

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING**  
**JANUARY 10, 2000**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 10, 2000, at 9:30 a.m. , Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Chairman, William F. Thorn, member and Mike Shelton, Member, present. By unanimous motion, the Board approved and signed the following minutes:

Nov. 22 Special and Regular Sessions; Nov. 23 Special Session; Nov. 24 Special Session  
 Dec. 6 Special and Regular Sessions

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board, along with the December, 1999 payroll:

**Voucher (War.) 1999:** # 66114 – 66304..... \$ 233,139.03  
**Voucher (War.) 2000:** # 66083 – 66112..... \$ 434,215.98

**EMPLOYEE SERVICE AWARDS**

Elaine Marlow	Auditor's Office	5 years
Marilyn Messner	Juvenile Services	15 years
Nancy Warren	Juvenile Services	5 years
Barbara Cope	Health Department	20 years
Dick Toft	Human Resources	5 years
Jan Smith	Sheriff's Office	5 years
Dave Bonvouloir	Public Works/SW	15 years

**EMPLOYEE OF THE MONTH**

Dana Kelly, Health Department, Public Health Nurse

**HIRING REQUESTS & PERSONNEL ACTIONS**

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

<b>PAA #</b>	<b>Description/Position</b>	<b>Action</b>	<b>Eff. Date</b>
001/00	SW Acctg. Coord. #2204	Replacement	1-10-00
002-00	Dep. Pros. Atty. #1812	Replacement	2-8-00
003-00	Dept. Asst.-Camano #607	Replacement	2-3-00
004-00	Micro Suppt. Tech Asst. #708	Replacement	1-10-00.

**CONTRACT AMENDMENT TO EXISTING CONTRACT BETWEEN ISLAND COUNTY AND ARBITRAGE COMPLIANCE SPECIALISTS, INC.**

The Island County Treasurer requested approval of an amendment to existing Contract #RM-TREAS-98-0005 with Arbitrage Compliance Specialists, Inc., in the amount of \$1,195.00 for the period 1/1/99 through 12/31/99, bringing the total contract to \$2,840.00. This involves legal review of applicable Island County bond and debt issues to determine a list of funds subject to arbitrage rebate; verify bond yield for such issue; calculate rebate liability and provide a written report of all findings, recommendations and opinions, including a summary of the calculation methodology, assumptions, and conclusions. Services also include preparation of any necessary IRS forms.

By unanimous motion, the Board approved the Amendment to the arbitrage compliance contract RM-TREAS-98-0005.

**EMERGENCY MANAGEMENT DIVISION GRANT - CONTRACT WITH WASHINGTON STATE**

**MILITARY DEPARTMENT #EM 019100**

The Board approved, by unanimous motion, Emergency Management Division Grant Contract with Washington State Military Department #EM 019100 [Risk Management #RM-GSA-99-0107] in the amount of \$1,430.00 representing the County's time that was spent providing Y2K status reports during the rollover period from December 28, 1999 to January 4, 2000.

**APPROVE/SIGN: WASHINGTON COUNTIES RISK POOL  
RISK MANAGEMENT SELF-ASSESSMENTS**

Betty Kemp, Director, GSA/Risk Management, presented for the Board's approval and signature, the Washington Counties Risk Pool Risk Management Self-Assessments, after the matter had been reviewed with the Board at a recent staff session. Two issues of concern surfaced which are continuing to be worked on: written safety policy for use of fairgrounds and the confined space issue.

The Board provided Ms. Kemp with the following instructions:

1. Request that Lew Legat/Jack Taylor, Public Works, discuss at staff session with Ms. Kemp and the Board, the confined space issue
2. Commissioner Shelton will work with Ms. Kemp to arrange for Risk Pool visit here on a Wednesday [not a Wednesday Staff Session] allowing about two hours with elected officials and appointed department heads. Especially important that the major generators of claims attend.

By unanimous motion, the Board approved Washington Counties Risk Management Self Assessment for Island County.

**CONTRACT BOND FROM WYNDHAM DESIGN, INC. PER BID AWARDED 1-3-00 FOR THE  
WILKINSON ROAD CLOSURE PROJECT UNDER CRP 99-01**

As a follow-on to award of bid on 12/20/99 and Contract approval with Wyndham Design, Inc. on 1-3-00 for the Wilkinson Road Closure project under CRP 99-01, the Board by unanimous motion accepted and approved the Contract Bond from that firm in the amount of the project, \$27,686.75.

**APPOINTMENTS AND REAPPOINTMENTS**

By unanimous motion, the Board made the following appointments and reappointments:

**Island County Civil Service Commission**

Bill Vincent, Camano Island, reappointed for a term to February 1, 2006

**Veteran's Assistance Review Committee**

- James K. Johnston reappointed, representing North Whidbey for a term to January 14, 2002
- Bill Cornell reappointed, representing Veteran's Organizations, for a term to January 14, 2002

**Workforce Development Council**

- Rhea Nelson to redesignate representation from **Vocational Rehabilitation to Community Based Organizations**, term of appointment to July 27, 2002
- Judy Abott appointed to Workforce Development Council representing Vocational Rehabilitation, for a term to July 27, 2002
- Cynthia Shelton appointed to Workforce Development Council representing K-12 Education, with existing term running until July 27, 2001

## HEALTH CONTRACTS APPROVED

The Board, having received a briefing at recent staff session on various Health Department Contracts, and the contracts now having been through the Contract Review approval process, by unanimous motion, approved the following:

DSHS & Island County: Interagency Work Order Amendment, Health Passport Services, #20872(1), \$26,331.00.

DSHS & Island County: Interagency Work Order Amendment, Child Abuse Prevention, Early Intervention, 20958(1), \$34,769.00

DSHS & Island County: Medicaid Match, HD-10-99, NTE \$140,000.

Island County and Whidbey General Hospital: Protective Custody Monitoring, HS-14-99, \$2,000

## COMMUNITY LITTER CLEANUP AGREEMENT /AGREEMENT #C0000113 – BETWEEN ISLAND COUNTY AND /DEPARTMENT OF ECOLOGY –

As presented and reviewed by Dave Bonvouloir, Solid Waste Manager, the Board by unanimous motion, approved and signed Community Litter Cleanup Agreement # C0000113 – between the County and Department of Ecology to provide up to \$49,500 to Island County Solid Waste Division for litter and illegal dumpsite activities, effective 1/1/00 through 6/30/01.

## EXECUTIVE SESSION

The Board met in Executive Session beginning at 11:00 a.m. 42.30.110 (1) (i) for the purpose of discussing with special legal counsel pending or potential litigation. The Chairman announced that he expected the session to last approximately one hour, and did not believe there would be an announcement made in open public session afterwards.

## HEARINGS SCHEDULED: ORDINANCE #C-02-00 BAYVIEW & WEST BEACH RAID; AND ORDINANCE #C-03-00, AMENDMENT CRITICAL AREAS ORDINANCE

**Ordinances Introduced** [copies made available to the public]:

- Ordinance #C-02-00 (PLG-003) Amending the boundary of the Bayview and West Beach RAIDs [GMA doc. #5268]
- Ordinance #C-03-00 (PLG-002-00) Amendment to Critical Areas Ordinance for buffer of Category B wetlands and Type V Streams [GMA doc. #5267]

**Ordinance #C-02-00.** Keith Dearborn explained that Ordinance #C-02-00 was prepared to respond to the November 23, 1999 order of the Western Washington Growth Board [WWGB]. The boundaries to eight RAIDs were invalidated by the WWGB, finding for six of those eight RAIDs Island County was in full compliance with GMA with changes made in August by Island County; for two RAIDs, the County was found not in compliance and directed to make further changes. The proposed ordinance includes an amendment to 17.03 and to the zoning atlas. Amendment to 17.03 changes one table, and Mr. Dearborn showed what the changes were using two maps posted on the wall [GMA doc. #5296, West Beach RAID; #5297 Bayview RAID. Copies of each map have been provided to John Graham for the Coalition.

- For West Beach, as the WWGB directed, the proposal is to eliminate a connecting strip between the plat of Seaview and the numerous plats on the south. In doing so, two RAIDs have been created: to the north “Seaview” RAID; the one to the south “West Beach” RAID.
- Dotted line shows the area of the RAID that the ordinance would eliminate.
- As directed by the WWGB, for Bayview Residential RAID, the proposal is to modify that RAID, and the proposed dotted area on the map is the area that would be eliminated. Also proposed is that what has been referred to in the past as the Bayview Residential RAID now be renamed the Sunlight Beach RAID since it consists almost exclusively of subdivisions that are in the Sunlight Beach area.

Staff believe the two proposals comply with the Growth Board's order and recommend this ordinance be set for hearing. Neither change, if adopted, go into effect until the Growth Board determines compliance with their order and lift the order of invalidity for the two RAIDs. For all the other RAIDs that order was rescinded on November 23, 1999.

- By unanimous motion, the Board scheduled Ordinance #C-02-00 [PLG-003-00] for public hearing on February 7, 2000 at 10:45 a.m.

- Ordinance #C-03-00. Ordinance #C-03-00 [PLG-002-00] regarding Certain Rural Residential RAIDs was presented by Mr. Dearborn, the last regulatory amendment to respond to the Growth Board's June 2<sup>nd</sup> order, a companion ordinance to Ordinance #C-135-99. In November during settlement discussions the County made an offer to WEAN to settle the remaining issues relating to GMA compliance. The County delayed action on Type 5 streams and Category B wetlands in order to allow WEAN an opportunity to consider the County's settlement proposal. The offer was not extended to the Coalition because the Coalition indicated that the actions with Ordinance #C-135-99 and prior actions taken related to critical areas addressed their concerns. Because the County's proposal was unacceptable to WEAN the Board decided to proceed with final changes to Category B wetlands and Type 5 streams.

For Type 5 streams the buffer would be increased to 50'; for any Type 5 stream tributary to a salmon stream or for properties on Type 5 streams that are not tributary to salmon streams 10 acres or larger in size the buffer would increase from 25' to 50'. This was not a change supported by the Board's judgment on science on record for protection of critical areas, but has been proposed to deal with the question of the threat that 5 acre lots present to Type 5 streams.

Also proposed is an increase in Category B wetland buffer [wet pasture dry in the summer, wet in the winter]. Based on science the prior Board of County Commissioners decided a 25' buffer was sufficient for a Category B wetland. That issue under the State's GMA requirements for critical areas was not assailable; it was a decision made in the early Nineties and not challengeable at this time. The County was directed by the Growth Board to look at the question of whether the 25' buffer was functioning to provide wildlife habitat as well as critical area protection, and Andy Castelle made it clear that the 25' buffer was principally for water quality purposes and in that way protects the Category B wetland but that it has ancillary and secondary benefits for wildlife. There has been comments and testimony from the Department of Fish & Wildlife saying larger buffers are needed to provide wildlife benefit and the proposed ordinance would increase Category B wetland buffers from 25' to 50' to provide the additional wildlife benefits suggested. In both cases, Mr. Dearborn pointed out these actions were being done to address the critical area five acre rural densities question and not the critical area protection question per se'. Two other amendments are included in the ordinance, procedural in nature which he reviewed briefly at this time.

By unanimous motion, the Board scheduled Ordinance #C-03-00 [PLG-002-00] for public hearing on February 14, 2000 at 1:30 p.m.

**HEARING HELD: ORDINANCE #C-135-99 (PLG-042-99) RURAL DENSITIES – AMENDING THE COMP PLAN AND DEVELOPMENT REGULATIONS TO COMPLY WITH THE ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD**

A Public Hearing was held at 1:30 p.m. to consider Ordinance #C-135-99 [PLG-042-99], Amending the Comp Plan and Development Regulations to comply with the Order of the Western Washington Growth Management Hearings Board, with regard to rural densities, the hearing continued from 11/8/99, 11/22/99 and 11/23/99.

- **Attendance:**

Public: 4 [Attendance Sheet GMA doc. #5295]  
Staff: Keith Dearborn; Phil Bakke

**Corrections to Ordinance C-135-99**

1. On Page A-3, the table showing the 20-acre row at the top, RF should be deleted and inserted next to RA in the 10 acre row. Using acreage numbers from the prior page, 18,670 should be reduced to 4,680; and 17% changed to 4%. In the 10 acre row, 6,080 should be increased to 20,070; the 5% increased to 18%.
2. Note 2. A correction, pointed out by Mr. Graham during the hearing in November, where it says 9 acres to 20 acres should say 9 acres and larger.

**Maps Posted:** GMA documents: #5298 and #5299

One map shows in the darker brown all parcels in the rural zone 20 acres or larger in size. It is not a new map, but prepared to illustrate there is no pattern, rather the result of 80 years of subdivision in the county leaving these remnants scattered throughout the county 20 acres or larger. Shown in a butterscotch color are parcels that are 9 acres and larger and again, there is no logical pattern.

The other map combines the same information with the UGAs, joint planning areas and resource lands designations for commercial AG and the rural forest and Rural AG. Even when that is done, there does not seem to be any pattern of any scale that would cause someone to zero in on a small geographic area and apply county wide to say these areas should be further down zoned.

**Graphics:** A set of graphics dated 1/10/00 used by Keith Dearborn during the Hearing were entered in the record as follows:

Platting Trends [Source ICPD Dec. 1974 by decades] #5300  
 Rural AG Lands #5301  
 Rural Zoned Parcels – 10 acres and larger adjacent to resource lands, #5302  
 Land Use Distribution – Rural Lands #5303  
 Land Use Distribution – Rural Lands [Pie Chart] #5304  
 Existing Rural Zone Land Use Distribution #5305  
 Existing Rural Zone Land Use Distribution [pie chart] #5306  
 Land Use Distribution Rural Zone-10 acres & Larger #5307  
 Rural Forest Lands #5308

Mr. Dearborn recalled there had been much discussion about the possibility of fashioning a new rural zone with a larger than five acre minimum lot size. A rural remand committee looked closely at that issue and a workshop was held on the subject. A number of options were reviewed, including creating a new rural zone with a 10 acre minimum lot size oriented around critical areas. The Coalition and others suggested Type 5 stream include all Type 5 streams; the committee majority recommended it be for type 5 streams that are tributary to fish spawning streams. The Coalition and WEAN suggested wetlands also be included.

When detailed maps were done for Type 5 Stream corridors [Maxwelton being one] it was clear that 10 acre and larger parcels were random; some barely touched the streams, some had streams going through the middle of the parcel or corner of the parcel, many of the parcels were separated and isolated by smaller parcels, and no logical pattern was observed that would come from the creation of a 10 acre zone oriented around critical areas. Everyone has agreed the criteria should be objective, demonstrable on a map and at a certain point the map adopted. No one knows where all type 5 streams are, the same with wetlands. When it comes to critical area regulation it has always been the case that the criteria override the maps. It is not thought fair or manageable administratively to have criteria that would zone property and a property owner not know what the zoning was until they came in with a proposal and discovered throughout a critical area study they had a type 5 stream or wetland. One of the options looked at was designating all parcels over 20 acres or 20 acres and larger, but there were a number of problems, mainly the fairness of just picking people out who have chosen not to divide their property and making them in the larger lot zone.

The Rural Remand Committee looked at the ability to expand UGAs and concluded that with the management system adopted for Langley there was no threat from 5 acre zoning to the logical expansion to UGAs over time. That same

management system concept has been agreed to by Oak Harbor. For Coupeville there is no UGA beyond its existing boundaries. Staff analysis did not show any justification for further down zoning relating to the ability to expand UGAs. The Committee and staff looked at the question of down zoning larger parcels because of resource land protection. Mr. Dearborn referred to the table included in the graphics showing the number of acres of lands that are 10 acres or larger that abut commercial AG lands.

Commercial AG [medium green on the map] shows some parcels 10 acres or larger that abut Commercial AG, but most Commercial AG lands are already surrounded by parcels 5 acres or smaller. The Committee in looking at the issue of resource land protection by majority concluded that the AG protection ordinance provided sufficient protection to Commercial AG from nuisance complaints from adjoining lots that did not feel any further down zoning could be justified. Some members of the committee felt the down zoning should occur to protect resource lands but admitted it was not because of protection of nuisance complaints, rather more of a concern they had that smaller lots around Commercial AG were ultimately lead to the Commercial AG zone being down zoned, based on an historical view and not GMA regulation. Another proposal was to make PRDs mandatory for all parcels 20 acres or larger. A number of changes were made to the PRD ordinance including lifting the minimum parcel size for a PRD to 20 acres to try to encourage lot consolidation.

Discovered from old files was that the Planning Department in 1974 prepared a detailed land use survey in conjunction with a comprehensive plan being considered. The graphic *Platting Trends (#5300)* is a tabulation of platted lots since 1890 summarized by decade. It has always been known, and the land use pattern of today with so few parcels 20 acres or larger in size, has been principally due to decisions made in the Fifties and Sixties. Between 1984 and 1997 some 2,000 additional lots were created. Platting activity in the county is a very small contributor to the inventory of lots that people build on; the vast majority comes from the big supply created in the Fifties and Sixties.

The Rural tables are not new but combine the information in a different way, i.e. combines Rural, Rural Forest and Rural AG for purposes of looking at a variety of rural densities and the graphic [#5301] shows what they look like today. Changes in the last 30 years have been very small. There is no evidence of any kind that the pattern of development today would change in any substantive or those are going to change in any substantive or consequential way over the next 20 years. Subdivision creation has been inconsequential to the creation of lots, and is of no consequence when it comes to the variety of densities question, looking at the last 30 years as the basis. The same graphic in picture form shows in a pie chart how the land supply in the rural area combine to address the question of variety of densities. There is nothing in the GMA that specifies a formula on what variety of rural densities means, or a suggested minimum lot size. The Central Puget Sound Growth Board said that 10 acres was clearly rural; anything smaller deserves close scrutiny.

## **PUBLIC INPUT**

Marianne Edain, representing WEAN, submitted for the record a 1/9/00 letter to the Island County Commissioners on Rural Densities, from Steve Erickson, WEAN, with an attached letter from Steve Erickson to the Whidbey News Times, Coupeville Reporter, South Whidbey Record; Stanwood-Camano News, regarding Proposed GMA Lawsuit Settlement "*WEAN Proposes GMA Lawsuit Settlement to County Commissioners*" [GMA doc. #5309]. She also submitted a copy of "Criteria for the Restoration and Creation of Wetland Habitats of Lentic-Breeding Amphibians of the Pacific Northwest by Klaus O. Richter [GMA doc. #5310], which she described as basically "what it will take to keep our frogs". For clarification of the record, she confirmed that she was asking on behalf of WEAN that the proposed settlement document be part of the record, specifically relating to WEAN's proposal to map critical areas, included in the document dated 12/20/99 Settlement Document/Press Release [attached to GMA doc. #5309]

Regarding the matter of what is a pattern of development, she has suggested a number of times that when the Hearings Board talks about pattern, what is referred to is the accumulative effect of smaller and smaller parcels on critical areas. The pattern WEAN sees is the foreseeable degradation of critical areas. WEAN put forth a proposal to map those critical areas and believe that that mapping is going to have to happen sooner or later and WEAN prefers to see it happen sooner. As to the question of what constitutes rural, the Western Growth Board has said that 5 acre parcels are the minimum they could consider rural at any rate and that board has required a variety of rural densities.

She maintained that to zone 80% of the county for 5 acre parcels is patently is not a variety.

John Graham, Citizens Growth Management Coalition, handed for the Commissioners' information a copy of a News Release from Skagit County April 20, 1999 "Farms, forests & open space make positive fiscal contribution to Skagit County"; news article from Skagit Valley Herald "Forests and farms more than pay their way" April 21, 1999; and copy of a study "Cost of Community Services, Skagit County, Washington, by American Farmland Trust [GMA Doc. #5311].

*No others in the audience indicated a desire to speak and the public input portion of the hearing was closed.*

Commissioner Thorn observed that the summary given by Mr. Dearborn fairly stated what the County has been through and the struggle in this area; the damage was done a long time ago and while it has continued, it has continued at a low pace compared to what happened in the Sixties. The scattering of the parcels is baffling when trying to decide how to deal with those and avoid issues such as spot zoning and to treat land owners fairly; the County has given months and months of appraisal and reappraisal to this issue and has tried to relate it to critical areas in a variety of ways, none which seemed to have had any real basis in fact or basis in fairness and he thought the proposal now was about how the County could do with what remains. There is a reasonable distribution of density.

Chairman McDowell referred to the illustration on the Platting Trends chart taking the records from 1984-1997 that comes out to be 1430 lots in a ten year period; it is not until going back to the 1930's that so few lots were created. Again, as has been stated, the damage was done in the Sixties; nevertheless he thought that 1,430 lots in a decade was not that huge of a number to be looking at for the next decade if that trend continues.

Mr. Dearborn pointed out that efforts are under way to prepare a study of development activity that staff should have available in the next several weeks, and recommended that the hearing be continued in order to allow receipt and consideration of that information, along with additional studies staff are working on now comparing a variety of areas in the county in terms of scenic character and minimum lot size.

By unanimous motion, the Board continued the public hearing on Ordinance #C-135-99 until February 14, 2000 at 1:30 p.m. [Notice of Continuance: GMA doc. #5312].

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### **EXECUTIVE SESSION**

The Board met in Executive Session beginning at 3:00 p.m. to discuss with legal counsel pending litigation, as allowed under R.C.W. 42.30.110 (1) (i), held in the Office of the Commissioners. The session lasted approximately 15 minutes and no announcement was made afterwards in open public session.

### **7:00 PM GROWTH MANAGEMENT ACT - PUBLIC HEARINGS**

- **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**  
     **Exhibit C Findings and Legislative Intent**
- **ORDINANCE #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 \_**

#### Attendance

Public:                               Approximately 35+ [Attendance List GMA doc. #5313]  
 Consultant/Staff               Keith Dearborn; Larry Kwarsick

**ORDINANCE #C-151-99 [PLG-049-99] [GMA doc. #5204]**

Chairman McDowell made the following opening comments [entered as GMA doc. #5314]

“We are here today because the Growth Board invalidated our CAO exemption for Ag in the RA and R Zones and directed us to finish preparing BMPs. In October '98 existing Ag activities within wetlands and close to streams (such as grazing) became uses that may not always comply with our CAO. Rather than making these uses illegal, the Board of Commissioners decided to exempt these existing activities if they complied with BMPs. Provided wetlands and streams were protected, the Board could identify no legal or policy reason to treat Ag practice differently from other non-conforming uses. WEAN and the Coalition appealed this decision to the Growth Board. The Growth Board has told us that we can allow this exemption for CA properties only. But this was *before* we prepared BMPs. We are here tonight to consider these proposed BMPs and to consider re-extending this exemption to RA and R zoned properties.

It is important for everyone to understand that regardless of what action we take regarding RA and R, our action will not go into effect until the Growth Board lifts its invalidity order. Both the BMPs and extending the exemption are very important to the County Commissioners *and* we believe to landowners. Ag practices on smaller parcels are integral to the rural character and lifestyle of many residents of the County. It would also be virtually impossible for the County to stop these activities through enforcement actions. For example, how can we compel you or your children to sell your horses or cows? Think of the impact on 4-H. Please understand that we *must* adopt BMPs. This is the only way we can reconcile conflicting or competing goals of the GMA.

What we are trying to do in concept is very simple:

- give property owners a choice -- comply with County standards or prepare your own plan;
- give you a reasonable time period to do this; make sure that your plan (if this is what you choose to do) is as protective as our standards.

In concept our standards are also very simple. Larry will explain them in more detail.”

Commissioner Thorn acknowledged that for some time the County had struggled with GMA and the County's response to it and the Comprehensive Plan; during that time one theme stood out among all constituencies: everyone wants to preserve rural character. It is clear that farms and forests are an integral part of that rural character and the County is trying to work toward that end to preserve that, not just for the benefit of those who drive by but for the land owners here today who are making a living at farming and who want to continue that.

Commissioner Shelton observed that the vast majority attending tonight's hearing were from South Whidbey which he thought spoke to a culture that exists there, one that probably exists to some level throughout Island County: People who have moved here have done so purchasing a piece of property with the idea of supplementing their income through an AG practice or may just want to have animals for their children to participate in 4-H. This is an issue people feel very strongly about. With the development of Island County and the requirement in state and federal law to protect critical areas, including streams and wetlands, the County has had to come up with a way to allow folks to continue what they have been doing, but with some new stipulations. Best Management Practices can be developed and extended to property owners with Commercial AG. Perhaps the future of AG in this County is more in terms of farming as a supplemental form of income. The County's purpose in developing BMPs is not to limit those just to Commercial AG but extend it to Rural AG and ultimately to Rural lands. He is committed to that kind of a program, one he sees as the best that can be offered under existing law. The exemption would allow development of a farm management plan, utilize the BMPs and continue AG practices with conditions. BMPs are meant to specify those conditions.

Larry Kwarsick submitted the following for tonight's record:

- **Final** Draft Agricultural Best Management Practices (BMPs) dated **December, 1999** - New Exhibit B to Ord. C-151-99 [GMA doc. #5315] (copies available for the public)
- “Selected Agricultural Best Management Practices to Control Nitrogen in the Neuse River Basin”, Technical Bulletin 311,

Sept. 1997 by North Carolina State University Department of Soil Science and Biological and Agricultural Engineering containing the idea of a two-tiered managed riparian buffers areas adjacent to wetland streams [GMA doc. #5316]

- Bibliography of studies found throughout the United States, by Natural Resources Consultants, Inc., Seattle, Wa., consultants working with Skagit County regarding managed riparian buffers [GMA doc. #5317]
- NWCC Technical Note 99-1 Stream Visual Assessment protocol, December 1998, noting page 9 Riparian zone [GMA doc. #5318]

Mr. Kwarsick briefly reviewed for those in the audience what had occurred between November and today:

- A BMP manual was adopted covering a variety of activities conditionally exempted from the critical area ordinance.
- The BOCC based on public testimony opted not to adopt the BMPs originally proposed, and provide additional community involvement and input.
- The BMPs dealing with necessity of conforming with standards or developing farm management plans **only** apply to existing on-going AG activities occurring on or adjacent to critical areas...wetlands and streams. The BMPs do not impact or affect existing on-going activities or future new AG activities not involved with or occurring on or adjacent to wetlands or streams.

He mentioned that existing federal standards include the Federal Clean Water Act Section 404 and 1985 Food Security Act with "Swampbuster provisions; both recognize the historical on-going agricultural activities. The National Resource Conservation Service promulgated guidelines, standards and general information in terms of how to conduct on going farm activities using good stewardship and conservation, and these standards Mr. Kwarsick tried to embrace in the development of Island County's AG BMPs. All counties in Washington State were required to develop critical area ordinances and some counties recognize existing on-going agricultural activities and exempt them conditionally from the full force and effect of critical areas ordinance. Mr. Kwarsick was of the belief that was the standard the Board of Commissioners was trying to develop.

The study in North Carolina included the idea of a two-tiered managed riparian zone adjacent to wetlands and streams. The Natural Resource and Conservation Service document notes that a riparian zone of natural vegetation that extend at least two active channel widths on each side of a stream system would be considered to be an adequate riparian zone. Skagit County is proposing a managed buffer system, which Mr. Kwarsick also has tried to embrace in combination with the other documentation in the current proposal. The consultant for Skagit County provided the bibliography of studies found throughout the United States dealing with riparian systems. While most of the studies deal with forested buffer areas, information was included dealing with vegetative filter strips for agricultural non-point source pollution and control. He looked at the managed riparian buffer as a practical useable tool in trying to determine a path to balance the competing goals of the Act.

Two community meetings were held December 7 and December 9; since then, he met with the Ag Sub-committee where over 60 interested parties attended. Following that meeting he prepared a final document, but at that point he had not yet met with the Appellants. He subsequently did meet with them and received some additional written comments, and produced another document sent to those who participated in the community meetings to illustrate some other ideas. He clarified that the document being discussed tonight was in fact the one that following the community meetings and the meeting with the AG Sub-committee.

He made it clear that the County's intent is to preserve historical agricultural economy, lifestyle and the heritage of the community and to develop a document that applies to all existing on-gong agricultural activities regardless of the zoning.

Mr. Kwarsick then went through the document "**Final** Draft Agricultural Best Management Practices (BMPs) dated **December, 1999**" touching on the various sections for explanation purposes. One of the things pointed out was the fact that the draft includes compliance tracking and verification system, monitoring program using the County's Watershed Planning Activities currently under way and recognize that enforcement is the least desirable of all aspects but there must be an enforcement provision.

**By unanimous motion**, the Board substitute what is currently attached to Ordinance #C-151-99 as Exhibit B, with

“**Final Draft Agricultural Best Management Practices (BMPs) dated December, 1999**” .

## **PUBLIC INPUT**

Tom Roehl, representing himself, the Property Rights Alliance, other friends and clients, expressed concern in terms of the different drafts being circulated, and appreciated going back to the December 1999 version; however, believed that version needed some word-smithing, and was concerned about what the farmers may be subjected to and how BMPs would be administered. He noted that the County was increasing substantially a number of small actions on lands that will require extensive review requiring folks to go out and hire consultants for BSA's, habitat management agreements, storm water management plans. In some cases, things are being over-designed. Farmers are the folks who make rural character.

These conditions seem to be imposed on Ag because of the perception that Ag has the potential to pollute surface water bodies. It should be clear that the farm management plans are not being written by the County, and that the NRCS is free to work with its worksheets. Further, it should also be made clear that a farm management plan is an alternative to BMPs. The Neuse River Basin guidelines are not for minimum standards for mandatory regulation, rather are for when government compensates the farmer for dedicating conservation easements on wetlands and streams. He is concerned that when farmers here want to apply for those compensated conservation plans that NRCS has to make a finding of necessity. If Island County adopts mandatory standards that create this system of buffers what necessity is there for purchased conservation easements and what will that do to farmers eligibility for the compensated easements provided for in the federal law? He also said to keep in mind that critical areas include eagle habitat areas, osprey and heron etc. and so for the purpose of this ordinance, should have a different definition of critical area to be clear that whenever the term critical is used here it means unfarmed wetlands and unfarmed buffers of regulated streams, and give serious consideration given NRCS guidelines that it be only type 2 or 3 streams unless a type 4 or 5 stream is of a direct critical affect and leads directly to a surface water body.

For the record, Mr. Roehl requested his comments on the previous draft be entered, e-mail dated 1/8/00 [cover letter 2 pages plus attached proposed final AG-BMPs version contains his highlighted comments inserted between sections, entered as GMA doc. #5289]. With regard to the bibliography of studies Mr. Kwarsick submitted, Mr. Roehl made the observation that most had to do with forested riparian areas. When studying the NRCS guidelines he noticed those talked about areas where the riparian area already exists. Island County has a lot of areas farmed right up to the edge of what is going to be called a Type 5 stream possibly that might be 2' wide and he did not think those people should have to establish riparian areas, and that matter should be made very clear in the County's provisions. If the federal or state government want to adopt regulations the County should not be mandated to write a new ordinance that could break the contract with the farmers.

Marianne Edain, WEAN, provided for the record a 1/8/00 dated letter from Steve Erickson, WEAN, regarding AG BMPs received 1/7; 3-page letter plus a copy of the draft with his comments interspersed [entered as GMA doc. #5288] and also referred to a letter dated 12/27/99 from Steve Erickson re Most Recent draft AG BMPs [GMA doc. #5319]. Also for the record she entered a copy of Animal Waste Nutrient Management dated Friday, November 19, 1999 [GMA doc. #5320].

She noted there were various iterations of the proposed BMPs at various times, and correspondence with Mr. Kwarsick. Wean and the Coalition met with Mr. Kwarsick and were led to believe the changes being made were changes approved by the Commissioners, now finding they are back to the December 1999 version which has some severe short-comings and fails the GMA mandate, as well as the mandate from the Hearings Board. Comments from Steve Erickson's comments are in response to changes WEAN received via e-mail. Some of the changes they see as useful and good, but WEAN still has some concerns and sees basic underlying flaws, the biggest being the impossibility of NRCS and the Conservation District to review and to manage. They have yet to see the job description for the new County hire proposed for enforcement and monitoring .

As to one of the comments by Mr. Roehl she thought the notion of insulating a plan from any further ordinances or review was shaky at best on legal grounds. The last [not tonight's version] iteration included a proposal to limit riparian buffers to no more than 50% of the parcel as a whole which is not reasonable for which there is no scientific basis. There are some parcels which are as much as 100% wetland critical area. She will need to wait for new draft to see what in fact is being proposed. WEAN does not believe that critical areas will be appropriately protected, and think the latest draft grossly inadequate. The Ag buffer for salmon bearing waters is proposed not to

apply to areas located adjacent to and landward of dikes and levies tributary to drainage systems utilizing tide gates, flood gates and pump stations. She asked where that is and what it applied to since she could not imagine any single parcel that has a tide gate, flood gate and a pump station.

Mr. Kwarsick explained that the intention was to address some issues within existing drainage and diking districts and the language could be redrafted to say "and/or".

Gary Piazzon, Coupeville, explained his main interest related to the AG exemption extension and the protection of critical areas is one very important factor of the GMA goal. If we extend the AG exemption which was designed for farmers in the community to the casual farm like operations in the entire rural zone would negate the impact of the critical areas ordinance. Emphasize that critical areas are called critical areas for a reason; they are critical to health and well being, our environment.

Bill Steiner, Clinton, had concerns because of more and more restrictions on what the farmers are trying to accomplish and maintain. They work with salmon folks who monitor the stream already and it has been found that nitrate levels are not from the farms, rather from tree, leaf and foliage. No one is more aware of what is on the property than the farmers are. He mentioned that as it is, farmers have a tough enough time paying the taxes and keeping the rural character going through what they do. He is a teacher and a coach because it takes more than one job to keep up 70 acres of farm. People who are in 4-H and the kids working with animals make the case first hand at all the effort there; eliminate any of that relates directly back to the health and welfare of the children of Island County. One of the most important thing any adult can do is to be a steward of the children, not just the land.

This island was founded on substance. Farmers would have a few cows and ship cream; have a couple hundred chickens, can 600-800 quarts of vegetables and can their own meat to get by. The depression was terrible; it was the ability of the people to raise food on their own land that they got by.

The November 1 to March 31 date; does this mean he has to put in fencing and expense if there is no problem. The requirement should be based on the merit of the land, water and stream; if tested and fine, why would the County change what he is doing right now and create more work? He would like to have the ability to put the number of cows he feels he can control; November 1 to March 31 is too hard and too fast because conditions change. There are some years he would not have cows November 1<sup>st</sup> but some years he could pasture cows until December 1<sup>st</sup>; it makes a lot of difference in the amount of hay which relates directly to money.

As a Diking District Commissioner, he saw very clearly the provisions on Page 8 and 9 as needed; they are trying to maintain drainage that has been in effect for over 100 years in that area and the ability is needed in order to go in and repair the gates or see that the flow is adequate.

John Graham, Citizens Growth Management Coalition, corrected the record to show that he was a member of the committee that met with the farmers; the Coalition was a part of the negotiations from the very beginning. The question about having BMPs for existing uses but not for non-farming existing uses Mr. Graham explained the alternative would be to extend critical area regulations throughout all the farms in the County, but the County took the middle ground to create BMPs to protect critical areas while allowing farmers the needed flexibility to farm. The Coalition has argued that farming is a key resource and rural character; farms and forests have to be preserved in the County or rural character is lost.

The Coalition was a member of the Agriculture Committee last August. The Committee developed some flexibility for economic development of farmlands [EDU program] and extended the protections; and support for farming all the way down to 5 acres. The Coalition understands and honors the self reliance of farming and the importance of institutions such as 4-H.

If critical area regulations were applied across the board in essence there would be no farming at all in wet meadows in Island County. The County developed BMPs to try to find some balance so that critical area regulations do not have to be extended across the board. The Coalition will suggest a few more changes, some simply to make the draft more readable. Three substantive suggestions the Coalition made are:

1. Page 11, Section C.1, the final paragraph near the bottom of the page, stating now: "standards from the groups must be incorporated into the farm management plan options" the Coalition suggests the following:

"standards from each of the groups below must be incorporated into the farm management plans but group B

is relevant only if livestock are present”.

2. Middle of Page 14, section 4(B) (ii) [starting with “shall govern all...”] should have a period after the word “plan” and the rest of the paragraph be deleted. Rationale: standard BMP requirements may change as new scientific and technical data become available and the provision as written might make sense for foresters but changing in farming methods or crops can be planned and instituted within a lot less time.
3. Starting at the bottom of Page 14 and continuing on Page 15 at the top “...to ensure that the provisions of the BMP program are being followed and to ensure enforcement is applied where appropriate...”. No one knows what “where appropriate” means and creates an enormous loophole to any paragraph to which it is applied. The Coalition suggests the following:

“BMP programs are being followed and to assure adequate enforcement as required by law”.

Claudia VanderPol whose farm is located at S. Maxwellton Road, Clinton, advised she only had received the draft a few days ago and had not had time to adequately prepare for this hearing. However, she felt she was quite informed on the issues, having worked hard on a philosophical farm plan which has been implemented over the last seven years. She mentioned the difficulty in maintaining a farm these days and asked the County’s help to protect farmers as BMPs are developed in a reasonable way, economically practical and simple. Farmers do not have time to wade through regulations. They know cattle need to be kept out of streams.

As far as the time of year cows are in pasture, sometimes she can leave cows out until mid December, but other years cows are not put out until March 1<sup>st</sup>, and some years not until the end of April; it all depends on water conditions in the marsh. Some species of grass are short and do not grow over a few inches tall, highly nutritious but do not grow; some grow real tall – it is an individual thing. Intensive grazing management is done on her farm; latest studies have shown that a lot of cows can be put in a small area and the critical area is how far down you let them eat the grass depending upon the species of grass. Every three-acre patch she has [grazing paddock] will maybe have two or three different types of grass, and a blanket management plan cannot be done even for one three-acre patch. The most important aspect of grazing management is how long to leave the cows off the grass before putting them back on again. She is in a diking area and did not think it fair to include diking water in the salmon spawning unless proven that the headwater for that ditch enters the stream and shows manure contamination. She also asked that when something happens, usually an accident, that the County not slap a fine on the farmer, rather come to the farmer to find out what happened, what steps are being taken to correct the situation in a reasonable amount of time.

Ray Gabelein, a part-time farmer, owning land in the Bayview-Useless Bay area, Langley read a letter under today’s date [entered as GMA doc. #5321] and provided suggested changes to Island County’s Agricultural BMPs and FMPs [GMA doc. #5322]. He addressed issues affecting activities in the bottom lands, as well as Diking and Drainage District #1. His comments, summarized, were:

- The BMPs and FMPs as written will drive the farmers off the bottom lands. Once that way of life is lost, farmers will quit farming their upland areas and open spaces everyone enjoys will be gone. The result will be upland development and housing; with bottom lands growing up in giant weed patches, alders and blackberries.
- The South Whidbey Watershed Committee reached consensus that residential damage does far more damage to a watershed than AG practices
- AG Committee did not have representation from the South Whidbey area or representation from marshlands or drainage districts
- Farming to some degree will impact some critical areas and is a matter of balancing impacts versus benefits; the benefits of farmers maintaining open space offsets by many times the small impacts to critical areas
- Preserving the rural character of Island County does not mean returning to the wild.
- Island County should include minimum standards in the BMPs and FMPs necessary to pass the requirements of the

## Hearings Board

- Urge the Board to go to court if necessary to the rights of the majority of people in Island County so the farmers and agricultural people do not have to do it on their own.

Ron Muzzall, Muzzall Farms, Scenic Heights Road, Oak Harbor, mentioned the fact that his family was quickly closing in on 100 years in agriculture on Scenic Heights Road. He talked about BMPs and how limited they are; critical areas and how widespread they might be, and noted that both islands were critical areas for groundwater recharge. One of the major issues he brought up was how agriculture is affected basically coming down to, illustrating as follows:

- Island County farmers are seeing pre-1970 price levels for bushels of wheat, barley and oats, reaching the point now that the only reason a farmer raises small grains on the Island is for the straw
- Poultry industry has disappeared from the Island, almost left Western Washington entirely.
- With the conglomeration of Smithfield Foods and Murphy Farms, the hog industry has almost been whipped out in the United States.
- There has been a little resurgence in feeder prices for beef cattle, but slaughter cattle is being sold for about the same price as in 1970.
- Farmers are looking at pre-1978 levels for milk, and seeing cheese and butter prices falling to a point where we hit government support for the first time in 20 years.
- 10 dairies on the Island have now dwindled to just 4; there are only a handful of commercial operations making their entire living off the land.

Mr. Muzzall thought it important to note that on top of all of that, farmers are faced with regulations, somewhere in the area of 12 agencies that oversee farmers currently, ranging from the Island County Health Department to the U. S. D. A. He felt that BMPs by Island County must be looked at as a tool but further regulation not needed, nor are more pressures on the farmer to leave. The rural atmosphere is being threatened, not only by economics but by more and more regulations on the farmer everyday.

Daryl VanderPol, S. Maxwellton Road, Clinton, supported comments made by those in agricultural and farm activities and the viability of on-going farm activities. His family has had the Maxwellton Farm for 45 years; before that, established by the Mackie clan, and the property continuously in agriculture since the teens. That, he said, was truly being threatened right now. His wife has managed the farm by phone with an on-site manager, but as much effort and as hard as they try to operate the farm economically and do all the right things they cannot make it pay for itself, yet have chosen to continue because of the enjoyment of the agriculture feeling and open space. The goal to continue existing agriculture activities is important, but from his perspective, did not think people fully understood how close they and many others were to saying they just cannot keep going. NRCS procedures are not easy. Some of the opportunities provided by the present plan with alternatives to best management practices through developing a farm management plan are just not that easy, and represents another process to work through. To develop a plan called for in the proposed County guidelines is another task for which they do not have the resources or time to adequately address. He asked that the County be sensitive to the plight of the agricultural community and recognize that it is much more difficult to keep those farms going than people can possibly believe.

Don Sherman, Sherman Farms, Coupeville, noted too his family had been farming for many years, now the fourth generation. The AG exemption is important to all of them. Based on some of the comments, he agreed that the AG committee may need to be expanded with further discussions on a few more items. South Whidbey folks would like to be represented with a voice on the committee and he is willing to try that and incorporate a few more thoughts into the process. His dairy farm in Coupeville is regulated by such agencies as: EPA; DOE; the Washington DOA; USDA; NRSC; Air Quality Authority; DNR; National Parks; and historic review; now the County BMP program potentially added to that. He asked from the Commissioners and those involved in the process that whatever comes out of the

process be reasonable and an not an undue burden on those who are trying to continue agricultural practices and a way of life. He would almost like to challenge folks to go back and see how many areas really are problems of record in this County. Folks he thought had gone a long way to be good stewards of their land, just as he and his family have. Added regulations pose a real threat to people who are trying to maintain a way of life and the economic viability is in question. A lot of folks work a couple jobs to be able to maintain what they have tried to maintain for generations in their family.

Len Engle, Coupeville, added to Mr. Sherman's list of regulators for his dairy farm, the name of Dairygold. He said that the width of a stream and the class of a stream is important; BMPs should be kept to a minimum. The committee working with the AG zone involved a wide variety of people, including farmers, along with WEAN and the Coalition. He has some concern now hearing at the last minute requests for changes. Farmers cannot live with so many regulations. As far as the committee, he would welcome representatives from agriculture on South Whidbey, noting Roger Nelson represented the farming community and drainage areas on Camano Island.

Jim Henderson, the third owner of the property at 2224 E. Newman Road, Langley, [not counting Ruben Wall's dad] farmed since at least the early Thirties. He does some part time farming, few cows, a little haying in the summer, grow a few crops. In talking about balance between critical areas and farming, if there is very much balance in terms of any more things he has to do he will give it up and the whole bottom piece of his land will turn into blackberries. He felt it was very important going through the process to keep those things in mind: if you do too many more things to the folks in Ag they will quit because of no incentive to continue.

Jennifer Lail, Langley, speaking as the Executive Director of WEAN, and as a member of the Citizens Growth Management Coalition, stressed they were not trying to put farmers out of business, rather trying to protect critical areas. She believed that he had heard a lot of common ground tonight and offered that folks to call the office to talk about specific positions taken. She remembered an editorial Jim Larsen wrote recently about what happened in Langley with Nichols Brothers, and quoted the following from that article from the Whidbey Record:

“The old way of doing business on Whidbey Island is dead. Any project not properly processed and approved will be challenged on environmental grounds. Regardless of local community support there will be powerful state and federal agencies that will listen to those challenges”.

“The liability associated with non-compliance means environmental protection is no longer discretionary for local, state or federal government”.

Bob Blask, Burley Road, Clinton, pointed out that the Maxwelton Valley had been an agricultural area since the early Nineteen Hundreds, and there are many small farms are located throughout the valley. Farm animals were and are an important element in the rural living environment. The salmon habitat in the Maxwelton watershed was apparently functioning, with salmon returning around the Midvale community in the early part of the 1970's as witnessed by Mr. Schumacher. Forced compliance with proposed BMPs will cause financial hardship on the property owners. The farm animals were defecating in valley for over 50 years without affecting the salmon population. He posed the following questions: what caused animal manure to become toxic to the fish population; and could over harvesting or predatory loses cause or contribute to the demise of the salmon? All property owners affected by Ag BMPs were not notified of the hearings until nearing the end of the process and he only heard about it by word of mouth.

He asked that everyone remember that farmers in the area are basically respectable law-abiding citizens, taxpayers and productive members of the community. Now the farmers are told they will have to give away or sacrifice a sizable amount of land which relates to a considerable amount of money at the farmers expense. Property owners should be compensated at current market value for the property that is confiscated. The financial aspect of the proposal seems to be out of balance.

Lloyd Schumacher, Schumacher Road, Clinton, agreed as Mr. Steiner indicated, that the south end of Maxwelton creek had been tested and the results were that the creek was very clean. Mr. Schumacher lives just about as far up on the Maxwelton Creek as you can go, and the South Whidbey Salmon Association tested on his property with the results coming back surprisingly clean. His question then was why are people so concerned about it? With regard to

salmon, he agreed to take one section of the land and let nature take its course, and invited the Commissioners now to take a look because the result is that he now has a strip of land 350' long 30' wide and 20' high that is nothing but stickers and blackberries, not one bit of life or vegetation underneath. If not allowed to clean the creeks once in awhile and wetlands there will be no creeks there in 10 years, especially in his area. Water comes from Ken's corner all the way down the State Highway; a new high school, new playground, and all that water runs down through to the Maxwellton Valley area and property owners have to take care of all that water. Thirty years ago there used to be over 100 head of cattle in Midvale Valley that joins on to Maxwellton, and salmon in the creek; now there are 6 head of cattle in the same valley and there has been no salmon in 30 years.

Tom Roehl posed some questions based on tonight's testimony:

What is the problem? Why wouldn't best available science be required before saying there is a problem? Wouldn't County regulations be subject to challenge if they do not address an existing problem based on Constitutional principles? Has best available science been done and streams and wetlands tested to see if agriculture is in fact causing a problem that needs these BMPs?

The County should state that GMA standards are met by the existing regulations. There should be consideration and re-consideration of the section of the critical areas ordinance that states that agricultural activities are exempt subject to BMPs and consider saying instead "agricultural activities are exempt because they are already well controlled and do not pose a threat to the critical areas. He asked that the Commissioners do the right thing and let the courts figure it out; if the Growth Management Hearings Board does not see it that way, take them to court.

Claudia VanderPol commented from the aspect of living on the corner of Maxwellton creek. They ended up with having some cows get into the creek some five or six years ago; realizing the problem she put an electric fence across there and now she has a nice riparian zone. There is a healthy cut throat population, the main competitor of salmon; this is an area that needs to be further reviewed. Nature has taken its course in the Maxwellton stream for a long time.

Ray Gabelein again was interested in knowing what the problems are that agriculture is causing. If there is a water quality problem, find out; if there is not a problem, use that as evidence before the Hearings Board and if necessary, go to court.

Other recent correspondence on file regarding C-151-99:

1/6/00 E-mail from Len Engle, Coupeville regarding Final Draft-Agricultural BMPs  
GMA doc. #5282.

1/4/00 E-mail message from John Graham, Coalition, subject: Coalition comments on 1/3/99 BMP Draft [cover sheet and 3 pages] GMA doc. #5279.

1/3/00 Island County Public Works transmittal to interested parties "Agricultural Best Management Practices (BMPs) and the Agricultural Exemption from the Critical Area Ordinance GMA doc. #5273.

### **Written Record Open**

Chairman McDowell confirmed that tonight's draft was only a working draft and that proposed changes would be developed as a result of testimony. The written record remains open. The next hearing is proposed for the evening of February 9<sup>th</sup>, with the intent to provide proposed amendments for public review by January 21<sup>st</sup>. The public hearing on February 9<sup>th</sup> would be on those amendments.

### **Hearing Continued**

By unanimous motion, the Board continued the public hearing on Ordinance #C-151-99, PLG-049-99 in the matter of amending Chapter 17.02 of the Island County Code to comply with the order of the Western Washington Growth Management Hearings Board relating to certain provisions in the County's critical areas regulations relating to existing and on-going agricultural activities, to February 9, 2000 at 6:00 p.m., a special session of the Board, Island County Courthouse Annex, Basement Hearing Room.



underlined is added.

**BE IT FURTHER ORDAINED**, that this amendment to Chapter 17.02 ICC shall remain in effect for six (4) months or until the County adopts permanent amendments to Chapter 17.02 ICC to replace these interim regulations, whichever date occurs earlier.

**APPROVED AND ADOPTED** as amended this 22<sup>nd</sup> day of November, 1999 and set for public hearing at 1:30 p.m. on the 10th day of January, 2000. Rescheduled from 1:30 p.m. to 7:00 p.m. January 10, 2000 by motion of the Board December 13, 1999.

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

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

**ATTEST:**

By Ellen K. Meyer for  
Margaret Rosenkranz  
Clerk of the Board

**APPROVED AS TO FORM:**

**DAVID L. JAMIESON, JR.**  
Deputy Prosecuting Attorney  
& Island County Code Reviser  
BICC 99-661

**ISLAND COUNTY  
BOARD OF COUNTY COMMISSIONERS  
EXAMINED AND APPROVED  
JANUARY 10 2000**

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

**ATTEST:** Margaret Rosenkranz

Clerk of the Board [Exhibit A on file with the Clerk of the Board]

There being no further business to come before the Board at this time,  
the Chairman adjourned the meeting at 9:25 p.m., to meet in Regular  
Session on January 24, 2000, at 11:30 a.m.

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

\_\_\_\_\_  
Wm. L. McDowell, Chairman

\_\_\_\_\_  
William F. Thorn, Member

\_\_\_\_\_  
Mike Shelton, Member

**ATTEST:**

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Margaret Rosenkranz, Clerk of the Board