ISLAND COUNTY COMMISSIONERS - MINUTES MEETING
REGULAR & SPECIAL SESSIONS - NOVEMBER 15, 1999

SPECIAL SESSION

The Board of Island County Commissioners met in Special Session on November 15, 1999, at 8:00 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present. The Special Session was called to allow the Board to meet in Executive Session with special legal counsel to discuss pending and/or potential litigation, as allowed under R.C.W. 42.30.110 (1) (i). The special session adjourned at 9:30 a.m. No announcement was made on conclusion of the session.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

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William F. Thorn, Member

ATTEST: _____
Margaret Rosenkranz, Clerk of the Board

REGULAR SESSION

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 15, 1999, beginning at 9:30 a.m., in the Island County Court house Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.)** #62544 –62755…….$ 249,192.63.

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. The Board, by unanimous motion, concurred with the recommendation of the Veterans Assistance Review Committee and took the following action on two claims: (1) V99-13 approved in the amount of $2,065.55 and balance of claim denied; (2) V99-14 denied in entirety.

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PERSONNEL ACTION AUTHORIZATION ACTIONS

Dick Toft, Human Resource Director, gave a brief summary review of proposed personnel actions, after which, the Board by unanimous motion approved the following personnel action authorizations:

PAA No.	Job Title/Position No.	Action	Effec. Date
124/99	Mt. Worker 1A #2259.02	Change in Hours	11/15/99
126/99	Parks/GSA Tech #2505.02	Replacement	12/29/99
127/99	Sr. Micro/Softw. Spec #709.00	New Position	11/15/99

ISLAND TRANSIT BOARD – COUNTY COMMISSIONER MEMBERS DESIGNATED

In response to a letter dated November 2, 1999 from the Executive Director, Island Transit, the Board by unanimous motion reappointed effective January 1, 2000, Commissioners Wm. L. McDowell and William F.

Thorn to serve as the County Legislative Body representatives on the Island Transit Board of Directors.

HEALTH CONTRACTS APPROVED

By unanimous motion, the Board having previously discussed the three health contracts before them for approval today at Staff Session, approved the following contracts:

Consolidated Contract Amendment: C07711(5), between Island County and the State Department of Health, in the amount of $2,500

Contract: School Nurse Services between Island County and NWESD-189, a reduction in contract of $9,375.00

Contract Amendment HS-07099(1) between Island County and Service Alternatives, in the amount of $78,100.00.

MODIFICATION OF EASEMENT – GRANTED BY BONNIE WELLS

Larry Kwarsick, Public Works Director, presented a Modification of Easement granted by Bonnie Wells associated with the Madrona Way Phase 2 project, which modifies the easement recorded under Auditor's File #98024245. The purpose of this document is to modify the easement previously granted to coincide be consistent with the as-built constructed outfall. Ms. Wells executed the modified easement at no charge to the County.

By unanimous motion, the Board authorized the Chairman's approval on the original Modified Easement document from Bonnie Wells.

SUPPLEMENTAL AGREEMENT NO. 3 TO AGREEMENT PW-972027); REID MIDDLETON, INC. - MADRONA WAY SLIDE REPAIR, WO #187

As explained and recommended for approval by Mr. Kwarsick the Board by unanimous motion approved and authorized the Chairman's signature on Supplemental Agreement No. 3 to Agreement PW-972027 with Reid Middleton, Inc. related to the Madrona Way Slide Repair project under Work Order #187.

SUPPLEMENTAL AGREEMENT NO. 3 TO AGREEMENT - SHELDON & ASSOCIATES, INC. FOR BIOLOGICAL SITE ASSESSMENTS

After a brief description and a recommendation for approval by Mr. Kwarsick, the Board by unanimous motion approved and authorized the Chairman of the Board to sign Supplemental Agreement No. 3 to existing contract #PW-962041 with Sheldon & Associates, Inc., regarding biological site assessments through the year 2000. *[GMA doc. # 5127]*

SUPPLEMENTAL AGREEMENT NO. 3 TO AGREEMENT WITH BROWN & CALDWELL - MAINTENANCE MANUAL AND BMP WORKSHOPS

After summary description and a recommendation for approval by Mr. Kwarsick, the Board by unanimous motion approved and authorized the Chairman of the Board to sign Supplemental Agreement No. 3 to existing professional services contract #PW-992014 with Brown and Caldwell Inc., regarding maintenance manual and BMP Best Management Practice workshops, under Work Order #266. [GMA doc. #5097]

HEARING HELD: FRANCHISE #313 – SUN MOUNTAIN CONSTRUCTION FOR SEPTIC TIGHT-LINE IN HULTMAN ROAD, CAMANO ISLAND, COMMENCING AT LOTS 17/18 NORTHERLY TO LOT 7, PLAT OF ARROWHEAD BEACH

A Public Hearing was held beginning at 10:20 a.m., as scheduled and advertised, for the purpose of considering proposed Franchise #313 by Sun Mountain Construction (Darryl Jones) for septic tight-line in Hultman Road, Camano

Island, commencing at Lots 17/18 northerly to Lot 7, Plat of Arrowhead Beach. The applicant was present in the audience at time of hearing, along with a number of interested residents.

Lew Legat, County Engineer, reported preliminary discussion with the applicant concerning installation on Arrowhead Road. The Arrowhead Road is 40' of right of way, two lanes of pavement plus shoulders and ditches with existing water lines, a number of water services to the residents, driveways, gas line, and topography much steeper than Hultman Road. Therefore the preferred location would be on Hultman Road, a 15' right of way serving a much smaller number of residents. If the franchise is granted, there still will be a permitting process with conditions required related to such things as cover over the sewer line, health requirements, construction schedule to allow passage of traffic during installation. The Prosecuting Attorney's Office reviewed and approved the document as to form and has been reviewed and approved by the Risk Manager. Based on that information, Mr. Legat recommended approval of the franchise as submitted.

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Dr. Darrell Stavig, 1611 N. Arrowhead Beach Road, Camano Island, represented 7 out of the 8 people located at the bottom of the hill, explained that he had had already a number of problems associated with too much water and drainage, bulkheads shifting, foundations cracked. There is only about 14" of topsoil on the entire hill. To allow someone to come over the hill and down to the north when the natural slope of that property is to the south and to the west he thought would be a mistake. If the County allows this, his suggestion was that the County indemnify the property owners for any losses from excess water. This would be two septic systems on one piece of property and concern is not the pipeline, but the drainfields.

Bruce Zelk, 1539 N. Hultman Road, represented he and his wife, his parents and cousin, John and Judy Mills who cumulative own about 6 tax parcels adjacent to Hultman Road, relayed a number of objections to the septic system, the second system on Lot 7. His parents own property down-slope from Lot 7, a 70' wide lot. The whole hillside in the general area is not the best in terms of drainage and general septic conditions. Lot 7 has a house under construction with an approved septic system, and is for sale. In addition, the drainfield and reserve area for Lot 17 are proposed to go on Lot 7. Assuming it meets all County requirements and the septic system is allowed, he opposed placement of a tightline down Hultman Road. Hultman Road is a 15' right of way, partially maintained by the County, with probably 400' from Arrowhead Road up to his property line has been maintained by the county and there are ditches in it, a gas line runs up on the north side of Hultman Road adjacent to the Arrowhead property. There is a private water system that meanders through the property and probably goes on to Hultman Road or easement. This is the only access and the 8 cars of full time residents who use the road. The biggest concern is the fact that the tightline will bisect their well radius, and he thought that the appropriate corridor should be Arrowhead Road.

Richard Shaffer, 1547 N. Arrowhead road, owns four tax parcels and is a resident and owner since 1976. Other than the drainage problems and concern about two septic systems on one lot as already noted, he is concerned about running a tightline down behind his property, and where that would go. If it is on the west side, it would be where the well and water system is and he would not want to have to give up any of his property nor did he want to lose the trees.

Bryan Olson, speaking for his grandfather Glenn Hurbs who owns property at 1527 Hultman, presented three issues of concern regarding the tightline:

1. proximity of the tightline to existing wells and water supply;
2. running the tightline could possibility lead to over use of Hultman Road which is the sole access in and out to those properties;
3. granting the request would lead to a continuance of irresponsible development on Lot 17 and 7 with regard to the drainage problem.

Gaylene Altman, 1509 N. Hultman Road, owner since 1977, expressed many of the concerns as the previous speakers. She has a low piece of property and bluff and has had to deal with drainage problems constantly from the property next to her. She lost a 100-year old evergreen. The lot across the street from her slopes down, has been totally clear-cut [lots 7, 17 and 18]. She has a fresh water well which is her only source of fresh water and she was quite concerned about it.

Rita Artis, 1543 Hultman Road, was concerned because she had had other properties where her well had been compromised by fecal coliform. Three people in her home work for Boeings several different shifts and there is concern about being able to use the road.

Weldon Glen, 1559 N. Hultman Road, was concerned about water coming through there with no place to take it out unless it is piped. His water supply is 80' from the edge of the road – the new line proposed is not an adequate distance from that well. Hultman Road is not a through road. He owns the property on the back side [pointed this out to the Commissioners on a map]. Mr. Zelk helped Mr. Glen identify the area on the Assessor's map and clarified that the easement goes all the way through; the road, however, is only maintained by the county up to a certain point.

Mr. Legat indicated he spoke with Keith Higman, Environmental Health Director, who advised that a sewer tightline can be run through a 100' pollution control zone but requires that the sewer line be sleeved inside another pipe and has to stand 10' beyond that 100' pollution control zone. In this case the requirement would be to sleeve the sewer line as it goes through the 100' radius. There are 8 accesses off Hultman Road to the west; an access has been granted to either Lot 17 or 18 because accessing onto Arrowhead has more traffic. Cannot contemplate what people will do in the future. The first issue in considering the granting of an access would be sight distance, location of the access on either one of the roads, concern about any accesses close to the curve on Arrowhead Road. Likewise as more accesses come on to Hultman Road caution must be with the number of lots served by that road. The legal right of way on Hultman Road is only 15' wide. In order for a drainfield to be placed on Lot 17 would require site evaluation through the Health Department. Comments from the Health Department on the Franchise application:

"This Department has no objection to the franchise application. Prior to installation of the septic system a septic disposal system permit must be issued by this Office."

If the franchise is granted, the Public Works Department through the actual construction permit can require conditions to allow for timing when the road would be closed and not removing trees. Mr. Legat confirmed copy of a survey for a short plat in 1987 showing the road and the right of way; part of the road goes outside of the right of way at the north end. The permit can only be granted for work within the right of way.

Although Chairman Shelton thought some of the issues brought up, while appropriate, did not believe this the proper venue in that the issue before the Board is whether or not to grant a franchise in existing county roads. There are engineering solutions to problems with wells, etc. and he thought perhaps one condition imposed should be appropriate engineering procedures, i.e. the whole thing sleeved especially dependent upon the type of line used as a transport line. As far as keeping additional traffic off a county road, he was not sure the County had the right to deny people access to Hultman Road. Drainage is an issue that will occur whether coming down Arrowhead Beach Road or Hultman Road, and the Health Department has very clear criteria to deal with that. If there are questions about the issuance of the drainfield permit, the venue for that would be through the Health Department and the Board of Health.

Commissioner Thorn agreed there were engineering solutions to this and he took it at face value that the County could and would condition any permits such that restoration is an obligation, trees can be protected to a maximum and the line run in paved areas so as not to disturb tree roots, etc.

The drainfield issue aside, Commissioner McDowell summarized issues related to the franchise: well radius; access during construction; and what happens to the road after construction. The map shows one of the three wells mentioned with an easement already through it. The County in the past and in the future has and will grant permits for that, subject to conditions for ways to get through a well easement. The issue of safety of the pipe once built was something he assumed would be placed at a standard depth for any pipe, and 30" of cover is minimum. The real issue of concern is how well it is compacted and the material used as backfill.

Mr. Legat mentioned that another condition the Department typically places when lines are underneath the driving surface pavement is for that portion around the pipe to require to be backfilled with control density backfill.

Commissioner Thorn moved approval of Franchise #313 based on permits to be issued associated with this be conditioned on double lining at least through the well radius if not the entire length; Hultman Road would be restored and every effort made to avoid any disruption of trees along that road; and if the drainfield is not approved the franchise is revoked. Motion, seconded by Commissioner McDowell, carried unanimously.

PUBLIC HEARING HELD: ORDINANCE #C-137-99, PLG-046-99, A TECHNICAL AMENDMENT AMENDING CHAPTER 17.03 RURAL SERVICE ZONE

A Public Hearing was held as scheduled and advertised, for the purpose of hearing proposed Ordinance #C-137-99, PLG-046-99, a technical amendment amending Chapter 17.03, Rural Service zone.

Attendance:

Staff/Consultant: Phil Bakke; Jeff Tate
Public: Susan Adams, Oak Harbor [Attendance Sheet, GMA doc. #5060]

Hand-outs:

Ordinance #C-137-99 as introduced on 10/25/99 and set for hearing GMA doc. #4971].
Memorandum dated 10/21/99 from Phillip Bakke and Jeff Tate to the Board of County Commissioners regarding Rural Service Zone – Mixed Uses, PLG-046-99 (GMA doc.#5061]

Mr. Bakke introduced the proposed Ordinance and explained that the technical amendment was before the Board after having been interpreted by Island County Public Works to apply to a 4,000 sq. ft. total building limitation to all permitted uses listed in the Rural Service Zone. As pointed out in the memorandum dated 10/21/99 the provision for mixed use development in the Rural Service zone was something that was added by the Planning Commission and subsequently by the Board of County Commissioners at a later time. Together with that addition, the County limited the ability to expand mixed use residential to 6 units per acre. The proposed amendment would clarify the 4,000 sq. ft. limitation and apply that only to the commercial portion of the mixed use and allow the 6 unit limitation to apply to the mixed use residential component in the Rural Service zone.

Mr. Tate provided further clarification and reviewed what occurred over the course of the process. In May of 1998 staff put together the rural service land study, and looked in the field at different isolated non residential uses and presented a report to the Planning Commission showing and describing what those uses were. Staff recommendation at that point was submitted which was to recognize retail services such as rural mom and pop grocery stores. The staff recommendation, supported by the Planning Commission, stated that the Rural Service Zone should provide for conditional expansion of an existing business as well as the right to rebuild in the case of fire or other disaster, limiting the building area to 4,000 sq. ft. [examples: Bailey's Corner Grocery Store; Soundview Shopper; Huntington's].

PUBLIC INPUT

No members of the audience requested to speak either for or against proposed Ordinance #C-137-99.

DISCUSSION/ACTION

Commissioner McDowell agreed there was never any intent to include residential , rather only to address the commercial aspect.

Mr. Bakke, in response to a question from Commissioner McDowell, referred to 17.03.140.A:

"Permitted Uses shall not exceed 4,000 sq. ft. of gross floor area, processed as a Type I decision pursuant to Chapter 16.19 ICC".

By unanimous motion, the Board adopted Ordinance #C-137-99 (PLG-046099) in the matter of a technical amendment amending Chapter 17.03 Rural Service Zone.

[Exhibit A placed on file with the Clerk of the Board. Ordinance #C-137-99 (PLG-046-99) as adopted - GMA doc. #5062]

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF A TECHNICAL	)	
AMENDMENT AMENDING CHAPTER 17.03	)	ORDINANCE C-137-99
RURAL SERVICE ZONE	)	PLG-046-99

WHEREAS, on September 28 and 29, 1998, the Board of Island County Commissioners adopted the County's GMA Comprehensive Plan and Development Regulations; and

WHEREAS, by Ordinance C-123-98, the Board also adopted Chapter 17.03 ICC as Island County's official Zoning Code to implement its GMA Comprehensive Plan; and

WHEREAS, through implementation of Section 17.03.140 Rural Service Zone code it has been discovered that the code is not consistent with legislative intent in that the residential component of mixed uses is currently included in the size calculations for use within the zone; and

WHEREAS, mixed uses were added to the Rural Service Code by the Planning Commission and the Board of County Commissioners understanding that the size limit would apply to the number of units located on the property, not the square footage of the residential component; and

WHEREAS, the Board of Island County Commissioners specifically limited the number of residential units involved with mixed uses in the Rural Service Zone to six units; and

WHEREAS, certain technical amendments to the Zoning Code Section 17.03.140 are required to clarify that the square footage of the residential component of a mixed use should not be included in the total square footage limited by the ordinance; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed technical amendment to Chapter 17.03 Rural Service Zone is not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; and

WHEREAS, the technical amendment is consistent with the adopted Comprehensive Plan and Legislative Findings of Fact; **NOW, THEREFORE,**

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts certain technical amendments attached hereto as Exhibit A to the Island County Zoning Ordinance Section 17.03.140 (Rural Service Zone).

Reviewed this 25th day of October, 1999 and set for public hearing at 11:00 a.m. on the 15th day of November, 1999.

BOARD OF COUNTY COMMISSIONERS OF
ISLAND COUNTY, WASHINGTON
Mike Shelton, Chairman
Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 99-602

APPROVED AND ADOPTED this 15th day of November, 1999.

BOARD OF COUNTY COMMISSIONERS OF
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
& Island County Code Reviser

[Exhibit A to the Island County Zoning Ordinance Section 17.03.140 Rural Service Zone, placed on file with the Clerk of the Board]

REVIEW FINANCIAL REPORTS

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

Maxine Sauter, Island County Treasurer, transmitted to the Board her written October Current Expense Report, dated November 12, 1999. Receipts are up over the prior year by $714,691, and disbursements up by $217,917. She noted that the sales tax revenue was over budget and would more than compensate for the loss of sales tax equalization. As of November 12th, some $76,681,833.00 is invested. Investment interest is up and she anticipated it would be over budget for the year.

b) [Auditor Monthly Review of Revenues and Expenditures not available at time of meeting].

ISLAND COUNTY BUDGET HEARINGS SCHEDULED

The Board of County Commissioners, on presentation by Margaret Rosenkranz, County Budget Director, scheduled budget documents for Public Hearing related to adoption of the Year 2000 Island County Budget, on December 6, 1999 at 11:00 a.m., including:

Resolution #C-146-99 Fixing and Adopting the Final Budgets for Island County Current Expense Fund, Special Revenue Funds, and Diking District #4 Fund for Fiscal Year 2000

Ordinance #C-147-99 Increasing the Taxing District's Prior Year's Levy Amount for Fiscal Year 2000 for the County Current Expense Levy

Ordinance #C-148-99 Increasing the Taxing District's Prior Year's Levy Amount for Fiscal Year 2000 for the County Road Levy.

1:30 P.M. GMA PUBLIC HEARINGS:

Ordinance C-97-99 (PLG-019-99) – Amending Chapter 17.02 ICC to Comply with the Order of the Western Washington Growth Management Hearings Board Relating to Certain Provisions of the County's Critical Area Regulations
Ordinance C-128-99 (CD-03-99) – Adopting Best Management Practices for Exemptions to the Island County Critical Area Ordinance, Chapter 17.02 ICC and to reaffirm the Adoption of Best Management Practices to Implement the Clearing and Grading and Stormwater and Surface Water Ordinances, Chapters 11.02 and 11.03 ICC, Respectfully

Ordinance C-130-99 (PLG-033-99) – Amending Chapter 17.02 ICC to Comply with the Order of the Western Washington Growth Management Hearings Board Relating to Certain Provisions of the County's Critical Area Regulations

Ordinance C-131-99 (PLG-045-99) – Adopting Findings of Fact Regarding Type 5 Stream Buffers and Certain Provisions of the County's Critical Areas Regulations

Attendance:
Staff/Consultant: Keith Dearborn; Larry Kwarsick; Phil Bakke
Public: Approximately 20 (Attendance Sheet GMA doc. #5063)

Mr. Dearborn began the hearing by noting a proposed amendment, Amendment No. 1 [referred to as an "orphan amendment, this being to Chapter 16.26 Type IV Decision Criteria *[GMA doc. #5141]*. The amendment would remove the language about balancing goals of the GMA from Critical Areas Regulation and reinstate that provision in 16.26 ICC for all type IV decisions. The proposed amendment was presented for purposes of review, but to enact same would require a separate ordnance.

PUBLIC HEARING: Ordinance #C-97-99 (PLG-019-99) – Amending Chapter 17.02 ICC to Comply with the Order of the Western Washington Growth Management Hearings Board Relating to Certain Provisions of the

County's Critical Area Regulations

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Hand-outs and/or Documents for the Record:

Letter dated 11/15/99 from Mark Goldsmith, Department of Fish & Wildlife, to the Planning Director, regarding proposed amendments on the designation of Habitats & Species of Local Importance *[GMA doc. #5036]*

Memorandum from Jeff Tate, Senior Planner, to Board of County Commissioners dated 1 11/15/99 regarding Critical Areas Ordinance, Shoreline Setbacks in Fish and Wildlife Habitat Conservation Areas with attachment Exhibit A, Data Table *[GMA doc. #5037]*

Proposed Amendment Packet to Ordinance #C-97-99: #9a; #10; #11; #11A; #12; #13 *[GMA doc. #5142]*

Document provided by Larry Kwarsick giving the definition of estuarine from: Wetlands of Washington: A Resource Characterization, October 4, 1989 *[GMA doc. #5143]*

Mr. Dearborn summarized from previous hearings. The Board previously had eight amendments to Ordinance #C-97-99, and adopted two; reviewed a number of others and asked that they be consolidated. That has been done (9) and after review by WEAN of amendment #9, proposed a revision referred to as 9a. Findings still need to be drafted to match what the decision of the Board is.

Amendment 9a, responds to a remand matter from the Growth Board directing that the County establish criteria for nomination and designation of species and habitats of local importance. Proposed Amendment 9a is substantively identical to amendment 9, but appropriately reorganized by Mr. Erickson to make sense. The Fish & Wildlife letter of November 15th also suggests a revision in the format which is the same as proposed by WEAN. There is one addition made to Amendment 9a that was not in #9, a clarifying amendment, page 2, under h), the last sentence: "Nominations will be processed pursuant to Chapter 16.26 ICC.". There is a minor clarification on page 3, item iv, the word "Areas" beginning the sentence instead of "Habitat". As he understands it, Amendment No. 9a would address WEAN's concern. There is a deletion on page 4 the reference to the Comp Plan and the reference to balancing the goals of the GMA. Consistency with the Comp Plan is required by the Comp Plan as well as the GMA; balancing the goals of the GMA is the inherent function the Board as elected officials perform, and probably does not need to be stated.

Amendment 10 relates to an issued raised by WEAN and the Department of Fish & Wildlife, and is a remand issue, the Growth Board directing adoption of a stock management plans for heron and osprey. The Board of Commissioners instead of adopting stock management plans, elected to put heron and osprey like the other protected species with individual biological site assessments and individual management plans would be approved. The issue that has been raised is that the standard radius of 100' for a biological site assessment is too small to cover the area that is actually likely to be impacted by development relating to osprey and heron, and WEAN suggested 800'; Fish & Wildlife suggested ¼ mile. Staff suggested 300', with final direction to leave that number blank until recommendation is received from Andy Castelle, Adolphson and Associates, on what that distance should be.

Amendment #11, functionally isolated buffers. The Growth Board directed that the County either delete functionally isolated buffers or allow for a public hearing and to consider the testimony that was raised as a result of that public hearing. If adopted, this proposal would change modestly the references but would require that in all cases a biological site assessment would be required in order to be able to use his provision. In most cases Mr. Dearborn expected that the reasonable use exception would be the mechanism used to provide people an opportunity to use their property. This provision would apply only to those lots that do not need the reasonable use exception, but for reasons they believe are important, wish to build within the buffer of a wetland or stream. In those cases they would have to do a biological site assessment to demonstrate that the portion of the buffer they wish to build in is isolated and is physically separated and functionally isolated from the critical area and therefore the buffer should not extend onto that portion of the property.

Amendment #12 is another remand matter, classification of estuarine wetlands. Category A wetlands have a cutoff at ¼ acre. The amendment makes it clear that all wetlands that are estuarine would be category A wetlands. Refer to document provided by Larry Kwarsick giving the definition of estuarine, that being from: Wetlands of Washington: A Resource Characterization, October 4, 1989, Douglas J. Canning and Michelle Stevens, Land and Wetland Resources

Subcommittee, Environment 2010 Technical Advisory Committee, Environment 2010 Project, Washington Department of Ecology, Olympia, a. 98504-8711 GMA doc. #5143]. If this amendment is adopted, there would be no bottom threshold to wetlands on shorelines that are estuarine.

Amendment #13 relates to a buffer reduction for residential lots on the shoreline affected by fish and wildlife habitat conservation areas. The amendment is another attempt to find a compromise addressing concerns raised by Fish & Wildlife, the Coalition, WEAN, and DOE. The remand on this issue from the Growth Board directed that the County delete the old provision relating to reduction of shoreline buffer reductions for fish and wildlife habitat areas. The Growth Board did not invalidate it. This amendment attempts to convince the Growth Board that the modifications made to the provision justify a continuation of a buffer reduction in limited circumstances now available. Mr. Tate's memorandum refers to this amendment. The table attached to the memorandum shows an estimated, on Whidbey and Camano, approximately 3300 parcels or lots that are adjacent to fish & wildlife habitat conservation areas. Of those under the old proposal about 848 would be able to utilize the buffer reduction provision. Under the revised proposal it is estimated there would be approximately 214 lots that would be able to utilize the buffer reduction. As written the proposal would allow the Director to consider a buffer reduction in the following circumstances: a lot 100' or less in shoreline frontage and has to be low bank, along with compliance with best management practices. If those are done, there are two types of circumstances that would allow for buffer averaging: a home on both sides of the lot, the buffer could be averaged to the average of the two homes on either side; or an end lot within a subdivision that is undeveloped, a provision created to allow for buffer reductions to the average of all the lots and homes within that subdivision. The buffer reduction applies only to lots that were in existence on or before October 1, 1998, and it does not apply to non residential development on the shoreline.

Public Testimony

Steve Erickson, WEAN, believed that changes suggested in Amendment #9 are basically format changes which would make for easier use. Under h) (i) the language added "…on or prior to December 1, 1998" is because there are some species that may have been recently extirpated, but could still be out there. Under (viii) stating that "The Planning Commission will hold a Public Hearing for proposals found to be complete, accurate, potentially effective, and within the scope of this Title and make a recommendation to the Board of Commissioners based on the standards enumerated in subsection (ix). He pointed out that the Planning Department determines the proposal is complete which triggers the Planning Commission then holding a hearing and the Planning Commission determines whether the proposals are accurate, potentially effective and within the scope of the Title. Other than that, he thought this version of the designation criteria establishes a mechanism where what needs to be protected can get protected. He noted that Gary Piazzon would address the biological site assessment requirements for heron and osprey, and pointed out this refers to the distance used to trigger site specific study to determine if a particular next or rookery needs protection.

Regarding functionally isolated buffers, he was glad to see proposed that a biological site assessment will be required. WEAN still thinks it is rather fuzzy as to what are the functions here that are of concern [is it all the critical area functions or just water quality]. He liked the way the wetlands designation criteria have been rewritten so that all estuarine wetlands be designated as Category A.

On buffer reductions, he had concern with the proposed ordinance language as now written, which is the adjacency that triggers the potential for reduction is based on presence of a lot with an existing residence that has a reduced buffer, bit says nothing about how far away those residences are. It should refer more to single family residence with the reduced buffer and come up with an actual distance. In terms of provisions to allow potential reduction for the end lot in a development, he did not think was justified.

John Graham, Citizens Growth Management Coalition, supported the positions of WEAN in this matter, WEAN being one of the member organizations of the Coalition.

David Keller, Boon Hollow Road, Oak Harbor, had read over the last two weeks about the hearings and possible denial of the use of his property. He has been on the Internet recently to review many of the State WAC's, RCW's, and CFR's and thought it staggering as far as the amount of regulation a property owner is to know about. He is very concerned about what he perceives as his rights as a property owner. He suggested that as a property owner he would be much more receptive to the environment and protection of the environment with a "carrot" and not a stick. Most people are good stewards of their property and concerned about the environment, but do not like government driving it down their throats. He observed that the environmental groups had gone the wrong way and driven a wedge between

property owners and environmentalists.

[NOTE: David Keller's testimony provided during the 11/8/99 hearing has been transcribed and entered in the record as GMA doc. #5008.]

Lloyd Schumaker, Clinton, questioned the purpose of the hearing and how the topic of this hearing related to his property being in wetlands.

Chairman Shelton explained that amendments were proposed as outlined by Mr. Dearborn. He thought that the portion of the public hearing that probably applied more to Mr. Schumaker's situation would be Ordinance #C-128-99 with regard to Agricultural BMPs.

Gary Piazzon, Coupeville, speaking for WEAN and Whidbey Audubon, lobbied for heron and osprey protection and to extend the trigger for the BSA to 300' or greater . He recalled that the County heard from Don Norman, a wildlife biologist, who recommended a 750' trigger. Looking through the research documentation, the figure varies from 150' to 800'. The susceptibility of herons to disturbance is greatest when preparing to nest in early Spring. The trigger must take into account the fact that herons are most disturbed by land based activity. Most recent documentation establishes 100 meters [300'] as the limit. Herons are under a lot of pressure not only from development but also eagle predation; therefore, prudent to be conservative and extend the trigger at least to 300'. Concern with the BSA is that after the BSA is completed there will be some protection standards based on it.

Trudy Davis, Biologist, Port Townsend, Wa., attended the hearing at Mr. Piazzon's request to speak to how important preservation of adequate heron colony habitat is, from having just completed a survey of heron colonies in Kitsap and east Jefferson counties for the State Department of Fish & Wildlife. The goal of the survey was to update the State's database on heron colony locations and activity. She shared some of the things learned from the survey:

- Herons are very sensitive to human activity around colonies
- Eagle predation is having an impact on colonies
- Particularly in Kitsap, saw the effects of human encroachment

Even in areas where management plans were used colonies have been abandoned. This year has been a particularly difficult year for herons; many stable and large colonies have been abandoned [i.e. Birch Bay, Black River, Peasley Canyon, Port Orchard]. Although the cause is not know, speculation is that the increased eagle populations, limited food fish availability and a cold wet Spring and habitat encroachment are factors. Herons need plenty of large trees to nest in. Heron colonies produce large amount waste which is acidic and kills vegetation under trees and eventually the trees themselves. Herons need nesting habitat in proximity to foraging areas, including shoreline, wetlands and upland habitat. Herons may return to previously-abandoned sites. Timing restrictions and the use of buffers are important for protection of habitat. It is crucial to restrict heavy construction activities within a 1,000' radius from the colony, particularly during the period February through at least June. Buffers for development or logging adjacent to a heron colony should be determined on a site by site basis. A recent review in Colonial Waterbirds suggested buffers of at lest 160' to 800', depending on the type of access to the colony. Herons that inhabit the inland sea area of Washington State and Canada belong to its own subspecies, Ardea herodias fannini. An international expert in Canada determined that the populations were declining in B.C. If the species is shown to be declining in this State as well, extra protective measures may need to be made or this subspecies of heron may eventually need to be protected by the Endangered Species Act.

With no one else indicating a desire to speak on the subject,
the public testimony portion was closed.

Jeff Tate addressed the question raised about larger lots in-between smaller lots. In preparing the information for the table attached to his memorandum, he went through parcel by parcel looking to see which lots would be able to use that provision in the code – the question came up but only about 10 or 15 times where there were small parcels less than 100' in width where a larger adjacent parcel [with homes] to be used to average the buffer. Typically the circumstance was a string of lots along the shoreline, i.e. a plat, and then a series of 60' lots, and the very last lot in

the plat – on one side the second to the last lot 60' in width developed; then a vacant lot 60' in width, and then some acreage – a 200-300' wide lot on the other side of the plat.

Larry Kwarsick explained procedures he implemented beginning 1 November 1999 to show what the County is doing now in its project review process relating to critical areas. He submitted into the record a copy of the Community Development Division-Island County Public Works BUILDING PERMIT SITE MARKING REQUIREMENTS dated 10-22-99 *[#GMA doc. #5064]*. One of the most difficult issues is identifying critical areas; not all are mapped and those that are mapped are not necessarily known by property owners. As part of the County's building permit process when an individual submits an application the Department provides this package to identify access route and specific building site. That information is called in which triggers the first inspection by the County [prior to the issuance of a building permit]. When the property is inspected the County provides the land owner a small written report indicating there were no critical areas discovered on site, mapped or known areas and at that point free to commence any clearing not yet done. If critical areas were found on site, the land owner will be notified and the project referred to the critical areas planners. He confirmed that every building permit application for a single family home goes through this process of a field inspection prior to the issuance of a building permit.

Mr. Dearborn discussed two possible amendments to 9a. The Department of Fish and Wildlife suggested that on the top of page 4, subsection (2) that the sentence stating "Is supported by best available science" be changed to the GMA language "Includes best available science". Mr. Dearborn recommended that modification. A suggestion made by Steve Erickson relates to page 3, subsection vii and viii. The additional language in viii is not necessary and is confusing, and Mr. Dearborn confirmed that if all complete applications are going to be referred to the Planning Commission it is up to the Planning Commission and the Board of Commissioners to decide whether they are accurate, potentially effective, and within the scope of this Title; he recommended deleting that language. With regard to standards for protection of osprey and heron, under the procedures being used with this amendment would be determined on a case by case basis based on the biological site assessment recommendation of the expert retained to prepare that in the form of a habitat management plan. It would vary potentially because it is know that in the case of heron their colonies have very different ways of adapting to human behavior and instructions.

Commissioner Thorn's comments and recommendations on the proposed amendments were as follows:

Amendment 9a - same concern Mr. Dearborn expressed on page 3, and agreed with the change of wording on page 4.

Amendment 10 - proposed not waiting for a recommendation from Andy Castelle, and use the number 300 feet.

Amendment #11, prefer deleting but agreed to accept it as written, in that it does provided better clarification than previously
Amendment #12, accept as written

Amendment #13, page 3, item 4 about the middle of the page, useful that the last line read: required buffer may be reduced to the average of the setbacks of existing single family waterfront residences, with that same change made in sub 5. [the Board adopted previously adopted Amendment No. 6 similar to this one].

Commissioner McDowell's comments on the proposed amendments were:

Amendment 9a
(ii) (1) "based on existing trends" too hazy
(iii) (1) take out the last part of the sentence "…or the habitat is proposed to be restored so that it will be suitable for use by the species".
(vii) delete the words "accurate, potentially effective, and within the scope of this Title"
(ix) (2) Changing "is supported" to "Includes" – if that is done it should not be a decision criteria

Amendment No. 10: tentatively agreed with 300' but wanted an opportunity to consider language in the Findings on

this matter, and make a final decision next week

Amendment No. 11. Enough has been said on changes that would be appropriate; it is appropriate both physically separated and functionally isolated, and add in the language " public roads'. Staff is capable of deciding whether a BSA is required or not, so leave it as "may".

Amendment 12 3.a) (iii), he did not believe the Growth Board required that the County have a patch 10x10 protected by large buffers; recommend strike "or" in (iii)

Amendment 13. Same comments as Commissioner Thorn.

Chairman Shelton's commented as follows:

Amendment 9a. h) (ii) "based on existing trends" has the same question as Commissioner McDowell and assumed that a trend would be something established over time, but the question would be when does the trend start.

(iii) (1) Built in to that is the understanding that the owner of that habitat has to be agreeable to restore it, and someone has to pay for the restoration; which does not mean that someone can demand that a property owner restore the habitat – there has to be agreement on the part of the property owner and someone has to pay for the restoration of that habitat which does not in any way relate to the property owner if unwilling to do that.

Mr. Dearborn asked Mr. Erickson in October what that meant when he proposed the restoration reference and Mr. Erickson made it clear he did not expect the County could or would compel a private property owner to do restoration, it was when restoration was a part of the proposal and there was a mechanism for doing it that they were proposing [which would mean financing and a willing property owner].

Commissioner McDowell suggested then that words be added to reflect that as part of the criteria "identify funding and the willingness of the owner". There cannot be an open ended proposal to fix the habitat – a specific plan for restoration and identify what funds are available.

Mr. Dearborn indicated a finding could be drafted that makes it clear that restoration occurs if there is a willing property owner and there is funding available to permit the restoration. Commissioners Shelton and McDowell had no problem either addressing it in the Findings or code language.

On the question of existing trends, Chairman Shelton suggested that if a trend is to be established, a starting date for trend development would be appropriate.

Commissioner McDowell's concern was that just basing it on a trend was too vague and preferred to see a specific date included. Chairman Shelton agreed that a specific date should be specified.

Mr. Dearborn mentioned that January 1, 1985 was the date the old zoning code went into effect and the County first began protecting species and habitat. The suggestion of the reference to best available science in both places also would be useful given Mr. Erickson's comments.

With regard to heron and osprey, the Chairman recalled the testimony from a biologist again today; that information, along with what he has read on heron, indicates that probably the most damaging thing done to the heron population occurred by restoring the eagle population. In the case of heron, while he would not want to enact legislation that would cause disappearance of heron in Island County, on the other hand, what will ultimately trigger a BSA is expanded and seems to be there is proposed to be an inordinate amount of responsibility on the property owner when in fact it was government that passed legislation that caused eagles to be restored to a higher level and another species now suffering from as a result of that. He heard a birder on South Whidbey refer to eagles as the IRS of the bird population. Whatever is adopted has to be based upon best available science and he hoped that Andy Castelle can provide the appropriate number.

On the topic of estuarine wetlands, in response to a question from the Chairman, Mr. Dearborn recalled that DOE asked that the County treat all wetlands that are estuarine as category A regardless of size. He has been told by staff that in terms of true estuarine wetlands there are not many in this county, so he did not see this as having a significant impact for this county. About 2/3 of the counties in Western Washington do not have a threshold size and treat all wetlands as significant and regulate them all. Mr. Dearborn thought there was a legitimate argument between the County and WEAN on the point that only the Growth Board will be able to provide the answer for.

Mr. Dearborn reviewed/summarized changes on Amendment 9A Board discussed:

Amendment 9A

Page 2 Add to (ii) (1) after "existing trends" the phrase "since January 1, 1985", to read: "(1) Local populations which are in danger of extirpation based on existing trends since January 1, 1985.".

Page 3

(iii) (1) after the word "restored" add the phrase "with consent of the affected property owner", so the sentence reads: "Where a habitat is nominated to protect a particular species, the use of the habitat by that species is documented, is highly likely or the habitat is proposed to be restored with consent of the affected property owner so that it will be suitable for use by the species; and".

vi Last sentence strike "consider" and instead use the phrase "be supported by", the sentence to then read: "Management strategies must be supported by best available science and where restoration is proposed a specific plan to finance the restoration is available.". [or instead of available could say "has been prepared"]

Note: the County has the ability to condition any approval as contingent on having financing to carry out the restoration.

viii Delete "accurate, potentially effective, and within the scope of this"

Page 4 (2) Substitute "Includes" for the words "Is supported by".

Amendment No. 10

One Commissioner suggests 300' is the appropriate number; two Commissioners want to wait a week in order to allow Andy Castelle to provide his recommendation on what the correct number should be.

Amendment No. 11

Two Commissioners support amendment as proposed, but require Chair move to reconsider prior action.

Amendment No. 12

No changes proposed; two Commissioners willing to support the proposal as presented.

Amendment No. 13

Page 3 (4) Just before the word "residences" at the end of the sentence, add the word "waterfront".
Page 3 (5) Just before the word "residences" at the end of the second line, add the word "waterfront".
[Also require Chair to move to reconsider to substitute it for amendment adopted earlier]

<u>BOARD ACTION</u>:

The Chair moved that the Board reconsider Amendment No. 1 adopted October 11, 1999, proposing after reconsideration the substitution of Amendment 11 for Amendment No. 1. Motion, seconded by Commissioner Thorn, carried unanimously.

Commissioner Thorn moved adoption of **Amendment No. 9A** to Ordinance #C-97-99, with the following changes:

Page 2 C. 1..h) (ii) (1) read: "(1) Local populations which are in danger of extirpation based on existing trends since January 1, 1985.".

Page 3
C.1.h) (iii) (1) after the word "restored" add the phrase "with consent of the affected property owner", so the sentence reads: "Where a habitat is nominated to protect a particular species, the use of the habitat by that species is documented, is highly likely or the habitat is proposed to be restored with consent of the affected property owner so that it will be suitable for use by the species; and".

vi Last sentence strike "consider" and instead use the phrase "be supported by",
the sentence to then read: "Management strategies must be supported by best available science and where restoration is proposed, a specific plan to finance the restoration is available.".

viii Delete "accurate, potentially effective, and within the scope of this"

Page 4 (2) Substitute "Includes" for the words "Is supported by".

Motion, seconded by Commissioner McDowell, carried unanimously.

Commissioner Thorn moved adoption of **Amendment No. 10** to Ordinance #C-97-99 with the addition of the distance of 300' being inserted in the blank space. Motion died for lack of a of a second.

Commissioner Thorn moved adoption of **Amendment No. 11** as written. Motion, seconded by Commissioner Shelton, carried unanimously.

Commissioner Thorn moved adoption of **Amendment No. 12** as written. Motion, seconded by Commissioner Shelton, carried by majority vote, Commissioner McDowell voting against.

With regard to **Amendment No. 13**, to Ordinance #C-97-99, Commissioner Thorn moved to reconsider Amendment No. 6 to C-97-99 adopted 11/1/99. Motion, seconded by Commissioner McDowell, carried unanimously.

Commissioner Thorn moved to substitute Amendment No. 13 to Ordinance #C-97-99, with the following change to Amendment No. 13:

Page 3 (4) Just before the word "residences" at the end of the sentence, add the word "waterfront".
Page 3 (5) Just before the word "residences" at the end of the second line, add the word "waterfront".

Motion, seconded by Commissioner McDowell, carried unanimously.
CONTINUANCE:
The Board, on unanimous motion, continued the Public Hearing to November 22, 1999 at 3:00 p.m. to take final action on Ordinance #C-97-99 as amended today, continue consideration of Amendment No. 10, and to consider Findings and Conclusions in support of the Board's decision. *[Notice of Continuance GMA doc. #5038]*

Ordinance C-128-99 (CD-03-99) – Adopting Best Management Practices for Exemptions to the Island County Critical Area Ordinance, Chapter 17.02 ICC and to reaffirm the Adoption of Best Management Practices to

Implement the Clearing and Grading and Stormwater and Surface Water Ordinances, Chapters 11.02 and 11.03 ICC, Respectfully

Hand-Outs:
Proposed Amendment #1, Proposed Amendment #2, Proposed Amendment #3, and Proposed Amendment #4 to Ordinance #C-128-99 *[GMA doc. #5169]*

Mr. Kwarsick pointed out that the County's adopted Critical Area Ordinance provided eleven specific exemptions for activities that would not have to comply with the permitting aspects of the ordinance. Out of the eleven, five impose conditions upon the exemptions, which are:

1. Existing and on-going agricultural activities when undertaken pursuant to best management practices;
2. Maintenance and reconstruction of existing serviceable public or private roads, paths, bicycle ways, trails, bridges and associated d storm drainage facilities, when undertaken pursuant to best management practices;
3. Maintenance and repair of existing serviceable maintenance facilities or systems, including but not limited to ditches, culverts, catch basins, tide gates and outfalls when undertaken pursuant to best management practices;
4. For the following activities when undertaken pursuant to best management practices: normal and routine maintenance or repair of existing utility facilities; installation, construction, relocation, replacement, operation and repair or alteration of utility lines, equipment or appurtenances not including substations'
5. Site investigative work such as survey work, soil logs, perc tests, exempt conditioned on the application and use of best management practices.

Without an exemption these activities would be subject to the full force and effect of the Critical Areas Ordinance and require alteration permits and environmental review.

Mr. Kwarsick then summarized the four proposed Amendments:

<u>Amendment No. 1</u> BMP practices applied to single family residential lots along the shoreline dealing with critical habitat areas. BMPS are imposed dealing with retention of native vegetation based upon what existed as of December 1, 1998 on the adjacent lots. This also addresses some limitations about pedestrian access within the buffer; location and maintenance of septic drainfields required to be located landward of the residence; prohibition against the use of copper as an exterior finish material [known pollutant in aquatic environment]; imposes restriction dealing with bulkheads and sea walls, limited to low intensity, non structural shore defense work unless adjacent lots already have a more hard or ridge shoreline protective structure.

<u>Amendment No. 2</u> BMP for upland habitats, including plant communities. New proposal dealing with activities within rights of way that could possibly be in proximity to protected species. With regard to Osprey, item #3 on page 2 of the amendment, a typographical error needs to be corrected: 300' [both heron and osprey should both have a 300' dimension]; and renumbering correction This mainly addresses county or utility activities on public roadways that are already to some degree generating noise. There would be some special requirements imposed dealing with plant species in terms of timing of any mowing operations, and also to employ alternative vegetative management concepts in areas that contain protected species.

<u>Amendment No. 3</u> Agricultural BMPS. Testimony was received at the last hearing about concerns of many land owners, most with historical farm operations and amendments are proposed to represent that testimony. This tries to differentiate between category A wetlands [predominately more pristine with native vegetation] from those that really have had historical alteration, many of which are grazed wet meadows. Many agricultural activities occur within a grazed wet meadow, which under regulatory scheme, is a Category B wetland. For consistency with other guidelines, policies and procedures, this amendment captures some of the existing standards and guidelines from the National Resource Conservation Service in terms of the requirements for activities within grazed wet meadows, and listed all the types of activities that can continue to occur without necessitating a permit or oversight from the County, such as plowing, seeding, cultivating, harvesting and running livestock on these properties. The exception is that a stocking rate is proposed consistent with federal guidelines. The issue of the application of BMPS to zones is also important. For those that were farming and had property that was or was not a grazed wet meadow but abutted another wetland or stream system, there were some additional requirements; the proposed BMP provides either some guidelines under which an individual could follow or an opportunity for that land owner to develop their own plan, and recognizes that a land owner may have another program under

way.

Amendment No. 4 Site Investigative BMPS. The only change was in response to testimony received from Steve Erickson, WEAN, the addition new paragraph #2, a pre-notification requirement so that individuals proposing to conduct site investigative work would initially inform Community Development of their intention. Community Development within close of business the next working day would notify the individual of at least the presence or absence of critical areas on that property based upon file/record information or mapped information.

Public Input

[David Keller's testimony provided during the 11/8/99 hearing has been transcribed and entered in the record as GMA doc. #5008.]

Marianne Edain, WEAN, expressed disappointment, commented that no matter how good BMPS were, exempting agricultural activities from the Critical Areas Ordinance would cause adverse environmental impacts and was completely inappropriate. The BMPS apply to type 3 and 4 streams and Type 5 streams appear not to be protected at all, and Type 5 streams are critically important in Island County .

Commissioner Thorn called Ms. Edain's attention to AG BMPS, the section beginning under permit requirements, two pages over from that is a requirement above the paragraph titled "other programs", including Type 5 streams .

Although included there, Ms. Edain wondered why it was not included in other references. All through the document she believed the language was grossly inadequate. Only twice are Type 5 streams mentioned. There are many many references to Type 3 and 4 streams and she believed Type 5 streams needed to be included.

With regard to language about fencing to prevent uncontrolled livestock, she suggested the word "shall" rather than "may". There was a reference to grazing areas may be reduced to 30'
did not see anything included reduced by whom or under what circumstances or for what reasons.

Commissioner Thorn pointed out the language "may be reduced to 30' where a 30' buffer of diverse material already exists".

Ms. Edain observed that was across the board automatically reduced so she suggested not kidding anyone about the word "may". With respect to the reference to existing confinement areas which do not meet the requirements shall be modified as necessary to provide the buffers specified herein within 5 years of the effective date of this manual, she pointed out that was a very long time. Under monitoring and enforcement, to be eligible for the exemption land owners are required to respond to a notice and advise the county - what happens if land owners chose not to respond and advise the County, and if not exempt, then what happens. All along WEAN has and continues to maintain that monitoring and enforcement provisions are too weak. And the buffers from heron and osprey are very inadequate.
She noted a correction needed to be made on proposed Amendment #2 under the list of protected species, Flora: "Circuta bulbifera" corrected to "Cicuta bulbifera".

Steve Erickson, WEAN, addressed the following:

- Monitoring provisions are weak
- Under plowing, it needs to be made clear this refers to areas that have been previously plowed, and does not mean converting pasture or other. It is the intensification that is of concern.
- Under construction of farm roads, need to make it clear that these are low duty unpaved roads.
- Glad to glad to see livestock stocking rates included
- Under Other Programs, need to be clear that those other programs need to be implemented

- Existing Agricultural Operations, while five years may be reasonable for coming into compliance for some types of activities requiring major infrastructure, many of the things needed really do not take five years are very simple to do.

- Under existing buildings noted as exempt from this provision, while he fully understands if a building is in a bad location for the life of the building it is probably where it will be, but does not mean it should be exempt from improvements such as guttering for diversion of water away from the barn; there is no reason any buildings within striking distance of critical areas should be exempt from those provisions.

- D-1 should be clarified that this is not intended to allow reduction of existing buffers around a Category A wetlands or Type 3 or 4 streams. The total omission of Type 5 streams for the most part is totally inadequate. Some of the studies he provided previously contained research that would seem to indicate that material that goes in Type 5 streams during the dry season ends up going right down into larger streams during the wet season and flushes right on through. Having manure accumulations within 10' of any water course is not a good idea.

- Under Agricultural Management Standards, 1.b still refers a crossing or watering point plan but it is very unclear whose plan it is , who writes it, and who approves it.

- Provisions for fencing state "may be used as necessary to prevent uncontrolled livestock access…" instead of "shall". Generally fencing will be the most rationale option. There has been some research about using invisible fence systems with cows but he could not comment as far as the economics of that.

- Grazing and Pasture Management. It needs to be made clear that grazing in pasture land that existing buffers for Category A wetlands cannot be reduced to reach the vegetative buffer of 50' from any naturally occurring pond, wetland edge, of a Category A wetland; the same with stream buffers. He would read Item B would mean that if a person has grass growing that without mowing they could reduce the buffer to 30' because mature vegetation can be any vegetation growing that has matured.

- NRCS guidelines for spreading manure he believes actually has some dates they use for Western Washington and it would be appropriate to include those

- On Monitoring and Enforcement – last sentence under 1.: "…For individuals not responding the Island County Planning shall arrange an on-site meeting with the landowner to verify the presence or absence of critical areas and to solicit the landowners commitment to one of the available alternatives"; what is missing is what happens if the landowner will not commit to one of those alternatives. No. 4 is written such that it would allow 5 years.

- Upland and habitat BMPS are fine

- There needs to be a mechanism to inspect and make sure BMPS are being used.

- Needs to be assurance that in fact the County can respond within 24 hours during the work week. This time limit seems too short and probably should be around 3 days.

- Shoreline BMPS on the whole are pretty good thought he has a minor concern related to #2 regarding path to the shoreline may be provided but shall not exceed five feet in width. Most of the concern with BMPS with this general scheme was not so much the specific BMPS as the scope of where applied [lots on the end].

Al Luhn, Clinton, considers himself the third largest farmer on South Whidbey, an upland farmer. The farm was started in 1889. He has farmed a long time, a retired person with his heart in farming and would like to continue that. His best opinion at this time was that the practices would put him out of business. Farming is not something that brings in lots of money. On the home place he has what are called class 5 streams which are completely contained on the farm; to fence them he could not imagine what farming on his place would be like; very discouraging and very expensive. He thought that any piece of property on Whidbey Island that has a hill behind it and trees will have class 5 streams, which may run down on the pasture until a low spot and form a little puddle which may be there for a day or a week. He measures the wetness of the winter by when the last one of those leave. As far as buffering the creeks and not farming 200', he pointed out that he farms a leased 20 acre parcel that is 1320' long with a creek through the

middle which would mean he could not plow a 400' strip down the middle and would get to the point it would not be worth farming – taking 13 acres out of 20. He also has the situation on the home place. Cattle are up there and there is no possible way to fence the creek and keep the cattle out – which would mean a farm that would be sold and be developed, beautiful dry land. Manure is a problem but for a farmer a God send. Commercial fertilizer is very expensive. The proposal l seems to be such that if adopted he would not be able to put manure on in the winter. If he has to put manure on the pastures after April 15 will not work; cows do not like hay and manure mixed. He encouraged that the Commissioners remember utopia is not a possibility when it comes to farming; it is very expensive to do everything. Maxwelton creek, used to be a beautiful place, now getting grown up with thistles and blackberries and beyond his ability to keep clean. The most popular part of Maxwelton Creek is where school kids and others come down to observe the salmon; it is a popular place Zoning on his property was Rural Residential, now changed to Rural Agriculture. streams on the property he calls Class 5 begin and end on his property completely contained there. Any place with a fence that cannot be actively farmed will likely turn back into a jungle of blackberries, thistles and weeds. Maxwelton creek as far as salmon cannot accept all that vegetation and is destroying the creek.

Dean Campbell, Langley, does not consider himself a commercial farmer with only 2-1/2 acres, 2 in pasture and now only 7 sheep [but sometimes up to 20 including lambs]. He rents an additional 3 acres from a neighbor that has a stream going through it and might be considered a wetland because last winter flooded. The property is 165' wide and if some of the buffers were applied would more than take up the property.

Roy Hagglund, Clinton, advised that one piece of land he leases has a creek right through the middle, and he thought it would take him 10 years to save enough money to fence that. He could not see what the cattle hurt or why they would be detrimental. Cattle need to drink water just like the deer and otter. I thought that even a 5' buffer was adequate for all streams. Maxwelton Creek is not as it was 50 years ago; it has gotten overgrown and not maintained; grass and vegetation falls down into the creek and takes all the oxygen out of the water which in turns kills the little fish. Where the cattle drink in the creek makes a natural spawning bed for the fish. Cattle and game will not drink in a mud bog. These regulations affect the farmer who is trying to make a few dollars and help pay taxes. He farms about 90 acres. The zoning where he lives is rural and he thought the land he leased was rural as well. He runs between 50 to 60 cattle on the 90 acres. The stream going through the property is Maxwelton Creek.

Steve Erickson, WEAN, addressed the question about optimal buffers. Hearing that someone read where 14' buffers were adequate, he thought may have been referring to some studies submitted by Andy Castelle still talking about various limited functions that buffers perform, but as Mr. Erickson pointed out before those figures were based on optimal conditions. He noted that under Farm Management Plans, D.1, refers to: for optimal performance, riparian buffer systems must be designed and maintained to maximize sheet flow and infiltration and impeded concentrated flow…".

In response to comments, he did not recall seeing anything that required public access, rather that public access may not be required. He did not know where any reference came from as far as 400' buffers. The provision is for 50' buffers that could be reduced down to 30'. Regarding providing alternative water sources for cattle, a small solar pump could be used or more efficient would be nose pumps. The major problem in Maxwelton Creek has been the temperature of the water, measured on several occasions as exceeding the lethal threshold, hot enough so the fish die. The temperature problem is caused by with drawls for irrigation, and the lack of riparian vegetation. As far as the Creek always having been bare was only taking a very small picture in time. Most of the comments seemed to be based on opinion with no scientific basis and ample material in the record from any of the agencies with expertise to demonstrate that.

Mr. Hagglund mentioned that Miller Lake a few months' ago was dammed up by beaver and left dammed up the water level would raise and kill all the trees around the lake and there will be no shade for the lake and make the water warmer for the fish. The beaver dam is out now but all the trees are dead all the way around the lake. What will keep the water cold in Maxwelton Creek now. He was told that the biggest detriment to Maxwelton Creek was phosphates.

Mr. Luhn stated that the tide gate on Maxwelton Creek has been in place since about the turn of the century and his farm still has the place where all the fish used to be stored. The tide gate there now is a "dream" compared to what used to be there. Three-fourths of the Maxwelton Creek is a drainage ditch, man-made, and the salmon came after

that occurred. It used to be a very very productive vegetable growing and grain growing area up in Feek's Marsh, made by that way by the farmers who dug that ditch. Farming has not ruined the creek.

With no other members of the public requesting to speak for or against the proposed Ordinance, the public input portion of the hearing was closed.

DISCUSSION/REVIEW

With regard to Amendment No. 4, Site Investigative BMP, Mr. Kwarsick called to the Board's attention the fact that paragraph 6 states that "approvals issued by the County shall require confirmation that disturbed areas under the authority of the Critical Area Ordnance have been restored consistent with the Critical Area Ordinance". Paragraph 8 requires that all applications for soil registrations, on site sewage systems and well site approvals have to identify on the submitted site plan any critical area regulated by the County.

Clear intention of Uplands Habitat is really not to regulate landowners, rather activities that are occurring within public rights of ways including public easements where there are roads and drainage systems, and applied primarily to the County's activities and utility companies that are allowed to install utilities within those rights of ways.

Regarding AG BMPS, he asked Mr. Hagglund the width of the stream he was talking about and was told it was 2' wide; so that reach of Maxwelton Creek is 2' wide. With regard to protection standards for buffers and stream classification width is one of the primary criteria in terms of deciding what type of buffer is applied. In that particular reach of the Maxwelton Creek he was not sure it was a type 3 stream at that point in time. Currently AG BMPS as written do pertain to only the Commercial AG and Rural AG zones. Language has been inserted in the BMPS to make sure it is clear that streams require the presence of a channel; not all type 5 waters are in fact streams. Mr. Erickson's point about not all things require as long a period of time as five years to come into compliance, but five years was proposed in terms of giving individuals an opportunity to prepare a farm management plans which as currently proposed are brought back to the Board for review and approval. Intent is to try to give people the liberty to continue what they have long historically done with as few regulations as possible, yet addressing the issues dealing with agricultural pollutants being transported into stream systems.

With regard to AG BMPS, Commissioner McDowell noted the stocking rate at .5 animal units per acre and asked for further information how that number was developed.

The actual information Mr. Kwarsick received from NRCS was that the maximum stocking rate for small farms was 1 animal unit per acre [localized]. There was not a lot of science other than the fact NRCS said that for a wet pasture it would need to be significantly less than that, still assuming other food sources available. Wet pastures do not provide the nutrient loads other grazed areas would. The .5 was Mr. Kwarsick's creation to be "significantly less".

Commissioner Thorn commented on the amendments as follows:

Amendment No. 1 – accept as written

Amendment No. 2 - accept in its entirety with three changes: spelling correction under Flora "Cicuta"; under #3 Osprey the distance be 300' instead of 200'; and deletion of superfluous words just above paragraph #5 "is to be discontinued".

Amendment No. 4 – approve as written

Amendment No. 3

- Add to Findings: it is CA and RA only
- Type 5 streams are not given adequate buffers to begin with; omission here is obvious. Type 5 streams that are tributary are primary, but all genuine type 5 streams accrue to Puget Sound soon or later. Did not believe science supports the fact that 25' buffers do anything other than a halfway job on cleaning up the water and do not afford any riparian buffer or any of the other buffer functions.
- Construction of Farm Roads - should refer to unimproved roads
- Under Other Programs questioned the rationale for removing "unless the director determines the alternative BMPS to be ineffective at reducing discharge of contaminants"; leave in so the option is there.
- Point about 5 years perhaps being too long in many cases, there should be some gradation provided [could require it in a

short time period unless the Board in approving the Plan allowed a longer time, and evidence presented by the land owner given substantial weight]

Commissioner McDowell provided his comments on the four proposed amendments as follows:

Amendment No. 1 - agree as written

Amendment No. 2 - Agree as written with the spelling correction. The number of feet for osprey – hold for further recommendation from Andy Castelle, or stay with 200'

Amendment No. 4 - agree as written. Comment in the findings about the 24 hour response period to talk about the fact that the person has the right to do investigation recognizing he is responsible for looking on the ground, flagging it, etc. the fact there is no comment from Community Development division within 24 hours does not relieve the individual of any of the responsibilities.

Amendment No. 3.

- Assumed unimproved road meant it was not paved. Suggest unpaved.
- Type 5 streams – there would not be an exception that increased the buffer; the buffer is 25' with the exception of those that drain into salmon streams.
- Like to know further about what people brought up about a 200' or 400' setback [thinking about the regulatory buffer without the exemption but it is not know where the figure 400' came from]
- if you do not tend those buffers and have to fence them off and start having noxious weed problems is that a valid problem [based on testimony last received prohibition has been deleted on mechanical methods]
- not reconciled time frame in which someone can plow [dealt with in manure spreading but did not know anywhere where there is a plowing time frame]
- the 5 year time period people clearly said some people that they feel will require them give up their lifestyle of farming. Part of the 5 year issue is they need to have some time to prepare. There are family issues as well and they need time to prepare for that and that needs to be taken into consideration when talking about the time frame.
- ability to do farm plans will take some number of months to years [simpler approach would be to require them to comply with management practices or submit for approval a farm plan within a certain period of time]. How many farm plans would there be in RA and CA.
- Buffer widths for type 5 streams, as noted by Mr. Castelle, are supported by best available science

Mr. Dearborn indicated that every commercial AG dairy farmer had a plan in place. This would be a problem for small farm operators, not large farm operators. In the rural zone there are about 60 acres in the tax program [8 people]. He thought the Board heard testimony from people that were not in the tax program but who are still doing farming in the rural area. The number of acres in the Rural AG zone would be about 6,100 ; Commercial AG 4,600.

Chairman Shelton stated that the language indicating that a manure accumulation would be allowed within 10' of a type 5 stream needs to be changed. He thought most farmers have optional places for manure and can move it away from a stream. There is no reason to crowd up next to any kind of a stream to pile manure. One of the things he thought presented a problem was in the management of manure. Under Manure Management, 4.b, he agreed that manure should not be spread on saturated or frozen fields, however, if soils are particularly well draining manure could be spread in November and not be putting it on saturated soil. The way 4.b is written now it can be done only during the growing season. He would like to consider the AG BMPS further, but agreed to move forward on the other amendments. He also wanted to exhaust all opportunities to come to some agreement.

Steve Erickson at this point advised Mr. Dearborn and the Board that if the County was making good faith progress WEAN would not go to the Growth Board on that issue. However, if it turns out there are items that end up in front of the Growth Board being argued, he would as soon do them all in one package. Either exhaust all areas of disagreement or at least be really clear about where the County and WEAN disagree.

Mr. Dearborn recommended continuing the AG Best Management Practices to allow for some community outreach and the

ability to help people understand. He and Mr. Kwarsick heard all comments, and noted the Board's comments were focused on specific provisions of the AG amendment and would go back and do another revision for review. He was convinced that if there could be community meetings much of the misperception would begin to go away.

Mr. Kwarsick agreed to provide a copy of a major study dealing with stream systems on the East Coast: Department of Soil Science and Biological and Agricultural Engineering, North Carolina State University, Raleigh, North Carolina, Technical Bulletin 311, September, 1997: Selected Agricultural Best Management Practices to Control Nitrogen in the Neuse River Basin . *[later provided by Mr. Kwarsick and entered as GMA doc. #5098]*

ACTION:

Commissioner Thorn moved adoption of proposed Amendment No. 1 to Ordinance #C-128-99 as written. Motion, seconded by Commissioner McDowell, carried unanimously.

Commissioner Thorn moved adoption of Proposed Amendment No. 2 to Ordinance #C-128-99 with the following corrections: (1) correct misspelled word in the table under Fauna, the Bulb bearing water hemlock, the first word to be corrected "Cicuta"; (2) correct numbering on the next page after the table [where there are two "3"]; (3) Under Osprey 200' be changed to 300'; and (4) on the sentence immediately preceding Item #5 general provisions, that the last four words "is to be discontinued" be deleted; and in the first paragraph under Upland Animal and Plant Habitat BMPs, the last sentence "Island County is also concerned about the operational impacts that maintenance activities may have on protected species of animals and plants and their upland habitats" add "within public rights-of-way and public easements" just after the word "activities". Motion, seconded by
Commissioner McDowell, carried unanimously.

Commissioner Thorn moved approval of proposed Amendment No. 4 to Ordinance #C-128-99 as written. Motion, seconded by Commissioner McDowell, carried unanimously.

With regard to Amendment No. 3, the Board discussed continuing that to January 10th to allow Mr. Kwarsick an opportunity to arrange community meetings.

Mr. Erickson did not necessarily object to the continuance but wanted to be clear about what he would object to. The Commissioners are still considering findings on Type 5 streams and buffers, and once those are adopted, Mr. Dearborn could request a hearing in front of the Growth Board and that Board would have to issue a decision in 45 days. If WEAN ends up in front of the Growth Board on any of these issues, Mr. Erickson would like to have all issues happening at once. He did not think he would have an objection on the rest of the Best Management Practices filing a compliance motion on those, but wanted to think about it for a day or so and get back to Mr. Dearborn.

Mr. Dearborn advised that as to whether the Board of County Commissioners would hold all its other actions was a matter he would need to discuss with the Board. He reminded that the ordinance in place only allows commercial AG lands to be able to operate under the exemptions and that stays in place until the Growth Board lifts the invalidity determination. He is trying for the remainder of BMPs that effectively stand on their own being able to move those forward and getting the issue of compliance resolved. For things that are interconnected he would no recommend separating them.

Mr. Erickson asked that Mr. Dearborn e-mail a discrete list and he would review same and get back to Mr. Dearborn in a few days.

Continuance: By unanimous motion, the Board continued the public hearing until November 22, 1999 at 3:00 p.m. on Ordinance #C-128-99 and Findings, and consideration of the schedule for Amendment No. 3. [Notice of Continuance GMA doc. #5041]

Ordinance #C-130-99 (PLG-033-99) – Amending Chapter 17.02 ICC to Comply with the Order of the Western Washington Growth Management Hearings Board Relating to Certain Provisions of the County's Critical Area Regulations

Hand-Outs:

Exhibit B Proposed Findings for Ordinance #C-130-99 dated 11/15/99 [GMA doc. #5161]
Proposed Amendments #1 and #2 to Ordinance #C-130-99, dated 11/15/99 [GMA doc. #5160

Ordinance #C-130-99 addresses two subjects; the Natural Heritage Program, and existing and on-going agricultural practices and extending that exemption to Rural AG and Rural. Two amendments are proposed to the Natural Heritage provisions, along with Findings and Legislative intent.

Mr. Dearborn recommended that if the Board continued Best Management Practices for AG to January, that the Board continue the decision on the exemption extension. His advice was that Ordinance #C-130-99 be limited to the Natural Heritage Program amendments, and that the provisions relating to existing and on-going AG be deleted from #C-130-99, then re-instituted in a new ordinance, and continued to the same date as BMPs. Provisions related to the Natural Heritage Program, Amendments #1 and #2, he thought would meet WEAN's concern on that issue and if so, this subject would be one Mr. Dearborn would ask the Growth Board to confirm that the County is in compliance on.

The first amendment is for the purpose of adopting the Natural Heritage Map as a Comprehensive Plan Map [copy attached to Amendment No 1. A larger version of the map was posted on wall. This would make it clear that the Natural Heritage sites on that map are one of the designation criteria. The second amendment covers two issues WEAN raised:

(1) The three areas where protected species are identified, South Camano, Grasser's Hill, West Beach, WEAN pointed out that Grasser's Hill and West beach include white top aster and golden Indian paintbrush, and other species/features are present, and the reference to "consisting of" has been corrected to "including". In the case of South Camano WEAN suggests use of the words "dominated by".

(2) For 6.d WEAN pointed out and Jeff Tate confirmed there are private lands on the map, but the only private lands not in conservation easement are Seattle Pacific University. The reference to "all other inventoried areas are in public ownership" is not correct and deleting it does nothing substantively to the provision itself.

By this action the County would be designating all of the areas shown in purpose on the map posted on the wall as areas that would be additional Fish and Wildlife Conservation areas.

There was some discussion at this time among the Board that the map attached to Amendment No. 1 did not match the map posted on the wall. And when the Board, Mr. Dearborn and Mr. Erickson compared, there was confirmation the two maps were not the same. The map on the wall was produced by Mr. Tate to illustrate on a larger scale the areas that were to be designated. From that map the smaller version was created. Both need to be the same and Mr. Dearborn will consult with Mr. Tate on that matter.

Mr. Erickson suggested the problem perhaps was the result of running into differences in printing quality. He, along with Marianne Edain, clarified that the map is to represent a list of locations and it is from existing data.

Public Input

Steve Erickson, WEAN, stated that the Comp Plan amendment portion looked fine, but that he still had problems with protection standards and one clarification. Under Amendment No. 2, Item #8, Habitat Management Plan, the Department of Fish and Wildlife (DF&W) does not really deal with these, rather it is the Department of Natural Resources (DNR). Because DNR's Natural Heritage Program has no regulatory authority the words "adopted by" does not apply and his suggestion was to change that sentence by inserting after "adopted by the Washington Department of Fish and Wildlife" the words " or by the Washington Department of Natural Resources". In referring to the areas owned by Seattle Pacific and several others in private ownership protected by conservation easements, his concern is that simply because there is a conservation easement on a property unless oriented specifically towards these resources it may or may not be adequate [see cover sheet to Amendment No. 2 under rationale]. He saw no reason to exempt Seattle Pacific from this at all and others in private ownership with conservation easements – the question is whether or not the conservation easements are specifically for those resources.

Marianne Edain, WEAN, added to that by pointing out activities that are unpermitted that can be severely injurious [i.e. mowing on Grasser's Hill].

Mr. Dearborn suggested a meeting with WEAN and Jeff Tate to go through the conservation easement areas that the County is saying are in the other category and allow Mr. Erickson to make a recommendation to the Board if he feels there needs to be greater protections. He thought that could be addressed fairly quickly; however, the hearing on this Ordinance would need to be continued.

Mr. Erickson believed under 6.a), the kind of allowables such as removal necessary for view enhancement, removal of hazardous, diseased or damaged trees and to allow for pedestrian waterfront access can get far reaching fast and he thought there needed to be some kind of constraints because, for example, view enhancement can be interpreted in may ways. His suggestion: (1) consultation, which is awkward; or (2) a general habitat management plan for the area. The Camano case he thought was the perfect example because it is not yet that developed and a generalized habitat management plan could be developed and people would know what to expect and the importance of the Big Leaf Maples. Notification to property owners would greatly help in those areas, note many of these areas if damaged frequently is from activities normal in other areas.

Mr. Dearborn was concerned about what type mechanism could be created for review since if there is an existing house there are no permits required for removal of this type vegetation.

The Chair commented that if DNR enacted a Natural Heritage Program there should be some way property owners would know when it is a part of some special program by DNR.

Commissioner Thorn observed that the population of Big Leaf Maples on south Camano are located on a very steep bank, the trees themselves located basically on unbuildable property. Practically speaking he doubted that there was a place along there that a pedestrian access could be created because of the nature being so steep. He also did not see as a practical matter that anyone would go down that cliff to try to take care of diseased or damaged trees.

Mr. Dearborn raised the question with this bluff would cutting trees be allowed; he could see pruning the tree to get a view but wondered if anyone would actually want to cut the whole tree down. He suggested the deletion of the language "hazardous, diseased or damaged" – most people will just leave them.

Commissioner McDowell addressed the areas of West Beach and Grasser's Hill, asking how many areas there were in this category. Mr. Erickson responded that there were two on West Beach and those folks were certainly aware of it; on Grasser's Hill he thought maybe 8 or 10 along the top of the hill.

Mr. Dearborn suggested that item 6.e could be added that would require the County to give notice of the adoption of this ordinance to all the property owners that are affected by it, and indicate what has been done and why and that they should consult with Island County before conducting activities because there may be on their property species that have been protected by the County's Critical Area ordinances.

CONSENSUS:

1. Commissioner Thorn will make an on-site visit to the South Camano property and come back with revised language to 6.a if appropriate regarding Big Leaf Maples;
2. Allow for a meeting between WEAN and Jeff Tate to review the areas in 6.d so WEAN can determine whether consultation is sufficient protection or whether there is more that is needed.

ACTION:
By unanimous motion, the Board continued the Public Hearing to November 22, 1999 at 3:00 p.m. on Ordinance #C-130-99 and the two amendments under consideration. [Notice of Continuance GMA doc. #5040]

Ordinance #C-131-99 (PLG-045-99) – Adopting Findings of Fact Regarding Type 5 Stream Buffers and Certain Provisions of the County's Critical Areas Regulations

By unanimous motion, the Board continued the public hearing on Ordinance #C-131-99 to November 22, 1999 at 3:00 p.m. [Notice of Continuance GMA doc. # 5039]

There being no further business to come before the Board, the Chair adjourned the meeting at 7:15 p.m., the Board scheduled to meet in Special Session at 8:30 a.m. November 22, 1999, and Regular Session November 22, 1999 beginning at 11:30 a.m.

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