

ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING

REGULAR SESSION - APRIL 20, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 20, 1998, at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Wm.. L. McDowell, Chairman, Tom Shaughnessy, Member, and Mike Shelton, Member, were present. Also in attendance were Margaret Rosenkranz, Clerk of the Board, and Ellen Meyer, Administrative Assistant to the Board. Minutes from the meetings of February 9, 23, 24, 25 and March 2, 9, 16, 18, 1998, 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.) #24570-24775..... \$ 518,241.57.**

Presentation to County Engineer - County Road Administration Board Certificate of Good Practice

Chairman McDowell was pleased to provide to Larry Kwarsick, Certificate of Good Practice approved by resolution of the County Road Administration Board at its meeting on April 8, 1998, to be presented to Roy L. Allen, County Engineer.

Mr. Kwarsick presented the Certificate to Mr. Allen with congratulations and noted that, given Mr. Allen's longevity with Island County, this probably sets a record in terms of Certification of Good Practice from the CRABoard, and exemplifies the work of Mr. Allen and the road/engineering staff.

APPOINTMENTS MADE TO COMMITTEES/BOARDS

By unanimous motion, the Board made two appointments as indicated below:

- Island County Fair Board: Jim Eakin, Langley, to fill the unexpired term of

Dan Ollis to October 8, 1999 [*See Minutes 4/27/98 – action rescinded*]

- Keystone Ferry Advisory Committee: Tom Chan, Greenbank, appointed as

alternate member of the Committee.

Claim for Damages #98-05CD, NC Machinery Co.

The Board by memorandum dated April 10, 1998, received the recommendation of GSA Director/Risk Management, Betty Kemp, with regard to claim for damages #98-05CE from N.C. Machinery Company. In her Memo, Ms. Kemp explained that the claim had been filed March 11, 1998, alleging damages to Caterpillar Model 416 backhoe while in Island County's possession for a demo, with repair costs of \$1,436.21. On investigation the claim was deemed valid, and both Ms. Kemp as well as the Engineering Department, recommend approval. By unanimous motion, the Board approved Claim for Damages #98-05CE as recommended.

Bid Award Selection of Official County Legal Newspaper

Suzanne Sinclair, Island County Auditor, worked in conjunction with the Board with respect to procedures to designate an official newspaper for Island County in which to run official legal ads, reviewing procedures/requirements set out in RCW . She prepared a Request for Proposals, and received three bids in response to that RFP, which were presented to the Board last week, from: Whidbey News Times; Coupeville Examiner and the South Whidbey Record [Stanwood-Camano News not eligible because it is not situated in Island County].

Commissioner Shelton recalled that this requirement for the first time in Island County was brought about this year by

the fact that the Coupeville Examiner recently became a legal newspaper of record in Island County. Heretofore, there were only two newspapers located in Island County, owned by the same company.

Bid amounts from the three bidders:

Whidbey News Times In-county circulation: 8,515

\$10.30 per inch for first insertion

8.65 per inch for second and additional insertions

South Whidbey Record In-county circulation: 4,690

\$10.00 per column inch for first notice placed

8.40 per column inch for each subsequent run

Coupeville Examiner In-county circulation: 1,200 to 1,300

\$5.00 per column inch first time legal ad runs

3.50 per column inch for subsequent publication legal notice

[will post county legals on Internet web site hosted by Examiner]

While he very much would like to optimize County resources by taking the low bid, it was Commissioner Shelton's opinion that it would not be serving citizens well to designate a paper with just 1200-1300 county wide circulation as the County's newspaper of legal record for legal ads and notices. He recommends bid go to Whidbey News Times; however, that is not to say the County would not continue its practice also using other papers such as the Stanwood-Camano News, to additionally publish legal ads with respect to issues that affect Camano Island, for example.

Ms. Sinclair suggested there probably was no one newspaper that would cover completely Island County by the very nature of the County and thought it might be advantageous to think about choosing one central located paper and recognizing that for whatever specific projects that would affect Camano Island, North Whidbey, or South Whidbey specifically consider additional advertising be required.

Commissioner Shelton suggested the Board consider, by policy, approving the additional expense [in addition to publishing in Whidbey News Times] a second publication: for issues related to South Whidbey, in the South Whidbey Record; issues related to Coupeville/Central Whidbey, in Coupeville Examiner; and issues related to Camano Island, in the Stanwood Camano News.

By unanimous motion, the Board awarded the bid for Island County's official county legal newspaper to Whidbey News Times.

The Board agreed to continue current practice that in addition to publishing in Whidbey News Times as the Official County Legal Newspaper, that there be a second publication for a specific geographical issue: for issues related to South Whidbey, in the South Whidbey Record; issues related to Camano Island, in the Stanwood Camano News; and to now also include that for specific issues relating to Central Whidbey, those be published in the Coupeville Examiner.

LIQUOR LICENSES APPROVED

By unanimous motion and based on having received favorable reports from the Island County Sheriff's Department and Health Department, the Board approved four liquor licenses:

- Application for Special Occasion Liquor License #368785 Class GJ by Island Arts Council, 3890 E. French

Road, Clinton [May 7, 1998]

- Application for Special Occasion Liquor License #368785 Class J by Island Arts Council, 5603 S. Bayview Road, Langley [July 10, 1998]
- Special Occasion Liquor License #363790 Class J by Greenbank Farm Management Group, 765 E. Wonn Road, Greenbank [April 25 & 26; May 2, 3, 9, 10, 16 and 17, 1998]
- New Application for Liquor License #081009-1M Greenbank Cellars, 3112 Day Road, Greenbank .

Human Resources- Hiring Requests & Personnel Actions

Dick Toft, Director, Human Services, appeared before the Board as scheduled with two Personnel Action Authorizations for the Board's consideration. After review and discussion with Mr. Toft, the Board by unanimous approved both PAA's, effective today, both in the Public Works Department:

PAA #029/98 Maint. Worker 1A - Reduced Hours, Position 2259.02

Request to allow this particular employee to work 4 days at 8 hours, for a total of 32 hours per week. Should the position become vacant, would revert back to 40 hours per week.

PAA #028/98 Jr. Civil Eng I/Tech III, I – New [interim] Position #2260.01

allowing the Department to bring on an employee skilled in engineering duties and tasks while Bud Fry is out on medical leave.

Public Input or Comments

Marshall Bronson, Chairman, Ebey's Landing National Historic Reserve, opened by introducing Rob Harbour, Director, for a presentation with regard to Ebey's Landing. Mr. Harbour provided two handouts: (1) Central Whidbey's Archaeological Heritage; and (2)

Ebey's Landing Hedgerows Bulletin.

The Hedgerows brochure is a site bulletin that talks about the value both from wildlife and erosion perspectives, as well as the historical story. Mr. Harbour has been talking with the Assistant County Engineer and has come up with a set of mowing procedures for hedgerows to be used this year.

With respect to archaeological damage it is thought to be due to lack of knowledge as opposed to malice and therefore information seemed to be in order and the brochure developed. The brochure tries to stay informational and instruct people in terms of resources, including commonly asked questions. Mr. Harbour was aware that the County adopted a policy in relation to archaeological sites, which he saw as a great move. He proposed to have the brochures available at the County's permit center as an additional way to get information out, and would like to see a copy go out with any building or grading permit that happens in Central Whidbey.

Consensus of the Board: The Board directed Rob Harbour talk to Vince Moore and have a supply of the Archaeological Heritage brochures provided to the Planning Department to be included with permits that are in archaeological sensitive areas.

Consultant Agreement for Negotiations Services:

Lane and Associates, Newcastle, Wa.

Larry Kwarsick, Director, Public Works Department, presented for approval a consultant agreement for negotiations services between Island County and Lane and Associates, discussed with the Board in a past staff session. This is a case where the County's former consultant assisting with negotiations services is now employed with PSE and not available to the County. Through a consultant selection process, the Department has identified this consultant to assist with the work. The Agreement has been approved by both the Deputy Prosecuting Attorney and Risk Management.

By unanimous motion the Board approved and signed Consultant Agreement for Negotiations Services between Island County and Lane and Associates, Newcastle, Wa.

RESOLUTION #C-44-98 (SW-001-98) establishing a returned check fee for the Solid Waste Division of Public Works

Dave Bonvouloir, Solid Waste Manager, presented a proposed resolution to establish a returned check fee for the Solid Waste department, as a result of a recommendation from the Auditor's Office. emphasize over half insufficient checks received are mailed back to the bank and in half of those cases, follow-up is not required. The resolution affects a low percentage of insufficient checks received. Of some approximately insufficient checks, only about 17 to 20 end up having to be turned over to the collection agency.

The Board by unanimous motion approved Resolution #C-44-98, SW-001-98, establishing a returned check fee for the Solid Waste division of the Public Works Department.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ESTABLISHING)

A RETURNED CHECK FEE FOR THE) RESOLUTION NO. C-44-98

SOLID WASTE DIVISION) SW- 001 - 98

OF THE PUBLIC WORKS DEPARTMENT)

WHEREAS, the Solid Waste Division receives dishonored, returned checks each month which sometimes require contact with the customer by phone and/or by mail; and

WHEREAS, it is currently county policy that checks under \$10 may be written off without Board of County Commissioners' approval; and

WHEREAS, it is currently county policy that checks may be referred for collection when payment has not been received within 15 days after a Notice of Dishonor of Check has been sent;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that the Solid Waste Division be allowed to add a \$20 returned check fee when contacting customers regarding dishonored checks. Checks for \$10 or less and their associated returned check fees may still be written off without Board of County Commissioners' approval. Checks and their associated \$20 fees may still be referred for collection if payment in full is not received within 15 days after the Notice of Dishonor of Check has been sent. Notice of Dishonor of Check is attached as "Exhibit A".

ADOPTED this 20th day of April, 1998

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST: Margaret Rosenkranz

Clerk of the Board

NAME: DATE:

RE: Notice of Dishonor of Check

A check drawn by you and made payable by you to _____ in the amount of \$ _____ has not been accepted by _____ which is the drawee bank designated by your check. This check is dated _____ and the number is NO. _____.

A \$20.00 handling fee has been added. The total amount due may be referred to Skagit Bonded Collectors if not paid in 15 days.

You are hereby advised that RCW 62A.3-520 laws of the State of Washington states:

"You are CAUTIONED that unless you pay the amount of this check within fifteen days after the date of this letter is postmarked, you may very well have to pay the following additional amounts:

1. Costs of collecting the amount of the check, including an attorney's fee which will be set by the court;
2. Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and
3. Three Hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are also CAUTIONED that law enforcement agencies may be provided with a copy of this notice of dishonor and the check drawn by you for the possibility of proceeding with criminal charges if you do not pay the amount of this check within fifteen days of the date this letter is postmarked."

Remit \$ _____ in full by money order or cashier check to

ISLAND COUNTY SOLID WASTE

P O BOX 5000

COUPEVILLE, WA 98239

Affidavit of Service by mail

I, _____, hereby certify that on the _____ day of _____, 19_____, a copy of the foregoing notice was served on _____, addressed as follows, _____ by mailing via United States postal service, postage prepaid, at Coupeville, Washington 98239.

Date: _____ Signed: _____

HEARING HELD: Ordinance #C-38-98 (R-15-98), renaming

MISCELLANEOUS COUNTY roads on Whidbey Island

As scheduled and advertised, a public hearing was held at 10:15 a.m. to consider proposed Ordinance #C-38-98 (R-15-

98), renaming miscellaneous County roads on Whidbey Island, proposed as follows:

<u>Existing Name</u>	<u>Road Log No.</u> <u>Mile Post</u>	<u>Description of Road Section</u>	<u>Proposed Name</u>
Unnamed Road (aka 320N)	RL # <u>47666</u>	Entire length (Plat of Muellers Park, NE 31-32-1E)	Cool Wind Court
Second Street	RL # <u>21140</u>	Entire length (Plat of Mutiny Bay Heights First Addn, W part N ½ 22-29-2E)	Mutiny Lane
Unnamed Rd (ptn)	RL # <u>17890</u>	County portion adj. to Lot 17, Plat of Bell's Beach Waterfront Tracts (Plat of Saratoga, NE 19-30-3E)	Bells Lane
Central Avenue (portion)	RL # <u>12420</u>	Portion north of SR 525 (Plat of Clinton, SE 24-29-3E)	Frost Avenue
Melody Lane (portion)	RL # <u>16365</u>	Portion north of Nautilus Rd (Plat of Skyline West #1, NW 36-30-2E)	Cimony Lane
Deer Lake Street	RL # <u>04540</u>	Entire length (Plat of Clinton, SE 24-29-3E & NE 25-29-3E)	Commercial Street
Baker Avenue (aka Anderson Rd, Mt. Baker Ave)	RL #11110	Entire length County portion (NE 3-29-3E)	Anderson Avenue Al Anderson Ave.
East, West, South & North Pinewood Roads	RL # <u>10870</u>	Entire lengths (Plat of Pinewood #1, NW 4-29-3E)	Pinewood Circle
Anderson Road	RL #03030	Entire length (NE & SE 25-29-3E)	Peter Anderson Road
Unnamed Road	RL # <u>13690</u>	Entire length (Plat of Sandy Point, NE 2-29-3E)	Crab Alley
Uplands Road	RL # <u>77970</u>	Entire length (Plat of Camano View Terrace, SW 14-31-2E)	Camano View Road
Lopez Court	RL # <u>06330</u>	Entire length (Plat of Scatchet Head #1, SW 10-28-3E)	Patos Lane
2 nd Street	RL # <u>12510</u>	From Brighton Beach Rd southeasterly to east line of section (Plat of Clinton Beach #1, SE 24-29-3E)	Clinton Beach Place

Unnamed Road	RL # <u>02600</u>	Entire length (Plat of Deer Lake Haven #1, NE 26-29-3E)	Bucktail Lane
Unnamed Road	RL # <u>01985</u>	Entire length (Plat of Lake-O-The-Woods, SW 23-29-3E)	Pineridge Lane
Rowantree Place	None	Entire cul-de-sac (Plat of Campbell's Glen #1, NW 23-29-3E)	Tartan Way
Mull Place	None	Entire cul-de-sac (Plat of Campbell's Glen #1, NW 23-29-3E)	Tartan Way
Unnamed Road	RL # <u>15810</u>	Entire length (Plat of Goss Lake Park #3, SW & SE 31-30-3E)	Traverse Road
E Street	RL # <u>35510</u>	Ptn. west of North Bluff Rd (Plat of Beachcombers Div. #5, SW 33-31-2E)	Scarab Chickadee Drive

Revisions carried over from a prior hearing for consideration today, were by unanimous motion of the Board approved as follows: Baker Avenue/Anderson Avenue in Langley to be renamed to Al Anderson Avenue; Anderson Road in Clinton not be changed; and that E Street be renamed Chickadee Drive instead of Scarab.

PUBLIC INPUT

Those in the audience were concerned about (1) a couple who live on the private portion of Bells Lane, today's proposal is that unnamed road RL 17890 be named Bells Lane, Plat of Bell's Beach Waterfront Tracts; (2) Unnamed Road a/k/a 320N, (Madrona Way, Central Whidbey) in the Plat of Muellers Park, being changed to Cool Wind Court .

Rich Murphy, representing I-COM, explained that proposed name Cool Wind Court for the unnamed road known as 320N was based on a petition returned from residents as their choice.

The portion of an unnamed road off Bell's Beach is proposed to be named Bells Lane, the first part of that road continues on as a private road is already known as Bells Lane; the public portion is proposed to be named Bells Lane to provide continuity with the private road, and the couple here expressed no objection to that – agreeing that the entire road be named Bells Lane.

Once the action occurs, Mr. Murphy confirmed that the County will make proper placement of a sign at Bells Beach Road.

Janet Olsen, who rents the Rachel Colby residence at the end of Lagoon lane, questioned whether the road was a public road having never seen any maintenance done on it. For about 35 years known as Lagoon Lane. Her question was if Lagoon Lane was not satisfactory, why not Twin Lagoon Lane, the area flanked by two lagoons.

Mr. Murphy confirmed it is a public road. Roy L. Allen, County Engineer, stated that the Road Department does do some clearing and brush clearing. Mr. Murphy confirmed too that the "known as Lagoon Lane" was never official. There is already a Lagoon Lane being used in the vicinity. He had no objection to Twin Lagoon Lane, noting that would have to come back to the Board at a future public hearing for consideration of that name, there already being a petition requesting Cool Wind Court.

By unanimous motion, the Board approved Ordinance #C-38-98 [R-15-98] as presented other than the unnamed road aka 320N that that be considered at a future hearing.

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

IN THE MATTER OF RENAMING MISC.) **ORDINANCE NO. C-38-98**

COUNTY ROADS ON WHIDBEY ISLAND) **R-15-98**

)

WHEREAS, the Board of County Commissioners adopted Ordinance No. C-32-96

(Interim 9-1-1 Addressing Policy) which allows the County to address the renaming of roads to avoid confusion; and

WHEREAS, the Board of Island County Commissioners has been requested by I-COM to rename the roads listed on Attachment "A";

WHEREAS, the renaming of said roads as shown would not be duplicating existing road names in Island County;
NOW, THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington:

1. That the County roads listed on Attachment "A" shall be renamed effective 45 days from the date of passage.
2. Island County Public Works shall fabricate and install a road sign to be posted on the effective date.
3. I-COM shall notify, by mail, owners of property abutting on the road of the public hearing date, and the name change, address number change, if any, and the effective date of this ordinance.
4. I-COM shall also notify appropriate agencies of the road/street name change, the effective date, and shall notify appropriate County departments so that County maps will show the changes.

REVIEWED this 6th day of April , 1998, and set for public hearing on the 20th day of April, 1998 at 10:15 a.m..

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Attest: Mike Shelton, Member

Margaret Rosenkranz Clerk of the Board Tom Shaughnessy, Member

ADOPTED this 20th day of April, 1998, after public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member Tom Shaughnessy, Member

Attest: Margaret Rosenkranz, Clerk of the Board

ATTACHMENT "A"

Existing Name	Road Log No. Mile Post	Description of Road Section	Proposed Name
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		NE 2-29-3E)	
Uplands Road	RL # <u>77970</u>	Entire length (Plat of Camano View Terrace, SW 14-31-2E)	Camano View Road
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E Street	RL # <u>35510</u>	Ptn. west of North Bluff Rd (Plat of Beachcombers Div. #5, SW 33-31-2E)	Chickadee Drive

Final Site Plan Review Approval – SPR 176/96, TCI Cablevision

Debra Little, Development Services Manager, presented for Board approval and signature, final Site Plan approval SPR #176/96 by TCI Cablevision, for existing satellite dishes and control center located at 1730 Scenic Avenue, Freeland. The project was granted conditional preliminary approval on October 7, 1996. Application for final SPR was reviewed and staff determined all conditions of approval were met. Ms. Little confirmed staff recommendation of approval.

By unanimous motion, the Board approved Final Site Plan Review 176/96 by TCI Cablevision as presented and recommended.

PRELIMINARY SITE PLAN APPROVAL - SPR 164/97

US West Communications

Stacy Tucker, Assistant Planner, Island County Planning Department, presented for approval preliminary site plan SPR

#164/97 by US West Communications, an application for an unmanned cellular communications tower and four equipment cabinets at 4643 State Highway 525, Clinton, Parcel #R32924-116-3080. The recommendation of the Hearing Examiner is approval with conditions, as outlined in Findings of Fact, Conclusions of Law and Recommendation dated April 13, 1998.

Frank Todd provided the Board with a copy of an easement agreement: #85001819, Agreement Revoking Easement, Creating New Easement for Ingress, Egress and Utilities, Easement for Signs, and Maintenance Agreement. Mr. Todd is an adjoining property owner.

Commissioner Shelton saw this as a matter that raised the question about whether the preliminary site plan can be granted until a determination is made whether this tower would violate the easement, which states in part:

"Todd hereby conveys and quit claims to Holinger/Yu their successors, heirs and assigns a permanent easement for ingress, egress and utilities over, under and across the new roadway easement as described above for the use and benefits of the Hollinger/Yu real property, and restaurant thereon, provided however, the use of the said easement for Parcel "B" shall be limited to service of only one residence on Parcel "B" and for no other purpose. Said easement shall be non-exclusive in nature and may also be used by Todd for his use and benefit."

Ms. Tucker confirmed that issue was raised during the hearing before the Hearing Examiner and was addressed in the Hearing Examiner's recommendation, Page 6, Section VI, as follows:

"There are indications in the file that adjacent property owners believe that US West will not have the legal right to access their site over the easement used by the restaurant. Attorney's hired by US West have given an opinion to US West concluding that they do have the right to use the existing easement. Questions about the scope of easement granted to the restaurant, and, about the right of US West as a lessee of a portion of the restaurant parcel to use the access are not matters to be decided by the Island County Hearing Examiner. These issues must be submitted to the Superior Court for resolution if an agreed resolution between the parties cannot be reached."

Mr. Todd advised that the two-page handout he provided today indicated that the landowners within 300' of the proposed tower site are all against the proposal. There are many other names opposed to this included in a petition that are not within 300' of the proposed tower site.

Debra Little, Development Services Coordinator, reminded this was not a public hearing and that this information is on file; testimony should not be taken at this time.

The Chair suggested this matter be tabled until the issue can be discussed with the Deputy County Prosecutor.

Commissioner Shelton moved to continue the action on preliminary site plan approval SPR #164/97 by US West Communications to May 4, 1998 at 10:45 a.m. to allow time to address the issue of easement agreement with the Deputy Prosecuting Attorney. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

The Chair asked that a full copy of the easement agreement document from the Hearing Examiner's file be provided to the Board.

Board Decision: Appeal #098/98 by Joanne Keefe APPEALING Hearing Examiner's Decision #304/97, VARIANCE APPLICATION, DIANE TINKER

Joanne Keefe, Appellant, filed an appeal of the Hearing Examiner's decision #304/97, granting Diane Tinker, Applicant, a Variance with conditions to allow construction of a garage at 35' from the Maxwellton Road centerline instead of the regulated 50' distance. The Board held a closed record appeal on April 6, 1998.

In accordance with "Procedure To Hear Closed Record Appeals" the Board decision was to be announced at public meeting within 14 days based on the record of the Hearing Examiner's

hearing and applicable laws and the Board's decision to include a vote of individual Commissioners and a brief statement as to the basis for the decision. After the Board's decision, the Planning Director will prepare a written decision for signature by the Board, with a copy of the decision to be provided to the Appellant and project Applicant by the Planning Department.

In regard to Appeal #098/98, appeal of the Hearing Examiner's decision #304/97 granting variance to Diane Tinker for a road setback for construction of a garage, Commissioner Shelton advised the other two Commissioners he had had an opportunity to visit the site and he encouraged that they too have that opportunity. Commissioner Shelton moved that the matter be continued for one week to allow Commissioners McDowell and Shaughnessy an opportunity to make a site visit, the Board's announcement to be continued to April 27, 1998 at 2:50 p.m. Motion, seconded by Commissioner Shaughnessy, carried unanimously. The Chairman cautioned the site visit would not be to obtain new information; only to make what information that has already been submitted more understandable.

Financial Reports and General Comments

Treasurer: Current & YTD Cash Report; County Investment Report & Status

Maxine Sauter, Island County Treasurer, provided the Current Expense Report for March, 1998, summarizing from a written report dated April 13, 1998. The report shows expenditures and revenues pretty much on target, with a cash balance, before reserve, of \$2,337,786, compared to prior year \$1,867,162. There is some \$74 million invested at this time.

Auditor Monthly Review of Revenues and Expenditures

Suzanne Sinclair, Island County Auditor, provided a copy of the Auditor's report for March, 1998, expenditures and revenues for the Current Expense Fund, as well as for other funds. Figures are very close to last year at this time: Revenues 19.9% versus 20.6%; Expenditures 25% versus 24.8%. Revenues for other funds are running within a 10th of a percent, and expenditures are actually running lower than last year. She asked that the Board let her know what kind of information they wanted out of the report. The Chair likes to look at the percentages, (1) comparing to prior year.

Board of County Commissioners Annual Jail Inspection

The Annual Jail Inspection was conducted by the Board beginning at 11:45 a.m.

Presentation: Review AND Briefing ON Planning Commission Recommendation - GMA Comp Plan & Development Regulations

AND RESOLUTION #C-45-98 - ACCEPTANCE OF THE PLANNING COMMISSION RECOMMENDATION RE: GMA COMPLIANCE, PHASE 'A' & 'B'

At 1:30 p.m. as scheduled on the Agenda and the GMA April compliance schedule, the Board received a review and briefing on the Island County Planning Commission recommendation on the GMA Comp Plan and Development Regulations.

Attendance:

County Commissioners: Wm. L. McDowell; Tom Shaughnessy; Mike Shelton

Planning Commission: Rufus Rose, Linda Moore, Bill Vincent, Tom Olsen, Sheilah Crider, and Anne Pringle

Consultant and Planning Staff: Keith W. Dearborn; Emil King; Vince Moore; Donna Keeler; Debra Little; Debby Ross

Audience: Approximately 12 people were in the audience at time of presentation [those individuals known to the minute taker: Don Jewett, Reece Causey, Dick Collins, John Graham, Fred Frei, Sr., Jeanne Hunsinger, Bill Thorn,

Rich Melaas]

Keith Dearborn acknowledged the work of the Planning Commission noting that the Planning Commission began deliberations last Tuesday morning and finished Friday around 11:00 p.m. and down to five members during those deliberations with a fill-in leader last week and the decisions had to be unanimous. He worked with a prior commission in this county for 1-1/2 years in the Eighties, and the issues were a lot easier the first time around. People did not have as strong of an opinion then and saw a lot more "gray". People today have much stronger-held feelings about what has to be done and what cannot be done. He watched the current Planning Commission members reach decisions, and by no means did they accept every proposal that came before them; they rejected a great deal of what was requested. He thought their actions were consistent; followed guiding principles and designation criteria and where they had some doubt erred on the side of being conservative. People who did not present factual information and the rationale for their request those requests uniformly were not recommended. Those who presented factual information in support of their request that the Planning Commission felt had weight, that weight was given and their recommendation was to incorporate that change.

Chairman McDowell was the first to agree that the Planning Commission, a group of volunteers from the community, put in hours on hours over the last several years and absolutely he appreciated their work and devotion to the community. Commissioners Shaughnessy and Shelton echoed those comments. In addition, Commissioner Shelton noted the tenacity required on a volunteer basis to do something that often resulted in personal attacks on what has been done and various accusations yet the members persevered and he was very grateful for that.

PRESENTATION:

On behalf of the Planning Commission, Keith Dearborn made the presentation to the Board. The Planning Commission considered specific amendments to RAID boundaries, about 65 RAID boundary amendments and made some modifications in proposed RAID boundaries; considered 4 more modifications to long term commercial significance AG designations and made modifications to some of those AG designations. Presented to the Board today was the recommendation of the Island County Planning Commission contained in three-page letter to the Board, Attachments, Exhibit A through H, the recommendation follows: [complete copies available to the public]

Based on the findings, attached hereto as Exhibit A, the Planning Commission unanimously recommends that the Island County Board of Commissioners accept the following GMA Comprehensive Plan Elements: All attached hereto as Exhibit B.

- Land Use
- Rural
- Utilities

The Planning Commission further recommends that the following additions and amendments to the Island County Code Chapter 17.02 and 16.25 ICC, attached hereto as exhibit C, be accepted as GMA development regulations to implement the above recommended Comprehensive Plan Elements.

The Planning Commission further recommends that the following amendments to Chapter 16.14C ICC (SEPA) and Chapter 16.19 ICC (Land Use Review), attached hereto as Exhibit D, be accepted to implement Chapters 36.70B and 43.21C RCW.

The Planning Commission recommends that the following designation of Urban Growth Areas, attached hereto in map format as Exhibit E, be accepted to implement Chapter 36.70A RCW.

The Planning Commission further recommends that the future Land Use Map, attached hereto as Exhibit F, be accepted to depict the land use classifications identified in the land use and rural Elements of the Comprehensive Plan and the zoning classifications contained in the amendments to Chapter 17.02 ICC.

The Planning Commission recommends that these proposed Plan Elements; the proposed new and modified code chapters; and the Urban Growth Area and future land use maps be used as the basis for the completion of the remaining GMA Plan Elements and development regulations; be further reviewed for consistency with designation criteria and the remaining GMA Plan Elements; and after modifications and corrections, ultimately enacted, with Phase B Plan Elements and regulations, as official GMA Comprehensive Plan Elements and Development Regulations for Island County.

The Planning Commission further recommends that ICC 17.02.107, 17.02.110A, 17.02.150M and related definitions contained in 17.02.030, all attached hereto as Exhibit C, be accepted as amendments to the Island County adopted GMA Critical Area regulations for wetlands and that the Board consider implementing these amendments immediately.

The Planning Commission further recommends that ICC 17.02.107, 17.02.110C and related definitions contained in 17.02.030, all attached hereto as Exhibit C, be accepted as GMA Critical Area regulations for Fish and Wildlife Habitat Conservation Areas and the Board consider implementing these amendments immediately.

The Planning Commission further recommends that ICC 17.02.080 and Chapter 16.25 ICC attached hereto as Exhibit C, be accepted as amendments to and replacement for Island County's prior action to designate and protect GMA Resource Lands of long term commercial significance pursuant to Chapter 36.70A RCW.

The Planning Commission makes these recommendations after considering testimony received at public hearings, written comments received during the public comment period, written comments received by State and Federal agencies and the Swinomish Tribal Community; and the recommendations offered by the Department of Planning and Community Development, the Health Department, the Public Works Department and the WSU/Island County Cooperative Extension Service.

The Planning Commission further recommends that the following work activities and calendar, attached hereto as Exhibits G and H, be completed for Phase B of the Island County GMA compliance activities and that a new composite SEIS combining the prior DEIS; prior SEIS and with more detailed comparative analysis be prepared for public review concurrent with the review of Phase B Plan Elements and development regulations.

The Planning Commission further recommends that Phase A work activity be available for continuous public review until the completion of Phase B. However, the Planning Commission does not intend to revise its Phase A recommendations unless Phase B identifies the need to do so or the Board forwards a request for reconsideration.

EXHIBIT LOG

Exhibit A	Findings
Exhibit B	Plan Elements-Land Use, Rural, Utilities
Exhibit C	Island County Code, Chapters 17.02 and 16.25
Exhibit D	ICC Amendments to 16.14C (SEPA) and 16.19 (Land Use Review)
Exhibit E	Map of Urban Growth Areas
Exhibit F	Land Use Map
Exhibit G	Phase B Work Activities
Exhibit H	Calendar

Further, as noted by Mr. Dearborn, there are four sub-area maps were posted on the wall during the presentation,

showing graphically the changes the Planning Commission recommends be made to the Land Use Maps, marked in three colors:

Black = additions to RAID boundaries recommended

Red = deletions in RAID boundaries recommended

Blue = modifications in the AG Resource designations recommended.

He then briefly described the Attachments:

Exhibit A Findings of Fact in support of the recommendation of the Planning Commission [about 28 pages in length; 115 findings

in terms of the recommendations being presented]

Exhibit B Comprehensive Plan Elements: Land Use Element; Rural

Element; and Utilities Element

Exhibit C Implementing Regulations that would implement changes that

would be needed in the Zoning Code to carry out the Plan

Elements, ICC 17.02, and a new chapter 16.25 AG and Forest

Protection Ordinance, appropriate and needed to provide further

protection to agriculture and forest lands beyond what is

proposed in the Zoning Code

Exhibit D ICC Amendments to 16.14C (SEPA) and 16.19 (Land Use Review).

Exhibit E Maps of Urban Growth Areas and Transition Areas –

recognize now for purposes of further review with the cities,

showing UGA boundaries for each city, the transition area

boundaries for each city, as well as for Langley and Oak Harbor

the proposed 50/50 split population boundary to be accommodated in cities, and shows the joint planning area proposed by each city for coordination of planning activities

Exhibit F Land Use Map [not proposing to confirm the Atlas Maps at this time, the detailed 1 to 200 scale maps that will be the final basic

reference document of the County when final action is taken]

Exhibit G Phase B Work Activities [beginning with the list considered at workshop, expanded substantially based upon work identified

not yet complete, issues the Planning Commission needs more

guidance on and more time to develop].

Exhibit H GMA Compliance Schedule, May through August, 1998

Recommended revisions to the work schedule for completion

of Phase B work and have a proposed change in the GMA

Compliance schedule to carry that work out.

With regard to the Concurrency Ordinance, Chapter 16.26, the Planning Commission recommends that work be continued and has no specific recommendation regarding that ordinance today. The Commission made further modifications in Fish & Wildlife and Wetlands and recommend that those be adopted as amendments to the County's critical area ordinance on Wetlands and ask that the Board consider adopting those in the near term rather than waiting until the end of Phase B process.

The Planning Commission requests further guidance from the Board on the boundaries for Freeland and Clinton RAIDS. Many people suggested those boundaries should be water district boundaries and recognizing the Board's tentative decision that the water district boundaries would be the study area for those UGAs the Planning Commission did not feel it was appropriate to recommend specific changes now.

Also, the Planning Commission recommends modifications to resource land designations contained in the Plan and 17.02 be considered as amendments to the County's previous action on designating resource lands 1992.

Mr. Dearborn made it clear that the Planning Commission is not suggesting the Board adopt the materials forwarded, rather to accept those materials for purposes of Phase B review, with the exception of Wetlands and Fish & Wildlife Habitat areas. The public should feel free during the balance of the work to continue to comment on Phase A documents; but unless there are changes that need to be made due to consistency questions when Phase B documents are reviewed, or are matters that have already been identified that need to be addressed, the Planning Commissioners will not revisit Phase A work unless the Board expressly asks them to. Except for matters that have been noted the believe they are finished with Phase A work activities and ready to turn their attention to Phase B. The Commission recognizes there are things in Phase B process that will require revisiting Phase A, such as transportation planning. There is further review to be done on a number of other components of the Plan, such as the Shoreline Master Program that may also lead to further consideration of land use designations. To date, the Planning Commission feels that affordable housing has not been given its due attention, and that too may require reassessment of land use designations. Mr. Dearborn acknowledged too that there would mistakes and oversights found and Phase B process will allow time to make sure those are caught and corrected. Some of the specifics the Planning Commission has identified they wish to return to: specific RAID boundary areas; resource lands questions; some uses particularly in the Residential zone they wish to revisit as part of Phase B work activity.

Mr. Dearborn used overhead graphs to describe the changes being recommended by the Planning Commission to the documents that went out for public review in March. Every single change is a change that has been made in response to specific comments and for every change the Planning Commission considered they knew specifically who asked for that change.

MAJOR CHANGES

Rural Residential Zone

Guest Cottages Limited

Bed & Breakfast Inns expanded in size

Home Industry expanded in size

Country Inns permitted

Small Scale Recreational and Tourist Uses

PRD Density Bonus reduced from 100% to 50%

PRD Open Space increased from 30% to 75% with density bonus

Lot averaging permitted

Response to Public Review Comments

Added about 3,700 acres [or a 5% increase] by reducing the size of RAIDs

after considering the Health Department recommendations, comments from the general public and a further review of the RAID development potential that would be available if those boundaries were established.

Restored and Modified the Accessory Use options

In response to request of the Property Rights Alliance

Broadened Permitted Agricultural and Forestry Uses

In response to a number of farmers and foresters who are not in rural Ag and

rural forestry but wanted to make sure they had the same opportunities and the same rights to use of the property; also in partial response to comments from the Coalition to assure that small scale Ag and forestry was on an equal footing with large scale Ag and forestry

Residential Zone

The Residential Zone corresponds to RAIDs. Staff proposed that the Residential RAID boundaries be treated as a R zone but there is confusion by doing that with the old R Zone, because this is a different zone applied to fewer acres of land than the existing R. There may be a need to come up with a different name than the R zone.

Duplexes & Triplexes eliminated

Note – the Interim Application Procedures Ordinance does not allow acceptance of those applications

Second residences eliminated

PRDs eliminated

Lot averaging permitted

Guest cottages permitted

Conditional uses limited to temporary uses

Responses to Public Review Comments

Reduced the area zoned residential by 3,700 acres [or a 25% decrease]

Added accessory uses [some remain to be discussed, such as the size parcel that large animal husbandry can be conducted on]

Expanded permitted temporary uses

Rural Agriculture/Forest Zones

Guest cottages limited

Dwellings for farm workers permitted

TDRs eliminated

One lot/10 year option (Earned Development Units [EDUs])

PRD provides 100% bonus with 75% PRD resource reserve

Response to Public Review Comments

Eliminated PRDs

The Coalition and others expressed concern about having both PRD and the 1 acre options. No farmer had expressed strong desire to have both options and the Planning Commission recommends deletion of the PRD option.

Added surface mining as a conditional use Require a 10-year Farm/Forest Development Plan

Permit EDUs to be used on any land owned by farmer or forester Proposal presented in Workshop by WSU Cooperative Extension on farmer or forester plan and earned development units are proposed as a recommendation from the Planning Commission. Under this proposal the EDU could not be used unless there is a farm or forest management and development plan approved by the Board of Commissioners and commit the farm or forest property for 10 years in the farm or forest use before the EDUs could be used. EDUs also could be used not only on the farm or forest property, but also on RR property that the farmer may own at the time

the plan is approved. Those other areas would have to be identified and approved by the Board for use of EDUs as a part of approving the Farm & Forest Management Plan. Cooperative Extension would be the agency responsible for providing the Board with expert assistance and recommendations on each property owners' farm or forest development plan. Expanded area zoned Rural Agriculture by 722 acres (or a 9% increase) [all comes from reducing the resource AG category] Modified designation criteria so that DNR classified Rural Forest only so long as managed for commercial forestry [at DNR's request] Clarified impact of zoning designation on lots smaller than 20 acres to make it clear that if one of the smaller lots is sold and no longer have a 20 acre parcel that property is no longer eligible for that classification.[issue raised by a number of the smaller property owner]

Resource Agriculture Zone

One lot/5 year option (EDUs)

PRD provides 300% bonus with 75% PRD resource reserve

Response to Public Review Comments:

Eliminated PRDs

Added surface mining as a conditional use

Require a 20-year Farm/Forest Management Plan

Doubled the number of EDUs a farmer may use

Permit EDUs to be used on any land owned by Farmer or Forester

Recognizing it is a 20 year commitment the Planning Commission wanted to make sure that the farmer has true incentives to be in the resource category. On the list of issues are the rest of the recommendations that came from Cooperative Extension. The Planning Commission felt Don Meehan had touched on the issues of concern to them about making farmers profitable, and the Commission wanted to see the County take actions to help ensure more is being done than just saving the land, but also saving the farms.

Reduced the area zoned Resource Agriculture by 827 acres (or a 29% decrease)

Considered a number of property specific recommendations. There were a couple the Planning Commission considered not presented at the workshop, one included and one not included.

- Non Residential Zones
- Floating zone eliminated
- New zones for existing areas of more intensive development
- Eliminated existing area zoned Non-Residential that is not developed

All existing NR land in the county outside of RAID boundaries not developed is proposed to revert to either R, RR, AG, or FM zone [underlying zoning]. The Planning Commission considered a few specific requests for existing areas to be expanded that are NR RAIDs today and clarified the Elger Bay RAID [Camano Island] which had both R and NR uses in it but not called a mixed use RAID in the proposed listing of RAIDs in the Plan. Otherwise, there are no further changes in the NR area since that is all work to be completed in Phase B.

Response to Public Review Comments

A number of changes in uses the Planning Commission believes appropriate and want to recommend include:

- **Bed and Breakfast**

Exterior expansion of a home for B&B now permitted

Existing code does not permit either and the Commission feels based on public comment from Public Rights Alliance received both should be allowed.

- **Home Occupation**

Expanded permitted size -

- **Home Industry**

Adjusted minimum lot size to match number of full-time non-family employees.

A sliding scale on lot size that matches the number of employees. Existing code

permits two full time employees on 2-1/2 acres; the Commission think that provisions should remain in effect but if 5 or more full time non-family member employees the home industry should be 5 acres or more.

- **Guest Cottages**

Allowed rental of guest cottage. A number of people responded in comment letters and at public hearings with the desire to allow rental of guest cottages. The Planning Commission recommends the Board consider modify existing code to permit that, believing in part that would help with the issue of affordability.

- **Critical Areas**

Eliminate exemption for new agricultural uses in wetlands. Specific

exemptions recommended for Public Works projects and that those exemptions apply and be available to any agency, not just the County Allowed shoreline wetlands to be classified as A or B wetlands depending on type. Functions of the wetland result in the classification it is given.

SEPA 16.14 Modification recommended to the section. Conform ordinance to WAC adopted in November on the use of existing regulations rather than create a special process. Based on concerns of the Coalition and the Public Works Department, recommending that the exemption proposed for 12,000 sq. ft. NR structures be eliminated for now. The Coalition's concern was it left the impression those kinds of buildings could be built in the Residential zone which is not the case. Public Works' concern was it would eliminate their ability to collect road mitigation fees commonly called "impact fees" for NR work which they have been collecting for a number of years, which has led to traffic signal financing on 525 as an example. Also the Planning Commission recommends that the 500 yd. exemption not be deleted.

Land Use Review Process

Changes recommended in response to a number of comments received during the public process:

Established clear deadlines for permit approvals by class

Allowed appeals to the Board by Applicant only for Type I permits [property

Rights Alliance Request] (these permits are mostly ministerial but

affect small people and those people ought to have the ability to have a forum

in the County)

Limited mailed notice requirements [reduced to 300' and that the project that get

mailed notice be reduced and that published notice be substituted for some of

those mailed notices]

Continued published notice requirements

LAND USE DISTRIBUTION COMPARISON

Residential Zone Rural Residential Zone

Acres Lots Acres Lots Acres Lots Acres Lots

Parcel Size Team Draft PC Recommendation Team Draft PC Recommendation

Less than 5 acres	12,875 22,835	9,166 16,877	24,845 16,177	28,554 22,135
5 to 10 acres	725 96	717 95	18,840 2,222	18,848 2,223
10 to 20 acres	470 33	441 31	14,810 934	14,839 936
20 to 40 acres	430 16	485 18	11,690 361	11,635 359
40 to 80 acres	--	--	2,610 46	2,610 46
Greater than 80	--	--	2,480 19	2,480 19
Total	14,500 22,980	10,809 17,021	75,275 19,759	78,966 25,718
Average Parcel Size	0.6 acres	0.6 acres	3.8 acres	3.1 acres

Staff is working on more graphics to update the presentation materials for all categories. The most significant change being recommended by the Planning Commission can be shown and seen on the maps as the major changes in RAID boundaries.

Mr. Dearborn thought the Planning Commission had given careful consideration to comments received. There is more work to do but he thought the Board should consider this an historic step in the course of the work. When the Planning Commission finished on Friday, staff was offered the opportunity to advise the Planning Commission of any differences in view in terms of the recommendation to the Board, and staff concurred in the recommendation being made by the Planning Commission. That in itself is an historic step; the fact there is a recommendation is a significant step; the fact on schedule with that recommendation is an historic step. The true significance will be 15 years from now with a new board, public and new set of state laws, all asking the question whether what was done now still makes sense, and there is a legacy of commitment and a factual information record that can be retrieved to support the ultimate recommendations.

The Planning Commission is now going through an internal process of writing down the things they think need to continue to be worked on. That list he thinks will be very small.

PUBLIC COMMENTS

Even though this was not a public hearing, the Chairman asked for comments from Planning Commission members and provided an opportunity members of the public in the audience to make comments on the presentation.

Rufus Rose, Chairman, Island County Planning Commission, expressed appreciation for the Planning Commission having finished this part of the work in his absence.

Linda Moore, Member, Island County Planning Commission, observed two things that had enabled the Commission to make so much progress: the Board's involvement plus coming back continually to the facts of what was happening on the ground with the land itself as well as the processing administratively.

John Graham, spoke for himself since the Coalition had not had time to address this. He was pleased the process was moving ahead and agreed that the Planing Commission had worked extremely hard and deserved the credit. He did say that the Coalition would look at all the times that something was "adopted" as recommended by the Property Rights Alliance. They did not see much included in the direction suggested by the Coalition. He thought it was very good that the information presented by the Public Works Department and the Health Department had been taken into account

resulting in a 25% decrease in the size of the RAIDs; the Coalition would have thought something about twice that would be in order.

The biggest problem from what he heard today related to Rural Ag and Rural Forest, Mr. Graham believing it went in the direction by scraping the PRDs and inventing the EDU which he saw as a sort of " TDR lite" and so no worth at all in terms of protecting resource lands to have it last only at the most 20 years. He did not believe the Growth Management Hearing Board would for a moment entertain the idea that a 20 year protection plan satisfies the State law for preserving resource lands. A PRD option is a very good idea. Farmers can understand and deal with it and it provides protections, buffers, etc. It also provides some bureaucracy and constraints he thought the Planning Commission rejected it because the EDU and the Farm Development Plan presumably would have less significant constraints and 10 years in one case and 20 the other are virtually insignificant.

The Coalition is trying to look ahead, not 20 years as the law requires, but 200 years, looking at great great grandchildren and their great great grandchildren. A Plan that deals with the resource lands in a 20 year time span he thought was grossly inadequate; the biggest single objection is it is completely inadequate. Having served on the Heritage Lands Task Force he was acutely aware farm and forest problems and acutely sensitive to trying to cure them but he did not think this was the way to do it, rather that PRDs and TDRs were.

He was glad to see that the NR Floating Zone was eliminated. In terms of uses, with regard to allowing rental of guest cottages, he thought that would be an open invitation to abuse and a mistake to permit. With regard to Critical areas there were some small improvements made although he wanted to look at the details. In terms of SEPA and the review process, he suggested that allowing appeals by the applicant only was a gross slap in the face of many citizens who deserve an equal right to complain or object to a Type I applications, and limiting notices bordered on the insulting.

Mr. Graham confirmed that the Coalition wanted to play a positive role and he hoped the Planning Commission and Board had had an opportunity to read the Coalition's Plan. The Coalition's Plan reflects a lot of work from all around the country on what to do with resource lands, and he offered to make available to the county all the information collected from the Farmland Trust which could help Don Meehan with these issues. The Coalition is not a special interest unless wanting the land, the rural character to stay for great great

grandchildren.

Sheilah Crider, Member, Island County Planning Commission, recognized and thanked staff who stayed hours and weekends and did a tremendous job. On behalf of the Planning Commission she thanked the Board for giving the Commission Mr. Dearborn as the coach and putting forward the effort through the Planning Department to get us where we are today so that in August the County has a very reputable Plan everyone will be proud of.

BOARD DISCUSSION/COMMENTS

Commissioner Shelton recognized the tremendous amount of work and effort the Coalition put in to create their plan. He sometimes feels that the community is being led to believe that the Coalition was not listened to or there is a Plan developed by the County had not incorporated anything that the Coalition desired. He recalled having said during the last campaign that his opinion, in terms of development of a GMA Comp Plan, was that it had to be as fair as it possibly could be to the largest number of people within the confines of growth management. He personally believes that the Plan represents that. The Plan does not give everything to the environmental community it would like, nor does it give everything to the land owners they would like. The County's Plan as presented by the Planning Commission he believes is a Plan to get at the basic attitude of fairness to everyone in the County. He recognizes the difference between a PRD and a EDU and whether those are grossly different or not, depends upon how it is perceived. He perceives there are a multitude of resource AG people in Island County who do not intend to exercise EDUs on Resource AG land but to instead exercise EDUs on land they own in the existing Rural Residential area. The thing he wanted community to recognize is that the County's Plan is not business as usual; there has been significant cost to landowners in the adoption of the Comp Plan.

Commissioner Shaughnessy thought Commissioner Shelton's last statement important, there has been significant cost to the landowners within the County. The Board fully realizes that and the impact. Those people have owned the

property for a long time and have been paying taxes on the property for a long time, and for the most part, should have the ability to do as they wish within reason. That to him is the biggest impact.

Chairman McDowell on behalf of the Board stated that the Board thought very highly of the work done by staff especially over the last few months; the work had been very time-consuming and difficult, and staff did a fine job.

In response to what Mr. Graham said was the Coalition's biggest issue, the Chairman mentioned that the 1 acre EDU was a subject he thought had been made very clear by Don Meehan as far as what should be saved in the County, recalling Mr. Meehan having said "...we are not all about saving the land per se' but saving the farmer who does something with the land". Therefore it seemed to him the way to preserve the farmer would be for the government somehow to interact in that process by allowing them to create some financial worth, i.e. creating a 1 acre lot should they need to sell at some future point in time would provide some financial incentive to the farmer. That would seem to be the kind of real financial benefit that would allow the farmer to stay in business over the years and preserve that lifestyle and preserve the farm land.

Keith Dearborn drew attention to the additional work items listed in Exhibit G, Work Activities for Phase B, and specifically reviewed/summarized a few of those items.

The plan, proposed by Don Meehan, Extension Agent, WSU Cooperative extension, he did not think that in opting for that approach rather than PRDs, the Planning Commission thought for a moment they were somehow making things easier for a farmer or forester. Cooperative Extension with the Sherman Farm volunteered now before adopting an approach, to bring forward a prototype plan for the Sherman Farm that will show the number of EDUs they would get, how EDUs would be used, what lands the EDUs would be applied to, and the terms and conditions in terms of use of the EDUs as well as conditions they expect from the County to keep them as farmers in Central Whidbey. That could come in the form of drainage improvements or drainage diversions to allow their farming to be more productive. [proposed to come to the Planning Commission the end of May].

There are several RAIDs the Planning Commission specifically identified for which they want more information and review again: West Beach, Bonnie View and several others that need to be looked at again, as well as get more guidance from the Board with regard to Freeland and Clinton. There are some AG designations the Commission want to reconsider, feeling that some of the information received from Camano farmers was not complete enough. Don Meehan has been asked to meet with those farmers and develop with them more factual information to determine if they fit in the long term category; the same with the Fakkema Farm on North Whidbey.

Duplexes/Triplexes and Multi-family – the Planning Commission wants to revisit as a part of Phase B work when they look at the housing element.

The Commission feel the kind of heightened stronger regulation for storm water and slopes in the dense residential zones is a subject that needs to be revisited.

Fish & Wildlife/Wetlands. Wetland recommendations are finished until the Growth Board is finished in May. The County is under an order from the Growth Board to adopt by June 23rd and recommending the wetlands changes, all of which respond directly to WEAN's issues in the Growth Board appeal, that the Board consider adopting those now and consider adopting Fish & Wildlife Regulations as soon as possible to go into affect as critical area regulations as well, but not take action on Fish & Wildlife work until the inventory has been completed. Inventory work on steep and unstable slopes is being done as well. Both inventories will be available for the Board's review in workshop on May 15.

Public Process and Involvement. Over 270 citizens attended public hearings or community workshops; 476 letters or green sheets filed; 1,000+ went to the home page to review the Plan and Development Regulations. Materials from today's presentation will be on the web site by 4:00 p.m. today. Copies of all documents were made available here today for the public.

Donna Keeler mentioned that the media had been tremendous in its efforts, noting there were articles two or three times a week which she thought played a strong role in getting the word regarding the Comp Plan.

BOARD ACTION:

Although Commissioner Shelton questioned the Resolution title including Phase "B" and suggested that be eliminate, and initially Mr. Dearborn agreed, Rufus Rose was not sure it

was correct to drop "B" from the Resolution since page 2 talks about Phase B; Phase B is a continuation of this work. With regard it Item #2 on page 2, Mr. Rose wondered if some reference to the dates Phase B is anticipated to be accomplished would be appropriate to include.

Mr. Dearborn agreed those were good points. He suggested that in the last paragraph beginning BE IT FURTHER RESOLVED, on page 2, the Board is accepting the Planning Commission recommendations on the scope of work and schedule for Phase B, and therefore appropriate to insert a time period. Phase B public review is scheduled to begin on June 15,

Phase B work activities start effectively when the Board determines to accept Phase A work. If Phase A work is accepted today, there is no need to hold hearings on May 6, 7 and 8 [or workshop April 24]; and Phase B work activities would start up.

Commissioner Shaughnessy, referring to the maps posted today, the map for the North end of Camano Island, , wondered about the opportunity to look closer at the maps in the near future to really get a sense of exactly what is being proposed.

Mr. Dearborn stated that the Board and public would have that opportunity. The maps will be corrected with the changes, if accepted today for purposes of further review, and the maps in

modified form will be available for public review. The Planning Commission has their own list of modifications they have already identified to consider and are asking the Board if there are more changes. Absent being asked by the Board to reconsider an issue that has effectively been decided, the Planning Commission does not plan to return to that issue except when there is a need to deal with consistency between Phase A and Phase B work. At request of staff the schedule gives staff substantially more time between the public process and the beginning of deliberation by the Planning Commission to get all notes, comments and issues organized. Planning Commission and staff recommend that this SEPA review period, another 30-day period, beginning on June 16, 1998, include an SEIS that includes the previous environmental documents in one document [the first Draft EIS, second Draft Supplemental EIS and the third Draft Supplemental EIS all be combined in one document for public review].

Commissioner Shelton moved that the Board approve Resolution #C-45-98 [PLG-007-98] in the matter of acceptance of the Planning Commission recommendation referencing GMA Compliance Phase A and B, including the words on page 2 in the last Be It Further Resolved paragraph, before (Exhibit H) "including a public review process beginning June 15, 1998". Motion, seconded by Commissioner Shaughnessy, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ACCEPTANCE)

OF THE PLANNING COMMISSION) RESOLUTION C- 45-98

RECOMMENDATION RE: GMA) PLG-007-98

COMPLIANCE, PHASE "A" & "B")

_____)

WHEREAS, Island County has divided public review of the Growth Management Act (GMA) Comprehensive Plan and Development Regulations into two phases; and

WHEREAS, public review of Phase "A" plan elements and implementing Development Regulations commenced on March 9, 1996 and was completed on April 9, 1998; and

WHEREAS, the Planning Commission has reviewed public and agency comments received during the Phase "A" public review process in its deliberations on April 14 & 15, 1998, and considered amendments to the land use, rural and utilities elements of the Plan and Chapters 16.14C; 16.19; 17.02; and, a new Chapter (16.25) of the Development Regulations; and

WHEREAS, the Planning Commission has recommended that the Board of Island County Commissioners accept for the purpose of further review in Phase "B", these plan elements and Development Regulations with proposed modifications(Planning Commission Exhibits A-H); NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Board of Island County Commissioners as follows:

1. The Comprehensive Plan land use, rural and utilities elements dated April 17, 1998 (Planning Commission Exhibit B) and implementing Development Regulation amendments to Chapter 17.02 ICC and new Chapter 16.25 ICC, (Planning Commission Exhibit C) are hereby accepted as GMA Comprehensive Plan elements and Development Regulations; and
2. The Future Land Use Map dated April 17, 1998 (Planning Commission Exhibit F) is hereby accepted to illustrate the land use and rural elements and the zoning classifications set forth in the amendments to Chapter 17.02 ICC; and
3. The urban growth and transition areas set forth in Planning Commission Exhibit E of the Planning Commission's recommendation are hereby accepted as urban growth areas under RCW 36.70A.110; and
4. The amendments dated April 17, 1998 to Chapters 16.14C and 16.19 ICC (Planning Commission Exhibit D) are hereby accepted to implement Chapter 36.70B RCW; and.
5. The Planning Commission's Findings in support of it's recommendation (Planning Commission Exhibit A) are also hereby accepted.

BE IT FURTHER RESOLVED by the Board of Island County Commissioners that the above referenced Plan elements; Development Regulations and maps be used as follows:

1. That the land use and rural elements; proposed zoning classifications contained in Chapter 17.02 ICC; and, land use and urban growth areas maps be used as appropriate to prepare the revised Transportation element, revised Capital Facilities Plan; revised Parks and Recreation element; the Housing element; the Natural Lands element; the Shoreline element and Phase "B" Development Regulations; and
2. That these plan elements and development regulations be reviewed in Phase "B" to ensure consistency between plan elements and development regulations; and
3. That, after modification and correction, Phase "A" Plan Elements and Development Regulations be enacted with Phase B Plan Elements and Development Regulations as Island county's GMA Comprehensive Plan and Development Regulations.

BE IT FURTHER RESOLVED by the Board of Island County Commissioners that the public is invited to continue to review Phase "A" Plan Elements and Development Regulations but, that, unless consistency changes are needed or reconsideration is requested by the Board, the Planning Commission consider Phase "A" work activity completed.

BE IT FURTHER RESOLVED by the Board of Island County Commissioners that the Planning Commission's proposed Phase "B" work activities (Exhibit H), including a public review process beginning June 15, 1998, and

Compliance Schedule (Planning Commission Exhibit G) are hereby accepted and adopted to complete Island County's implementation of the Growth Management Act.

ADOPTED this 20th day of April, 1998.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. "Mac" McDowell, Chairman

Tom Shaughnessy, Member

ATTEST: Margaret Rosenkranz Mike Shelton, Member

Clerk of the Board

LAND USE STUDY COMMISSION

Because of the current Planning Commission schedule, Rufus Rose noted he had been unable to attend the on-going Land Use Study Commission meetings. He urged that the Board have a representative from Island County attending all those Land Use Study Commission meetings. He provided for information a copy of the schedule for tomorrow's meeting.

EXECUTIVE SESSION

Chairman McDowell at 3:00 p.m. announced that the Board would meet in Executive Session for the purpose of discussing with legal counsel pending litigation as allowed under RCW 42.30.110(1)(i). He anticipated the Executive Session to last approximately 30 to 45 minutes, and did not expect the Board to return to open public session on completion with any announcement or action.

There being no further business to come before the Board, the meeting adjourned at 3:45 p.m. The next regular meeting is scheduled for April 27, 1998, beginning at 11:00 a.m. [Special Session scheduled for April 24, 1998, beginning at 9:00 a.m. for a for a workshop on the GMA Comp Plan and Development Regulations has been canceled].

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest:

Frank Todd provided the Board with a copy of an easement which I think might have some impact upon this matter

Margaret Rosenkranz, Clerk of the Board