

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - NOVEMBER 3, 1997

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 3, 1997, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and Tom Shaughnessy, Member, were present. Also in attendance were Margaret Rosenkranz, Auditor/Clerk of the Board, and E. Meyer, Adm. Asst. to Cmrs. Minutes from the Regular Meeting on October 20, 1997, were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.)**
 #13766 - #13981 \$500,502.09.

TEXACO FOUNDATION GRANT PRESENTED TO WSU BEACH

WATCHERS PROGRAM

Don Meehan, WSU Extension Agent, introduced Joe Haley, representing Texaco Corporation, Puget Sound Plant, who came to donate \$10,000 to the Island County Beach Watchers Program, the sixth year Texaco has teamed with WSU Beach Watchers in this program. Mr. Meehan presented to Mr. Haley, a Certificate of Appreciation/Recognition for Texaco.

Susan Berta, Beach Watchers program coordinator, explained that part of the money Texaco donates goes towards the Ships Naturalist Program on the Washington State Ferries where volunteers provide environmental education to ferry riders; also exhibits at Admiralty Head lighthouse, where some 25,000 - 30,000 people a year come through to view the exhibits as well as tour the lighthouse and Fort Casey. The Penn Cove Water Festival is a large educational event drawing people from the Northwest and this year Texaco helped by sponsoring a canoe race team in addition to the money donated. She expressed appreciation to Texaco for their support and presented Mr. Haley from the Penn Cove Water Festival a signed print by Roger Purdue, the logo poster for the Festival.

On behalf of the Board of County Commissioners, Chairman Shelton extended great appreciation for what Texaco does, and the Commissioners' belief that the Beach Watchers program is one of the outstanding programs represented in the State of Washington. Commissioner Shaughnessy added that the Commissioners found out just last week that the Beach Watchers program is now a nationally recognized effort.

Joe Haley was pleased to hand to Mr. Meehan a check for \$10,000 for the Beach Watchers program. From Texaco's standpoint, he expressed pleasure in supporting an organization that does such a good job of educating people on the environment and ecology of the beaches.

HEARING HELD: ORDINANCE #C-57-97 INCREASING THE PAY OF THE

ELECTED ISLAND COUNTY CORONER

A Public hearing was held at 9:45 a.m. as scheduled and advertised, on Ordinance #C-57-97 increasing the pay of the elected Island County Coroner. Chairman Shelton described intent of the ordinance to amend Island County Code section 2.02.050 to increase the salary of the Coroner from 80% to 85% of the salary of the District Three Position on the Board of Island County Commissioners, effective 1/1/98, which for 1998, would amount to a \$2,929 increase in the Coroner's salary, equal to the other elected officials salaries, the Auditor, Assessor, Treasurer, and County Clerk.

Roland Gray, 2452 W. Williams Road, Oak Harbor, in following news releases over the last several years, stated that it seemed the Coroner had been exceedingly busy and considering his background, experience and education, believed

the Coroner was entitled to the same salary the other elected officials receive.

The following e-mail message was read for the record, received from David Maas, Coupeville:

"I am opposed to the current proposal to raise the Coroner's salary. I apologize for being unable to attend the Commissioners' November 3 hearing in person. Unfortunately, being a member of the tax-producing class (as opposed to the tax-consuming one), I must work for a living. I have nothing against the Coroner. However, every dollar in new spending ultimately

means an increase in the tax burden. Taking into account that government at all levels expropriates 50% of my family's income, I find that I am not at all inclined to support ANY increases in tax or spending levels. Considering that this county government can "afford" to pay a Planning Director tens of thousands of dollars to sit in front of a computer terminal and compose nonsensical vision statements like, 'spiritual and ecological togetherness,' and, 'spiritually enriching and stimulating our life,' I find it rather ludicrous to be asking taxpayers for any more money. Anyone in the private sector spending an employer's time writing such stupidity soon finds him or herself unemployed. I realize it is for 'our own good' that these planning commissars are designing a Bolshevik-style centralized command-and-control economy. But, in all fairness to traditional Bolsheviks, when they were taking away the property rights of the 'kulaks' at least they had the decency to not bore them with idiotic claptrap like 'saving the night sky, the silence...' . Admittedly, the Coroner serves a useful and necessary function. Nevertheless, it is extremely offensive to ask taxpayers for more money when the County government squanders the money it already has on such worthless and asinine endeavors. If we must give the Coroner more money I suggest you fund it by cutting elsewhere. You might begin by firing a few of the County's 'New Age' bureaucrats."

Paul Messner, Coupeville, having worked in the same building with the Coroner for quite a few years, was very aware of the Coroner's workload and believed the salary should be increased.

No other comments from members of the public were received.

Commissioner McDowell mentioned that the Coroner, Robert Bishop, had not approached the Board on this issue, and was one of the few department heads that had not asked for budget increases for the years he has been in office. Chairman Shelton commented that the Coroner's Office spends numerous evenings and weekends in order to complete the job. With the increase in population and those types of deaths that relate to the Coroner's Office he felt this was an appropriate action.

By unanimous motion, the Board approved Ordinance #C-57-97 increasing the pay of the elected Coroner.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

REGARDING INCREASING THE PAY) **ORDINANCE NO. C-57-97**

OF THE ELECTED CORONER)

_____)

WHEREAS, by statute the Board of County Commissioners determines the salary of the elected officials of the county; and

WHEREAS, the Board of County Commissioners has set the salary of the other elected officials of the county as a percentage of the Commissioners' salary; and

WHEREAS, this Board has determined that the Coroner's salary should be the same

as the salary of the Auditor, Assessor, Treasurer, and Clerk; NOW, THEREFORE,

IT IS HEREBY RESOLVED that ICC 2.02.050 is amended as set forth on Exhibit "A" hereto to increase the Coroner's salary effective January 1, 1998. Material lined out on Exhibit "A" is deleted and material underlined is added.

REVIEWED this 20th day of October, 1997, and set for public hearing on the 3rd day of November, 1997 at 9:45 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

MIKE SHELTON, CHAIRMAN

WM. L. MCDOWELL, MEMBER

TOM SHAUGHNESSY, MEMBER

ATTEST:

MARGARET ROSENKRANZ, AUDITOR

AND EX-OFFICIO CLERK OF THE BOARD

APPROVED AND ADOPTED this 3rd day of November, 1997 following public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

MIKE SHELTON, CHAIRMAN

WM. L. MCDOWELL, MEMBER

TOM SHAUGHNESSY, MEMBER

ATTEST:

MARGARET ROSENKRANZ, AUDITOR

AND EX-OFFICIO CLERK OF THE BOARD

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.

DEPUTY PROSECUTING ATTORNEY

ISLAND COUNTY CODE REVISER

EXHIBIT "A"

2.02.040 Commissioners' Salaries

A. The salary of the District Three position on the Board of Island County Commissioners for 1995 and 1996, the first two years of the new term, shall be \$55,786. The salaries of the District One and District Two positions on the Board of Island County Commissioners for the years 1995 and 1996, the last two years of those terms, shall remain at \$53,130, the current salary for those positions.

B. The salaries of all positions on the Board of Island County Commissioners shall be increased on January 1st of each odd-numbered year, beginning in 1997, by five (5) percent. For 1997, the five (5) percent increase shall be applied to the District Three position salary to determine the salary of all Commissioner positions.

C. All positions on the Board of Island County Commissioners shall receive the identical salary beginning in 1997, the first year following the election for the new terms for the District One and District Two positions.

D. The following table illustrates the salary structure under the provisions of paragraphs A through C above: Island County Board of County Commissioner Member Salaries

Year	District One	District Two	District Three
1995	53,130	53,130	55,786 (53,130 + 5%)
1996	53,130	53,130	55,786
1997	58,575 (55,786 + 5%)	58,575	58,575
1998	58,575	58,575	58,575
1999	61,504 (58,575 + 5%)	61,504	61,504
2000	61,504	61,504	61,504
2001	64,579 (61,504 + 5%)	64,579	64,579
	Etc.		

2.02.050 Salaries of Elected Officials other than Commissioners

The salaries of other Island County elected officials shall be set as a percentage of the salary of the District Three position on the Board of Island County Commissioners as provided in ICC 2.02.040. The percentage relationships shall be as follows:

Prosecuting Attorney 120

Sheriff 95

Auditor 85

Assessor 85

Treasurer 85

Clerk 85

HEARING SCHEDULED: ORDINANCE #C-60-97 IN THE MATTER OF ESTABLISHMENT OF CLERK OF THE BOARD AS EMPLOYEE OF

**THE BOARD RATHER THAN COUNTY AUDITOR AND STREAM-
LINING THE CLAIM FOR DAMAGES PROCEDURE**

By unanimous motion, the Board set the date and time of November 17, 1997 at 9:45 a.m. to consider Ordinance #C-60-97, to amend Island County Code to provide that the Board of County Commissioners designate one of its employees as Clerk of the Board as allowed by RCW 36.32.110, rather than having the elected County Auditor act as the Clerk of the Board, and to consider modification to code provisions relating to this change. The proposed ordinance also would make changes to the Claim for Damages procedure in Chapter 2.32 of the Code including a requirement that the damage claim be filed with the County Risk Manager rather than the County Auditor.

Appointments/Re-appointments to Various Boards and Committees

The Board, by unanimous motion, made the following appointments and reappointments to various Boards and Committees:

Albert "Bill" Vincent, Camano Island, appointed to the Island County Planning Commission, representing Commissioner District #3, to fill the unexpired term of Wayne Havens to January 2, 1999.

Linda Lee Martens, Coupeville, reappointed to serve on the Island County Fair Board for a 3-year term to October 8, 2000, representing Coupeville School District area.

Concurrence in Snohomish County Council reappointment of Rudy Jones to Sno-Isle Regional Library Board, pursuant to RCW 27.12.190, a 7-year term.

Liquor License, Greenbank Farm Management Group

With favorable recommendations received from the Sheriff and the Health Department, the Board by unanimous motion approved Liquor License Application #363790 by Greenbank Farm Management Group, 765 E. Wonn Road, Greenbank, Class E and F license.

Liquor License-Special Occasion, Save the Woods on Saratoga

Special Occasion Liquor License Application was faxed to the County Commissioners too late to be processed at the Board's October 27th meeting. Inasmuch as the event was scheduled to occur November 1 at Island Athletic Club, Freeland, and with the next Board meeting scheduled for November 3, on receipt of a recommendation of approval from the Sheriff and Health Department, Chairman Shelton signed the application and returned same to the State Liquor Control Board, with the Board to follow with ratification action today.

By unanimous motion, the Board approved Special Occasion License #073194 by Save the Woods on Saratoga.

AGREEMENT CONCERNING OUTSIDE LEGAL SERVICES:

BOGLE & GATES, P.L.L.C.

Keith W. Dearborn, Bogle & Gates, Two Union Square, Seattle, addressed action he understood the Board would take

to execute a contract with his firm to provide Island County with legal services to complete the Comprehensive Plan. He recalled that 14 years ago next month he finished a 1-1/2 year tour of duty with the County, and achieved what had not been achieved in 15-16 years--adoption of a zoning regulatory system that was recognized as the most innovative in the State, and won national awards for the program developed. At that time when the Board of County Commissioners held final hearings on that regulatory system, there was not complete consensus as to the substance, but there was consensus on the fact that people felt they had been heard and fairly treated. The proof of that is for the remaining 14 years since then Island County has been relatively, until recently, litigation free when it comes to land use. Island County now has four months to try to bring that together into a process and product which he hopes in February next year people will say the same thing. It is very clear that the Board has the best interest of the County at heart and want to get this step over and decided. He hopes to be before the Board next Monday with a plan to complete the work and a schedule.

The Board reviewed and considered Agreement between Island County and Bogle & Gates, P.L.L.C., for purposes of providing to Island County outside legal services to assist in the development and adoption of the County's GMA Comprehensive Plan, Development Regulations and such other actions that may be determined to be necessary to comply with the GMA, and assist in the defense of the actions described should there be administrative or judicial appeals of these actions. The value of the contract is \$60,000. Attachment B to the Agreement added by the County, will need to be initialed and returned by the CEO of Bogle and Gates, providing the following:

Section 1.A.

The County is subject to three compliance orders of the Western Washington Growth Management Hearings Board to complete its Comprehensive Plan and Development Regulations and the next review hearing for the County to show it is in compliance is February 4, 1998.

Section 2.

The Firm will provide all necessary legal services to complete the Comprehensive Plan and Development Regulations so that the County can adopt both prior to the February 4, 1998 hearing or such other date that the Hearings Board may order.

By unanimous motion, the Board approved Agreement Concerning Outside Legal Services with Bogle & Gates, including Attachment B.

BOND RELEASE – Declaration of Trust Bond – Camano Maples Water System; water system covered by bond has been completed to serve Short Plat 045/93

Roy L. Allen, Island County Engineer, recommended the Board release Declaration of Trust Bond for Camano Maples Water System under Short Plat #045/93, since bond requirements have been completed. Based on a letter from the Island County Health Department to Howard Robb dated October 1, 1997, and addendum to that letter dated October 31, 1997, the Health Department has no objection to release of the bond in the amount of \$6,227.33.

By unanimous motion, the Board released bond as recommended.

ADOPT-A-ROAD LITTER PROGRAM AGREEMENTS

As presented and recommended for approval by the County Engineer, the Board by unanimous motion approved the following Adopt-A-Road Litter Program Agreements:

Renewals: **Central Whidbey Lions Club**, Engle Road from town limits to Fort Casey Road; **Camano Ranch**, Camano Ridge Road from Camano Hill Road to Cottonwood Road; **Key Bank**, Crescent Harbor Road from Taylor Road to Reservation Road; **Something Special Flowers & Gifts**, Langley Road from MP 1.39 to SR 525; and **Friends of Camano Island Parks**, West Camano drive and Lowell Point Road from Elger Bay Road to West Camano Drive.

New Application: Camano Island/Stanwood Elks Lodge #2779, East Camano Drive from Camano Hill Road to Patricia Ann Drive.

BOARD DECISION ANNOUNCED IN THE MATTER OF Appeal #418/97 - Appeal of Hearing Examiner's approval of BSP #021/96, Camano Commons; APPELLANT: Camano Action for Rural Environment, Inc. (C.A.R.E).

As stated at the close of the public hearing held on October 20, 1997, the Board's decision was to be announced at public meeting within 14 days, scheduled today, based on testimony during the hearing, transcripts of previous hearings and applicable laws, and include the vote of individual commissioners with a brief statement as to the basis for the decision.

At the time the Board announced a decision, Laura Lewis, Camano Community Council, wife of Phil Lewis, Appellant on behalf of C.A.R.E., and David Platter and Robert Lambertson, applicants, were present.

The Commissioners read individual statements into the record as follows:

APPEAL 418-97 BY CAMANO ACTION FOR RURAL ENVIRONMENT, INC. (CARE), APPEAL OF HEARING EXAMINER'S DECISION HEARD BY THE BOARD OF COUNTY COMMISSIONERS ON 10/20/97

Basis for the appeal as stated by Phil Lewis, spokesman for CARE, is as follows:

1. People do not want this development because it does not conform with the requirements of the Growth Management Act.

Response: The project was submitted and accepted as complete on February 18, 1996. The Hearing Examiner's decision is based on county codes and compliance of the project with those codes. The surrounding land uses are primarily residential, farming, and agriculture on large lots. Farms, fields stands of trees and isolated clusters of buildings dominate the landscape. There are a few non-residential structures (fire station, a cemetery, and a bank) in the immediate vicinity and adjacent to the subject site, but these uses generate relatively low activity levels and traffic volumes, and do not dominate the character of the area. The legislative intent for the Non-Residential zone recognizes that some lands that were zoned commercial or light industrial may not be appropriate locations for certain commercial or industrial development. The Non-Residential zoning at Terry's Corner is not entirely appropriate given the existing surrounding land uses; however, the site is bounded by major arterials and a state route, and it is not well suited to residential use or farming use, either. While some types of non-residential uses would be appropriate in this location, they must be carefully evaluated through the Site Plan Review Process for consistency with all applicable regulations and for consistency with the Comprehensive Plan to ensure that only uses which are compatible with the surrounding area are allowed. It is clearly not the intent of the Zoning Code that **all** Non-Residential uses be allowed on **all** sites zoned Non-Residential.

In addition to requirements found in the Site Plan Review Criteria and Zoning Ordinance, the Comprehensive Plan gives guidance as to which types of uses are appropriate in these areas. The Island County Comprehensive Plan has five classifications for commercial uses, all are described in Section III Optimal Land Use Pattern, Part II Commercial Areas - Development Guidelines Part D. According to this section, Terry's Corner is specifically designated as a **Retail Business Center**, where future business should be clustered with a safe internal circulation network and limited highway access. **Retail Business Center** is further defined (Table III-A) as "clusters of five to ten establishments providing retail services similar to neighborhood commercial." Services offered include restaurants, banks, food, drug and variety stores. Service stations or any other business that serve people remaining in an automobile for fast

service are not listed as uses to be included in a **`Retail Business Services,** and are clearly not intended to be allowed in such areas. Service stations are specifically listed only in the Community Business Centers, Urban Business Centers, and General Commercial in the Comprehensive Plan.

With the exception of the gas station and the fast food business, most of the uses shown on the site plan would have relatively low activity levels and low traffic volumes. In order to provide a transition between the proposed project and the surrounding area, the Island County Hearing Examiner's decision mandates the provision of a forty-foot landscape buffer consisting of enhanced native vegetation around the entire project and the imposition of required standards for building design, size, height, materials, and colors. These conditions will substantially lessen the visual impact. Gas stations and other uses that serve people staying in their automobiles or provide quick service and turn-around to a high number of people (such as fast food businesses) have higher levels of activity, lighting, noise and traffic than office and general retail uses and those associated impacts could not be substantially mitigated through a landscaping buffer or building design. Hours of operation are generally long, extending well into the evening and early morning, so that activity, lights and noise occur around the clock. They include drive-up stacking lanes, a higher percentage of coverage by impervious surfaces, and more parking spaces than office and general retail uses and surrounding residential and farming uses. Traffic patterns for these uses are generally quick in and out trips by numerous vehicles. This will surely disrupt the use of the surrounding area for residential purposes. An additional condition prohibiting these types of uses from the project would lessen the overall impacts of the project on the surrounding areas. This modification would also enhance the effectiveness of the other, already required conditions in providing a transition between uses. The transition from the proposed project to the surrounding areas would be substantially mitigated and therefore the site plan review criteria would be met by a modification to the conditions of approval.

2. Already dangerous traffic will become even more dangerous.

Response: Island County Planning and Engineering staff required a professional traffic study. There is no access from State Highway 532 and limited access to North Camano Drive. The study does not indicate that the project will lower levels of service (LOS) standards. Any development will cause increased traffic flows, however, existing standards will not be out of compliance because of this proposal.

It is hoped that further mitigation of potential impacts on the surrounding areas may be achieved through the prohibition of some forms of land uses that generate high levels of traffic volume; parking spaces and numbers of people by decreasing the probability of circulation problems and potential for traffic accidents.

3. Water and fire flow are inadequate.

Response: A condition of preliminary approval is an adequate water supply with a commitment from a purveyor. If prior to final approval the purveyor cannot provide adequate quantities of water or if proper quality is not attainable, the project will be scaled down or abandoned.

4. Waste water discharge will contaminate nearby water supplies.

Response: The regulations in place at the State and County levels for sewage disposal are designed so that ground water supplies receive the greatest protection possible. Those regulations include pollution-free set-backs from wells, pre-treatment of septic effluent and careful analysis of soils receiving effluent. Regulations on installation of the proposed on-site system will address area concerns for groundwater contamination.

CONCLUSION:

The character of the proposed development in the transition to rural surroundings is appropriate with the exception of the proposed gas station and fast-food business. The proposed gas station (service station)/fast food business/convenience mart does not appear to be compatible with the character of the surrounding permitted uses and is clearly not consistent with the Comprehensive Plan designation of the site for Retail Business Services. In addition to the transitional issue, the impacts from associated activity, noise, lighting, and traffic volumes are greatly exacerbated by the frequency and duration of trips to establishments such as these.

Based on review of the established record including: application materials, staff report; Hearing Examiner Decision; minutes of meetings; submittals of the appellant; Island County Code and Comprehensive Plan, compelling evidence regarding project impact was found sufficient to warrant modification of the decision.

Therefore, the decision of the Hearing Examiner is upheld with a modification. The uses proposed on two lots, the gas station/convenience mart and a fast-food business, are prohibited from locating within the project boundary.

Tom Shaughnessy, Commissioner

STATEMENT REGARDING APPEAL #418/97 BY
CAMANO ACTION FOR RURAL ENVIRONMENT, INC. (C.A.R.E.),
AN APPEAL OF THE HEARING EXAMINER'S DECISION DATED
9/15/97, HEARD BY THE BOARD ON 10/20/97

Camano Action for Rural Environment, Inc. filed an appeal of the Hearing Examiner decision of approval with conditions regarding Binding Site Plan #021/96, a 20 lot commercial development on Assessor's Parcels #R33220-050-1350, R33220-080-1300, R33220-085-1790, and R33220-093-2240 on Camano Island, the location commonly called "Terry's Corner."

For ease and brevity of speaking, although my review and study looked at each individual issue, I will categorize the Appellant's argument for reversal of the Hearing Examiner's decision into three major areas. The Appellants claimed the county was in:

- 1. Violation of law primarily regarding County's non-compliance with completion of a GMA plan, various county codes regarding visual issues and use incompatibility;
- 2. Violation of providing a proper review of various engineering/utility issues such as water, stormwater, septic systems and transportation;
- 3. Violation of proper review of environmental issues.

Regarding issues in summary item #1, Island County has not violated county codes, the application was accepted as complete for review 2/12/96, prior to any Growth Management Hearings Board decisions (4/10/96) that may have affected the ability of the county to accept and review the application. The county has correctly accepted the application and reviewed it against the correct county code. The Hearing Examiner is correct in his decision regarding density and various visual issues mentioned in code. A guiding principle for review by county and the Hearing Examiner for this type of project is a "harmonious transition" with surroundings. The conditions imposed by county staff and the Hearing Examiner properly addressed the

issue of harmonious transition by the use of buffers, restriction of square footage and bulk of the buildings; restrictions of the number of stories, and architectural design of the buildings, including colors and roof types.

The concerns regarding various utilities have been satisfactorily reviewed. Proper conditions on utilities and transportation have been required. Prior to final approval of the project, the final design and approval of design of utilities and transportation elements are required. The correct amount of engineering design for the approval of the project at this stage of approval has been submitted, evaluated and accepted.

The final set of summary of concerns were the lack of proper review of environmental issues. Proper environmental review was made. A determination of non-significance was issued February 11, 1997. No comments or appeals were made.

The Hearing Examiner did not err on the approval of this project. The subject property has been zoned commercial for as long as there has been zoning in Island County. The area was zoned commercial under the Interim Zoning Ordinance and was designated non-residential under the current zoning ordinance 17.02 in 1984. The applicant having met all code requirements, and being subject to certain conditions imposed by the Hearing Examiner should have his property rights as identified in county code, state law, and the State/U.S. Constitution upheld by our approval of the Hearing Examiner's decision. I vote **APPEAL DENIED, Hearing Examiner decision upheld.**

Wm. L. "Mac" McDowell, Member

Board of Island County Commissioners

November 3, 1997

APPEAL 418-97 BY CAMANO ACTION FOR RURAL ENVIRONMENT, INC. (CARE), APPEAL OF HEARING EXAMINER'S DECISION HEARD BY THE BOARD OF COUNTY COMMISSIONERS ON 10/20/97

Basis for the appeal as stated by Phil Lewis, spokesman for CARE, is as follows:

1. People do not want this development because it does not conform with the requirements of the Growth Management Act.

Response: The project was submitted and accepted as complete on February 18, 1996. The Hearing Examiner's decision is based on appropriate county codes and compliance of the project with those codes. The transition to surrounding areas has been substantially mitigated by a forty-foot buffer surrounding the entire project consisting of enhanced native vegetation. The building colors, heights and design mandated by the Hearing Examiner's decision lessens the transitional impact.

2. Already dangerous traffic will become even more dangerous.

Response: Planning and Engineering staff have required a professional traffic study. There is no access from State Highway 532 and the study does not indicate that the project will lower levels of service (LOS) standards. Any development will cause increased traffic flows, however, existing standards will not be out of compliance because of this proposal.

3. Water and fire flow are inadequate.

Response: A condition of preliminary approval is an adequate water supply with a commitment from a purveyor. If prior to final approval the purveyor cannot provide adequate quantities of water or if proper quality is not attainable, the project will be scaled down or abandoned.

4. Waste water discharge will contaminate nearby water supplies.

Response: The regulations in place at the State and County levels for sewage disposal are designed so that ground water supplies receive the greatest protection possible. Those regulations include pollution-free setbacks from wells, pre-treatment of septic effluent and careful analysis of soils receiving effluent. Regulations on installation of the proposed on-site system will address area concerns for groundwater contamination.

Conclusion:

The decision of the Hearing Examiner is upheld with modifications. The character of the proposed development in the transition to rural surroundings is appropriate with the exception of the proposed gas station and fast-food restaurant. In addition to the transitional issue, the traffic issues are greatly exacerbated by the frequency of trips to establishments such as this. The project is approved with the exception of the uses proposed on two lots, i.e., the gas station and fast-food restaurant.

Mike Shelton, Commissioner

Chairman Shelton announced his agreement with Commissioner Shaughnessy's statement and indicated he would sign same.

The Planning Director will now prepare Findings of Fact and Conclusions of Law for signature by the Board of County Commissioners, and a copy of this decision will be provided to the appellant by the Planning Department.

Ordinance #C-61-97 (PLG-017-97) - Reclassification of Parcel #R23133-470-0300 from Residential to Rural Residential, WOLDSTAD/CANNY

Vince Moore, Director, Planning & Community Development, along with Stacy Tucker, Assistant Planner, presented a proposed Ordinance to reclassify parcel #R23133-470-0300 by owners, Chris & Mary Woldstad & Dorothy Canny, Central Whidbey Island, from Residential to Rural Residential. The Hearing Examiner heard the matter on October 16, 1997, and found the reclassification conformed with the Island County Comprehensive Plan and Zoning Code. The Examiner in his Findings of Fact, Conclusions of Law and Decision, approved the rezone from Residential to Rural Residential to allow approval of a two lot short plat, subject to two conditions. Staff recommends the Board grant approval.

Ms. Tucker answered affirmative to Chairman Shelton's question whether the Planning Department absolutely believe that the GMA Hearing Board decision has precluded division of residential property that does not fall below a five acre minimum. Mr. Moore stated that Deputy Prosecuting Attorney Dave Jamieson's initial position was that nothing could take place in the R zone, any kind of division, which is why staff has been recommending the approach to the rezone. Rezones in every case are not available because a rezone still has to meet the criteria for the rezone.

Debra Little, Development Services Manager, explained that with the latest GMA Invalidation Order, staff has been working with the Prosecutor's office to determine what can be done in zones and what cannot be. It is clear the only time subdivisions, site plans, etc. can be done in the R zone is if it is in an Interim Urban Growth Area.

By unanimous motion, the Board adopted Ordinance #C-61-97 [PLG-017-97] the reclassification of Parcel #R23133-470-0300 from R to RR, owners Chris & Mary Woldstad and Dorothy Canny.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF RECLASSIFICATION)

OF PARCEL #R23133-470-0300 FROM) ORDINANCE NO. C- 61 -97

RESIDENTIAL TO RURAL RESIDENTIAL) PLG - 017 - 97

OWNERS: CHRIS & MARY WOLDSTAD)

DOROTHY CANNY)

WHEREAS, an application for rezone, REZ 244/97, was accepted by the Department of Planning and Community Development on June 9, 1997, wherein Chris and Mary Woldstad, and Dorothy Canny request to reclassify a Residential zoned property containing approximately 13.01 acres, located in the Government Lot 1, Section 33, Township 31 North, Range 2 East, W.M., Whidbey Island, into the Rural Residential zone; and

WHEREAS, said application was heard at a public hearing before the Island County Hearing Examiner on October 16, 1997, and

WHEREAS, the Hearing Examiner found the said reclassification to be in conformance with the Island County Comprehensive Plan, Island County Zoning Code Subsection 17.02.210.D, and Island County Zoning Code Section 17.02.180; and

WHEREAS, the Hearing Examiner prepared Findings of Fact, Conclusions of Law and Conditions of Approval on said reclassification, attached as Exhibit A; NOW, THEREFORE,

BE IT HEREBY ORDAINED that the property described in attached Exhibit B is consistent with the conditions set forth in Exhibit A, and is hereby reclassified to Rural Residential.

DATED this 3rd day of November, 1997.

BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST: Art Hyland, Auditor & Ex-

Officio Clerk of the Board

The action proposed by this Ordinance has been reviewed and found to meet the current Island County Zoning and Land Use Statutes.

Vincent J. Moore, AICP

Director, Planning/Community Development

Final Site Plan SPR 066/93, and Ordinance #C- -97 (PLG-018-97) Use Approval, USA 007/93, Renee' & John Gerke, Reclassification of zoning from Rural Residential to Non-Residential Floating

Zone for a farmhouse style restaurant, CAMANO ISLAND

Vince Moore and Debra Little presented to the Board for signature/approval the final site plan & survey of a farmhouse style restaurant, Parcel R33230-225-2300, located SW of E. Camano Dr. and Cross Island Rd, Camano Island. Staff recommends approval of final SPR #066/93. Use Approval USA 007/93 was also presented for final approval, under Ordinance #C-62-97 [PLG-018-97]. Recommendation of the Planning Commission Recommendation is that of approval with conditions.

Ms. Little explained in further detail the Use Approval, reclassification of zoning from Rural Residential to Non-Residential Floating Zone. This is an application that was submitted so far in advance of the Invalidation Order that it met vesting criteria under regulations existing on the date of their application, November, 1993. This is one of those rezoning applications there had been some questions about when the invalidation order came out on April 10, 1996, but the Deputy Prosecuting Attorney created a list of those applications considered vested and this application was one of those.

By unanimous motion, the Board authorized final approval of Final Site Plan SPR #066/893 by Renee' and John

Gerke, final site plan and survey of a farmhouse style restaurant, and approved Ordinance #C-62-97 [PLG-18-97] USA #007/93, reclassification of zoning from Rural Residential to Non-residential Floating Zone for a farmhouse style restaurant.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ZONING RECLASSIFICATION OF PARCEL R33230- 225-2300 FROM RURAL RESIDENTIAL TO NON-RESIDENTIAL FLOATING)) ORDINANCE NO. C-62- 97
OWNER: JOHN & RENEE GERKE) PLG - 018-97
3906 S. West Camano Drive)
Camano Island, WA 98292	

WHEREAS, an application for Use Approval, USA 007/93, incorporating an application for a Site Plan, SPR 066/93, was accepted by the Department of Planning and Community Development on November 22, 1993, to reclassify a five acre parcel from the Rural Residential Zone to the Non-Residential Floating Zone for the specific purpose of developing a farmhouse style restaurant and accessory 36 space parking lot, and

WHEREAS, the parcel is located at 150 E Cross Island Road southwest of the intersection of East Camano Drive, Cross Island Road, and Arrowhead Road, on Camano Island, in the southwest quarter of Section 30, Township 32 North, Range 3 East, W.M., Island County, Washington (Assessor's Parcel #R33230-225-2300), and

WHEREAS, said applications were heard at a public hearing before the Island County Planning Commission on December 5, 1995, and

WHEREAS, the Planning Commission found the application for zoning reclassification to be in conformance with the Island County Code Zoning Ordinance Section 17.02.180.D.1 and the site plan to be in conformance with Island County Code Site Plan Review Ordinance Chapter 16.15, and prepared Findings of Fact, Conclusions and a Recommendation with Conditions of Approval on the applications; and

WHEREAS, Board of Island County Commissioners held a public meeting on December 18, 1995, and reviewed and accepted the Planning Commission Recommendation for conditional preliminary approval of both the zoning reclassification and the site plan applications; and

WHEREAS, an application for Final Site Plan Review was submitted on June 26, 1997, and was reviewed by the Island County staff for conformance with the conditions of preliminary approval, and

WHEREAS, the conditions of Preliminary Approval of the zoning reclassification and the site plan, attached as Exhibit B, have been met by the applicants; **NOW THEREFORE**,

BE IT HEREBY ORDAINED that the parcel described in attached Exhibit A is consistent with the conditions set forth in Exhibit B, and is hereby reclassified to a Non-Residential Floating Zone

APPROVED AND ADOPTED this 3rd day of November, 1997.

BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST: Margaret Rosenkranz,

County Auditor

& Ex-Officio Clerk of the Board

Resolution #C-63 97 (PLG-019-97) Water System Expansion,

WSR 432/97, Camano Hills Water Company

Mr. Moore and Kristopher J. Morrison, Associate Planner, presented Resolution #C-63-97 in the matter of expanding the existing service area for the Camano Hills Water Company Water System into the Coordinated Water System Plan (CWSP). The system is located along East Camano Drive from Kristoferson Lake to Camano Hill Road, Camano Island. Mr. Morrison provided staff recommendation of approval, with conditions, as outlined in his memorandum dated October 29, 1997.

Commissioner McDowell noted that one of the conditions is a requirement to obtain a franchise for pipe in County right-of-way and he wanted to make sure applicants had been advised of that, and Mr. Moore confirmed they had been notified. With regard to installing T's" for future fire hydrants in a line, Commissioner McDowell wanted added to that the requirement to visually mark above ground where those are located.

By unanimous motion the Board adopted Resolution #C-63-97 (PLG-019-97) in the matter of expanding the existing service are for the Camano Hills Water Company Water System into the Coordinated Water System Plan.

BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF EXPANDING THE)
EXISTING SERVICE AREA FOR THE)
CAMANO HILLS WATER COMPANY)
WATER SYSTEM INTO THE) RESOLUTION C-63-97
COORDINATED WATER SYSTEM PLAN) PLG-C-019-97
)

WHEREAS, the Camano Hills Water Company Water System has prepared and submitted a water system plan per the Island County Coordinated Water System Plan, RCW 70.116, and WAC 248-56; and

WHEREAS, the water system plan and existing service area of the Camano Hills Water Company Water System has been reviewed for consistency with the Island County Comprehensive Plan, the Island County Coordinated Water System Plan, and other applicable State and local codes and regulations.

WHEREAS, the Island County Engineering Department does not object to approval of the Camano Hills Water Company Water System Service Area provided the conditions in the attached October 27, 1997 memorandum from Don Robinett to Kris Morrison, ICP&CD are met.

WHEREAS, the Island County Building Department does not object to approval of the Camano Hills Water Company Water Service Area provided the conditons in the attached October 28, 1997 memorandum from Andy Griffin to Kris Morrison, ICP&CD are met.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Island County Commissioners that the water system plan and proposed service area expansion for the Camano Hills Water Company Water System Water Company be incorporated into the Island County Coordinated Water System Plan.

ADOPTED this 3rd day of November, 1997.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

ATTEST:

MARGARET ROSENKRANZ,

AUDITOR & EX-OFFICIO CLERK OF THE BOARD

The action proposed by this resolution has been reviewed and found to meet the current Island County Zoning and Land Use Statutes.

Vincent J. Moore, Director of Planning and Community Development

HIRING REQUESTS AND PERSONNEL ACTIONS

As presented for action by Dick Toft, Director, Human Resources, the Board by unanimous motion authorized the following personnel action authorizations:

Assessor's Office

PAA #111/97 Data Entry/Computer Support Asst., Position #113.,00, replacement action, effective 11/3/97

Health Department

PAA #112/97 Public Health Nurse, Position #2406.01, replacement action, effective 1/20/98

Commissioners Office

PAA #113/97 Commrs. Adm. Asst., Position #601, Reclassification to #12 effective 11/3/97

PAA #114/97 Ex. Sec.to Commrs., Position #602, Reclassification to #11 effective 11/3/97.

There being no further business to come before the Board at this time, the Chair

adjourned the meeting at 11:20 a.m., to meet next In Regular Session on

November 10, 1997, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

Attest:

Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board