

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - JANUARY 14, 2002**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 14, 2002, beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and William F. Thorn, Member, present. By unanimous motion, the Board approved and signed minutes from special sessions held on January 3 and January 4, 2002.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

2002 Voucher (War.)	# 114901-114939.....	\$158,305.81
2001 Voucher (War.)	# 114943 -115206.....	\$439,785.61

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Dick Toft, Human Resource Director, the Board by unanimous motion, approved the following personnel action authorization: Public Works Department PAA #022/02 Laborer I Position #2245.06, replacement, effective 1/28/02.

EMPLOYEE AWARDS PRESENTATION

EMPLOYEE SERVICE AWARDS

Employee	Department	No. Years
Loann Gulick	Auditor	25
Eileen King	Auditor	15
Steve Timm	Sheriff	15
Brian Weaver	Solid Waste	15

EMPLOYEE OF THE MONTH - DECEMBER 2001

Mike Andriesen, Working Foreman, Camano Road shop

SPECIAL RECOGNITION

Dick Snyder	Island County Engineer
Doug Holburt	Island County Public Works Department
Melinda Buchholz	Island County Planning & Community Development Department
Sue Higman	Island County Planning & Community Development Department
Carol Benson	Island County Planning & Community Development Department

VETERAN'S ASSISTANCE ADVISORY COMMITTEE - REAPPOINTMENTS

By unanimous motion, the Board made the following reappointments to the Veteran's Assistance Advisory Committee, for terms expiring January 2, 2004:

James K. Johnston, Oak Harbor, Member At Large representing North Whidbey

Bill Cornell, Oak Harbor, Member At Large representing Veterans Organizations.

**COORDINATED PREVENTION GRANT CONTRACT #G0200176
ISLAND COUNTY HEALTH DEPARTMENT AND
DEPARTMENT OF ECOLOGY**

Having been approved by the Board of Health on January 7, 2002, the Board by unanimous motion approved and authorized the Chairman's signature on Coordinated Prevention Grant, Contract #G0200176 in the amount of \$100,000 supporting Solid Waste enforcement efforts and review of solid waste handling facilities, for the period January 1, 2002 to December 31, 2003. [RM-HLTH-98-0015]

LIQUOR LICENSE ASSUMPTION ARIRANG GARDEN

Based on recommendations of approval received from the Island County Sheriff and Health Department, the Board by

unanimous motion approved Assumption of Liquor License for Arirang Garden, Goldie Road, Oak Harbor, License 078046-3E, by JK Arirang, Inc.

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RESOLUTION #C-03 -02/R-02-02 – INITIATING CRP 02-01 - MOORE ROAD

As described and recommended for approval by Bill Oakes, Public Works Director, and Dick Snyder, County Engineer, the Board by unanimous motion, approved Resolution #C-03-02/R-02-02 initiating County Road Project 02-01, Work Order #158, Moore Road on Camano Island [aka English Boom Road] related to the upper parking lot, for a total CRP appropriation of \$17,900.00.

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CONTRACT AND CONTRACT BOND ACCEPTED FROM CORAL CONSTRUCTION 2001 GUARDRAIL PROJECT-WHIDBEY AND CAMANO

Per bid award made at a prior meeting to Coral Construction, the Board by unanimous motion now approved and signed the Contract and Contract Bond with that firm for the 2001 Guardrail Project on Whidbey and Camano Islands under CRP 01-06, Work Order #86, in the amount of \$22,020.00.

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COORDINATED PREVENTION GRANT CONTRACT #G0200163 ISLAND COUNTY SOLID WASTE AND DEPARTMENT OF ECOLOGY

As recommended by the Public Works Director, the Board by unanimous motion approved Coordinated Prevention Grant, Contract #G0200163 between Island County Solid Waste and Department of Ecology with regard to disposal of household hazardous waste, for the period of two years to December 31, 2003, a total cost of \$288,404 (State share - \$216,303, County share - \$72,101) [RM-SW-01-0113].

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HEARING HELD: FRANCHISE #58R, SCENIC HEIGHTS WATER ASSOCIATION, INC.; RENEWAL FOR EXISTING WATER DISTRIBUTION SYSTEM

A Public Hearing was held as advertised at 10:20 a.m. to consider the renewal of Franchise #58R by Scenic Heights Water Association, Inc. for their existing water distribution system in the Plat of Scenic Heights, Division No. 1,2 & 3, Sec. 14, Twp. 32N., R 1E.

Mr. Oakes advised the Board that on review of the proposal staff confirmed there are no plans for expansion of the current system. As noted in the 12/17/01 Memo from the County Engineer, all departments requested to comment responded with no objections to the proposal. The Prosecuting Attorney's Office reviewed and approved the documents as to form and the document also has been approved by Risk Management.

When the Chairman called for public comments, no one in the audience expressed a desire to speak either for or against said renewal of the franchise.

By unanimous motion, the Board approved renewal of Franchise #58R by Scenic Heights Water Association, Inc. , existing water distribution system in the Plat of Scenic Heights, Division No. 1,2 & 3, Sec. 14, Twp. 32N., R 1E.

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HEARING HELD: FRANCHISE #107R, CAMPO HACIENDA COMMUNITY ASSOCIATION, RENEWAL FOR EXISTING WATER DISTRIBUTION SYSTEM

A Public Hearing was held as advertised at 10:25 a.m. to consider the renewal of Franchise #107R, Campo Hacienda Community Association's renewal of existing water distribution system in the Plat of Campo Hacienda, Division No. 1, Sec. 1, Twp 33N., Rge 1E.

Mr. Oakes confirmed staff recommendation of approval, confirming this Association had no plans for expansion of the current system. The County Engineer in his memorandum of 12/17/01 reported that all departments requested to comment responded with no objections to the proposal. The Prosecuting Attorney's Office reviewed and approved the documents as to form and the document also has been approved by Risk Management.

When the Chairman called for public comments, no one in the audience expressed a desire to speak either for or against said

renewal of the franchise.

By unanimous motion, the Board approved renewal of Franchise #107R, Campo Hacienda Community Association's renewal of existing water distribution system in the Plat of Campo Hacienda, Division No. 1, Sec. 1, Twp 33N., Rge 1E.

HEARING HELD: ORDINANCE #C-175-01/PLG-033-01 INTERIM AMENDMENT OF ICC 17.02.110 TO COMPLY WITH THE INVALIDITY ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD REGARDING TYPE 5 STREAM BUFFERS

As introduced on December 17, 2001 [GMA #7112] and scheduled for hearing this date and time, as advertised, a public hearing was held at 10:45 a.m. to consider Ordinance #C-175-01/PLG-033-01 in the matter of an Interim amendment of ICC 17.02.110 to comply with the Invalidation Order of the Western Washington Growth Management Hearings Board regarding Type 5 Stream Buffers.

The Ordinance was presented by Phil Bakke, Planning and Community Development Director, with respect to changing the Type 5 Stream Buffer for non-rural lands from 25' to 50' as required by the Growth Management Hearing's Board.

At the time of hearing no one from the public attended to either comment for or against the proposed ordinance.

The Board, by unanimous motion, adopted Ordinance #C-175-01/PLG-033-01 in the matter of an Interim amendment of ICC 17.02.110 to comply with the Invalidation Order of the Western Washington Growth Management Hearings Board regarding Type 5 Stream Buffers. [GMA #7160]

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

IN THE MATTER OF INTERIM AMENDMENT)	
OF ICC 17.02.110 TO COMPLY WITH THE)	ORDINANCE C- 175 -01
INVALIDITY ORDER OF THE WESTERN)	PLG-033-01
WASHINGTON GROWTH MANAGEMENT)	
HEARINGS BOARD REGARDING TYPE 5)	
STREAM BUFFERS)	
)	

WHEREAS, various parties filed petitions with the Western Washington Growth Management Hearings Board ("Board") to review Island County's adopted GMA Comprehensive Plan ("Comp Plan") and Development Regulations; and

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

WHEREAS, the Board found the Type 5 Stream Buffer provisions of Island County's Critical Areas Regulations (Chapter 17.02 ICC) invalid and therefore replacement regulations are needed to govern land use in the County; and

WHEREAS, on April 10, 2000 the Board of Island County Commissioners adopted Ordinance C-03-00 which increased the stream buffer from 25 to 50 feet for all Type 5 streams that are tributary to a salmon bearing stream and for all Type 5 streams in the Rural zone, but retained the buffer at 25 feet for all other Type 5 streams; and

WHEREAS, on November 17, 2000 the Board ordered that in order to remove its previous finding of invalidity the County must make its 50-foot buffer requirement applicable to all Type 5 streams throughout unincorporated Island County within 90 days of the Order or the Board would recommend that the Governor impose sanctions on Island County; and

WHEREAS, Island County filed a court appeal of the Board's decision disapproving the Type 5 Stream buffers established in Ordinance C-03-00 in Island County v. Western Washington Growth Management Hearings Board, Island County Superior Court No. 00-2-00757-9, but it was necessary that an interim ordinance be adopted to lift the finding of invalidity during the pendency of the lawsuit and to avoid a recommendation of sanctions to the Governor; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official determined that the proposed changes to Chapter 17.02 ICC relating to Type 5 Stream Buffers, needed on an interim basis to comply with the Order of the Growth Board, were not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; and

WHEREAS, interim amendments to the Type 5 Stream Buffers were adopted and put into effect by Ordinance C-21-01 and readopted by Ordinance C-92-01 which expires on February 12, 2002; and

WHEREAS, the Board has declared its intention to renew the interim amendments to remain in full force during the pendency of the lawsuit or until a determination is made whether any other permanent regulations are necessary; and

WHEREAS, since as of today's date no decision of the Court has been issued, the Board intends to renew the interim ordinance to be effective on February 12, 2002; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED in order to comply with the June 2, 1999 Final Decision and Order of the Western Washington Growth Management Hearings Board and the subsequent November 17, 2000 Compliance Hearing Order, the Board of Island County Commissioners hereby makes the findings of fact, attached hereto as Exhibit A, and renews the amendments to Chapter 17.02, attached hereto as Exhibit B, relating to Type 5 Stream Buffers. Material stricken through is deleted and material underlined is added.

BE IT FURTHER ORDAINED that the amendments to the Type 5 Stream Buffers shall go into effect on February 12, 2002, and shall remain in effect until Court approval of the Type 5 stream buffer provisions of Ordinance C-03-00. Should the Court not issue a decision approving the Type 5 stream buffer provisions of Ordinance C-03-00 within six (6) months from February 12, 2002, the effective date of renewal of this interim amendment, then the Board hereby declares its intent to renew this interim amendment so that it remains in full force during the pendency of the lawsuit or until a determination is made whether any other permanent regulations are necessary.

Reviewed this 17 day of December, 2001 and set for public hearing at 10:45 a.m. on the 14 day of January, 2002.

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

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

ATTEST:

Elaine Marlow
Clerk of the Board

BICC 01-813

Approved and adopted this 14 day of January, 2002.

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

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

ATTEST:

Elaine Marlow
Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.
Deputy Prosecuting Attorney & Code Reviser

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

**HEARING HELD: ISLAND COUNTY / OAK HARBOR INTERLOCAL AGREEMENT TO JOINTLY
ESTABLISH AND IMPLEMENT POLICIES AND PROCEDURES**

**GOVERNING THE UNINCORPORATED PORTIONS OF THE URBAN GROWTH AREA AND JOINT
PLANNING AREA OF OAK HARBOR**

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As introduced on December 24, 2001 [GMA #7121] and scheduled for hearing this date, the Chairman opened a public hearing to consider Island County/Oak Harbor Interlocal Agreement to jointly establish and implement policies and procedures governing the unincorporated portions of the Urban Growth Area and Joint Planning Area of Oak Harbor.

Mr. Bakke noted that the first ten pages actually was the Interlocal Agreement itself, the remaining attachments deal with codes already adopted and other codes that will need to be adopted. If the Board adopts the Interlocal Agreement today, within 120 days it is hoped that code changes agreed to be considered will have been completed by the County and City; following that, a meeting to put the document into full effect. This agreement provides a great deal of flexibility for the Enterprise Zone [Oak Harbor Road and Goldie Road areas].

Commissioner McDowell was pleased with the agreement, most significant and perhaps unique to Island County, is having worked out an agreement with the City that results in the same standards and one set of rules for the City and County in the Enterprise Zone. Several weeks' ago when the City held a public hearing, all testimony given was positive and the Council unanimous for approval.

Commissioner Thorn thought it particularly important to have this set up for this area, noting that if Oak Harbor is ever going to diversify business space this is one of the key areas to do so.

Chairman Shelton agreed that the Agreement was a good and important product. Although the County has been criticized in the past for some aspects of GMA planning, he pointed out that one of the things Island County has done that most counties have not managed to do is to maintain a good viable working relationship between the County, Cities and Town, and the process has been a positive one which he thought would hold in good stead for years to come.

At the time of hearing no one from the public attended to either comment for or against the approving the County/City Interlocal Agreement.

By unanimous motion, the Board approved the Island County/Oak Harbor Interlocal Agreement to jointly establish and implement policies and procedures governing the unincorporated portions of the Urban Growth Area and Joint Planning Area of Oak Harbor [GMA #7161].

There being no further business to come before the Board at this time, the meeting adjourned at 10:55 a.m. The Board will meet next in Regular Session on January 28, 2002, beginning at 11:30 a.m. Monday, January 21, 2002, is a holiday observing Martin Luther King, Jr. Day.

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

Mike Shelton, Chairman

Wm. L. McDowell, Member

William F. Thorn, Member

ATTEST:

Elaine Marlow, Clerk of the Board