

**ISLAND COUNTY PLANNING COMMISSION  
SUMMARY MINUTES,  
Commissioners' Hearing Room, 1 NE 6th St., Coupeville, WA, Washington  
Tuesday July 14, 2009**

	<b>Members Present</b>	<b>Members Absent</b>
<b>District 1</b>	<b>Val Hillers</b>	
	<b>Ray Gabelein</b>	
	<b>Mike Joselyn</b>	
<b>District 2</b>	<b>Terry Reynolds</b>	
	<b>Rex Porter</b>	
	<b>Mahmoud Abdem-Monem</b>	
<b>District 3</b>		<b>Wayne Havens</b>
	<b>Bill Lippens</b>	
	<b>Scott Yonkman</b>	

**Roll Call**

Mahmoud Abdem-Monem, Mike Joselyn, Scott Yonkman, Ray Gabelein, Terry Reynolds, Rex Porter, Val Hillers, William Lippens.

Staff Present: Keith Higman - Interim Planning Director, Anthony Boscolo - Long Range Planner, Brandon Sweeza - Long Range Planner.

**Approval of Minutes**

May 12, 2009

*Commissioner Yonkman moved to accept the minutes as written, Commissioner Joselyn seconded, motion carried unanimously.*

**Director's Report**

Interim Planning Director Keith Higman advised the Planning Commission that Jeff Tate has been working for Island County under contract. His role has been to assist in moving the Planning Commission docket forward providing support for some of the key docket items. That contract is about to run out of money. Wednesday there will be a dialog with the Board about their interest or lack of interest in moving forward with an amendment adding additional resources for that work to continue. The outcome of that conversation will be communicated to the Planning Commission.

He further stated he was pleased to report the Board of County Commissioners has hired a new Planning Director, Robert Pederson and provided a brief history of his background and experience. The Board went through a very involved nationwide search for a new Planning Director. Mr. Higman stated he participated in the interview process and felt Mr. Pederson would be a great fit for Island County.

Mr. Higman advised the Commission that the Planning Department staff was reduced by 13 positions in the last eight months. He wanted to be sure the Planning Commission was advised of this and thus allow the Commission to apply some context to the difficulty in moving work forward, responding to permit applications and responding to

public need. The positions are fairly well spread across the Department, no one section was damaged anymore than any other. The Department lost support staff, professional staff, and management staff. Economic activity in building is what drives the budget in Planning and Community Development and as the private sector suffers in terms of business and activity level, so does government support of that private sector.

Land Use & Building fees were increased as directed by the Board of County Commissioners. It is a difficult time to move fee increases forward in this economic climate, but it was an exercise that was needed to ensure services are being provided with one hundred percent cost recovery. It is important to collect enough revenue to cover the cost of reviewing land use applications and building permit applications. Some of the Land Use fees went up significantly. When looking at the same fees in neighboring counties they are still commensurate and in many cases lower. The Building Permit fees were raised 1.5 % on average, which is only a 3.8 % increase over what the Uniform Building Code recommended in 1997.

Commissioner Gabelein stated it was much appreciated that Mr. Higman was willing to step up and fill the role of running two full departments. Regarding the Planning Commissions' docket however, clarifying he was not speaking for the Commission but only for himself, the Ebey Reserve and Freeland development regulations are both major tasks and without the background on those issues he felt it would be difficult for anyone to step into the middle of those issues. He said he would appreciate it if Jeff Tate be allowed to continue his work as a consultant and bring these docket items to completion.

Mr. Higman replied it will be the Planning Department's recommendation to extend the contract, limiting it to Freeland and Ebey's Reserve docket items, to allow these to be completed.

### **Items from the Public**

None

### **Unfinished Business**

#### **Public Meetings:**

### **Essential Public Facilities**

Hand-outs:

- Transmittal and Report Memorandum
- Proposed Amendments to 17.03.060 Rural (R) Zone
- Proposed Amendments to 17.03.070 Rural Residential (RR) Zone
- Proposed Amendments to 17.03.090 Rural Agriculture (RA) Zone
- Proposed Amendments to 17.03.100 Commercial Agriculture (CA) Zone
- Proposed Amendments to 17.03.110 Rural Forest (RF) Zone
- Proposed Amendments to 16.06.030 Applicability
- Response to Public Comments

Brandon Sweeza provided a briefing on the amendments to Essential Public Facilities.

- To allow essential public facilities to be conditionally permitted in the Rural Forest and the Rural Agricultural zones.

The amendment is being proposed to bring Island County Code into consistency with the Island County Comprehensive Plan. Section IV, the Goals and Policies Section of the Island County Comprehensive Plan has explicit language that Essential Public Facilities shall be allowed in the Rural Agricultural and Rural Forest zones.

Staff did not have any revisions resulting from the prior public hearing but has now included a written response to public comments.

*Commissioner Terry Reynolds moved to begin discussion on this docket item, Commissioner Rex Porter seconded.*

Chair Gabelein opened the floor to the Commission for discussion.

Commissioner Lippens asked about the response to public comments regarding a tiered process. The answer indicated you could only define a use or not a use. Mr. Lippens asked if there was a law that prohibited setting up a tiered process and couldn't there be something set up similar to overlay zones for wetlands and steep slopes.

Mr. Sweeza stated the current zoning process is not set up in this manner. It is either zoned to permit this use or not and then once you get into a particular use in a zone where that use is allowed, you then look to determine if it was feasible on the site. There is not a current process for evaluating different parcels in different zones for siting facilities.

Commissioner Lippens stated he thought this might be something to look at. There would be a process to allow this type of use, but it would only allow it in Rural Forest and Rural Agricultural zones if they can prove they cannot site them somewhere else.

Mr. Sweeza replied it was unprecedented in the Code currently, but it may be possible to develop something like that if there isn't anything conflicting in State law. It may be possible to do something similar to what is being proposed in the mini-storage land development standards for these uses in the RA and RF zones. It would require someone to go through a process to site these facilities in the most appropriate zone.

Commissioner Yonkman asked if during the Class A and Class B analysis it could maybe become part of that process.

Mr. Sweeza stated that in talking to some of the developers of these types of facilities they have stated they do a rigorous analysis that not only addresses cost effectiveness but that also includes siting the facility. One of the requirements is the community

meetings, it doesn't determine the application, but the outreach is done which solicits public comments.

Commissioner Hillers stated that if something could be put in place to ensure if a facility is put into one of these zones a very rigorous process has been undertaken to ensure the community has had a say and have been heard in the process.

Mr. Sweeza stated this was a Type III decision and does involve community meetings, the standard onsite notification, but also the notice sent out to all properties within 300 feet of the application parcel.

Commissioner Hillers stated in looking at the Code 17.03.090, page 2 it shows Essential Public Facilities are a Type II decision.

Mr. Sweeza replied under B2.E, in the Rural Agriculture zone section, Essential Public Facilities are processed as Type III decisions and require community meetings.

Commissioner Gabelein asked if this was currently allowed in the Rural Zone and this amendment is just adding it to the Rural Ag and Rural Forest.

Mr. Sweeza confirmed that was correct, stating this is essentially just bringing it into consistency with the Comprehensive Plan. The amendment is being proposed as it is necessary to bring Island County Code into consistency with the Island County Comprehensive Plan under section IV, the Goals and Policies Section.

Chair Gabelein said based on the dialogue with Commissioner Lippens and Mr. Sweeza it would lead the Commission to tabling or deferring this item.

Commissioner Lippens stated if it is not deferred he would suggest research be done to determine if this can be implemented and whether it is the Comprehensive Plan that needs to be changed to reflect a tier process for these in non urban zones.

Commissioner Porter stated that if this is deferred and staff is tasked to research it he would like to ensure they are not doing something that hasn't already been done all over the country. He would like to know if there is a better practice out there on this.

Mr. Sweeza stated he could get sample documents from other jurisdictions, adding that this was reviewed under the Growth Management Act and was found to be compliant.

Mr. Porter said he would withdraw his second to the motion if that is what the Commission wants.

Commissioner Reynolds said she would like to consider implementing and then coming back later with more information and a possible recommendation for an addition.

Chair Gabelein asked what was driving the change.

Mr. Sweeza replied a possible sewer facility in Freeland is what brought this issue to light.

Commissioner Yonkman asked if the amendment couldn't be approved subject to the tier process.

Mr. Boscolo stated the research could be done between now and when the Findings of Fact are signed and it could then be addressed in those Finding of Fact as to whether a tiered system should be considered.

A friendly amendment could be added to include the language of adding this to the Findings of Fact.

*Chair Gabelein stated the motion on the floor is:  
To approve the amendment to the Comprehensive Plan as it relates to the Essential Public Facilities, included in the Finding of Fact should be language stating a tiered process for siting these facilities is important and should be evaluated.*

*Motion carried unanimously.*

### **Utility Segregation**

Hand-outs:

Amendment to ICC 16.06.030 & Chapter 17.03 ICC

Response to Public Comments

Revision to Staff's Proposed Amendment to ICC 16.06.030 & Chapter 17.03  
ICC

Mr. Sweeza stated this item has been revised based on a comment of WEAN to make sure that substandard lots created by these segregations could not be abandoned and then allow the substandard lot to be used for residential lot. The concern is base density. The revision incorporates their suggestion as follows:

“Base density requirements shall continue to apply for purposes of residential lots, tracts, or parcels created pursuant to this provision.”

It drives home the fact that you will always be subject to the base density and it could only be used for another substation.

Commissioner Yonkman asked what would happen to that lot.

Mr. Sweeza replied it could only be used for another substation or electric utility facility or it could be brought back into the property next to it to achieve base density.

Commissioner Lippens asked if wetland reviews would be done prior to the segregation.

Mr. Sweeza stated these facilities are being looked at from an economic standpoint and are typically reviewed before even selecting a site. Due to the limitations, reports required and regulations, they would normally be looking for areas without wetlands.

*Commissioner Hillers moved to approve the Utility Segregation amendments as proposed. Commissioner Lippens seconded the motion.*

Chair Gabelein asked for verification that this is only for electric utility facilities as per State Code.

Mr. Sweeza stated the definition was very specific to electrical facilities. It must be an unmanned electric facility.

*Chair Gabelein called for a vote. Motion carried unanimously.*

### **Personal Storage Facilities**

Hand-outs:

Amendment to Chapter 17.03.180.C ICC

Response to Public Comments

Revision to Staff's Proposed Amendment to Chapter 17.03.180.C ICC

Brandon Sweeza provided the briefing, stating this amendment was slightly different. The Department is seeking guidance from the Planning Commission. There are two options available.

1. Amend the requirements for Personal Storage in the Rural zone to be more stringent and address the public concerns raised in the past.
2. Striking the use in the Rural zone from County Code and the Island County Comprehensive Plan

Mr. Sweeza provided a map of mini-storage facilities currently permitted.

*Commissioner Hillers moved to prohibit personal storage facilities in the Rural zone. Commissioner Abdel-Monem seconded.*

Chair Gabelein stated his concern in prohibiting these facilities is future need. There is currently enough, but what happens in the future. He stated he wasn't sure if this use fit in the urban areas, where the high density residential uses would need to go. The new standards may be the better way to go.

Commissioner Abel-Monem, stated he seconded the motion for discussion purposes. There has to come a time when we really have to start thinking how we stop the erosion of the agricultural land and must give this consideration. Do we want mini-storage in our neighborhoods?

Chairman Gabelein stated to clear that up these are not allowed in Commercial Ag zones and asked staff for confirmation.

Mr. Sweeza stated they are not; this amendment is only for the Rural zone. They are allowed in other zones.

Commissioner Yonkman stated these were allowed in the Rural zones because the commercial space in the county was less than 1%, excluding the cities and towns. He stated he would prefer to leave these in the Rural zone and protect the commercial properties. He would protect the Rural zone by enhancing the screening.

Chair Gabelein stated the comments he has heard loudest is the visual impact. He said if they are done properly it may be a better use than using commercial property. The latest one related to a POD storage that came into the Freeland area that elicited comments that it was not appropriate and should have been used for affordable housing or a commercial use. The site was within easy walking distance of Freeland. Had there been storage available maybe it wouldn't have been located there.

Commissioner Lippens said he felt by allowing this in the Rural zone it was just bypassing the real need, which is to zone more Commercial and more Industrial property. By pulling this out of the Rural zone it would identify the need to zone more Industrial and more Commercial. These should really be put where they belong.

Chair Gabelein stated it was the State that mandated removal of the Industrial zone. The GMA and the Growth Management Hearings Board drove the decisions to remove the Industrial zones in the County. The County took those zones away in reaction to what was mandated by the State.

Commissioner Lippens stated in this case it is not a critical need, if it is put off for two years and space for storage is available, there is time to consider options. If it becomes a critical need in the future it can be re-evaluated, he really didn't like the idea of leaving them in the Rural area. Conditional Use permits that meet the criteria will allow mini-storage in neighborhoods regardless of whether the neighbors want it or not.

Mr. Sweeza stated one of the main public comments is that mini-storage really doesn't fit in the Rural zone, with many stating it is a commercial use.

Commissioner Reynolds stated there is a property that is approved on Rolling Hills for a facility and asked if that were correct.

Mr. Sweeza stated it is correct it has been approved under current regulations, but currently there isn't someone who wants to site a mini-storage facility there. They are looking at other uses.

Chair Gabelein called for further discussion or comments.

Commissioner Yonkman asked if there was anything that could be done to advance more commercial property.

Chair Gabelein discussed the proposed screening standards.

Mr. Sweeza stated the key question is whether or not this use is appropriate for the Rural zone.

Chair Gabelein stated he would be against eliminating it. With the amended conditions being considered, facilities would only be built once there was a dire need for storage.

Chair Gabelein called for a vote.

*Those in favor: Commissioner Lippens, Commissioner Abel-Monem, and Commissioner Porter. Those opposed: Commissioner Hillers, Commissioner Reynolds, Commissioner Gabelein, Commissioner Yonkman, and Commissioner Joselyn. Motion to eliminate mini-storage from the Rural zone failed.*

Discussion moved on to the amendments.

Mr. Sweeza discussed the proposed amendments.

Main items discussed:

1. Community outreach and awareness, changing the process to expand the process and requiring pre-app community meetings. It would be a 120 day process.

Director Higman stated it was important to recognize what public comment is and isn't. It is twofold; the first to provide general notice to the public and the second is to provide members of the public the opportunity to bring forward factual information that can be used in the process of rendering a decision on an application. Most typically the information that is brought forward is emotionally not factual. Members of the public are always encouraged to provide factual information that has some relevance to the outcome of the decision on the project rather than emotionally based information.

2. Commissioner Lippens asked whether this was a 120 day process or a 60 day process as the materials provided have both. Exhibit A says 120 and the staff report states 60.

Mr. Sweeza stated Exhibit A was correct, it is 120 days.

*Commissioner Yonkman moved to approve the motion as written, except with the following changes, on the original document, Exhibit C, Personal Storage, item 5 he proposed it read 100' set back from roads and a 50' set back from all property lines. Stating substantial screening would be able to be done in those setbacks. He would also propose the hours of operation shall be from 6 a.m. to 10 p.m., stating when it will be open. Commissioner Joselyn seconded the motion with proposed changes.*

3. Commissioner Hillers asked about item C-7, does this mean a security guard lives on the property. She is concerned about the statement of the 24 hour security requirement.

Discussion progressed to change the wording to: “An occupied onsite caretaker residence shall be required”.

4. Commissioner Hillers further stated on C-9, it seems to have something missing. It should say the facility shall comply.
5. Her last friendly amendment suggestion was that the changes should include the nomenclature used to be changed from personal storage to mini-storage.

Mr. Sweeza read the definition that would then be attributed to mini-storage.

Chair Gabelein stated Commissioner Hillers has presented three friendly amendments.

6. Commissioner Lippens asked about # 12; if stormwater is being managed onsite, what are the options other than infiltration.

Mr. Sweeza responded that with these setbacks being so large, dispersion would be one and there are other low impact development Best Management Practices, such as bow retention, things that basically are retaining the water using amended soils or other techniques so the water is infiltrated onsite.

Discussion continued on infiltration and impervious surfaces as they relate to the proposed reduced setbacks as well as the addition of the caretaker and the need for a source of water and primary and reserve drainfield, which will further remove some of the property from building storage facility in support of the caretaker residence.

Discussion moved back to the reduced setback and the main reason for the setback being adequate screening. Commissioner Gabelein stated he supported the reduced setback but to make the emphasis be really nice screening rather than distance.

Commissioner Yonkman asked about the well and the requirements.

Interim Director Higman indicated if this was only for the caretaker it would be considered an individual system, if the water is provided to the public it becomes a public water system. This change going from caretaker may be allowed to being mandatory is a significant change from where the regulations were previously.

7. Commissioner Abel-Monem stated he also had a simple change on # 4 in Exhibit C it says total aggregate gross for parcels less than 20 acres and then another number for parcels greater than 20 acres. What happens if the acreage is exactly 20? He suggested making the statement say 20 acres or greater.

Mr. Sweeza stated that in regards to reducing the setbacks and screening # 6 is for outside storage and it could be applied to the indoor storage facilities, stating that instead of going to the screening guidelines that are currently established, just say “they must be fully screened and if that is not achieved within five years then they will have to halt their business until it has been established.”

Commissioner Yonkman added “of the whole facility”. There was consensus on the addition of that phrase.

Commissioner Hillers proposed # 6 would be divided into two, first outdoor storage limited ... and then the storage facility shall be fully screened.

Mr. Sweeza stated on # 6 vegetation may be modified could be stricken and modify the setback requirements and then in personal storage instead of outside storage insert the entire facility which would include the residence structure. Or it could say the personal storage facility or the entire facility.

Commissioner Gabelein stated he felt the residence should be visible for security reasons.

Commissioner Hillers said if it says the storage facility shall be fully screened that would not suggest the caretakers home and proposed that under # 6 the third sentence, which almost needs to be a new number. The storage facility shall be fully screened and then take outdoor out. So if new landscaping is proposed as part of the screening of storage it will provide full screening within five years. If full screening is not achieved within five years the storage component of the facility shall be eliminated.

Mr. Sweeza stated “outside storage shall be limited” will be separated into a separate section # 5 and then personal storage shall be limited to dead storage and then it will read. “The storage facility shall be fully screened ...” and that would be # 7.

Commissioner Yonkman accepted the friendly amendments.

The changes were discussed and an additional clarification on C-9 of whether screening should be removed from this, as it now has a separate screening requirement stating it will be fully screened. (The new #6 will read, “Outside storage shall be limited to boats, recreational vehicles and similar vehicles and that will be the only condition on #6)

# 7 will then read, “Mini storage shall be limited to dead storage, the storage facility shall be fully screened. If new landscaping is proposed as part of the screening of the facility, the new landscaping shall provide full screening within five years. If full screening is not achieved within five years the storage component of the facility shall be eliminated until landscaping matures to a level where it does provide full screening.

Chair Gabelein called for a vote

*Vote, 7 yeah to 1 nay, Commissioner Lippens opposed, motion carried.*

**ZAA 338/08 Application to change the current zoning classification of 13.5 acres located at the intersection of Old Goldie Road and Ault Field from Rural to Oak – Planned Industrial Park.**

Anthony Boscolo provided a briefing on the topic. At the last meeting June 9<sup>th</sup> the Planning Commission asked staff to research and determine which document was the governing document in regards to whether this property was within the Urban Growth Boundary or not.

The County's attorney determined the property is not technically within the Urban Growth Boundary. Although the Zoning Atlas shows it as such, the Comprehensive Plan is the ruling document and therefore pursuing the Planned Industrial Park designation is not something that staff can continue recommending to the Planning Commission.

A conversation with the applicant has occurred regarding whether or not to proceed on the path of changing to Light Manufacturing, which would fulfill some of the goals the applicant had for the property.

At the previous public hearing the Planning Commission also recommended the Department get formal written confirmation from the other affected landowners regarding their consent to go forward with this project.

Contact with all five owners of the six properties in question is currently in progress. The Department has received two written forms back at this point. There has also been verbal confirmation from a fourth property owner.

This process will need to be deferred and an additional analysis will need to be done before staff will be able to provide a new recommendation. Therefore this item will need to be deferred to the next available hearing date.

The Commission confirmed all owners have been fully notified of the changes and of the differences in the two zoning designations and that there would be an opportunity for public comment.

Mr. Boscolo confirmed the owners had been notified and the Planning Commissions' agenda of the next public hearing would be noticed.

Mr. Higman stated there was a pending application before the Planning Department, to alter that application and change it from an Oak Harbor designation to Light Manufacturing requires the applicants willingness to do that. The applicant has not had much time to digest the implications. There will be continued dialog between the applicant and staff. It is possible the applicant could ask for a decision on the

application as it exists. It complicates this issue and thus staff will have to place it on the most appropriate Planning Commission agenda.

Chair Gabelein suggested that rather than scheduling an extra meeting this should be placed in front of or behind an existing meeting agenda. His personal preference would be to have fewer meetings and accomplish more at those meetings.

*Meeting adjourned at 11:38 a.m.*

Respectfully submitted,

By Paula Bradshaw  
Administrative Assistant