

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - MAY 22, 2000**

The Regular Meeting of the Board of Island County Commissioners was held on May 22, 2000, beginning at 11:30 a.m. with the monthly Roundtable with Elected Officials, followed by other meeting items as listed on the Agenda beginning at 1:30 p.m., including Diking Improvement District #4. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Chairman; William F. Thorn, Member; and Mike Shelton, Member, present.

Roundtable Meeting with Island County Elected Officials

Attendance

Elected Officials: Tom Baenen, Greg Banks, Robert Bishop; Mike Hawley; Maxine Sauter; Suzanne Sinclair

Capital Budget/Equipment 2000 – Process

Discussion focused on the importance of keeping Elected Officials and Department Heads informed about the process and status of capital budgets – 2000 equipment list. Department Heads could better prioritize if financial limits were known.

The Board agreed that next year, once information has come back from Cathy Caryl, Director, Central Services, as to the requested total, that information can be sent to each department along with her best guess of the cost of each item requested, thus allowing an opportunity for Department Head review and comparison with budget available, and then coming back to the Board with a prioritized list.

Budget Status

Once the Budget Director returns from vacation the Commissioners will re-start the process, independent of what the Supreme Court may do with regard to 695, based on having a “real number” as far as what the County can expect to receive from the State i.e. backfilling @ 53.9%.

One of the “cautions” mentioned was that the biggest sales tax generator comes from materials purchases for new homes and recent reports indicate that the demand for new mortgage loans fell 56%. Interest rates are high, and there has been a fall in the stock market which seems to indicate that the robust economy may have peaked and the County should not be too overly optimistic.

Commissioner Shelton reported that the last legislation session established a local government committee to look at the way local government is funded, i.e. projecting out ten to twelve years, how will county government finance itself; where does the revenue stream come from to finance county government?

Further addressing unfunded mandates placed on the county by the state continues to be something to pursue.

Roundtable adjourned at 12:05 p.m. Next Meeting: June 26, 2000 @ 11:30 a.m.

MINUTES APPROVED

By unanimous motion, the Board approved and signed the minutes from Special Session held on April 26, 2000, and minutes of regular meeting May 8, 2000.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher/Warrants #75194 - 75424.....\$ 450,677.62.

STAFF SESSION SCHEDULE FOR JUNE

The June 2000 Staff Session schedule was approved by the Board for distribution to Elected Officials, Department Heads and Press, for regular staff sessions to be held on June 7 and 21, 2000 beginning at 9:00 a.m.

HIRING REQUESTS & PERSONNEL

After presentation and brief summary provided by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following Personnel Action Authorizations:

PAA #059/00	Env. Health Spec.	#2407.02	Replacement	6/1/00
PAA #060/00	Plans Ex/Bldg. Insp.	# 417.01	Temp-New Pos.	5/22/00

RESOLUTION #C-52-00 IN THE MATTER OF CONTINUING THE WELLNESS INCENTIVE PROGRAM/PLAN FOR ISLAND COUNTY EMPLOYEES

By unanimous motion, the Board adopted Resolution #C-52-00 as presented by Dick Toft, continuing the Wellness Incentive Program/Plan for Island County Employees for program year 1999-2000, Plan 1a and Plan 2a.

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

IN THE MATTER OF CONTINUING THE)
WELLNESS INCENTIVE PROGRAM/PLAN)
FOR ISLAND COUNTY EMPLOYEES) **RESOLUTION C-52-00**
COUNTY EMPLOYEES)
_____)

WHEREAS, the Board of Island County Commissioners adopted Resolution C-47-99 on June 26, 1999 which continued the Wellness Incentive Program; and

WHEREAS, the above Resolution requires an analysis of potential costs to be reviewed no later than April 1, 2000, after which the program may be renewed for program year 1999-2000; and

WHEREAS, by participation in the program the Island county employees demonstrated that a percentage of employees favored incentives for maintaining health life styles and incentives for unused sick leave; and

WHEREAS, absenteeism is expensive to the County, both in paid time off and lost productivity to the organization; and

WHEREAS, after review it has been determined that the Wellness Incentive Plan for 1999-2000 will only contain Plan 1a and Plan 2a, **NOW THEREFORE**

BE IT RESOLVED, that an analysis of potential cost were reviewed prior to April 1, 2001 at which time the program may be renewed for program year 2001-2002.

ADOPTED this 22nd day of May, 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
For: Margaret Rosenkranz, Clerk of the Board
BICC 00-314

SPECIAL OCCASION LIQUOR LICENSE #0368785 – ISLAND ARTS COUNCIL

Based on receipt of favorable recommendations from the Sheriff’s Department and Health Department, the Board by unanimous motion approved Special Occasion License 368785 by Island Arts Council for event to take place on June 8, 2000 at Island Greens Golf Course, Clinton.

HEALTH CONTRACTS/AGREEMENT APPROVED

By unanimous motion, the Board approved the following Health Department contracts and Agreement:

- a) Health Contract #HD-08-00, Mini-grant – Washington Health Foundation \$5,000
- b) Health Contract Amendment #HD-01-97 (3), Mary Jane Lungren, DDS, \$2,500
- c) Interlocal Agreement - Amendment, #0063-42385 (1) between Island County and DSHS - Medicaid Administrative Match: \$24,508.57

FINANCIAL CONSIDERATION - HEALTH OFFICER CONTRACT

By unanimous motion, the Board approved the financial considerations in the final draft of the Health Officer’s Contract for forwarding to the Board of Health for review and approval, to be submitted back to the Board of County Commissioners for final approval at a subsequent date.

YEAR 2000 DEPARTMENTAL EQUIPMENT BUDGET REQUESTS

Cathy Caryl last week submitted the Equipment 2000 Budget in the total amount of \$88,173.72. Since that time, there were two primary additions, from the Prosecuting Attorney and Juvenile Court Services, and now handed out a revised Final Equipment List for 2000 purchases, totaling \$94,723.72, representing \$7,876.72 over the budgeted amount of \$86,847.00, for the Commissioners consideration.

The Board by unanimous motion approved the 2000 Equipment Budget Requests by departments as submitted by Central Services this date, in the total amount of \$94,723.72.

As discussed earlier today at the Roundtable, the Board agreed that with next year’s cycle, to do a better job with feedback to departments with respect to the process, which in turn will give the departments a better opportunity to do some of their own prioritization. Departments need to know the dollar amount of individual items requested should they want to re-prioritize. *[approved list on file with the Clerk of the Board]*

HEARING HELD: RESOLUTION #C- 43 -00 (R-22-00) – EXECUTING STATE REVOLVING FUND LOAN AGREEMENT - LOAN # HD-05-00, ON-SITE REPAIR FINANCIAL ASSISTANCE PROGRAM

A Public Hearing was held as scheduled and advertised to consider Resolution #C- 43 -00 (R-22-00) Executing State Revolving fund (SRF) Loan Agreement between island County and the State of Washington DOE; Loan # HD-05-00, On-site Repair Financial Assistance Program; \$300,000.

Larry Kwarsick, Public Works Director, presented the matter asking that the Board execute the loan agreement to provide financial assistance to private citizens to repair and/or replace failed on-site sewage systems. The resolution package includes a Certificate relating to the Agreement prepared for the Chairman’s signature.

There were no members of the public present at the hearing who indicated a desire to speak either for or against approval of subject loan agreement.

Commissioner Shelton commented that this program over the last five plus years had worked extremely well in terms of not only enabling people to fix failing septic systems vice moving out of their house, but also because the payment record and agreement with Whidbey Island Bank worked extremely well.

The Board by unanimous motion approved Resolution #C-43-00 [R-22-00] in the matter of executing State Revolving Fund Loan Agreement Between Island County and the State of Washington Department of Ecology.

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

IN THE MATTER OF EXECUTING STATE)	RESOLUTION C-43-00
REVOLVING FUND (SRF) LOAN AGREEMENT)	R- 22 -00
BETWEEN ISLAND COUNTY AND THE)	
STATE OF WASHINGTON DEPT OF ECOLOGY)	

WHEREAS, the Board of Island County Commissioners has made application the State of Washington Department of Ecology for a Washington State Water Pollution Control Revolving Fund (SRF) Loan (No. HD-05-00) to provide financial assistance to private citizens to repair or replace failing on-site sewage systems; and

WHEREAS, the State Department of Ecology has made a financing offer to Island County in the form of a SRF Loan; and

WHEREAS, the Board of Island County Commissioners deems it in the best interest to proceed with the project under the terms and conditions of the SRF Loan offer; **NOW, THEREFORE**,

BE IT HEREBY ORDAINED, that (a) the Chairman of the Board of Island County Commissioners is authorized to execute the State Revolving Fund (SRF) Loan Agreement (No. HD-05-00) identified above with the Washington State Department of Ecology, in substantially the forms on file with the Clerk of the Board of Island County Commissioners (b) the funds received by Island County shall be used for the purposes consistent with the provisions of each of the Agreements (c) all prior actions taken by the county relating to the Agreements is hereby ratified and confirmed.

Reviewed this 1st day of May, 2000 and set for public hearing at 2:15 p.m. , on the 22nd day of May, 2000.

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
BICC 00-265

APPROVED AND ADOPTED this 22nd day of May, 2000 following public hearing.

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

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

ATTEST: By: Ellen K. Meyer, deputy
Margaret Rosenkranz
Clerk of the Board

**HEARING HELD: FRANCHISE #158(R) MABANA SHORES ASSN.-RENEWAL OF EXISTING FRANCHISE;
WATER DISTRIBUTION LINES-PLAT OF MABANA SHORES**

At 2:20 p.m., as scheduled and advertised, a public hearing was held to consider the Application for renewal of Franchise #158(R) by Mabana Shores Association , for renewal of an existing franchise for water distribution lines within the Plat of Mabana Shores, Camano Island.

As reported in a memorandum to the Board dated May 2, 2000, the County Engineer reviewed the request for renewal covering existing water distribution system in County R/W for the current system; there are no plans for expansion of this current system. All department requested to comment responded with no objections to the proposal, and the Engineer recommended approval of the franchise as submitted.

At the time the Chairman called for public comments, no one in the audience expressed a desire to speak either for or against the requested franchise renewal.

By unanimous motion, the Board approved Franchise #158 (R) by Mabana Shores Association for the renewal of existing water distribution system in the Plat of Mabana Shores.

RESOLUTION #C-53-00 (R-24-00) – APPROVING PLANS & SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 2000 ASPHALT CONCRETE PAVEMENT OVERLAYS WHIDBEY ISLAND

The Board, by unanimous motion, approved as presented by the Public Works Director, Resolution #C-53-00 (R-24-00) In the Matter of Approving Plans & Specifications and Authorizing Call for Bids for 2000 Asphalt Concrete Pavement Overlays Whidbey Island, CRP 00-04, Work Order No. 358; set bid opening June 14, 2000 at 11:00 a.m., Meeting Room 3, Courthouse Annex, Coupeville.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON

**IN THE MATTER OF APPROVING PLANS }
& SPECIFICATIONS AND AUTHORIZING } RESOLUTION #C-53-00
CALL FOR BIDS FOR 2000 ASPHALT } R-24-00
CONCRETE PAVEMENT OVERLAYS }
WHIDBEY ISLAND, CRP 00-04, Work }
Order No. 358 }**

WHEREAS, sufficient funds are available in the Island County Road Fund for **2000 Misc. Asphalt Concrete Pavement Overlays, Whidbey Island**; NOW THEREFORE

BE IT HEREBY RESOLVED that Plans and Specifications are approved and that the County engineer is authorized and directed to call for bids for furnishing said construction. Bid Opening is to be the 14th day of June, 2000, at 11:00 A.M. in Meeting Room 3, Courthouse Annex, Coupeville.

ADOPTED this 22nd day of May, 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 00-309

COMMUNITY “NO SPRAY” AGREEMENT - SCATCHET HEAD COMMUNITY CLUB FOR ESTABLISHMENT OF A COMMUNITY ANNUAL “NO SPRAY” ZONE WITHIN THE PLAT OF SCATCHET HEAD

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Mr. Kwarsick next presented a Community annual “No Spray” Agreement between Island County and Scatchet Head Community Club for the establishment of a Community Annual “No Spray” Zone within the Plat of Scatchet Head. The President of the Scatchet Head Community Club was present in support of the agreement. Although Mr. Kwarsick was not prepared at this time to present a final document, he requested Board authorization for the Chairman to sign the agreement once completed which should be in the next few days.

By unanimous motion, the Board approved the No Spray Agreement between Island County and Scatchet Head Community Club for the establishment of a community annual no spray zone within the Plat of Scatchet Head, authorizing the chairman to sign the agreement once it has been approved by the Deputy Prosecuting Attorney, Risk Manager and the Community Club.

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RURAL ARTERIAL PROGRAM (RAP) PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL; CAMANO HILL ROAD, M.P. 02.22 TO 03.42, CAMANO ISLAND

The Board, on unanimous motion, approved Agreement for Rural Arterial Program (RAP) – Project agreement for construction proposal for Camano Hill Road, M.P. 02.22 to 03.42, Camano Island, for a total authorized RATA Funds in the amount of \$208,870.

INTER-LOCAL AGREEMENT - SKAGIT-ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION UPDATED AGREEMENT BETWEEN WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AND SIRTPO

As presented by the Public Works Director, the Board by unanimous motion approved an updated Interlocal Agreement for the Skagit-Island Regional Transportation Planning Organization (SIRTPO) between Washington State Department of Transportation and SIRTPO, the Chairman authorized to sign the updated agreement at the SIRTPO Regional Policy Board meeting scheduled for June 14, 2000. The major change is to update the agreement bringing it in to compliance with current state regulations.

RESOLUTION #C -54-00 (R-25-00) - INITIATING CRP 00-05, OLD COUNTY RD./LARSON RD.

The Board, on unanimous motion, approved Resolution #C-54-00 (R-25-00) initiating County Road Project 00-05, Work Order 359, Old County Road/Larson Road, to perform preliminary survey, level loops and prepare right-of-way maps, Section 17/20, Township 30N., Range 2E, the CRP in the amount of \$30,000.

HEARING HELD: ORDINANCE #C-44-00 [PLG-011-00] TECHNICAL AMENDMENTS TO THE ISLAND COUNTY COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

A Public Hearing was held at 2:45 p.m. as scheduled and advertised, for the purpose of considering Ordinance #C-44-00 [PLG-011-00] concerning Technical Amendments to the Island County Comprehensive Plan and Development Regulations, as introduced on May 8, 2000 [GMA #_____]

Attendance:

Public: John Graham; Bob Van Deen [Attendance Sheet GMA #_____]
Staff: Phil Bakke; Jeff Tate

Correspondence Received

Memo dated 5/21/00 from Steve Erickson, WEAN, regarding OSPBRS Type IV Decisions GMA #_____

E-mail 5/19/00 from Kwarsick to John Graham regarding PBRS Technical Amendment GMA #_____

E-mail 5/22/00 from Thomas J. Roehl to Commissioners regarding proposed Technical Amendments GMA #_____

Hand-outs:

Ordinance #C-44-00 [PLG-011-00] introduced on May 8, 2000 with Exhibits: GMA #_____

- Exhibit A: ICC 3.40 Public Benefit Rating System
- Exhibit B: ICC 17.03 Island County Zoning Code Technical Amendments
- Exhibit C: ICC 17.02 Critical Areas Technical Amendments
- Exhibit D: ICC Title 16 Land Divisions and Dedications Technical Amendments
- Exhibit E: Best Management Practices Technical Amendments
- Exhibit F: Findings and Legislative Intent

EXHIBIT A

Page A-1 3.40.100

Mr. Tate outlined the first change proposed: replace listed Type III decision to a Type IV decision. A Type III decision is a Hearing Examiner decision while a Type IV decision is a legislative decision made by the Board. For PBRS the Board adopted a specific fee schedule, \$100; it is not a comprehensive plan amendment, and is not charged the same fee as a comprehensive amendment, nor reviewed the same way as a comp plan amendment. Tax issues are not subject to SEPA, and this would be a matter that would go directly to the Board. State law requires that a PBRS application has to be processed

within 180 days and does not have to go before the Planning Commission.

Discussion. If referred to as a Type IV decision, Island County Code requires that Type IV decisions go to the Planning Commission. RCW 84.34 says it is to be acted upon in the same manner in which an amendment to the Comp Plan is processed. The RCW goes on to say that if the jurisdiction has adopted a PBRs system it is just a legislative action by the Board. Therefore there should be no reference to either a Type III or Type IV decision in this section.

Mr. Tate saw nothing gained by requiring a PBRs application go before the Planning Commission.

General consensus was to re-write the first sentence to state: “Applications under the Public Benefit Rating System shall be reviewed by the County as a ~~Type IV decision under the County’s Land Use Review Process ICC 16.19~~ and approved by the Board of Island County Commissioners.”

Page A-1 3.40.110

The same change would be necessary with respect to the process. Consensus was that the first sentence be changed to read: “The Board of County Commissioners shall consider an application to the Public Benefit Rating System as defined by ~~the Type IV County Permit process and as required by RCW 84.34.037.~~”

EXHIBIT B

Mr. Bakke explained that throughout Exhibit B were a number of places suggested to remove the reference in the Code to illustrative maps; it is redundant, covered by the official Island County Zoning Atlas set forth in 17.03.050.c.2 ICC.

Page B-5 Added additional criteria under 5 in the Rural Agriculture zone to deal with exemptions to the minimum lot size limitations to attempt to prevent multiple boundary line adjustments that may result in the creation of new lots over time:

- b) an Existing Lot is proposed to be modified through a boundary line adjustment and will not subsequently be further modified in size or used in combination with unregulated subdivision such that new Lots are created that are less than the required minimum lot size.

Chairman McDowell understood the proposed addition up through “an Existing Lot is proposed to be modified through a boundary line adjustment and will not subsequently be further modified in size.” which would address the concern. Mr. Bakke agreed as did Commissioners Thorn and Shelton.

Page B-5, G. date to be included “that as of June 2, 1999” for Rural Agriculture Zone Classification.

Page B-6 17.03.100.H.4. Adding the words “that, as of June 2, 1999”, the Parcel did not meet the designation criteria set forth in subsection D above, for consistency with the Comp Plan. Section 17.03.110.G, Rural Forest Zone, would have language included “that, as of December 1, 1998,” the parcel did not meet the designation criteria set forth in subsection C above.

B-9 Technical amendments to correct the code citation.

EXHIBIT C

- Page C-1 Correct the code citations in sections B.1 and F. In Section H, delete duplicated language “Functionally isolated buffer areas”.
- Page C-2 Correct code citation
- C-3 Table – under Water Type, Diversion column 2 add the word “feet” after 1500

EXHIBIT D

- Pages D-1, D-2, D-3 and the top of D-4, Correct code citations
- Page D-4, Chapter 16.25 Agriculture, Minerals and Forest Protection. These amendments as noted by Mr. Bakke were put forth as recommended by the County Prosecuting Attorney to conform with Chapter 7.45 RCW.

16.25.30 Policy, proposed is to add the following language to the last sentence:

“unless the activity has a substantial adverse effect on the public health and safety. Further,

nothing in this Chapter shall affect or impair any right to sue for damages.”.

D-5 16.25.040 Protection Measures – Mailed Notice

16.25.040.A, sentence added at the recommendation of the Prosecuting Attorney: “unless the activity has a substantial adverse effect on the public health and safety.”.

Section C the term “Property Declaration” is proposed to be changed to “Property Notice”. Deletes the language “and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument,”. The language for the notice is reworded as shown in italics, and adds the following to the last sentence:

“unless the activity has a substantial adverse effect on the public health and safety. By the recording of this notice, the County does not intend to affect or impair any right to sue for damages.”.

Exhibit E

- Pages E-1 and E-2, minor changes proposed; change reference to most current version.
- Page E-3 I.F. language discussed through the process but apparently changes overlooked, regarding changing the term “salmonid” to salmon.
- Page E-3 II BMP, Applicability, item C the reference is redundant and covered under II.A.
- Page E-4 correcting reference “wetlands” to “specified critical areas”
- Page E-5 adding the word “and” at the end of d)

Exhibit F

Contains Findings and Legislative Intent for the changes proposed.

PUBLIC COMMENT

John Graham, Citizens Growth Management Coalition, recalled that the Coalition had major problems with the first amendment as written but met all concerns now with regard to the PBRs as the Commissioners earlier discussed. The section should provide for public guidance within the Comp Plan so that citizens understand that a comp plan amendment is not required, that the decision is made directly by the Board of Commissioners and exempt from SEPA review. Therefore, he suggested adding the word “directly” into the language the Commissioners already worked on so that the first sentence would read: “Applications under the Public Benefit Rating System shall be reviewed by the County and approved directly by the Board of Island County Commissioners”. He also suggested adding another sentence that would state: By RCW 84.34 such applications are not a comprehensive plan amendment and are exempt from SEPA review.

Page B-5. With regard to the proposed added language, Mr. Graham reminded this language had been approved by the Board two or three sessions ago for the CA and RF zones; this is a technical amendment because it takes this language and correctly puts it in the RA zone as well. He urged that the Board not make any changes in that language.

On Page E-3, item I.F, Mr. Graham did not recall previous discussions during the many sessions over BMPs the change from “salmonid” to “salmon” and suggested “salmonid” be retained and if the code states ‘salmon’ elsewhere it be changed to salmonid, which includes cut-throat trout. Salmonid is a more generic term. As salmon protection efforts become more and more under scrutiny around Puget Sound, this County should not go the other direction. He did not understand why the last portion of the sentence had been recommended for deletion [“and in conjunction with the community’s own initiative for locally based salmon enhanced efforts”].

DISCUSSION/REVIEW

At the request of the Board, David L. Jamieson, Jr. , Chief Deputy Prosecuting Attorney, came to review the changes Greg Banks, Prosecuting Attorney, suggested be made in this ordinance.

Mr. Jamieson thought the language suggested for inclusion on page D-5 was to conform with the statute dealing with protecting Agriculture and Forest through protection notices, that the County does not have the authority to go beyond State law and the state law does not allow the county to declare something will not be a nuisance contrary to the State law. The language suggested to read [top of page D-5] “...shall not be subject to legal action as a public nuisance unless the activity has a substantial adverse effect on the public health and safety” was included because just by getting the notice from the County does not preclude there actually being a nuisance. The added words are consistent with the

RCW on this subject. The same would be true with regard to adding a sentence on the bottom of page D-5 "...unless the activity has a substantial adverse effect on the public health and safety. By the recording of this notice, the County does not intend to affect or impair any right to sue for damages".

With regard to the language talking about what the property notice is to state, the sentence recommended for deletion "and agree to accept by the placement of this covenant, or the acceptance and recording of this instrument" the Board asked the purpose of including that language. Mr. Jamieson could not answer for Mr. Banks on that language.

Chairman McDowell read from RCW 7.48.300:

The legislature finds that agricultural activities conducted on farmland and forest practices in urbanizing areas are often subjected to nuisance lawsuits, and that such suits encourage and even force the premature removal of the lands from agricultural uses and timber production. It is therefore the purpose of RCW 7.48.300 through 7.48.310 and 7.48.905 to provide that agricultural activities conducted on farmland and forest practices be protected from nuisance lawsuits.

Mr. Jamieson that had nothing to do with suing the County rather had to do with a landowner suing a neighbor. If the Board wanted to get into greater detail, he suggested the hearing be continued to a time when Mr. Banks is available. All sections of an RCW must be looked at together in conjunction with one another to get a cohesive understanding.

Commissioner Thorn believed this section talked about nuisance lawsuits as opposed to nuisances.

Reading them together, Mr. Jamieson concluded that the nuisance lawsuits referred to were a suit complaining of a public nuisance and not a nuisance lawsuit in the sense that of a lawsuit that has no merit. His general recollection of some discussion he was involved in was that the County's regulation went beyond the state law saying that people could not sue their neighbor for a nuisance.

Commissioner Shelton observed that for public health issues there are volumes of law dealing with public health and safety. The purpose of this code is not to be contrary to existing law in terms of public health and safety; however, the County recognizes that in an urbanizing society the smell of cow manure is not pleasant and the County is attempting to notify people that if they build a house in a certain location they have to be willing to smell cow manure because there is an existing farm operation.

Board Direction to Staff:

1. Concurrence on all numerical corrections; date corrections; and deletion throughout the document of language pertaining to illustrative maps.

2. Exhibit A, Page A-1:

Change top of page A-1, first sentence to read: "Applications under the Public Benefit Rating System shall be reviewed by the County and approved by the Board of Island County Commissioners."

Add sentence: "By RCW 84.34 such applications are exempt from the Comprehensive Plan annual review amendment cycle and are SEPA exempt."

3.40.110 delete the words "the Type IV County Permit process and as required by".

3. Hearing continued

a. Further review of 16.25 technical amendments allowing an opportunity for Greg Banks to respond to the Board's questions.

b. Appendix E, Page E-3, further review on the issue brought up by Mr. Graham "salmonid" to "salmon".

c. Exhibit B, Page B-5 suggested change continue for discussion.

ACTION:

By unanimous motion, the Board continued the hearing until June 5, 2000 at 10:45 a.m. [Notice of Continuance GMA #_____]

The meeting adjourned at 3:45 p.m., the Board to meet next in Regular Session on June 5, 2000 at 9:30 a.m. [Note: May 29, Memorial Day, is a County Holiday and County Offices Closed]

**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