommendation it is the Department's job to move it forward to the Board of County Commissioners for consideration of adoption. The wetlands issue is in response to the Growth Management Hearings Board Order after reviewing the County's adopted wetlands ordinance. There were three particular issues the Growth Board identified as needing a fix. Attached to the amended language, there is also Findings of Fact that support that decision and that ordinance.

The Gateway proposal does not have Findings of Fact at this stage. The Planning Commission will deliberate and discuss the Camano Gateway draft ordinance and he was hopeful toward the end of this evening of having a recommendation and a motion to allow the chairman to sign the Finding of Fact prepared in response to the Commission's recommendation.

Mr. Tate suggested the items be taken in a reverse order.

UNFINISHED BUSINESS

Public Meeting:

Deliberations on proposed amendments to the wetlands ordinance

Amendments to the wetlands ordinance as it relates to the definition of Reasonable Use, monitoring of Rural Stewardship Plans, and the criteria for increasing the standard buffers.

A clarification or correction to the Reasonable Use definition.

The Growth Board said the Reasonable Use definition had the affect of allowing uses that are no longer permitted in the zone in which they are located to be illegible for Reasonable Use provision.

Incorporating a monitoring element for Rural Stewardship Plans.

Rural Stewardship Plans are site specific plans that protect critical areas on an individual piece of property. There are standard regulations and then Rural Stewardship Plans that have more site specific attention, a customize plan for a piece of property that is an available alternative to land owners. The Growth Board said it needs to have a monitoring program to ensure it is effective.

Modification that eliminates the maximum Buffer expansion the County could impose on a property.

The wetland ordinance allows for buffer modifications that may go up or down in size. The Code allows the County to increase buffer sizes on properties with unique situations, such as steep slopes next to the wetland. The Code said the limit was 25% increase. The Growth Board said that was not supported by Best Available Science, there is no number that should be associated with it, and it should be based on the facts that exist on that property.

Commissioner Gabelein provided a hand out of language he proposed for Reasonable Use to provide clarification, indicating they are referring to types of use versus the land use standards. He stated the proposed language seemed to lump the type of use and the development standards together. He then made a slight modification to the fifth line of his proposed language for the amendment, to include “similar types of permitted uses and structures within the same zone and general vicinity of the lot that have already been lawfully established” so it will be clear that it is the type of use rather than the land use standards for the parcel or proposal. He stated he felt it would satisfy what the Hearings Board had asked for, but would be clearer.

Commissioner Eidsness stated if there was an undeveloped waterfront lot where the surrounding development was built twenty feet from the bulkhead this proposed amendment would allow consistency with the neighboring properties rather than requiring the new development be set on the back of the property.

Commissioner Gabelein stated on South Whidbey, where he is most familiar, the septic system gets its’ choice of real estate, set back quite a distance from the waterfront. The onsite septic system and the reserve area requirements force the house away from these areas and pushes it in some cases into the existing setback and that is where the Reasonable Use clause would kick in and the land use planner would make the best they can with the situation and would consider what the neighboring parcels have done historically and at the same time it would not allow a different use than what is historically been there. The use must be consistent, but the standards could be adjusted to fit the conditions on the site. He said he felt the last phrase of the previous language “had to be consistent with the current development regulations” was murky and open to interpretation and could be interpreted to mean you had to meet the current development regulations which would contradict the Reasonable Use intention.

Commissioner Gabelein further stated the finding explained in a little more detail, the reasoning behind the language.

Commissioner Gabelein moved to have this proposed amended language for Reasonable Use: “Reasonable Use. 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 types of Permitted Uses and Structures within the same zone and

general vicinity of the Lot that have already been lawfully established. He then stated the finding would be as written. Commissioner Eidsness seconded the motion

Chair Schell stated the motion was open for discussion.

Commissioner Hillers stated she had some concerns about the amended language. It was her understanding Reasonable Use would allow the owner of the property to build some place on that property, they would not be denied use of that property, but it might not be exactly what was desired. If they add “that have already been lawfully established” then regulations can never be moved forward. If an area has already been partially developed then Reasonable Use would trump new regulations.

Commissioner Gabelein stated that Reasonable Use only comes into play only when a parcel cannot be developed using the current regulations.

Mr. Tate said Reasonable Use only gets evoked when adherence to the Code is impossible. There is often friction with land owners when a property has a location with a good view located in a buffer and another location on the property outside the buffer without a view; the Department takes the position the landowner cannot build in the location with the view because they have an option available that adheres to the Code. It is a safety net only.

Commissioner Gabelein stated the finding goes on to state the first priority of new development is to seek adherence to the existing development standards. Where that is not possible, Reasonable Use provide relief from the existing standards. As long as the Findings travel with the Ordinance he stated he felt it was clear.

Mr. Tate stated there are other sections of the wetland ordnance that makes it very clear that Reasonable Use is the very last resort. A term called Mitigation Sequencing has the first standard listed as requiring the structure to be moved or the development downsized in order to meet the Code. Only when it is impossible to do that is the next step considered.

Commissioner Hillers stated that looking at section C-2, from the Growth Board, under the Findings section, it says the definition of Reasonable Use which permits a determination of Reasonable Use to be based on an Existing Use which includes uses legally established, but which are no longer consistent with the current Zoning Code does not comply with ... She stated she felt there might be a problem if they do not stick with the other definition of current development regulations.

Commissioner Porter asked three questions:

1. Comparing consistent with current development regulations and that which has been lawfully established. Why did staff choose that wording?
2. Compare them with other counties around the area and which is most common and why.

3. Could Mr. Tate talk about it in context of short term, the Hearings Board and whether or not it is problematic and secondly how would each one be carried out?

Mr. Tate stated there is a distinction between use of property and all the other standards for development, the language staff has been working on after Commissioner Gabelein raised the issue of Use versus Standard. The goal and the Hearings Board Order and Finding is that the language of the definition for Reasonable Use, which permits a determination of Reasonable Use to be based on an Existing Use.

It is important they used the word "Use" versus an existing development or existing standards that could be utilized. When a property is developed the first check when going through the development review is whether or not the use is allowed in the zone. If it is not an allowed use the Department does not look any further. If it is an allowed use the standards for setbacks, height, site coverage etc. then come in to play.

Commissioner Gabelein's point was that the Hearings Board was focusing on Existing Use and if the language that staff was originally proposing was adopted it would restrict the comparable uses in an area being developed to only those which meet every current regulations. Since so much development occurred prior to the existing regulations there wouldn't be many uses found.

Commissioner Porter asked if staff would have worded it differently if they were to write it today.

Mr. Tate stated that when it was originally looked at staff was not thinking about all those other standards, but only about use. In retrospect the wording that states it has to be consistent with all development regulations is a little too broad and that it is a focused use issue, based on the Growth Board's order.

Regarding comparable to other jurisdictions, there was a lot of work done when the definition for Reasonable Use was created. The definition allows for relief from the standards intended to protect the environment. When compared to other counties, first of all they are quite narrow, they establish and create limits for the size of the structure and the size of the encroachment and the quantity of the development, not all Reasonable Use Codes throughout the State get into that level of detail. They are more comparable to Island County's old Reasonable Use standard and merely define Reasonable Use, stating it is something that should be incorporated into the review without getting into specifics.

He further stated he could not comment on whether other jurisdictions were breaking it down by use versus all the other standards and therefore could not answer the second question directly. He said he would be surprised if there were jurisdictions saying the only comparables had to meet every current standard on the books.

Commissioner Porter then asked about the potential for litigation.

Mr. Tate stated he was comfortable with it because the revision satisfies the targeted issue raised by the Growth Board. They say it is based on Existing Use; they are concerned that in Island County Code the term Existing Use is synonymous with what most jurisdictions use called Non Conforming Use. Island County does not use the term Non Conforming Use anywhere in Code because it has a negative connotation. Therefore when the Growth Board is looking at Existing Use they know in Island County this term means something very definite; it means anything that has ever been established lawfully.

Chair Schell stated there was a motion on the table, a second, there has been discussion and he then called for a vote, the motion carried unanimously.

Chair Schell asked if there were any other amendments to the January 27, '09 Exhibit A document before them.

Commissioner Hillers stated she felt they needed to deal with who pays for monitoring on the Rural Stewardship Plan. It is her belief that because the landowner benefits it is the landowner who should pay for the monitoring.

Mr. Tate stated if the Commission agrees, he would suggest a statement that says the monitoring plan shall be prepared by the applicant and possibly a finding that tells the Board of County Commissioners that a fee should be included in the Permit Fee Schedule. He further stated if the Planning Commission supported the idea that people should pay their way he would craft a finding that says that a Rural Stewardship Plan shall incorporate an ongoing monitoring element and a fee shall be established upfront.

Different Rural Stewardship Plans are going to have different monitoring elements. Some might require yearly monitoring for ten years other might require monitoring once every three years for nine years. A fee schedule would need to be advanced that goes along with that would be adopted by the Board in the Permit Fee Ordinance.

Commissioner Gabelein asked whether Mr. Tate thought a provision to allow private enterprise to provide the monitoring and make it incumbent upon the landowner to turn it in to the Planning Department.

Commissioner Havens asked whether or not the same the type of program done for septic inspections could be done for these monitoring programs.

Mr. Tate replied that monitoring plans of any kind require the land owner to submit the plan and then Department reviews them.

Commissioner Porter said they could mimic those protocols used in the Onsite Septic program, which creates categories that requires different types of monitoring.

Mr. Tate stated that he liked the idea but that they were not ready to implement an idea like that yet. It may be something that is expressed in findings, that it should be a service or goal that the County moves toward. There are two things that need to be addressed.

First there would need to be a new item in this Code, item 6(d) that would ready something along the lines of monitoring plans shall be prepared by the applicant and submitted at the frequency described in section (c) above.

This would create an item (d) that would make it clear that initially, the monitoring plan that comes with the Rural Stewardship Plan being reviewed, must include a monitoring component that is prepared by the applicant. Once it is approved and a monitoring schedule is approved as part of the plan it is incumbent upon the landowner to submit those materials according to the frequency determined.

The second part would be to create a finding that states a fee is required for monitoring, that the fee be included in the fee ordinance, that it is paid upfront and that it is incumbent upon the landowner to submit the monitoring report and maybe a second finding that addresses the fact that the County should be encouraged to develop a program that allows landowners to be more actively involved in monitoring the effectiveness of these plans on their own property.

Chair Schell asked that it specify that it is a one time fee.

Chair Schell then called for a motion to amend the document.

Commissioner Hillers moved to include 6(d) Monitoring plans shall be prepared by the applicant and submitted at the frequency described in section 6(c). Commissioner Gabelein seconded. Commissioner Hillers moved that the findings that would accompany this will describe that the fee will incorporate monitoring a one time fee paid upfront and also that the County shall move towards a self assessment program. Commissioner Gabelein seconded.

Chair Schell called for a vote, the motion carried unanimously.

Commissioner Hillers moved to add implementation and effectiveness to 6(a). Commissioner Reynolds seconded, motion carried unanimously.

Commissioner Hillers moved to accept the document as presented 1/27/09 with the amendments discussed today, Commissioner Reynolds seconded, motion carried unanimously.

Commissioner Hillers moved for the chair to sign the Finding of Fact presented and shared by email and once agreed to then authorize the chair to sign the Findings of Fact, Commissioner Reynolds seconded, motion carried unanimously

Public Meeting:

Deliberations on draft Camano Gateway Village Land Use Designation

Proposed amendments to the Comprehensive Plan and Chapter 17.03, the Island County Zoning Ordinance as they relate to the types of uses allowed for commercial development within non-residential rural areas of intensive development adjacent to State Route 532.

Hand-outs

Camano Gateway Village Zone (summary of comments from first two meetings)

Key Concerns (summary of public concerns)

A map showing two areas in red, which are being considered for the proposed Camano Gateway Village Zoning designation.

Mr. Tate stated the contentious items included gas stations, convenience stores and overnight lodgings; the current Code allows gas stations and convenience stores, the proposed amendments would prohibit those. The proposed amendments will change to Code to allow overnight lodging in these two areas, subject to a couple pages of conditions and restrictions.

Mr. Tate explained there has been a misconception expressed by some of the public comments. People have made comments asking not to change the Code to allow gas stations and convenience services. The change would actually be to prohibit them. Other comments have stated don't change the Code or do change the Code to allow overnight lodging; it is a change in the Code to allow it.

Mr. Tate stated this ordinance was assembled through a citizen driven process. Staff supports it, writes Code changes based upon what the group sentiment was. A lot of the issues had community agreement from a broad spectrum of different people and organizations involved in putting it together.

Mr. Tate directed the Planning Commission to look at the Comprehensive Plan,

III. FUTURE LAND USE

RURAL ELEMENT DESIGNATIONS

Camano Gateway Village (CGV)

It is a section of the Plan that lays out the initial definition and designation criteria for this zoning designation. It does not say anything about hotels or convenience services, such as gas stations or convenience stores, but it does lay the foundation. Mr. Tate then asked for the Commissions thoughts on this section of the proposal.

Commissioner Schell asked about designation criteria B. (Area must be served by an approved public or private water system).

Mr. Tate replied that this was standard language for all commercial areas of intensive development; it is the same as the current designation of the Rural Village Zone.

Commissioner Schell then asked if it there was any mention of septic issues that seemed to be of public concern.

Mr. Tate said it was not contained in the portion dealing with how the zone is defined or designated, later the policies and development regulations perhaps could or should speak to that issue.

Commissioner Hillers moved to accept the proposed changes in Chapter III. Future Land Use, Commissioner Gabelein seconded; motion carried unanimously.

IV. GOALS AND POLICIES

Camano Gateway Village Designation (CGV)

Goal:

Provide for commercial services that are limited in scale, intensity and density that are intended to serve the local community and help support the local commerce of Camano Island. Emphasis should be placed on uses, programs and policies that help alleviate traffic congestion by avoiding the concentration of activities that occur primarily during peak traffic hours.

Mr. Tate stated the second sentence in the goals, **Emphasis should be placed on uses, programs and policies that help alleviate traffic congestion by avoiding the concentration of activities that occur primarily during peak traffic hours,** sets the stage for saying that uses like convenience stores and gas stations are not appropriate in this area. He cautioned the commission, stating he was not asking them to make a decision on that goal yet, but that it sets the stage.

Many of the development policies don't have much controversy surrounding them, but when you get into policy D. The Camano Gateway Village designation shall provide for appropriately categorized permitted and conditional uses that include accessory uses, banking and financial institutions, day care centers, eating and drinking establishments, fire stations, government services, health care services, overnight lodging, mixed-uses, office uses, small scale retail sales, and services, lumberyards, minor utilities, veterinary clinics, and water tanks. This shows the kinds of uses that would be encouraged and allowed in the zoning designation and it clearly says overnight lodging within that policy as a use that would be appropriate.

Commissioner Gabelein asked what the issue was with convenience stores and gas stations. There seemed to be a common theme of traffic, what it would look like, what it would do to the neighborhood and what it would do to existing businesses offering the same service. He said he would like to know if traffic was main concern.

Mr. Tate stated that staff brought to the citizen group a draft proposal that said convenience services and gas stations should not be allowed in this stretch. Staff's opinion was that this corridor currently struggles at peak hours with congestion and adding convenience stores and gas stations were not a wise choice to be allowed until the highway was upgraded to accommodate that. It is State Highway and there is no plan to widen this area to provide additional capacity. Safety improvements are all the State has in their future plans.

Chair Schell stated the developer could be required to put in a turn lane to alleviate the impacts and mitigate some of the concerns.

Mr. Tate stated it would help, but that it didn't resolve the corridor swell. When coming on to the island during peak hours you can hit some pretty serious traffic and those things will help alleviate that but don't fully mitigate and resolve the capacity issues on the highway.

Commissioner Gabelein stated that if traffic was the issue he would agree with Commissioner Schell. If it's mitigated properly, with more services available on the island and traffic getting worse the closer you get to Stanwood, perhaps there wouldn't be such a bottleneck as you approach Stanwood if these services were available on Camano.

Commissioner Eidsness stated that on the 532 corridor, it was interesting to her that a lot of comments were made stating that they wanted to keep their rural character, to keep their gateway. Stating that she had lived on Camano since 1968 and felt the gateway was not impressive, there is nothing rural about it. She stated she used to make hay on several of those fields and still could but Camano Island citizens do not appreciate a tractor on the road.

She further stated a lot of people would stay on the island if they had a choice. She prefers to support the community that supports her. She does as much shopping on island as possible, spending her tax dollars in Island County, rather than going off island and giving the tax dollars to Snohomish County. There are three gas stations on the island but there are not enough services on the island to support the citizens even for a couple of days should the island be cut off. She said she didn't personally have a problem with a gas station and doesn't know why they would be a restricted use.

Mr. Tate stated that from his perspective it will be difficult to mitigate the traffic impacts on a single development proposal scale. It is something that needs to be looked at holistically for that corridor in order to alleviate some of the traffic issues that the island already faces. If convenience services are allowed there will be a greater volume of traffic frequenting those services. It is probably economically viable and a gas station can be made to look good as well, but there will be a lot more traffic. From a staff perspective it presents significant challenges; he didn't think a developer could be forced to address some of the bigger issues currently being felt when reviewing their single project.

Commissioner Havens stated he has seen changes on Camano over the years he has lived there. He has reviewed the comments regarding the beauty of the gateway and feels that beauty is in the eye of the beholder. If you start at Lands Hills, which is at the top of the hill as you come on the island, there is a church, then across the street is a boat building business, then going two tenths of a mile there is a thrift store, which isn't the most beautiful thing to look at. There are also two churches across from the thrift store, and then going another three tenths of a mile you will see a village flea market/ antique store and a storage building. On the left hand side there is a latte stand and then an auto shop and across the street is the lumber yard with nice looking landscaping. Then the properties being discussed come next and past that is the old Camano drive inn, which is now a big pile of dirt and the old drainfield building that sits there.

Going down the road a little further there is a Chiropractor's office, a spa and saloon, and a dentist office. A little further is an auto parts store, next to that is a motorcycle shop and a nursery across the street with a drain pond for Danielson's Farm. On the right is a marina, a truck rental place and a used car lot. Then there is another church and you're at Terry's Corner.

There are a lot of commercial uses along that highway. He said that traffic was a tremendous problem; Hanstead Rd. and Rekdal Rd. are very dangerous places on that highway with people trying to turn. He said the traffic would have to be handled somehow to avoid more accidents and people try to enter and leave the highway. The two miles to Stanwood have many commercial activities causing traffic problems, yet these two specific parcels seem to be getting all the attention.

Chair Schell stated that if there were an earthquake and the bridge goes down, most everyone would be pleased to have a gas station and convenience stores. He asked if there could be a double line of barriers in order to have traffic be allowed only to access a gas station from the lane of traffic adjacent to the store and avoid the most dangerous cross over traffic and mitigate it that way. It would be at the developer's expense if they wanted to put in a gas station.

Mr. Tate replied those things mitigate the individual use, to him looking at the isolated commercial development does not address the corridor movement where there are several types of uses with competing traffic flow. That will require coming up with a more holistic approach like having a consolidated access points and additional capacity involving DOT to address the bigger picture. It will be very hard to mitigate on a project by project basis and have it address the corridor.

Commissioner Gabelein asked if the State had plans to address the corridor.

Mr. Tate replied that they only had some safety issues to address in very specific pinpoint spots where they are making some adjustments. They have been very specific that there is no money to address the corridor.

Commissioner Gabelein stated it seemed the State Highway would weigh in on this proposal if they were accessing onto the State Highway. Since it is not a County road he asked whether it was wise to be writing Comp Plan amendments based on what the State Highway is or isn't or should it be worked out with the land use and the State Highway Department.

Mr. Tate stated he would approach it from the opposite direction and change the zoning once the State had a plan to increase the capacity and address some of the corridor issues. He said he would prefer not to put it in as permitted, conditional upon the road capacity being addressed.

Commissioner Gabelein stated he thought it might be a step towards getting the road fixed if a developer or several developers were willing to come up with some of the

mitigation costs it might be a way of getting the road improved versus just waiting. He further stated he agreed a right in and a right out would reduce traffic accidents. He also wanted to find out if traffic was the main issue, stating he believed you could make an attractive looking building and screen it properly without it negatively affecting the look of the area.

Mr. Tate stated the Department's concern was traffic, but there were those in the community that felt it was more than traffic and he did not want to represent the broader spectrum beyond the root behind why staff put this in the draft proposal.

Commissioner Hillers stated that in thinking about traffic and overnight lodging, which involves additional people coming on the island, she wanted to compare that to a gas station or convenience store that would mostly have local residents stopping for services. She was puzzled at allowing overnight lodging that brings more traffic onto the island and prohibiting something that would serve people who would already be on the road commuting.

Mr. Tate replied that overnight lodging, with the exception of some employees coming and going, would have people arriving throughout the entire day and would not affect traffic flow during peak hours. Convenience services however, slows traffic during peak hours, as they would most likely be used more during those peak hours. When looking at a corridor, the prime objective is moving traffic through quickly, the more convenience services that are put into that corridor, the more you slow down the flow during peak hours. Overnight lodging does not have the same effect.

Chair Schell stated eating and drinking establishment are used close to peak hours. If a hotel has a restaurant with a banquet room, it could also be at peak hours.

Mr. Tate stated any commercial use allowed will have some impact on the peak hour traffic flow, there will be some days where it has a large impact and some days it will be marginal. A convenience service however will be Monday through Friday, all year long and will affect the corridor during those peak hours.

Commissioner Porter stated he would like to change gears slightly, in paragraph O, he wanted to know the meaning of the word "should", where it states, "Camano Gateway Village properties should share common water and any applicable waste water disposal systems".

Mr. Tate stated that it is common for the policy language in the Comprehensive Plan to have passive words. It is policy that sets up the regulations. The regulations have words like "shall" and "must". The policies tend to have words like "should" and "may". Policies are enforceable, policies are usable when reviewing applications, it's not just Code. Those policy documents are pushing in the direction of things that should happen.

Commissioner Porter asked why the author chose “should” versus “must” and what is the impact living out this document years down the road, why “should”, why “must” and what’s the difference.

Mr. Tate said the passive language more than any reason is the common place language to use within these policy documents, they are not Code.

Commissioner Porter replied if he wanted to look at this most skeptically, does the "should" really mean nothing because it is not a “must”.

Mr. Tate stated that it could mean that there is flexibility in not having to meet that standard. Someone could use that and say it does not say I have to do this, but the policy language carries weight when there is an appeal before the Hearing Examiner and a decision has been based on policy.

Commissioner Porter said his second question is understanding paragraph D, it states there shall provide for fifteen different categories, when the chapter is finished only two of the fifteen are called out specifically, fire stations and overnight lodging. He wanted to know the logic behind that.

Mr. Tate stated overnight lodging and the fire stations have very specific Code language set up. In 17.03 there is a very specific set of standards for those types of uses, there is a lot of attention about how those uses may be treated a little bit differently than the other types of uses within this zoning designation. Policy language was developed to help transition into the zoning ordinance, where very specific zoning standards are called out.

Sometimes “shall” language is used in policy. Passive language is normally used when discussing specific development standards. Paragraph O, specifically stated what those uses should be hooked up to in terms of utilities, that gets into the meat of how the development should unfold. Sometimes the policy language has “shall” and “must” when it’s directing how to craft the ordinance. In section D where it says “shall”, it doesn’t relate so much to what the development standards are and how an application is looked at, it directs the Department as to how the rules themselves are crafted.

Commissioner Porters said looking at the flip side in sections G through Q, paragraphs I, J, and K seem to be looking at the standards for something like a landscaping standard or a barometer for signage and light, some paragraphs talk to those standards and some talk to uses and it seems rather confusing.

Mr. Tate stated some of these standards were borrowed from the existing Rural Village designation where there were ten different policies. The new designation added policies eleven through fourteen, perhaps these should have been inserted into the body in a manner that divided the issues of uses versus the issues of development standard. It may be a good suggestion to reshape this in order to organize it better.

Commissioner Porter stated another concern was, toward the bottom of N, it states policies should be established that require sustainable building practices, use of Low Impact Development etc. They sound contemporary and well thought out, but to him because it is only embedded in the overnight lodging it seems like there is no strength in application to the other fourteen uses and wanted to know if it could be strengthened over time.

Mr. Tate replied that as part of their deliberation can be a recommendation to end the paragraph at the end of the word community and start a new policy.

Chair Schell said it was covered in the zoning, what may be implied here isn't implied in the Zoning Code.

Commissioner Eidsness stated she felt it should be pulled out as a separate policy.

Chair Schell stated that in his mind he wasn't sure overnight lodging was really needed.

Commissioner Gabelein stated a lot of the public comments referred to the economic viability of a hotel; he did not feel it was the place of the Planning Commission to argue the economic viability of overnight lodging or any other business. It would have to sort itself out through the developer and the financial institution just as other uses do.

Chair Schell asked whether salt water intrusion was an issue in this area.

Mr. Tate stated the Health Department was consulted and they do not have a problem with overnight lodging to the scale it was written in the Code. There is a rationale for the scale written into the Code as well as some of the standards. The number 21 rooms per acre is equivalent to three houses per acre in water consumption, assuming there is laundry services on site and daily uses of toilets and showers. In this particular area, the proposal is to keep the intensity the same with the restriction that the laundry services cannot be done on site, to further reduce water consumption. In the words of the Health Department it is very conservative in its water consumption.

Chair Schell asked about comments regarding septic being pumped off site.

Mr. Tate stated that both commercial uses and residential uses can have off site septic systems. There are off site septic systems on Camano Island that could and will probably serve some of these uses.

Commissioner Haven stated he assumed there had been a draw down and recover test done to make sure they could handle this extra water.

Mr. Tate stated a developer must approach a water purveyor asking if they can provide water. That purveyor may say no, we can't and we won't, then the use can't develop. The process for that property owner is to try to remove themselves from that water system and perhaps develop their own. The Department does not get into what those options are and

how they will work out in the Code development stage. The question is whether there will be an adverse affect on the ground water system there. The expert agency in the county was asked and they have stated that a forty room hotel on two acres is equivalent to six houses and they do not consider it as a red flag. There will be requirements in the development stage for draw down and recovery tests on a public water system.

Mr. Tate stated the way the environmental review process is set up, which is formulated in State law; these things are looked at in phases. During the policy and regulation stage, bigger picture questions are asked. When a development proposal is reviewed the specifics of the proposal are looked at.

Commissioner Eidsness agreed with Commissioner Gabelein, regarding the comments on viability of a hotel, stating she believed they needed to respect some private property rights, if it is a permitted use on a property it's the investors money at risk on a property and it should not be up to the Planning Commission to determine economic viability.

Regarding the architectural style, scale, being consistent with the character of Camano, she wanted to know who determined the Character of Camano.

Mr. Tate stated the Land Use Policies are replete with subjectivity. There are standards and policy created that encourage flexibility, so there is a way of looking at a proposal that can't be anticipated in Code, the policy language is used to draw back upon if something meets some of the Code standards but does not fit within the community. It is subjective, there must be a basis for making a subjective call, but it is important to have policy language that looks at the bigger picture to ensure it fits in the area.

Commissioner Eidsness said it was hard to make a generalization when discussing SR 532, where it states preserving the rural character, to her there is nothing about that corridor that is rural. The corridor is where this development should be happening, traffic is a problem, but it is the most appropriate place to develop in order to preserve the rural character of Camano. It doesn't necessarily mean that the corridor looks rural; it hasn't looked rural for years.

Commissioner Havens stated he had one additional comment. He said he had read all the comments very carefully and with the exception of two comments it appears that the people who commented did not want anything on those properties. If the developer works within the Code and wants to take the risk to develop something they should be allowed to do so. He felt there would be more traffic problems if they do develop there, but they should be able to build on their property as long as they do it within the Code. He said he was sorry for those who do not want anything built there, but those people are not paying the taxes on those properties.

Mr. Tate asked how the Planning Commission wanted to move forward.

Commissioner Reynolds asked for clarification in item D where it discusses small scale retail sales and services, to her a small convenience store is a service. Is there a different terminology for retail and services?

Mr. Tate stated the Code itself defines what that means. It is a general statement, when looking at the Code it does discuss a long list of different types of uses. The tact of the Code is to say that the types of retail sales and services should be broad, should not try to anticipate everything, but it does call out a couple of types of retail sales and services that would be prohibited. If it was not listed as prohibited it would be assumed to be permitted.

Commissioner Hillers stated that it was persuasive to her that the document was worked on by a lot of people and there was general agreement about it and moved to approve chapter IV Goals and Policies as it was stated, Commissioner Reynolds seconded for discussion purposes.

Commissioner Porter moved to take out the bottom of paragraph N as previously discussed to make it a stand alone policy and to clean up the document to have the uses and the standards set apart. Commissioner Hillers accepted that as an amendment as did Commissioner Reynolds.

Commissioner Eidsness moved to amend the motion to add gas stations and convenience stores under item D to be an allowed use, Commissioner Joselyn seconded.

Commissioner Gabelein stated on letter O there is a typo, it should be waste water.

Chair Schell stated there was a motion to accept Chapter IV with two amendments.

Commissioner Hillers would like to vote on amendments separately.

Chair Schell called for a vote on the first amendment.

Motion carried unanimously

Chair Schell called for a vote on the second amendment, adding gas stations and convenience stores under section D.

Commissioner Hillers opposed, motion carried eight to one.

Chair Schell called for a vote on the main motion, accepting Chapter IV as presented with two amendments.

Motion carried unanimously.

Chair Schell called for a ten minute break

Chapter 17.03

Island County Zoning Code

Mr. Tate stated the Zoning Code is where the language gets into the “shalls” and more directive type language. He noted he would need to make corresponding changes on Page 3 under **A. Permitted Uses** number 5 and on the next page under **C. Prohibited Uses** number 6, based on the previous motions of the Planning Commission.

He further stated Code is structured in two parts. The first part is the Camano Gateway Village Zone and very basic information about the zone, the Permitted Uses, the Conditional Uses, Prohibited Uses, Designation Criteria, Lot size, Setback and Height that apply on those properties in that zoning designation.

Then you get into a section on page 7 called the Land Use Standards, they are the specific set of criteria that the Department reviews the development proposals against. You will see standards for fire stations, for parking, for landscaping, design, signs, lighting etc.

The first section, pages 3, 4, and 5 were discussed.

Chair Schell had a question on number 6, page 3 where it discusses coffee shops and then states “... except that drive-thru food service is prohibited.” He said he understood drive-thru food service is a traffic issue, but questioned drive-thru coffee shops.

Mr. Tate said on page 4 four under item 6, it excludes espresso stands essentially from that drive-thru prohibition. It was done essentially because there are already espresso stands in these areas.

Commissioner Eidsness inquired regarding some of the drive-thru espresso stands being allowed to have food.

Mr. Tate stated it would be looked at during the permitted process as an espresso stand; every type of primary use has some secondary functions and uses that go along with it. An espresso stand that prepares a small amount of food is a lot different than a drive-thru where food is its primary business.

Commissioner Joselyn stated a McDonalds could be allowed but you would have to go inside to eat.

Mr. Tate replied that was correct, it doesn't prohibit chain restaurants it only prohibits the drive-thru food services. Some of the Code language evolves through the discussion of the citizens group and what they want to see in their community. It is not all about traffic, it is an issue, but when twenty people sat down and discussed what they wanted to see in this corridor, some of it is desire of that community and what the community's vision of use of property in that area is.

Commissioner Havens asked what was meant by outdoor movies, **11. Temporary Uses** such as fairs, music events, Christmas trees sales and outdoor movies; to him an outdoor movie is a drive-in.

Mr. Tate replied a drive-in is a Permanent Use, there has been a desire expressed to show a movie outdoors in a location such as Terry's Corner in an open courtyard area. This is referring to that type of occasional use.

Commissioner Gabelein asked for clarification under **E. Lot/Density/Intensity** number **2. Mixed Use development shall not exceed a density of three (3) dwelling units per acre.**

Mr. Tate stated it is the density that is allowed under current County Code for Rural Areas of Intensive Development, of which this is one of those areas. Three is based on numbers that the County had run for the average densities within these existing developed areas. If it went to four, it is then an urban density; three is the maximum density allowed in a rural area.

Commissioner Gabelein stated he had a problem with this as it relates to another section on page 9, 2. c) Mixed Use Buildings are encouraged and second floors devoted to residential or non-residential uses that are different from the ground floor uses are preferred. He stated he knew that in order to get mixed-use of any amount to include a residential use, three per acre was not very many. There has been a push to get that residential accessory use on the second floor everywhere including Island County. It has been discussed before and is a case where affordable housing could come into play, this is small piece of affordable housing, but with only three per acre it wouldn't work out very well.

Mr. Tate replied that it was very low density for a multi-family or Mixed Use type of development.

Commissioner Gabelein stated another item under **C. Prohibited Uses** number 8. page 4, it is prohibiting the sale of boats. He said he understood not selling manufactured homes, but this is an island and did not understand not allowing the sale of boats.

Mr. Tate stated it is allowed on the island, just not in this designation.

Commissioner Gabelein then asked about **F. Setback and Height** He stated with no minimum setbacks from public roads, had ample thought been given to expansion of the existing roads. Shouldn't it be factored in to allow for future expansion, some county roads don't have a legal right of way; they are just a road by use. The County only owns where they maintain to, which is at the back of the ditch. He did not feel it was a good idea if it is obvious there is a road that is too narrow and needs to be expanded. If there is an area that has enough right of way for future use you would be fine, but he could see it being a problem when a road needed expanded or a pedestrian path was desired and the building was built out to the lot line.

Mr. Tate replied that most of the right of ways were fairly big, the State Highway right of way was large, the Good Rd. right of way on the north side is substantial, Sunrise is narrow but the two main roads are fairly wide. There may be an issue with Good Rd. on the south side of SR 532 and one option is to perhaps consider including a minimum setback; such as a maximum of fifty and a minimum of ten.

Commissioner Porter moved to discuss pages 3-5, Commissioner Reynolds seconded.

Commissioner Gabelein moved to add a minimum setback of 10 feet, Commissioner Joselyn seconded.

Commissioner Hillers asked if under **A. Permitted Uses** number 6. Eating and Drinking Establishments such as restaurants, cafes and coffee shops, except that drive-thru food service is prohibited; Shouldn't espresso stands be added as a Permitted Use to make it clearer.

Commissioner Hillers moved to add "including drive-thru espresso stands" to A. 6. "... cafes and coffee shops, including drive-thru espresso stands, except that drive-thru food service is prohibited;"
Commissioner Gabelein seconded, motion carried unanimously.

Mr. Tate stated a third amendment would be needed on **A. 5.** and **C. 6.**

Commissioner Reynolds moved to take out "except gas stations and convenience stores" under A. 5. and modify C. 6. to take out "gas stations and convenience stores",
Commissioner Hillers seconded, motion carried unanimously

L. Institutional Use Standards

...

9. Fire Stations
 - h) Within the Camano Gateway Village (CGV) Zone, the following alternative standards should apply;

Mr. Tate stated this section creates some additional standards for Fire Stations. The Fire District took part in the conversation and there was support from the group that those properties the fire dept. owned or may own in the future should have a different set of standards in term of building size and height restrictions, uses and facilities that they need to serve the island.

Commissioner Hillers moved to approve the standards for fire stations, Commissioner Reynolds seconded, the motion carried unanimously.

Mr. Tate stated beginning at the bottom of page 8, there is the technical issue of adding (CGV) for the Camano Gateway Village Zone on pages 8 and 9.

Commissioner Porter moved to accept this change as written, Commissioner Reynolds seconded, motion carried unanimously.

Commissioner Porter moved to discuss Q, Commissioner Joselyn seconded.

Q. Parking, Access, and Circulation

...

5. b) Parking between Structures and public roads or adjacent properties that are not zoned commercial shall not exceed one lane of parking with spaces on both sides of the lane.

Commissioner Gabelein stated when thinking about parking, some of these properties have rural properties on three sides, there really can only be parking of any significance at that point in the center of the project. Working with onsite septic systems, if you are stating where the parking must go, which means you then know where the building has to go and a problem can arise if that is the same place as the septic system. He felt it was a place where you could use “should” rather than “shall” so that it could be mitigated with screening.

Commissioner Gabelein moved to amend the word “shall” to the word “should” in 5. b, Commissioner Eidsness seconded,

Mr. Tate stated he was hesitant to have “shoulds” in the Code, perhaps as an alternative a letter d) could be added that says, where the conditions will not allow these standards to be met, landscaping and topography berms could be looked at to screen the parking.

Chair Schell asked for the motion and second to be withdrawn to add an amendment for a section D.

Mr. Tate suggested the following wording for d) Where the conditions of the site do not make it possible to achieve these standards, landscaping shall be used to fully screen the parking area.

Commissioner Gabelein so moved, Commissioner Joselyn seconded, motion carried unanimously.

Chair Schell called for a vote to accept the motion accept parking on pages 9 & 10. Motion carried unanimously.

Commissioner Hillers moved to approve the signage and outdoor lighting standards, Commissioner Reynolds seconded.

R. Signage and Outdoor Lighting Standards

Mr. Tate stated the primary landowners within this area evaluated this language and felt that even though it was more restrictive than the rest of the County, it was the right signage and lighting ordinance for this area. It actually reduces the square footage of signage, but offered more flexibility in how they could locate signage and how it could be split into different components on the property.

Commissioner Joselyn moved to accept Lighting and Signage Standards as presented, Commissioner Porter seconded, motion carried unanimously.

Commissioner Hillers moved to accept Site Coverage and Setbacks, Joselyn seconded

Site Coverage Ratio

Commissioner Eidsness asked for more information regarding green roofs as seen in the public comments.

Mr. Tate stated green roofs required a level of structural engineering design to support the weight of the roof and also requires maintenance; the belief was that if someone was willing to do that for additional Site Coverage then it provides an incentive. Will it be used? Is it impractical? It is hard to say, it is being done in some areas. It hasn't been done much in our county; it has been done much more frequently in urban areas.

Mr. Talebi, Island County Planner stated there are quite a few variations of green roofs, from tall trees to grasses and sedums; the technology is a lot more advanced.

Commissioner Porter asked for more information on how the percentages were arrived at in the table on page 17.

Mr. Tate stated when looking at the standards for Camano Gateway Village and the multiplier that is allowed under 2. a., it was challenging to create a maximum that isn't floating. The minimum is the same and will rise with the amount of green roof technology that is done.

Commissioner Porter stated his concern in making this a contemporary document lies in the fact that green roof technology would not be his choice as the one incentive that is called out here. When looking at what was invoked in Chapter IV that should be reflected here, LID was discussed, sustainable building practice, reduction in light consumption, rain catchments, but they are not reflected here in practice. It seems like a missed opportunity.

Mr. Tate replied there were probably more practical, easier, cheaper types of LID ideas than green roofs, but his question would be how to incorporate a rain garden for instance into a shift to those Site Coverage Ratios. A section may be added, not necessarily to Site Coverage Ratios that gets to that point. If someone incorporates a rain garden into their design, what would the comparable benefit be?

Commissioner Gabelein suggested this document could add a provision stating it was allowed and then the professionals and engineers that could calculate those numbers could do so at a later date, showing how many gallons versus how many square feet of pavement. It would require the developer of a proposal to demonstrate what the trade off would be.

Mr. Tate stated leaving it at the permit process level where an engineer is providing along with a development proposal, just exactly what the trade off was. He asked if adding a letter E that basically says that the Site Coverage Ratios within this zoning designation encourages LID concepts and ratios may be modified by the developer using those technologies.

Commissioner Porter moved to add a letter E., stating that "These ratios can be modified through the use of innovative LID practices". Commissioner Gabelein seconded, motion carried unanimously.

Chair called for a vote to accept Site Coverage and Setback, motion carried unanimously

Z. Overnight Lodging, pages 19-21

Commissioner Joselyn moved to discuss Overnight Lodging, Gabelein seconded,

Commissioner Joselyn stated he felt it was a bad idea to allow flat roofs in this climate.

Mr. Tate stated that flat roofs can look good, but he does not know how practical they are. It was a design feature that can have a good look, it is an aesthetic design standard.

Commissioner Porter asked if paragraph 3. b. went away, how would it affect the Planning Department and the work they do.

Mr. Tate stated that it was hard to find attractive design with roof pitches that are very low pitch grading; they tend to look more industrial in appearance.

Commissioner Porter asked on page 21, why isn't 6. a. and b. applied to the entire designation.

Commissioner Gabelein stated for this scale of a project it is probably doable, if you were try to treat storm water at a latte stand it just wouldn't be feasible. It is a scale issue; you can't put in a treatment facility for stormwater on a small scale project.

Commissioner Porter stated he felt there should be a stormwater standard for most everything with exceptions for very small projects.

Commissioner Porter moved to direct staff to apply this standard to all properties where it is possible or applicable, having an engineer demonstrate where it is not possible, and to insert this under Site Coverage and Setbacks or where staff determines may be more appropriate, Commissioner Gabelein seconded, motion carried unanimously

Chair Schell asked if number 8 was something that should be mandated, that a business shall participate in an economic development strategy and the Chamber of Commerce.

Mr. Tate stated they wanted to take a proactive step in trying to have a fairly significant land use activity within this area supporting the other business.

Chair Schell asked about 7. b. and how would a monitoring program be done and if the usage went up, what could be done about it?

Mr. Tate replied when a public water system is utilized for this type of use, there are reporting requirements.

Chair Schell stated he didn't like needless bureaucracy, but felt it needed to be looked at.

Mr. Tate stated it would be established in the conditions within any approval of a development project. Paying attention to water usage over time will allow comparing the water usage to other land use activities.

Chair Schell stated this is also asking for it to be 20% lower than the average.

Commissioner Hillers stated the 20% reduction is for the remaining water usage, after doing laundry offsite.

Mr. Tate stated it was intended to be a 20% reduction from the industry standard.

Commissioner Hillers moved to remove the sentence “The remaining bulk of water usage for Overnight Lodging is a result of showers and personal care.” Commissioner Joselyn seconded, motion carried unanimously.

Chair Schell called for a vote on the remaining portions of the Overnight Lodging. Motion carried unanimously.

Commissioner Hillers moved to authorize the Planning Department to develop Finding of Fact and when reviewed and approved by the Planning Commission, authorize the Chair to sign the Findings of Fact, Commissioner Gabelein seconded, motion carried unanimously..

Commissioner Gabelein moved to adjourn, Commissioner Porter seconded, motion carried unanimously.

Hearing adjourned at 9:42 p.m.

Respectfully submitted,

Paula Bradshaw
Administrative Assistant