

BOARD OF ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING AUGUST 19, 2002

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 19, 2002 beginning at 9:30 a.m. in the Law & Justice Facility, Department III (Courtroom 3), 101 N.E. 6th Street, Coupeville, Wa. Mike Shelton, Chairman; Wm. L. McDowell, Member, and William F. Thorn, Member, were present. By unanimous motion, the Board approved and signed the following minutes: August 12, 2002 Regular Session and August 14, 2002 Special Session.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #129879-130152\$667,080.44.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

Dept.	PAA #	Description	Position #	Action	Eff. Date
Public Works	071/02	Bus/Fin. Mgr	2503.00	Replacement	8/19/02
Health	074/02	Pub. Health Nurse	2406.18	Reduce Hours	9/1/02
Health	075/02	Env. Hlth Spec.	2403.04	Increase Hours	8/19/02
GSA	076/03	Risk Mgt Adm. Ast.	1508.00	Reduce Hours	8/19/02

APPOINTMENTS/RE-APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

By unanimous motion, the Board made the following appointments and reappointment:

Joint Administration Board (Tourism)

Mitch Richards, Casey Conference Center and Fort Casey Inn, Coupeville

2% Lodging Tax Advisory Committee

Dianne Binder, The Anchorage Inn, Coupeville

Central Whidbey Historic Preservation Advisory Committee

Carol Olson, Freeland, reappointed to a 4-year term to August 13, 2006

CLAIM FOR DAMAGES: MARGARET J. WILLIAMS - R02-027CD

After investigation by Public Works Department, and on advice of Betty Kemp, GSA Director, Risk Manager, the Board approved by unanimous motion Claim for Damages R02-027CD by Margaret J. Williams, in the amount of \$830.76 for damage to vehicle July 16, 2002.

INTERLOCAL PARK AGREEMENT BETWEEN ISLAND COUNTY AND CITY OF OAK HARBOR-OFF-LEASH AREA #RM-GSA-02-0037

Lee McFarland, Assistant Director, GSA/Parks, submitted for the Board's approval an Interlocal Agreement between Island County and the City of Oak Harbor, approved by the Oak Harbor City Council on August 7, 2002. The agreement relates to a park established for an off-leash area within Oak Harbor/North Whidbey, on property located off Goldie Road at the East end of Technical Road. Once the Board signs the Agreement, work on clean up and fencing can begin, anticipating opening sometime this year. The City has agreed to provide regular garbage service to the site and pay half of the cost of one on-site port-a-potty. Because this is a small 1-1/2 acre site and probably not sufficient for projected use, Mr. McFarland indicated that plans were underway to develop another off-leash site to be

located in the Clover Valley area, and would take a lot of the pressure off the Technical Road site.

By unanimous motion, the Board approved the Interlocal Park Agreement between Island County and the City of Oak Harbor for an off-leash dog area, RM-GSA-02-0037.

CERTIFICATE RELATING TO AGREEMENT - WASHINGTON STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN AGREEMENT # L030008 BETWEEN THE WASHINGTON STATE DOE AND ISLAND COUNTY

As forwarded for approval from the Health Services Director by memorandum dated August 16, 2002, the Board by unanimous motion approved the Certificate Relating to Agreement associated with Washington State Water Pollution Control Revolving Fund Loan Agreement #L030008 between the State of Washington Department of Ecology and Island County, effective September 17, 2002.

COURT DISTRICTING INTERLOCAL AGREEMENT – AMENDMENT - BETWEEN ISLAND COUNTY AND CITY OF OAK HARBOR

As a follow-on from July 22, 2002 Board adoption of #C-56-02 Amending the Island County District Court Districting Plan, Chapter 1.12 ICC, to adjust allocations for the Oak Harbor Municipal Court Department Resource and Cost Allocations, the Prosecuting Attorney's Office forwarded for approval, an Amendment of the Court Districting Interlocal Agreement between Island County and the City of Oak Harbor. The Oak Harbor City Council approved the Interlocal Agreement and the Mayor has agreed to sign once Island County executes the agreement.

By unanimous motion, the Board approved Amendment of the Court Districting Interlocal Agreement between Island County and the City of Oak Harbor (RM-PA-02-0042).

RESOLUTION #C-69-02/R-32-02 INITIATING COUNTY ROAD PROJECT CRP 02-11 MADRONA WAY RECONSTRUCTION OF 0.15 MILES

Initiation of County Road Project CRP 02-11, Work Order #35, Madrona Way reconstruction of 0.15 miles, was presented by Bill Oakes, Public Works Director. Although this is an older project, the CRP had not been initiated. The project is located on the corner of Madrona Way where the road is sloughing away. Staff continues to push to get right of way in place. Federal money is available in the amount of \$180,000, and that funding will expire in 2004.

By unanimous motion the Board approved initiation of CRP 02-11 under Resolution #C-69-02/R-32-02, Work Order #35, Madrona Way reconstruction of 0.15 miles.

LOCAL AGENCY AGREEMENT AND PROJECT PROSPECTUS APPROVED FOR TRANSPORTATION ENHANCEMENT GRANT – ARCHAEOLOGICAL AND HISTORIC RESOURCES DATA MANAGEMENT PROGRAM

Local Agency Agreement and Project Prospectus for a Transportation Enhancement Grant for Archaeological and Historic Resources Data Management Program was presented by Mr. Oakes for the Board's approval. The grant is in the amount of \$25,000 from the Washington State Department of Transportation, Transportation Enhancement Program; with \$13,000 in-kind contribution of data and assigned staff from Ebey's Landing National Historic Reserve, Town of Coupeville, Swinomish Tribal Community, National Park Service; and \$5,000 County's portion in staff time, for a total project of \$43,000. The purpose is to increase the accuracy and efficiency of cultural resources review for Public Works and private development projects. An accurate and precise digital mapping layer will be added to the current GIS system, using primarily existing data sources and some digitization of new data including recent archaeological findings and parcel data.

By unanimous motion, the Board approved and authorized the Chairman's signature on the Local Agency Agreement for Transportation Enhancement Grant for Archaeological and Historic Resources Data Management Program and the Project Prospectus.

AMENDMENT NO. 1 TO PROFESSIONAL SERVICES/CONSULTANT AGREEMENT #PW-022057 - ENVIRONMENTAL WORKS COMMUNITY DESIGN CENTER

Amendment No. 1 to Professional Services/Consultant Agreement #PW-022057 with Environmental Works Community Design Center, Seattle, was approved by unanimous motion of the Board, as recommended by Mr. Oakes. The Amendment adds \$34,997.50 to the Agreement for additional professional architectural and engineering services related to the Coupeville Mental Health Facility [CDBG #00-64020-008 funding source].

ADOPT-A-ROAD LITTER AGREEMENT RENEWALS

By unanimous motion the Board approved the renewal of Adopt-a-Road Litter Agreement with Floralia Gardens & Landscape Design for Bakken/Day Roads from Highway 525 to Christenson Road, and a second renewal agreement with Floralia Gardens & Landscape Design, for North Bluff and Wonn Roads; Highway 525 to Wonn; North Bluff to Shoreline.

HEARING HELD: ORDINANCE #C-64-02/PLG-012-02, NEW EXEMPTION – SUB- DIVISION & SHORT SUBDIVISION APPROVAL REQUIREMENT FOR LAND DIVISIONS FOR LEASES FOR FACILITIES PROVIDING PERSONAL WIRELESS SERVICES

Ordinance #C-64-02/PLG-012-02, New Exemption to Subdivision and Short Subdivision approval Requirement for Land Divisions for Leases for Facilities Providing Personal Wireless Services, came on for public hearing at 10:30 a.m., as scheduled and advertised, introduced at the July 22, 2002 meeting [GMA #7269].

Phil Bakke, Planning and Community Development Director, explained that the Governor signed SB 6578 in 2002. The State Legislature brought this up as a result of concerns from primarily cellular communication facility operators. State law did not specifically exempt the requirement for these facilities to go through the short plat process for establishment and development of cell facilities previously. The subdivision statute provides for a number of exemptions, and state law now lists cell facilities as described in the ordinance as an exempt activity. The proposed ordinance changing Island County Code came from the Island County Prosecuting Attorney so that Island County Code would be consistent with State law. This item was before the Island County Planning Commission who voted unanimously to forward the Ordinance to the Board.

Steve Eward, representing the group C.A.U.T.I.O.N., Clinton, [Citizens Against Unwanted Cell Towers In Our Neighborhoods, referred to the FAX sent to the County Commissioners this morning with respect to their belief the ordinance was a poorly thought out change to Island County Code regarding communications towers. [GMA #_____]. He then asked a series of questions, answered by Mr. Bakke as reported below:

How this Ordinance affects current applications on file with Island County?

It will allow companies to lease sites rather than only establishing easements with property owners. It is a matter of whether a site is leased or an easement established. This has not been an issue in Island County because carriers have been establishing easements with private property owners from the inception of Island County's regulations on cellular communication facilities. This does not preclude easements; both options remain available. If the leasing route is chosen, this will simplify it.

Are there any pending applications?

Cannot describe at the moment current applications or the current back log .

What meetings have there been between Island County officials and the cell industry in the past six months

that were not open to the public? In a review before the Hearing Examiner it was stated the appeal hearing was canceled in lieu of meetings with County Officials.

Not aware of any meeting other than with applicants; there is no requirement in Island County statutes that staff one on one meetings with applicants have to be public meetings. Did not know any specifics with respect to the review before the Hearing Examiner mentioned.

Commissioner Thorn did not like the ordinance revision either but it was State law and until revoked or changed, the County is obliged to follow the law. If C.A.U.T.I.O.N. has concern about siting cell towers, he suggested the group take a look at the County's Cell Ordinance passed some 18 months' ago, as far as whether it may be appropriate to propose some changes to that.

Chairman Shelton recalled that the public hearing on the County's Cell Ordinance under the Comprehensive Plan was widely attended, and almost all suggestions by those folks at the time were adopted. The requirements of the property and the location requirements, screening, etc., remain in tact. Island County's ordinance is one of the more strict in the State.

Where Mr. Eward mentioned in the letter faxed today about the collapse of WORLDCOM and the possibility that others would fall the same direction and if so, leases abandoned and problems ensue, Commissioner McDowell pointed out that should that occur, it would seem that the County and citizens would be better off having a property with a lease, because if there are dangers or problems it is the owner of the property who is and remains responsible.

No further comments were made by members of the public.

By unanimous motion, the Board approved Ordinance #C-64-02/PLG-012-02 New Exemption to Subdivision and Short Subdivision Approval Requirement for Land Divisions for Leases for Facilities Providing Personal Wireless Services.

[GMA # _____ as adopted this date]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

NEW EXEMPTION TO SUBDIVISION)	
AND SHORT SUBDIVISION)	
APPROVAL REQUIREMENT FOR)	ORDINANCE NO. C- 64 -02
LAND DIVISIONS FOR LEASES FOR)	PLG-012-02
FACILITIES PROVIDING PERSONAL)	
WIRELESS SERVICES)	

WHEREAS, the 2002 Legislature adopted and the Governor signed Senate Bill (SB) 6578 that added an exemption from the requirement of county approval for subdivisions and short subdivisions for divisions of land for the purpose of leasing a portion of a parcel of land for facilities providing personal wireless services; and

WHEREAS, the Island County development regulations need to be updated to include the new exemption created by SB 6578; and

WHEREAS, the proposed amendment has been reviewed under SEPA and has been determined to be exempt from SEPA pursuant to WAC 197-11-800(20); and

WHEREAS, it is necessary to supplement chapter 16.06 ICC to add the new exemption from required subdivision and short subdivision approval; NOW, THEREFORE,

IT IS HEREBY ORDAINED that the land development regulations set forth in ICC 16.06.030 and 16.06.040 are amended as set forth on Exhibit "A" attached hereto. Material underlined is added and material lined through is deleted.

Reviewed this 22 day of July, 2002, and set for public hearing on the 19 day of August, 2002 at 10:30 a.m. in the Commissioner's Hearing Room.

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

ATTEST: Elaine Marlow
Clerk of the Board

Ordinance C-64-02 is adopted this 19 day of August, 2002 following public hearing.

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

ATTEST:
Elaine Marlow, Clerk of the Board

APPROVED AS TO FORM:
David L. Jamieson, Jr.
Deputy Prosecuting Attorney and
Island County Code Reviser

Exhibit "A"

16.06.030 Applicability

Every division of land for the purpose of development, lease, sale, gift, transfer of Ownership, or other conveyance and every adjustment of property lines shall proceed in compliance with this Chapter. The Subdivision and Short Subdivision provisions of this Chapter shall not apply to:

....

I. Innocent Purchaser. Any Lot, Tract, Parcel, site or division of land, created prior to January 1, 1985, the Owner of which demonstrates, by notarized affidavit, that he or she is an innocent purchaser for value and had no actual or constructive notice of the violation; ~~and~~

J. Lot Combinations and Boundary Line Correction. Any adjustment of boundary lines that meets the criteria set forth in ICC 16.06.080; and

K. A division for the purpose of leasing land for Facilities Providing Personal Wireless Services while used for that purpose.

16.06.040 Definitions

Whenever the following words and phrases appear in this Chapter, they shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include

the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the word "may" indicates a use of discretion in making a decision. Capitalized words and phrases identify terms defined in this Chapter, other Chapters in Title 16 or Chapters contained in Title 17 ICC.

....

Facilities Providing Personal Wireless Services: Unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

....

Personal Wireless Services: Any federally licensed personal wireless service.

....

REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

Treasurer's Current Expense Financial Report – July, 2002

The Treasurer's figures were represented in a report from Maxine Sauter, Treasurer, under cover memorandum dated August 16, 2002, indicating Current Expense revenue on target; running pretty much on target as far as interest; doing better than anticipated and some areas of revenue higher than anticipated [PUD and Planning]. Mrs. Sauter was asked for a list of things that will be maturing in 2003 in order to create a minimum interest number, which she indicated was already calculated and agreed to provide.

Auditor's Current Expense Financial Report – July, 2002

Suzanne Sinclair, Auditor, provided the Auditor's report submitted under today's date. Nothing appeared to be out of line, noting just a few comments:

- Revenue for Community Mental Health looks large, and is due to a grant in May
- Tourism Promotion Fund is above percentage wise, but \$165,000 of that came in for 2000-01 so it is not all on the current year [it is a cash number]
- Health Department and WSU revenue a little behind.

The meeting adjourned at 10:50 a.m. The next regular meeting of the Board will be on August 26, 2002 at 11:30 a.m.

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