

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - NOVEMBER 9, 1998

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 9, 1998, beginning 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. Minutes from previous meetings were approved by the Board and signed: September 8 Special Session; September 14 Regular Session; and September 21 Regular Session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.):** #37471 - #37705..... \$ 276,317.20.

GRANT AWARD -- SHERIFF'S OFFICE FROM U. S. DEPARTMENT OF JUSTICE

Action: to be reviewed with the Board during today's budget workshop beginning at 1:30 p.m.

Hiring Requests & Personnel Actions

By unanimous motion, after having received a presentation and review from Dick Toft, Human Resources Director, the Board approved two PAA's, both effective this date:

Department PAA# Position Action

Human Res. 096/98 Office Assistant 2303.00 Extend by 2 hrs. day until 12/30 Public Works 097/98 Plans Ex./Fire Insp. 410.00 New Position

Employee Service Awards

Employee Ann. Date # Yrs Dept.

Dan Jones 10/10 10 Assessor

Jack Taylor 10/9 20 Public Works

Paul Messner 11/1 25 Maintenance

Glenda Ward 11/23 5 District Court

Errol Ortego 11/14 10 Sheriff

Karen Torbergson 11/17 10 Superior Court

EMPLOYEE OF THE MONTH – OCTOBER, 1998

Ron Becker (Public Works - Camano Road Shop)

NORTHWEST WASHINGTON PRIVATE INDUSTRY OUTSTANDING

EMPLOYER AWARD WINNER FOR 1998

Chairman McDowell announced that Island County was selected as the Northwest Washington Private Industry Council Outstanding Employer Award Winner for 1998, recognized as an exemplary employer in this regard, the first time a county has received this award. In letter of notification from NW PIC October 19, 1998, Gay Dubigk, Executive

Director, commented:

Through the efforts of the Human Resources Director, Dick Toft, and the many supervisors who provided the day-to-day training and supervision, Island County has worked with over fifty Private Industry Council trainees, particularly in the Summer Youth Internship program, to provide a learning-rich work experience. Trainees worked in a variety of county departments, and included all ages in a number of different programs.

RESOLUTION #C-144-98 ADOPTION OF REVISED SECTION 457

DEFERRED COMPENSATION PLAN

Dick Toft explained that in August of 1998, the Small Business Job Protection Act was approved including a number of items under that Act, caused a re-visiting of the County's plan in place since 1987. He presented the Board with a resolution to modify and bring the County's plan up to date with existing laws. The Board, by unanimous motion, approved Resolution #C-144-98 as presented and recommended by Mr. Toft.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

ADOPTION OF REVISED SECTION)

457 DEFERRED COMPENSATION) Resolution No. C- 144 -98

PLAN _____)

WHEREAS, this Board heretofore established a Deferred Compensation Plan (the "Plan") on October 12, 1987; and

WHEREAS, this Board desires to amend the Plan to conform with changes in the federal law brought about by the Small Business Job Protection Act of 1996 (the "Act") requiring that, within the time prescribed by such Act, eligible deferred compensation plans established and maintained by governmental employers be amended to provide that all assets of the plan be held in trust, or under one or more appropriate annuity contracts or custodial accounts, for the exclusive benefit of plan participants and their beneficiaries; and

WHEREAS, it is also the desire of this Board to amend the Plan in order to provide employees with certain other advantages brought about by the Act, including indexed limitation of deferred amounts and certain elections with respect to the commencement of distributions under the Plan; NOW, THEREFORE,

BE IT RESOLVED that effective this date, except as otherwise provided, that the attached Island County Deferred Compensation Plan (Revised Nov. 1998) is adopted.

DATED this 9th day of November, 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

(Note: copy of the Island County Deferred Compensation Plan Revised November 1998 has been placed on file with the Clerk of the Board)

CONTRACT ENDORSEMENT: AMENDMENT TO HARTFORD

DEFERRED COMPENSATION PLAN

Mr. Toft presented as a follow-on action, Contract Endorsement issued as part of the contract with Hartford Insurance Company to modify the deferred compensation plan administered for Island County. As a result of legislation passed into law on August 20, 1996, several changes were made for plans operating under IRS 457, most involve placement of funds set aside under the program into a trust custodial fund for the exclusive benefit of plan participants and their beneficiaries. Other changes include increasing the amount that can be set aside and indexing it for inflation as well as changes affecting withdrawal provisions and distribution dates.

By unanimous motion, the Board approved Contract Endorsement with Hartford Deferred Compensation Plan as presented and recommended.

Resolution #C-146-98 Cancellation of Warrants

As is the custom each year at this time, the Auditor again provided to the Board in resolution format, request to cancel warrants not presented within one year from the issue date, Exhibit A listing the specific warrants to be canceled. By unanimous motion, the Board approved Resolution #C-146-98 in the matter of cancellation of warrants.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF)

CANCELLATION OF WARRANTS) RESOLUTION C-146-98

WHEREAS, RCW 39.56.040, provides for the cancellation of warrants not presented within one year of the issue date, and

WHEREAS, the warrants listed in Exhibit A have not been presented for payment and have been outstanding for more than one year, or the issuing fund or department has requested the cancellation, and

WHEREAS, effort to contact the recipients have not resulted in presentation of the warrants, or an affidavit to request issuance of replacement warrants, and, **NOW THEREFORE**

BE IT RESOLVED, that the warrants listed in Exhibit A are canceled. The County Auditor and County Treasurer, by copy of this resolution, are directed to take action to transfer all records of such warrants so as to leave the funds as if such warrants had never been drawn.

ADOPTED this 9th day of November, 1998.

Board of County Commissioners

Island County, Washington

Wm. L. "Mac" McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

Resolution #C-147-98 Declaring Legal Holidays for the Year 1999

Another annual adoption of a resolution was presented for Board action, which was the declaration of legal holidays for Island County for the year 1999, according to the Revised Code of Washington Chapter 1.16. By unanimous motion the Board adopted Resolution #C-147-98 in the matter of declaring legal holidays for he year 1999. [note: January 1, 2000 will be observed 12/31/99]

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF DECLARING LEGAL)

HOLIDAYS FOR THE YEAR 1999) RESOLUTION NO. C-147-98

_____)

WHEREAS, Washington State holidays are outlined in the Revised Code of Washington, Chapter 1.16; and

WHEREAS, it is the policy of Island County to observe state holidays, NOW, THEREFORE,

BE IT HEREBY RESOLVED that the following be observed as legal holidays for the year 1999:

January 1, 1999 Friday New Year's Day

January 18 Monday Martin Luther King Jr. Birthday

February 15 Monday President's Day

May 31 Monday Memorial Day

July 5 Monday Independence Day

September 6 Monday Labor Day

November 11 Thursday Veteran's Day

November 25 Thursday Thanksgiving Day

November 26 Friday Day After Thanksgiving

December 24 Friday Christmas Holiday

ADOPTED this 9th day of November, 1998.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mac McDowell Chairman

Tom Shaughnessy, Member

ATTEST: Mike Shelton Member

Margaret Rosenkranz,

Clerk of the Board

hearing held: Ordinance #C-126-98, Change in Designation of County Emergency Services Director and Amendment to Section 9.24A.050 Island county code

A Public Hearing was held beginning at 9:50 a.m., as scheduled and advertised, to consider proposed Ordinance #C-126-98, change in designation of County Emergency Services Director and Amendment to Section 9.24A.050 ICC.

Betty Kemp, Director, GSA, explained that the position had previously resided within the Sheriff's Office, the proposal now is that it come under General Services Administration (GAS). The ordinance as written and published is different than how she would recommend it be handled -- [Exhibit A] "the Director of Emergency Services will report to the Director of GSA" instead of the Emergency Services Director shall be the Island County GSA Administrative Director" . After the ordinance was drafted, Ms. Kemp in reviewing the matter with T. J. Harmon, especially with regard to materials and grant applications, realized it would not be very effective in light of requirements of SLA funding which requires the Director have specific training and certification, with provisions to obtain said training within four years.

Commissioner Shelton made the point that the Board at this time was conducting a public hearing based on what had been advertised. The Board agreed.

Chairman McDowell's opinion was that the job should remain with the Sheriff's Office. His concern was that employees take leave or are not available for one reason or another, and as noted, Ms. Kemp does not have the necessary training.

T. J. Harmon explained there are a series of six courses that are required of all full time personnel including the emergency management director. Part time personnel are required to take about 3 or 4 classes over a four-year period or already have same when hired. Each of these courses are ones she completed quite some time ago, and Wayne Lewis has taken quite a few of them also. Until the last year or two, these were only recommended, but are now required under the SLA contract through the State. Jurisdictions applying for this pool of funds have to meet certain requirements under the contract to be eligible for contracted funds.

Commissioner Shelton saw the first issue as the moving of Emergency Services from the Sheriff's Department to GSA and he believed at least tentatively the Board agreed to consider that. The second issue he believed possibly needed work by the Deputy Prosecuting Attorney's Office, was to make T. J. Harmon the Executive Director of Emergency Services Department and yet having her report to another Executive Director. The reason the Board would do that is because she is already certified in the areas she needs to be certified in and the Board would not necessarily need to require Ms. Kemp under some time frame to get certified in the same way.

The Chairman's opinion was that the question to be asked of the Deputy Prosecuting Attorney, if the Board wanted to take action today on what was advertised which is to move Emergency Services to GSA, was the issue of the title of emergency services director, which he thought would take another separate public hearing to accomplish.

Commissioner Shaughnessy indicated it had never been his intent to have Ms. Kemp as the emergency services director, rather that Ms. Harmon report to Ms. Kemp as director of emergency services. For example, the 4th Whereas

paragraph – reading "as an additional duty of" he did not think that appropriate – rather, it fall under that department but not be a duty of that department.

At the time the Chairman called for public input on the ordinance, no one indicated a desire to speak for or against. He noted that the Commissioners' Office received a call from Vic Henry, retired deputy, who believes the function should stay in the Sheriff's Office.

The Chairman still did not support the whole move, believing duties should stay with the Sheriff's Office because of the manpower and expertise in that department. Commissioner Shelton noted, however, that the Sheriff's Department would be a critical part of any emergency and did not necessarily think that emergency services had to be a part of that department.

Commissioner Shelton moved to adopt Ordinance #C-126-98 changing the designation of the county emergency services director and amendment to section 9.24A.050 of the Island County code, and striking the word "Director" in the second line of the fourth Whereas, and in the next paragraph beginning "Be it hereby ordained" place a period after the word "amended" and delete the rest of that sentence; and that Betty Kemp meet with Dave Jamieson to work on language to assign Ms. Harmon the title of Emergency Services Director but report to the Director of GSA and that Emergency Services be a function of GSA.

Motion, seconded by Commissioner Shaughnessy, carried by majority vote, Commissioner McDowell voting in opposition for the reasons so stated.

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

CHANGE IN DESIGNATION OF)

COUNTY EMERGENCY SERVICES) ORDINANCE NO. C- 126-98

DIRECTOR AND AMENDMENT)

TO SECTION 9.24A.050 ICC _____)

WHEREAS, state law requires each county to have a local organization for emergency management with a director appointed by the Board of County Commissioners; and

WHEREAS, Island County's emergency management department was previously established and in 1991 the Island County Sheriff was designated as the director of emergency management for Island County rather than having a separate county official be the director due to then existing county budget limitations; and

WHEREAS, the county's budget limitations from 1991 have been remedied and the Sheriff has requested that his position now be relieved of the additional work and responsibility of being the director of emergency services; and

WHEREAS, this Board wishes to assign the function of the Emergency Management ~~Director~~ as an additional duty of the county General Services Administration Director; NOW, THEREFORE,

BE IT HEREBY ORDAINED that Ordinance No. C-172-91 adopted December 16, 1991 and ICC 9.24A.050 are amended. ~~to read as set forth on Exhibit "A" attached hereto. Underlined material is added to the existing code and lined through material is deleted.~~

Reviewed this 5th day of October, 1998, and set for public hearing on the 26th day of October, 1998 at

3:00 p.m. in the Commissioners' Hearing Room.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

Tom Shaughnessy, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

Rescheduled to November 9, 1998 at 9:50 a.m.

Wm. L. McDowell, Chairman

Mike Shelton, Member

ATTEST: Tom Shaughnessy, Member

Margaret Rosenkranz

Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney and

Island County Code Reviser

EXHIBIT "A"

ISLAND COUNTY CODE

~~9.24A.050 Director of Emergency Service--Powers and Duties~~

~~There is hereby created the Island County Emergency Services Department, to be headed by a director of emergency services. The director shall be the same person as the Island County Sheriff Island County General Services Administration Director who shall be directly responsible for the organization, administration, and operation of the Island County Emergency Services Department. The Island County Emergency Services Department shall represent only the political subdivision of Island County. The director is empowered:~~

~~A. To control and direct the effort of the Island County Emergency Services Department (ICESD) for the accomplishment of the purposes of this chapter;~~

~~B. To direct coordination and cooperation between divisions, services, and staff of the ICESD, and to resolve questions of authority and responsibility that may arise between them; and;~~

~~C. To represent the ICESD in all dealings with public or private agencies pertaining to emergency services.~~

(Note: copy of Exhibit A on file with the Clerk of the Board)

CONTRACT AMENDMENT: TEC SERVICES -- computer conversion

The Board reviewed three proposed amendments provided by Cathy Caryl, Director, Central Services Department, to Agreement for Professional Services dated August 7, 1995, with TEC Services. Amendments have been prepared for the purpose of continuing emergency efforts to upgrade and enhance the County's mainframe system, moving from the Unisys mainframe to more manageable client service systems, as follows:

Amendment A: #RM-CENT-95-0017A \$29,700

LID Accounting Package

Duration: work to be completed 11 weeks after work start authorization

Amendment B: #RM-CENT-95-0017B \$57,510

Recording/Cash Management System

Duration: work to be completed not later than July 1, 1999

Amendment C: #RM-CENT-95-0017C \$153,500

Real Property Management – Phase 1

Duration: work to be completed not later than July 1, 1999

By unanimous motion, the Board approved Amendment A, B and C as presented.

Adopt-A-Road Litter Control Agreement – S.I.S. Lock and Key; Cross Island Road; from East Camano Drive to 1 mile west of East

Camano Drive

By unanimous motion, as presented and recommended for approval by Larry Kwarsick, Director, Public Works, the Board approved and signed Adopt-A-Road Litter Control Agreement with S.L.S. Lock and Key, for litter control on Cross Island Road from East Camano Drive to 1 mile west of East Camano Drive.

Interlocal Agreement – Watershed Management Program

City of Oak Harbor Pipeline Planning

Mr. Kwarsick presented an Interlocal Agreement for the Board's approval and signature between Island County and the City of Oak Harbor in the amount of \$5,000 under the watershed management program. The matter was heard by the City of Oak Harbor last week and the City requested that Section 5 of the Agreement be amended to include a representative of the City Council along with the City Engineer; with that amendment, the City Council approved and authorized the Mayor's signature on the amended agreement. The last sentence of Section 5 should now read: "The City hereby appoints and the County hereby accepts the City Engineer and one Council Member of the Oak Harbor City Council as designees for the purpose of coordinating the City's obligation under the terms of this agreement".

By unanimous motion, the Board approved the Interlocal Agreement between the City of Oak Harbor and Island County for the purpose of pipeline planning, with the addition of one Council Member of the Oak Harbor City Council being added to serve along with the City Engineer, in Section 5 – Representatives, with the Board authorized to sign

the Agreement once signed original has been returned from the City of Oak Harbor.

AWARD OF BID FOR CRUSHED ROCK – THREE-YEAR PERIOD

Reporting the Department’s recommendation for award of bid for crushed rock for a period of three years, January 1, 1999 through December 31, 2001, Mr. Kwarsick, along with Jack Taylor, Maintenance Supervisor, recommended award to the low bidder in each case, as discussed with the Board at recent staff session:

Whidbey, Bayview and Coupeville Shops:

1-1/4" and 5/8" to Krieg Construction

3/8" #10 to Ed’s Construction

Camano Shop:

1-1/4", 5/8" and 3/8" #10 to Meridian Aggregates Co.

By unanimous motion, the Board awarded bid for crushed rock for the next three years to the vendors specified as the low bidders as stated by Jack Taylor, Krieg Construction, Ed’s Construction and Meridian.

RESOLUTION #C-145-98 [CD-1-98] IN THE MATTER OF REVISING CONDITIONAL USE PERMIT #31/84 ON ASSESSOR’S PARCEL #R2901-070-2260

Regarding Conditional Use Permit #31/84, original applicant was Stanley Gabelein, as indicated by Mr. Kwarsick, for activities involving excavation of peat on South Whidbey. The new owner, Jim Scriven, who operates Whidbey Top Soil, asked for a modification and same discussed with Vince Moore, Planning Director. Mr. Moore outlined a process under which the permit could be modified and Mr. Kwarsick presented at this time the follow-on to the decision Mr. Moore made regarding modifications of CUP #31/84. The modifications primarily entail a 10 year extension of the permit and an increase in depth in terms of the excavation. The new owner is maintaining the buffer widths and has agreed to comply with original restoration plan; however, the County acknowledges that the owner or subsequent follow-on owner is free to submit future changes to the restoration plan providing plant materials used are native plant species.

By unanimous motion, the Board approved Resolution #C-145-98 [CD-1-98] in the matter of revising CUP #31/84 on Assessor’s Parcel R22901-070-2260.

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

<p>IN THE MATTER OF REVISING CONDITIONAL USE PERMIT # 31/84</p> <p>ON ASSESSOR’S PARCEL #R22901 070-2260</p>	<p>)</p> <p>) RESOLUTION NO. C- 145- 98</p> <p>) CD - 1 - 98</p> <p>)</p>
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WHEREAS, an application for a Conditional Use Permit, CUP #31/84, submitted by Stanley Gabelein, for the conversion of a peat bog into a pond and wildlife habitat through the excavation of 55,000 cubic yards of peat, was

approved by the Board of Island County Commissioners on May 13, 1985; and

WHEREAS, since the granting of the original permit, the property has changed hands and is now owned by Jim Scriven; and

WHEREAS, Mr. Scriven has requested a modification to the original approval, to the effect that excavation of up to 150,000 cubic yards be permitted, the time frame for completing the project be extended by 10 years, and requirements for sloping the sides of the pond be modified; and

WHEREAS, the Board finds that the proposed changes are not substantive and do not require additional State Environmental Policy Act (SEPA) review or review in public hearing.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Island County Commissioners hereby approves the changes to CUP 31/84 proposed by Mr. Scriven, subject to the conditions attached hereto as Exhibit A.

APPROVED AND ADOPTED this 9th day of November, 1998.

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

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board

NOTE: At 1:30 p.m., the Board met in Budget Workshop with the Budget

Director. Notes from that workshop will be placed on file in the Office of

the Commissioners.

GMA PUBLIC HEARINGS

Ordinance #C-136-98 [PLG-042-98] In the Matter of an Ordinance Concerning Technical Amendments to Island County's Comprehensive Plan, Development Regulations and County-Wide Planning Policies

Ordinance #C-135-98 [PLG-041-98] In the Matter of an Ordinance Adopting Procedures for Amending the County's GMA Comprehensive Plan and Development Regulations

Resolution #C-134-98 [PLG-040-98] In the Matter of Adopting Findings and Legislative Intent Relating to Island County's GMA Comprehensive Plan & Development Regulations.

Attendance:

County Commissioners: Wm. L. McDowell, Tom Shaughnessy and Mike Shelton

Staff/Consultants: Keith Dearborn, Vince Moore, Phil Bakke, Jeff Tate

Public: John Graham, Charlie Spromberg

All documents and technical changes being proposed were provided as hand-outs.

Chairman McDowell opened the Public Hearing at 6:00 p.m., as scheduled for this date and time, and advertised.

Resolution #C-134-98 [PLG-040-98] In the Matter of Adopting Findings and Legislative Intent Relating to Island County's GMA Comprehensive Plan & Development Regulations

Mr. Dearborn, in addition to Resolution #C-134-98, Findings and Legislative Intent, presented a small set of technical changes to the Findings and Legislative Intent, along with one amendment proposed by the Chairman, an addition to Findings and Legislative Intent related to code enforcement. The resolution adopts Findings and Legislative Intent. The Findings portion of the document will be used by the Growth Board in judging compliance with GMA, and becomes the factual basis and intent basis upon which the GMA challenge, should there be one, is assessed. Over time, it will also serve to interpret the meaning of the Plan and Development Regulations where that needs to be ascertained. The Planning Commission made recommendations to the Board and forwarded findings and legislative intent – what is not underlined or crossed out are the Planning Commission's findings and legislative intent forwarded to the Board on September 8, 1998. The document before the Board shown in bold shows changes to the Planning Commission findings and legislative intent; some are deletions and some are additions. The additions and deletions have been prepared by staff to support the changes the Board made in the Planning Commission's recommendations.

Technical changes were prepared by Jeff Tate; the final acreage's and numbers are factually correct based on the Board's final action, and then the new provision on code enforcement proposed by Chairman McDowell as an additional set of findings to the Planning Commission's recommendation.

Public Input

John Graham, Citizens Growth Management Coalition, recalled having sent to Mr. Dearborn two pages with a few errors they found and was advised that all but a few had been incorporated. There were two on the shoreline element he could not find.

Mr. Dearborn explained that there were no changes prepared to the Shoreline Element inasmuch as it was adopted by resolution, not ordinance, in order to forward it to the Department of Ecology, and will not be finally adopted by ordinance until DOE has approved it. The errors Mr. Graham pointed out have been noted and will be dealt with as a final review for the Shoreline Element.

Charlie Spromberg, Citizens Growth Management Coalition, asked for some clarification about Jeff Tate's changes in numbers mentioned by Mr. Dearborn.

Mr. Dearborn confirmed those were included in the technical changes.

Board Deliberation/Action:

1. Technical Changes to Findings & Legislative Intent, Resolution #C-134-98

Additionally the following corrections to graphics are to be made:

Page 39 Zoning Conversion Matrix – upper left hand corner under proposed zoning change AG to CA [commercial agriculture]

Page 30 Development Capacity – first column the word "Residential" should be changed to "Rural Residential" and the second column change "Rural Residential" to "Rural"

Page 31 Land Use Distribution – second column "Residential" needs to be changed to "Rural Residential" and the second column changed from "Rural Residential" to "Rural".

2. Code Enforcement Amendment

"257. The Board recognizes that timely compliance with adopted land use and development standards is a critical component of the County's land use regulatory system. To accomplish this goal enforcement authority has been expanded and procedures consolidated so that code compliance for Site Plans, Shorelines and PRD's is achieved through the enforcement provisions of the zoning code (Chapter 17.03 ICC).

258. The Planning Director has been granted the authority to distinguish between violations that are minor in nature and those that necessitate abatement and imposition of penalties. When needed, permit and/or restoration requirements may be waived or modified to ensure that violations are abated or corrected expeditiously.

259. The Planning Director may also impose moratoriums on the development of property. In

those cases, a moratorium should be used to promote the restoration of the resource; when possible,

applied to the portion of the property that is in violation of code requirements; and lifted when the

completion of restoration requirements has been verified by the County."

Chairman McDowell explained his rationale was based on testimony during hearings from both spectrums of the community when talking about the issue of violations and restoration, when moratoriums are imposed not as punishment or penalties but for the purpose of allowing the property to either be restored or self restoration, the moratorium therefore only appropriate to apply to that portion of the property that caused the moratorium; the fine would be considered the penalty. Paragraphs 257 adds shorelines, and 258 explains how the Planning Director may be able to waive or modify permit and/or restoration requirements as an inducement as an in gaining compliance, for example.

Commissioner Shelton moved that the Board approve Resolution #C-134-98, PLG-040-98, including the Technical Changes to Findings and Legislative Intent and the new code enforcement legislative intent paragraphs, and the changes to graphics as noted within the Technical Changes to Findings & Legislative Intent. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ADOPTING FINDINGS AND LEGISLATIVE INTENT RELATING TO ISLAND COUNTY'S GMA COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS)) RESOLUTION C-134 -98) PLG-040-98)))
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WHEREAS, on September 8, 1998 the Planning Commission recommended adoption of a new Island County Comprehensive Plan and implementing Development Regulations; and

WHEREAS, the Board of Island County Commissioners adopted the County GMA Comprehensive Plan and Development Regulations on September 28 and 29, 1998 with certain amendments to the Planning Commission recommendation; and

WHEREAS, the Planning Commission proposed Findings in support of this action; and

WHEREAS, in 1984 the Board adopted a statement of legislative intent which has served as a guide for both administrative and judicial interpretation of the 1984 Zoning Code; and

WHEREAS, the Board believes such a statement is needed to guide interpretation of the County's new Comprehensive Plan and Development Regulations; and.

WHEREAS, since the Board adopted amendments to the Planning Commission recommendation, additional findings are needed.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Findings and Statement of Legislative Intent attached hereto as Exhibit A, are hereby adopted to serve as a factual basis for the Board's actions on September 28 and 29, 1998, and to also guide decisions that interpret the County's GMA Comprehensive Plan and Development Regulations.

Reviewed this 19th day of October, 1998 and set for public hearing at 6:00 p.m. on the 9th day of November, 1998.

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

Wm. L. McDowell, Chairman

[absent - Tom Shaughnessy, Member]

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

APPROVED AND ADOPTED this 9th day of November 1998.

**BOARD OF COUNTY
COMMISSIONERS OF**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

Note: Exhibit A placed on file with the Clerk of the Board. This document will be published in quantity as a separate document with the Comprehensive Plan and will also be available on the Internet)

Ordinance #C-135-98 [PLG-041-98] In the Matter of an Ordinance Adopting Procedures for

Amending the County's GMA Comprehensive Plan and Development Regulations

The proposed Ordinance would create a new chapter 16.26 ICC, Comprehensive Plan and Development Regulation Review and Amendment Process. Only one written public comment was received, which was from Tom Roehl via e-mail received 11/6/98.

Neither Mr. Graham nor Mr. Spromberg had comments on proposed Ordinance #C-135-98.

Proposed Amendments by Tom Roehl

Page 2. Proposing to add G, H and I as follows:

G. Amendments to the Comprehensive plan or development regulations that are only procedural in nature or affect only procedural requirements.

H. Amendments to this chapter 16.26, ICC

H. Amendments that are merely to correct errors in mapping or to change zoning or Comprehensive Plan land designations that do not meet adopted designation criteria.

As far as adding three new provisions that effectively become exemptions to the standard plan amendment process, Mr. Dearborn did not think G needed to refer to development regulations because any change to the development regulations can be made at any time as long as it is consistent with the Comprehensive Plan, so even substantive changes to development regulations or new development regulations are not restricted to the annual review process if consistent with the Comprehensive Plan. Only development regulation changes that have to occur in the annual cycle are those that have to have a Comprehensive Plan amendment in order to be enacted. The words "or development regulations" should be deleted in G and help avoid confusion.

Language in H is probably covered by F but there is no problem with being specific and including it. Item I would be better worded more clearly: "Amendments to the Comprehensive Plan that are merely to correct errors in mapping or to change zoning or Comprehensive Plan land use designations so that they do meet adopted designation criteria".

Page 3 – 16.26.060 Mr. Roehl recommends in A to delete: "but those applications received after February 1st of each calendar year shall be reviewed during the following calendar year; and suggests deletion of B.

Mr. Dearborn did not think the Board could make the change suggested in A. The Board can set a different date but in order to time the annual review process must set a date for applications for amendment as a deadline. Staff and Mr. Dearborn talked about the date; in fact most jurisdictions have set the date earlier and have given staff more time. February 1st is about as late the Board can pick in order to allow for SEPA review, public notice and Planning commission review and Board action.

As far as deletion of B, various jurisdictions have a variety of prohibitions on submitting the same amendment that has been rejected over and over again. This is a policy question; concern other jurisdictions have had is that people who get turned down will turn around and submit the same thing, have to go through the whole process again and bogs down the review cycle.

There is no timing prohibition on Planning Commission, staff or the Board to consider amendments either in terms of calendar time during the year or in terms of prohibition on reconsidering the same amendment again. A and B apply only to persons.

Commissioner Shelton thought it should be left in because it would provide the ability to review it in somewhat of a shorter period of time if circumstances or issues have changed.

Consensus: no change

D. [bottom page 3 an top of page 4] Mr. Roehl recommends the last sentence in D read:

~~"At a minimum, the report shall evaluate the merits of each the proposed amendments as follows; based upon the following criteria".~~

Mr. Dearborn viewed the proposed change as reasonable in that 1 through 7 is all inclusive.

E. The last portion of E is recommended by Mr. Roehl to be changed as follows:

~~With each adopted amendment~~ The Board shall also adopt Findings of Fact **and Conclusions of Law regarding its action to adopt or reject amendments. The Board may, if deemed necessary, also adopt statement(s) of legislative intent applicable to amendments made.** ~~Legislative Intent to support the change in the Comprehensive Plan and/or Development Regulations."~~

The concern Mr. Dearborn had was that the Board does not adopt conclusions of law, only findings of fact. As a part of this process it is a legislative process, not a quasi-judicial process.

Consensus: leave as is and not adopt Mr. Roehl's changes.

Commissioner Shelton moved that the Board adopt Ordinance #C-135-98 [PLG-041-98] in the matter of an Ordinance adopting procedures for amending the County's GMA Comprehensive Plan and Development Regulations, with technical changes made in 16.26.020 as follows:

- A. delete "and" at the end of the sentence
- B. semicolon at the end of the sentence instead of a period
- G. Amendments to the Comprehensive Plan that are only procedural in nature or affect only procedural requirements;
- C. Amendments to this chapter 16.26, ICC; and
- D. Amendments to the Comprehensive Plan that are merely to correct errors in mapping or to change zoning or Comprehensive Plan land use designations so that they do meet adopted designation criteria.

and 16.26.060.D at the bottom of page 3 and top of page 4, accept Mr. Roehl's proposed language: "The report shall evaluate the proposed amendments as follows".

Motion, seconded by Commissioner Shaughnessy, carried unanimously.

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

IN THE MATTER OF AN ORDINANCE ADOPTING PROCEDURES FOR AMENDING THE COUNTY'S GMA COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS))))	ORDINANCE C-135-98 PLG-041-98
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WHEREAS, the Board of Island County Commissioners adopted the County GMA Comprehensive Plan and Development Regulations on September 28 and 29, 1998; and

WHEREAS, beginning in 2002, RCW 36.70A.130 requires the County to complete review of its Comprehensive Plan every five years and, with certain specified exceptions, permits plan amendments no more frequently than once every

year; and

WHEREAS, adopted county-wide planning policies require the County and municipalities to implement a long-term monitoring program including the development of benchmarks and reconcile planning horizons and population assumptions no later than by 2006; and

WHEREAS, the Comprehensive Plan implementation strategies commit the County to complete a comprehensive review every five years and through benchmarks measure the performance of Comprehensive Plan goals and policies; and

WHEREAS, a simple and predictable procedure is needed to review and amend the Comprehensive Plan and Development Regulations.

NOW, THEREFORE, IT IS HEREBY ORDAINED, that the Board of Island County Commissioners hereby adopts as a new Chapter in Title 16 ICC procedures set forth in Exhibit A for the review and amendment of Island County's GMA Comprehensive Plan and Development Regulations.

Reviewed this 19th day of October, 1998 and set for public hearing at 6:00 p.m. on the 9th day of November, 1998.

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

Wm. L. McDowell, Chairman

[Tom Shaughnessy, Member-
absent]

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

APPROVED AND ADOPTED this 9th day of November, 1998.

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.

Deputy Prosecuting Attorney

& Island County Code Reviser

(Note: Exhibit A, New Chapter 16.26, placed on file with the Clerk of the Board)

Ordinance #C-136-98 [PLG-042-98] In the Matter of an Ordinance Concerning Technical Amendments to Island County's Comprehensive Plan, Development Regulations and County-Wide Planning Policies

Mr. Dearborn stated that with Ordinance #C-136-98 are Exhibits A through F provided when the date was set for hearing. Since preparation of technical amendments, additional technical amendments have been identified, referenced as:

Exhibit A - Comprehensive Plan – short set of technical amendments to the Plan [formatting, typographical errors, grammar, and page number corrections, and consistency] . On Exhibit A, page 1-120, policy 3, the sentence should be changed to start with the following words: "Through Interlocal Agreements".

Also with Exhibit A, there is a separate document noted as **Technical changes to the Capital Facilities Plan**

Exhibit B – Additional changes to the Zoning Code - all are to match the technical changes worked out with the cities to County Wide Planning Policies (CWPPs); several are changes caught by staff; others are changes pointed out by John Graham, Alison Moss or Mr. Dearborn.

No public comments in written form were received in advance of the hearing expressing any concern about the technical amendments being proposed, but did receive comments from John Graham on additional technical amendments the Coalition felt should be considered and those issues have been addressed.

ICC 17.03.155A [page 49] is a change because Windermere shops are actually included in another one of the RAID designations – a part of the Camano Country Club Rural Village now.

Exhibit C – Title 16.19 Changes - Land Use Review Process, staff changes proposed [changes noted all in bold].

Page 6.

16.19.050 B. Makes it clear that all permits in the Langley UGA would go through a pre-application conference and needs to be clear it is optional unless Interlocal Agreement is adopted that requires a change

C. Change staff requested. While the County will provide notice to the cities of all pre-application conferences they may not always attend and staff did not want to make it a requirement that they always be there.

16.19.060 A. adding "in a " to make it clear that "Applications shall be in a format established by the Board...".

B and C. "B" Makes it clear there are two situations where notice of complete application; "B" covers the general situation and C below a special circumstance for Type I and II decisions. The change in "C" begins on page 7. The remainder under "C" are consistency changes. Sub #2 makes it clear that staff will not always be able to find that an application is complete, and if not, staff has the authority to say it is not complete.

D. Redundant and needs to be deleted [B got picked up in D].

Page 8. 16.19.070 A. Request for additional information. Concern staff has had is that for building permits which are Type I decisions there will be circumstances where additional information is requested. Item B - is for type I decisions for which additional information is being requested that are not exempt from SEPA, there is no public comment period. There needed to be a deadline set after which staff could not ask for additional information. These applications are on a 30 days clock for approval and do not get comments back from other departments until 14 days after the complete application determination. Staff felt they needed extra time after the 14 day period and asked for cut off date to be 21 days.

Item D insertion of "and" [typo]

Page 9. 16.19.080 D.1 Staff review of the ordinance said the required application submittals they wanted to make sure if they received an application that was incomplete and did not have all of the submittals, not a correction or to perform additional studies, but just to submit the rest of the application, make sure they had the ability to ask for that.

D.4 - refer to the specific chapter

Page 12.A1 Staff felt A.1 was confusing and unclear, therefore was rewritten for clarity.

B - deals with the date the public comment period begins and all the language struck had been written when the County was not giving mailed or published notice.

D.7 – format change "; and"

Page 13. F stated more clearly what happens with an affidavit of posting and what it is, and what happens if someone fails to return an affidavit of posting.

Exhibit E – Fish & Wildlife Habitat Conservation Areas. The original proposal identified three changes. Additional changes proposed now are a result of review by Alison Moss to be made as follows: [shown all in bold]

Page 2. O is reworded to put slopes where it belongs

S, T, U and V – no logic to adding them to 17.02 because 17.02 is the existing zoning code and critical areas regulations be taken back out.

Page 3. Reference under Agricultural Land to 17.02.085 should be 17.03.090 and should be Commercial Ag instead of Resource Ag lands

Page 4. Change with regard to steep slopes

Page 5. Use Approval changed to Alteration Approval

Page 8. Putting designated critical areas reference in the correct place

Page 13. 17.02.110 A. Existing language beginning "These functions" should have been

deleted; it was not included in the adoption. The next paragraph the language shown as being deleted was not included in the Board action but is existing language and should have been deleted.

Page 15. Use Approval changed to Alteration

Page 20. B.2 Correcting Steep/Unstable Slopes changed to Geologically Hazardous Areas

Page 27. Changes reference AG to CA

Page 38. 3. – Capitalization.

Mr. Dearborn noted that at some point, the Board may want to consider reviewing the ordinance on the code reviser because in most jurisdictions these would be considered code reviser changes that need not come back to the Board.

Exhibit F – CWPPs. Changes recommended through review by staff, the Board and the cities

Policy #1 Item #8: "The County and the Municipalities recognize that designated municipal UGA's may need to be expanded in the future and agree to cooperatively and jointly designate UGA expansion areas for each municipal Urban Growth Area".

Policy #5 Item #3 - restatement in more detail with more elaboration explanation about what is done if contiguous to a municipal boundary or if not contiguous to a municipal boundary. Correspondence received from Coupeville and Langley asked that Item 6 be replaced with a more elaborate statement of what the interlocal agreements would cover.

Under discussion, consensus of the Board was to change policy #5, Item 6A, the beginning of the sentence to say: "Consistent with policy #5.10, establish and implement...".

#10 on page 9 makes it clear what occurs if not in a city or annexed to a city – what the applicable standards will be.

Page 13. Footnote – add "This policy #8 was adopted..."

Page 15. Minor wording change, cross out "if feasible" add "non-municipal" and instead of saying around Freeland and Clinton use the word "in".

Public Input

John Graham commented on Exhibit F, page 11, Policy #7, Sub #3, believed what was meant was multifamily housing, at urban densities, should be located within UGAs and/or unincorporated Rural Centers since there is no such thing as a rural community center .

Consensus: Agree – delete "or urban community"

Board Action:

Commissioner Shelton moved approval of Ordinance #C-136-98 [PLG-042-98] in the matter of an Ordinance concerning technical amendments to Island County’s Comprehensive Plan, Development Regulations and County-Wide Planning Policies, with the changes outlined above in all the Exhibits. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

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

IN THE MATTER OF AN ORDINANCE)	
CONCERNING TECHNICAL)	
AMENDMENTS TO ISLAND)	ORDINANCE C-136 -98
COUNTY’S COMPREHENSIVE PLAN,)	PLG-042-98
DEVELOPMENT REGULATIONS AND)	
COUNTY-WIDE PLANNING POLICIES)	
)	
)	

WHEREAS, on September 14, 1998 the Board of Island County Commissioners adopted Development Regulations for Critical Areas; and

WHEREAS, on September 28, 1998 the Board adopted amendments to County-wide Planning Policies; and

WHEREAS, on September 28 and 29, 1998 the Board adopted the County’s GMA Comprehensive Plan and Development Regulations; and

WHEREAS, certain technical amendments that are not substantive in nature have been identified to ensure that the Plan and Development Regulations are consistent, properly formatted and codified.

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts certain technical amendments to the County GMA Comprehensive Plan and Development Regulations as follows:

Exhibit A – Comprehensive Plan

Exhibit B - Chapter 17.03 ICC

Exhibit C – Title 16 ICC

Exhibit D – Title 11 ICC

Exhibit E – Chapter 17.02 ICC

Exhibit F – County-Wide Planning Policies

BE IT FURTHER ORDAINED, that the Planning Director is now hereby authorized to print and distribute the Plan and Development Regulations with technical amendments as the official Island County GMA Comprehensive Plan and Development Regulations.

Reviewed this 19th day of October, 1998 and set for public hearing at 6:00 p.m. on the 9th day of November, 1998.

**BOARD OF COUNTY
COMMISSIONERS OF**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

[Tom Shaughnessy, Member-absent]

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

APPROVED AND ADOPTED this 9th day of November, 1998.

**BOARD OF COUNTY
COMMISSIONERS OF**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

APPROVED AS TO FORM: *

DAVID L. JAMIESON, JR.

Deputy Prosecuting Attorney

& Island County Code Reviser

* - Per County Code the Prosecuting Attorney only reviews regulations adopted into the County Code, not the County-wide Planning Policies.

(Note: Exhibits placed on file with the Clerk of the Board)

AMENDED RESOLUTION #C-120-98 [PLG-036-98] THE MATTER OF AMENDING THE COUNTY-WIDE PLANNING POLICIES ADOPTED BY ISLAND COUNTY,

OAK HARBOR, COUPEVILLE AND LANGLEY

Because of changes made to Exhibit F above to County Wide Planning Policies, Mr. Dearborn recommended the Board reenact the resolution adopted on September 28, 1998, as an amended resolution to match Exhibit F as modified this date to be forwarded to the cities.

Commissioner Shelton moved that the Board approve Amended Resolution #C-120-98 [PLG-036-98] in the matter of amending the County-Wide Planning Policies adopted by Island County, Oak Harbor, Coupeville and Langley to include the amendments adopted as Exhibit F to Ordinance #C-136-98. Motion, seconded by Commissioner Shaughnessy, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING THE COUNTY-WIDE PLANNING POLICIES ADOPTED BY ISLAND COUNTY, OAK HARBOR, COUPEVILLE & LANGLEY) AMENDED) RESOLUTION C-120-98) PLG-036-98)
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WHEREAS, RCW 36.70a.210 – the Growth Management Act (GMA), specifies that Counties are regional governments within their boundaries and that Cities/Towns are the primary providers of urban governmental services within urban growth areas; and

WHEREAS, the GMA requires that the County develop County-Wide Planning Policies which upon adoption will be used solely for establishing the framework from which County and City comprehensive plans are developed and adopted; and

WHEREAS, the County-Wide Planning Policies will also provide the foundation for assuring that consistency criteria, required between County and Cities/Town planning under the GMA, is fulfilled; and

WHEREAS, the County-Wide Planning Policies are to be jointly and collaboratively developed with the Cities/Town; and

WHEREAS, to be effective there must be both agreement between the County and the Cities/Town on the County-Wide Planning Policies, and a commitment between the jurisdictions to adhere to and implement the policies.

WHEREAS, the amended County-Wide Planning Policies were reviewed in a Public Hearing on September 28, 1998.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the County-Wide Planning Policies, attached hereto as Exhibit A, be jointly adopted concurrent with the adoption of the Island County Comprehensive Plan.

Wm. L. McDowell, Chairman

Island County Board of Commissioners

Dated 11-9-98

(Note: Exhibit A placed on file with the Clerk of the Board)

There being no further business to come before the Board at this time,
the Chairman adjourned the meeting at 7:50 p.m., to meet in Regular
Session on November 16, 1998 beginning at 9:30 a.m.

**BOARD OF COUNTY
COMMISSIONERS**

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Tom Shaughnessy, Member

Mike Shelton, Member

Attest:

Margaret Rosenkranz, Clerk of the Board