

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR & SPECIAL SESSIONS - SEPTEMBER 20, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on September 20, 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, as well as August payroll, were approved for payment by unanimous motion of the Board: **Voucher (War.) #58092 - 58430** for \$1,212,493.07.

Hiring Requests & Personnel Actions

After presentation and brief summary of proposed personnel action authorizations by Dick Toft, Human Resource Director, the Board by unanimous motion, approved the following:

PAA # Description/Position # Action Proposed Effective Date

094/99 Judicial Asst. .5 fte 2004.01 Replacement 10/20/99

095/99 Senior Planner .75 fte 2260.01 New Position 9/20/99

096/99 Tax Foreclosure Dp. 2103.00 Replacement 9/28/99

092/99 Pu. He. Nurse .4 fte 2406.15 New Position 9/20/99

LETTER TO GOVERNOR LOCKE REGARDING MARINE RESOURCES COMMITTEE TRAINING CONFERENCE

The Board, on unanimous motion, signed a letter to Governor Locke, signed by the San Juan

County Commissioners inviting the Governor to be the key-note speaker at the Marine Resource Committee Training Conference to be held on Whidbey Island November 5 & 6, 1999, sponsored by the Northwest Straits Marine Conservation Initiative. Other counties to sign the letter include Clallam, Jefferson, Skagit and Whatcom.

Trust Board of Ebey's Landing National Historic Reserve

Jim Konopik of Coupeville was by unanimous motion of the Board, reappointed to Position #5 on the Trust Board of Ebey's Landing National Historic Reserve, for a term to October 1, 2003.

Drainage District #6

Appointment of Third Commissioner [RCW 85-38-070(5)]

Mr. Tom Asmus, 1276 South Engle Road, Coupeville, was appointed by unanimous motion of the Board to serve as Drainage District No. 6 Commissioner to Position #1.

Designation of Positions the Three Drainage District Commissioners:

By unanimous motion, the Board assigned the following Position Numbers and terms to the Drainage District #6 Commissioners, as follows:

Position #1: Term expires February, 2000 Tom Asmus

Position #2: Term expires February, 2002 Hibbard Moore

Position #3: Term expires February, 2004 Robert Huber

Camano Animal Control Contract

Lee McFarland, Assistant Director, General Services Administration, presented revisions to the

Camano Animal Control Contract as discussed with the Board at Staff Session on August 4, 1999. Changes are made in lieu of additional funds as outlined in a memorandum to the Board dated August 23, 1999 from Betty Kemp. The Contract has been reviewed and approved by the Deputy Prosecuting Attorney and the Risk Manager.

The Board, by unanimous motion, approved and signed the Camano Animal Control Contract as presented.

Resolution #C-111-99 Sale and/or Disposal-Surplus Co. Property

Mr. McFarland presented for the Board's consideration and approval a proposed resolution in the

matter of the sale and/or disposal of surplus County property, a topic also discussed at a recent staff session. There is no planned auction this year since there are too few items to make it worthwhile. Surplus vehicles will be advertised in the newspapers; other items with salvage value will be held for next year. As far as surplus non-functional computer parts, school districts are being contacted for interest by those teaching repair classes.

By unanimous motion, the Board approved Resolution #C-111-99 as presented.

STATE OF WASHINGTON

COUNTY OF ISLAND

IN THE MATTER OF THE SALE)

AND OR DISPOSAL OF SURPLUS) Resolution No. C-111-99

COUNTY PROPERTY)

WHEREAS, Island County has certain equipment which has lost its economic value/utility to the County;
and

WHEREAS, pursuant to Island County Code Chapter 2.31, such items may be disposed of; and

WHEREAS, the items described on attached Exhibit "A" are now and have been the property of Island
County, State of Washington; and

WHEREAS, it is in the best interest of the County and the citizens thereof that said items listed in Exhibit
"A" be sold or disposed of in accordance with Island County Code Chapter 2.31; NOW THEREFORE,

BE IT HEREBY RESOLVED THAT the items listed on Exhibit "A" shall be sold or disposed of in
accordance with Island County Code Chapter 2.31.

ADOPTED this 20th day of September, 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 99-526

Resolution #C-112-99 Intent to Contract with DSHS for Crisis Residential Center Funds and Operation of CRC within the

Juvenile Detention Facility

The Board reviewed a proposed Resolution of intent to participate in Secure Crisis Residential Center 1999 to 2001 biennium and discussed same with Elizabeth McKay, Administrator, Juvenile Court Services. CRC is a piece of the juvenile detention center and there is a contract in beginning stages of negotiation for money to assist with the building architectural costs, engineering, permits, etc.

A copy of a 7/30/99 letter from Nancy A. Zahn, Regional Administrator, DSHS, Ms. McKay, providing information on availability of construction funds for Secure Crisis Residential Centers [CRS]: (1) any expenses encountered in the 1997-99 biennium should be accrued and paid in the 1997-99 biennium; (2) funds not yet spent should be spent by 6/30/01; and (3) the pot of money is on a "first come-first serve" basis; once the \$2,800,000 is allotted under contracts—the pot is empty. The letter further stated that this means that while the funds are theoretically available to be spent through 6/30/01 the reality is a finite appropriation of \$2,800,000 spent state wide as construction proceeds in other regions. Potential providers delaying construction to a later date may find that the limited sum available is spent, and it is not possible to guarantee that construction funds will be available to all who are interested in applying.

Ms. McKay confirmed this was not dependent upon a 6/30/01 completion date, rather the start date for design or hiring of an architect. The contract would commit for 3 regional beds and the operational contract will state the requirement for 1 staff for every 3 beds.

The Chairman commented that one of the things the Board was very concerned about was that operational funds be available when the County starts operation. Ms. McKay explained that the contract will be nailed down but it would end at the end of the biennium and was something the State could pull if the money is not appropriated.

Commissioner McDowell was firm on the point that the County must know it will be able to go ahead and operate, or not waste the money building something the doors will not be opened to. He has maintained all along until he knows the money is available, either by saving it or an assured source, he would not vote to build anything; however, designing it is good common sense.

Chairman Shelton thought that the Board at staff session had agreed that in the overall context, if the funding were nailed down as much as possible, the Board would proceed with construction. Commissioners McDowell and Thorn disagreed. Commissioner Thorn's recollection was that the process would be initiated, i.e. start design with no assurance to follow through into construction until or unless it is clear as far as how to fund it. Commissioner McDowell agreed that was his recollection as well, start the process.

The Board, by unanimous motion, approved Resolution #C-112-99, a Resolution of Intent to Participate in Secure Crisis Residential Center 1999 to 2001 Biennium.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

RESOLUTION OF INTENT TO PARTICIPATE)

IN SECURE CRISIS RESIDENTIAL CENTER) RESOLUTION NO. C-112-99

1999 TO 2001 BIENNIUM)

WHEREAS, the Washington State Legislature has provided funds to the Department of Social and Health Services for grants to provide secure crisis residential centers; and

WHEREAS, Island County is willing to provide the physical facility within the Island County Juvenile Detention Center yet to be build for a crisis residential center, provided that it receives funds under the above program to include assistance with the design, architectural-engineering expenses, construction costs, permits and fees, capitalized equipment and operation; NOW THEREFORE

BE IT RESOLVED that the Board of Commissioners for Island County intends to make application for funds to establish and operate a secure crisis residential center. The Administrator of the Juvenile and Family Court Services is authorized to coordinate, certify and make submission of claims for reimbursement to the Washington State Department of Social and Health Services. Application will not be made to replace county funds for existing programs.

Adopted this 20th day of September, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mile Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST:

Margaret Rosenkranz

Clerk of the Board

BICC 99-521

PUBLIC INPUT

Elizabeth McKay, Freeland, speaking as a private citizen of the County, addressed an application for work to be done at the intersection of Fish Road and the Highway, and mention has been made of mitigation of wetlands. Her interest and concern is the fact that those wetlands are her back yard. In trying to go through the process and look at the information provided by the State Department of Transportation to determine what was proposed, and found the material was almost unreadable. Her suggestion was there be two paragraphs in clear language specify exactly what is proposed.

Commissioner Thorn suggested that the comments, technically, should be submitted to the Planning Department.

Chairman Shelton did not know how the installation of a light at the intersection in the overall scheme of things would positively or adversely affect the wetlands. Whatever is done with the level of the land there are already established culverts that allow the flow of water to continue the same way it always has. He directed the question to Larry Kwarsick.

Escrow Agreement – BBG Group, Woodland Beach Road Repair

Larry Kwarsick, Public Works Director, presented with a recommendation of approval, Escrow Agreement for BBG Group, LLC, with Skagit State Bank, to hold contract retainage funds in escrow, County Road Project CRP 98-06, Woodland Beach Road repair.

The Board by unanimous motion approved the Escrow Agreement as presented.

HEARING SCHEDULED: Ordinance C-113-99 (CD-02-99) – Amending Island County Growth Management Act Development Regulations Regarding Lighting (ICC 17.03.180.R. Land Use Standards)

Mr. Kwarsick presented a proposed ordinance to amend the Island County Growth Management Act Development Regulations Regarding Lighting to correct and oversight and error that occurred in the recent amendments to the County's Zoning Ordinance with respect to lighting. Recent adoption of Ordinance #C-63-99 which amended in part the signing and lighting standards for non-residential uses inadvertently lighting for security in the Rural and Rural Residential zones were deleted, and intention of Ordinance #C-113-99 to reinstate that original language.

By unanimous motion, the Board scheduled a Public Hearing for October 11, 1999 @ 10:20 a.m.

Final PRD Approval – Seascape at Elger Bay PRD #204/95 (Final)

Debra Little, Land Use Review, Community Development Division of Public Works, presented for the Board's approval Final PRD Approval of Seascape at Elger Bay PRD #204/95 by Larry Richmond. Mr. Richmond was in the audience at the time the matter came before the Board.

The project was granted conditional preliminary PRD approval on June 16, 1997. On review by staff if the application for final PRD, staff determined that conditions of preliminary approval were met and recommends that the Board grant final PRD approval. Ms. Little observed that the applicant worked very hard to meet all the conditions, and there is about a 30 acre shoreline wetland being preserved through a conservation easement.

By unanimous motion the Board gave final approval of PRD #204/95 Seascape at Elger Bay.

Application: Final Planned Residential Development, PRD 204/95

Date of Preliminary Approval: June 16, 1997

Name and Address of Applicant:

<u>Applicant:</u>	Lawrence Richmond	<u>Owner:</u>	Ruth Richmond & Second Chance Partnership
	15210 Sunwood Blvd., South		10436 – 66 th Avenue South
	Tukwila, WA 98188p		Seattle, WA 98178

Requesting The Following: Final approval of the Seascape at Elger Bay PRD, consisting of 20 residential lots together with an approximate 33 acre open space/wetland tract and several other community areas on approximately 53 acres.

Upon The Following Property: The site is located approximately 600 feet south of the intersection of West Camano Drive and Wagner Road. The site is adjacent to the west side of Wagner Road, extending south to the shoreline of Elger Bay and west approximately 1300 feet to encompass much of a shoreline associated wetland in Section 31, Township 31 North, Range 3 East, W.M., on south-central Camano Island, Island County, Washington. (The project includes Assessor Parcels R33131-255-3510, R33131-259-4200, R33131-365-3950, R33131-328-3540, and R33131-428-3890)

This Final Planned Residential Development conforms to (1) the requirements of the PRD Ordinance as established by ICC Chapter 16.17 that was in effect prior to December 1, 1998, (2) the conditions of preliminary approval established by the Board of Island County Commissioners on June 16, 1997, and (3) the October 1997 Settlement Agreement signed by the applicant, appellants and Island County.

APPROVED AND ADOPTED this 20th day of September, 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 99-529

Resolution #C-114-99 – Participation in the North Sound Connecting Communities Project & Approving an Interlocal Agreement with Skagit Transit

Proposed Resolution #C-114-99 was presented by Mr. Kwarsick, dealing with Island County’s participation in the North Sound Connecting Communities Project and approving an Interlocal Agreement with Skagit Transit. This involves a commitment on the part of the County of \$3,125.00 of matching funds from the Road Fund. This matter was discussed with the Board during prior staff sessions, and Mike Morton was present to respond to any questions. Island Transit is a member of the Connecting Communities Project and does participate in the forum. Skagit Transit is the lead agency for the project.

By unanimous motion, the Board adopted Resolution #C-114-99 in the matter of participation in the North Sound Connecting Communities Project and approved the Interlocal Agreement with Skagit Transit.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF PARTICIPATION IN THE)

NORTH SOUND CONNECTING COMMUNITIES)

PROJECT AND APPROVING AN INTERLOCAL) RESOLUTION C-114-99

AGREEMENT WITH SKAGIT TRANSIT)

WHEREAS, Chapter 39.34 RCW (Interlocal Cooperation Act), permits local government units to cooperate with one another on a basis of mutual advantage and to thereby provide services and facilities in

a more efficient and effective manner; and

WHEREAS, the Island County Growth Management Plan Transportation Element encourages multi-model transportation, transportation service connections, and planning and implementation of multi-jurisdictional transportation projects to address shared transportation needs; and

WHEREAS, the north Puget Sound location between major metropolitan areas offers opportunities for regional cooperation; and

WHEREAS, as the 21st century approaches, population growth and increased economic activity in the north Puget Sound region warrant greater public investment in development of a balanced, seamless transportation system; and

WHEREAS, the North Sound Connecting Communities Project mission is to provide a forum to improve transportation connections, provide direction for future multi-county transportation investments, reduce regulatory barriers and encourage partnerships for a seamless transportation system; and

WHEREAS, the North Sound Connecting Communities Project includes elected local government officials, business leaders, transportation advocates and agency staff; and

WHEREAS, the North Sound Connecting Communities Project includes Island, Snohomish, Skagit and Whatcom county government participation; and

WHEREAS, the North Sound Connecting Communities Project will emphasize planning and improvements in passenger and freight transportation which increase transportation efficiency and will provide, to the participating counties, mutual benefits in the public's interest; and

WHEREAS, the North Sound Connecting Communities Project has received a federal Transportation Administration grant in the amount of \$62,500, consisting of \$50,000 in grant funds and \$12,500 local match to be shared among four participating counties; and

WHEREAS, Skagit Transit will act as lead agency for the project, and in cooperation with other project partners will pursue the first phase of the North Sound Connecting Communities Project; and

WHEREAS, a proposed interlocal agreement under which Island County would contribute \$3,125 toward local match required by the federal government is attached hereto as Exhibit A; and

WHEREAS, the Board of Island County Commissioners finds that participation by Island County in the North Sound Connecting Communities Project is in the best interests of the county and its residents; NOW, THEREFORE,

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

1. Participation by Island County in the North Sound Connecting Communities Project is hereby authorized.
2. The Chairman of the Board of Island County Commissioners is hereby authorized to sign an interlocal agreement with Skagit Transit to contribute a total of \$3,125 toward local match for the federal funds described above, which interlocal agreement shall be substantially in the form attached as Exhibit A.

3. Other interlocal agreements relating to the North Sound Connecting Communities Project, if any, may be entered into.

APPROVED this 20th day of September, 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 99-530 [copy of Exhibit A placed on file]

Change Order #1 W.O. #317 Courthouse-Temporary Housing

Interior Electrical Hook-ups for Mobile at 501 Haller Street

Jill Wood, civil engineer, presented Change Order #1, Work Order #317, in the amount of \$14,089.00, for interior electrical hook-up for the mobile located at 501 Haller Street. When this originally went to contract four months ago, only able to define the scope and cost of the exterior work that needed to be done. At that time it was not known exactly where the wall partitions would be located for example. It was foreseen a change order would be forthcoming for the interior additional work that needed to be done. Everything related so far on the mobile units purchased from the Navy are right on budget. Water, sewer and external electrical would have had to be done regardless.

The Board, by unanimous. approved Change Order #1 to W.O. #317, for the interior electrical hook-ups as presented.

PRELIMINARY SITE PLAN - SPR 082/98

The Board considered the recommendation of the Hearing Examiner, as outlined in File No. SPR 082/98 Findings of Fact, Conclusions of Law and Recommendation signed on August 16, 1999 by Matthew Elich, Island County Hearing Examiner, Pro Temp, recommending approval with conditions. The matter was continued from the 9-13-99 meeting for staff to obtain a clarification of the Hearing Examiner's intent with regard to waiver of site plan approval; to review the record to determine whether or not waiver of final site plan review was requested by applicant.

Stacy Tucker, Associate Planner, submitted under cover memorandum dated September 17, 1999, the following information in response to the Board:

1. An e-mail from Pam Dill, Administrative Assistant, who reviewed the record of the hearing and confirmed that the applicant did not request waiver of final site plan
2. A letter from Robert R. Cole of Cole and Cole who addressed review under RCW 8.17. This letter was written in partial response to a letter addressed to David Platter from Ms. Tucker, dated 12/3/98. No other materials were present in the file which requested a waiver of final site plan.

At this time, Ms. Tucker presented for the Board and the record on this matter, an Amendment

to Findings of Fact and Conclusions of Law and Recommendation under File #SPR 082/98 from Matthew Elich, Island County Hearing Examiner Pro Tem:

"The Findings of Fact and Conclusions of Law filed under SPR 082/98 are amended and clarified as follows:

1. The decision should read that the preliminary site plan approval is granted subject to the conditions recommended by the community development division of Island County Public Works.
2. Condition number 6, page 7 of the Findings and Conclusions, shall remain a condition and a Final Site Plan must be completed prior to final inspection of Phase 1 construction.

Dated this 17th day of September, 1999".

The Board, by unanimous motion, approved Preliminary SPR 082/98 as recommended by the Hearing Examiner in Findings of Fact, Conclusions of Law and Recommendation dated August 16, 1999, and Amended Findings of Fact and Conclusions of Law and Recommendation dated September 17, 1999.

Application: Preliminary Site Plan SPR 082/98

Name and Address of Applicant & Owner:

T R Camano Inc. Water System

Property Owner:

(David Platter)

Lance H. & Ena T. Bond

PO Box 673

Stanwood, WA 98292

Requesting The Following: Approval of a Preliminary Site Plan for construction of two water reservoir tanks and a 324 square foot pump house on a 6.05 acre Rural Residential-zoned site on the west side of East Camano Road and the north side of the Plat of Thunder Ridge, Division No. 1, on Camano Island, WA

Upon The Following Property: The parcel is located at 977 Sunrise Lane, Island County, Washington, on Lots 5 and 6 of vacated Block 6 of the plat of Cavalero Beach Addition together with portions of adjacent streets and alleys, in the North ½ of Section 18, Township 31 N, Range 3 E, W.M. Assessor's Parcel No. R33118-288-0530.

Date of Hearing Examiner Recommendation of Conditional Approval: August 16, 1999

Board of Island County Commissioner Decision:

Development shall be undertaken pursuant to the conditions of the approval as set forth in the attached Findings, Conclusions and Recommendations of the Island County Hearing Examiner, dated August 16, 1999.

APPROVED AND ADOPTED this 20th day of September, 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 99-506

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

Maxine Sauter, Island County Treasurer, discussed with the Board her financial report for the period ending August 31, 1999, submitted under cover memo dated September 8, 1999. This is the Current Expense report for August and year-to-date, and she reported that revenue seemed to be keeping up with and surpassing budget estimates, with the percent average 58.3 for 8 months. She thought interest income was doing well, noting that local rates had gone higher than predicted. Collection of prior years' taxes has gone well as has delinquent interest. Building permits are up, and she thought Sales and Use Tax would probably exceed estimates. She had no areas of concern to bring to the Board's attention. The Treasurer has invested some \$60,188,845 of which 23,321,699 is the residual portion. Interest rates are going up and running now between 5.95 and 6% for 271 days to one year.

[Auditor 's Monthly Review of Revenues and Expenditures Report not available at this time]

HEARING HELD: Ordinance #C-104-99 Increasing Neutered/Spayed License Fees and Boarding Fees Established by the Island

County Dog Control Ordinance, Chapter 6.08, ICC

A Public Hearing was held, as scheduled and advertised, to consider Ordinance #C-104-99 Increasing Neutered/Spayed License Fees and Boarding Fees Established by the Island County Dog Control Ordinance, Chapter 6.08, Island County Code.

Lee McFarland explained the reason for the change of the ordinance by increasing fees was to assist the shelters for Whidbey and Camano to carry out required activity. Fees have not been increased for as long as anyone can remember. The ordinance would increase the fee for boarding of dogs impounded at county animal shelters \$4/day to \$7/day; increase the annual dog license fee for neutered/spayed dogs from \$5/year to \$7/year and the senior citizen [65 or older] rate for annual dog license fee from \$2/year to \$4/year.

The Chairman pointed out there is an overall cost for the animal control function of the county and a portion of which is paid for by these fees. As the fees go up and are collected, the amount of other county funds required to support this function will go down. And Commissioner McDowell was aware that the cost to the County to provide the service had gone up.

No members of the public spoke either for or against the proposed ordinance.

By unanimous motion, the Board adopted Ordinance #C-104-99 in the matter of increasing neutered/spayed license fees and boarding fees established by the Island County dog Control Ordinance, chapter 6.08, ICC.

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

IN THE MATTER OF INCREASING NEUTERED/
SPAYED LICENSE FEES AND BOARDING FEES)
ESTABLISHED BY THE ISLAND COUNTY DOG) ORDINANCE NO. C- 104-99
CONTROL ORDINANCE, CHAPTER 6.08,)
ISLAND COUNTY CODE)
_____)

WHEREAS, Island County established a Dog Control Ordinance which is codified as chapter 6.08 of the Island County Code; and

WHEREAS, certain fees are established for boarding of dogs and licensing of neutered/spayed dogs, as well as other fees; and

WHEREAS, the existing fees for boarding of dogs and licensing fees for neutered/spayed dogs, established years ago, are inadequate and low in comparison with neighboring counties and it is necessary to increase said fees; NOW, THEREFORE,

IT IS HEREBY ORDAINED, that the fees established by the Island County Dog Control Ordinance are increased as set forth on attached Exhibit "A", and ICC sections 6.08.050 and 6.08.170 of the Dog Control Ordinance are amended to read as contained in said exhibit. Material lined through in Exhibit "A" is deleted and material underlined is added. The licensing fee increase is effective for 2000 licenses and subsequent years' licenses. Boarding fee increases are effective January 1, 2000.

Reviewed this 23rd day of August, 1999, and set for public hearing on the 20th day of September, 1999 at 11:30 a.m. in the Commissioners' Hearing Room.

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 99-487

Ordinance C-104-99 is adopted this 20th day of September, 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

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney and

Island County Code Reviser

SPECIAL SESSIONS NOTED

7:00 p.m. September 20, 1999 Public Hearing on Camano Island at Terry's Corner Fire Hall Planning Commission recommendation on Ordinance #C-105-99 (PLG-034-99) 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 and Commercial Agriculture Zones; continued from 9/13/99

9:30 a.m. September 24, 1999 Board of Island County Commissioners & Planning Commission Joint Workshop on Rural Densities: Location: Commissioners Hearing Room, Coupeville

There being no further business to come before the Board at this time,
the Chairman adjourned the regular session, with the Board to meet
at 7:00 p.m. in special session on Camano Island.

**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

SPECIAL SESSION

The Board of Island County Commissioners met in Special Session on September 20, 1999, at 7:00 p.m. at Terry's Corner Fire Station, 525 E. North Camano Drive, Camano Island WA. Present were Chairman Mike Shelton, Wm. L. McDowell, Member, and William F. Thorn, Member.

Chairman Shelton opened the special session as scheduled at 7:00 p.m., called to conduct a Public Hearing on the Planning Commission recommendation on Ordinance #C-105-99 [PLG-034-99] 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 Agriculture and Commercial Agriculture Zone. He explained that the amendments proposed respond to public testimony received at the joint Planning Commission and Board of County Commissioners September 13, 1999, public hearing on this matter; the September 13th hearing was continued to this date and time. Further, as staff confirmed, the proposed amendments were e-mailed to AG Remand Committee members September 16, 1999; and mailed by regular mail to those who testified at the public hearing on September 13, 1999.

Attendance:

Staff: Phil Bakke, Comprehensive Plan Manager

Audience: Approximately 15 persons attended; Attendance Sheet circulated and copy on file [GMA doc. #4786]

Maps Posted:

Map posted on the left, dated September 13, 1999, depicted parcels more than 10 acres in tax programs that were not proposed to be zoned Rural AG or Commercial AG. The new color denote

smaller agriculture parcels in agriculture tax programs less than 10 acres in size. [GMA doc. #].

Map on the right, dated September 13, 1999 depicted Commercial AG lands with 25% prime soils on each parcel. The gray portions denote federal lands; blue portions denote municipalities; light yellow denote park lands; light green denote prime soils; and dark green denote Commercial AG; and the medium green is Rural AG lands. [GMA doc.# _____].

Mr. Bakke explained the hand-out, (dated September 14, 1999 from Sheilah Crider) was the Island County Planning Commission's recommended changes to Ordinance C-105-99 [GMA doc.# _____]. He stated the Planning Commission's proposed changes were underlined and in bold print; deleted items shown as strike-through and bold [previous changes were underlined or stricken through, but not in bold]. On page A-1 the proposed change read as "The county encourages such micro-farming activities, therefore new entrants may select from the full range of rural parcels within the county, not simply from parcels currently in use for micro-farming. He explained citizens requested these changes be made at the September 13th hearing. On Page A-5 a change was made that Commercial Ag lands did not have to be within a Drainage or Diking District. He explained the change on page A-6 described what percentage of a development needed to be dedicated to open space. On Exhibit B-2, the Use Table from Chapter 17.03.035A from the land development standards provides a quick reference for permitted uses. Recreational Aerial Activities were added under CA and RF zones and is also referenced in Exhibit B-6.

Mr. Bakke explained in Exhibit B-9, Section G provided a mechanism for parcels classified RA to be converted to R. To qualify for R zone it must be shown that the land cannot be farmed because of critical area regulations or if the parcel does not meet the designation criteria as noted in B-7, C and D.

He noted in B-11 under Conditional Uses, f.. Recreational Aerial Activities were included for consistency. In Exhibit B-12, D.4., Designation Criteria language regarding Drainage or Diking Districts was also changed for consistency.

Mr. Bakke stated under CA zone in B-14 H. Verification of Commercial Agriculture (CA) Zone Classification provided a mechanism for the property owner to request a technical amendment to be removed from the CA classification to RA if it met the standards. It must be done within 180 days after the effective date of this ordinance.

In B-15, Mr. Bakke, explained under 17.03.180 Land Use Standards F. applied to Rural Forest Earned Development Units (RF-EDU). In Exhibit B-17, H. or was added in Farm or Forest Management Plan. In Exhibit B-19 – Section 17.030.180 under T. Small-Scale Recreation and Tourist Uses f) Recreation Aerial Activities such as balloon rides, glider and parachute events were added. In Exhibit B-20, under 7., the standards for the Recreation Aerial Activities were listed. He stated under V. Temporary Uses, glider flights, hot air balloon rides, parachute events, were added as temporary uses and under e. Traffic control, the State Patrol or WSDOT were added.

Mr. Bakke read Exhibit D, FINDINGS AND LEGISLATIVE INTENT, Rural Agriculture and Commercial Agriculture Zones, page 3, 149. The Planning Commission has recommended that the Committee's recommendations as embodied in C-105-99 be adopted with certain modifications suggested to respond to testimony received at its Public Hearings and recommends findings 141-148 be adopted in support of this action. [GMA doc.#].

Mr. Bakke continued with a recommendation from the September 14th Planning Commission Hearing proposing new subsection to ICC 17.03.180G which would be added to G. Commercial Agriculture Earned Development Units (CA-EDUs), as follows: 10. Should action by the County or another governmental agency render allocated EDU's unusable, then the County shall reconvey all or a portion of the Conservation Easement that has been conveyed to the County, proportioned in area to the number of allocated EDU's that have been rendered unusable. [GMA doc.#].

Commissioner McDowell, in reference to Exhibit B-14, questioned whether the 180 days to request a zone change from CA to RA should be after the effective date of this amendment or the Best Management Practices or whichever is later.

PUBLIC INPUT

Donna Cole, 899 Smith Road, Camano Island stated they owned land on Land's Hill which had been classified as Commercial AG. She explained she spoke to Grace Cornwell, 93 years old, who had lived in this area all her life who confirmed Land's Hill area had never been commercial farming. Mrs. Cole stated the soil was very shallow with hard pan and does not have 25% prime soils.

Commissioner Thorn explained the designation was determined from data from maps from USGS dated 1958 and consented the maps could be in error.

Chairman Shelton clarified the zoning could be changed at no cost to the citizen if there were an error in zoning because the parcels did not meet all the criteria. He stated the map showed their property as having at least 25% prime agriculture soils.

Commissioner McDowell commented he had heard from another citizen that the soils were very shallow.

Charles Cole, 899 Smith Road, Camano Island, stated he could not find a legal notice advertising this public hearing and wanted to know why the County proposed to change the zoning of 1900 acres without notifying the property owners. He explained a neighbor told him about the proposed change. Changing his zoning to Commercial AG restricted him from building or doing anything with his property and he felt he should have been notified.

Mr. Cole stated he understood the County had to comply with the Growth Management Act. He was unhappy that conservation groups went before the GMA Hearings Board to object to portions of the County's plan, yet he was not notified of any opportunity to go and speak in favor of his previous designation. He emphasized his property was not commercial agriculture.

Commissioner Thorn stated there was a mechanism to change the CA designation without cost if the property didn't meet the zoning criteria. Also, for the record this public hearing was advertised in the Stanwood Camano News on September 7, 1999. He clarified the new figure zoned as AG land was approximately 4,600 acres.

Ted Ovenell, 17396, Quincy, WA stated he owned 35 acres which he has sold to Diane Dana to use as an equestrian center. He was concerned about the 100-foot setback required from his drainage ditches which would require approximately 15 acres for a buffer. He felt the requirements for GMA compliance were very restrictive and were unconstitutional. He felt Snohomish County regulations were more

relaxed than Island County regulations.

Val Schroeder, 1369 N. Arrowhead Road, was concerned that people had an easy way to opt out of the Commercial AG zone. She stated since Camano was an island and as more land was developed there would be less water available for current residents. She felt the one road on and off the Island was at capacity. She was in favor of the GMA and felt the Commissioners needed to regulate the state law. She stated agriculture land should stay agriculture land and not become residential development. She was in favor of preserving the current quality of life here.

Commissioner McDowell pointed out the Opt Out option was no longer available, but could only happen if a technical error was made.

Chairman Shelton further clarified the GMA Hearings Board had required Island County to change the Opt Out language and could only be changed when a mistake had been made.

Linn Emrich, 998 B. Good Road, stated he was pleased to see the Planning Commission's recommended code changes provided for Recreation Aerial Activities. He stated he believed his property had a unique opportunity to provide a tourist destination for Island County. He stated he had an access permit from the state and had conducted glider flights on a trial basis for a couple weekends and had good reception from the community.

He was concerned that only aerial recreation was described as a permitted use. He felt it should be expanded to include other activities that would not interfere with agriculture uses such as dog events, polo course, tournament soccer, falconry, and climbing walls. He would like to see structures permitted such as a clubhouse or a restroom. He suggested in 17.03.090, B. Conditional Uses, add section h. to include Other Recreational Activities. He was concerned he would not be able to lease his property for farming because of limited access on State Road 532.

Commissioner Thorn stated Small-Scale Recreation and Tourist Uses in Exhibit B-19 were added in 1997. It was illustrated that proposals such as the dog runs and kite flying would be included, but permanent structures would not be allowed.

Ron Wells, 175 Triangle Cove Lane, Camano Island asked how the prime soils were rated? He questioned if the depth of the soils were considered? He stated he had lived in the area all his life and also sold real estate. He noted soils on the north end of the Island were hard pan and he was not able to sell land as farmland that had never been farmed. He stated there were also areas there with commercial restrictions. He had a client that was interested in short platting 5 acres out of a 17-acre parcel in the rural zone and questioned if it would be classified CA or RA since it was classified as prime soils.

Chairman Shelton believed prime soils were identified by the Soils Conservation Service. He explained they were rated with a numbering system. He said the prime AG soils that grew plants very well were identified by the composition of the soil. He explained that CA had to be at least 20 acres or smaller parcels in contiguous ownership and RA had to be at least 10 acres. He noted the Board would address rural zoning at a later public hearing since the GMA Board had determined Island County needed a variety of densities in the rural zone.

Commissioner Thorn clarified that the depth of the soils were not included as part of the basic classification for prime soils. He explained in Exhibit B-7, C.1. the designation criteria that qualify

parcels as Rural Agricultural required the parcel to be at least 10 acres, or smaller Contiguous Lots owned by the same Owner that, in combination, are at least 10 acres in size and was classified in the open agricultural tax classification and was not classified CA or located in a UGA or RAID. He suggested Mr. Wells speak with Mr. Bakke or Mr. Tate from the Planning Department to determine the proposed zoning of the parcel in question.

Mr. Bakke answered Mr. Well's question explaining the light green on the map on the north end of Camano simply indicated prime soils. The darker shade of green with hatch marks indicated prime soils and parcels that qualify for the CA designation. The medium green indicated rural agriculture.

With no further members of the public indicating a desire to speak at the hearing, the public comment portion of the hearing was closed.

Commissioner Thorn commented he appreciated the turn out at the hearing and was pleased with the cooperation of the community with diametrically conflicting demands getting together to come to this consensus and felt the criteria was fair and will help preserve our rural character over a long period of time.

Commissioner McDowell appreciated hearing from the public and added the Board did have to follow state policies with GMA and the reason they were there that evening was because the Board's original proposal was challenged by the GMA Hearings Board. He encouraged everyone to become involved and let their views be know to the Hearings Board and to their Legislators. He suggested the Coles speak with Don Meehan, WSU Extension Agent regarding the depth of soils and whether it was farmable soils.

Chairman Shelton commented that under GMA, the Board was obligated to identify agricultural resource lands in Island County. He stated they gathered a large spectrum of people including large farmers, small farmers, property rights people and environmentalists and they came up with a consensus plan that would satisfy the requirements of growth management. They made an attempt to treat people as fairly as possible within the confines of the law.

By unanimous motion, the Board continued the Public Hearing on Ordinance #C-105-99 and amendments proposed thereto, to September 27, 1999 at 3:00 p.m., Island County Courthouse, Coupeville. [Notice of Continuance GMA doc. #4785].

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 8:15 p.m., to meet in Regular Session on Monday, September 27, 1999, beginning at 11:30 a.m., Hearing Room, Island County Courthouse Annex, Coupeville.

**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