

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
SPECIAL SESSION - OCTOBER 4, 2000

The Board of Island County Commissioners met in Special Session at 11:30 a.m. on October 4, 2000, to conduct a public hearing to consider renewal of two Interim Ordinances pending a final decision by the Western Washington Growth Management Hearings Board. The Meeting was held in the Island County Courthouse Annex, Coupeville, Wa. Commissioners Wm. L. McDowell, Chairman, and William F. Thorn, were present.

ATTENDANCE:

Public: None
Staff: Phil Bakke, Planning Director

HAND-OUTS:

- Ordinance #C-90-00 [PLG-030-00] relating to Critical Areas Exemption for Existing and On-Going Agriculture (GMA #5969 as introduced and set for hearing)
- Ordinance #C-92-00 [PLG-031-00] relating to Rural Densities in the Rural Zone (GMA #5970 as introduced and set for hearing)

STAFF PRESENTATION

The Western Washington Growth Management Hearings Board held a compliance hearing on August 24, 2000 and it is not anticipated that the Growth Board's decision will be issued prior to October 5, 2000. The Ordinances under consideration are Ordinance #C-90-00 [PLG-030-00] relating to Critical Areas Exemption for Existing and On-Going Agriculture (previously adopted as C-28-00) and Ordinance #C-92-00 [PLG-031-00] relating to Rural Densities in the Rural Zone (previously adopted as C-29-00). Ordinance #C-90-00 would continue to allow an exemption from the provisions of the Island County critical area ordinance for existing and on-going agricultural activities on land zoned Commercial Agriculture so long as best management practices are followed. Ordinance #C-92-00 would continue the minimum lot size as 10 acres in the Rural Zone and the base density in the Rural Zone as one dwelling unit per 10 acres. These interim ordinances would be in effect for up to 6 months.

BOARD ACTION

Commissioner Thorn moved adoption of Ordinance #C-90-00 [PLG-030-00] relating to Critical Areas Exemption for Existing and On-Going Agriculture and Ordinance #C-92-00 [PLG-031-00] relating to Rural Densities in the Rural Zone as presented. Motion, seconded by Commissioner McDowell, carried unanimously. [adopted Ord. #C-90-00 [PLG-030-00] - GMA doc. #5976]; [adopted Ord. #C-92-00 [PLG-031-00] - GMA doc. 5977]

**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-90-00
PLG-030-00

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 Western Board entered its Final Decision and Order on June 2, 1999; and

WHEREAS, the Western 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 43.21C 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 Western 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 renew interim regulations for one or more six-month periods so long as a public hearing is held and findings of fact are made prior to each renewal; 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, through Ordinance C-28-00, Island County adopted an additional six (6) month extension to C-77-99; and

WHEREAS, further action is needed to extend these regulations in order to receive 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 Sept., 2000 and set for public hearing at 11:30 A.M. on the 4th day of Oct., 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 00-550

APPROVED AND ADOPTED this 4th day of October, 2000 following public hearing.

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

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

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 placed on file]

**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-92-00
PLG-031-00

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 Western Board entered its Final Decision and Order on June 2, 1999; and

WHEREAS, the Western 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 43.21C 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 Western 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 renew interim regulations for one or more six-month periods so long as a public hearing is held and findings of fact are made prior to each renewal; 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 remained 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, through Ordinance C-29-00, Island County adopted an additional six (6) month extension to C-75-99; and

WHEREAS, further action is needed to extend these regulations in order to allow time to receive 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 Sept. , 2000 and set for public hearing at 11:30 A.M. on the 4th day of Oct., 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 00-552

APPROVED AND ADOPTED this 4th day of October, 2000 following public hearing.

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

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

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 placed on file]

There being no further business to come before the Board at this time, the meeting adjourned at a.m. The Board will meet in Regular Session on October 9, 2000, beginning at 9:30 a.m.

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

Wm. L. McDowell, Chairman

William F. Thorn, Member

[Mike Shelton, Member – absent]

ATTEST:

Margaret Rosenkranz, Clerk of the Board