

BOARD OF ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING - JUNE 21, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on June 21, 1999, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and William F. Thorn, Member, present.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher – Warrant No.'s:** 52645-5294.....\$ 583,318.80.

HEARING SCHEDULED: Ordinance #C-72-99 Authorizing Publication Distribution of Local Voters' Pamphlet & Adding New Chapter 1.38 to the Island County Code. Hearing

By unanimous motion, as presented and recommended by the Island County Auditor, Suzanne Sinclair, the Board scheduled a public hearing on July 12, 1999 at 9:55 a.m. to consider Ordinance #C-72-99 Authorizing Publication and Distribution of a Local Voters' Pamphlet and Adding New Chapter 1.38 to the Island County Code.

Status Report: Sno-Isle Regional Library

Tom Mayer, Library Director, Sno-Isle Regional Library, reported on the status of the Sno-Isle Regional Library, noting Sno Isle one of the largest libraries in the country serving about 560,000 people. The library has been emphasizing technology in recent years; however, \$2.00 out of every \$3.00 of book budget dollars goes towards the purchase of books and other traditional library materials. For the first four months of this year, the library home page had an

average 45,000 visits a month.

A copy of the Sno-Isle Regional Library System recruiting brochure for a new director was provided earlier this year. On June 28th, Sno- Isle Regional Library Board will receive from the consultant a recommended list of semi-finalists to be screened, the semi-finalists then screened down to a short list of finalists by the end of July, with finalists interviewed mid-August. Mr. Mayer will be leaving at the end of August, having accepted a position with the Gates Learning Foundation.

A brief update on the status of each of the community libraries in the system in Island County:

Clinton: Modular office building is on site and the mobile facility moved off site. Now awaiting final clearance in order to make some modifications to

the interior of the building and complete the clean-up. Facility may open

yet this year.

Langley: Reasonably new community librarian. [All community librarians have changed

in the last several years]

Freeland: Freeland Friends own the library; however Sno-Isle now provides the utilities and custodial support.

Coupeville: Very close working relationship between the school district and the library.

Oak Harbor: Problems experienced with the building are being solved in cooperation with the College and the City. Sno-Isle Library Board recognized Island

Thrift with a Library Advocate Award. Island Thrift has consistently supported library efforts and a wonderful example in the donations made to the Oak Harbor Library over the years.

Camano: Camano Island is closely associated with the Stanwood community and the thought is that the best long term solution would be to have a larger library somewhere in the greater Stanwood area to serve Stanwood, Warm Beach and Camano Island.

New emphasis and new direction has been included in the five year plan, such as:

1. working more closely with schools
2. review collections in specific area, i.e. foreign language materials
3. emphasize reading and literacy [i.e. institute an infant reading program with reading programs for babies, the idea being to reach the parents, the single strongest indicator of whether children will read or not.]
4. strategy in the long range plan calling for development of a capital plan.

Commissioner Thorn made some observations:

- appreciative of the books on tape available through the library
- literacy area - some tutoring could be done if computer materials were available for self-tutoring programs
- 0-3 years of age childhood development information and early brain development – programs could benefit by, if nothing else, dialogue with Island County Health Department personnel who oversee those kinds of programs.

Mr. Mayer knew that some of the schools were using an accelerated reader program and Sno-Isle is now bringing those programs out of the schools during the summer into the libraries so children can continue to work on reading. Regarding childhood and early brain development information, Mr. Mayor will do some follow-up and find out more about that, noting the library would like to work with those folks.

Chairman Shelton expressed the Board's appreciation with Sno-Isle's response to community concern about filtering computers that children have access to in the libraries.

Dani J. Fowler, Oak Harbor, and Lillian Peterson, Camano Island, Trustees, Sno-Isle Regional Library Board, representing Island County, introduced themselves and commented briefly relative to serving on the Board, both extremely interested and willing to serve another term.

Claim for Damages R99-016CD, Whidbey Telephone Company

Betty Kemp, Director, GSA/Risk Management, reported to the Board with regard to Claim for

Damages #R99-016CD, filed by Whidbey Telephone Company on May 21, 1999, in the amount of \$5,501.20 representing damages by County Road Crew by cutting a 1200 pair cable, Cultus Bay Road location. The South Whidbey Road Shop Supervisor and the Island County Engineer reviewed the claim, and agree that the claim should be approved, recommending for future work of this nature some procedural changes to avoid this type damage. Ms. Kemp therefore recommended the Claim be paid.

By unanimous motion the Board approved Claim for Damages R99-016CD as recommended.

PUBLIC INPUT

Darlene Krieg, Secretary, Krieg Construction, Inc., 70 W. Sleeper Road, Oak Harbor,

called to the Board's attention what she saw as some irregularities with regard to a proposed award of bid today for the Island County Courthouse Expansion [*Chairman's Agenda proposed item for today's consideration*] particularly, that submission of contractor information states that the "subcontractor listing or indicated by naming itself to that categories of work on the list that shall not be subcontracted; failure to name such subcontractors or itself as heretofore described shall render the bidder's proposal non responsive and therefore void". And further, under the right to accept or reject, "the owner reserves the right to reject a proposal which is not accompanied by the required bid security or subcontractors listing as described heretofore; an incomplete or irregular proposal which may exclude any items as maybe required by the bid documents". Contention is the idea of listing subcontractor if over 10%; Krieg Construction had no subcontractors over 10% yet the proposal makes it sound as if they need to list themselves [under Submission of Subcontractor Information Section 00030] . Jill Wood in the Engineering Department agreed it was confusing and talked to the architect the architect and verified to Mrs. Krieg she needed to list themselves for any work to be done over 10% and to break down the quantity, items of work and the dollar amount, which she did. Mr. Jenkins did not do that; rather listed two subcontractors over 10% and left the rest of it void.

The second concern Mrs. Krieg raised related to Section 00210 under 1.1A 6.1, Contractors Qualification Statement: "delete paragraph 6.1 in its entirety and substitute the following: the apparent lowest bidder and the apparent second lowest bidder shall submit AIA document A305, contractor's qualification statement available from the architect complete in all respects to Island County prior to 5:00 p.m. June 18th, 1999. delivery shall be to Larry Kwarsick, Department of Public Works, Island County Annex Building, NE 6th Street, Coupeville, Washington". That was exactly what she submitted, the AIA Document A305, but contended that was not what Mr. Jenkins submitted, rather with his documents had submitted a listing of his projects, etc. This is much more extensive, requires a financial statement from accounting firm, list of key personnel, etc. [approximately 8-10 pages]. Ms. Krieg mentioned a third more minor concern having to do with the alternates. The bidding documents were confusing, asking for base bid, and ask for two different alternates, and ask to figure tax on that and give a total. That appears to be conflicting because a bidder would chose one alternate, not both. She spoke with Jill Wood again for interpretation and was told to pick one of the alternates, and then add the tax to it and do the total. Mr. Jenkins submitted both alternates. The matter pointed out an example of the confusing instructions, and asked that the Board consider her comments when considering award of bid.

Contract/Performance Bond/Escrow Agreement for Retainage – Krieg Construction, 1999 ACP Overlays – Whidbey Island

As recommended and presented by Larry Kwarsick, Public Works Director, the Board approved and signed Contract, Performance Bond and Escrow Agreement for contract retainage, with

Krieg Construction, Inc., the successful bidder awarded bid on June 7, 1999, for the , 1999 ACP Overlays for Whidbey Island, under CRP 99-03, for bid amount \$403,012.94.

Contract/Performance Bond/Retainage Bond – Lakeside Industries, 1999 ACP Overlays – Camano Island

As recommended and presented by Larry Kwarsick, Public Works Director, the Board approved Contract, Performance Bond/Retainage Bond with Lakeside Industries, as a result of that firm having been awarded the bid June 7, 1999 for 1999 ACP Overlays on Camano Island, under CRP 99-04, with bid amount \$320,040.00, the signature of the Chairman authorized on the documents, or in the absence of the Chair, two members of the Board to sign when the original signed documents received from contractor.

Bid Award DEFERRED Courthouse Expansion & Improvement Project

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Phase 1A, NE 5 Street Improvement Project

In light of earlier comments and questions regarding award of bid for Courthouse Expansion & Improvement Project, Phase 1A, NE 5th Street Improvement Project, Mr. Kwarsick deferred his recommendation to discuss the matter further and evaluate the bid for any informalities.

Drainage Agreement, Covenants & MISCELLANEOUS Easements-No.

Camano Drive Drainage between Island County and Sea-Air Land Development, Brentwood Homeowners' Assoc., Daniel L. & Brenda L. Haug, Richard C. Meske and Patricia A. Pontikis

As reviewed, with summary and description provided by Mr. Kwarsick, Drainage Agreement and Covenants and miscellaneous easements for North Camano Drive Drainage Project (aka Presser outfall) between Island County and Sea-Air Land Development, Brentwood Homeowners' Assoc., Daniel L. & Brenda L. Haug, Richard C. Meske and Patricia A. Pontikis were approved by the Board for the Chairman's signature, or in the absence of the Chair, two members of the Board, subject to the Original document containing all required signatures.

Contract–Yale Electric, installation of electric wiring, system components & county-purchased lighting at equipment STORAGE/ sign shop building

By unanimous motion, the Board approved Contract RM-SW-99046 with Yale Electric to install electric wiring and various components for the equipment storage and sign shop building under construction at the transfer station site, contract amount \$14,983.15. Contract Review approval has been received from the Deputy Prosecuting Attorney and Risk Management.

Purchase Order TO LEASE MODULAR OFFICE STRUCTURE

Presented by the Public Works Director was Purchase Order #02777 for lease of GE Modular Space as temporary office space, for a total cost of \$22,968.36 for a two-year period, including rental, set-up, freight and tax. Jill Wood, Public Works Engineer, confirmed the lease agreement had been reviewed by the Deputy Prosecuting Attorney. This is a 24-month lease but it is flexible in that if language has been included such that if the unit is not needed for the full 24 months, the County would owe no penalties, fees or monthly charges; rather, the lease agreement essentially would terminate. The contractor is also agreeing to extend the lease beyond the 24 month period at the same lease charge.

There was some question about County obligation and since language was stricken about penalties and fees, that also deleted should be the part about the County being obliged to pay the basic rent over that same period. After some discussion, Commissioner Thorn thought it might be well be moot at this point, but still wrong.

Commissioner Thorn moved that the Board approve Purchase Order #02777 with GE Modular Space for modular unit in the amount of \$22,968.36 for two years. Motion was seconded by Commissioner McDowell, who asked that Ms. Wood obtain written confirmation from GE Modular Space that the County can move out prior to completion of 24 months without penalties, fees or charges. Motion, as made and seconded, carried unanimously.

exterior electric hookup of temporary mobile unit

As follow-on action related to the modular unit, the Board by unanimous motion approved a Contract and Purchase Order #02773 with Sound Electric for the exterior electric hookup of the temporary mobile unit at a cost of \$14,634 including freight and tax.

Hearing HELD: Resolution #C-73-99 [R-34-99] Adoption of Island County's Six-Year Transportation Improvement Program 2000-2005 AND Resolution #C-74 -99 [R-35-99] Adoption of Six Year Capital

Improvement Program for years 2000-2005

A Public Hearing was held beginning at 10:30 as scheduled and advertised, for the purpose of considering Resolution #C-73-99 [(R-34-99)], Adoption of Island County's Six-Year Transportation Improvement Program for years 2000-2005, and Resolution #C-75-99 [R-35-99] Adoption of Island County's Six Year Capital Improvement Program for years 2000-2005.

Six-Year Transportation Improvement Program [TIP]

Lew Legat, Island County Engineer, presented the Six-Year Transportation Improvement Program, for a total estimate of 37 million dollars. A major portion relates to Road projects, but also included are projects by Island Transit and Trails which come under other budgets. Island Transit, for example, is part of the TIP but not part of the County's budget. The program has been discussed with the Board in two staff sessions, and the program presented to the Planning Commission. Spread sheets were provided showing individual project listings and locations.

Mr. Kwarsick was aware of the need to make sure the two programs, TIP and CIP, are consistent and although bottom line numbers could be different for the reasons Mr. Legat cited, once those are eliminated, then the pure TIP as it is represented in the CIP should be the same. And it was his recommendation that any necessary corrections be made on the document finally approved by the Board.

As to a question from Commissioner Thorn, in the case of #51 and #75, design engineering slated for one year but then skipping a year for actual construction, Dick Snyder, Construction Engineer, explained that sometimes it was a case of right of way involved, wanted design on the shelve in the event funds become available [grant funds or other opportunities].

In response to a question from Commissioner McDowell on #5 SR20, Mr. Legat explained Federal dollars were not shown in that those dollars were transferred to WDOT and therefore shows on the State's program; shown here is the County's match. Also, Mr. Legat confirmed with regard to potential impacts there may be with respect to salmon regulations on any of these projects, the Department was at this time going through development of the biological assessments and having those reviewed by the State. Those projects liable to be impacted would include any culvert project such as Chapman Creek, Maxwelton, and road projects close to Puget Sound. Projects where no federal dollars have been applied for will require additional dollars at some time in order to comply with BSA for future projects, but for projects on line that have cost over-runs due to mitigation requirements, funding for those projects may result in deferring another project. He was not sure about State funding to local agencies for mitigation matters, and as time goes on it is hoped that additional dollars may be available through grants.

Chairman Shelton expressed concern that Fish Road intersection had originally been scheduled for this year, now bumped another year. That intersection, in his opinion, is difficult and previously on the Six Year TIP for this year. Mr. Legat advised that the State had some problems with storm water mitigation on Fish Road intersection, and the project delayed.

During the course of development of the Six Year Road Program, the Department received around six to eight comments and correspondence from the public [on file with the Department] and Mr. Legat verified efforts were made to contact them by phone or respond to them.

The Chair entered into the record, at the request of a citizen who e-mailed comments, the following:

It has come to the attention of the Association thru discussions with Island County Engineer, Mr. Lew Legat, that as part of his projections for your consideration in the Six Year and Annual Road programs is the mitigation of water damage to county roadways in Ledgewood Beach Area and the repair to damaged roadways that has already occurred. It is particularly encouraging to hear that the better of the recommended solutions to this problem suggested by Golder Associates in their reports to Island County Public Works Department will be made part of this Capital Improvement and Six-Year Road Program.

Further, It is encouraging to our Association that in these projections will be proposed work in the year 2000 to French Drain along Fircrest Ave to a depth sufficient to capture water that would otherwise cause

additional slide problems, diverting it thru appropriate piping. Additionally, it includes repair to Seward Way to bring it back to County Road standards and eliminate the current one way dangerous situation that exists. Finally in the year 2001 it will be recommended to repair Driftwood Way at its intersection with Seward Way.

These repairs will eliminate the dangerous situations that currently exist. Mr. Legat suggested that further work would be recommended when sufficient time has elapsed to see that additional water damage no longer is occurring because of corrective actions taken.

We in Ledgewood Beach appreciate the County Engineers concerns and hope that when time comes this Fall, the Budget for the year 2000 will also reflect the County Commissioners support.

Respectfully Submitted,

Roger W. Cowell

No one in the audience at this time spoke either for or against the TIP.

By unanimous motion, the Board approved Resolution #C-73-99 [R-34-99] adopting Island County's Six Year Transportation Improvement Program for the Years 2000-2005.

Six Year Capital Improvement Program for the Years 2000-2005

Mr. Kwarsick presented the Six Year Capital Improvement Program. The Program is dominated by the implementation of Courthouse capital improvement activities, beginning with the 5th street improvements, law and justice facility, Courthouse remodel and annex remodel. The juvenile justice facility if a major project represented in the CIP and represents how funding is available for the facility, realizing the Board has yet to make a final decision in terms of commencement of the project in any specific year. In response to the capital facilities program and the limitations imposed in the program on revenues set aside for on-going activities versus debt service, despite the fact there will likely be some additional debt service associated with the courthouse project, within the six year period the capital facilities program maintains the 50/50 split on the REET revenues [not exceeding 50% limit on the debt service].

Commissioner Thorn made some comments and pointed some inconsistencies: (1) top line on page 1, Table I does not add across; (2) unknown what the number shown in brackets at the bottom of page 1 refers to; (3) juvenile facility shows 1.9 million but recalled previous numbers as high as 2 million.

Mr. Kwarsick confirmed he would correct the first line on Table I, and clarified that the numbers in brackets should be deleted. The 1.9 dollar figure shown for the juvenile facility reflects some uncertainty in terms scope of the project, phasing, number of beds. Discussions so far have ranged between providing 10 beds to 20 beds. The Parks Department is showing a variety of different projects involving potential acquisitions, paying off some property purchases.

It was particularly important to Commissioner McDowell that the Board made the decision some years ago not to bond more than 50% of known revenues; even given the magnitude of up-coming projects, he appreciated the fact that could be achieved within this Program.

Chairman Shelton greatly appreciated the letter from other Island Elected Officials to the Washington State 10th District legislators about concerns over Island County being eliminated from the Rural Economic Bills (HB 2260, SB 5594) to request moving Island County from "urban" to "rural" based on different criteria since Island County y does not fit the classification of urban, with the exception of people per square mile. If that legislation is changed and that money becomes available to Island County, it might provide funds to pay for some of the Courthouse expansion.

At the time the Chairman called for public comments, no one spoke either for or against the Six-Year Capital Improvement Program as presented.

By unanimous motion, the Board approved Resolution #C-74-99 [R-35-99] adopting Island County's Six Year Capital Improvement Program for the Years 2000-2005.

(C-73-99 GMA doc. #4403; C-74-99 GMA doc. #4402)

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

IN THE MATTER OF ADOPTION OF ISLAND)

COUNTY'S SIX-YEAR TRANSPORTATION) RESOLUTION NO.

IMPROVEMENT PROGRAM FOR THE) C-73 -99

YEARS 2000-2005) R-34-99

WHEREAS, the County Engineer, in accordance with RCW 36.70A.070, 36.81.121 and WAC 136-14-040, has submitted his recommended plan for construction of roads for the years 2000 through 2005; and

WHEREAS, the Board certified that a priority array of the County Arterial System was prepared by the County Engineer and available during the preparation of this program; and

WHEREAS, the Island County Planning Commission has reviewed this program and found it in compliance with the Island County Comprehensive Plan;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Island County Board of Commissioners that the Six-Year Transportation Improvement Program for 2000 through 2005, as submitted this date, is hereby adopted.

ADOPTED this 21st of June, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

Attest: *Margaret Rosenkranz, Clerk of the Board*

BICC 99-362

[Six -Year Transportation Improvement Program for 2000 through 2005

on file with the Clerk of the Board and the Island County Engineer]

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

IN THE MATTER OF ADOPTION OF)

ISLAND COUNTY'S SIX-YEAR CAPITAL) RESOLUTION NO.

IMPROVEMENT PROGRAM FOR THE) C-74-99

YEARS 2000-2005) R-35-99

WHEREAS, the Public Works Director, in accordance with RCW 36.70A.070(3) and WAC 365-195-315, has submitted his recommended plan for capital expenditures for 2000 through 2005; and

WHEREAS, the Island County Planning Commission has reviewed this program and found it in compliance with the Island County Comprehensive Plan;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Island County Board of Commissioners that the Six-Year Capital Improvement Program for 2000 through 2005, as submitted this date, is hereby adopted.

ADOPTED this 21st of June, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

Attest: *Margaret Rosenkranz*, Clerk of the Board

BICC 99-363

*[Six-Year Capital Improvement Program for 2000 through 2005 on file with
the Clerk of the Board and the Public Works Department]*

Financial Reports

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

Maxine Sauter, Island County Treasurer, provided the Board a copy of the Treasurer's Report for Current Expense for the period ending May 31, 1999. Comparison with 1998 this time, revenues

this year are up \$662,508, and disbursements up by \$604,017. Ending cash balance was \$607,619, including a reduction in the construction reserve being held. Revenues seem on target in all areas.

Auditor Monthly Review of Revenues and Expenditures

Suzanne Sinclair, Island County Auditor, provided the Auditor's Report of Revenues and Expenditures, agreeing that Current Expense revenues were slightly ahead of last year at this time; expenditures about the same. In other funds, revenues are down a little but not worrisomely so; expenditures in line with last year.

HEARING HELD: Ordinance #C-01-99 (PLG-003-99) Langley Interlocal Agreement, continued from May 17, 1999

A Public Hearing was held, continued from May 17, 1999, on Ordinance #C-10-99 [PLG-003-99] Langley Interlocal Agreement Governing Land Use Decisions within Non-Municipal portion of Langley's Urban Growth Area, initially set for hearing 11 January 1999, with the first hearing held on January 25, 1999.

In addition to the three County Commissioners, the following were present:

Chris Douthitt, Whidbey News Times
Lloyd Furman, Mayor, Langley

Jack Lynch, Langley Planning Director
Vince Moore, County Planning Director

Larry Kwarsick, Co. Public Works Director
Keith Dearborn, Co. Legal Consultant

Mr. Dearborn, described the documents before the Board and changes from the document introduced January 11th: He believed the document presented today addressed each of the issues the Board raised at previous hearings. The document presented today is the Langley Interlocal Agreement dated 6/21/99 and includes: *[GMA Record Doc. #4393]*

Exhibit A, County Wide Planning Policies as adopted in February, 1999

Exhibit B, the Scenic Corridor Overlay Policy and Standards for the City of Langley, and the &

City of Langley Comprehensive Plan Map showing the Langley UGA and the Langley Joint Planning Area;

Exhibit C, Proposed UGA Zoning Regulations for the unincorporated portions of the Langley UGA.

This would be adopted through a hearing process as a zoning code amendment and would be a new zoning section within 17.03

Exhibit D, proposed Model Annexation/Development Agreement.

Jack Lynch confirmed that if nothing is changed today on the document before the Board, he and the Mayor were in agreement with the document, conditioned on taking it before the City Council; however, he did not foresee any problem.

Mr. Dearborn described the major changes in the Agreement:

- Covers land development within the unincorporated and joint planning area for the City of Langley, covering subdivisions, short subdivisions and conditional use permits, but does not cover single family building permits on an existing lot. This is a clarification; the January draft included single family building permits
- Instead of identifying a process to establish a UGA expansion area to be formally adopted at a later point in time, this agreement commits the City to develop a UGA expansion now. Within 90 days the City has to identify alternatives for expansion of the UGA to reach the 2020 population and within 120 days the City and the County working together have to prepare a capital facility plan for the full UGA for sewer and water. The City is obligated to carry out the capital facility plan for sewer and water, not the County. The January document included a commitment to look at an expansion area but not to formally amend the UGA.
- Annexation development agreement in model form. Requires a property owner to agree to annex to the City if within the UGA, executed by property owners who are not adjacent to the City within the UGA but beyond the properties adjacent. It would be signed prior to a complete application; commit the property owner to agree to annex; commit the City to the zoning shown in the County's zoning atlas as potential zoning [pre-annexation zoning]. The agreement prevents the city from reducing that density later; density can be increased or modified but not reduced. The City commits to allow a site development plan developed for the ultimate use of the property in return for the annexation. The City's commitment is for five years; the property vests to the City's potential zoning for five years after the agreement is

signed. The City cannot reduce the development potential but could potentially increase

the development potential after five years.

- The annexation development agreement, at the option of the city would also be required as a condition of development approval for properties outside the UGA but within the joint planning area. The City, as a part of the Interlocal Agreement, is committing to treat the joint planning area as the UGA expansion area.
- If within 120 days of the submittal for annexation the City has not annexed the property, the County is free to approve the project if consistent with the new UGA zoning. The commitment from the City is to annex all property adjacent to its boundaries.

The Chair disagreed with that "fail safe" – to have the agreement somehow assume there is a secondary choice. It was Mr. Lynch's understanding the reason for including that language had been due to some concern from the County's perspective about the City. As far as the City is concerned, the City made a commitment they want to annex if adjacent, and therefore do not see it as a problem.

Commissioner McDowell recalled, and Mr. Moore agreed, that the concern on the part of the County was for a property owner who wants to do something but the city council delayed taking action i.e. if the matter gets drug out for awhile and the property owners is in no mans land [Page 4, III.B.].

The Chair pointed out that in any event, the property owner would always have the right to build a single family residence.

Suggested language which all parties seemed to agree on would be made on page 3, under item II.A, making a positive statement:

The County and City recognize that all of the unincorporated portion of the Langley UGA will eventually annex to the City, subject to the City's ability to provide urban governmental services. The City commits to annex any property contiguous to the City's municipal boundary when presented with a completed Annexation/Development agreement as provided for in Section III, below, within 120 days.

Mr. Dearborn pointed out that there is also a commitment on the part of the City and a corollary commitment on the part of the County that if the City or the County adopts regulations that affect lands within the UGA those would not take affect until the City ratifies if a County regulation, and in turn until the County ratifies if it is a City regulation. This gives the City and County protection. The City in this agreement is committing to annex over time all of the UGA and convert all of that UGA to urban uses, a major commitment on the part of the City of Langley. The County in turn commits to manage land use outside the city so that that can happen and agreeing to work with the City to develop a capital facility plan for sewer and water for that UGA.

Mr. Kwarsick discussed Section 6 on page 5 (A), and (B) on Page 6. His understanding was that what has been committed to is a joint program, not that the County is committing to becoming a provider of sanitary sewer or municipal water; that strictly is the responsibility of the City and planning for those is the responsibility of the City. Surface water and transportation are issues that would take the County's direct financial commitment to work with the City on; while there is a partnership there also is a division of responsibility. The County's responsibilities fall on the issue of transportation, making sure the County's transportation consultant takes a look at transportation issues within the UGA and also storm and also taking a look at the issues of storm and surface water. He could not think of major transportation issues the County would be presented with, having already looked at transportation issues within the existing county transportation plan as related to Langley. There are no Level of Service problems anticipated based upon the population projection and growth and development of Langley. He also believed that stormwater had been inadvertently left out of Item B on page 6.

Mr. Lynch agreed and mentioned that the City's main thought was, clearly the City has the responsibility for water and sewer. When it comes to transportation and stormwater, the City and County can affect one another and if there is no type of coordinated planning there could be a problem downstream. The City of Langley clearly wants to be involved jointly with the County on stormwater and transportation. He suspected that on transportation it would not be major facilities, but establishing some better connections to existing facilities so there is some kind of circulation system. Much of the unincorporated part of the Langley UGA has no circulation system in existence, and need to establish through some planning how to make for other than just dead end roads going in to each development. He verified that

Langley is not talking about the County going out and building new roads, and in the case of stormwater, thought Langley would want to

be sure that planning took into consideration the full basin. Langley has a stormwater utility and a comprehensive stormwater management plan.

General Agreement: Page 6, Item B, after the words "sanitary sewer" and before "and water facilities" to insert "storm water".

Another item Mr. Dearborn called out in this agreement related to Exhibit C, Page 2, Item E.2, which applies only to the UGA. The area outside the UGA would have whatever base density is permitted in the rural zone. For the person developing at base density there are no dry sewer requirements. [Example: item E 2 taken in conjunction with E3 – for example three 15,000 sq. ft. lots on a 5 acre piece of property, have to be clustered, and in front of those 3 lots, have to put in dry sewers that would match the Capital Facilities plan adopted by the City. The plan is for the total 5 acres, but all that would be installed would be in front of those three lots.] He pointed out the hope that the City would not just be putting a dry water line in, but actually connecting water to the City's water system.

The Chairman thought it poor management of a resource in the UGA to force people into drilling wells. Mr. Lynch agreed, noting the problem is the dilemma of extending services in advance of annexation. Intent was that the maximum lot size on any parcel match the potential zoning. There are two designations: 7,200 and 15,000. What Item #2 means is 3 dwelling units per five acres.

General Agreement: change #2 to read that way: "A Density of up to 3 dwelling units per five acres"; deleting the word "bonus" and "200% of base density".

Mr. Lynch acknowledged that the City as part of the planning required will need to further look at sewer and water plans from the standpoint of how to best provide as much direction as possible so when there is an application, proposed guidance can be provided to applicants and their engineers.

Chairman Shelton suggested that if dry sewers are required, there needs to be engineered sewer mains by the City up to the property.

Mr. Kwarsick commented that even without engineered plans by the City, it seems to some degree it could be managed such that if not requiring installation, require a financial commitment on the part of that landowner to do so at some point in time based upon the engineered plans of the city.

General Agreement: consider incorporating an additional change in E.2 by adding the words "or installation is secured by a bond or other form of approved security" after "City of Langley Utility plans and design standards are installed".

Mr. Lynch noted he would agree to the modification suggested, and thought this issue an important fundamental concept. Commissioners McDowell and Thorn, however, did want the matter continued to allow an opportunity to completely read and review the proposed document, having received today's proposal at this hearing.

Commissioner McDowell brought out a further item to consider in the above language, that being to add "at owner's choice".

Commissioner Thorn still had some concerns with regard to Page 6, item B, discussing the City's capital facilities plan will provide for financing and the phased construction, etc. There is no proviso included dealing with any reimbursement or how to deal with things in the joint

planning area if the County has to do significant capital developing in a joint planning area.

Mr. Dearborn referred to the area shown on the map, and did not envision anything of consequence occurring within the joint planning area.

Commissioner McDowell suggested there be some language added in #2 that the City will provide design elevations if dry sewers are installed. The Chairman explained what the City would do was either provide the elevations based on construction drawings or the individual provide some appropriate security.

In answer to a question from Commissioner McDowell related to the Lot/Density, 3 dwelling

units per 5 acres: is the large remnant left as open space a separate lot [with a site plan] the answer was yes it is a separate parcel.

Chairman Shelton was comfortable with continuing the Public Hearing to June 28th and the Board's adoption based on what has been discussed today; however, in light of the fact he will not be present on June 28th, should there be major changes proposed he would want to be a part of the discussion.

By unanimous motion, the Board continued the Public Hearing on Ordinance #C-01-99, PLG-003-99, until June 28, 1999 at 3:15 p.m.

GROWTH MANAGEMENT ACT ORDINANCES SCHEDULED FOR HEARING

Mr. Dearborn presented four ordinances which by the GMA Compliance Calendar should be scheduled for hearing on July 12, 1999 at 1:30 p.m. There are four invalidity determinations by the Growth Board, two that occurred immediately with the Decision and two that were perspective as of August 10th. One deals with the rural agriculture zone which was an invalidity determination, the other two with the rural zone and existing and on-going agricultural exemptions under the critical areas ordinance. These are interim regulations that would stay in effect until adoption of permanent regulations determined by the Growth Board to not substantially interfere with the GMA in the case of Rural AG. In the case of existing and on-going Agriculture land in the case of the rural amendment those would go into effect immediately. Commitment is that if in six months the Board had not adopted permanent regulations the interim regulations would be continued. The fourth ordinance deals with a set of stipulated amendments.

By unanimous motion the Board scheduled for public hearing on July 12, 1999 at 1:30 p.m. the following four ordinances:

C-75-99 PLG-014-99 In the matter of Amending Chapter

17.03 ICC, to comply with the order of the

Western Washington Growth Management Hearings

Board relating to the Rural Zone [GMA Doc. #4308]

C-76-99 PLG-015-99 In the Matter of Amending Chapter

17.03 ICC, to comply with the order of the

Western Washington Growth Management Hearings

Board relating to the Rural Agricultural Zone [GMA Doc. #4309]

C-77-99 PLG-016-99 In the Matter of Amending Chapter

17.02 ICC to comply with the order of the

Western Washington Growth Management Hearings

Board relating to the Critical Areas Exemption for

Existing and ongoing agriculture [GMA Doc. #4310]

C-78-99 PW-37-99 In the Matter of Amending the Land Use
and Capital Facilities Element of the Island County
Comprehensive Plan and Chapters 11.05 and 17.02
ICC to incorporate certain stipulated amendments]
[GMA Doc. #4311]

**HEARING HELD: Ordinance #C63-99 (CD-01-99) IN THE MATTER OF AMENDING THE ISLAND
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND IMPLEMENTING
DEVELOPMENT REGULATIONS**

At 1:30 p.m. as scheduled and advertised, the Chairman opened a public hearing on Ordinance#C-63-99/CD-01-99
[GMA Document #4235] County Comprehensive Land Use Element on Small Scale Recreation or Tourism Uses and Isolated
Non-Residential, Home Occupations and Home Industries; amendments to the Capital Facilities Plan on Concurrency
and Adequacy; amendments to the Island County Zoning Ordinance, Chapter 17.03 ICC on Non-residential uses and
Guest Cottages in the rural residential, Rural, Rural Forest, Rural Agriculture, and Commercial Agriculture Zones;
amendments to the Island County Site Plan Review Ordinance, Chapter 16.15 ICC, on standards and application
requirements for Nonresidential uses in the rural Residential, Rural, Rural Forest, Rural Agriculture and Commercial
Agricultural zones; amendments to the Island County Land Use Review Ordinance, Chapter 16.19 ICC on processes
for Non-residential uses, amendments to the county Environmental Policy, Chapter 16.14C ICC, on the timing of the
issuance of environmental determinations; and corrections to internal numbered code provisions referenced.

In addition to the County Commissioners, Staff and Consultant, ten people were in the audience
at the time of hearing. Attendance list on file [GMA Document #4312].

Keith Dearborn explained as he did during the June 7th Workshop, that four issues were raised by The Coalition in the
Growth Board appeal: guest cottages; Non-Residential uses and Standards in Rural, Rural Residential, Rural AG,
Rural Forest, Commercial Ag Zones; Signs and Lighting for

those uses in those five zones; and NR Design Guidelines in those zones. For some of those issues, the County
believed there was no record because the issues were never raised during the public process and for that reason the
County asked, and the Coalition agreed, to request the Growth Board not act on that appeal for 90 days. With the
understanding those four issues would be further reviewed by the County and amendments adopted to the
Comprehensive Plan or the various development regulations as needed, the Growth Board agreed. Before the
Commissioners today for consideration and hearing, is that set of amendments under Ordinance #C-63-99 [C-63-99 proposal
submitted 6/21/99: GMA Document #4316]. On June 28, 1999, by order of the Growth Board, the County has to report back on action
taken on the amendments. Depending on the Board's action, Mr. Dearborn will either go forward with briefing and an
oral hearing presentation on these issues before the Growth Board or the Coalition will withdraw their appeal and the
Growth Board process terminated on the four issues.

At the June 7th workshop, Mr. Dearborn recalled having advised the Board that because these issues were part of an
on-going appeal, it was not an action that could subsequently be appealed

to the Growth Board, and confirmed that advice not correct. After having consulted with Elaine Spencer and Alison
Moss, County Legal Consultants, and the Coalition's attorney, the action is appealable. Someone choosing to appeal
the action would have 60 days to do so before the Growth Board. The Coalition could chose to intervene to defend the
action.

As far as the issue that came up during the workshop concerning why these matters have not gone before the Planning
Commission, Mr. Dearborn clarified that two of the Non Residential use issues needed to continue through the

Planning Commission process before taking action, transmission towers and schools, whereas all of the actions before the Board now are modifications of standards for uses already allowed, and are recommendations to change the standards that the Board already adopted. If during the public hearing process the Board decides that more public process is needed on a particular issue, it would be Mr. Dearborn's recommendation the Board refer that issue to the Planning Commission for further consideration thereby ensuring full public participation. If not, he recommended the Board take action on the package of amendments prepared by Larry Kwarsick.

Larry Kwarsick, using overhead projector, gave a power point presentation [*GMA Document #4314*] on the specific GMA amendments proposed involving guest cottages, Non-Residential uses and Standards in Rural, Rural Residential, Rural AG, Rural Forest, Commercial Ag Zones; Signs and Lighting for those uses in those five zones; and NR Design Guidelines in those zones, and show the differences between the original proposal and today's proposal. Highlights from the presentation were :

Guest Cottages - new definition

- Accessory Living Quarters: a separate living quarters contained within the primary residence.

may be created through:

- internal conversion of an existing single family dwelling
- the addition of new sq. ft. to existing single family dwelling; or
 - o inclusion in development plans for, or as part of, the construction of a new single family dwelling unit

Accessory Living Quarters are:

- permitted in R, RR, RA, RF & CA zones
- no more than 1 ALQ or guest cottage per lot
- no home occupation or home industry permitted for residents of ALQ
- ALQ shall be no greater than 800 sq. ft.
- shall be located within an owner-occupied primary residence
- subject to applicable Health Dept. standards for water & sewage disposal
 - Guest Cottage: A detached accessory Dwelling Unit, situated on the same Parcel as a Single Family Dwelling, which does not exceed 1,000 sq. ft. in gross floor area.
- permitted in R, RR, RA, RF & CA zones
- 1 GC or ALQ per lot
- applications for GC must be in name of owner
- no individual shall receive more than 1 permit/calendar yr
- not exceed 1,000 sq. ft. of gross floor area
- no home occupation or home industry allowed within GC
- no more than 35 building permits for GC shall be issued each calendar year

Specific Rural NR Issues

- NR Uses in R, RR, RA, RF & CA Zones
- Sign & Lighting Standards
- NR Design Guidelines

[not discussing NR uses in NR Zones]

Proposed Amendments

• **Comprehensive Plan**

Small-scale Recreation or Tourism Uses

-provide for small B&Bs [1 to 2 rooms) in R, RR, RF, RA & CA zones

-provide for B&B Inns [3-6 rooms) in R, RR, RF, RA & CA zones

-provide for Country inns (7 to 40 rooms) in Rural land use zone

Essential Public Facility Policies

-split essential public facilities into 2 categories for regulatory purposes

Category A: State Prison; State University

90 day advanced notice to public

alternative siting study

consistency with Comp Plan

community meeting

Category B: Local School; Sewage Treatment Plant

30 day advanced notice to public

alternative siting study

consistency with Comp Plan

community meeting

Alternative siting is not applicable to public schools that have an established school site as part of the Land Use Element of the Comp Plan or own the property prior to adoption.

Land Use Review: Pre-Application Requirements

Community Meetings

-held before pre-application

-requires notice & advertisement, minutes & recording

-requires applicant address areas of concern in pre-application

Larger NR Uses in R, RR, RA, RF and CA Zones

-Country Inns [greater than 20 units]

-Golf Courses

-Restaurants

-Shooting Ranges

-RV Parks

-Surface Mines

Environmental Policy

Threshold Determination Time Limits: using the optional DNS process threshold determinations shall be made within the time limits established in

section 16.19.140 ICC – land Use Review Process. Change made to allow for consolidation on the part of the applicant of NR approvals and the environmental decision making process.

Site Plan Review – Application Requirements

-community meeting and/or essential public facility notice

-written statement detailing how applicable criteria & standards are fulfilled and explain justification for approving application based on criteria & standards

-does not include home industry applications, regardless of the Type or any Type II

applications.

Standards:

-NR use in the R, RR, RA, RF or CA zones shall not result in a significant adverse environmental impact that can not be mitigated by reasonable mitigation measures.

-proposed use and its design fulfill definition of rural character

-proposals within RA or CA zones shall not be located on prime AG soils

or interfere with AG use of the land

Additional Authority: For a NR in the R, RR, RA, RF or CA Zones, including

home industries:

-may impose conditions to protect the rural character surrounding the

proposed use and to preserve the purpose of the underlying zone

-conditions shall be supported by a clear written finding and have a direct

connection to those conditions, why proposed and how it protects rural

character as defined by the County.

Zoning Ordinance Amendments

Modified and Added Some Definitions

Modified Some of the Permitted and Conditional Uses

Modified Land Use Standards

Zoning Definitions Added or Modified

- o Accessory Living Quarters
- o Agricultural Processing
- o Animal Shelter
- o Conditional Use
- o Essential Public Facilities [include two different categories]
- o Farm Housing and Farm Use
- o Farmer's Market

A structure or site used for the temporary gathering of persons offering for retail sale to the public local farm produce, plants, and seeds; private label canned, dried, or bottled foods; homemade food products such as bread and pastries; ornamental shrubs, potted plants, and similar nursery stock; and

locally harvested products. ~~Open Farmer's Markets do not include sales of any manufactured items such as furniture, crafts or antiques or items requiring continual refrigeration such as fresh meat or dairy products.~~ A

Farmer's Market is a temporary seasonal outlet for local area farmers, crafters and food processors to sell their wares directly to the consumer, usually occurring on a weekly or less

occasional basis.

- o Forestry Processing
- o Kennel
- o School Site
- o Surface Mining definition modified:

Surface Mining shall exclude excavations or grading associated with the operation of a borrow pit for farm or forest road construction or maintenance on-site or on contiguous property used for farm or forestry uses.

[exclusion appears in the State law definition of Surface Mining]

Zoning Designation Highlights

- RR

Added Churches (if RR zone contiguous to Mixed Use RAID or Non-municipal UGA)

Guest Cottages in RR only sited on Parcels 1 acre or greater in size

- R, RA, RF and CA

Home Industries

B&B Inns – 7 or < units

Small Day Care Center – 12 or < people

Small Group Home – 12 or < people

- Surface Mines in CA zone are clearly prohibited
- Gift Shops, Antique and Craft Shops at Home Industry scale
- B&B Inns limited to 6 rooms
- Country Inns start at 7 rooms
- Home Industries Type II and III: based on number of employees and size of structure

Home Industry

Type II Application

- less than 2 employees working on or reporting to site
- less than 800 sq. ft. or 50% of gross floor area of dwelling unit but less than a maximum

4,000 sq. ft. gross floor area

Type III Application

- more than 2 but not exceeding 5 employees working on or reporting to site; and/or
- buildings up to 4,000 sq. ft.
- properties which are 10 acres or greater may exceed the 4,000 sq., ft. maximum allowable area

[Clarification: need to have 10 acres to have something greater than 4,000 sq. ft., but can have 4,000 sq. ft. on 5 acres. Page 51 of Exhibit E: minimum parcel as currently exists starts at 2-1/2 acres. Ultimately there is a minimum parcel size for HO, the old 1-1/2 acre lot size]

Home Occupation

- more than 1 HO may be authorized on a single parcel provided that the total gross sq. ft. and number of employees are not exceeded
- does not exceed 50% of gross floor area of Dwelling Unit or 800 sq. ft. whichever is less
- retail sales are limited to products and services produced on subject premises
- does not employ on-site or report to work on-site, more than 1 full time person other than those of the immediate resident family

[Clarification: more than one home industry and home occupation can exist on a piece of property. If more than one exists on a piece of property and must stay within the outside boundaries established in the ordinance.]

Country Inns

- Parcel size

7-20 rooms: 10 acres

21-30 rooms: 15 acres

31-40 rooms: 20 acres

- Country Inns 20 or less rooms in size do not require community meeting
- No more than 1 CI, B&B room or B&B Inn operation per contiguous ownership

Bed and Breakfast Inns

- B&B facilities - use of the lot for single family residential purposes is predominant use
- Meal service for B&B facilities limited to registered guests only
- Owner must be domiciled in the single family dwelling unit
- No more than 6 attached or detached guest rooms.

Personal (Mini) Storage Facilities

- Parcel size is at least 5 acres
- Total aggregate gross area of footprints of all building foundations not to exceed 17,000 sq. ft. for parcels less than 10 acres in size and 25,000 sq. ft. for parcels greater than 10 acres
- Comply with NR rural design standards

Farm and Forest Product Stands

- Structures designed and used for the sale of farm crops or forest products grown/processed on farms/forest land in the local area
- The structure no greater than 2,500 gross sq. ft. in size in the RA or RF zones
- No less than 70% of the gross sq. ft. of selling space shall be for perishable farm produce and plants.

Farmer's Market

- A temporary use: R RA and CA Zones

-Farmer's Market is a temporary seasonal outlet for local area farmers and food processors on a weekly or less occasional basis

-Retail sale of local farm produce, plants, and seeds; private label canned, dried

or bottled foods; homemade food products such as bread and pastries; ornamental

shrubs, potted plants, and similar nursery stock; and locally harvested products

-Farmer's Markets do not include sales of any manufactured items such as

furniture .

Golf Courses

- A site plan is approved; 9 or 18 hole par 3 golf courses are Type II decisions. Regulation 18- hole golf courses are Type III decisions. [intent is 9 or 18-hole regulation golf courses are Type III decisions]
- Prohibited in CA zone
- Require design plan and best management practices plan
- use of pesticides, herbicides or fertilizers that are known to leach into groundwater are prohibited.

Equestrian Centers

- Uncovered and covered facilities for commercial boarding, training, teaching, breeding and rental of horses including facilities for shows and competitive events, and riding trails
- An uncovered arena facility with associated boarding facilities for no more than 20 horses –Type II application
- Equestrian centers with proposed covered arena facility are TYPE III applications
- Setbacks and operating hours are specified.

Restaurants

- Not exceed total of 40 seats including outdoor seating
- Not greater than 5,000 sq. ft.
- Drive-thru food service prohibited
- Fast Food restaurant prohibited. [take out is not prohibited]

RV Park or Campground

- Minimum parcel 5 acres; Maximum parcel size 10 acres
- Maximum density not exceed 3 per acre
- Site to be predominated by native forest and specific standards are provided on siting

Surface Mines

- Setbacks for mineral & aggregate processing activities:

-200' to a property line, not owned by the applicant. The setback may be

fulfilled in total or in part by an easement controlled by the applicant; and

-400' to any existing residential structure on the date of application.

- Setbacks for mineral extraction and all other activities, including haul routes:

-50' minimum to a property line, and

-The setback may be reduced or eliminated if the adjoining parcel is an operating or permitted surface mine, if joint reclamation plans have been developed.

-Setbacks may be increased when necessary to screen and buffer adjacent uses,

to protect lateral support of adjacent properties or public rights of way.

Shooting Ranges [for new ranges being proposed]

- Shall be located, designed, constructed and operated to prevent likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur;
- The National Rifle Association's Range Manual shall be used in the development and operation of ranges;
- Warning and trespass signs at intervals no greater than 50'; and
- The shooting areas shall be surrounded by an 8' high noise barrier in the form of an earth berm or wall, or be located in a minimal eight foot deep depression.

Design, Lighting, Signage and Landscaping Standards

- In the R, RR, RA, RF and CA zones, the applicant has the option to either comply fully with building design standards; or totally screen development from the view of adjacent properties and shoreline and roadway vistas
- Buildings designed to appear similar in height, size, placement, style, materials, color and design to residential or agricultural structures, except Essential Public Facilities the approving authority may waive design requirements as determined by the Approving Authority to be necessary and appropriate to the type and location of the Essential Public Facility.
- Bright or brilliant colors shall not be used
- Structures of varying heights clustered together are preferred to one large structure or the repetition of structural design
- Maximum building height is 35' (excluding existing structures)
- Large doors and blank walls visible from the adjacent public road or adjoining private property shall be avoided

- Only 1 on-premise sign not exceeding 9 sq. ft. in area. Larger signs may be considered if architecturally integrated into and attached to the building
- Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely downward onto the sign without causing glare.
- Internally illuminated signs prohibited.

Commissioner McDowell noted that in talking about public or community boat launches, it was obvious those could not be screened from a shoreline; total screening is not appropriate for a boat launch.

Mr. Kwarsick believed this not to be an issue in that there are no applicable design standard for a boat launch; there would be landscaping requirements. If there were structures those would have to meet standards.

Signs

- Measurement of Sign Area. The area of a sign shall be computed by measuring the copy as enclosed by the smallest square, triangle, rectangle or combination thereof. Any support structures, boarding trims and decorative embellishments will not be counted against total sign area as long as appropriately scaled to the size of the copy. [example provided]

Site Coverage and Impervious Surface Area

- Impervious Surface-Percent of Gross Site Area

-25% for parcels 5 acres or less in size

-10% for parcels greater than 5 acres in size

- Building Coverage-Percent of Gross Site Area

-10%

Design, Lighting, Signage and Landscaping Standards

- Exterior lighting shall be energy-efficient and shielded or recessed so that the light is directed downward and light source not visible from adjacent property
- No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.

Mr. Kwarsick clarified that a surface mine would not be an essential public facility and the alternative siting only comes with essential public facilities. A surface mine application would be dealt with on the basis of its own merits based upon the application requirements. A community meeting would precede a pre-application conference. He believed it was important to the community if someone proposes a surface mine. At such time when the Board designates mineral resource lands of long term commercial significance through Comp plan and zoning, then the Board may want to consider whether or not the community meeting is necessary. Also, once those are designated the protections in the Zoning Ordinance regarding notification to land owners when buy or build on land adjoining those designated areas would kick in.

PUBLIC COMMENTS

John Graham, Clinton, speaking on behalf of the Citizens' Growth Management Coalition, confirmed that the package presented today met the concerns of the Coalition, and if adopted by the Board the Coalition was prepared to withdraw its appeal today. In many ways a good portion of the verbiage in the package would not have been necessary 20 or even 15 years ago, but times change and change fast; standards for NR uses in the rural zone are essential for a quality of life and an economy fueled by tourism, retirees and small clean new businesses. Adopting this package is good planning, filling the gaps where standards have long been missing or incomplete.

Reece Causey, Clinton, expressed an interest for some clarification about requirements for community meetings for a proposal for a church. One of the concerns with community meeting requirement as a preliminary requirement prior to application is that while it is now for NR uses, it will become a standard that will grow and grow later. She mentioned that for restaurant seating of 40 to include outdoor seating was quite small, noting something around the size of her

patio; setting a standard today may seem reasonable but tomorrow could cut out all sorts of possibilities for people to earn a living in Island County. As far as affordable housing, she thought guest cottages would allow for affordable housing for an [elderly family member, a child returning home, or possibly rented to a young family]. She disagreed with reducing the number of guest houses in all of Island County to only 35 permits a year.

Mr. Kwarsick clarified with regard to churches that the proposal is that smaller churches with assembly areas the size for 150 persons or less would be exempt from the community meeting requirement.

Rufus Rose, Clinton, was curious about the estimated cost to Island County for implementation of the proposed changes. He was still concerned for the potential of this process becoming a model for bypassing the Planning Commission in future activities, and thought it had been a very limited process available to a very few people; documents had been changed and he was unaware how the public had received notice about what the changes are. Having a handle on what the problem is being fixed should be part of the Board's judgment. A 35 unit per year quota makes no sense any more than 1,000 sq. ft. One of the questions he posed, for example, was "would one of the richest people in the world be permitted to have servant quarters or instead have to be 800 sq. ft?". His suspicion was that people in that position need and deserve the opportunity to house the people important for their livelihood in rural Island County. With an automatic quota proposed, he inquired about what the process would be for doling out those 35 a year, who made the judgment and could someone buy up all 35; standards for issuing the quota should be adopted at the same time the quota is created. The Planning commission made recommendations concerning transmission towers in January of this year. Mr. Rose agreed that the accessory living quarters was a good idea but should not be limited in size. He did not understand the problem that would be fixed with B&B's reduced 6 to 3 units or B&B Inns reduced, stressing there had to be some public benefit that is being derived from such arbitrary numbers. With regard to the requirement for a pre-application meeting at the pre-applicant's expense, he questioned how a pre-application meeting could be held when there is no application. He suggested it would make people who want to stop things informed earlier and throw up road blocks but at the expense of the applicant. When talking about having to submit a detailed written statement with the application, Mr. Rose asked if the people opposed to it equally would be burdened to submit their detailed written statement. He wanted to know what conditions could be imposed to protect rural character.

Mr. Dearborn referred Mr. Rose to Rural Character conditions contained in 16.15.070, Pages 6 and 7.

With regard to surface mining, Mr. Rose asked if it was the intention of the Board to preclude a property owner with their own residence where the surface mine is from being closer than 200' or 400' to the surface mine.

Mr. Kwarsick clarified that the buffer is from property not owned by the applicant; or, the applicant has the option if the property is not owned by the individual to negotiate and secure an easement that could satisfy all or a portion of the buffer. An applicant for a surface mine could have a residence on the property.

With respect to home industry and the 800 sq. ft. or 1,000 sq. ft. numbers, Mr. Rose believed the numbers arbitrary, and not large enough for a cabinet shop or boat building shop. He did not think it in Island County's interest to discourage people from working at home, staying off the highways and he encouraged trying to find some relief for the home industry business. He questioned the reasonableness for a relative or friend coming here and staying at a B&B and you are prohibited by law from having breakfast, cup of coffee or glass or orange juice with them.

Chairman Shelton verified the County was not interested in creating a B&B breakfast restaurant. However, for someone to have a glass of orange juice with a friend or relative staying at a B&B, he could guarantee there would be no problem doing that.

Mr. Dearborn clarified that the ordinance stated "service of meals" which he would not classify as coffee or orange juice.

Mr. Rose questioned why it was reasonable to limit people to the 17,000 sq. ft. or 25,000 sq. ft. – permitting a land owner to only use slightly less than 4% or 8% of their land. Total screening is impossible and simply forces people to go through the smallest key hole available. As far as design review, he asked if there was some style process with

pictures of what is allowed and who would make that judgment. He mentioned that this was supposed to be a country where unless something is really wrong you get to do it; government doesn't intrude unless there is a clear identified public health, safety or welfare problem, yet this proposal about designing people's fortune; government should back off instead of advancing. For the record, Mr. Rose handed in a copy of a solicitation from the Island County Citizens' Growth Management Coalition, Freeland,

dated May 5, 1999, to "Dear Neighbor" [GMA record document #4313] identify need to collect money to beat the County.

Chairman Shelton's opinion was that it was appropriate to have some design criteria for NR uses in the rural zone.

Don Jewett, South Whidbey, commented with respect to the pre-application community meeting requirement to remind the Commissioners that devils and details are horrendous "camels nose under the tent"; when something like this is included in County requirements the public can shut down almost anything. He thought it was fair enough to require big signs to be posted on all sides of the property and perhaps notice in the paper. Government is getting oppressive and people no longer able to do with their property reasonable things. When it comes to guns and shooting ranges, he reminded that discharge of a gun takes place when the trigger is pulled.

Mr. Kwarsick explained that the regulation was designed to prevent unintended discharges that would carry beyond property boundaries.

Marianne Edain, speaking on behalf of WEAN, Langley, but also somewhat on behalf of the Coalition, expressed pleasant surprise in this instance that negotiation had worked and the package as a whole she agreed should go forward. Responding to some objections about the 35 permits for guest cottages per year, she stated the reason for a limit was the affordable housing issue. Guest cottages put with primary dwelling units automatically doubles the density on that parcel; if there were a limitless opportunity for that the density would be in effect doubled county wide. The 35 limit came about through negotiation and because of what is proposed for accessory living quarters, therefore the potential to accommodate a family member has been dealt with. The original intention of the pre-application meeting was to reduce an applicant's cost by identifying objections or concerns of neighbors up-front in order to deal with those. with regard to home industry, it is not a limit of 2 employees, but 5 employees and there are options for larger structures. As to the question about design standards, the intention is to meet the definition if what is rural [included in Island County Code] The intention here is not to allow the non residential uses to overwhelm the rural portion of the County. She asked that the Board adopt the proposal as presented today.

Carl Robinson, Langley, noted his information came from a recent article in the paper regarding openness of meetings with the County and the environmental action groups and why the openness of those meetings might have indicated additional litigation proposed. It was his understanding that in California groups acting as lobbyists for any government must register as lobbyists in that state, and did not know if it was required in this state. When it comes to litigation, usually it has to do with equal protection under the law and whether or not the law was vague or ambiguous. He had a number of questions to do with the size of cottage dwellings and application to B&B's. His 27 acres of property faces the main highway, and initially intends to open a B&B, at first with just 2 units available. According to the Code he would be limited to a 4 sq. ft. sign

Mr. Dearborn explained that the Code today is written that way: for a B&B room, it is 4 sq. ft. and for the larger ones it is 9 sq. ft.; under the proposal it is 9 sq. ft. for everything.

Mr. Robinson mentioned that he had conceived an idea he thought would be acceptable to the County: identify the business using landscaping, with B&B in large letters on the side of a hill facing the highway. When he initially inquired about that he was told it would be considered landscaping and acceptable, and asked if that were true under the new proposal. He too wanted to hear a definition of rural.

Diane Kendy, Langley, member of the Coalition but not a member of the negotiating team, thought the process was fair and reasonable, and in the end, successful, avoiding further litigation and unnecessary expense. She urged the acceptance of the proposal presented today.

COMMISSIONER DELIBERATION

Commissioner Thorn was satisfied with the proposal as presented today.

Commissioner McDowell had some concerns, questions and suggestions, as follows:

Exhibit E, Land Use Standards

Page 40, #6. Glare, heat and other radiation. Talking about some activity that would create heat, glare and other radiation having to be conducted and contained in an enclosed building. He suggested fenced area, depending on topography of the property, may be equally as good. For example, arc welding, is there a

reason that could not be done in a fenced area without a roof. Suggestion: add the words "unless otherwise mitigated."

Kwarsick to some degree what we are focusing on are home industries.

fundamentally the home industry requirement is that those types of things are conducted inside – an existing standard, and this expands it to all NR uses in the R, RR, RF, RA and CA zones.

Page 41, #12. Noise emissions shall not exceed levels established by WAC 173-60-40. Statement of concern is "More restrictive standards may be established for specific NR uses in the Rural, Rural Residential, Rural Agriculture, Rural Forest, or Commercial Agricultural Zones". What is the process for deciding what more restrictive noise standards are. Suggestion: take sentence out or identify what reference.

Dearborn pointed out another section where a more stringent standard has been adopted for a particular use; intent with this statement is more stringent standards may be established by the Board of Commissioners as a land development standard.

Page 48 Guest Cottages I e). Concern as brought up today, 1,000 sq. ft. By far 99% of the houses in Island County are below the 5,000 sq. ft. size, but should allow keep things in proportion [ease up in some ways]. Why the one acre size restriction for guest cottages, if septic and water would support it?

Kwarsick 1,000 sq. ft. is really a carry-over from what the Board already adopted and it has not been decreased or increased by this proposal. In the existing Code, guest cottages are permitted in the RR zone. This proposal provides opportunity for guest cottages in the RR zone on larger lots. A person on ½ acre could build an accessory living quarter.

Dearborn: this was an addition that was proposed by the Coalition after the workshop and was not one of the items expressly negotiated prior to agreeing to the Order of Remand.

Page 66, c) Rural Character Buffer ‘...structures a ‘full screen’ that functions as a complete visual barrier shall be provided". The term "full screen" should include a berm, in that a landscape berm works very well, by far better than just the existing foliage.

Page 67, #5 Screening. Does "landform" include a berm? [also refer to gravel pits where it states something about preserving the vegetation on the last 50’]. Suggestion: build a berm first then vegetate it.

Kwarsick: landforms does include berms; could be clarified on page 67 by adding berms.

Thorn: definition of screening includes "..... by fencing, walls, berms, natural vegetation,.....".

Page 86, 2a) Minimum site area for gravel extraction ten acres, agree 10 acres is a good size if a stand-alone pit, but if right next to another pit, a 5 acre addition to an existing pit would seem a good idea.

Dearborn: The provision also discusses site area and not lot size. If someone had a 10 acre operation and was adding

five acres, he/she would meet the 10 acre requirement.

Page 89, (i) "All existing vegetation and topographic features which would provide screening and which are within 50' of the boundary of the proposed area of extraction shall be preserved.". His thought was that someone building decent landscape form, screen, or berm and then vegetate it -- better visually and as a noise barrier than maintaining existing vegetation. Needs to be a way to not preclude a better option [i.e. take down existing screening and build a 10' or 12' berm, then vegetate it]. Suggestion is to add some language to allow "unless better alternative screening is provided is provided to provide better screening".

Dearborn: It is only those vegetation and topographical features which would provide screening that need to be preserved; (ii) describes the types of methods which would be in some cases a substitute for the natural vegetation. Add language: (i) insert native after all existing and delete shall be preserved, and insert instead include the language "are encouraged to be retained for screening"; and (ii) after methods of screening may include insert "existing native vegetation and topographical features,".

Page 42, 3 c) The statement "Accommodations shall not require the extension of public sewer and water services". Need to clarify referring to B&B's -- does this require building their own system or could they hook into an existing water system.

Kwarsick: Does not prohibit hooking into an existing system, but does not require it.

Home Industries – maximum number of people. The question about the number of employees.

Kwarsick: it ranges, in talking about scale; 5 is the maximum number of people for a home industry of people not related to the owner/operator.

Surface Mines. Support's Chairman's concern about surface mines; once the County develops a method and identify those mineral resource areas, community meeting requirement not be applied.

Community Meetings. His understanding is that the requirement only affects a limited scope of projects.

Kwarsick: confirmed that understanding, and showed on overhead the applicable page from the presentation.

Chairman Shelton proposed and suggested the following:

Surface Mine. A surface mine cannot be "taken somewhere else", that is where the minerals are. As an amendment with respect to surface mines is to eliminate surface mines from the community meeting aspect as long as they were identified as a mineral resource land in the Comprehensive Plan. When a permit for a surface mine is issued, there will be a number of conditions attached. GMA requires the County identify mineral resource lands.

Guest Houses. Agreed that 35 may be an arbitrary number but it was based upon historical permit issuance, it allows for some amount of increase of numbers of guest houses; it is a number that seemed to be a compromise, and there now is the provisions allowing for accessory living quarters. He did not anticipate it would become a problem. With respect to the concern stated about potential for doubling the density, he did not believe economically people would build 1,000 sq. ft. home to rent because the economics were not necessarily very appropriate.

Overall Statement: One of the things heard when developing the Comp Plan from both sides was the need to give people more opportunities to do things at home to earn a living. The question is how to differentiate between doing that in the rural part of the County as opposed to the urban area, and the attempt was to say if you do it in the rural zone you have to do a few things to make them not as noticeable. The size of restaurant seating of 40 is open to debate but perhaps if someone wants a restaurant that seats more than 40 it should be located in an urban setting.

Community Meetings. Philosophically many people say this is totally out of line. When talking about the ability of the community to stop a project, this does not enhance that opportunity. It may add another step in the process, but hopefully a community meeting will give the proponents of a project the ability from day one to get into the newspaper exactly what it is planning to do and it will not be something open conjecture.

STATEMENT ON PROCESS

Mr. Dearborn stated that if the Board proposed amendments not in direct response to public testimony received today, he thought the hearing would have to be reopened to allow people to provide feedback on those specific amendments.

The Board concurred.

Mr. Dearborn identified for audience members where he understand proposed changes would occur:

Exhibit D, Page 5, item B. Community meeting section. After the words "except for home industries" in the second line add "and surface mines on mineral lands that are designated by the County as lands of long term commercial significance".

Mr. Dearborn noted that based on the remand from the Growth Board, the County will be beginning a process to designate mineral lands of long term significance.

Exhibit E, Page 40 #6. New phrase at the end of the sentence "unless otherwise mitigated".

Exhibit E, Page 89 (i) Insert "native" after "All existing"; delete the words "shall be preserved" and insert instead "are encouraged to be retained for screening";

(ii) After "Methods of screening may include" insert the words "existing native vegetation and topographical features

Exhibit E, Page 49 e) [top of page] After "A Guest Cottage shall not exceed 1,000 square feet of Gross Floor Area" insert "or 20% of the gross floor area of the single family dwelling".

Exhibit E, Page 10 Farmer's Market

Delete the second sentence: "Open Farmer's Markets do not include sales of any manufactured items such as furniture, crafts or antiques or items requiring continual refrigeration such as fresh meat or dairy products."

Mr. Dearborn reported that by the County's tabulation of the number of permits issued for guest cottages over the last eight years have averaged 8 to 12 building permits a year.

PUBLIC COMMENT ON THE FIVE ADDITIONAL AMENDMENTS

Marianne Edain addressed the change proposed for surface mines. She agreed berms are some

times more effective in controlling noise. In choosing to allow the destruction of native vegetation for building a berm, asked that the native vegetation to the extent possible be salvaged and replanted on top of the berm. Because designations do not exist, it is not now known actually where those mineral lands are. Once those lands are designated the people who will be affected by that need to be informed. With regard to the definition of Farmer's Market as proposed, she advised that evidently it was just fine with those from the farmer's market group she consulted with over the weekend.

Mr. Dearborn explained that notification is a requirement of any subdivision, short subdivision or building permit now. Designation of mineral resource lands is a subject that will be going to a workshop, and the public hearing process before the Planning Commission and the Board. Mr. Kwarsick noted too that surface mines are a Type III decision and requires a pre-application and public notice.

John Graham confirmed that Ms. Edain expressed the Coalition's concern about surface mines. With regard to guest houses, as he understands , would read: "1,000 sq. ft. or 20% of gross floor area of a single family residence". He had two concerns:

1. obvious that really rich people get a break on the amount of density they can add to Island County
2. Although the Coalition agrees with the 1 acre minimum in the RR, it was not suggested by the Coalition, rather by County staff.

Mr. Dearborn pointed out that the original proposal for guest cottages had no restriction on detached guest cottages in RAIDS in the RR zone. It was Mr. Graham through Mr. Kwarsick who asked to prohibit guest cottages in the RR zone; that was done after the June 7th workshop. Mr. Dearborn learned of that and pointed out to Mr. Shelton that there were a number of RAIDS with fairly large lots, one acre lots to 2-1/2 acre lots, and questioned if that meant you can't fit a guest cottage in a house on a one acre lot, and the reaction was of course you can conveniently and probably appropriately. The one acre proposal became a substitute which the Coalition agreed to for what they had asked for, which was a new term but a prohibition completely on detached guest cottages in the RR zone.

Commissioner McDowell preferred going back to what he originally thought had been agreed upon, no prohibition on RR or acreage size.

Rufus Rose made the observation that native vegetation it a matter of interpretation, and pointed out some needed corrections:

Page 48 of Exhibit E, items A and B, unnecessarily redundant; "A" should be deleted and the remainder of the section renumbered accordingly.

Page 49 of Exhibit E, h) typo: where it reads "An Guest Cottage" should be "A" .

Bob Becker, Coupeville, asked about a definition of Country Inns. The Chair answered his inquiry to note that a Country Inn is defined as having 7 rooms but no more than 40. Mr. Becker has acreage and wondered on 20 acres about a Country Inn with 40 rooms, and Mr. Kwarsick indicated that was correct, and the requirement was there had to be a caretaker domiciled on the property; convention meeting rooms are allowed, restaurant; a Country Inn is different from a B&B.

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Carl Robinson asked if, other than those definitions already defined, was there an additional differentiation between guest cottage and B&B or Country Inn? The Chair stated that the main difference was going past 6 units is no longer a B&B, rather a Country Inn.

Commissioner McDowell addressed Ms. Edain's concern about destruction of native vegetation for building a berm, that native vegetation to the extent possible be salvaged and replanted on top

of the berm, he agreed with the stipulation "if practical". However, the Chair made the point that he did not think it would be appropriate to take down 20' trees and put in a 10' berm.

As written, the suggested change Mr. Dearborn and Mr. Kwarsick believe actually encourages the stock-piling of that vegetation if it cannot be saved in site, to try to find ways to use it as a part of the screening process just as Ms. Edain

suggested.

With respect to the guest cottage issue, Mr. Dearborn believed a valid point had been raised about a cap on the size if the 20% number is retained – there needs to be an upper limit on size. The Commissioners agreed and suggested the upper limit be set at 2,500 sq. ft.

John Graham stated that at this point it was not a "deal breaker" but staying with 1,000 sq. ft. made sense when proposed and makes sense now, and suggested 2,000 as a compromise.

Rufus Rose asked what method would a person with their single family residence have available to them in the ICC to house their staff not in their own home.

Mr. Dearborn answered that for someone wanting to build a 30,000 sq. ft. home they would probably have to buy enough land if wanting multiple servants quarters to be able to house those people on that property with the densities allowed. Twenty acres would potentially allow two to four homes on that property and that would be the way to house the servants.

BOARD ACTION

Commissioner Thorn moved the Board's adoption of Ordinance #C-63-99, CD-01-99, in the matter of Amending Island County Growth Management Act Comprehensive Plan and Implementing Development Regulations, with the following modifications and/or amendments:

1. Exhibit D, Page 5, 16.19.050B After the words "except for home industries" add

"and surface mines on mineral lands that are designated by the County of long term commercial significance".

2. Exhibit E, Page 89

(i) Insert "native" after "All existing"; delete the words "shall be preserved" and insert instead "are encouraged to be retained for screening".

(ii) After "Methods of screening may include" insert the words "existing native vegetation and topographical features

3. Exhibit E, Page 48, I. 1. a)

Delete a) [redundant language] and renumber the remainder accordingly

4. Exhibit E, Page 49

a. After "A Guest Cottage shall not exceed 1,000 square feet of Gross Floor Area" insert "or 20% of the gross floor area of the single family dwelling, whichever is larger, but not to exceed 2,500 square feet".

a. Where language states "An Guest Cottage" correct "An" to "A".

3. Exhibit E, Page 40 17.03.180 Land Use Standards

A.6. At the end of the sentence, insert: "unless otherwise mitigated".

6. Exhibit E, Page 10 Farmer's Market

Delete the second sentence: "Open Farmer's Markets do not include sales of any

manufactured items such as furniture, crafts or antiques or items requiring continual refrigeration such as fresh meat or

dairy products."

Motion, seconded by Commissioner McDowell, carried unanimously.

On behalf of Island County Citizens Growth Management Coalition, John Graham formally advised the Board the Coalition's concerns were met by the package just adopted and hereby withdrew the Coalition's appeal on the four issues, guest houses, NR uses and standards in the R, RR, RF, RA and CA zones; signs and lighting in the same five zones; and design standards in those same five

zones. The Coalition's attorney will be instructed to so advise the Hearings Board. Mr. Graham's personal hope was that the Coalition and Board saw the merit of the process just followed, taking about a month, the cost modest, and having dealt with some difficult issues by generating a good deal of respect for each other, having a vision of the results desired and a commitment to common ground. He believed it was a useful precedent, one he thought could be applied over the Summer and Fall to AG lands, Rural Densities, and re-drawing RAID boundaries. He offered personal thanks to all three County Commissioners.

Chairman Shelton expressed a bit of disappointment that WEAN and the Coalition has asked the Growth Board to reconsider much of the decision rendered. Mr. Graham was sorry that the NR uses and zones had not been allowed on the settlement table, feeling that would have gotten a good result; but it was the County's decision not to do so.

The Chair recalled that the Board talked about, especially for the AG zone, putting together a committee which would consist of representatives from the Coalition, Property Rights Alliance,

Farmers, Board, staff, etc., to try to reach an agreeable solution and work out those issues.

Mr. Graham thought particularly on the AG lands the Coalition was prepared to have a member sit on the committee and come up with a fair result, but pointed out the Coalition would have a hard time doing so if the committee were instructed to accept a definition of long term AG that the Growth Board does not accept. It was his opinion that the County went the wrong direction to create a heavy sword over everyone's head by filing an advance notice with Superior Court. He has come to enormously respect the courage all three Commissioners have shown and Mr. Graham hoped the Coalition would allow him to be the one to deal with the AG issues and the committee and do a such a good job that the County is not even tempted to go to Superior Court, rather that it would all be ended by the end of the year.

Marianne Edain, clarified that those items WEAN took back to the Hearings Board were for more clarification rather than reconsideration. It was not Island County WEAN disagreed with but looking at the Hearing Board's decision wherein they constructed an argument statement but did not follow it to its logical conclusion. In those instances where WEAN asked the Growth Board to clarify their thinking rather than an appeal of their decision.

Rufus Rose quoted from a statement he heard from a planner at lunch today "planners are the moral conscience of society". He thought added to that now were special interest groups. He suggested the Board needed to publicly discuss the basis for judgments made in an effort to to build up confidence and trust with individual property owners.

[Exhibits placed on file with the Clerk of the Board and the GMA Record]

[C-63-99 as adopted this date: GMA Document #4315]

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING THE ISLAND) ORDINANCE C-63-99

COUNTY GROWTH MANAGEMENT ACT) CD-01-99 COMPREHENSIVE PLAN AND IMPLEMENTING)

DEVELOPMENT REGULATIONS)

_____)

WHEREAS, Island County adopted a GMA Comprehensive Plan and implementing development regulations on September 28, 1998 and September 29, 1998; and

WHEREAS, pursuant to RCW 36.70A.070(5)(d)(ii), Island County provided the opportunity for the intensification of development on lots in the rural area containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development; and

WHEREAS, on December 7, 1998 the Island County Citizen's Growth Management Coalition filed an appeal of the County's Comprehensive Plan and Development Regulations, challenging, among other matters, the following:

A. Guest Cottages;

B. Non-Residential uses and standards in the Rural, Rural Residential, Rural Agriculture, Rural Forest and Commercial Agriculture designations and zones;

C. Signs and lighting in the Rural, Rural Residential, Rural Agriculture, Rural Forest and Commercial Agriculture zones; and

D. Non-Residential design guidelines in the Rural, Rural Residential, Rural Agriculture, Rural Forest and Commercial Agriculture zones; and

WHEREAS, the some of the specific allegations of the Island County Citizen's Growth Management Coalition regarding the four matters referenced above were not presented by any participant during the County's public hearing process; and

WHEREAS, Island County and the Island County Citizen's Growth Management Coalition executed a stipulated order extending the time period within which the Growth Board must issue a decision on the four referenced matters so that the Board of Island County Commissioners could consider Comprehensive Plan and Development Resolution amendments on these matters and establish a record in support of this action; and

WHEREAS, in settlement of Case No. 98-2-0023c filed by the Island County Citizen's Growth Management Coalition before the Western Washington Growth Management Hearings Board, Island County agreed to evaluate amendments to its Comprehensive Plan and implementing development regulations as related to non-residential uses and Guest Cottages in the Rural Residential, Rural, Rural Forest, Rural Agriculture, and Commercial Agriculture zones and the standards applied to development in said zones; and

WHEREAS, Island County conducted a comprehensive evaluation of the existing standards for siting Non-residential uses and Guest Cottages in the Rural Residential, Rural, Rural Forest, Rural Agriculture, and Commercial Agriculture zones; and

WHEREAS, code amendments are necessary to correct clerical errors in internal references identified in the Island County Code reviser annual update; and

WHEREAS, in 1998, the County completed environmental review under Chapter 41.21C RCW, SEPA, on its Comprehensive Plan and Development Regulations a County SEPA determination on the adopted Comprehensive Plan and Implementing Development Regulations was published in the Whidbey News Times on June 24, 1998 providing for a fifteen (15) day comment period ending July 9, 1998, and fifteen (15) day appeal period ending July 24, 1998; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapters 16.14C, 16.15, 16.19, 17.03 ICC and the Comprehensive Plan are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan

and Development Regulations the County SEPA Responsible Official has determined that the proposed amendments were adequately addressed in the Threshold Determination accompanying the original adoption of the Comprehensive Plan and Implementing Development regulations proposed for amendment; and

WHEREAS, minor changes have been made in this ordinance from the original ordinance reviewed and set for public hearing; **NOW THEREFORE**,

BE IT HEREBY ORDAINED, that the Board of Island County Commissioners hereby adopts the proposed amendments to the Comprehensive Plan Land Use Element ICC attached hereto as Exhibit A; ICC 16.14C.095 attached hereto as Exhibit B; Chapter 16.15 ICC attached hereto as Exhibit C; Chapter 16.19 ICC attached hereto as Exhibit D; and Chapter 17.03 ICC attached hereto as Exhibit E, and the Findings of Fact attached hereto as Exhibit F. Material underlined is added and material lined through is deleted.

Approved and adopted this 21st day of June, 1999 following public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: *Margaret Rosenkranz*

Clerk of the Board

BICC 99-368

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney

& Island County Code Reviser

Executive Session

Following completion of public hearing on Ordinance #C-63-99, the Board met in Executive Session at approximately 5:00 p.m., as allowed under R.C.W. 42.30.110 (1) (i) for the purpose of discussing with legal counsel pending litigation. The Executive Session concluded at 7:00 p.m. and the Board did not return to open public session with an announcement or action.

There being no further business to come before the Board, the Chairman adjourned the meeting at 7:00 p.m. The Board will meet in Special Session on June 22, 1999, beginning at 3:30 p.m., at Terry's Corner Fire Station, 525 E. North Camano Drive, Camano Island. The next regular meeting of the Board will be held on June 28, 1999, beginning at 11:30 a.m. in the Courthouse Annex, Coupeville, Wa.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: _____

Margaret Rosenkranz, Clerk of the Board