

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**

**REGULAR SESSION - August 16, 1999**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 16, 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. Minutes of previous meetings were approved by the Board as follows: July 26, 1999 Special and Regular Session; July 28, 1999 Special Session; August 2, 1999 Regular Session; and August 9, 1999 Regular Session.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.) #56160 -#56430..... \$ 406,421.45 [including \$70,000 loan to the Island County Fair for a period of six weeks - #952349]**

**Hiring Requests & Personnel Actions**

As presented and recommended for approval by Dick Toft, Human Resources Director, the Board on unanimous motion, approved the following personnel authorization actions:

**Dept. PAA# Description/Position # Action Eff. Date**

Pros. Atty. 080/99 Leg. Sec./Dist. Ct. #1811.00 Replacement 8/16/99

Pub. Works 081/99 S.W. Att II, 20 hr. week #2248.02 Replacement 8/16/99

**RESOLUTION #C-101-99 IN THE MATTER OF APPOINTING A CENSUS 2000 COORDINATOR AND ESTABLISHING A COMPLETE COUNT COMMITTEE**

Mr. Toft presented for Board action a resolution to appoint a Census 2000 Coordinator and establish a Complete Count Committee. Chairman Shelton met with the coordinator from the Census Bureau with respect to the County's responsibility in assisting the Census Bureau to ensure all people living in Island County are appropriately counted in the census. Commissioner Thorn took the matter under his wing and attempted to get a VISTA volunteer but that did not work out. Charles Schufreider, a very well qualified individual from Camano Island, stepped forward and volunteered to coordinate the effort for Island County. The Census Bureau is providing training in Portland and will pay for two people to attend from Island County [lodging, meals and travel].

The Board, by unanimous motion, approved Resolution #C-101-99 in the matter of appointing Chuck Schufreider to serve in the volunteer position Census 2000 Coordinator, and establishing a Complete County Committee.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF APPOINTING )**

**A CENSUS 2000 COORDINATOR )**

**AND ESTABLISHING A COMPLETE ) RESOLUTION #C-101-99**

**COUNT COMMITTEE )**

**WHEREAS**, there will be a national census taken in the year 2000 and the need to have a complete and accurate count cannot be overstated; and

**WHEREAS**, the County desires to establish the volunteer position of Census Coordinator to help assure a complete and accurate count; and

**WHEREAS**, it is in the best interests of Island County to establish a Complete Count Committee that is approved by the Board of County Commissioners; and

**WHEREAS**, this Committee should be chaired by an individual with leadership experience, management skills and a strong interest in having an accurate census conducted; **NOW, THEREFORE**,

**IT IS HEREBY RESOLVED** that Charles S. Schufreider be appointed to serve as the volunteer Census Coordinator and as such, he will establish and chair a complete Count Committee.

**BE IT FURTHER RESOLVED** that he be reimbursed for mileage and miscellaneous expenses, such as postage and copying costs incurred in the course of supporting a thorough and accurate census count of Island County.

**ADOPTED** this 16<sup>th</sup> day of August, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WA.

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

BICC 99-469

**HEARING SCHEDULED: ORDINANCE #C-102 -99 - REPEAL OF THE REQUIRE-  
MENT OF COUNTY LICENSE FOR DANCING AND ENTERTAINMENT IN TAVERNS**

The Board received a memorandum dated August 9, 1999, from David L. Jamieson, Jr., Deputy Prosecuting Attorney, advising that the Washington State Liquor Control Board notified the County that the U. S. District Court in Seattle found RCW 66.28.080 unconstitutional. This had

required the operator of a licensed liquor-serving establishment, such as a tavern or cocktail lounge, to first obtain a city or county permit before allowing entertainment, music or dancing on the premises. In 1937 to implement the state statute, Island County adopted a regulation, codified as Chapter 5.04 ICC, requiring an annual county permit before entertainment or dancing is allowed in liquor servicing establishments. Because the underlying state statute has been found unconstitutional, Mr. Jamieson suggested the Board of County Commissioners consider repealing the County permit requirement regulations.

The Board concurred, and by unanimous motion, scheduled Ordinance #C-102-99 to be heard at public hearing on September 13, 1999, at 9:50 a.m.

**County-Designated Mental Health Professional**

Linda Morris, Island County Mental Health Coordinator, having confirmed that Michael Dean Rattray Ph.D. meets

requirements of RCW 71.24 and WAC 257-57, the Board by unanimous motion appointed Dr. Rattray as County Designated Mental Health Professional. Designation will cease upon notification of termination by the County Commissioners or upon termination of employment with the community mental health agency.

### **AG REMAND ADVISORY COMMITTEE**

Commissioner Thorn brought forward a request to appoint Joyce LaGow, Clinton, as a member of the AG Advisory Committee, representing the small farming community. He had originally hoped to have had two representatives from the small farming community but was unable to find anyone willing to serve on the committee until Ms. LaGow stepped forward. He felt that the Committee was under-represented in terms of small farming community. Ms. LaGow has attended two out of three meetings held, with three meetings remaining.

Commissioner McDowell did not support the appointment inasmuch as it was mid-stream, the committee having already met several times and was not a good precedent to set to make appointments this late in the process. Chairman Shelton's concern was that the appointment letter from Mr. Thorn to Ms. LaGow went out prematurely last Wednesday prior to having obtained concurrence from the other two Commissioners.

Commissioner Thorn apologized for having jumped the gun and inadvertently delivered the appointment letter, explaining it as purely a mistake on his part.

The decision of Commissioners Shelton and McDowell was to leave the committee as is and make no further appointments at this late date. Commissioner Thorn was asked to relay to Ms. LaGow the Board's desire that she continue to attend and participate in the several remaining meetings, as she has in the past from her expertise in terms of small farmers.

### **RURAL DENSITIES REMAND ADVISORY COMMITTEE**

Commissioner McDowell will be chairing the "Rural Densities Remand Advisory Committee, and plans to present for Board adoption August 23<sup>rd</sup>, the Rural Densities Remand Mission Statement, and the establishment of committee membership. He requested that the Commissioners for August 23<sup>rd</sup> each have two proposed nominees to be appointed to the Committee.

### **HEARING HELD: Franchise #311-new water distribution system for Arrowhead Road/East Camano Drive submitted by Camano Hills Water Co., Inc. to service proposed Utsalady Elementary School**

A Public Hearing was held at 10:20 a.m., as scheduled and advertised, for the purpose of considering Franchise #311 for new water distribution system for Arrowhead Road/East Camano Drive submitted by Camano Hills Water Co., Inc. to service proposed Utsalady Elementary School.

The water distribution system will be placed in County rights-of-way known as Arrowhead Road and East Camano Drive. The Community Development division of Public Works reviewed and commented on the proposal, SPR 52/99 and VAR 203/99, and recommends approval. All other departments requested to comment have responded with no objection to the proposal. The franchise has been reviewed and approved as to form by the Deputy Prosecuting Attorney and the Risk Manager.

At the time of public hearing, no one was present in the audience who spoke either for or against the Franchise.

By unanimous motion, the Board granted Franchise #311 for new water distribution system for Arrowhead Road/East Camano Drive submitted by Camano Hills Water Co., Inc. to service proposed Utsalady Elementary School.

### **Grant of Drainage Easement from Tim & Polly Koeneman; and**

### **Grant of drainage easement from Roland & Dorothy Capes**

On recommendation of Mr. Kwarsick, the Board by unanimous motion accepted and approved Grant of Drainage

Easement from Tim and Polly Koeneman to access, construct, improve, repair and maintain a drainage system across a portion of Lot 3, Short Plat 040/94, Plat of Freeland [Parcel S6655-00-15000-0] and Grant of Drainage Easement from Roland and Dorothy Capes to access, construct, improve, repair and maintain a drainage system across a portion of Government Lot 2, Sec. 11, Twp. 29N, Rge 2E [Parcels R22911-186-0170 and R22911-186-0380].

### **Release of Liability - Island County Fire District #2**

On unanimous motion, the Board accepted a Release of Liability from Island County Fire District #2 (#PW-992031) to allow Island County Fire District #2 to conduct fire training drills and hose testing at the Island County Oak Harbor Road Shop.

### **HEARING SCHEDULED: APPEAL OF THE DENIAL OF BLA #264/99 BY GARY & RUTH LEWIS, REPRESENTED BY T. J. ROEHL & ASSOCIATES**

Last week, with respect to request for appeal or reconsideration regarding denial of BLA #264/99, by Gary and Ruth Lewis, applicants/owners, submitted by T. J. Roehl & Associates representing the applicants, Mr. Kwarsick advised that he expected to reissue a decision shortly and asked that the Board delay any action until next Monday, assuming the matter would be resolved through reconsideration, the appeal process to a certain degree stayed until the reconsideration has been acted on. At this time, Mr. Kwarsick advised the Board he had been unable to administratively resolve the matter, therefore recommended a Type I appeal Hearing be scheduled.

By unanimous motion, the Board scheduled an appeal hearing at 10:20 a.m. on September 13, 1999 for appeal of the denial of BLA 264/99 by Gary and Ruth Lewis, represented by T. J. Roehl & Associates.

Commissioner McDowell commented with respect to the time that elapsed since initial receipt of the request for appeal or reconsideration, that even though the matter might have been scheduled at last Monday's meeting the date of hearing would not have been any earlier than it is now because of the time frames associated with notice of hearing and the fact that August 30<sup>th</sup>

is a fifth Monday and the Board does not meet; and September 6<sup>th</sup> is a Holiday and again there is no Board meeting.

### **Review Financial Reports**

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

Maxine Sauter, Island County Treasurer, provided the Treasurer's written report for Current Expense YTD as of July 31, 1999, along with a copy of "Revenue Estimates and Budget Comparisons". She reported that on balance, things were pretty much on target and saw no areas of concern; available cash at the end of July \$1,065,368 after reserves deducted, representing about \$303,211 more than last year at this time. The County received its last Sales State Equalization payment for the year. Ms. Sauter acknowledged that while investment interest was down from last year, it was up in relationship to budget this year. Interest rates seem to be going up now, with InterWest at 5.85% for 271 days to one year. The Treasurer has invested over \$16 million, with rates ranging from 5.8 to 4.7.

The Chair had some concern with respect to Sales & Use Tax Equalization in that \$616,652.87 had been collected YTD, while the County's budget for anticipated payments was at \$760,000, a figure based at that time on what was expected from the State. He was concerned with the basis the State used to come up with the figure and the Budget Director asked to look into that issue.

#### **Auditor: Monthly Review of Revenues and Expenditures**

Suzanne Sinclair, Island County Auditor, provided in written form her July 1999 Revenue and Expenditure report, both for Current Expense, as well as other funds. She too reported that nothing really stood out as an item that needed to be called to the Board's attention.

### **Contract(s) Voter Tabulation Software/Machines**

Ms. Sinclair presented two contracts related to a new computerized vote tabulation system, one for software from Ken Webb Development for the software system, installation and on-site training; second, a contract for the actual machines. Although the contracts were both reviewed and approved by the Deputy Prosecuting Attorney, changes having been made as recommended by the Deputy Prosecuting Attorney, as of Friday, changes not yet signed off by Betty Kemp, Risk Manager, and original contracts not signed by vendors. Time is critical because of the upcoming September 14<sup>th</sup> election.

The Board had no problem with the Contracts based upon Mr. Jamieson's approval, but did request that the Contracts first be signed by the vendors, and the signature/approval on the Contract Review Form from Betty Kemp. By unanimous motion, the Board continued consideration of the contracts to the Staff Session scheduled for Wednesday, August 18.

**HEARING HELD: Ordinance #C-93-99 [PLG-022-99] DESIGNATING AND CONSERVING MINERAL LANDS OF LONG TERM COMMERCIAL**

**SIGNIFICANCE PURSUANT TO RCW 36.70A.060 AND RCW 36.70A.170**

At 1:30 p.m., as scheduled and advertised the Board held a public hearing on Ordinance #C-93-99 [PLG-022-99] proposed changes to the Island County Comprehensive Plan and Chapter 16.25 and 17.03 ICC relating to Mineral Lands of Long Term Commercial Significance in Island County. [*Legal ad GMA Doc. # 4521*]

**Attendance:**

Public: Approximately 15 people attended; Attendance Sheet circulated and copy

placed on file [*GMA Doc. # 4522*]

Staff/Consultant: Keith Dearborn; Vince Moore; Phil Bakke; Jeff Tate

**Display:**

A. Map E Island County Mineral Resource Extraction Sites [*GMA Doc. #4449*]

B. Mineral Resource Lands of Long Term Commercial Significance Map [ a

product of the July 20 Workshop, subsequent meetings and hearing back from

property owners regarding accurate designation of existing approved operations]

showing three separate categories: [*GMA Doc. #4531*]

- Red Color - existing identified sites in currently adopted Map E
- Yellow - sites proposed to be added to Map E
- Blue - sites that are proposed to be deleted from Map E

**Handouts:**

- Ordinance #C-93-99 [PLG-022-99]: proposed changes to the Island County Comprehensive Plan and Chapter 16.25 and 17.03 ICC relating to Mineral Lands of Long Term Commercial Significance in Island County. [*GMA doc. #4518*]
- Table 1 Projected Need for Sand & Gravel [*GMA Doc. #4523*]

- Table 2 Estimated Reserve Deposit Sand & Gravel Designated Mineral Resource Lands [GMA Doc. #4524]
- Proposed Amendments #1-P; 2-P; 3-P [GMA Doc. #4525]
- Proposed Amendments #1-M; 2-M; 3-M; and 4-M [GMA Doc. #4526]
- Proposed Amendments #1-Z; 2-Z [GMA Doc. #4527]
- Proposed Amendments [dated 7/20/99 Draft 1] to Exhibit E (Excerpt from Findings of November 9, 1998) [GMA Doc. #4528]

Phil Bakke, Comprehensive Plan Manager, Island County Planning Department, pointed out that today's public hearing came after a July 20 Joint Workshop of the Board and Planning Commission on this topic. A Mineral Lands Issue Paper [GMA Doc. #4451] was presented during the Workshop which proposed four recommended actions:

- Clarify the Comprehensive Plan so that mineral resource lands shown on Map E are clearly designated mineral lands of commercial significance.
- Show all parcels with mineral lands of long term commercial significance in the Island County Zoning Atlas and amend Section 17.03.050.C, Zoning Classifications and Overlays.
- Add mineral lands of long term commercial significance to Chapter 16.25 Agriculture and Forest Protection.
- Should new information be available from DNR as called for by RCW 36.70.A.B.1 the County will review its mineral resource designation September 1, 2002.

Testimony was received during the Workshop from a representative of Massey/Franzen relating to property off Goldie Road in the Oak Harbor area, concerning proposed operating permit currently under review by Island County and geologic information has been submitted for those properties [GMA doc. #04508 and 04507]. Darlyne and Karl Krieg, representing Krieg Construction, had two parcels adjacent to existing operations they believed qualified for Mineral Lands of Long Term Commercial Significance [GMA doc. #4450 and 4453]. Staff provided on July 23<sup>rd</sup> mailed notice to all known mineral land property owners of record [packet of letters in the record as GMA doc. #4509], with a request they review proposed Map E and make sure the County accurately identified their parcels on the map, and asked for information regarding current operation, scale, resource extraction over the past 20 years and approximate current supply.

From Workshop testimony received, Mr. Bakke believed consensus was that the mineral land supply was mostly within the North Whidbey area; operations in Central Whidbey were not as ideal because of location to Ebey's Prairie Reserve; and on South Whidbey, very little supplies, if any. Mr. Bakke held a meeting on Camano Island with Kenneth Gilbertson, Triple H Properties, and Tim Mason, to discuss mineral land issues that apply to Camano Island, and confirmed that mineral resources are commonly imported to Camano for work on road and housing projects, but there is a great deal of supply from the Gilbertson property, as much as 50 million tons of sand and gravel remaining in that operation.

With the exception of one case, Island County has no record of any types of land use issues surrounding neighbors to mineral resource land, with virtually no complaints over the past ten years.

Proposed amendments have been prepared in response to comments received in writing or verbal comments at meetings and workshops.

### **Proposed Amendments #1-P; 2-P; 3-P**

**1-P** Prepared by Staff in conjunction with comment letter 8/9/99 from Citizens Growth Management Coalition:

- Amend protection ordinance to provide a 500' notice and declaration distance rather than current 300' notice

distance [RCW 36.70A.060 recently amended changing requirement from 300' to 500']

- Add language from GMA regarding the possible mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals
- Enhance mailed notice and declaration language to better integrate the addition of mineral resource lands to the ordinance to provide enhanced notification of the nature of the operations
- Modify definition of surface mining good management practices to include specific conditions established by the County in its approval of CUP and CZC decisions; definition should not exclude those conditions established by the County as required by the ordinance
- Amend Policy "O" so that review of mineral resource and development regulations are not dependent of new information being provided by DNR but simply as called for by RCW 36.70A.131
- Make language in protection ordinance and Comp Plan consistent.

**2-P** Prepared by Prepared by Staff in conjunction with comment letter 8/9/99 from Citizens Growth Management Coalition:

- Establish minimum application requirements for designation of mineral lands of long term commercial significance. The proposed language would be added to Section IV Mineral Lands Policy of the Island County Comp Plan Land Use Element

Mineral Lands Overlay

Policies:

- A. Applications for designation of new mineral resource lands of long term commercial significance shall include the following:

A report including:

1. Types of materials present on site;
2. Approximate quantify of each material;
3. Approximate lateral extent of deposits;
4. Approximate depth of deposits;
5. Approximate depth of overburden.

Location and names of all structures including wells when 1,000 feet of the boundary of the property, owners of record of such structures, and purposes for which each structure exists.

Proposed location of the mine, waste dumps, sediment basins, stockpiles, structures, roads, utilities or other permanent or temporary facilities used in surface mining.

Approximate life of resource calculated based on average expected extraction rate.

**3-P** Prepared by Staff in conjunction with comment letter 8/9/99 from Citizens Growth Management Coalition:

- Establish standards for designation of new mineral lands of long term commercial significance. The proposed language would be added to Section IV Mineral Lands Policy of the Island County Comp Plan Land Use Element.

I Applications for designation of new surface mines of long term commercial significance shall be reviewed based on WAC 365-190-070 and shall meet the following standards:

1. Minimum site area of an extraction operation shall be ten acres of contiguous area;
2. Minimum site area of processing operations shall be 20 acres of contiguous area;
3. New mineral resource lands of long term commercial significance may not be closer than 500' to any Rural Residential lands.
4. Based on expected extraction rates the mineral resource has an approximate life of twenty years.

### **Proposed Amendments #1-M; 2-M; 3-M; and 4-M**

**1-M** Memorandum from Island County Engineer 8/3/99[with additional information 8/13/99] requesting addition to Map E of six contiguous parcels as Mineral Resource Lands of Long Term Commercial Significance, the parcels are contiguous and measure approximately 160 acres located in Central Whidbey.

**2-M** Memorandum 8/3/99 from Island County Engineer requesting removal from Map E of parcels no longer used in conjunction with mineral extraction and have been converted to other uses.

**3-M** Requested by Kenneth Gilbertson, Camano Island. Addition of five parcels to Map E

which were inadvertently left off the map. Referenced property is approved for surface mining operations under SPR 028/89 and are currently in operation, and approximately 50 million tons of sand and gravel remaining for extraction on the approved portions of the properties.

**4-M** Planning staff recommend removal of parcel owned by Tim Mason, Camano Island. The property has an existing legally established extraction operation on 2.0 acres. Property is not contiguous to any other surface mining operation. The property may continue to be used in conjunction with mineral extraction and related activities but would not be shown as an overlay or included in the protection ordinance.

### **Proposed Amendments #1-Z; 2-Z**

**1-Z** Requested by Penn Cove, Inc., identify two additional parcels on the proposed Zoning Atlas Map inadvertently left off the map, contiguous to the Penn Cove extraction operation and correctly shown on Map E.

**2-Z** Requested by Rempel Brothers Concrete, Inc., identify one additional parcel on the proposed Zoning Atlas Map, contiguous to the Rempel extraction operation and correctly shown on Map E.

### **Proposed Amendments to Exhibit E, Findings**

160 Last two sentences to read: "Most of those sites have been in operation for some time **and have either been granted approval and conform to standards adopted in 1984 or have received certificates of zoning compliance. The County expects these sites to continue to operate for some time in the future.**"

165 **Whidbey Island's future sand and gravel needs will be met, for the most part, from North Whidbey resource lands and off-island. While Central Whidbey has mineral deposits most are located within the Historic Reserve. South Whidbey has no mineral lands of long term commercial significance. Camano Island's needs have been and will continue to be supplied by surface mining operations in Skagit and Snohomish Counties.**

Chairman Shelton was concerned with potential meaning of the sentence under 165, because there are exiting significant mineral resource lands located within the boundaries of the historic reserve. Mr. Dearborn did recall that the Chairman mentioned that previously, and confirmed there had been an amendment prepared to modify the language in #165 [Exhibit E, page 18, Findings] but had apparently been inadvertently left out of today's packet of amendments. The proposed amended language is:

The sentence "Whidbey Island's future sand and gravel needs will be met, for the most part, from North Whidbey resource lands and off-island" should read instead:

"Whidbey Island's future sand and gravel needs will be met, for the most part, from North and Central Whidbey resource lands and off-island" and the next sentence proposed to be deleted "deleted ["While Central Whidbey has mineral deposits most are located within the Historic Reserve"]".

And based on Mr. Bakke's meeting with Camano Island operators, he was not sure that the last sentence in 165 was accurate as a finding.

**Tables 1 and 2**

Mr. Dearborn explained that GMA for minerals contains no time period to demonstrate mineral needs, but the Commissioners had asked how much mineral deposit was available and a rough estimate of need for a 20 year period. The tables represent an estimate and are not complete.

Table 1 is projected need done using a quantity per year per capita consumption of 9 cubic yards sand and gravel [from Washington Aggregate and Concrete Association] a state wide average adjusted for Island County and may be high in terms of consumption rate. Using that average consumption rate and projected population, estimated 20 year need to be something around 18 million yards. Rock has not been estimated because there are no rock quarries in the County. Table 2 represents information from operators as a result of Mr. Bakke's letter to each operator asking for sand and gravel reserves in the ground available for extraction for permitted operations as of 1999, or on the map as designated lands. Estimated reserves are 124 million cubic yards of sand and gravel. Comparing estimated reserves with projected 20 year need there is more than enough sand and gravel in this County in terms of designated lands to more than meet the 20 year need.

There are three sites in South Whidbey, but in looking at the quantity estimate there is only one with a projection of resource reserve and the others are Island County facilities and there are no resource projections for those, used as stockpiling and processing locations and not as extraction sites. The sentence under 165 Finding may need to be modified and consistent with Table 2.

**TABLE 1 PROJECTED NEED FOR SAND & GRAVEL**

| YEAR        | POPULATION PROJECTION | YEARLY NEED IN CUBIC YARDS |
|-------------|-----------------------|----------------------------|
| 2000        | 81,500                | 733,500                    |
| 2010        | 98,700                | 888,300                    |
| 2020        | 118,800               | 1,069,200                  |
| 2000 - 2010 | 811,000               | cubic yards/year           |
| 2010 - 2020 | 976,000               | cubic yards/year           |

**TOTAL PROJECTED 20 YEAR NEED: 17,870,000 cubic yards**

**TABLE 2 ESTIMATED RESERVE DEPOSIT SAND & GRAVEL****DESIGNATED MINERAL RESOURCE LANDS**

| <b><u>LOCATION:</u></b>        | <b><u>1999 ESTIMATED RESERVE [cu.yd.]</u></b> |
|--------------------------------|---|
| <b>North Whidbey</b>           |   |
| 1. Everett & Lang              | 20,000,000                                    |
| 2. Island County (Henni Pit)   |   |
| 3. Lakeside                    | 11,300,000                                    |
|                                | 20,000,000                                    |
| <b>Central Whidbey</b>         |   |
| 1. Island County (Barstow Pit) | 5,000,000                                     |
| 2. Penn Cove Inc.              |   |
| 3. Youderian                   | 7,000,000                                     |
|                                | 7,500,000                                     |
| <b>South Whidbey</b>           |   |
| 1. Veit                        | 3,000,000                                     |
| <b>Camano</b>                  |   |
| 1. Gilbertson                  | <u>50,000,000</u>                             |
| <b>Total Reserve</b>           | 123,800,000                                   |

**PUBLIC COMMENTS**

Tom Burdett, Planning Director, City of Oak Harbor, discussed two issues of importance to Oak Harbor:

1. Sleeper Road Site. The site is a City-owned facility and the City uses sand for winter road sanding, sand in parks, and some gravel for general public works projects on a limited basis. The City would like to continue to use the site and have it available and does not wish to surplus the site and retain it for mineral extraction. The site is located in a high noise area for NAS Whidbey and compatible with that.
2. Addition of Goldie Road and Ault Field Site [Massey and Franzen]. The Oak Harbor Comprehensive Plan does not contain any designated mineral resource sites in its map. The City does not allow mining as part of the planned industrial park regulations implemented with the planned industrial park land use designation in the Oak Harbor Comprehensive Plan. The City Plan recognizes the area for an employment center, and in the Economic Diversification Plan, an adopted element of the City's Comprehensive Plan, designated as such to serve for future employment. The City does not object to the addition of these into the County's Resource Element with the understanding the City be allowed to adjust UGA boundary to delete the site in the future. The City does not wish to plan for water and sewer systems to an area that does not need water and sewer service and would like

to have the opportunity to work with the County and delete this from their Capital Facilities Plan which requires an amendment to the UGA boundary. These areas are compatible with NAS Whidbey in terms of land use and high noise.

Ray Gabelein, Jr., South Whidbey, believed a statement in #165, Exhibit E, indicating that most sand and gravel will come from North Whidbey seemed to skip over Central Whidbey other than mentioning that some mineral deposits are located within the historic reserve and he believes in fact that not all of the lands identified are in the historic reserve. He hoped that after mineral lands have been identified and protected, the land can be utilized as intended, according to all necessary permitting. He is three years into a process now that he hopes is nearing completion. As he reads GMA and the Comp Plan, he sees that as the intent.

Wayne Havens, President, Triple H Enterprises, Camano Island, operates a small permitted gravel pit on north end of Camano. Although it was difficult to estimate how many yards of gravel is left in the pit, he estimated between 150,000 to 160,000 yards. He believed that only processed materials [i.e. crushed and washed rock ] actually came from off-island, while pit run was supplied on-island from Triple H, Gilbertson or Mason pits. He estimated pit run versus gravel and minerals used to be at least 25%. Most of the gravel from his pit is used for driveways.

Chairman Shelton pointed out that most engineering specifications dealing with construction of roads calls for 6" of ballast, 2" crushed rock, and 2" asphalt. Ballast is equivalent to pit run.

Ken Gilbertson, Camano Island, spoke in support of adding the five parcels to Map E mentioned by Mr. Bakke that had been inadvertently left off the map. He clarified that his estimate of reserves on his parcels was 35 to 50 million and agreed for planning purposes to be conservative, should use the 35 million figure. He does not process at his pit, but has pit run, sand and gravel and fill material. As far as pit run versus processed product his estimate should be in the pit run column of the chart.

Lew Legat, Island County Engineer, addressed the Department's proposed additions and deletions of sites on Map E, which are now reflected on the map. He gave an estimate both for the Henni pit and Barstow pit in terms of reserves in a memo last week. From the Henni Pit , some 100,000+ yards were processed over the last ten years and under a reclamation plan, forecasted the life of the pit at 100 years. Based on the last ten years, Mr. Legat thought that as a range 20% above or below that figure could be used. For the Barstow Pit, the estimated reserve was 5 million depending upon the depth of excavation, and Mr. Legat was comfortable with that estimate. He gave a description of what the proposal was over ten years and how to mine in that area, depth and number of acres, and included reserving 100 acres of the 160 acre site as open space. On the map there are a number of other sites the Department desires to have designated lands of long term commercial significance, although there is not much extraction, just some pit run, and for the most part, sites where stock pile and distribute and do some sorting. Henni and Barstow pits would be the only pits in the long term that the County has to meet its needs in terms of extraction. There is some property next to the landfill in Coupeville shown on Map E which is permitted for extraction of materials; mostly pit run comes from that site. Processed material essentially would be from Henni Pit. Lagoon point Pit and Cultus Bay Pit are on the map. Some borrow is taken from the Lagoon Point Pit, but material is limited. While other sites mostly are used for placement of storm debris, in the future things could change and materials extracted.

The Department probably purchases  $\frac{3}{4}$  of the material used, but again, that could change in the future. Public Works has a comprehensive request for deletion of all lands that were mapped for which they see no future e potential use for extraction, but want to leave the lands where there may be an extraction potential.

Mike Crawford, representing Concrete NorWest Division of Miles Sand & Gravel, a company that operated in the North Whidbey area for almost 50 years, commented that their resources and those he looked at of competitors have a good deal of reserve; however, the separation or division between rock and sand indicates the reserve is highly on the sandy side. Concrete NorWest

supplies others on the Island with crushed rock, etc. and find they are using up the resource at an alarming rate because of the rock requirements. He had some concerns in that much of the information today was new and he had not had a chance to review it prior to the hearing, and had not had an opportunity to make an estimate in terms of reserve and uses. He confirmed that ready-mix materials are not currently imported, in fact, the company exports sand to be used

Fidalgo Island. The Company has imported some crushed products to support crushed surfacing base and top course.

John Graham, Citizens Growth Management Coalition, believed it obvious that the Commissioners took a good look at the Coalition's August 9<sup>th</sup> [GMA doc. #4530] submission and made many of the changes requested. Because people had very little time to review the packet of amendments, he did ask that the Board delay action on the proposal. He summarized from the Coalition's submission, two bottom lines:

1. County needs to establish criteria, which seems to have been done; and
2. Except for mineral uses such as borrow pits, there should not be any surface mining in the County unless from designated NRL zones and with a conditional use permit.

He would be more than willing to look at making it even more lenient by saying that as soon as the designation process is started with the Comprehensive Plan amendment the application could then be made for a conditional use permit and the two processes move forward simultaneously, the CUP conditional upon the land being finally designated as a natural resource land. He suggested specific language to do so, Page 4 Document #1-P replace G and H with the following:

"Owners of parcels that qualify as having mineral resources of long term commercial significance and are shown on Map E and the official Island County Zoning Atlas, may then apply for conditional use permit to mine. Owners may also apply for a conditional use permit while NRL designation application is being considered, but any conditional; use permit issued is conditional on designation as a natural resource land."

Relating to Proposed Amendment 2-P Mr. Graham suggested a sixth application requirement be added, a sixth requirement under Policies, J: "Are any critical areas present?". And, regarding changes to the protection ordinance which now includes mineral lands, he was appreciative that the County tried to make mineral good management practices a little more informative by adding "and any conditions established in the conditional use permit process".

Marianne Edain, Whidbey Environmental Action Network, echoed the point that the packet of materials is too much to absorb in a short time and several documents need to be integrated and reviewed before understanding it let alone commenting on it. on the matter of critical areas it is not clear to me from the documents up to now to know the relationship between mineral lands of long term commercial significance and critical areas what happens when there is a high quality critical area with lots of gravel underneath? which takes precedence? and that is an issue that needs to be addressed. As far as she can tell, the definition of good management practices equates to obeying the law and conditions of permit. In other areas presumably Island County is in the process of creating best management practice manuals. If such a manual is appropriate in this instance, state that rather than saying obey the law and conditions of permit. Missing from the report is what effect the proposed activity will have on ground water, need to know the amount to be withdrawn in a given year, potential for contamination of groundwater aquifer potential for disruption by the withdrawal or by digging a hole that intersects the aquifer. The question becomes how to weigh the importance of removing this gravel as against the importance of people in the surrounding area having access to groundwater.

Ms. Edain pointed out that as a as a general matter control of vegetation on property and export of noxious weeds from the pit site property is something that needs to be addressed.

At Mr. Dearborn's request, Ms. Edain agreed to provide a suggested amendment at a later time for subsection U of the Land Development Standards for surface mining.

In response to a question from Ms. Edain, Mr. Bakke confirmed that proposed amendments were reviewed with amendments done earlier this year and found them to be consistent. There are no changes in the standards that were adopted in May.

Ms. Edain posed the question, when a mine has finished its useful life and the owner decides there will be no further

material removed, by what process is that conditional use terminated and underlying zoning brought back?

Mr. Dearborn advised that the underlying zoning remains whatever the zoning is; this is a conditional use permit and with the application a reclamation plan is prepared. DNR regulates the reclamation of surface mining in the State and makes an annual inspection. When the pit has been reclaimed it is reclaimed to the underlying zoning; this is not a zoning classification [regulations for surface mining in the Zoning Code, subsection U].

Tim Mason, Camano Island, understood the proposal was designed to protect mineral land owners and was concerned to find his pit property being recommended for deletion from Map E. He stated that in fact he uses the pit every day, not so much for mining, but hauling in and stockpiling materials and then hauls it back out. There is a couple thousand yards of material on the ground that can be mined. His request is that the property remain on Map E.

Margie Parker, Coupeville, was of the understanding that before a permit is issued, there would be a public meeting to address the proposal for the area and things such as buffers, etc. If the proposal is approved as presented today, she was concerned there seemed to be no public meeting that would occur at the beginning of the process.

Chairman Shelton answered that anything not on Map E in terms of future extraction of minerals the first issue would be a public meeting. If the property is included on the Map those properties are grandfathered in and process not start with a public meeting.

Mr. Dearborn stated that the Code was amended during the summer through negotiations with the Coalition to create larger setbacks for any new application for mineral lands from adjacent properties, a 200' setback for processing activities and 50' setback for extraction. Provisions such as vegetation, berms, buffers and screening are all requirements of an applicant in the permitting process, but those determinations are not made when lands are designated on the map as mineral lands. In the future it is expected there may well be conditional use applications for surface mining for which the owner does not want a designation of mineral lands of long term commercial significance because it is a short-term operation so not all properties have surface mining need to necessarily have a mineral lands designation. In turn there may be lands included on the map that will not be mined in the next 20 years.

Ms. Parker's concern was about buffering in any new surface mining operation and having public input on that be included as part of the normal process.

Mr. Dearborn pointed out another change made this summer at the request of the Coalition was to increase the minimum sizes for extraction and processing; for extraction it is 10 acres and processing 20 acres for the reasons of buffering and protecting adjacent property owners from the negative aspects of the mining operation.

## **STAFF/CONSULTANT COMMENTS**

As to the critical areas question raised, Mr. Dearborn confirmed that a surface mining approval cannot be obtained without complying with critical areas regulation.

There is no manual of good management practices and in fact many counties look to Island County's regulations as the model for surface mining because since 1984 this County has had the most comprehensive set of management regulatory standards for surface mining in the State. Where there are no county adopted standards for agriculture, for surface mining there are. The

reference to county regulations and in this case the DNR regulations was as thorough as could be on good management practices, but did agree, as Commissioner Thorn suggested, to add the chapter and verse.

## **BOARD DELIBERATION**

Commissioner Thorn suggested the Board continue the matter as requested because of the volume of materials and changes recommended, and address the question Mr. Burdett brought up about the Goldie Road site not being in the Oak Harbor plan. Paragraph 165 of Exhibit E, as others mentioned, is of concern and needs to be fixed.

Commissioner McDowell noted comments from Oak Harbor to be taken under consideration, and he thought it went without saying that the comp plan is a working document that can be changed on an annual basis and saw no problem accommodating the City. He agreed with the need to revise language in Paragraph 165, Exhibit E. Some of the issues brought up seemed to be more application issues than Map E issues. He agreed that the action be delayed in order to review the materials and comments received today.

Chairman Shelton agreed to give additional time for folks to digest the amendments being proposed, and suggested one week, 9:00 a.m. in Special Session on August 23, 1999, continued for the purpose of public comments on the amendment package handed out today.

By unanimous motion the Board continued the Public Hearing until special session on August 23, 1999 beginning at 9:00 a.m., to consider only the proposed amendments, and:

- look at UGA Amendment process with regard to the Oak Harbor issue
- re-draft Paragraph 165, Exhibit E based on comments from Commissioners
- with regard to the issue n about permitting requirements for surface mining for something relating to vegetation which, give Ms. Edain the opportunity next Monday to come back with a proposed amendment .

*[Notice of Continuance: GMA doc. #4529]*

**EXECUTIVE SESSION**

The Board met in Executive Session beginning at 3:50 p.m., allowed under R.C.W. 42.30.110 (1) (i), to discuss pending litigation with Special Legal Counsel. The Chairman anticipated that the session would last about one hour, and did not expect to make an announcement in open public session as a result.

There being no further business to come before the Board on conclusion of the Executive Session, meeting adjourned at 4:00 p.m. The Board will meet in Special Session on August 23, 1999 at 9:00 a.m., a public hearing continued from today on Ordinance #C-93-99 and proposed amendments, Mineral Lands of Long Term Commercial significance. The next regular meeting will begin at 11:30 a.m. on August 23, 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