

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - DECEMBER 6, 1999**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 6, 1999, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present. Minutes from the meetings of October 25, 1999 Regular and Special sessions, and November 1, 1999, Regular and Special Sessions were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.)** #s 63864-64095..... \$217,272.07.

ISLAND COUNTY HOUSING AUTHORITY APPOINTMENT

By unanimous motion, the Board appointed Curtis Shumate, Oak Harbor, to serve on the Island County Housing Authority for a five year term to December 6, 2004, refilling the position held by Rick Urban.

SNO-ISLE REGIONAL LIBRARY BOARD REAPPOINTMENT

By unanimous motion, the Board reappointed Danetta Fowler, Oak Harbor, to serve a seven year term through December 31, 2006, on the Sno-Isle Regional Library Board.

HIRING REQUESTS & PERSONNEL ACTIONS

By unanimous motion, the Board approved the following Personnel Action Authorizations:

PAA	Description	Action	Effective Date
125/99	SW Tech 3I #2253.00	Replacement	1/4/00
131/99	SW Attd. Supervisor #2248.05	New Position	12/6/99
132/99	Corrections Off . #4015.02	Replacement	12/6/99
133/99	Deputized Off. #4014.32 [deactivated Chief Criminal Deputy position]	New Position	12/6/99
134/99	Sheriff's Cook .5 fte #4023.03	Replacement	12/6/99

SHERIFF GUILD DEPUTIES LABOR CONTRACT

By unanimous motion, the Board approved and signed the Agreement between Island County and the Island County Sheriffs Guild covering the Deputies Division for the period January 1, 1999 through December 31, 2001.

EMPLOYEE ASSISTANCE PROGRAM SERVICES AGREEMENT

The Board, on unanimous motion, approved Employee Assistance Program Services Agreement with HPN [Health Promotion Network], a program of St. Joseph Hospital, to provide EAP services for Island County, RM-HR-99-0085, at a cost of \$1.85 per employee.

**CONTRACT BETWEEN WASHINGTON STATE MILITARY DEPARTMENT AND ISLAND COUNTY
FOR TSUNAMI CONTRACT EXTENSION, #RM-DES-99-0099**

T. J. Harmon, Department of Emergency Services, GSA, presented for the Board's approval, change to Contract with Washington State Military Department for Tsunami signs, Contract #EM-019080 [#RM-DES-99-0099] signs, labor and installation, contract in the amount of \$1,000. A concern all work group members expressed to the State is for signs which would show having reached a "safe area" and the state seems to be looking at evacuation route model from Oregon that would show "Tsunami Evacuation Rest Area" and this is something Ms. Harmon thought would be a request in second-round funding in January. Ms. Harmon will be working with local newspapers about the signs and what the County's goal is, for people to reach 60' and out of the range . Because of concern for non-resident

population, she is working with the chambers and parks service to help educate folks coming to the area who may not be familiar with these issues.

By unanimous motion, the Board approved Contract #EM-019080 with Washington State Military Department for Tsunami signs, Contract #EM-019080 [#RM-DES-99-0099] in the amount of \$1,000.

LIQUOR LICENSE #076755-4I, BY CHILON, INC. , ASHINGDON MANOR B & B

With recommendation from the Island County Sheriff and Health Department having been forwarded to the Board, the Board by unanimous motion approved new application for liquor license for Ashingdon Manor, Langley, License #076755-4I, Bed and Breakfast.

RESOLUTION #C-155-99 AUTHORIZING ENTERING INTO INTERLOCAL AGREEMENT WITH SOUTH WHIDBEY PARKS AND RECREATION DISTRICT FOR PURCHASE OF RECREATIONAL PROPERTY AND AN INTERLOCAL AGREEMENT BETWEEN SOUTH WHIDBEY PARKS AND RECREATION DISTRICT AND ISLAND COUNTY

Lee McFarland, Assistant Director, GSA/Property Management, presented a Resolution which if adopted would authorize the Board entering in to the agreement with South Whidbey Parks and Recreation District. The Interlocal Agreement signed by the Park District, however, contains an Addendum with two items: (1) if any profit from logging on the easement for the Cedars Trail the District would receive its pro-rata share; (2) added to the section in the agreement dealing with not treating citizens living outside district than those living within the district, to indicate that would be done in accordance with their regulations concern scheduling, etc. The Addendum has not yet been reviewed by the County's legal adviser, and Mr. McFarland plans to do that as soon as possible and bring the Interlocal Agreement to the Board next Monday.

The Board instructed Mr. McFarland to relay to the District that the County was not interested in considering the Addendum proposed by the District. The matter to be carried forward to the next meeting.

HEARING SCHEDULED: ORDINANCE #C-161-99 ESTABLISHING FEES FOR JUVENILE DIVERSION SERVICES

By unanimous motion, the Board scheduled a Public Hearing for December 27, 1999 at 1:55 p.m. to consider Ordinance #C-161-99 establishing fees for Juvenile Diversion Services.

ISLAND COUNTY HEALTH CONTRACTS APPROVED

The following Health contracts were approved by unanimous motion of the Board:

- Contract Amendment: Toddler Learning Center, HS-05-99(1), \$55,576.00
- Contract Amendment: Center for Community Support, HS-08-99(1), \$22,312.00
- Contract: Community Mental Health Services, HS-04-99, \$82,890.

RESOLUTION #C-156-99, R-49-99 – APPROVING COUNTY ROAD QUITCLAIM DEED TO WSDOT TO COMPLY WITH HIGHWAY PROJECT AND BENEFITS DERIVED BY TRANSFER FOR WIDENING AND CONSTRUCTION OF CLASSIC ROAD

As presented by the Public Works Director and County Engineer, the Board by unanimous motion approved Resolution #C-156-99 [#R-49-99] approving County Road quitclaim deed to the Washington State Department of Transportation, for portions of Classic Road associated with Highway SR 525 Project, Classic Road to Rehberg Road vicinity. The right of way will be turned back to Island County after construction.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF APPROVING)
COUNTY ROAD QUITCLAIM DEED TO)
WSDOT TO COMPLY WITH HIGHWAY)
PROJECT AND BENEFITS DERIVED BY)
TRANSFER FOR WIDENING AND)
CONSTRUCTION OF CLASSIC ROAD)

RESOLUTION NO. C-156-99
R-49-99

WHEREAS, the Washington State Department of Transportation (WSDOT) has been coordinating with Island County for/in the widening of SR 525 with various improvements thereto, all for the benefit of the motoring public, and in particular for the residents of Island County; AND, a Quitclaim Deed to WSDOT is required to clear title to portions of Classic Road located within the highway project limits of SR 525, Classic Rd. Vic. to Rehberg Rd. Vic. with portions of said road to be turned back by WSDOT to said Island County after completion of said project.

WHEREAS, Island County holds title to those portions of said road needed by WSDOT and to be transferred to WSDOT for the widening and construction of said highway project. And, after construction, WSDOT will be responsible for any and all maintenance of said portion needed for the project. NOW THEREFORE,

BE IT HEREBY RESOLVED that the Quitclaim Deed for transfer of a portion of said road is approved and that the undersigned County Commissioners are authorized to sign, have notarized, and return said Quitclaim Deed to WSDOT, together with a signed copy of this Resolution.

ADOPTED this 6th day of December, 1999.

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

Attest: Margaret Rosenkranz
Clerk of the Board
BICC 99-673

GRANT OF DRAINAGE EASEMENT – MATTHEW D. AND KRISTEN E. HUDACK AND LARRY E. AND FLORENCE E. SCHUSTED - FREELAND DRAINAGE PROJECT

The Board, by unanimous motion, approved Grant of Drainage Easement from Matthew D. and Kristen E. Hudack and Larry E. and Florence E. Schusted, Parcel S6655-00-07002-0, portion of Block 7, Plat of Freeland, associated with the Freeland Drainage project.

STORMWATER MITIGATION AGREEMENTS APPROVED

By unanimous motion, the Board approved the following Stormwater Mitigation Agreements:

- Stormwater Mitigation Agreement – Koetje Construction, Lot 5, Block 5, Holmes Harbor G&Y Club, Div. #8
- Stormwater Mitigation Agreement – Koetje Construction, Lot 24, Block 3, Holmes Harbor G&Y Club, Div. #6.

HOLMES HARBOR GOLF & YACHT CLUB DRAINAGE PLAN BRIEFING

Roy Allen, Storm Water Manager, announced that a briefing was planned for Wednesday at 1:00 p.m. at Datum Pacific, Inc., Conference room, 404 N. Main, Coupeville, Wa., on the Holmes Harbor Golf & Yacht Club Drainage Plan. Inasmuch as two members of the Board of County Commissioners will be attending, Chairman Shelton agreed to call a Special Session for the purpose of receiving the preliminary briefing on the findings of the study.

A meeting will be held for the general public and property owners in the plat on December 16, 1999 at 7:00 p.m. at the Holmes Harbor Golf & Yacht Club House, to solicit comments on the plan to resolve drainage problems within

the plat and properties impacted from surface water runoff from said plat. [If the Club House is not available that evening, the meeting will be held at the Holmes Harbor Sewer District Conference room by the sewer plant]. The news Paper Pubic Notice will provide the correct location.

HEARING HELD: FRANCHISE APPLICATION #314, PENN COVE ROAD

A Public Hearing was held on Franchise Application #314 at 10:20 a.m., as scheduled and advertised, by Fred and Sharon Smith for a septic tightline to serve an off-site drainfield, in Penn Cove Road between Lots 7, Block 1 and Lot 28, Block 2, plat of Glencairn. The recommendation of Public Works Road Division was provided by memo to the Board dated November 18, 1999, signed by Lewis J. Legat, P.E., Island County engineer, recommending approval of the franchise.

No members of the public indicated a desire to speak for or against granting of Franchise Application #314.

The Board, by unanimous motion, approved Franchise #314 by Fred & Sharon Smith.

HEARING HELD: FRANCHISE APPLICATION #156(R) - WATERLINES IN RACE ROAD

A Public Hearing was held on Franchise Application #156 Renewal, at 10:25 a.m. as scheduled and advertised, for waterlines in Race Road, Sections 7/8, T31N-R2E, by Race Lagoon Water Association. Island County Public Works Roads Division recommended renewal of the Franchise as requested for 25 years. At the time of hearing, no members of the public spoke either for or against renewal of the franchise.

The Board, by unanimous motion, approved Franchise #156 renewal as requested.

RESOLUTION #C-157-99 [R-50-99]- INITIATING CRP 99-02, WEST BEACH ROAD GUARDRAIL AND PURCHASE ORDER

The Board, by unanimous motion, approved initiation of County Road Project CRP 99-02, West Beach Road Guardrail, under Resolution #C-157-99 [R-50-99], and Purchase Order #02630 to Peterson Brothers, Inc., Small Works Roster process.

RESOLUTION #C-158-99 [R-51-99] APPROVING ANNUAL ROAD CONSTRUCTION PROGRAM FOR YEAR 2000

Larry Kwarsick, Public Works Director, presented Resolution #C-158-99 [R-51-99] to adopt and approve the Annual Road Construction Program for the year 2000 and proposed Equipment Rental and Revolving Fund purchases for the year 2000. This was prepared consistent with discussions with the Board at recent staff sessions, and reflect changing conditions and carry-over of projects.

By unanimous motion, the Board adopted Resolution #C-158-99, R-51-99, in the matter of adoption of the Annual Road Construction Program for the Year 2000.

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

IN THE MATTER OF ADOPTION OF)
THE ANNUAL ROAD CONSTRUCTION) RESOLUTION C-158 -99
PROGRAM FOR THE YEAR 2000) R-51-99

WHEREAS, it is required by RCW 36.81.130 that the Annual Road Construction Program be adopted prior to the Annual Budget; and

WHEREAS, the Six-Year Transportation Improvement Program was adopted at public hearing as required by law on June 21, 1999; and

WHEREAS, the Board of County Commissioners has reviewed the work accomplished under the current Six-Year Program to determine current needs in order to revise and extend the comprehensive road program; **NOW, THEREFORE**,

BE IT HEREBY RESOLVED that the attached list of projects as selected from the aforementioned Six-year Transportation Improvement Program with 2000 Proposed Equipment Purchases by ER&R Fund be adopted.

PASSED BY UNANIMOUS VOTE AND ADOPTED this 6th day of **December, 1999**.

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

Mike Shelton, Chairman
Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board
BICC 99-681

PERSONAL PROPERTY SALE & REMOVAL AGREEMENT

Mr. Kwarsick presented his recommendation to the Board for approval of a Personal Property Sale & Removal Agreement for the house located at 102 NE 5th Street, Coupeville; Parcel #S6415-00-29004. This represents the last of the homes that need to be removed as part of the County's Courthouse Master Plan implementation.

The Board, by unanimous motion, approved and signed the Personal Property Sale & Removal Agreement as presented for the house located at 102 NE 5th Street in Coupeville.

RESOLUTION #C-159-99 (R-48-99) – AMEND 1999-2004 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE SOUTH WHIDBEY PARK JOINT ACQUISITION

By unanimous motion, the Board approved Resolution #C-159-99 (R-48-99) amending Island County's 1999-2004 Capital Improvement Program to include South Whidbey Park Joint Acquisition (Reet I funds).

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

**IN THE MATTER OF AMENDING ISLAND)
COUNTY'S SIX-YEAR CAPITAL IMPROVEMENT)
PROGRAM FOR THE YEARS 1999-2004 TO) RESOLUTION NO. C-159-99
INCLUDE SOUTH WHIDBEY PARK JOINT) R-48-99
ACQUISITION)**

WHEREAS, the Public Works Director, in accordance with RCW 36.70A.070(3) and WAC 365-195-315, submitted his recommended plan for capital expenditures for 1999 through 2004; and

WHEREAS, the Island County Board of County Commissioners adopted the 1999-2004 Capital Improvement Program (CIP) on July 13, 1998, by way of Resolution C-94-98 (R-35-98); and

WHEREAS, the South Whidbey Park joint acquisition with the South Whidbey Park and Recreation District could not be foreseen at the time the CIP was adopted; and

WHEREAS, per ICC 3.04A.040 real estate excise tax funds can be used for financing capital projects specified in the capital facilities plan element of the Island County Comprehensive Plan; and

NOW THEREFORE BE IT HEREBY RESOLVED that the 1999-2004 Capital Improvement Program is amended

to include the joint acquisition of the South Whidbey Park Property expansion to be funded out of REET 1 in the amount of \$167,500.

ADOPTED this 6th day of December, 1999.

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

Attest: Margaret Rosenkranz
Clerk of the Board
BICC 99-683

SOLID WASTE FUND YEAR END WRITE-OFFS

Dave Bonvouloir, Solid Waste Manager, presented the annual year end “write-off” of outstanding delinquent Solid Waste Funds involving transactions between Island County Solid Waste and users of the facilities. The total amount proposed to be written off is \$765.52. Delinquent accounts have received one ore more pieces of correspondence, and those not replying were sent to collection. According to the agreement with collection agencies, the County would receive 50% of whatever is recovered.

The Board, by unanimous motion, approved the write-offs for Solid Waste uncollectibles for 1999 totaling \$765.52.

INTERIM ORDINANCE #C-160-99 (PLG-053-99) ADOPTED AMENDING CHAPTER 17.03 ICC TO COMPLY WITH THE ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD RELATING TO THE RURAL ZONE AND PUBLIC HEARING SCHEDULED

Phil Bakke, Planning Director, presented Ordinance #C-160-99, PLG-053-99 [GMA doc. #5245], drafted by legal counsel to fill a gap created as a result of ordinance #C-75-99 PLG-114-99. He explained that as part of the Growth Management Hearings Board Order, Island County opted to impose a temporary ordinance setting minimum parcel size in the Rural zone at 10 acres. Since the rural density issue has not been finalized, the County is required to bring the ordinance back for an extension, and within sixty days of adoption, schedule a public hearing.

By unanimous motion, the Board adopted Interim Ordinance #C-160-99, PLG-053-99, amending Chapter 17.03 ICC to comply with the order of the Western Washington Growth Management Hearings Board relating to the Rural Zone, this ordinance to take effect immediately upon expiration of Ordinance #C-75-99, with a Public Hearing scheduled for January 24, 2000 at 3:00 p.m. [Ordinance C-160-99 as adopted 12/6/99, GMA doc. #5246]

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

IN THE MATTER OF AMENDING CHAPTER)))))
17.03.ICC TO COMPLY WITH THE ORDER OF ORDINANCE C-160-99
THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD RELATING PLG-053-99
TO THE RURAL ZONE

WHEREAS, various parties filed petitions with the Western Washington Growth Management Hearings Board (“Board”) to review Island County’s adopted GMA Comprehensive Plan (“Comp Plan”) and Development Regulations; and

WHEREAS, the Board entered its Final Decision and Order on June 2, 1999; and

WHEREAS, the Board found prospectively certain provisions of the Rural Zone invalid if interim regulations were not adopted by August 10, 1999, and therefore replacement regulations are needed to govern land use in the Rural zone; and

WHEREAS, in 1998, the County completed environmental review under Chapter 43.21C RCW, SEPA, on its Comp Plan and Development Regulations including the Rural Zone; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.03 ICC relating to the Rural Zone, needed on an interim basis to comply with the Order of the Growth Board, are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comp Plan and Development Regulations; and

WHEREAS, RCW 36.70A.390 authorized the County to adopt interim regulations at any time so long as a public hearing is held within sixty (60) days of enactment; and

WHEREAS, through Ordinance C-75-99, Island County adopted amendments relating to lands in the Rural Zone to comply with the Order of the Growth Board; and

WHEREAS, by the terms of C-75-99, these regulations remain in effect for six (6) months; and

WHEREAS, further action is needed to extend these regulations in order to allow time to adopt permanent regulations. NOW, THEREFORE,

BE IT HEREBY ORDAINED, in order to comply with the June 2, 1999 Final Decision and Order of the Western Washington Growth Management Hearings Board, the Board of Island County Commissioners hereby re-adopts the proposed amendment to Chapter 17.03 ICC, attached hereto as Exhibit A, establishing interim regulations relating to lands classified in the Rural Zone. Material stricken through is deleted and material underlined is added.

BE IT FURTHER ORDAINED, that this amendment to Chapter 17.03 ICC shall remain in effect for four (4) months or until the County adopts permanent amendments to Chapter 17.03 ICC to replace these interim regulations, whichever date occurs earlier.

APPROVED AND ADOPTED this 6th day of December, 1999 and set for public hearing at 3 p.m. on the 24th day of January, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board

BICC 99-685

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.

Deputy Prosecuting Attorney
& Island County Code Reviser

PUBLIC HEARING SCHEDULED TO CONSIDER OPEN SPACE APPLICATION
OPS 751/99 BY MARY M. HALSEN

As Mr. Bakke explained, the Applicant is requesting 13 acres of a 14.25 acre parcel be designated open space, to be reviewed pursuant to RCW 84.34. The property is located on Assessor's Parcel: R13106-452-3460, off State Highway

20, on Cedar Hollow Lane, located in Central Whidbey Island, in the Northeast ¼ of Section 6, Township 31N, Range 1 East, W.M.

By unanimous motion, the Board scheduled Application OPS 751/99 by Mary M. Halsen for public hearing on December 20, 1999 at 10:45 a.m.

PUBLIC HEARINGS HELD: ADOPTION OF YEAR 2000 BUDGETS

The Chairman opened a public hearing at 11:00 a.m. as scheduled and advertised on the following:

- **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**

RESOLUTION #C-146-99

Resolution #C-146-99 was presented by Margaret Rosenkranz, Budget Director, along with attachments noted: Exhibit A, Budget Summaries; Exhibit B, Overhead Allocation Schedule; Exhibit C, Position Listing; and Exhibit D, the detailed Revenue and Expenditure Budget. In refining the numbers, she noted that Line #77, Commissioners Contingency, now totals \$116,225.

No one in the audience indicated a desire to speak concerning Resolution #C-146-99.

By unanimous motion, the Board approved Resolution #C-146-99 as presented.

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

IN THE MATTER OF FIXING AND ADOPTING)	
THE FINAL BUDGETS FOR ISLAND COUNTY)	RESOLUTION C-146-99
CURRENT EXPENSE FUND, SPECIAL)	
REVENUE)	
FUNDS, AND DIKING DISTRICT #4 FUND FOR)	
FISCAL YEAR 2000)	

WHEREAS, Chapter 36.40 RCW provides for the development, presentation, consideration and fixing of the final budgets for each County fund by the Board of County Commissioners, and

WHEREAS, several public meeting Island County budget workshops have been held with each county department and regarding each county fund, special revenue fund, and Diking District #4 to consider estimated 2000 revenues and expenditures, all open to citizen input and comment, and

WHEREAS, all input, suggestions, requests, and other considerations have been weighed by the Board of County Commissioners resulting in the following 2000 Preliminary Exhibits. Exhibit A, budget summaries; Exhibit B, Overhead Allocation schedule; Exhibit C, Position Listing, and Exhibit D, detailed revenue and expenditure budgets are hereby placed on file in the office of the Island County Budget Director where they are available for public inspection at the office during normal office hours;
NOW THEREFORE

BE IT RESOLVED, that the Board of County Commissioners has reviewed these preliminary budgets in public meetings, and sets a public hearing for fixing and adopting the 2000 Island County Current Expense Fund, Special Revenue Funds and Diking District #4 Fund Budgets on December 6, 1999 at 11:00 a.m.

Adopted this 15th day of November, 1999.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY WASHINGTON**

Mike Shelton, Chairman
Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board
BICC 99-645

IN THE MATTER OF adopting and fixing the 2000 Budgets for all Island County Funds, all as shown on attached exhibits including Revenue and Expenditure summaries of the Current Expense Fund, Special Revenue Funds, and the Diking District #4 Fund, the 2000 Overhead Allocation schedule, the 2000 Position Listing schedule and detailed budgets for all departments and funds.

ADOPTED this 6th day of December, 1999.

**BOARD OF COUNTY
COMMISSIONERS
ISLAND COUNTY WASHINGTON**

Mike Shelton, Chairman
Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board

(Note: Exhibits A, B, C and D placed on file with the Budget Director/Clerk of the Board).

ORDINANCE #C-147-99

Ordinance #C-147-99 Increasing the Taxing District's Prior Year's Levy Amount for Fiscal Year 2000 for the County Current Expense Levy, was presented by Ms. Rosenkranz. The Board agreed there was not a substantial need to increase the County Current Expense Taxing District regular property tax limit factor above 1.42% from the previous year, which is the implicit price deflator, or \$72.415 increased amount over the 1999 levy.

No comments were made from members of the public either for or against Ordinance #C-147-99.

By unanimous motion, the Board adopted Ordinance #C-147-99 increasing the taxing district's prior year levy amount for fiscal year 2000 for the County Current Expense Levy.

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

IN THE MATTER OF INCREASING THE)
TAXING)
DISTRICT'S PRIOR YEAR'S LEVY AMOUNT) ORDINANCE NO. C-147-99
FOR FISCAL YEAR 2000 FOR THE COUNTY)
CURRENT EXPENSE LEVY)

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 6, 1999 to consider the Island County budgets for the 2000 calendar year, pursuant to RCW 36.40.071 and RCW 84.55.120; and

WHEREAS, the Board of County Commissioners, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the County Current Expense Taxing District requires an increase in property tax revenue from the previous year, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, in order to discharge the expected expenses and obligations of the County Current Expense Taxing District and in Island County citizen's best interest; and

WHEREAS, the Board of County Commissioners finds that there is not a substantial need to increase the County Current Expense Taxing District regular property tax limit factor above the 1.42% change in the implicit price deflator (a measure of the rate of inflation); NOW, THEREFORE,

BE IT ORDAINED, by the Board of County Commissioners that, in addition to any amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property of the County Current Expense Taxing District, an increase in the regular property tax levy is hereby authorized for the 1999 levy, which increased amount over the 1999 levy is \$72,415, a percentage increase of 1.42% from the previous year.

REVIEWED this 15th day of November, 1999, and set for public hearing on the 6th day of December, 1999 at 11:00 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
BICC 99-646

Ordinance C-147-99 is adopted this 6th day of December, 1999 following public hearing.

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

Mike Shelton, Chairman
Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST:
Margaret Rosenkranz, Clerk of the Board

ORDINANCE #C-148-99

Ordinance #C-148-99 Increasing the Taxing District's Prior Year's Levy Amount for Fiscal Year 2000 for the County Current Expense Levy, was also presented and reviewed by Ms. Rosenkranz. The Board again agreed on the 1.42% regular tax limit factor, in this case amounting to \$177,707 over the 1999 levy.

No one in the audience spoke either for or against proposed Ordinance #C-148-99.

By unanimous motion, the Board adopted Ordinance #C-148-99 increasing the taxing District's prior year levy amount for fiscal year 2000 for the County Road Levy.

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

**IN THE MATTER OF INCREASING THE)
TAXING)
DISTRICT'S PRIOR YEAR'S LEVY AMOUNT) ORDINANCE NO. C-148-99
FOR FISCAL YEAR 2000 FOR THE COUNTY)
ROAD LEVY)**

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 6, 1998 to consider the Island County budgets for the 2000 calendar year, pursuant to RCW 36.40.071 and RCW 84.55.120; and

WHEREAS, the Board of County Commissioners, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the County Roads Taxing District requires an increase in property tax revenue from the previous year, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, in order to discharge the expected expenses and obligations of the County Roads Taxing District and in its best interest; and

WHEREAS, the Board of County Commissioners finds that due to the increased cost of governmental operations there is a substantial need to increase the regular property tax limit factor above the 1.42% rate of inflation; NOW, THEREFORE,

BE IT ORDAINED, by the Board of County Commissioners that, in addition to any amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property of the County Roads Taxing District, an increase in the regular property tax levy is hereby authorized for the 2000 levy, which increased amount over the 1999 levy is \$177,707, a percentage increase of 1.42 percent (1.42%) from the previous year.

REVIEWED this 15th day of November, 1999, and set for public hearing on the 6th day of December, 1999 at 11:00 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
BICC 99-647

Ordinance C-148-99 is adopted this 6th day of December, 1999 following public hearing.

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

Mike Shelton, Chairman

Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board

GMA PUBLIC HEARINGS HELD

A Public Hearing was held beginning At 1:30 p.m. as scheduled and advertised, on three GMA Ordinances:

- **Ordinance #C-123-99, PLG-028-99, Amending Chapter 17.03 Island County Code Regarding Penalties and Enforcement**
- **Ordinance #C-124-99, PLG-030-99, Amending Chapter 17.03, Island County Zoning Code Regarding Signs and Lighting**
- **Ordinance #C-125-99, PLG-031-99, Amending Chapter 17.03 Island County Zoning Code Regarding Cultural Centers**

Attendance:

Staff: Phil Bakke

Public: approximately 9 attended [Attendance Sheet GMA doc. #5248]

Mr. Bakke made introductory comments on the Ordinances, received by the County through an application submitted under Chapter 16.26 ICC, Annual Review Process, by Citizens for Sensible Development (CSD). The three issues were reviewed and been before the Planning Commission at public hearing and documents today reflect Planning Commission input including their Findings and Conclusions. All three ordinances were introduced on October 4, 1999, and scheduled for hearing at this date and time, advertised in the November 24th newspapers.

Ordinance #C-123-99, PLG-028-99

Language in Exhibit A is the proposed language from Planning Commission. Mr. Bakke confirmed that the Planning Department offered no further input on the language and recommended approval. He termed this as a "friendly amendment" to clarify the process for stopping work in cases where an individual has been working in wetland or critical area in violation. This language provides clear mechanism and procedures for County staff to follow to initiate a cease and desist order. The language as written, with the findings, would replace the issuance of stop work orders for these types of issues. A stop work order would then be used only for building code violations. The proposed changes were not likely to have significant adverse impacts that were not considered in the packet for the Comprehensive Plan and Development Regulations. Exhibit E are proposed findings and legislative intent. With regard to Exhibit A, page 4, and continuing on page 5, these corrections equate to the amendment CSD worked out with staff during review of their original proposal. The original proposal included quite a few more recommendations; this was the only provision of that packet the Planning Commission approved to forward to the Board for review.

Public Input on Ordinance #C-123-99

John Graham representing Citizens for Sensible Development, stated that CSD submitted a series of amendments last Spring. He referred to the Planning Commission Findings and Conclusions, page 2, item #7, second sentence stating: "Planning Department Staff has not raised any major deficiencies or problems with the implementation of the codes that have been addressed in the proposed applicant amendments.". He pointed out that the reason CSD submitted the applications was based entirely on a Planning Department draft released Spring of 1998. The amendment CSD submitted basically overturned a series of other amendments that were done on September 28, 1998 that CSD felt should not have been adopted. He did not today expect that the Board would to overturn all the Planning Commission's rejection of some of the CSD proposed amendments, and understood there need for a balance between adequate enforcement and undue hassling of the public. He made the points, condensed down from CDS's original proposal, as follows addressing two of the worst parts of the original code on enforcement:

1. New paragraph on page 5, remove the word willfully in the 2nd and 3rd lines on the grounds it would be impossible that anyone would ever be found to “willfully” violate any of the provisions, making the entire section meaningless.
2. Page 9, section h dealing with liens, add the phrase after the first paragraph: “and against any other real property owned by any person in violation.”

With no others indicating a desire to speak on proposed Ordinance #C123-99, the public input portion of this hearing was closed.

Commissioner Thorn expressed several concerns, some overlapping those Mr. Graham presented. Exhibit A, paragraph A-2, paragraphs 2 and 3 take out the words “and irreparable hazard”. On Page 5, paragraph c, he believed willfully and knowingly were terms in someone’s minds and proving that would almost be impossible; therefore, he suggested deleting the words willfully and knowingly. He inquired about the penalty dollar amounts.

Mr. Bakke clarified that the \$1,000 fine provision in subsection c is what traditionally the County has had. The fine provided for on page 6, #d, is the provision that was changed during the amendments last year. He pointed out that the Staff Report was prepared pursuant to 16.26 for the Planning Commission which addressed all issues the Coalition brought up. The Planning Commission considered that and retained the \$1,000 fine.

Commissioner Thorn did not agree with that because he thought the larger fine appropriate especially where there is a Class A wetland has been filled several acres in size, for example. Mr. Bakke pointed out that the Planning Department is operating under enforcement provisions of 17.02 for critical area violations which was not changed last year and carries a fine up to \$5,000. He thought that \$1,000 fine was a sufficient penalty to get people’s attention to be a deterrent to others in the future, noting that the provision that tends to get their attention is the \$500 per day provision.

Commissioner Thorn agreed with Mr. Graham with regard to the lien instance. He consulted with several other people on this matter and thought it was very possible that that the damage that is occurring could be sufficiently off set by the benefit gained by having done the damage and by not allowing a lien to be placed against other real property would leave a loophole and he supported addition of the words: “and against any other l property owned by any person in violation”.

Commissioner McDowell reminded that the matter of “irreparable hazard” language was not a proposed change in the proposal before the Board; it is existing code. He disagreed with additional language with regard to a lien on additional property and was not interested in the County trying to take someone’s house if they have done something on another piece of property. As far as statements that the damage may be of such benefit that the owner would not care, he just could not imagine that at all, and disagreed with that generalized statement. He supported the recommendation of the Planning Commission as presented.

Chairman Shelton commented on Commissioner Thorn’s proposal to remove the words “and irreparable e hazard” and Mr. Graham’s comments about the lien process and did not think those were appropriate changes to make, noting those matters were not in front of the Board at this public hearing.

The Board is obligated to either accept the recommendation of the Planning Commission, reject the recommendation, or hold its own public hearing. He thought the criteria for obtaining a search warrant under the law was strenuous and did not think the County would ever go to the Court and obtain a search warrant without strong evidence that something significant was occurring. Before considering such changes, his suggestion was to seek advice of legal counsel. In terms of the lien, he did not know the County legally had the right to lien a piece of property not specifically involved in the issue that the County is attempting to enforce and before considering something such as that the Board must obtain the opinion of legal counsel. In relation to the words “willfully and knowingly” if that was a change within the recommendation of the Planning Commission proposed to the Board he would not necessarily be opposed to removing those words.

Commissioner Thorn moved approval of the recommendation put forth by the Island County Planning Commission and at the same time the hearing be continued to a future date to consider the modifications he suggested in Paragraphs A2 and 3, Paragraph C and Paragraph H, and seek the opinion of legal counsel particularly in regard to

Paragraph H and the applicability of liens outside the immediate damaged area.

Commissioner McDowell did not second the motion, noting the only thing he would support was approving the recommendation of the Planning Commission.

Chairman Shelton preferred as well to accept the recommendation of the Planning Commission.

Commissioner Thorn's motion died for lack of a second.

Commissioner McDowell moved that the Board accept the Planning Commission recommendation under Item B, 17.03.260 plus the renumbering associated with it, and approve Ordinance #C-123-99 PLG-028-99 in the matter of amending Chapter 17.03 Island County Code regarding Penalties and Enforcement.

Commissioner Thorn seconded the motion since he agreed with that part, with further comment.

Commissioner Thorn suggested CSD be allowed to re-file these several items as discussed without fee and without penalty. The Chair agreed. However, Commissioner McDowell maintained that that would have to be a separate action from approving the Ordinance, and something that would need further discussion on as to deciding what groups are allowed to have fees waived; he disagreed that the County should start waiving fees.

Chairman Shelton felt there could be an exception in this case because perhaps there were additional items submitted by CSD which did not come to the Board as part of the recommendation from the Planning Commission. Commissioner McDowell made the point, however, that those matters were in fact reviewed by the Planning Commission, and the Planning Commission after review, made the recommendation now before the Board.

Motion, as made and seconded, carried unanimously to adopt Ordinance #C-123-99. [C-123-99 as approved GMA doc. #5247]

Commissioner Thorn, in consideration of several comments made regarding Ordinance #C-123-99 that were unable to be considered today, arguments put forth by CSD, moved that CSD be permitted to carry the unresolved issues over from their submittal this year to be docketed for consideration in the year 2000 Plan review and that the fee be waived, with the Board to seek legal counsel opinion particularly in regard to Paragraph H and the applicability of liens outside the immediate damaged area. [issues: 1) the words willfully and knowingly in two places in paragraph c; 2) additional wording in paragraph h dealing with liens added words "and against any other real property owned by the person in violation."].

Commissioner McDowell disagreed and did not second the motion. His feels was that there is a process to go through and it was not the purpose of this public hearing to start working on 16.26 for next year's Comp Plan review. The Planning Commission and Staff have done the work and the Board has the result of that work today at the public hearing; to start short-circuiting that process he thought was absolutely wrong. CSD has the ability to come forward as any other group or person; there is nothing prohibiting CSD from bringing this forward again. As far as starting a procedure to waive the fees if unsuccessful the year before where someone has been unsuccessful before the Planning Commission he did not think was a legitimate reason to waive fees.

Chairman Shelton seconded the motion.

Motion, carried by majority vote, Commissioner McDowell voted in opposition for the reasons he previously stated.

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

IN THE MATTER OF AMENDING)
CHAPTER 17.03 ISLAND COUNTY) ORDINANCE C-123-99
CODE REGARDING PENALTIES AND) PLG-028-99

ENFORCEMENT)

WHEREAS, Development Regulation Amendment DRA# 708/99, attached as Exhibit "B", proposes a number of substantive and procedural modifications to the land development standards enforcement provisions of ICC 17.03.260, Penalties and Enforcement; and

WHEREAS, the Planning Director prepared a report on the proposed amendments which is attached hereto as Exhibit "C"; and

WHEREAS, the Island County Planning Commission held public hearings on June 8, 1999 in Coupeville and July 7, 1999 on Camano Island to consider the proposed amendment, affidavits of publication attached as Exhibit "D", and the Planning Commission adopted the recommendation attached hereto as Exhibit "1"; and

WHEREAS, the addition of Cease and Desist language will enhance the Planning Department's accountability and promote the lowest possible appeal level provisions and consistency; and

WHEREAS, with the exception of the Cease and Desist amendment there is not enough evidence in the record to persuade approval of any of the other proposals; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA Official has determined that the proposed changes to Chapter 17.03 ICC relating to Penalties and Enforcement are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; and

WHEREAS, the proposed amendment is consistent with the adopted Comprehensive Plan and adopted Findings of Fact and Legislative Intent; and

WHEREAS, public testimony has been carefully considered and the seriousness of the penalties and enforcement provisions recognized; **NOW, THEREFORE,**

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the Penalties and Enforcement Order amendment to ICC Section 17.03.260 Penalties and Enforcement attached hereto as Exhibit "A". Material stricken through is deleted and material underlined is added. The Board also adopts the Findings of Fact and Legislative Intent attached hereto as Exhibit "E" to support the changes to the Development Regulations.

Reviewed this 4th day of October, 1999 and set for public hearing at 1:30 p.m. on the 6th day of December, 1999.

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

Mike Shelton, Chairman
Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST:

Margaret Rosenkranz
Clerk of the Board
BICC 99-563

APPROVED AND ADOPTED following public hearing this 6th day of December, 1999.

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

Mike Shelton, Chairman
Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST:

Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM: as proposed for ICC 17.03.260 amendments

David L. Jamieson, Jr.
Deputy Prosecuting Attorney
& Island County Code Reviser

Ordinance #C-124-99, PLG-030-99

Recent correspondence on record concerning Ordinance #C-124-99:

11/4/99 e-mail from John Graham regarding light pollution [GMA doc. #5018]
 12/3/99 e-mail from Janet & Steve Bondelid to Planning Department [GMA doc. #5130]
 12/5/99 e-mail from Janet & Steve Bondelid to Commissioner McDowell [GMA doc. #5128]
 12/6/99 e-mail from Thomas J. Roehl regarding Signs and Lighting [GMA doc. #5132]
 12/6/99 e-mail from Steve Schrecengost regarding proposed lighting ordinance [GMA doc. #5135]
 12/6/99 e-mail from Thomas J. Roehl regarding Signs and Lighting and Cultural Centers [GMA doc. #5134]
 12/6/99 e-mail from Anne Pringle regarding signs and lighting and cultural centers [GMA doc. #5131]
 12/6/99 e-mail from Pete Friedman regarding signs and lighting and cultural centers [GMA doc. #5133]

Mr. Bakke made introductory remarks to open the hearing on Ordinance #C-124-99, PLG-030-99, Signs and Lighting, presented as a result of an application submitted by CSD, reviewed by the Island County Planning Commission. The Ordinance proposal reflects recommendations of the Island County Planning Commission, along with proposed Findings of Fact. Additionally, Mr. Bakke presented proposed Amendment No. 1 [GMA doc. #5249] for consideration today, clarifying that the amendment was proposed by the Island County Planning Department. Bold underline or bold strike-through refers to language the Planning Department recommends be added or removed. Page 3, items 1 and 2, refer to signs and lighting for Rural Center Zone, Rural Village Zone and all the Commercial zoning. Item 3 on page 4, provides for sign standards for those commercial uses the code permits in rural areas of the county [i.e. home industries, home occupations]. Sub 3 proposes insertion of OH-R zone and the UGA-L zone, zones that had not been created at the time this language was adopted June, 1999, and the interlocal agreements specifically refers to this sign code. Sub 4 on page 5 proposes new language for general standards for maintenance, sign area, height measurements and lighting standards for all zones. Sub-a, b and c were moved from sub-3 on page 4. Provisions for maintenance, how to measure a sign area and height of a sign were negotiated in June between the Coalition and the County and is current language applying only to signs for non residential uses in the rural area. Section 4, sub b proposes removing the last sentence: "Except as specifically provided in this Section, the area of any sign shall not exceed nine (9) square feet per side.". That language is covered in subsection 3, g.1 on page 4. Section 4.c, the last sentence, is proposed for removal, but added to Page 4, g.1. ["No sign shall exceed eight feet in height"]. Proposed lighting standards are included on Page 5, Section 4,d.

Mr. Bakke mentioned that on review of this document and after review by the Planning Commission and the 6/21/99 amendments, it seemed that a hodge podge of lighting standards were being addressed for all different uses or zones in the county and therefore staff tried to integrate those different lighting standards from the site plan review code, provisions in subsection 3 and from the Planning Commission to create the language proposed. None of these items are new in and of themselves and are located in other sections of the code. In further explanation of the proposed amendment, Mr. Bakke pointed out that the Planning Commission reviewed the CSD amendment prior to negotiation of the standards for signs and lighting in the rural zone. The County has since completed that, but the language was not integrated into the Planning Commission copy until the end of the review, and because of that the PC wanted to proceed forwarded with their recommendations as shown in Exhibit A. It was his opinion the proposed exhibits were procedural in nature, for the purpose of setting t up a process by which to measure heights of signs and applying lighting standards that would be consistent in all zones. Staff does not see need to develop different standards for different zones.

The Planning Commission heard this matter at several hearings and recommended free-standing pole signs continue to be measured 20' off the ground; inserted provisions for limiting pole signs to those areas in the Rural Center Zone and for those properties abutting roadways with speed limits of 50 mph or greater; all other signs in non residential zones would be limited to monument signs not greater than 8' in height. The Planning Commission recommended retaining back-lit or indirectly lit signs, and current code of one sign per property, and added a provision encouraging property owners to use monument signs over pole-mounted signs; 100 sq. ft. of total sign area, 40 sq. ft. of which may be used for a free-standing sign and provisions to not allow a sign to extend greater than 4' above the peak of a building. The final major change recommended by the Planning Commission was #5 in proposed Amendment No. 1 to insert a sunset provision for existing signs in the county, requiring replacement within ten years of enactment of this chapter if not in compliance with the code or if the business or sign is relocated or the sign

damaged beyond 50% of it's current value.

Public Input on Ordinance #C-124-99

Jerry Hill, Freeland, submitted into the record a letter dated 12/6/99 concerning Signs and Lighting Ordinance [GMA doc. #5251] and summarized from his letter. In the proposal where the County starts to describe lighting and refers to "shielded" in Section R, 1d, he pointed out that the common terminology used in the lighting industry is a "full cut off fixture" and he recommended the ordinance language state: "shielded full cut off fixtures to avoid spill over". Referring to 17.03.180, Section R, 1c, dealing with signs back lit or indirectly lit from above, one of the most common signs used by many corporations now is a channel-lit sign. There are many back lit signs within the County, and different versions of back lit signs. Some back lit signs could be back lit because of use of a white plastic shield with colored lettering; others might be defined between back lit and channel lit because of a painted surface with only lighted letters, normally called channel lit signs. Most major companies use a channel lit sign or a sign that has a painted surface with lighted letters [a national standard, for example, TEXACO on South Whidbey sign]. His proposal was that Island County use the following language: "...signs may be channel lit or indirectly lit from above; any proposed back lit signs must request a variance based on an explanation of why a back lit sign is necessary and which demonstrates why a channel lit or indirectly lit sign will not work".

As far as the matter of folks coming into compliance, depending on the sign, many signs have covers that need to be repainted or redone within a certain period of time and the cost of repainting a cover using more paint is negligible. There are different solutions which do not necessarily have to cost a lot of money. The timing when people should have to make changes, setting a period of time 7 to 10 years he thought was appropriate for compliance.

Under Section F, Free standing pole mounted signs up to 20' in height is an increase from 16'. The major reason he heard was that the greater height would keep trucks and vehicles from running into them; however, he submitted that the location of the sign to roadways and parking lots is much more important than whether a truck may hit or damage a sign than the height. He recommended returning to the standard height of 16'.

In Section R, subsection 5, talking about the County may impose conditions and standards as may be found necessary to ensure that signage and lighting is compatible with the character of permitted uses, Mr. Hill has proposed all along to include signage and lighting within this. He noted there seemed to be a proliferation in the County of mercury vapor lights used for business, private, task lighting, and security. He has been trying to show how easy updates can be done, and showed the Commissioners and audience a picture of a retrofit solution to a mercury vapor light that costs \$25 – for a shield, which fulfills a full cut off fixture. Though some concern had been expressed about the possibility of economic hardship, he submitted a chart to showing what language is required to be on all mercury vapor lights when sold showing the fixture type, light output [lumens], lamp life [in hours] and the annual operating costs [GMA doc. #5253]. The chart/diagram gave an example of a light display for a full cut off fixture, the lighted area desired, glow from the light [dark night sky]; a diagram of a mercury vapor light showing the glow going up in the sky is significant and starts to impose on neighboring properties. The cover on the lights is plastic, around the bulb and never gets hot, and he thought that people could simply paint the shields black. The shield is a clear plastic solid shield with no ventilation, and there would be 3" to 4" between the bulb and plastic shield. The shield is more like a tail light on a car, and has refractory properties to enhance the light's spread and spectrum. He submitted into the record the following from South Whidbey's Hearts and Hammers board meeting November 11, 1999, after discussing Mr. Hill's request:

"New Business. Discussed a request from Jerry Hill that H&H consider helping folks comply with a possible new lighting ordinance. It was decided that Hearts and Hammers is willing to accept qualifying homeowners on South Whidbey for help in complying with a County Lighting Ordinance, should it become law.
Randy Hudson, Board Member, Hearts & Hammers"

[GMA doc. #5252]

Mr. Hill pointed out that this is not a precedent setting proposal, that on June 19, 1999, Texas Governor George W. Bush signed House Bill 916, regulation of outdoor lighting for all state funded entities [GMA doc. #5254]. Another submittal was: Environmental Effects of Roadway Lighting, Technical Paper prepared at University of British Columbia, Department of Civil Engineering, Information Sheet 125, August 1997 [GMA doc.#5255]. Also an

article: Retrofit Solution to the Dusk-to-Dawn Insecurity Light [GMA #5256] .

John Graham, representing Citizens for Sensible Development, commented on a few problems from his point of view, all which Mr. Hill touched on. An important consideration for CSD and Mr. Graham personally was back lit signs, and he reiterated Mr. Hill's presentation on channel lit signs. He remembered during the Planning Commission discussion that a number of businessmen complained about having already purchased back lit signs based on the new law last December, and thought it would be quite unfair now to shift to channel lit signs. He proposed that the Board accept Mr. Hill's suggestion, and put in the ordinance language to allow that any sign could be installed that was purchased after the passage of the Comprehensive Plan and before the date of enactment of this ordinance to be as fair as possible.

In terms of the height of a sign, he never understood and took issue from the beginning that the height had to be raised to 20' because trucks were hitting signs. The issue to him is one of location. His personal view was that 16' in a commercial area in a rural county was plenty and urged that the Board not allow the extra 4' . It was his understanding that page 6, lighting standards, that at least two of three Commissioners were willing to undo a decision taken last month which would have allowed security lighting to point up instead of downward. He agreed fully with Sub d, the lighting standards as written, and had no suggestions or changes to make. The most important states that lighting fixtures must be shielded, hooded or oriented towards the ground so that direct rays of lighting source(s) are not visible past the property boundaries and do not shine into the night sky. What is really important he thought was to make sure the light bulb cannot be seen and the key thing is to keep rays of light coming from the light source. It would be impossible to have a policy that insisted that lighting fixtures do not shine or reflect into the night sky, and Mr. Graham agreed with Mr. Bakke's proposal to remove the words "or reflect" in the third line in D.1, as a compromise that makes sense.

Subparagraph 5 the replacement paragraph, he agreed that the average replacement life 7 years would be a better number than 10, and based upon some science as has been presented by Mr. Hill. The paragraph should refer to lighting as well as signage. Important to note that for \$25 a shield can be purchased for a mercury vapor light.

Commissioner McDowell was concerned and reminded this was addressing houses, not businesses, such things as carriage lights by driveways, porch lights, and would involve a huge number that would suddenly have to be removed because they are a glass fixture and clearly visible; the majority just a light bulb fixture.

Mr. Graham acknowledged that was a good point, and mentioned what he had been thinking of was looking at the light bulb – an opaque but not black porch light, with light coming through it secondarily but where the light bulb could not be seen may be fine. However, he was not so sure exempting porch lights and driveway lights would solve the problem, but could see perhaps saying "translucent cover".

Ann Medlock, Clinton, was very interested in the idea of lighting and went to Tucson, the headquarters of the International Dark Sky Association, a great clearinghouse of information, engineering and technology needed to keep light pollution down. She mentioned a health and safety aspect of the issue: stats on how many accidents have been caused on highways because of light glare and pilot complaints about light pollution affecting ability to navigate properly. This is also a property rights issue, the peaceful enjoyment of private property from light trespass and light spills. She found 140 communities had already passed regulations on lighting. In addition to the legislation passed in Texas, the State of New Mexico signed a bill concerning all lighting in the entire state and affects private property, not just state owned property, and she submitted the text of that bill for the record [GMA doc. #5257]. The economy issue in the material she read was also a big issue and found reams of material available [www.darksky.org] . The real reason she said she was interested was in order to speak for the grandchildren who want to come to Whidbey and see the stars.

Diane Kendy, Langley, although a member of the Citizens Growth Management Coalition, indicated she was speaking as an individual, and commented that Jerry Hill was a member of the Coalition and she thought was speaking for the Coalition [and Mr. Hill indicated in the affirmative this was correct]. Ms. Kendy stated that absence of night light was a great factor in preserving the rural character, a factor new comers are probably not all that aware of. She thought people want the same thing and do dumb things unknowingly. Technology is here; it is not that expensive, and it is coming out country-wide. As far as businesses wanting back lit signs, extra large signs, she saw this as a chance to set standards Island County wants.

Norman Barnett, Greenbank, addressed the Board as an owner of a property with a large sign that he thought would cost as much as \$40,000 to \$60,000 to replace, well worth the price of the property alone, and expressed concern the sign may have to be removed. He held up an article from the October 9, 1996 South Whidbey Record quoting Vince Moore, Planning Director, stating that the "County Code does not specifically outlaw such signs; only signs with flashing or moving lights; the reader board style sign is also back lit which does go against County code [but if it was that old it would be grandfathered in]" The sign is back lit and has a mechanism that rotates; the sign about 15-16' tall, and the sign face about 30 sq. ft. located on Highway 525 in Clinton by the used car lot.

Commissioner McDowell advised Mr. Barnett that the proposal before the Board today if adopted would require that sign be taken down within 10 years [not 2 years], or the sign be converted.

Jerry Hill pointed out that Mr. Barnett's case was the very reason why he suggested there be a variance process based upon explanation presented as to why a back lit sign was necessary or that there be a grandfather clause included in this proposal. The type of sign Mr. Barnett refers to can be granted a variance for use, and he did not necessarily believe this sign had to be eliminated, except if more than 50% damaged then perhaps be re-evaluated as far as what the use really is for the location.

Gary Piazzon, Coupeville, drew attention to the energy issue involved and suggested that 75 watts be the line to draw for lights in the County subject to provisions of this new ordinance. He knew of no porch lights that needed to be brighter than that and suggested there could be some provisions for frosted globes to cut down on glare. Many elderly people are sensitive to glare and when exposed to bright lights are blinded up to three times longer than non-elderly. Another issue is wasted energy, estimated nationally that about one billion dollars a year is wasted in unnecessary lighting, translating into air and water quality degradation, dams and fossil fuels producing this energy. Therefore, there could be an impact on the environment and salmon restoration by what is decided here regarding the lighting issue.

Mr. Hill stated that the issue of porch lights and exempting them in some way, he thought could be addressed perhaps by wattage requirements for certain types of lighting. He is a lighting manufacturer on South Whidbey and makes decorative porch lights and interior lighting for houses. One of the standards he uses is that lighting coming outward goes through frosted and/or semi-opaque glass and the major part of the light is directed downwards.

No further audience members indicating a desire to speak on the issue, the public input portion of the public hearing was closed

BOARD DISCUSSION/ACTION

Commissioner Thorn made the following comments and suggestions:

Page 6, use 7 years as opposed to 10 which seems a bit excessive

Add item #7 that would address the valid question Commissioner McDowell brought up – with words something like: "exempt conventional or non-vapor type porch and driveway lighting up to a limit of 100 watts each and should not contain any bare bulbs".

In the ordinance itself dealing with land use standards regarding with R-1, realize it is not before the Board but thought it something to take note of and the appropriate nomenclature, channel lighting description.

He liked Mr. Hill's suggestion made for the variance proposed – it makes sense and accommodates those occasional things that should be grandfathered in.

Item d, the language Mr. Hill suggested - wording to include the industry standard wording "a shielded full cut-off fixture" and also add "or paint".

paragraph #5 - the reference should be to signage and lighting.

Chairman Shelton was aware that some folks are committed to mercury vapor lights. Mr. Hill outlined a plan that he thought might accommodate those people who either cannot afford or physically cannot shield or paint their lights. He wondered if the Board should perhaps consider allowing mercury vapor lights and allow something less than 7 years to shield or paint, especially in a community like Lagoon Point where there are houses clustered together where the possibility exists of a multitude of mercury vapor lights.

And Commissioner Thorn stated he would have no problem adding a sentence to the paragraph that said mercury vapor lights shall be replaced within a certain number of years. The Chair recognized that some folks may choose not to replace mercury vapor lights even though the facts show that a better job can be done with a different kind of lights.

But as Commissioner Thorn noted, this could stop the proliferation by preventing any new ones from being installed. Chairman Shelton agreed with that but did question if the Board really was interested in telling people what kind of light they can have.

Commissioner Thorn was aware that mercury vapor lights can be bought cheaply although they are not cheap to operate and the main ones people see available at hardware stores. He thought it would make sense to add in paragraph 5 to state: specifically mercury vapor lights are no longer permitted for new installations; existing mercury vapor lights all have to be converted within _____ [i.e. 3 years].

The Chair saw in item R.1.f, no reason why change to 20' height from 16' height and proposed leaving it at 16' and taking out the reference to roads set at 50 mph.

Commissioner McDowell mentioned that the comments had to do with mercury vapor lights and those normally are not porch lights and certainly 75 watt lights on porches or driveways should not be outlawed simply because the light bulb can be seen. He thought that the full cut-off fixture or paint seemed to be the way to address these and perhaps the appropriate place to talk about wattage. He noted that the current adopted height standard is 20' for non residential and not 16' and suggested that remain. This is not talking about NR uses in the rural area, rather about commercial use in commercial areas and there needed to be a recognition that part of the issue of having commercial property in commercial areas is having signs that people can see. He agreed not to tie it to a roads with a speed limit of 50 mph, rather tied only to commercial use in non residential areas. Those issues agreed on non residential uses in rural areas with the Coalition need to stay. However, having agreed with that for the rural areas is no reason to then use the same criteria for the commercial uses in commercial areas. The idea of the full cut-off fixtures or paint can go a long way in reducing some of those objections to either signs or the canopy on such things as gasoline stations. One issue he did not agree with at all would be telling small business owners that in either 7 or 10 years they had to at their expense tear out a sign they had the authority to put up at the time. A small business person typically works to earn a paycheck much like anyone working for a company taking home a paycheck; requiring replacement of a major capital investment is like taking someone's paycheck away several months. It would make sense to come into compliance if the sign were damaged as mentioned. The fact that someone might change businesses in a building, i.e. from a CPA to an attorney, would make no sense why that would be a reason the owner would have to suddenly replace the sign. He proposed limiting paragraph 5 to just replacing the sign and coming into compliance if there had been damage over 50%.

Chairman Shelton liked what Mr. Hill suggested when he talked about Mr. Barnett's sign realizing it could not be modified and he would suggest in that case it be grandfathered; it is possible to convert back lit signs to channel lit signs so at the point in time when a major maintenance program would on those types of signs that could be converted.

Commissioner McDowell agreed that would be an acceptable modification as opposed to taking down the whole sign. Section 5 he disagrees with the language that would stipulate a time someone had to remove their sign allowed by permit at some point in time.

Commissioner Thorn restated the variance paragraph proposed by Mr. Hill: any back lit sign must request a variance

based on an explanation of why a back lit sign is necessary and which demonstrates why a channel lit or indirectly sign won't work and allow for variances for existing back lit signs until such time as they may go through major maintenance of at least 50% and/or the property is redeveloped at a level that requires large enough expenditure the sign needs to be updated.

Chairman Shelton commented that R.1.c where it says signs may be back lit indirectly lit from above, he suggested adding a sentence that would talk about channel lighting being the preferred lighting and then take into consideration in the future those signs that are currently back lit that can be transformed into a channel lit sign, that requirement may be imposed in the future.

Commissioner McDowell asked for some further clarification with regard to item 1.e, the last sentence "all other free standing signs shall be monument signs" insofar as where that fit in.

Mr. Bakke referred to proposed amendment #1, R.1.f noting if you have a sign in the rural center zone on a piece of property with a speed limit greater than 50 mph then the sign is limited to a monument style sign that may not be greater than 8' in height [applies to any sign in the rural village zone, airport zone, industrial zone or a sign in rural center zone].

Commissioners McDowell and Shelton disagreed with that. The free-standing pole signs should be some amount of feet applicable to all non residential zones and would be up to the applicant to determine whether they want a monument or free-standing sign.

Commissioner Thorn moved to continue the consideration on Ordinance #C-124-99 and Amendment No. 1 thereto to December 27, 1999 at 2:45 p.m.; at that point in time staff to bring forward Amendment No. 2 that reflects the testimony received at today's public hearing in addition to the Planning Commission recommendation as a complete revision to #C-124-99. Commissioner McDowell seconded the motion and motion carried unanimously. (Notice of Continuance GMA doc. #5250)

Ordinance #C-125-99, PLG-031-99, Amending Chapter 17.03 Island County Zoning Code Regarding Cultural Centers

Mr. Bakke presented for Public Hearing Ordinance #C-125-99, for purposes of amending 17.03 Island County Zoning Code regarding Cultural Centers, the recommendation of the Planning Commission attached as Exhibit "1". The proposal is to amend the Comprehensive Plan and Development Regulations to provide for these types of cultural centers in the Rural Village and Rural Centers zones. There now are no specific provisions in the code to allow such things as museums, live musical center in the County. He presented for today's consideration, proposed Amendment No. 1 [GMA doc. #5255] :

Cultural Center: A place where people gather to further enrich or practice the customary beliefs, social forms and material traits of an ethnic, **religious**, or social group. Cultural Centers include but are not limited to art galleries, archeological center, libraries, museums, cultural retreat centers, musical and live theater.

Mr. Bakke explained that shortly after the Planning Commission completed its review, this ordinance was forwarded to the Prosecuting Attorney for approval as to form. Chief Deputy Prosecuting Attorney David L. Jamieson, Jr., responded in a 9/23/99 memorandum [GMA doc. #5258] to the then Planning Director, Vince Moore, asserting that the term "religious" in the definition of cultural center may be an error and if so, an amendment should be proposed striking the term "religious". The reasoning that that may have been added in or interpreted incorrectly was because Island County Code 17.03 specifically provides a definition of a church. The proposed amendment affects property in the Rural Village and Rural Center zones, and the code specifically provides for the establishment of a church as a permitted use in the Rural Center zone, but does not provide for the establishment of a church in the Rural Village zone as a permitted or conditional use. Churches are established as institutional uses in current code. He suggested that the proposed amendment could be changed to leave in the term "religious" and at the end of the last sentence add "but does not include

Chairman Shelton observed that one of the reasons churches get together is to further enrich or practice customary beliefs. He has strong beliefs about churches and the value to the community and noted that many of the churches that have been constructed in the last number of years in Island County e constructed in the rural zone and he would take exception to segregating those out for some kind of special treatment that does not occur to a "cultural" center.

But Commissioner Thorn made the point that churches are already specifically covered in the Code and it was not the intention of this change to address that subject because churches are addressed as an entity elsewhere in the code in detail. He had no problem leaving the word "religious" but with the qualifying additional sentence suggested by Mr. Bakke.

Commissioner McDowell questioned why the County would want to limit churches to something the County would not limit a cultural center to.

Mr. Bakke explained that the idea was that a cultural center, including art galleries, libraries, music centers, etc., would best fit in the Rural Village and Rural Center zones. Chairman Shelton did not disagree with that. Mr. Bakke then suggested leaving the sentence as it reads and replace in the last sentence the period with a comma, and add "but does not include a church as defined in 17.03.040, definitions.

Commissioner McDowell did not agree because he could not see when talking about a cultural center how you could say it is a place where people practice customary beliefs is not a church.

Mr. Bakke clarified that 17.03.180 is the Land Use Standards. He commented that should the Board want to allow churches in the Rural Village zone he would suggest adding churches to the list of permitted uses in the Rural Village zone; or not change the language knowing that a church could be established in the Rural Village zone as a cultural center.

Commissioner McDowell had no opinion whether a church should be in the Rural village zone, but his question is the way cultural center is defined sounds like a church.

Commissioner Thorn suggested drop entire first sentence and leave the definition to read as follows:

Cultural Center: ~~A place where people gather to further enrich or practice the customary beliefs, social forms and material traits of an ethnic or social group.~~ Cultural Centers include but are not limited to: art galleries, archeological center, libraries, museums, ~~cultural retreat centers~~, musical and live theater.

Commissioner Thorn explained the need for this Ordinance. Terry's corner is zoned Rural Village. One of the long range community objectives on Camano Island is to create a center for the performing arts at Terry's corner. To allow that the prior Planning Director agreed to bring this forward.

Chairman Shelton thought that in attempting to define what someone thinks a cultural center is may be confusing and thought it would be better to define it such as Commissioner Thorn recommended.

As far as making this change to the definition, Mr. Bakke observed the Board was simply choosing to not accept the entire definition and a change he thought the Board could make at this hearing.

Public Input on Ordinance #C-125-99

John Graham, representing CSD, recalled that the issue of placement of churches had taken several hours during the long negotiations between the Coalition and the County last May, but thought it had been settled in a good way, i.e. after a church in a rural zone gets to a certain size it triggers a public meeting. He agreed with the idea of deleting the first sentence as Commissioner Thorn suggested.

With no others indicating a desire to speak either for or against the proposed Ordinance, the public input portion of the hearing was closed.

BOARD ACTION:

By unanimous motion, the Board approved Amendment No. 1, Cultural Centers [PLG-031-99], to be shown as requested by Island County Planning Department and not the Prosecuting Attorney; and adopted the following definition for Cultural Center:

Cultural Center: ~~A place where people gather to further enrich or practice the customary beliefs, social forms and material traits of an ethnic or social group.~~ Cultural Centers include but are not limited to: art galleries, archeological center, libraries, museums, ~~cultural retreat centers,~~ musical and live theater.

By unanimous motion, the Board adopted Ordinance #C-125-99, PLG-031-99, as amended.

[GMA doc. #5260] Exhibits on file with the Clerk of the Board

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

IN THE MATTER OF AMENDING)
CHAPTER 17.03 ISLAND COUNTY) ORDINANCE C- 125 -99
ZONING CODE REGARDING) PLG-031-99
CULTURAL CENTERS)

WHEREAS, the application for Cultural Centers, ZAA/DRA 724/99, staff report attached as Exhibit "C", was submitted in accordance with Chapter 16.26 ICC within the prescribed time period; and

WHEREAS, the Island County Planning Commission held public hearings on June 8, 1999 in Coupeville and on July 7, 1999 on Camano Island, affidavits of publication attached as Exhibits "D" and "E", and the Planning Commission adopted the recommendation attached hereto as Exhibit "1"; and

WHEREAS, all testimony received was in favor of the proposed amendment; and

WHEREAS, the ability to locate cultural centers in the Rural Center and Rural Village zones is essential to the development of those areas to provide a wide range of uses; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA Official has determined that the proposed changes to the Comprehensive Plan Land Use Element and Chapter 17.03 ICC relating to Cultural Centers in the Rural Village and Rural Center Zones are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; and

WHEREAS, the proposed amendment is consistent with the adopted Comprehensive Plan and adopted Findings of Fact and Legislative Intent; and

WHEREAS, the Island County Planning Commission recommended approval of ZAA/DRA 724/99 Cultural Centers as shown in Exhibits "A" and "B"; **NOW, THEREFORE,**

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts ZAA/DRA 724/99 Cultural Centers attached hereto as Exhibits "A" (Comprehensive Plan) and "B" (Development Regulations). Material stricken through is deleted and material underlined is added. The Board also adopts the Findings of Fact and Legislative Intent attached hereto as Exhibit "F" to support the changes to the Comprehensive Plan and Development Regulations.

Reviewed this 4th day of October, 1999 and set for public hearing at 1:30 p.m. on the 6th day of December, 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 99-565

APPROVED AND ADOPTED following public hearing this 6th day of December, 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: Exhibit "B" as proposed
David L. Jamieson, Jr., Deputy Prosecuting Attorney
& Island County Code Reviser

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 4:10 p.m., to meet in Special Session at 7:00 p.m. this evening on Camano Island, at Terry's Corner Fire Hall, 525 N. East Camano Drive to conduct a Public Hearing on Ordinance #C-118-99, PLG-001-99, Amending Chapter 17.03 Island County Code Regarding Communication Towers.

**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