

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
SPECIAL SESSION - APRIL 5, 2000

The Board of Island County Commissioners met in Special Session on April 5, 2000, beginning at 3:30 p.m., Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Chairman, William F. Thorn, Member, and Mike Shelton, Member, present. The purpose of the Special Session was called for the purpose of conducting a Public Hearing on the following two proposed ordinances:

- Ordinance #C-28-00 [PLG-007-00] In the Matter of 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.
- Ordinance #C-29-00 [PLG-008-00] In the Matter of Amending Chapter 17.03 ICC to Comply with the Order of the Western Washington Growth Management Hearings Board Relating to the Rural Zone.

Attendance:

Public: none  
Staff: Phil Bakke, Planning Director

**HEARING HELD: ORDINANCE #C-28-00 [PLG-007-00] IN THE MATTER OF 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**

A Public Hearing was held as scheduled and advertised for the purpose of considering proposed Ordinance #C-28-00 [PLG-007-00] In the Matter of 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. As explained by Mr. Bakke, this ordinance continues interim regulations for the exemption of existing and on-going agriculture activities in the CA Zone from critical area requirements and will remain in effect for six months or until the County adopts permanent amendments to chapter 17.02 which comply with the Growth Management Act whichever date occurs earlier.

At the time the Chairman called for comments from the public, no one commented for or against Ordinance #C-28-00.

By unanimous motion, the Board adopted Ordinance #C-28-00 [PLG-007-00] In the Matter of 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.

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

IN THE MATTER OF 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  
ORDINANCE C-28-00  
PLG-007-00

WHEREAS, various parties filed petitions with the Western Washington Growth Management Hearings Board ("Western 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 the Critical Areas Exemption for Existing and Ongoing Agriculture invalid if interim regulations were not adopted by August 10, 1999, and therefore replacement regulations are needed to govern land use in the County; and

WHEREAS, in 1998, the County completed environmental review under Chapter 43.21.C RCW (SEPA) on its Comp Plan and Development Regulations including Critical Area Exemptions; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.02 ICC relating to the exemption for existing and on-going agriculture, 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 authorizes 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-77-99, Island County adopted interim regulations limiting the exemption for existing and on-going agricultural activities to lands that are zoned CA; and

WHEREAS, by the terms of C-77-99, these regulations remained in effect for six (6) months; and

WHEREAS, through Ordinance C-152-99, Island County adopted a four (4) month extension to C-77-99; and

WHEREAS, further action is needed to extend these regulations in order to allow time to adopt permanent regulations and a determination that those new regulations comply with the Growth Management Act. 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 adopts the proposed amendment to Chapter 17.02 ICC, attached hereto as Exhibit A, establishing interim regulations relating to the exemption of existing and ongoing agricultural activities from critical area regulations and the Findings and Legislative Intent attached hereto as Exhibit B. Material stricken through is deleted and material underlined is added.

BE IT FURTHER ORDAINED that this amendment to Chapter 17.02 ICC shall remain in effect for six (6) months or until the County adopts permanent amendments to Chapter 17.02 ICC to replace these interim regulations, which are found to comply with the Growth Management Act, whichever date occurs earlier.

Reviewed this 20th day of March, 2000 and set for public hearing at 3:30 PM on the 5<sup>th</sup> day of April, 2000.

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

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

ATTEST: By Ellen K. Meyer, Deputy  
Margaret Rosenkranz  
Clerk of the Board  
BICC 00-182

APPROVED AND ADOPTED this 5<sup>th</sup> day of April, 2000 following public hearing.

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

ATTEST: Margaret Rosenkranz  
Clerk of the Board

APPROVED AS TO FORM:  
DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

[Note: Exhibits A and B on file with the Clerk of the Board [GMA doc. # \_\_\_\_\_]

**HEARING HELD: ORDINANCE #C-29-00 [PLG-008-00] IN THE MATTER OF AMENDING CHAPTER 17.03 ICC TO COMPLY WITH THE ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD RELATING TO THE RURAL ZONE. THIS ORDINANCE CONTINUES INTERIM REGULATIONS REGARDING MINIMUM LOT SIZE RELATING TO THE LANDS CLASSIFIED IN THE RURAL ZONE**

A Public Hearing was held as scheduled and advertised for the purpose of considering proposed Ordinance #C-29-00 [PLG-008-00] In the Matter of Amending Chapter 17.03 ICC to Comply with the Order of the Western Washington Growth Management Hearings Board Relating to the Rural Zone. This ordinance continues interim regulations regarding minimum lot size relating to the lands classified in the Rural Zone and will remain in effect for six months or until it is determined that permanent changes are not needed to the five acre minimum lot size for the Rural Zone to comply with the Growth Management Act, whichever date occurs earlier.

At the time the Chairman called for comments from the public, no one commented for or against Ordinance #C-29-00.

By unanimous motion, the Board adopted Ordinance #C-29-00 [PLG-008-00] In the Matter of Amending Chapter 17.03 ICC to Comply with the Order of the Western Washington Growth Management Hearings Board Relating to the Rural Zone

**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 THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD RELATING TO THE RURAL ZONE  
ORDINANCE C-29-00  
PLG-008-00

WHEREAS, various parties filed petitions with the Western Washington Growth Management Hearings Board ("Western 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 43.21.C RCW (SEPA) on its Comp Plan and Development Regulations including 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 authorizes 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 land 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, through Ordinance C-160-99, Island County adopted a four (4) month extension to C-75-99; and

**WHEREAS**, further action is needed to extend these regulations in order to allow time to adopt permanent regulations and a determination that these new regulations comply with the Growth Management Act. **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 adopts the proposed amendments to Chapter 17.03 ICC, attached hereto as Exhibit A, establishing interim regulations relating to the lands classified in the Rural Zone and the Findings and Legislative Intent attached hereto as Exhibit B. Material stricken through is deleted and material underlined is added.

**BE IT FURTHER ORDAINED** that these amendments to Chapter 17.03 ICC shall remain in effect for six (6) months or until it is determined that permanent changes are not needed to the five (5) acre minimum lot size for the Rural Zone to comply with the Growth Management Act.

Reviewed this 20th day of March, 2000 and set for public hearing at 3:30 PM on the 5<sup>th</sup> day of April, 2000.

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

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

**ATTEST:** By Ellen K. Meyer  
Margaret Rosenkranz  
Clerk of the Board BICC 00-183

APPROVED AND ADOPTED this 5<sup>th</sup> day of April, 2000 following public hearing.

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

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

**ATTEST:** Margaret Rosenkranz  
Clerk of the Board

**APPROVED AS TO FORM:**  
DAVID L. JAMIESON, JR.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

[Note: Exhibits A and B on file with the Clerk of the Board] [GMA Dec. # \_\_\_\_\_]

There being no further business to come before the Board at this time,  
the Chairman adjourned the meeting at 3:40 p.m.

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

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Wm. L. McDowell, Chairman

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William F. Thom, Member

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Mike Shelton, Member

**ATTEST:**

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Margaret Rosenkranz  
Clerk of the Board