AGENDA APRIL 7 FORMAT

ADOPTED this 13th 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 99-692

RESCHEDULE PUBLIC HEARING TIME TO EVENING OF JANUARY 10, 2000
ORDINANCE #C-151-99 [PLG-049-99] AND ORDINANCE #C-152-99 [PLG-050-99]

Larry Kwarsick, Public Works and Community Development Director, advised the Board that in community meetings held with the agricultural community about 58 individuals have actually been attending those community meetings and by and large requested that the hearings now scheduled for 1:30 p.m. on January 10th be rescheduled for the evening to allow those folks to attend. During community meetings these individuals expressed good stewardship, care and concern they have for critical areas and Mr. Kwarsick felt it was quite important to give them an opportunity to provide testimony to their standard practices and involvement with Natural Resource Conservation Agency and also the WSU Extension Office.

By unanimous motion, the Board rescheduled Ordinance #C-151-99 (PLG-049-99) 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 relating to Existing and On-Going Agricultural Activities [Exhibit A 17.02.107 Critical Areas; Exhibit B Agricultural BMPs; and Exhibit C Findings and Legislative Intent]; and #C-152-99, (PLG-050-99) Amending Chapter 17.02. ICC to comply with the Order of the Western Washington Growth Management Hearings Board relating to the Critical Areas Exemption For Existing And On-Going Agriculture [Exhibit A 17.02.107 Critical Areas], originally on November 22, 1999 having scheduled the hearing for January 10, 2000 at 1:30 p.m., now rescheduled to January 10, 2000 at 7:00 p.m.

HEARING SCHEDULED: RESOLUTION #C-162-99 IN THE MATTER OF DECLARING AN EMERGENCY APPROPRIATION IN THE 1999 CURRENT EXPENSE FUND, ER&R FUND, PUBLIC WORKS FUND, SOLID WASTE FUND, GUARDIAN AD LITEM FUND, ANTI-PROFITEERING FUND BUDGETS

As presented by the Budget Director, the Board by unanimous motion scheduled a public hearing on Resolution #C-162-99, in the matter of an emergency appropriation for the 1999 Current Expense Fund, ER&R Fund, Public Works Fund, Solid Waste Fund, Guardian Ad Litem Fund and Anti-profiteering fund budgets, for December 27 at 1:50 p.m.

HEARING SCHEDULED: RESOLUTION #C-163-99 IN THE MATTER OF A SUPPLEMENTAL APPROPRIATION TO THE 1999 CURRENT EXPENSE FUND, SOLID WASTE FUND, PUBLIC HEALTH POOLING FUND AND DEVELOPMENTAL DISABILITIES FUND

As presented by the Budget Director, the Board by unanimous motion scheduled a public hearing on Resolution #C-163-99, in the matter of a supplemental appropriation for 1999 Current Expense Fund, Solid Waste Fund, Public Health Pooling Fund and Developmental Disabilities Fund budgets, for December 27 at 1:50 p.m.

RESOLUTION #C-155-99 AUTHORIZING ENTERING INTO INTERLOCAL AGREEMENT WITH SOUTH WHIDBEY PARKS AND RECREATION DISTRICT AND APPROVAL OF INTERLOCAL AGREEMENT

The Board considered proposed Resolution #C-155-99 Authorizing Island County To Enter Into A Interlocal
By unanimous motion, the Board approved Resolution #C-155-99 authorizing Island County to enter into an Interlocal Agreement with South Whidbey Parks and Recreation District for Purchase of Recreational Property. By subsequent unanimous motion of the Board, the Interlocal Park Purchase Agreement was Risk Management Contract #RM-PARKS-99-0094 with modification on Page Two, the second paragraph numbered one, entitled County Contribution, the date of December 10 is changed to December 16; and on Page One, the fifth Whereas paragraph to have the Resolution Number C-155-99 filled in; and in the sixth Whereas paragraph, the District’s resolution number of #99-12-001 to be filled in. [Interlocal Agreement placed on file with the Clerk of the Board]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

In The Matter of Entering Into An Interlocal Agreement Between The South Whidbey Parks and Recreation District and Island County to Purchase Property for Recreational Purposes) Resolution No: C- 155-99

WHEREAS, the preservation of open space is consistent with the Island County Comprehensive Plan and is of benefit to the residents of Island County; and

WHEREAS, the County has agreed to provide REET 1 funding to aid in the purchase of a forty acre parcel to the north of the South Whidbey Park and Recreation District Property; and

WHEREAS, the County’s Cedars Trail, when constructed, will pass through the easterly portion of this property; and

WHEREAS, it is the intent of the Board of County Commissioners that the County’s TRAIL fund reimburse the REET 1 fund for the appraised value of the right-of-way corridor necessary for construction of the Cedars Trail; and

WHEREAS, the TRAIL fund will become available for reimbursement upon execution of the Cedars Trail prospectus by Island County and the Federal Funding Agency; and

WHEREAS, the District has agreed they are responsible for the operation and maintenance of the property, except the 30’ wide Cedar’s Trail corridor once constructed, following purchase: NOW THEREFORE

BE IT HEREBY RESOLVED, by the Board of County Commissioners of Island County, Washington, that Island County is authorized to enter into an Inter-Local Agreement with the South Whidbey Parks and Recreation District for the purpose of purchasing property for recreational purposes.

Adopted this 13th 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 99-695

SUPPLEMENTAL AGREEMENT NO. 3 – CONSULTANT AGREEMENT
PW-982023, REID MIDDLETON, INC.
On presentation and explanation by Mr. Kwarsick, the Board by unanimous motion approved Supplemental Agreement No. 3 to existing Consultant Agreement PW-982023, with Reid Middleton, Inc., involving Possession Road, Ferry Dock Road and Edgecliff Drive projects, increasing agreement by $15,310 for additional work, for a total of $177,152. The additional work came as a result of additional geotechnical investigations and construction administration costs and reports dealing primarily with Possession Road repair and the need to modify the original plans for stabilizing that roadway.

- CORRECTION OF ORDINANCE #C-148-99 INCREASING THE TAXING DISTRICT’S PRIOR YEAR’S LEVY AMOUNT FOR FISCAL YEAR 2000

As requested and presented by Margaret Rosenkranz, Budget Director, the Board by unanimous motion corrected action approving the Ordinance on December 6, 1999 by correcting in the Be It Ordained paragraph the correct numbers: “…levy is $177,707, a percentage increase of 1.42 percent (1.42%) from the previous year.”.

- HEARING HELD: ORDINANCE #C-153-99, PLG-052-99, AMENDING CHAPTER 16.26 ICC RELATING TO APPROVAL CRITERIA FOR TYPE IV DECISIONS

A Public Hearing was held beginning at 10:45 a.m., as scheduled and advertised, for the purpose of considering proposed Ordinance #C-153-99 (PLG-052-99), Amending Chapter 16.26 ICC Relating to Approval Criteria for Type IV Decisions. Exhibit A contains the proposed language to 16.26 ICC, and Exhibit B are Findings and Legislative Intent. [introduced on November 23, 1999 and set for hearing this date and time, GMA doc. #_______]

Attendance:
Public: None
Staff: Phil Bakke, Island County Planning Director

Mr. Bakke described the proposal for the purpose of adding requirements as follows:

16.26.060 Annual Review Procedures
E. These Findings shall identify as applicable the following:
   1. The local circumstances if any, that have been relied on in reaching a decision on the proposed amendment; and
   2. How the planning goals of the GMA have been balanced in the decision on the proposed amendment.

Public Input: none

Board Deliberation and Action:

Commissioner Thorn was concerned that both #1 and #2 seemed to offer potential significant opportunity for abuse. He was not opposed to the language but did feel this was an area where very subjective in how someone responds to each of these, and was concerned about implementation, but agreed to go along with it to see how it works.

Commissioner McDowell believed this implemented GMA and he saw nothing counter productive to GMA and therefore agreed with the proposal.

Commissioner Thorn moved approval of Ordinance #C-153-99 (PLG-052-99) in the matter of amending Chapter 16.26 ICC relating to approval criteria for Type IV decisions. Motion, seconded by Commissioner McDowell, carried unanimously. [GMA doc. #_______]
IN THE MATTER OF AMENDING
CHAPTER 16.26 ICC RELATING TO
APPROVAL CRITERIA FOR TYPE IV
DECISIONS

ORDINANCE C-153-99
PLG-052-99

WHEREAS, the need to balance GMA goals and consider local circumstances are both requirements of the GMA and implicit in all Type IV decisions; and

WHEREAS, there is a need to formally codify these requirements; NOW, THEREFORE,
IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts the amendment to Chapter 16.26 ICC attached hereto as Exhibit A and the Findings and Legislative Intent attached hereto as Exhibit B. Material stricken through is deleted and material underlined is added.

Reviewed this 23rd day of November, 1999 and set for public hearing at 10:45 a.m. on the 13th 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
BICC 99-662

APPROVED AND ADOPTED this 13th 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:
David L. Jamieson, Jr.
Deputy Prosecuting Attorney
& Island County Code Revisor

[Exhibits on file with the Clerk of the Board]

HEARING HELD: ORDINANCE C-118-99, PLG-001-99 AMENDING CHAPTER 17.03 ISLAND COUNTY CODE REGARDING COMMUNICATION TOWERS

A Public Hearing was held beginning at 1:30 p.m., on Ordinance C-118-99, PLG-001-99 Amending Chapter 17.03 Island County Code Regarding Communication Towers having been continued from the December 6, 1999 Public Hearing held on Camano Island.

Attendance:

Public: 1 [Attendance Sheet GMA doc. #_____]
Press: Whidbey News Times; Coupeville Examiner
Staff: Phil Bakke
Chairman Shelton understood that based on public comment received at the hearing on Camano Island, the Board did not intend to act on the Ordinance today, the Board’s desire was to incorporate some of the public comments heard on Camano Island into a new proposed ordinance. He had expected to hear further public comments today, but noted only one in the audience. Intent would be after today’s hearing to direct the Planning Director to incorporate public comments and bring another proposal to the Board at staff session for discussion and that this hearing be continued.

That was the general understanding of Commissioners McDowell and Thorn.

Commissioner Thorn had considerable comment on the current draft, based on several suggestions from folks as well as his own thoughts:

- A wildlife expert on Camano Island talked to him about the triangular metal objects between power poles [refer to SR20 heading in toward Anacortes] there to stabilize the line but also whistle, and has been extremely effective in the Skagit Flats with regard to power lines. Inclusion of those on cell towers would help alleviate some of the concerns about cell towers being potential impact sites for wildlife.

- Cell tower companies should be obligated to use the latest technology i.e. wrap around panels; power pole swap out that reduce the scope of aesthetic impact of towers.

- The County should look long and hard whether to permit at all guide or lattice type cell towers or restrict any tower to monopole type tower.

- Site characteristics should be one of the primary controlling siting features: size of the site; numbers and character of trees on the property, etc. as a beginning point.

- Elsewhere conservation easements being granted with regard to the site and surrounding trees, etc. and that would be something for the County to consider.

- The Planning Commission in Findings and Conclusions August 10, 1999, page 1 states “It has been represented to the Commission that wireless technology has improved making it feasible to locate small non-intrusive antenna arrays on existing structures and on the top of power poles” and the County needs to characterize what non-intrusive means.

- Paragraph L-8 (a) (iii) which states “… encourage and facilitate co-location of antennas…” is far too weak a statement; co-locating on an existing tower should be the preferred method for this County.

- Reading the definition of wireless communication antenna arrays, Paragraph L-8 (c) (i) would allow a 20’ high panel [like a 2-story house on top of one of these towers] and did not believe that is what the Board intended.

- Make it more reasonable for the cell tower companies to locate with highest and best technology in the least obtrusive manner. The County should characterize what a Type I decision can be used for. Things that act in the public interest concerning aesthetics of these towers would be rewarded by a bit easier process.

- Whips and dishes should have some kind of specification for maximum size.

- In Section L-8 (c) iii the statement is made that monopole facilities in the Rural Residential Zone shall be reviewed as a Type III decision pursuant to Section 16.19 ICC; that should be prohibited; an alternate might be to consider allowing a tower to the prevailing maximum building height and restricted to whip type, pole change out or small dish type.

- Notice should be required to all within a certain number of feet, i.e. 1,000 feet, when an application is received.
This should fall in the category of having a community meeting before application is made (type II or greater). There should be a requirement to stay one pole height away from any residential structure.

- Paragraph L-8 (g) screening, states “… trees may be existing mature trees or newly planted regionally native evergreens not less than 5’ in height” that height is not enough. When you take into consideration the height of a pole in the middle of 5’ trees. Section (h) would be affected by the comment about either prohibiting in the Rural Residential zone or consider maximum building height installation of the least obtrusive type.

- Paragraph M, lights and signals, “…confined to the property boundaries of the sight source” should say “light source”. Paragraph O (6) “…authorization or utilize it” the or should be “to”.

- Design standards set forth in the San Juan County ordinance would be a good beginning point for fleshing out Island County’s design standards. Design standards should look at color and appearance.

- Testing and monitoring protocol in the San Juan ordinance establishes a base line of radiation emissions this County should consider, and establishing a base line will allow a way to assess what the changes are over time.

- Review application requirements outlined in the San Juan County ordinance.

- Although Paragraph P requires towers to be moved if abandoned or discontinued, there is nothing about site restoration which should be included.

Alex G. Perlman, Washington Attorney from a Municipal Council and Planning Agency council for the City of Des Moines, several years’ ago and currently Project Manager, Whalen & Company, Inc. Bellevue, Wa. In this case, the Company’s client is GTE Wireless, but the company represents all sorts of wireless carriers throughout the western United States. He commented on the ever emerging technology, smaller and smaller antenna panels and configuration options as a response from industry to public concern about aesthetics and making a unified attempt to make these less and less obtrusive. Giving a co-location preference by some shorter public process he thought would be a definite incentive to the wireless carriers in general and to the extent the County can differentiate in its process between that new monople in a residential zone versus encouraging co-location, whether attachment to existing structure or modification of an existing structure, those types of add-ons become a streamlined way for a carrier to come through public process, be more acceptable in the community and not create visual impact.

He passed around a photograph of a GTE facility in an urban setting, a representation of an extended light pole replacement in a commercial plaza. The existing poles were about 35’, extended to 90’ allowed in that zone, and the panels almost flush-mounted. The pole is brown in color. He mentioned a facility at the Washington State Department of Transportation Park & Ride at Newcastle on I-405 where the pole blends in with the hillside and evergreen trees behind the Park & Ride. This was a site-specific design to address everyone’s concerns.

As far as emission standards he encouraged the County stay on top of that; there are FCC reporting requirements that carriers have to comply with, and he thought there was no reason as each additional carrier came on to the pole to report their continued compliance. The federal safety standard is based on all emissions from a particular location. It would not, in his opinion, be unreasonable to require documentation of on going compliance at some interval. Each carrier as it brings a new station on line has to create a file and get a FCC certificate of compliance prior to having the station certified to be on the air, which requires the existing carrier’s designs, output, type of panel antennas or whips and emissions information. Last carrier on always gives an updated report and responsible for any interference created by their station. Choice of types of equipment are driven by factors such as the frequency range each operator is operating in because the length of antenna is a ratio to the wave length; it is not a “one size fits all”. Most of the carriers using panel antennas are using a three-panel array, but in the second generation wireless build out what they are seeing is a four sector array.

Chairman Shelton thought that at some point in time Island County would have sufficient enough locations to provide good coverage throughout the county and wondered about the legality at that point for the County to not authorize any new cell tower sites. He asked if there was a way such that if a cell carrier proposes to site a tower in Island County for cell coverage to service another county that Island County would have the ability to not authorize
any new cell tower locations.

Mr. Perlman believed that as a practical matter it would be problematic; the FCC is licensing more and more spectrum at different frequency bans and each of those frequency bans as they go higher in the frequency bans, require that the power outputs be lower for emission standards and because of the lower output powers there are smaller and smaller transmission diameters. Each licensee is required to provide coverage throughout their license area and he thought each federal license has its own right to provide service.

As an example of concern expressed to Commissioner Thorn from folks on Camano Island, a new tower to go in on the top of Lands Hill coming on Camano Island in a fairly remote location as far as the bulk of Camano Island is concerned, looks out across Snohomish County toward I-5 and perception is the tower is actually going to serve that community and has little or nothing to do with Camano Island or Island County.

Mr. Perlman acknowledged that at the end of the day ultimately the citizens will have to say whether they want this kind of service; the market price will shake that out. Taking advantage of where a company can achieve coverage from is a concern more based not on where necessarily the greatest number of users are but how the best coverage objective can be obtained. How it can be of benefit for example is that most counties have cooperative fire and police response. He has not had any experience using audible devices on towers other than FCC lighting. Typically, flight paths of migratory fowl are critical for guide facilities so having some restriction for a known fly-through area discouraging a guide type facility would make a lot of sense. On the other hand he has seen poles or add-ons in the urban areas with nesting platforms added to a monopole [example, City of Renton on the south side of the Kennydale Hill; three platforms with two active nests].

The ordinance he was most familiar with was King County which allows a co-location increase of 40’ and does not differentiate between a utility pole swap out and an additional to an existing monopole structure. There are restrictions, however: radio frequency justification for the additional height; if more than 20’ over requires a community meeting as a pre-application. Pre-application community meetings are a valuable tool for wireless carriers.

Commissioner McDowell agreed with the concept that the County should try to encourage co-location, and he suggested the way to do that was with a “carrot” i.e. Type I decision, such as a building permit, and perhaps even consider reducing the cost of the building permit. He did not think anything would be non-intrusive and the words used should be “less intrusive”. He thought too that everyone must keep in mind that cell phones are being used by the public and the way to get good coverage is more antennas. Technology on the market should carry the day and the market is what keeps the price coming down and makes that safety feature [use of cell phones] available to more people. He thought the County should be encouraging the antenna method which are less intrusive and should do that with the “carrot” approach.

Chairman Shelton observed the examples of technology available such as shown in the photograph. It was his opinion that in special designated areas such as Ebey’s Landing Historic Reserve that that type technology should be required rather than a cell tower. Commissioner Thorn agreed with that, or if not, then prohibited in that area, including heritage lands as well.

Chairman Shelton was not trying to deny coverage, but thought there were places where the County should stipulate the type of technology to be used. One of the conditions, for example, of site plan approval could be that the applicant agree not to resist co-location by other carriers.

Commissioner Thorn noted that a related point came up on Camano about tower density for a given site and he thought that at some point there is enough and anything future must utilize technology i.e. co-location.

Mr. Bakke pointed out that Phil one of the things included in the proposal that he thought could be made clearer and strengthened was the provision on page 8 for co-location, to provide for example: if there is a tower at Lands Hill, that before a second carrier can come in with an application across the street they must first go to the tower approved under the code and put their facility on their tower.
Commissioner Thorn asked verification dealing with ground equipment that most of that now can be vaulted underground.

Mr. Perlman indicated that was a carrier-specific frequency-specific situation. Being able to vault equipment is determined on what size of an underground vault can be put in place in any given space. All of the cellular carriers in the area of 800 – 900 megahertz range have a ground equipment cabinet space building of roughly 10 x 20’, 11-1/2’ tall and requires air-conditioning units. Those facilities would be extremely difficult to vault. The PCS carriers in this market all utilize either Lucent or Motorola equipment which comes packaged in small cabinets and typically three of those boxes would staff a station fully for one carrier and have some internal air-conditioning units. These would be easier to screen and do not constitute site difficulties. Most PCS carriers would prefer not to have their equipment inside a common space with carriers that have hotter equipment, also harder to have good security when share equipment space. Frequency and network designs of these carriers are based on the unique characteristics and coverage objectives. All carriers are not created equally in the characteristics of their allotted frequencies and the design work inherent because of the frequencies they are assigned. The next generation wireless carriers will be much higher in frequency and another increment lower in output power so there will be more rather than fewer of those facilities, but less intrusive.

Commissioner Thorn noted that also on the ground is noise which is something San Juan County has addressed and he thought Island County needed to address as well.

Consensus: refer all information to staff to incorporate into the ordinance for discussion at Staff Session, and continue this hearing to a subsequent date.

Action: By unanimous motion the Board continued the public hearing on Ordinance #C-118-99 to February 7, 2000 at 2:00 p.m. [Notice of Continuance, GMA doc. #_____]

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 2:45 p.m. The next Regular Session meeting is scheduled for December 20, 1999, beginning at 9:30 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