

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - AUGUST 7, 2000**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 7, 2000 beginning 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 Minutes from the July 24, 2000 meeting.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, along with July payroll: **Voucher (War.) #79934-80364 \$ 498,764.49.**

HIRING REQUESTS & PERSONNEL ACTIONS

After receiving a brief summarization of proposed personnel actions by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following Personnel Action Authorizations:

| <u>Dept.</u> | <u>PAA #</u> | <u>Description/Position #</u> | <u>Action</u> | <u>Eff. Date</u> |
|--------------|--------------|-------------------------------|---------------|------------------|
| Health | 089/00 | Acct. Tech #2427.00 | Replacement | 8/14/00 |
| Planning | 090/00 | Assoc. Planner/Enf. #1708.03 | Replacement | 8/21/00 |

ST. JOSEPH'S HOSPITAL CONTRACT #HS-03-99-1

Having previously reviewed at the June 7th Staff Session proposed Amendment to Contract #HS-03-99-1 with St. Joseph's Hospital, to add \$10,000 related to chemical dependency, the Board by unanimous motion approved and signed the amendment.

RESOLUTION #C-74-00 - WA. STATE WATER POLLUTION CONTROL REVOLVING FUNDS & CREATING A WATER QUALITY ASSISTANCE FUND LOAN PROGRAM - LOW INTEREST LOANS - REPAIR FOR FAILING ON-SITE SEPTIC SYSTEMS

Tim McDonald, Health Services Director, presented a Resolution committing to repay funds borrowed from the Washington State Water Pollution Control Revolving Funds and creating a water quality Assistance Fund (WQAF) loan program for the purpose of providing low interest loans for the repair of failing on-site septic systems. Monies are provided through the State Department of Ecology to be loaned to individuals with failing septic systems who meet certain economic criteria. The proposed Loan Agreement between State of Washington DOE and Island County has been reviewed and approved by the Board of Health on 2-28-00, and discussed with the Board of Commissioners in staff sessions on June 21 and July 14.

By unanimous motion, the Board adopted Resolution #C-74-00 as presented.

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

**RESOLUTION COMMITTING TO REPAY FUNDS)
BORROWED FROM THE WASHINGTON STATE)
WATER POLLUTION CONTROL REVOLVING)
FUNDS AND CREATING A WATER QUALITY)
ASSISTANCE FUND (W.Q.A.F.) LOAN PROGRAM) **RESOLUTION NO. C-74-00**
TO PROVIDE LOW INTEREST LOANS FOR THE)
REPAIR FOR FAILING ON-SITE SEPTIC SYSTEMS)**

WHEREAS, failing on-site septic systems create conditions which are harmful to the public health, safety, and welfare

and may cause surface and groundwater pollution; and

WHEREAS, it is important to remedy this harm to the greatest extent feasible; and

WHEREAS, the creation of a W.Q.A.F. Loan Program for the purpose of providing low interest loans to repair failing on-site septic systems should provide an effective method of remedying the conditions and protecting the public from the harmful effect of these conditions; and

WHEREAS, Island County has applied for funding from the State Revolving Loan Fund (SRF) to establish a Community Loan Program; and

WHEREAS, all (SRF) applicants must be willing to dedicate a source of revenue to repay the SRF loan; and

WHEREAS, loans granted through the Community Loan Program will be secured by a promissory note and a deed of trust on the subject property; and

WHEREAS, Island County will have the right to foreclose on the deed of trust in the event of default on the promissory note;

BE IT HEREBY RESOLVED that the Board of Island County Commissioners agree to the following:

1. Island County shall enter into the attached Washington State Water Pollution Control Revolving Fund Loan Agreement (Agreement) with the Washington State Department of Ecology for the purpose of receiving moneys for the Community Loan Program.
2. Island County shall establish a Water Quality Assistance Loan Program with moneys received from the Washington State Water Pollution Control Revolving Loan Fund.
3. The W.Q.A.F. Loan Program shall provide low interest loans to eligible county residents for the purpose of repairing failing septic systems according to the Agreement.
4. A representative of the Board of County Commissioners advised by the Island County Auditor and Island County Treasurer is authorized to select loan recipients from the eligible applicants according to the Agreement.
5. Island County shall set up a W.Q.A.F. Loan Repayment Fund and commit these funds to repay the moneys received from the Washington State Water Pollution Control Revolving Fund as set forth in the Agreement.
6. Island County shall also commit that portion of its current expense fund to repay moneys received from the Washington State Water Pollution Control Revolving Fund that cannot be repaid from the W. Q.A.F. Loan Repayment Fund. This commitment represents a contingent liability.

ADOPTED AND EFFECTIVE this 7th day of August, 2000.

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

Wm. L. McDowell, Chairman

Mike Shelton, Member

William F. Thorn, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 00-455

APPROVED this 17th day of July, 2000

**BOARD OF HEALTH
ISLAND COUNTY, WASHINGTON**

Wm. L. McDowell, Chairman

William F. Thorn, Vice Chairman

[absent - Mike Shelton, Member]

Holly Schoenknecht, Member

[absent-Patty Cohen, Member]

**WASHINGTON STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN AGREEMENT
BETWEEN THE STATE OF WASHINGTON DOE AND ISLAND COUNTY: ON-SITE REPAIR FINANCIAL
ASSISTANCE PROGRAM**

Having adopted Resolution #C-74-00, the Board approved Washington State Water Pollution Control Revolving Fund Loan Agreement between the State of Washington Department of Ecology and Island County for On-site Repair Financial Assistance Program, a zero percent interest rate for a five year loan term, in the amount of \$300,000,

Contract #L0100007 [RM-HLTH-00-0003].

PROFESSIONAL SERVICES CONTRACT– OLYMPIC ACCOUNTING

The Board by unanimous motion approved Contract #RM-TREAS-00-0059 for Professional Services between Island County and Olympic Accounting to review accounting procedures and train a new accountant for the Island County Treasurer's Office, at a rate of \$50.00 an hour, not to exceed \$3,500.00, for a maximum period of two months, with effective date of contract August 7, 2000, subject to availability of funds in the Treasurer's budget.

**REQUEST TO PARTICIPATE IN NEPA PROCESS AS JOINT LEAD AGENCY OR COOPERATING AGENCY;
REQUEST FOR EIS REGARDING PROPOSED CHANGES TO WAC 173-26, THE WASHINGTON STATE
SHORELINES MANAGEMENT ACT; AND REQUEST FOR COMPLIANCE WITH FEDERAL ADMINISTRATIVE
PROCEDURES ACT**

By unanimous motion, the Board approved and signed the following letter regarding Island County's Request to Participate in NEPA Process as Joint Lead Agency or Cooperating Agency; Request for EIS regarding proposed changes to WAC 173-26, the Washington State Shorelines Management Act; and Request for compliance with federal Administrative Procedures Act, to be sent to National Marine Fisheries Service and Washington State Department of Ecology:

"The Washington State Department of Ecology Shorelines Program receives funding from the National Marine Fisheries Service and constitutes a major federal action. See *40CFR1508.18*.

Island County respectfully requests that National Marine Fisheries Service comply with the NEPA by conducting and producing an EIS in relation to the proposed changes to Washington Administrative Code 173-26, the Shorelines Management Act of Washington State.

Pursuant to 40 C.F.R. @ 1506.2(b), the purpose of this letter is to request that Island County be granted joint lead or cooperating agency status in the completion of the environmental assessment or environmental impact statement pursuant to the National Environmental Policy Act (NEPA) for the proposed amendments to Washington Administrative Code (WAC) 173-26, the Shoreline Management Act of Washington State.

Pursuant to the regulations implementing NEPA, to which all federal agencies must comply (40 C.F.R. @ 1507.1) state and local governments may be granted lead agency status (see 40 C.F.R. @ 1508.16) or cooperating agency status when the state or local government has "special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment." *40 C.R.F. @ 1508.5*.

In this case, Island County has special expertise relating to the analysis of the federal agency's proposed decision on the physical environment, custom, culture and local tax base.

Additionally, according to the regulations, federal agencies shall cooperate to the fullest extent possible with state and local agencies. The regulations specifically state:

(b) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law . . . such cooperation shall be to the fullest extent possible including:

- (1) Joint planning processes;
- (2) Joint environmental research studies
- (3) Joint public hearings (except where otherwise provided by statute.)
- (4) Joint environmental assessments.

(b) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall be to the fullest

extent possible, including joint environmental impact statements. In such cases one or more Federal agencies and one or more State or local agencies shall be joint lead agencies. When State laws or local ordinances have environmental impact statement requirements in addition to but not in conflict with those in NEPA, Federal agencies shall cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws.

- (c) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or Local plan and laws (whether or not federally sanctioned.) Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

40 C.F.R. @ 1502.2(b)(c)(d).

Therefore to ensure that the federal agency fully and adequately considers the effect of its proposed decision on the physical environment, customs, culture, and tax base of the citizens of our county, Island County hereby requests to be named as a joint lead or cooperating agency. Further, we request a hearing be held in Island County to consider these effects of the proposed action(s) referenced in this letter.

We also request that the National Marine Fisheries Service and the Department of Ecology comply with provisions of the federal Administrative Procedures Act (5 U.S.C.) in the promulgation of this rule. [5 U.S.C. 551 (4)], as well as any applicable requirements of the state Administrative Procedures Act.

Among other requirements, this will require publication of the proposed rule in the Federal Register, allow for public comments following that publication, and allow for interested persons to petition for the issuance, amendment or repeal of the rule. [5 U.S.C. (b); 5 U.S.C. (c); 5 U.S.C. 553 (e)]

Thank you in advance for your consideration. We look forward to your response.”

RESOLUTION #C-76-00 (R-39-00) – INITIATING CRP 00-10, GOGENOLA DRAINAGE

On presentation and recommendation for approval by Larry Kwarsick, Public Works Director, and summary of action provided by Roy L. Allen, the Board by unanimous motion approved Resolution #C-76-00 (R-39-00) Initiating CRP 00-10, Gogenola Drainage, property located in Sections 23/26, Twp 30N, Rge 3E, Camano Island, for a total appropriation of \$66,500.00, a 50-50% share between the County and the property owner per agreement.

CONTRACT/PERFORMANCE BOND/RETAINAGE BOND – CALLEN CONSTRUCTION; GLENDALE ROAD & STREAM RESTORATION; CRP 97-046

The Board by unanimous motion approved the Contract and accepted and approved a Performance Bond and Retainage Bond from Callen Construction for the Glendale Road and Stream Restoration project under CRP 97-04, Work Order #236, per bid awarded July 24, 2000, in the amount of \$425,272.00.

The Board was apprised by Dick Snyder, Construction Engineer, that the pre-construction meeting would be held this Wednesday and project start date expected later this month.

**AGREEMENT FOR SERVICES-WATERSHED IMPLEMENTATION
CHUMS OF MAXWELTON SALMON ADVENTURE -RESTORE/PRESERVE NATURAL RESOURCES
ALONG SALMON BEARING CREEKS**

Agreement for Services for Watershed Implementation between Island County and Chums of Maxwelton Salmon Adventure was presented for approval by Larry Kwarsick. The agreement is for the implementation of a stewardship program to restore and preserve natural resources along salmon bearing creeks, including Maxwelton and Glendale, under Work Order #351. Agreement duration is for four years, in the total amount of \$50,000.

By unanimous motion, the Board approved Agreement for Services for Watershed Implementation, #RM-PW-002025, with Chums of Maxwelton Salmon Adventure for implementation of a stewardship program to restore and preserve

natural resources along salmon bearing creeks.

STANDARD CONSULTANT AGREEMENT - SHANNON & WILSON, INC. - ON-CALL GEO-TECHNICAL AND MISCELLANEOUS PROFESSIONAL SERVICES

The Board by unanimous motion, as recommended for approval by Mr. Kwarsick, approved Standard Consultant Agreement #PW-002037 with Shannon & Wilson, Inc., to provide on-call geo-technical and miscellaneous professional services, in the amount of \$50,000.00.

Mr. Kwarsick noted that the scope of work as contained in Exhibit B-2 includes items A through F, including wetland delineation, fisheries/stream studies and environmental permitting.

FINAL APPROVAL SPR 94/95-SOUTH WHIDBEY ASSEMBLY OF GOD

Debra Little, Community Development Division, presented request for Final Approval of SPR 94/95 by South Whidbey Assembly of God, for expansion of Church located at 5373 Maxwelton Road, Sec 10, Twp 29N, R 3E. Her August 2nd memorandum to the Board for today's meeting explained that the project had been granted conditional preliminary approval on August 28, 1995. The application for final approval has been reviewed by county staff finding that conditions of preliminary SPR have been met. Staff recommends approval of final SPR, subject to two conditions.

By unanimous motion, the Board approved Final Approval of Site Plan Review 094/95 by South Whidbey Assembly of God as presented and recommended.

Application: Final Site Plan SPR 094/95

Name and Address of Agent, Applicant, and Owner:

Applicant:

South Whidbey Assembly of God
5373 Maxwelton Rd
Langley, WA 98260

Owner:

South Whidbey Assembly of God
5373 Maxwelton Rd
Langley, WA 98260

Requesting The Following: Approval of the Final Site Plan for the church expansion to include construction of a new multi-purpose / sanctuary structure with attached foyer and two story class room wing. Now located in the Rural Zone. (This was zoned Rural Residential when originally approved.)

Upon The Following Property: 5373 Maxwelton Road, on south Whidbey Island slightly more than one mile south of Langley, in Section 10, Township 29 North, Range 3 East, W.M. (Tax Assessor Number R32910-323-2670)

Island County Staff Recommendation: Approval with the following two conditions and for recording.

1. The restoration plan prepared by Langley Botanical, dated June 2000, shall be implemented in full.
2. Monitoring and maintenance of the restoration planting shall be as described in the addendum to the plan received on July 7, 2000. Monitoring reports shall be submitted no later than October 31 each year following the initial restoration planting. The monitoring reports shall describe the status of the restoration planting, including mortality rates, invasion of undesirable species, and other relevant information. Photographic records are encouraged. The reports shall also contain recommendations for correcting any identified problems.

Director's Approval

Larry Kwarsick, Director
Public Works Department

Board of Island County Commissioner Decision:

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APPROVED AND ADOPTED this 7 day of August, 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 00-462

BID AWARD - BEVERLY BEACH DRIVE CULVERT REPLACEMENT

The Board, by unanimous motion, accepted the recommendation of the Public Works Director and awarded bid to the low bidder, Island Asphalt, in the amount of \$49,690.00 for the Beverly Beach Drive Culvert Replacement project, CRP 00-07, Work Order #280.

RESOLUTION #C-77-00 (R-41-00) INITIATING CRP 00-07, BEVERLY BEACH

Following award of bid for Beverly Beach Drive Culvert Replacement, the Board by unanimous motion approved Resolution #C-77-00 (R-41-00) initiating CRP 00-07, Beverly Beach Drive Culvert Replacement, Work Order #280, for a total appropriation of \$75,000.00.

HEARING SCHEDULED ON ORDINANCE #C-78 -00 AMENDING ICC 17.02.110 ICC, FISH & WILDLIFE HABITAT CONSERVATION AREAS

A Public Hearing was scheduled, on unanimous motion of the Board, to hear Ordinance #C-78-00 (PLG-022-00), Amending Chapter 17.02.110 ICC, Fish & Wildlife Habitat Conservation Areas, to comply with the Order of the Western Washington Growth Management Hearings Board, on August 28, 2000 at 2:45 p.m. [*Ordinance #C-78-00 introduced and set for hearing - GMA Doc.# 5873*]

RESOLUTION #C-79-00 (PLG-024-00) - RESPONSE TO REVISED DRAFT OF DOE SHORELINE GUIDELINES

As presented by Phil Bakke and Jeff Tate, the Board by unanimous motion approved Resolution C-79-00 (PLG-024-00) responding to a request for comment on the working draft of the State Department of Ecology's State Master Program Approval/Amendment Procedures and Shoreline Master Program Guidelines, and approved and signed the attached letter to Tom Fitzsimmons, Director, SMA Guidelines Update, Washington State DOE, with the following changes:

- Letter to be signed by all three County Commissioners
- Page 1 Add in the third paragraph of the first page "Island County supports the broad principle of fish and habitat recovery in Puget Sound"
- Page 4 of 8 Under Page 47 section, add a statement about mitigation banking
- Page 6 of 8 Top of the page, first complete sentence add "...or some percentage of the total". Page 6
- of 8 Under Page 93 section, add a statement that standards need to be identified to discover
when PFC has been achieved.

[Adopted Resolution #C-79-00 GMA doc. #5875]

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

| | | |
|-------------------------------------|---|----------------------|
| IN THE MATTER OF RESPONDING TO A |) | |
| REQUEST FOR COMMENT ON THE WORKING |) | RESOLUTION C-79-2000 |
| DRAFT OF THE STATE DEPARTMENT OF |) | PLG-024-00 |
| ECOLOGY'S STATE MASTER PROGRAM |) | |
| APPROVAL / AMENDMENT PROCEDURES AND |) | |

SHORELINE MASTER PROGRAM GUIDELINES.)

WHEREAS, the State Department of Ecology has requested comments on proposed shoreline master program guidelines (Chapter 173-26 WAC); and

WHEREAS, the Department of Ecology issued the first formal draft of Chapter 173-26 WAC in April of 1999; and

WHEREAS, as a result of public comment received by the Department of Ecology, the DOE issued a revised working draft on December 17, 1999; and

WHEREAS, on February 23, 2000, Island County adopted Resolution C-19-00, responding to specific issues within the working draft; and

WHEREAS, on May 24, 2000, the Department of Ecology filed its second draft of the revised rule (Chapter 173-26 WAC); and

WHEREAS, from June 7, 2000 through August 7, 2000, the Department of Ecology is accepting public comments on proposed shoreline master program guidelines (Chapter 173-26 WAC); and

WHEREAS, the draft rule proposes substantial changes to the existing shoreline guidelines (Chapter 173-16 WAC) and includes a two path approach; and

WHEREAS, path A requires compliance with the proposed revised shoreline guidelines and allows local jurisdictions the ability to negotiate directly with the United States Department of Fish and Wildlife (USFW) and the National Marine Fisheries Service (NMFS) to achieve compliance with the Endangered Species Act (ESA), with specific regard to protection of recently listed salmonid species; and

WHEREAS, path B requires compliance with the proposed revised shoreline guidelines which includes master program requirements, in addition to those in path A, which have been reviewed by USFW and NMFS and determined to be in compliance with ESA; and

WHEREAS, due to the on-going budgetary constraints related to I-695 and the burden of additional State mandated requirements, tasks, studies, evidence, science and projects that would be required in order to comply with draft guidelines, Island County will not be able to satisfy the goals and requirements of the guidelines without significant financial assistance from the State; and

WHEREAS, Island County will not assume responsibility if a taking claim is filed due to a loss of reasonable use of a parcel incurred as a result of implementing these guidelines; and

WHEREAS, Island County will not assume responsibility if personal property is damaged or lives harmed as a result of a property owner not being able to adequately protect their homes due to implementation of these guidelines, **NOW, THEREFORE**,

IT IS HEREBY RESOLVED that the Board of Island County Commissioners have reviewed the working draft rule entitled "State Master Program Approval/Amendment Procedures and Shoreline Master Program Guidelines" and offer additional comments attached hereto as Exhibit A.

IT IS FURTHER RESOLVED that the Board of Island County Commissioners have reviewed the Department of Ecology's Executive Summary dated December 17, 1999, attached hereto as Exhibit B, and believe that further integration of these revisions into the guidelines is necessary.

APPROVED AND ADOPTED this 7th day of August, 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 00-466

August 7, 2000

Mr. Tom Fitzsimmons, Director
SMA Guidelines Update
Washington State Department of Ecology
Shorelands and Environmental Assistance Program
P.O. Box 47600, Olympia, WA 98504-7600

RE: Revisions to Shoreline Master Program Guidelines

Dear Mr. Fitzsimmons:

The Department of Ecology has requested comments regarding the recent working draft of the “State Master Program Approval/Amendment Procedures and Shoreline Master Program Guidelines.” The rule, if adopted, would replace the existing shoreline guidelines (Chapter 173-16 WAC).

Island County fundamentally supports the broad principle of fish and wildlife habitat recovery in Puget Sound, however, there are a number of detailed issues and questions that must be addressed. Prior to supporting any set of draft guidelines, such issues demand attention.

Island County offers the following comments regarding the draft Shoreline Master Program Guidelines. Comments are divided into three different topics, those related to the concept of a two path system, those related to specific requirements proposed in “Path A” and those related to specific requirements proposed in “Path B”

Two path concept

Island County appreciates Department of Ecology’s efforts with respect to drafting an approach that allows local government the option of choosing between two different paths, “Path A” that addresses compliance with the Shoreline Management Act and “Path B” that intends to address compliance with the Federal Endangered Species Act and the recent listing of specific salmonid species, in addition to compliance with the Shoreline Management Act. However, Island County has a number of concerns regarding this approach.

On July 19, 2000, Department of Ecology staff agreed to meet with the Board of Island County Commissioners to discuss the revisions and the differences between Path A and B. DOE staff provided some additional information that was quite useful, however, it was evident from that meeting that DOE staff were not in a position to address a number of questions that require definite answers and clarity in order to determine which path is most appropriate for Island County. The Board of Island County Commissioners was assured that answers would be provided prior to the end of the comment period. To date, these questions have not been answered. While Island County does support the concept of a two path approach, we can not support the concept of this two path approach and the specific proposed regulatory amendments until these questions are answered. These questions are as follows:

1. Both the Focus Sheet entitled “Key provisions of proposed shoreline rules” and Part IV of WAC 173-26 state that “Path B is written so that master programs based on them would insulate local governments from liability under the federal Endangered Species Act.” What does the word insulate mean? If Island County follows this path, does that mean we are not liable if a taking claim is made? If the Services have approved this approach and if DOE has approved the County’s master program, does that mean that the Services and DOE are liable if a taking claim is made?
2. Assume the County has adopted a master program under the Path B approach and subsequently approves a shoreline permit which is in turn approved and filed by DOE. If a taking claim is filed on a project that was constructed consistent with the conditions of approval, who will defend this claim? Will DOE and/or the Services be prepared to provide legal services to defend the decision and the approved regulatory framework? If DOE and/or the Services are not prepared to fully defend such claims, Island County would like to know what sort of insulation Path B provides.
3. Under Path A, can the County choose to not adopt any more regulations that are intended to protect federally listed endangered species in lieu of including a condition in every project approval within the shoreline

jurisdiction that it is the property owner's responsibility to achieve compliance with ESA? Currently, the County takes this approach with respect to a number of federal and state agencies that regulate aspects of a project that the County does not currently oversee. Examples include DFW requirements for Hydraulic Project Approval, United States Army Corps of Engineers requirements, DNR requirements related to public use of subtidal lands, and others. In these circumstances, the County merely conditions permits by informing applicants that they must contact these agencies for the purpose of obtaining the appropriate permit. Please provide reasons why this approach can not be implemented. This would shift a liability of a property taking from the County to the agency passing and enforcing the regulations. If the County was the enforcement agency the potential of taking claims that could be filed would be a great strain on the County's fiscal condition. Island County does not believe that defending taking claims by individual property owners is a fair and just use of tax dollars that are collected county-wide .

4. Path A and B set forth a requirement for local jurisdictions to conduct a very detailed shoreline inventory, identification of shoreline ecological systems, an analysis of the cumulative impacts, an analysis of future demand along shorelines and an analysis of the ultimate build-out on shorelines. Path B includes a more specific list of elements to be described in the inventory. Both scenarios will require a massive financial commitment. Who is going to pay for this? Will DOE and/or the Services be providing the financial means to accomplish this task? Island County does not have the financial means to satisfy this requirement .
5. Enforcement of ESA requirements will be an extreme financial burden. Under Path A or B, is the State and/or Federal government prepared to allocate significant funding to aid the burden experienced by the County for the purposes of enforcement?
6. Under both Path A and B, ecological restoration is a high priority. The County can condition a project to require ecological restoration but monitoring it and ensuring its success is extremely difficult. Will DOE and/or the Services be providing funding and/or resources required to monitor such projects?

Path A

Page 29 – Sub-section (c) requires local jurisdictions to conduct an inventory of shoreline conditions. A list of minimum types of information that should be collected is provided within this sub-section. This list is extensive and many of the items would consume an unreasonable amount of time and fiscal resources. For example, determining the location of structures, the amount of impervious surface, vegetative characteristics and the location of shoreline modifications on more than 300 miles of shoreline would require staff, fiscal and time resources that Island County is not in a position to provide. In order to collect this information, Island County will require significant financial assistance from the DOE and/or the Services.

Page 31 – Sub-section (d) requires local jurisdictions to prepare a characterization of shoreline ecological systems. Once again the issue here is cost and resources.

Page 31 – Sub-section (ii) states that local government shall be required to conduct an analysis that will inventory current shoreline space and to then calculate future shoreline demands and needs. If the intent is to require a similar analysis as that which is listed in RCW 36.70A.215, commonly referred to as a buildable lands analysis, this task would be formidable, expensive and extremely limited in its functional use as a planning tool. While it is recognized that an inventory of current conditions is valuable, projecting future demands and needs of shorelands is an exercise in futility given the number of very broad social, economic, geographic and demographic assumptions that would need to be made. Furthermore, shorelines are not urban growth areas. Urban growth areas are assigned zoning and densities in order to encourage growth. Zoning, densities and boundaries of the urban growth area are modified over time in order to adjust to shifting population trends. An analysis of future demands along the shoreline should not be used as a means of establishing shoreline environment designations. Environment designations should be based on existing shoreline conditions.

Page 32 – Sub-section (iii) requires that local governments project the ultimate allowed full build-out condition for existing and proposed master program provisions being considered. Additional conclusions should be made regarding the potential impacts that occur as a result of all development and the cumulative adverse impacts caused by the incremental development of bulkheads, piers and runoff. And, finally, local governments shall prepare a biological evaluation of the full build-out condition allowed by the master program. Once again, this is

a formidable resource expense.

Page 47 – Sub-section (A) states that use regulations that relate to wetlands shall address a number of development activities in order to achieve no net loss of wetland area. On existing lots that were platted decades earlier that are currently vacant and are covered with wetlands, the goal of no net loss of wetlands is unachievable and will therefore result in a taking. Island County agrees with the concept of no net loss of wetlands on newly created lots and supports the concept of wetland mitigation banking, but can not support a requirement that will result in the taking of property. The draft guidelines should provide additional language that includes the concept of wetland mitigation banking as a positive approach to achieving no net loss. If a property taking occurs because a development is not allowed to proceed pursuant to no net loss, DOE should be prepared to compensate property owners.

Page 48 – Sub-section (B) requires the categorization of wetlands based on rarity, irreplaceability or sensitivity. Island County has adopted and implemented a critical areas ordinance that regulates three different types of wetlands. The different wetland types are based on existing hydrological, vegetation and soil conditions. The type is determined during permit review. If the revised regulations are intended to require a full inventory of all wetlands that includes identification of specific functions, rarity, etc. this is far beyond the ability of Island County. Please clarify to what level this rating/categorization is to be performed.

Page 61 – Sub-section (A) & (B) requires that new structural stabilization measures shall not be allowed except to protect or support an existing principle use or for the restoration of ecological functions and that new development is required to be located and designed to eliminate the need for future shoreline stabilization. This concept is acceptable for newly created lots and some of the existing lots. However, for those lots that are not yet developed, were created decades ago and are very small, regardless of where placement of the house is permitted, shoreline stabilization may be necessary. Additionally, if the vacant lot is in the middle of a whole string of small, developed shoreline lots that are already bulkheaded, it may be reasonable to allow the undeveloped lot to construct a bulkhead. If this provision were to result in the taking of property because development requires a bulkhead and therefore a house could not be built, or if a home is built and a bulkhead denied, subsequently resulting in the loss of a home, the State, not the County, should assume responsibility for compensation of a taking, loss or damage of property.

Page 61 – Sub-section (C), bulleted item #3 states that structural stabilization measures that are approved should be required to ensure that the structure will not affect priority species. Evidences should be presented to determine that this may be the case over the long-term, but it is inevitable that some minimal amount of impact will occur during construction. Please clarify that this provision is intended to deal with long-term impacts. Also, near shore habitat is sometimes located very near the ordinary high water mark and other times it is several hundred feet away. Please provide best available science that indicates the setback measured from the ordinary high water mark seaward to the edge of the identified near shore habitat whereby upland efforts at protecting habitat no longer have a consequential effect. In other words, eelgrass that is located 10 feet from the ordinary high water mark is much more susceptible to experience an impact from upland activities than that which is 1,000 feet away. Provide a setback standard whereby habitat located beyond that point no longer experiences significant protection through the use of upland development standards.

Page 61 – Sub-section (H) states that existing shoreline stabilization structures may be replaced only if there is a demonstrated need to protect principal uses or structures from erosion. The RCW is very clear that replacement of existing structures is an exempt activity and while it may true that this is not an exemption from compliance, it is Island County's belief that the purpose of specifically stating that this type of activity is exempt is so that property owners are not overburdened with regulatory requirements. The exemption should allow the County to condition replacement development such that things like construction impacts, timing, structural issues, incorporation of BMPs, etc. are adequately addressed, however, if the structure is existing and it is functional, there should be no question that, subject to specific construction conditions, replacement should be allowed. It is the County's opinion that the demonstration of need is proven by the fact that the existing bulkhead is aging or has been damaged, therefore the replacement of the bulkhead is necessary.

Page 62 – Sub-section (b) states that piers and docks shall only be allowed for water-dependent uses or public access. Given that single family residences are not water-dependent and that public access is not normally considered typical with the development of one single family residence, this statement suggests that no docks or piers will be allowed in conjunction with a residence. Is this the intent? If so, Island County feels that this is an unreasonable restriction. Property owners should be allowed the opportunity to present to the County and DOE that a dock or pier has little impact on the shoreline environment or that it can be effectively mitigated.

Page 68 – Sub-section (e) states that shoreline master programs should contain provisions that ensure when forest lands are converted to another use, significant vegetation removal is not allowed. This needs to be clarified. Forest practices, by definition, generally require a fairly significant amount of vegetation removal (the trees). Furthermore, what is considered significant is different to everyone. Does significant mean quantity of trees, size of trees, species, or some percentage of a total?

Throughout the entire section identified as Part III, there are a number of provisions that suggest or require that shoreline restoration should be required wherever possible. While this may be appropriate and encouraged, regulations should be clear to not adversely impact the future viability of the use by restoring the area to such an extent that future activities are prohibited because of the success of the restoration. Encouragement of restoration should not be counterproductive to the future use of the property, otherwise voluntary efforts are not likely. Success of the restoration is obviously important, but property owners who participate in this effort, and are successful in their restoration efforts should not be penalized in the future by not allowing flexibility in the ability to rebuild, replace or expand structures.

Path B

Many of the issues under path B have already been addressed under path A. Rather than repeat these comments, suffice it to say that the requirements for the collection of data, conducting inventories, obtaining the most recent scientific data and the other analysis are very expensive and time consuming. Under path B, such requirements are even more intensive and will require significant financial assistance and time. Without this financial assistance and adequate time, Island County will not be able to meet these requirements.

Page 88 – Sub-section (D) states that local government must provide enforcement mechanisms to assure that development will comply with the act, and PFC requirements for PTE species. This is a huge undertaking. Enforcement provisions are already in place with respect to the act. ESA enforcement will require additional staff and resources as well as added liability. DOE and/or the Services will need to provide significant financial assistance to the County as well as personnel support and shared legal responsibilities when decisions and actions are appealed.

Page 93 – Sub-section (ii) describes the requirements for PFC. Evaluating whether a site has achieved PFC or how to condition a project in order to achieve PFC is ambiguous. Careful thought should be given to this requirement. What types of land use activities will trigger this requirement? For example, is this requirement triggered by adding on a deck to your house or construction of a bulkhead? Also, monitoring of this will take a great deal of effort and could be very arbitrary if specific standards aren't created.

Pages 93 thru 95 – While the County supports the concept of PFC, further information is needed regarding the details of PFC. It is clear what process the County must follow in order to adopt a master program that includes provisions that address maintenance of PFC and attainment of PFC, however application of these provisions to specific projects requires more specific information in the guidelines before Island County can agree to such a standard. Specifically, determining whether a projects achieves PFC based on the conditions of approval and monitoring the project to ensure it continues to achieve PFC needs to be outlined in detail. Not addressing this issue at the outset causes concern in how it is administered. Just as is currently stated in the draft guidelines, achieving PFC on every lot, especially those that are already highly degraded, is probably not an achievable goal. Path “B” guidelines must include a basis for determining to what extent different types of development will be required to achieve PFC, what criteria will be used to make this determination, who will make this determination, and if the conditions that are placed have been approved by DOE and the County, who is responsible for defending this decision.

Page 113 – Sub-section (ii) states that in the “Aquatic” environment, allow over-water structures only for water-dependent uses or public access that will not preclude attainment of PFC for PTE species. Given that the entire shoreline is a potential PFC, and that SFR’s are not water dependent nor a traditional form of providing public access, can an SFR have a new dock? Island County will not support revised shoreline guidelines that do not allow property owners the opportunity to at least present the concept of a dock if it can be properly mitigated or proven to have no impact on PFC.

Page 123 – Sub-section (B) requires the implementation of comprehensive saltwater habitat management principles. This list required for this planning strategy is massive. Collecting this data will require significant financial resources and time.

Page 124 – Sub-section (C) sets forth standards for dock, bulkhead and other human-made over water structures. According to this language, in order for one of these structures to be approved, PFC must be protected or restored as determined by the department with consultation from natural resource agencies and tribes. This takes all decision making authority away from the local jurisdiction. If standards are developed that are in compliance with the act and ESA, the County should have authority in approving and conditioning these projects. It further states that the applicant must demonstrate the public’s need for such a structure. This would be nearly impossible for those developments that are in association with single family residential development.

Page 134 – Sub-section (iv), bullet #3 requires that setbacks be established by calculating half of the potential tree height based on the soil type. This would create great confusion for property owners and staff and would be awkward to administer. Since shoreline environment designations are not based on soil types, the result could be a number of different setback requirements within the same community that is already platted. Where there is a string of 60 foot wide lots that is already heavily developed, if we were to explain to them that their neighbor has a different setback than they do because the soil type would allow for a different size tree as compared to their lot, especially when the entire community is already cleared, graded, bulkheaded and developed, citizens would understandably be confused as to the methodology of determining the appropriate setback and would not consider this a fair regulation.

Page 142 – Sub-section (C) states that on shorelines where PTE species and their prey have a primary association, new non-water dependent development, including single-family residences should not be allowed unless they meet several criteria. Not all residential development will be able to meet these criteria. Furthermore, including prey of PTE species will include hundreds of more lots that will be subject to this criteria. The RCW clearly states that SFR’s are exempt from a permit and it is within the intent of the RCW to allow SFR development on existing lots. These criteria will result in takings. DOE and the Services should be prepared to compensate property owners as Island County does not condone these requirements and will not be liable for implementation of them.

Thank you for the opportunity to comment on the draft guidelines.

Very truly yours,
William “Mac” McDowell, Chairman, Island County Commissioners
William F. Thorn, Member
Mike Shelton, Member

cc:Senator Mary Margaret Haugen; Representative Kelly Barlean; Representative David Anderson;Paul Parker, Assistant Director, WSAC; Jeannie Summerhayes, Shorelands Division Director DOE; Gordon White, Manager Shorelands & Env. Assistance Program

HEARING SCHEDULED: ORDINANCE #C-80 -00 (PLG-023-00) CONCERNING TECHNICAL AMENDMENTS TO COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP AND ZONING ATLAS

By unanimous motion, the Board scheduled a Public Hearing on Ordinance #C-79-00 (PLG-023-00) concerning Technical Amendments to the Island County Comprehensive Plan Future Land Use Plan Map And The Island County

Zoning Atlas, for August 28, 2000 at 3:00 p.m.
[Ordinance introduced and set for hearing, GMA doc.# 5874]

RESOLUTION #C-81-00 [PLG-025-00] REQUEST TO MERGE PENN COVE WATER DISTRICT AND PENN COVE SEWER DISTRICT AND NAME CHANGE UPON MERGER

The Board received a letter July 12th along with a merger agreement between the Penn Cove Park Sewer District and Penn Cove Park Water District requesting approval of merger of the Penn Cove Park Water District into the Penn Cove Park Sewer District. The Board was also requested to approve a name change if the merger goes through that would name the merged districts "Penn Cove Water and Sewer District".

The Board had 30 days from receipt of the request to either approve the merger or set a later public hearing on the matter. In accordance with advice from the Deputy County Prosecuting Attorney, the Board requested that the Planning Director, Health Services Director and Public Works Director review the request as specified in RCW 57.02.040 (2) (3) and (4) and advise whether the merger would comply with the County's development regulations, basinwide water and sewage plan approved by DOE and DSHS, and comply with the policies in the County's plan for water and sewage facilities.

Pursuant to the July 20th staff session with the Board, Mr. Bakke prepared a Memorandum for the Board dated July 31, 2000 reporting that the proposed merger was consistent with the Island County Comprehensive plan and supporting documents and complies with the Basin Wide Sewage plan, as noted in a letter dated July 13, 2000 from David Nunnallee, P.E., Facility Manager, DOE. Mr. Bakke noted that the CWSP did not specifically address or provide guidance for applications to merge a water and sewer district but whether or not the water district is independent or part of the sewer district it will have to comply with provisions of the CWSP and any future service area or service area boundary changes would have to be reviewed by the Planning Department and the Board of County Commissioners. Along with his memorandum were copies of the DOE letter of July 13, 2000, along with memorandums from Public Works and Health advising of no objections to the proposed merger.

The proposed resolution before the Board at this time would, based on staff reports, approve the merger of the Penn Cove Water District and the Penn Cove Sewer District and conditionally approve the proposed name change to the Penn Cove Water and Sewer District upon voter approval of the merger. The County Auditor shall conduct an election in the Penn Cove Park Water District to determine whether the voters approve the merger into the Penn Cove Park Sewer District.

Dean Thiem, Manager, Penn Cove Park Sewer District, along with three others in the audience, nodded their agreement with the proposed action, and Mr. Thiem stated his concurrence with the action, with the hope that the matter will be on the November 7 ballot.

By unanimous motion, the Board adopted Resolution #C-81-00 [PLG-025-00] in the matter of the merger of the Penn Cove Park Water District and Penn Cove Park Sewer District and name change to the Penn Cove Water and Sewer District.

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

IN THE MATTER OF THE MERGER OF THE PENN)
COVE PARK WATER DISTRICT AND PENN COVE) RESOLUTION C-81-00
PARK SEWER DISTRICT AND NAME CHANGE TO) PLG-025-00
THE PENN COVE WATER AND SEWER DISTRICT)

WHEREAS, the Board of Island County Commissioners received a request from the Penn Cove Park Water District and Penn Cove Park Sewer District to merge their operations and change their name to the Penn Cove Water and Sewer District; and

As noted by Mr. Bakke, this Ordinance came about as a result of a Compliance Order from the Western Washington Growth Management Hearings Board. Commissioner Shelton on one visit, accompanied Staff visit with Department of Ecology, to meet with Raymond Hellwig and Jeannie Summerhays to discuss the proposed Ordinance. In subsequent meetings with DOE staff Susan Meyer and Alice Schisel, Island County Planning staff worked out an agreement and understanding with regard to what the County was attempting to accomplish in terms of protection of shoreline setbacks for residential structures on undeveloped parcels on the shoreline, and for end lot developments on the shoreline.

A letter from Susan Meyer, Department of Ecology, dated 7/14/00 has been received and included in the GMA record (#5828) confirming DOE's satisfaction that the provisions proposed come into compliance with DOE's intent for standards for single family residences on the shorelines of Island County.

The Ordinance, composed of the following sections, was briefly reviewed with the Board by Mr. Bakke and Mr. Tate:

Appendix F [Exhibit A] BMP – Single Family Residential

Best Management Practices that apply to single family residential construction on the shoreline. Appendix F contains seven BMPs and apply only to single family residential development on lots 100' or less in width and have development on each side where the property owner wants to develop a single family residence and requests going further seaward than the established 75' setback.

Reviewing all of the parcels sizes 240' and 100' made some differences, but in terms of the series of lots issue, Mr. Tate confirmed it did not matter; he did not find any series of three lots that were less than 100' in width. This does not preclude "reasonable use" and there are specific standards one has to meet for reasonable use.

As far as heavy metals, copper was the only one they were made aware of as far as a concern in construction materials.

Exhibit B =Code Provisions to modify chapter 17.02.110 C.4 –b

Deals with specifics on shoreline setback standards and how those setbacks are determined. Applications for residential subdivision or development to create additional lots from this point forward will be marked on the plat "75' setback, not eligible for setback reduction". The only parcels eligible for setback reduction from 75' are those parcels which were created before October 1, 1998. Parcels qualifying have to meet standards with respect to how, when and what conditions the setback reduction applies. The four lot figure or less number noted in C.4.b(3) was established from staff review of plats and examining un-built parcels to then determine what the threshold would be.

Figure A: Picture – Existing Development on Each Side [puts into picture form what has been said in word form in the document]

Public Input

Marianne Edain referred to a letter dated 8/1/00 from Steve Erickson, WEAN, [GMA document #5850] describing concerns with the 75' base shoreline setback. Ms. Edain stated that WEAN thought the County did what the Hearings Board asked; however, WEAN identified some oversights as outlined in Mr. Erickson's memo and she asked that those concerns be addressed.

1. Although "A coastal geologic analysis shall be required to assure that the reduced buffer is adequate for the expected life of the structure without requiring a hard armored structure", WEAN believes a statement should be inserted to indicate that the people who choose to build closer to the shoreline than 75' take that risk on themselves, and proposed language: "No hard armored structure for protection of this structure shall be constructed nor shall Island County permit construction of such a structure".
2. The second issue is that 17.02.110.C.4.b(i)(2) appears to exempt expansion of existing residential facilities and structures from the 75' setback reduction; therefore language should be inserted to stipulate

that it cannot expand further into non-conformance.

Ms. Edain reiterated from the point made in Mr. Erickson’s letter that if these two points were addressed satisfactorily WEAN would not challenge this in front of the Hearings Board. She inquired too about what procedures were in place if one of these non-conforming existing houses burned down or for whatever reason became uninhabitable and owners wanted to rebuild.

The answer provided to Ms. Edain was that if it is a catastrophic loss, if burned down for example, the existing use provision would apply. If it is a gradual loss over time the existing use provision would not apply. It is subject to the existing use section of 17.03 which contains a time frame.

Susan T. Rochette, explained her attendance at this hearing to be educational, and had a question with regard to Figure A – some assistance in understanding the situation of a parcel in-between two already existing parcels, and was interested in the number of such parcels. Mr. Bakke and Mr. Tate, along with Board members, provided answers:

- string line between the closest and furthest the one in-between would be on that string line;
- there are fewer than 200 vacant lots with houses on either side, low bank, in the entire county , most grouped in areas that are already developed.

With regard to Ms. Edain’s question about expansion of existing non-residential uses, Mr. Tate noted was a reference to the section under new development; therefore, inappropriate to add that in because the section talks about vacant lots that are developing something brand new. In terms of a non-residential structure that wants to expand, there is no enabling language in the code that allows a non-residential structure to expand seaward of where it already is if non-conforming. Code language does enable a residential structure to use that string line but no language that enables a non-residential structure to do so. Remodeling would not be considered new development. And Mr. Bakke pointed out that C.4 (i) (3) sets out criteria to qualify for the reduction.

As far as Appendix F and the first concern Ms. Edain raised, Mr. Bakke referred to #4 that states: “A coastal geologic analysis shall be required to assure that the reduced buffer is adequate for the expected life of the structure without requiring a hard armored structure. An acknowledgment of this limitation shall be signed by the applicant and recorded with the Auditor so that this limitation runs with the land”. The purpose is to make sure that if a setback reduction is permitted on a pieces of property, the coastal zone geologist not only looks at the setback but also the type of structure being constructed and assures reasonably so that combined with the location and design of the structure that that hard armored surface will not be needed in the future. If conditions change over time this would not preclude someone from applying for an application for a shoreline development permit to construct a bulkhead, but with this limitation it would not qualify because applicant would have to demonstrate that the residence is in danger of being destroyed.

Commissioner Thorn observed that coast lines change and land changes and was very uncomfortable with encumbering a particular piece of property for eternity when those conditions can change, and that has been addressed and complimented Planning staff on having been able to sort the issues out with DOE.

The Chairman believed that Ms. Edain’s questions had been answered.

By unanimous motion, the Board adopted Ordinance #C-73-00 [PLG-017-00] in the matter of amending Appendix “F” of the Best Management Practices Manual and ICC 17.02.110.C in regard to single family residences on the shoreline. *[Adopted C-73-00 GMA doc. #5872]*

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

IN THE MATTER OF AMENDING APPENDIX “F” OF)
THE BEST MANAGEMENT PRACTICES MANUAL)
AND ICC 17.02.110.C IN REGARD TO SINGLE)

**ORDINANCE C-73-00
PLG-017-00**

FAMILY RESIDENCES ON THE SHORELINE)

WHEREAS, Island County adopted Chapter 17.02 ICC, the Island County Critical Area Ordinance, on September 14, 1998, with an effective date of October 1, 1998; and

WHEREAS, the County adopted, by Ordinance C-128-99, the Island County Critical Areas Best Management Practices Manual including amendments on November 22, 1999; and

WHEREAS, the Compliance Order of March 6, 2000 in Western Washington Growth Management Hearings Board case number 98-2-0023c found that further changes were necessary to ICC 17.02.110.C.4 dealing with reduction of shoreline setbacks (FDO Number 17); and

WHEREAS, the County and the Washington State Department of Ecology now desire amendments be adopted to Appendix "F", Single Family Residential, of the Best Management Practices Manual and to ICC 17.02.110.C regarding single family residences on the shoreline; and

WHEREAS, the Washington State Department of Ecology has determined that adoption of Ordinance C-73-00 (PLG-017-00) provides improved protection over current regulations pertaining to designated Fish and Wildlife Habitat Conservation Areas with respect to the construction of single family residences on the shoreline and therefore complies with the Growth Management Act; and

WHEREAS, the amendments are designed to further protect commercial and recreational shellfish, kelp and eelgrass, and herring and smelt spawning areas; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that the Board of Island County Commissioners hereby adopts Ordinance C-73-00 (PLG-017-00) pertaining to amendments to Appendix "F", Single Family Residential, of the Best Management Practices Manual and ICC Chapter 17.02.110.C attached hereto as Exhibits A and B. Material stricken through is deleted and material underlined is added.

Reviewed this 17th day of July, 2000 and set for public hearing at 1:30 p.m. on the 7th day of August, 2000.

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

Wm. L. McDowell, Chairman
William F. Thorn, Member
[absent - Mike Shelton, Member]

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 00-431

APPROVED AND ADOPTED this 7th day of August, 2000.

**BOARD OF COUNTY COMMISSIONERS OF
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 *[exhibits on file with the Clerk of the Board]*

There being no further business to come before the Board at this time, the meeting adjourned at 2:05 p.m., to meet

in Regular Session on August 14, 2000, at 9:30 a.m.

**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