

2016

ISLAND COUNTY COMMISSIONERS' WORK SESSION SCHEDULE JUNE

REGULAR WORK SESSION 1st WEDNESDAY, JUNE 1, 2016

9:00 a.m. Public Works
10:00 a.m. Human Resources
10:15 a.m. Community Development
10:45 a.m. Long Range Planning

NOON BREAK

1:00 p.m. Health Department/Department of Natural Resources
2:00 p.m. Budget Director
2:15 p.m. Commissioners Office

The Board of County Commissioners meets in Work Session routinely on the first three Wednesdays of each month (unless otherwise scheduled). Work Sessions are held in the Annex Building, Commissioners' Hearing Room, #B102, 1 NE 6th Street, Coupeville, Wa.

Work sessions are public meetings which provide an opportunity in an informal workshop format for the Board to review in detail ongoing issues with individual departments and elected officials. This time also is used for the Board to meet with other agencies, committees and groups to discuss specific topics of mutual interest. Items are typically first reviewed at Work Session before being scheduled on the agenda for the Board's regular business meetings held on Tuesdays.

Times for each department are approximate. Due to time constraints, a time slot scheduled for a specific department may be revised (earlier or later) as the Work Session progresses. Because of the workshop format and time sensitivity of certain items, topics may be discussed that are not included on a department's agenda.

Persons requiring auxiliary aids/services should call Island County Human Resources at 360 – 679-7372, 629-4522 Ext. 7372, or 321-5111 Ext. 7372 – at least 24 hours prior to the meeting.

BOCC:pd

cc: Elected Officials
Appointed Department Heads
Press



**ISLAND COUNTY PUBLIC WORKS
COMMISSIONERS AGENDA
~ WORK SESSION ~
Commissioners' Hearing Room
June 1, 2016 @ 9:00 a.m.**

*Bill Oakes, Director/County Engineer
Steve Marx, Assistant Director
Connie Bowers, P.E., Assistant County Engineer*

*County Commissioners: Richard M. Hannold, Chair
Helen Price Johnson, Member
Jill Johnson, Member*

Staff: Pam Dill

Public Works Staff Present:

Others Present:

I. Public Works

- A. Subject/Description:** Dave Mackie Park Drainage Improvements
Attachment: Memorandum
Action requested: Discussion
Follow up: To be determined
- B. Subject/Description:** Critical Drainage Areas, GIS Layer Review
Attachment:
Action requested: Discussion
Follow up: To be determined

II. Solid Waste

- A. Subject/Description:** Amend PWP/Call for Bids Septage Treatment Plant Upgrade
Attachment: Memorandum: Resolution
Action requested: Discussion and Board Approval
Follow up: To be determined
- B. Subject/Description:** Supplemental Agreement No. 2 PACE Engineers, Inc
Attachment: Memorandum: Agreement
Action requested: Discussion and Board Approval
Follow up: To be determined



I. Public Works
A. Dave Mackie Park Drainage
Improvements
ISLAND COUNTY PUBLIC WORKS

ROADS DIVISION

P.O. BOX 5000, COUPEVILLE, WA 98239

Phone: (360) 679-7331

Fax: (360) 678-4550

William E. Oakes, P.E., Director/County Engineer

Steve Marx, Assistant Public Works Director

Connie Bowers, P.E., Assistant County Engineer

MEMORANDUM

June 1, 2016

TO: Board of County Commissioners – Island County

FROM: William E. Oakes, P.E., County Engineer

RE: Dave Mackie Park Drainage Improvements

Island County Public Works will be requesting on June 7th, 2016, permission to advertise for bids for the improvement of drainage facilities at Dave Mackie Park at Maxwellton Road on Whidbey Island. The Dave Mackie Park Drainage Improvement project will place an 18" diameter drainage pipe 880 feet west of an existing catch basin that lies at the west end of the parking lot on the north side of the park, remove the exiting outfall that is blocked by sand, remove the two temporary outfall pipes, remove the pumps from the catch basin in the parking lot, and place new drainage pipes and catch basins along Maxwellton Road near the south parking lot of Dave Mackie Park.

The estimated cost of the project is \$336,195 and it is estimated that the project will take 4-6 weeks to construct.

/author's initials in small caps

Encl/attach – if any

c:\documents and settings\dough\my documents\memorandum.doc



II. Solid Waste
A. Amend PWP/Call for Bids
— Septage Treatment Plant Upgrade

ISLAND COUNTY PUBLIC WORKS
SOLID WASTE DIVISION
P.O. BOX 5000, COUPEVILLE, WA 98239
(360) 679-7338

William E. Oakes, P.E., Public Works Director; Steve Marx, Assistant Director; Joantha Guthrie, MPA, Solid Waste Manager

MEMORANDUM

TO: Board of Island County Commissioners

FROM: Joantha Guthrie, Solid Waste Manager

DATE: May 20, 2016

RE: Amending PWP 15-02 and intent to Call for Bids for the Septage Treatment Plant Expansion Project

Public Works Project 15-02 was initiated in May of 2015 with a total amount of appropriation authorized being \$1,982,000.00 based on the best available information. Now the project has been fully designed and is ready to go to bid. Now the total amount for the project is estimated to be \$2,865,000.00. The original estimate was based on a smaller expansion that turned out to be insufficient for a twenty (20) year horizon.

It is the intent of the Public Works Department to call for bids for the Septage Treatment Plant Expansion Project given the Board's permission at its June 7, 2016 meeting.

PUBLIC WORKS PROJECT INITIATION
JOB LEDGER NO. 01063-0101

BEFORE THE BOARD OF)
 ISLAND COUNTY COMMISSIONERS)

RESOLUTION NO. C- -16
 SW- -16

In the matter of amending a Public Works Project, designated as Project No. PWP 15-02 JL 01063-0101.

IT IS HEREBY RESOLVED THAT THE Island County Septage Treatment Plant Upgrades, located in Sec. 35, T 32 N, R 1 E, WM be designed and constructed as follows with plans & specifications for this project having been approved:

Work includes preparing an engineering report addressing capacity issues of the Island County Septage Treatment facility; preparation of plans, specifications and engineer's estimate to upgrade the facility. Construction of a third aerobic digester, modification to the headworks and relining of the biosolids and supernate storage lagoons.

<u>PURPOSE</u>	<u>AMOUNT OF APPROPRIATION</u>
Engineering	
Preliminary	\$ 321,000.00
Construction	\$ 44,000.00
Sub-total	<u>\$ 365,000.00</u>
Right of Way Acquisition	<u>\$ -0-</u>
Engineering & R/W Sub-Total	<u>\$ 365,000.00</u>
Construction	<u>\$2,500,000.00</u>
Project Sub-total	<u>\$2,865,000.00</u>

TOTAL CURRENT GRANT & LOCAL MATCH BUDGET APPROPRIATION \$2,865,000.00

Source of Funds: Solid Waste \$2,865,000.00 Grant Source _____ Grant Amount \$ _____
 Funds Allocated: Planned _____ Secured X _____

IT IS FURTHER RESOLVED THAT the construction is to be accomplished by:

_____ Contract _____ Day Labor X Both

ADOPTED this _____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
 ISLAND COUNTY, WASHINGTON

 RICHARD M. HANNOLD, Chair

 JILL JOHNSON, Member

 HELEN PRICE JOHNSON, Member

ATTEST: _____
 DEBBIE THOMPSON
 Clerk of the Board

*II. Solid Waste
B. Supplemental Agreement
No. 2 PACE Engineers, Inc.*

**SUPPLEMENTAL AGREEMENT NO. 2
PACE ENGINEERS, INC. CONSULTANT CONTRACT
CONSULTANT AGREEMENT NO. PW-1520-069**

This Supplement Agreement No. 2 amends the CONSULTANT AGREEMENT, dated June 9, 2015, entered into between Island County, Washington, hereinafter referred to as "AGENCY", and PACE Engineers, Inc., hereinafter referred to as "CONSULTANT." All provisions in the basic Local Agency A&E Professional Services Negotiated Hourly Rate Consultant Agreement, as earlier amended, remain in effect except as expressly modified by this supplement.

This Supplement is the second supplement to the original contract.

The change to the AGREEMENT is described as follows:

MAXIMUM AMOUNT PAYABLE is increased by \$43,000 to \$346,000

In witness whereof, AGENCY and CONSULTANT have executed this Supplemental Agreement No. 2 and agree to the changes as stated above.

Dated this _____ day of June, 2016.

APPROVED:

PACE Engineers, Inc.

Board of County Commissioners
Island County, Washington

By: _____
Robin Nelson, Principle-in-Charge

By: _____
Richard M. Hannold, Chair



ISLAND COUNTY HUMAN RESOURCES

P.O. Box 5000
Coupeville, WA
98239-5000

Melanie R. Bacon
Director

Phone: (360) 678-7921
Fax: (360) 240-5550

June 1, 2016 Work Session:

- ***Job Requisitions***

- Sheriff**

- Corrections Deputy, replacement, Gd-09
 - Corrections Deputy, replacement, Gd-09

Job Requisition 050/16
Job Requisition 053/16

- Assessor**

- Commercial Appraiser, replacement, C-12

Job Requisition 054/16

- Clerk**

- Deputy Clerk 1, replacement, C-07

Job Requisition 055/16

- ***Lean Facilitator Training***

Location: Olympia

5 days

Cost: \$1,150 plus expenses (gas, hotel & meals)

- ***NeoGov Training***

Location: Las Vegas

3 days

Cost: \$825 plus expenses (flight, hotel & meals)



Lean Training

Lean Facilitation Training (5 Days)

01-14-GE19

This course covers the concepts of Lean for government organizations. As a participant, you are provided an overview of Lean, facilitation skills, and the Grasp the situation-Plan-Do-Check-Adjust (gPDCA) problem solving methodology. Included are techniques used for continuous process improvement such as process definition, value stream mapping, data collection and display techniques, measurement techniques, root cause analysis, countermeasure generation and selection, as well as reporting tools. The interactive classroom experience emphasizes systems thinking, flexibility, teamwork, and communication skills. Each participant will conduct a **project that is small in scope** after the 40 hours of classroom training.

Performance Objectives: Upon completion of this course you should be able to:

- Develop basic facilitation skills.
- Develop a basic understanding of Lean culture, methodology, principles and practices.
- Understand basic Grasp the situation-Plan-Do-Check-Adjust (gPDCA) methodology and the Lean tools and techniques used.
- Understand the State of Washington's Lean Journey.
- Apply the Lean improvement methodology to a case study.
- Identify waste activities and understand why they should be eliminated.
- Have the ability to facilitate simple Lean improvement projects.
- Understand the roles in Lean organizations and for improvement projects through all phases.
- Understand the link between improvement projects and daily Lean practices.
- Apply Lean methods to real-world problems.
- Within approximately ten weeks of classroom instruction - demonstrate competency in using Lean thinking, tools and techniques on a small improvement project.

The Role of Facilitators

It is ideal for organizations to use **neutral** facilitators to guide teams through the process of improving existing processes. Employees trained in Lean Facilitation learn the comprehensive elements of Lean and the Grasp the situation-Plan-Do-Check-Adjust (gPDCA) cycle in order to assist staff in improvement efforts. The amount of time dedicated to future Lean projects should be agreed upon prior to class by agency leadership and the participant. In a Lean culture, the project lead and team members own and are fully engaged in the Lean project as the process experts. The facilitator guides the team through the Lean improvement process and teaches them to use Lean tools to build the capability of the agency and a Lean problem-solving culture. The team is chartered by the sponsor to decide what to pilot and/or implement, rather than just making recommendations.

Past course participants have found it very helpful to take Problem Solving the Washington Way training prior to Lean Facilitation Training. Although not required as a pre-requisite it is strongly recommended that participants complete the four hour problem solving course prior to beginning Lean Facilitation Training. Registration for Problem Solving the Washington Way is available through the Learning Management System (LMS).

Training Address

1500 Jefferson St. SE

Olympia, WA 98501

MS: 41481

Training Contact Info

Staff

Email: TrainingInfo@des.wa.gov

Call (360)-664-1921

TTY (877)-664-6211

LMS:eLearning@des.wa.gov

		Time	Cost	Date	
Olympia	Enterprise Services, Department. of 1500 Jefferson Street E OlympiaWA 98501	Jun 7	\$1,150.00	5/20/2016	DES
		8:00-5:00			Senior
		Jun 8			Lean
		8:00-5:00			Consultant
		Jun 14			
		8:00-5:00			
		Jun 15			
		8:00-5:00			
		Jun 16			
	8:00-5:00				
Olympia	Enterprise Services, Department. of 1500 Jefferson Street E OlympiaWA 98501	Jul 26	\$1,150.00	7/8/2016	DES
		8:00-4:30			Senior
		Jul 27			Lean
		8:00-4:30			Consultant
		Aug 2			
		8:00-4:30			
		Aug 3			
		8:00-4:30			
		Aug 4			
	8:00-4:30				

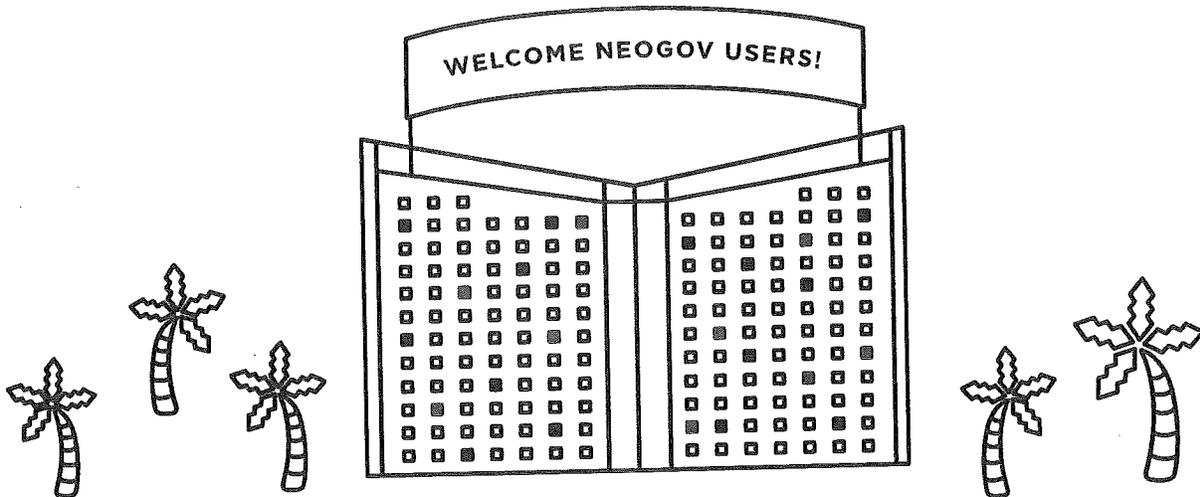
2016

THE MIRAGE
RESORT & CASINO
BALLROOMS

NEOGOV

WEDNESDAY
OCTOBER 12
8:30AM – 4:30PM

Annual Training Conference



2016 Pre-Conference Training Options

These are NEOGOV led sessions to demonstrate product functionality and discuss best practices for using the products. Attendees will also share information with other users on how they use the products within their organization.

These training sessions are not hands-on training sessions with computers. Computers will not be needed. These training sessions will be held at The Mirage Resort & Casino Ballrooms.

When you register online, you will select only ONE day-long session to attend from the following four options.

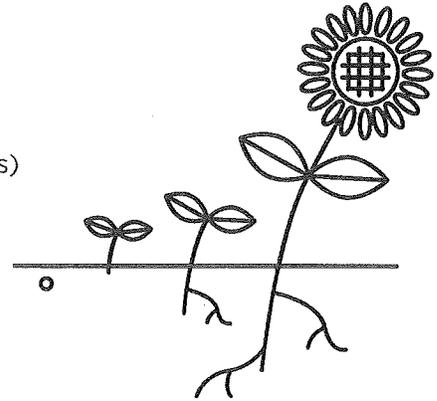
OPTION A

Insight Recruitment Life Cycle

Audience: All users.

Description: This session provides a full overview of the Insight functionality

- Creating Requisitions
- Assigning Requisitions to Recruiters
- Creating Exam Plans & Evaluation Steps
- Creating Job Postings & Supplemental Questions
- Processing Applicants through the Evaluation Steps
- Placing applicants on the Eligible List
- Referring Applicants to Hiring Managers (and Subject Matter Experts)
- Hiring Manager review and action on the Referred List
- Utilization of Standard Reports



OPTION B

Insight Enhancements 2016

Audience: All users.

Description: This is a new class taking a deep dive into the latest Insight enhancements for the year.

Enhancements

- New OHC (Online Hiring Center)
- New Report Builder
- New E-References
- New Applicant Rating Matrix
- New Standard Reports
- RSS Feed for Career Pages
- Other miscellaneous enhancements

OPTION C:

Insight Advanced Topics

Audience: Users with knowledge of and experience with Insight Enterprise fundamentals.

Description: Advanced session focuses on automating minimum qualifications screening through the use of Scoring Plans as well as supplemental questions best practices, Advanced Filtering, Ad Hoc Reports and Testing Components.

Auto Scoring

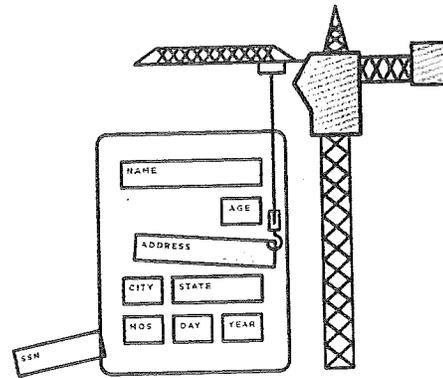
- Minimum Qualification screening only
- Combination screening of Minimum Qualifications and scoring Desirable Qualifications
- Equivalent Minimum Qualification Screening

Advanced Filters and the Ad Hoc Report Builder

- Complex filters throughout exam plan evaluation steps and eligible lists.
- Ad hoc report builder functionality, including scheduling, filtering/sorting, and exporting.

Testing Components

- Written Exams
- Performance Exams
- Oral Exams
- Scantron score uploads
- Self-Scheduling



OPTION D

Performance Evaluations (Perform)

Audience: All PE users.

Description: This session is geared toward Perform (PE) users. It will cover an overview of the PE system from initial HR configuration through the entire evaluation process and best practices for all users.

- Initial setup of the PE system (HR Role)
- Creating a Performance Evaluation (initiating an evaluation as HR or Manager Role)
- Rating the Performance Evaluation as the Employee (self-evaluation — Employee Role)
- Rating the Performance Evaluation as the Manager (Manager Role)
- Approving a Performance Evaluation as the Approver (Approver Role)
- Best practice discussion for optimizing PE functionality

2016 NEOGOV Annual Training Conference

We invite you to join us for our 15th annual user conference in Las Vegas, NV.
Pre-conference training will take place on Wednesday, October 12th.

📍 Las Vegas, NV
🏨 The Mirage Resort
📅 October 13th–14th

PRELIMINARY SESSION TOPICS



Roadmap for All NEOGOV Products

Join NEOGOV's Product Strategy Team for a popular and informative outline of the 2017 NEOGOV roadmap.

OHC

Online Hiring Center (OHC)

The Online Hiring Center has a new fresh look and some great new features.



Maximize the Latest Insight Enhancements

We will demonstrate the latest Insight system enhancements and discuss the best practices for incorporating these features into your process.



System Administration

Learn some best practices to tailor the system to meet the specific needs of your organization.



Report Builder

Learn about Insight's new report building tool and how to easily create recruitment reports to support your business needs.



Applicant to Employee Life Cycle

Learn how to use all of NEOGOV's products in conjunction with one another and see a full lifecycle that automates the process from recruiting to new hire processing to performance appraisal and beyond.



Industry Leading Keynote Speaker

Last year's keynote speaker, Ryan Estis, wowed the audience with his HR focused, motivational presentation. We're on the lookout for another outstanding keynote this year.



Insight Testing/Online Tests

Learn best practice tips for creating and conducting tests within your organization, and online testing.



E-References for Applicants

E-references allow you to automatically notify applicants' references and invite them to provide their reference letter and candidate feedback online, which makes it easier than ever to collect applicant references.



Create More Value in Performance Evaluations

Produce robust reporting with a redesigned Dashboard and rating & approval forms. Manage goals more effectively and tailor evaluations with new enhancements. Keep your managers and employees engaged in the evaluation process year-round.



Managing Eligible/ Referral Lists

Best practices for managing your lists so they work for you, not against you.



Jump-start Employee Engagement with Streamlined Onboarding

Welcome new hires with vibrant, configurable portals that have all the information they need just one click away. Re-imagine new hire orientation sessions by completing onboarding tasks online before an employee's first day.



Applicant Rating Matrix

With the new rating matrix, you can track scores from each rater in an interview process for all of the criteria being used to evaluate your candidates.



Search Committees/SMEs, Police/Fire Recruiting

Discover new tips for managing various recruitments within your organization.



Strategic Roundtable Discussions on HR Topics/Challenges

Exchange information with your colleagues and learn how they handle similar HR situations.



Speed Consulting

Have a quick question regarding system functionality? Struggling with a general business process and want to know how the system can address that? Answers will be available to you directly from a NEOGOV Team Member during the conference.



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

**COMMISSIONERS AGENDA
- Community Development - Work Session -**

June 1, 2016

Subject/Description: The Appearance of Fairness Doctrine

Discussion of the appearance of fairness and how it relates to the Historical Preservation Commission (HPC).

Attachment: Yes – Memo, Letter to the HPC

Action Requested:

Follow up:

Subject/Description: Referral for Legal Action regarding case COV 365/15

Discussion related to Code Enforcement case COV 365/15, requesting Board approval to refer to the case to the Prosecuting Attorney's Office for legal action.

Attachment: No

Action Requested: Approve referral

Follow up:



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339 FAX: (360) 679-7306 ■ 1 NE 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000. Internet Home Page: <http://www.islandcounty.net/planning/>

~ MEMORANDUM ~

TO: County Board of Commissioners
FROM: Michelle Pezley, Senior Planner
DATE: May 20, 2016
SUBJECT: New procedure for the Historic Preservation Commission

At the County, Town, and Reserve staff meetings, concerns were raised that the Historic Preservation Commissioners acting on behalf of a property owner posed a liability to the Town and County. The existing practice is for a Historic Preservation Commissioner to declare a bias and then step down from the dais and then present on behalf of his or her client.

As stated in the draft letter, proposed procedural change is to require a Historic Preservation Commissioner, to not only declare a bias, but also step out of the room during the hearing based on the findings from *Hayden vs. Port Townsend, 1981*. The draft letter was reviewed by Community Development Director Hiller West and forwarded to legal for review. Legal counsel responded and proposed adding a paragraph to address the doctrine of necessity and providing direction if the Commissioner was needed to meet the quorum requirements.

The former Town Mayor did not want to move forward with the procedure change at that time. However, Mayor Molly Hughes requested that we finalize this policy.

Staff asked for a time with the Board of County Commissioners for their input and direction on the letter outlining the new policy.

November 23, 2015

Historic Preservation Commission

Dear Commissioners,

Staff has recently become aware of a court case that affects how we hold our public hearings. At issue are Commissioners that have a financially vested interest in the case before the Historic Preservation Commission.

The specific case is Hayden v. Port Townsend. (enclosed) Briefly, the case was a rezone request before the Planning Commission. A Commissioner stated that he had a financially vested interest in the case, recused himself and then came down to represent the applicant. The Commission then heard the case and sent the item to the Council for final approval. After the Council approved the request someone questioned the appearance of fairness. The Council rescinded their decision and sent the item back to the Planning Commission for review. This time the Commissioner sat in the audience rather than represent the applicant. It then went back to the Council and was approved. The case was then appealed to Superior Court and the judge ruled that it was unacceptable for the Commissioner to be present for the hearing and ordered Port Townsend to hold the hearing again without the Commissioner present.

In order to prevent a similar issue from occurring here the Town, County and Ebey's Reserve have reviewed and agree to a new policy for the Historic Preservation Commission. The new policy, effective January 1, 2016 states simply, "Any member of the Commission that has a financially vested interest in a case before the Commission must not only recuse him/herself but shall also leave the hearing room. If this results in no longer having a quorum, the case at issue shall be postponed until such time as a quorum is present."

We are truly grateful to all of you for your diligent work on behalf of our community and we hope that this change in policy will not cause a major impact in our work.

If you have any questions feel free to contact either Michelle Pezley at 360.678.7817 or Tammy Baraconi at 360678.4461 x 3.

Sincerely,

Tammy S. Baraconi
Town of Coupeville

Michelle Pezley
Island County

28 Wn. App. 192 (1981)
622 P.2d 1291

STEPHEN HAYDEN, ET AL, Appellants,
v.
THE CITY OF PORT TOWNSEND, ET AL, Respondents.

No. 4148-II.

The Court of Appeals of Washington, Division Two.

January 15, 1981.

193 *193 *J.R. Aramburu*, for appellants.

Glenn Abraham and *Stanley A. Taylor*, for respondents.

PEARSON, A.C.J.

This is an appeal from a superior court order affirming the **Port Townsend** City Council's approval of a rezoning application. We find that the city planning commission violated the appearance of fairness doctrine in processing this application, and therefore we hold the zoning decision invalid.

In May 1977, William Short applied to the City of **Port Townsend** to have his undeveloped land rezoned from a quasi-public use zone called P-1 to a general commercial use zone. When he made this application, Mr. Short had already granted to **Port Angeles Savings and Loan Association** an option to purchase his land. The bank was interested in constructing a building to house its **Port Townsend** office on the land, and had indicated it would exercise its option if the land were successfully rezoned.

In September 1977, the city planning commission held a hearing on Mr. Short's application for rezoning and later recommended to the city council that it be granted. Charles Marsh, the local branch manager for the bank, acted as chairman of the planning commission during this public hearing and voted to approve the rezoning.

In November 1977, the city council held a public hearing on the rezoning application. Mr. Marsh spoke in favor of the application at this hearing. The city council voted to rezone the land. Thereafter, the bank exercised its option to purchase the land.

194 Several months later, in February 1978, a question was raised about the possibility of a violation of the appearance of fairness doctrine in processing the Short rezoning application. On advice from the city attorney, the city council rescinded its approval of the rezoning and remanded the matter to the planning commission for a "corrected hearing." Mr. Marsh, who was still chairman of the planning commission, announced that he would step down from his *194 chairmanship for purposes of the hearing on the Short rezoning only. He then moved down to the audience and announced that he was now acting as Mr. Short's agent. Mr. Marsh commented extensively on both the substance of the application and the proper procedure to use in conducting the hearing. In fact, he questioned witnesses and advised the acting chairman that a chairman could vote for the proposed rezoning if he so desired. The planning commission voted to recommend acceptance of the zoning change.

The city council once again considered the matter in June 1978. Mr. Marsh was present, acting, he stated, on behalf of Mr. Short and the bank. When plaintiff Robert DeWeese questioned Mr. Marsh's participation, the city attorney indicated Mr. Marsh could address the council as a private citizen. Mr. Marsh did so at some length, including a discussion of his actions in filling out an environmental checklist for the rezoning and obtaining a declaration of nonsignificance covering it. Following the hearing, the city council adopted the proposed rezoning. Though it did not

make formal findings of fact, the council did make some recitations of fact in the minutes of the meeting and in the amendatory ordinance, and also concluded that the rezoning was in the public interest.

The plaintiffs then sought and obtained a writ of certiorari from the Superior Court. However, after reviewing the record of the City proceedings on the rezoning, the Superior Court declined to reverse the city council's decision.

On appeal, the plaintiffs raise two major issues. The first of these has to do with the adequacy of the findings of fact and conclusions of law entered by the city council in support of its action.¹¹ We find no error in the approval of these findings and conclusions by the Superior Court.

195 *195 [1] The requirement that a city council make findings of fact and conclusions of law in rezoning cases was first stated in Parkridge v. Seattle, 89 Wn.2d 454, 573 P.2d 359 (1978). This opinion became final only a few months before the second city council action in the present case. In deciding whether the findings and conclusions are sufficient, we look to the apparent purpose of the rule in Parkridge v. Seattle, supra. A reading of the opinion discloses that the Supreme Court was imposing a requirement that a court reviewing a rezoning case have available to it a verbatim record of elements the council considered, and an indication, by means of findings and conclusions, of the process used by the council to resolve factual disputes. This is the general purpose of findings of fact. See CR 52(a) (1).

In the present case, the council's findings, while minimal, are sufficient. They do address and resolve the factual disputes raised in the hearing. While more extensive findings, made in a more formal form, would be more useful, the findings made by the council in this case are sufficient. No particular formality is expressly mandated by the Parkridge rule, see South of Sunnyside Neighborhood League v. Board of Comm'rs, 280 Ore. 3, 569 P.2d 1063 (1977), and too much formality would unduly complicate zoning matters.

Though the findings of fact and conclusions of law made in this case are sufficient, they do represent the minimum necessary to comply with the rule in Parkridge. We would suggest entry in the future of findings of fact which more adequately state and resolve the factual disputes, and conclusions of law which resolve all the legal disputes. See, e.g., CR 52.

196 [2] The second major issue raised by the parties has to do with the appearance of fairness doctrine. In our view, that doctrine requires that we reverse the trial court and find that the city council and planning commission actions were invalid. It is beyond dispute that in considering a rezoning application the planning commission and city council are acting in a quasi-judicial capacity. E.g., South *196 Capitol Neighborhood Ass'n v. Olympia, 23 Wn. App. 260, 595 P.2d 58 (1979). The appearance of fairness doctrine, as it has developed, has consistently been applied to quasi-judicial land use decisions. The doctrine appears to have first evolved in this context. Smith v. Skagit County, 75 Wn.2d 715, 453 P.2d 832 (1969). The core of the doctrine announced in Smith and repeated often is that hearings to which the doctrine applies must not only be fair in fact, but must appear to be fair and to be free of an aura of partiality, impropriety, conflict of interest, or prejudice. Chrobuck v. Snohomish County, 78 Wn.2d 858, 480 P.2d 489 (1971). As the Supreme Court pointed out in Chrobuck, the nature of the zoning process warrants considerable effort to protect it from an appearance of impropriety.

As it has developed, the appearance of fairness doctrine has been applied not only to cases where actual conflict of interest is demonstrated, but also to situations where a conflict of interest *may* have affected an administrative action. The doctrine reaches the appearance of impropriety, not just its actual presence. Buell v. Bremerton, 80 Wn.2d 518, 495 P.2d 1358 (1972). The apparent benefit from the rezoning application need not even inure directly to a commission member. It is enough that the member's employer receive an undeniable major benefit. Narrowview Preservation Ass'n v. Tacoma, 84 Wn.2d 416, 526 P.2d 897 (1974).

[3, 4] In the present case, the record forces us to conclude that the appearance of fairness doctrine has been violated and that the City's efforts to remedy the violation through a second hearing process were not sufficient. Mr. Marsh's employer, Port Angeles Savings and Loan, clearly was substantially benefited by the rezoning granted in this case. The bank exercised its option to purchase the property only after the rezoning was approved. While he did not

197 participate of record as chairman of the planning commission during the second planning commission hearing, Mr. Marsh was unquestionably active in supporting the rezoning application. The record reflects that Mr. Marsh prepared an environmental checklist in connection with the *197 rezoning, actively answered questions about it, and sought to obtain the declaration of nonsignificance that was finally issued by the City. At the second planning commission hearing and again at the second city council hearing, Mr. Marsh actively supported the rezoning application. In fact, Mr. Marsh was allowed by the planning commission to question other speakers, a privilege not accorded to any opponent of the rezoning or to anyone else. Further, at the second planning commission hearing, Mr. Marsh offered procedural advice to the temporary chairman. While we do not intend to suggest that Mr. Marsh acted from any corrupt motive, we believe that any neutral observer, after considering this record, would be compelled to conclude that there exists the appearance of an action taken in part because the applicant for the rezoning had an unfair advantage in obtaining access to the decision makers. In such a case, the action must be voided. Swift v. Island County, 87 Wn.2d 348, 552 P.2d 175 (1976). In our view, the appearance of fairness requires that when a board member or his employer is directly interested in the outcome, the member abstain not only from voting but from participation in the hearing and decision-making process.

We recognize that our decision may make it more difficult to recruit qualified persons to serve on planning commissions or rezoning boards. However, we do not perceive this problem to be one that will recur often. The number of cases any one board member will be unable to participate in will no doubt be relatively limited. Second, and more important, we perceive the benefits to be gained from public assurance that actions are taken in a fair way outweigh the detriment which may flow from the rule we set forth here.

198 We are also mindful of the argument that the rule we pronounce will limit the freedom of action of persons who serve on boards or commissions that make quasi-judicial determinations. Judges and other persons acting in judicial roles, of course, have long been so limited. See CJC 2 and 3, and the Preamble to the Code of Judicial Conduct. As the *198 Supreme Court stated in Save a Valuable Environment v. Bothell, 89 Wn.2d 862, 576 P.2d 401 (1978), the doctrine prevents the presentation of views by public officials acting even in their private capacity in order to advance the goal of assuring public confidence in the fairness of the quasi-judicial decision-making process. Any limitations on the actions of public officials are voluntarily undertaken when the particular official assumes a position of public trust.

Because of the violation of the appearance of fairness which occurred in this case, we must reverse the Superior Court's judgment. The rezoning decision appealed from is invalid.

Reversed.

PETRIE and PETRICH, JJ., concur.

[1] From the record, it appears the city council found that (1) the rezone request was in compliance with the city comprehensive plan, and the property abuts an existing commercial area; (2) the rezone was in the public, as opposed to a purely private, interest; and (3) traffic considerations had been addressed adequately.

Save trees - read court opinions online on Google Scholar.



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

**COMMISSIONERS AGENDA
- Long Range Planning - Work Session -**

June 1, 2016

Subject/Description: Presentation of Planning Commission recommendations on part two of the amendments to the Fish and Wildlife Critical Areas regulations ICC 17.02B, to address the Western Washington Growth Management Hearings Board Order.

Attachment: Yes – Planning Commission Findings of Fact and Exhibit A and Staff Report to Planning Commission.

Action Requested: *Provide direction on Planning Commission Recommendation; schedule for adoption on June 14, 2016 at regular meeting or identify needed change and schedule revised ordinance for public hearing on June 21, 2016 at either 10:15 a.m. or 6:00 p.m.*

Follow up:

Subject/Description: Presentation of the Planning Commission recommendations on the draft Urban Growth Area/ Joint Planning Area Maps

Attachment: Yes – draft resolution adopting the draft maps for inclusion in the draft Comprehensive Plan for public review and comment.

Action Requested: Schedule for adoption at the Board of County Commissioner's regularly scheduled meeting on June 14, 2016.

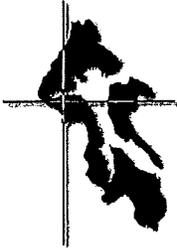
Follow up:

Subject/Description: Discussion of Resolution of Substantial Progress for the 2016 Island County Comprehensive Plan periodic update.

Attachment: No – Discussion only

Action Requested:

Follow up:



**ISLAND COUNTY
PLANNING & COMMUNITY DEVELOPMENT**

ISLAND COUNTY PLANNING COMMISSION

Dean Enell, Chairperson

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522 ■ from S. Whidbey (360) 321-5111

FAX: (360) 679-7306 ■ P. O. Box 5000, Coupeville, WA 98239-5000

Internet Home Page: <http://www.islandcounty.net/planning/>

~FINDINGS AND CONCLUSIONS~

TO: Board of Island County Commissioners

FROM: Island County Planning Commission

DATE: May 23, 2016

REGARDING: Regulation Amendment to Fish and Wildlife Habitat protection regulations, Chapter 17.02.B of the Island County Code to address Growth Management Hearings Board Order 14-2-0009 issued June 24, 2015.

SUMMARY

Island County Planning & Community Development has revised fish and wildlife habitat protection standards in order to address an order from the Washington State Growth Management Hearings Board (GMHB). On September 22, 2014 the Island County Board of Commissioners adopted new Fish and Wildlife Habitat protection regulations (ICC 17.02B). On June 24, 2015, the Growth Management Hearings Board (GMHB) issued an order in response to an appeal asserting that the County's update complied with the Growth Management Act with respect to four of the issues raised in the appeal, and did not comply with respect to seven other issues. The GMHB order required the County to address these issues by June 24, 2016. In order to address three of the seven issues in this order, Island County intends to adopt revised regulations before June 24, 2016.

FINDINGS OF FACT

1. Island County received an order from the Growth Management Hearings Board to review and update the Island County Comprehensive Plan and development regulations for Fish and Wildlife Habitat Conservation Areas.

2. On September 22, 2014 Island County adopted new Fish and Wildlife Habitat Conservation Areas policies and regulations.
3. On June 24, 2015, the Growth Management Hearings Board (GMHB) issued an order in response to an appeal finding that the County's update complied with the Growth Management Act with respect to four of the issues raised in the appeal, and did not comply with respect to seven other issues.
4. Although not required by GMA, Island County elected to obtain current scientific analysis on Island County's Natural Area Preserve, the Western Toad, Westside Prairies, Oak Woodlands and Herbaceous Balds to ensure the following actions are fully informed by and based on Best Available Science.
5. The Planning Commission reviewed the May 13, 2016 Staff Report, along with the BAS Reports on Natural Area Preserves, the Western Toad, and Prairie/Herbaceous Balds and Oak Woodlands habitats. The Commission considered public comment submitted in conjunction with its workshop, held on May 9, and at its public hearing held on May 23, 2016.

The May 13 Staff Report is hereby incorporated into the Planning Commission findings. To the extent there are any inconsistencies, the findings set forth herein shall govern.

6. Natural Area Preserves. Island County contains only one NAP, referred to as the Naas NAP. Based on consultation with DNR and a review of BAS, the County has learned that this NAP is adequately protected except for possibly on the south side. On the north and east sides, existing land uses truncate the functions additional buffering might provide. To the west, lies the remainder of the property (some of which is developed), and Puget Sound, with its associated SMA protections. On the south side, the forest areas extends onto the SPU/Camp Casey property, and buffer management is "warranted to ensure that the forest community within the NAP is adequately protected from edge effects, particularly blowdown susceptibility." As such, while BAS does not support buffering in most instances, County regulations should provide for review in the limited circumstances where scientifically supportable.

The Planning Commission finds that not requiring buffers adjacent to state natural area preserves, natural resource conservation areas and state wildlife areas is supported by BAS, as long as the areas encompass land required for species preservation to ensure no net loss of habitat functions and values, as confirmed by the Planning Department. If buffers are required they should reflect the habitat sensitivity and the type and intensity of activity proposed to be conducted nearby will be sufficient to ensure no net loss of habitat functions and values. The language recommended for adoption is consistent with these findings.

7. Western Toad. The ESA does not list the Western Toad as endangered or threatened, and the state does not list it as threatened or sensitive. During the County's last review and when the matter was in litigation before the Growth Board, the federal government identified the Toad as a species of concern. Its status has since changed and it is no longer being considered for listing. The state status is apparently based on lack of information, rather than rarity. While the population is unknown, it is believed to exceed 100,000 in number. Whether the species is in decline or not is unknown. If it is in decline, the causal factors are unknown. Development has not been identified as a habitat constraint within Island County. Given these facts, BAS does not support further

protections and as set forth in further detail in the Staff Report, listing as a species of local importance does not meet County criteria. However, the County could elect to protect documented Western Toad breeding sites through its existing wetland and stream regulations. The County could entertain protection to upland areas if Western Toad Best Available Science indicates that such protection is necessary for their survival.

The Planning Commission finds that Western Toad breeding sites, as documented by scientifically verifiable data from WDFW, or a qualified professional, should be protected through the County's wetland and stream critical areas regulations, presently codified in title 17,.

8. Prairies, Herbaceous Balds, and Oak Woodlands. The County's BAS Report reviewed these areas and identified 13 prairie and oak woodland areas within unincorporated Island County, with one located entirely in shoreline jurisdiction, and eight partially or potentially within shoreline jurisdiction. The majority of the acreage is protected through existing critical areas regulation requirements. However, there is some acreage which may not include regulated features. To ensure these areas are protected, the Planning Commission finds that listing the Prairies, Herbaceous Balds and Oak Woodlands habitats under 17.02B.510(C) as habitats of local importance under the header of: "Native Prairies, Herbaceous Balds and Oak Woodlands, to the extent outside SMP jurisdiction" would ensure these areas are protected through the critical area regulatory structure. . This approach is supported by and consistent with best available science.

CONCLUSION

The Island County Planning Commission has reviewed the proposed changes to Island County Code Chapter 17.02B and hereby recommends that the Board of County Commissioners adopt an ordinance to incorporate the proposed amendments, attached hereto as Attachment A into Island County Code.

Respectfully submitted through the Island County Planning Department to the Board of Island County commissioners, pursuant to RCW 36.70.430, this 5 day of 43, 2016 by,



Dean Enell
Chair, Island County Planning Commission

Enclosures:

Exhibit "A" -Amendments to the Island County Code Chapter 17.02B

Exhibit A
Revised Island County Code Chapter 17.02B

Chapter 17.02B
Island County Critical Areas Regulations

...

Designation, Classification and Mapping

17.02B.200 - Fish and wildlife habitat conservation areas.

...

- C. Mapping: Map sources showing the approximate location and extent of FWHCA include, but are not limited to critical areas maps adopted or commissioned by the county, such as maps included in the Island County Comprehensive Plan, FWHCA Best Available Science and Existing Conditions Report (the Watershed Company and Parametrix, 2014), and WDFW Priority Habitats and Species (PHS) maps, as most recently updated. These maps are to be used as a guide for the county, project applicants, and/or property owners and will be periodically updated as new critical areas are identified. They are a reference and do not provide a final critical areas designation. In the event of a conflict between FWHCA mapping and the designation criteria outlined above, the designation criteria shall control.

(Ord. No. C-75-14 [PLG-006-14], Exh. B, 9-22-2014)

17.02B.201 – Western Toad.

- A. Western toad breeding sites, as documented by scientifically verifiable data from WDFW, or a qualified professional, shall be protected through the County's wetland and stream critical areas regulations, presently codified in Title 17.

17.02B.210 - Wetlands: Reserved.

(Ord. No. C-75-14 [PLG-006-14], Exh. B, 9-22-2014)

17.02B.220 - Geologically hazardous areas: Reserved.

(Ord. No. C-75-14 [PLG-006-14], Exh. B, 9-22-2014)

...

Evaluation and Protection Standards

...

17.02B.430 - Protection standards—Other fish and wildlife habitat conservation areas.

...

- D. Buffers shall be established adjacent to FWHCA as necessary to protect the ecological integrity, structure and functions of the resource from development induced impacts. Buffer widths shall reflect the sensitivity of the species or habitat present and the type and intensity of the proposed adjacent human use or activity.
- E. The director shall determine the appropriate buffer for FWHCA other than streams based on best available science and the following guidance:

Fish and Wildlife Habitat Conservation Area	Buffer Requirement
Areas with a primary association with endangered, threatened, and sensitive species	Buffer shall be based on management recommendations provided by the Washington State Department of Fish and Wildlife PHS Program and shall consider site-specific conditions and recommendation of qualified professional.
State natural area preserves, natural resource conservation areas, and state wildlife areas	Buffers shall not be required adjacent to these areas. These areas are assumed to as long as these areas encompass the land required for species preservation. The director may impose a new buffer or increase the applicable buffer if it is determined that a proposed development would infringe on or inhibit use of the entire property for species preservation. The Planning Department shall confirm the <u>public agency establishing and managing the area has included sufficient land within their buffers to ensure no net loss of habitat functions and values. If buffers are required, they shall reflect the habitat sensitivity and the type and intensity of activity proposed to be conducted nearby.</u>
Species and habitats of local importance	The need for and dimensions of buffers for approved species and habitats of local importance shall be determined on a case-by-case basis by the director according to adopted habitat management plans for the specific resource (section 17.02B.500).

- F. If in reviewing the BSA and proposal, the county determines that impacts to a protected species or habitat may occur as a result of a proposal, a habitat management plan (HMP) may be required. An applicant may either use a standard HMP maintained by the county (if available) or may choose to complete an HMP for a site-specific analysis to better determine the impact to habitat and to determine the appropriate buffer width for the proposed

development based on the site-specific analysis. The preparation and submission of this report is the responsibility of the applicant and subject to approval by the county. The report shall rely on best available science and shall be prepared by a qualified professional.

- G. The HMP may be combined with the BSA. The HMP must be consistent with the management recommendations adopted by the Washington Department of Fish and Wildlife, and the specific attributes of the affected properties, such as, but not limited to, property size and configuration, surrounding land use, and the practicability of implementing the HMP, and the adaptation of the species to human activity.
- H. Standard habitat management plan. Where the county has developed a standard HMP, the applicant may either accept and sign the standard HMP or prepare his or her own HMP pursuant to section 17.02B.430.D. and E. From time to time as the lists of protected species and species of local importance are amended, the county may develop additional standard HMPs, modify adopted standards; and/or delete HMP requirements.

(Ord. No. C-75-14 [PLG-006-14], Exh. B, 9-22-2014)

...

17.02B.510 - Designated habitats and species of local importance.

Habitats and species of local importance and protected species that have been approved for designation by Island County include:

A. Protected species list—Flora:

Scientific Name	Common Name	State Status	Federal Status
<i>Agoseris elata</i>	tall agoseris	sensitive	
<i>Sericocarpus rigidus</i>	white-top aster	sensitive	species of concern
<i>Castilleja levisecta</i>	golden indian paintbrush	endangered	listed threatened
<i>Circuta bulbifera</i>	bulb bearing water hemlock	sensitive	
<i>Fritillaria camschatcensis</i>	black lily	sensitive	
<i>Meconella oregana</i>	white meconella	threatened	species of concern
<i>Puccinella nutkaensis</i>	Alaska alkaligrass		

B. Species and habitats of local importance list:

Scientific Name	Common Name	Protected Area	State Status	Federal Status
Ardea herodias	Great blue heron	Nest sites		
Pandion haliaetus	Osprey	Nests		
Dryocopus pileatus	Pileated woodpecker	Nest sites		
Cygnus buccinator	Trumpeter swan	Foraging habitat		
Whidbey Island Game Farm/Au Sable Institute	Not applicable	Property		

C. Native Prairies, Herbaceous Balds and Oak Woodlands, to the extent outside SMP jurisdiction:

1. Deception Pass SP-Goose Rock
2. West Beach/Ebey's Landing Golden Paintbrush Site
3. West Beach – non-native grassland
4. West Beach road – Unsurveyed Grassland
5. Ebey's Bluff
6. Grasser's Hill (including area locally known as Schoolhouse Prairie
7. Naas (admiralty Inlet) Natural Area Preserve
8. Fort Casey State Park Golden Paintbrush site
9. Penn Cove Road
10. San de Fuca schoolhouse
11. Smith Prairie, including Pacific Rim Institute
12. South Smith Prairie

(Ord. No. C-75-14 [PLG-006-14], Exh. B, 9-22-2014)



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339
FAX: (360) 679-7306 ■ 1 NE 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000
Internet Home Page: <http://www.islandcounty.net/planning/>

STAFF REPORT

TO: Island County Planning Commission

FROM: _____
Meredith Penny - Long Range Planner

DATE: May 13, 2016

REGARDING: Regulation Amendment to Fish and Wildlife Habitat protection regulations, Chapter 17.02.B of the Island County Code to address Growth Management Hearings Board Order 14-2-0009 issued June 24, 2015.

BACKGROUND

On September 22, 2014 the Island County Board of Commissioners adopted new Fish and Wildlife Habitat protection regulations (ICC 17.02B). On June 24, 2015, the Growth Management Hearings Board (GMHB) issued an order in response to an appeal asserting that the County's update complied with the Growth Management Act with respect to four of the issues raised in the appeal, and did not comply with respect to seven other issues. On March 28, 2016 the Island County Planning Commission approved the findings, recommendations and amendments to the Island County FWHCA regulations to address three of the seven issues. On May 3, 2016 the Board of Island County Commissioners then adopted an ordinance and findings to address those same three issues.

The purpose of this regulation amendment and is to address the Growth Management Hearings Board Order 14-2-0009 with regards to the remaining four issues:

Issue 1: Natural Area Preserve Buffers – Naas NAP

Issue 2: Designation of Habitat/Species of Local Importance: Western Toad

Issues 3 & 4: Plant Habitat: Prairies, Herbaceous Balds and Oak Woodlands

ANALYSIS

Issue 1 – Natural Area Preserve Buffers – Naas NAP

GMA defines critical areas at RCW 36.70A.030(5).¹ Department of Commerce guidelines² state that "[f]ish and wildlife habitat conservation areas that must be considered for classification and designation include: ... State natural area preserves...."³ The State Dept. of Commerce's Critical Areas Assistance Handbook elaborates, "[i]n some cases, the designation of fish and wildlife habitat conservation areas should include ... State natural preserves"⁴ Island County has designated state natural area preserves as fish and wildlife critical areas.⁵

Within these areas, habitat quality varies and the agency establishing the area typically includes sufficient land to ensure no net loss of critical habitat functions and values, so the designation does not result in imposing further restrictions on neighboring properties. However, in response to the Growth Board decision, the County took a closer look at this issue and retained technical consultants to ensure BAS informed its decision making.

Island County contains only one state designated Natural Area Preserve. This is a 33 acre site north of Camp Casey and Keystone Harbor, referred to as the Naas NAP. Whidbey Camano Land Trust owns the site, which is managed by the Land Trust and the State Department of Natural Resources, or DNR. In consulting with DNR and reviewing the BAS Report, the County has learned that DNR established the NAP borders so as to include sufficient buffering, excepting possibly an area owned by Seattle Pacific University.⁶ The BAS Report confirmed that development on the SPU property proximate to the Naas NAP should be evaluated for impacts on the NAP, but BAS does not support buffering elsewhere.

Based upon a review of the NAP property and its environs, the existing Island County NAP does not require additional buffering to the north or east, where existing development, ongoing agricultural uses, and roads truncate buffer functions. Where the rare forest community extends south beyond the boundaries of the NAP onto the Camp Casey property, buffer management provisions are warranted to ensure that the forest community within the NAP is adequately protected from edge effects, in particular blowdown susceptibility.⁷

As set forth in the BAS Report, natural area preserve buffering should be based upon habitat sensitivity and the type of development activity proposed. Possible regulatory language reflecting these findings is outlined below.

¹ "Critical areas include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas."

² The legislature did not provide Commerce with rule making authority. RCW 36.70A.050 ("department shall adopt **guidelines**"), emphasis added.

³ WAC 365-190-130(2)(h) emphasis added.

⁴ Critical Areas Handbook, Protecting Critical Areas Within the Framework of the Washington Growth Management Act, Dept. of Commerce (formerly Dept. of Community, Trade & Economic Development) (Nov. 2003, Updated Jan. 2007), pg. 26, emphasis added.

⁵ ICC 17.02B.200(A)(3).

⁶ Note, zoning code setbacks may also apply to development.

⁷ Watershed Natural Area Preserve BAS Review (May 5, 2016), p. 4.

ICC 17.02B.430(E) The director shall determine the appropriate buffer for FWHCA other than streams based on best available science and the following guidance:

<p>State natural area preserves, natural resource conservation areas, and state wildlife areas</p>	<p>Buffers shall not be required adjacent to these areas. These areas are assumed to as long as these areas encompass the land required for species preservation. The director may impose a new buffer or increase the applicable buffer if it is determined that a proposed development would infringe on or inhibit use of the entire property for species preservation. The Planning Department shall confirm the public agency establishing and managing the area has included sufficient land within these areas to ensure no net loss of habitat functions and values. If buffers are required, they shall reflect the habitat sensitivity and the type and intensity of activity proposed to be conducted nearby.</p>
--	---

The above approach recognizes that often the management area already includes needed buffering, but also allows for those situations where further protections are warranted, and requires mitigation

Issue 2 – Designation of Habitat/Species of Local Importance: Western Toad

The federal Endangered Species Act does not list the Western Toad as endangered or threatened, and the state does not list the Toad as threatened or sensitive under WAC 232-12-011. During the County's last review and when the matter was before the Growth Board, the Western Toad was listed as a federal species of concern. Its status has since changed and the federal government is no longer considering it for listing. The Toad remains a state candidate species, as has been the case for at least the past eight years. Should its status change due to reclassification by either the federal or state governments to endangered, threatened or sensitive, the County's critical areas ordinance would automatically protect it.

The Growth Board stated that "the County agreed it departed from BAS in its failure to designate the Western Toad," but argued it had a reasoned justification.⁸ Given this holding, in considering this issue, the County elected to obtain current scientific analysis on the Toad to ensure any action considered was fully informed by and based on BAS. The County's BAS Report found that while the species' population is unknown, it is believed to number over 100,000. It is not known whether the local population is healthy or in decline. Although there are only three WDFW documented occurrences in the County (one of which is a breeding site), anecdotal evidence suggests the species could be more prevalent than has been assumed. But, if not, and if the species' populations are in decline, the causal factors are unknown. A number of potential stressors are identified in the BAS Report, but within Island County, development is not identified as a constraint.

It is difficult to regulate a species when BAS shows that it is unknown whether the species is in decline and if it is, what is causing that decline. In fact, adopting regulations without understanding root causes has the potential to harm a species. Such approaches could

⁸ WEAN v. Island County, GMHB No. 14-2-0009, FDO (June 24, 2015), pp. 38-39.

inadvertently protect predator species or create favorable conditions for the spread of disease. While the County could amend its critical area regulations so that its existing wetland and stream regulations protect documented breeding sites given that healthy wetland/stream functioning is better understood, at this juncture, the County has a poor scientific basis for taking further regulatory action with respect to the Western Toad. To protect breeding sites, the County could adopt language such as the below.

New Section, ICC 17.02B.201, Western Toad. Western toad breeding sites, as documented by scientifically verifiable data from WDFW, or a qualified professional, shall be protected through the County's wetland and stream critical areas regulations, presently codified in Title 17.

With regard to designating the species as one of local importance, the County has established criteria, which are set forth below.

ICC 17.02B.200(A)(5) Habitats and species of local importance. ... Habitats and species of local importance have the following characteristics:

- a. Habitats and species of local importance have recreational, cultural, and/or economic value to citizens of Island County.
- b. Habitats and species of local importance are not adequately protected, by other county, state, or federal policies, laws, regulations, or non-regulatory tools that prevent degradation of the habitat or species.
- c. Habitats and species of local importance represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and which is of limited availability, highly vulnerable to alteration, or provides landscape connectivity which contributes to the integrity of the surrounding landscape.
- d. Habitats and species of local importance, without protection, would be diminished locally over the long term.

The Western Toad lacks the above characteristics, so does not meet the definition for a species of local importance. The Toad lacks recreational, cultural, or economic importance. Certainly, there are citizens who value the Toad, but it has gone largely unnoticed for many years within the County, with it being paid scant attention. The recent anecdotal sightings suggest there are citizens who have started to gain a greater appreciation for the species, but the species is not valued as a game species, has not been an integral part of County culture, and is not recognized as having any significant economic value.

BAS also does not support further protections. The federal government has elected not to list it and it is no longer classified as a candidate species. And, while the state has not decided whether to list it or not, state mapping does identify it as being present throughout most of the state, with its status being based apparently not on rarity, but lack of information. It is not known if the population is in decline and if it is, how it should be protected. The species has great flexibility in locating amenable habitat. It feeds under urban street lights, while also utilizing a wide range of natural habitats. Within Island County, BAS demonstrates that there are not development constraints on its natural habitat. As such, based on BAS, it has not been demonstrated that the species or its habitat will be diminished over the long term without further protection.

In addition to meeting the above definition, habitats and species of local importance must also meet the criteria below.

17.02B.500 - Habitats and species of local importance nomination process.

- A. ... Nominated habitats or species must meet the definition in section 17.02B.200. ...
- B.
 - 2. **A demonstrated need for special consideration based on:**
 - a. Habitat or species rarity or vulnerability to rarity as evidenced by restricted, small or declining species population and habitats or community loss or degradation; or
 - b. Vulnerability to habitat perturbation, including a discussion of and the potential cause of that perturbation; or
 - c. The need for protection, maintenance, and/or restoration of the nominated habitat to ensure the long term persistence of a species; or
 - d. The ability of the site to disproportionately contribute to regional biodiversity as evidenced by species use, richness, abundance, and/or rarity; or
 - e. The commercial, recreational, cultural, or other special value; or
 - f. The need for maintaining connectivity between habitat areas.
 - 3. An explanation of why special protection is needed and how existing county, state and federal programs and regulations do not provide adequate protection.
 - 4. Proposed management strategies for the species or habitats. Management strategies must be supported by best available science.
 - 5. Identification of effects on property ownership and use.
 - 6. The director may, on a case-by-case basis require additional information needed to evaluate the resource being nominated.
 - ...
- F. Following the recommendation of the Planning Commission, the Board of Commissioners shall designate a habitat or species of local importance that:
 - 1. Satisfies the nomination criteria and includes the information required in subsection B.; and
 - 2. Is supported by best available science for the subject species or habitat of local importance; and
 - 3. For which management strategies are practicable; and
 - 4. Without protection, there is a likelihood that the species or habitat will not persist over the long term.

As also addressed above, and based on BAS, the Western Toad lacks a demonstrated need for special consideration. It is unknown whether the species is vulnerable or in fact robust, as anecdotal reporting may indicate. If in decline, the causal factors are unknown. Development has not been identified as a habitat constraint locally. As such, the subsection B criteria are not met, BAS does not support designation, and management strategies (even if needed) are not known at this juncture. Further, BAS does not support a finding that without protection, there is a "likelihood" the species will not persist over the long term. Consequently, while protecting breeding sites and collecting further data on the species is a viable approach, taking further regulatory action without BAS support would be difficult.

Issue 3 – Plant Habitat: Prairies, Herbaceous Balds and Oak Woodlands

The Board determined that Island County failed to include BAS in its assessment of Westside Prairies, Oak Woodlands, and Herbaceous Balds as habitats of local importance.⁹ To address this issue, the County had scientific analysis prepared to inform its decision making so that its ultimate decision would be informed by and based on BAS.

In its BAS Report, the consultant identified 13 prairie and oak woodlands areas within unincorporated Island County. Four areas are located entirely within CAO jurisdiction; one is entirely within shoreline jurisdiction; and, eight others are potentially or partially within CAO jurisdiction.

The four areas known to be fully within CAO jurisdiction encompass approximately 64 acres or more. Two of these areas, encompassing approximately 53 acres, are protected under the existing Island County FWHCA 17.02B. The other two areas, totaling approximately 11 acres or more, do not appear to include regulated features.

Of the eight areas potentially or partially within CAO jurisdiction, which comprise approximately 153 acres, five sites, encompassing approximately 94 acres, are protected under the County's existing FWHCA regulations; the other four sites, totaling approximately 59 areas, do not appear to include regulated features. If the County wished to further protect these areas, it could do so. An example on how to approach this, utilizing a designation of local importance, is below.

Although the below approach would include the identified areas located outside of shoreline jurisdiction as areas of local importance, most of these sites are already protected by existing critical area regulations. Also, most, but not all, sites are publicly held and subject to state management protocols which are used to preserve the habitat. This is addressed in the BAS Report. Thus, these areas already have a significant degree of protection in place and in most cases are adequately protected. Thus, it is questionable whether the County's designation criteria are truly met. But, this extra layer of designation does ensure these identified prairie and oak woodland sites are protected so that to the extent there are any gaps in the regulatory structure, they are covered. As the Growth Board was concerned with regulatory gaps, this approach to ensuring those gaps are closed would address these concerns.

⁹ *WEAN v. Island County*, Case No. 14-2-0009, FDO (June 24, 2015).

17.02B.510 - Designated habitats and species of local importance.

Habitats and species of local importance and protected species that have been approved for designation by Island County include:

...

C. Native Prairies, Herbaceous Balds and Oak Woodlands, to the extent outside SMP jurisdiction:

- Deception Pass SP-Goose Rock
- West Beach/Ebey's Landing Golden Paintbrush Site
- West Beach - non-native grassland
- West Beach Road - Unsurveyed Grassland
- Ebey's Bluff
- Grasser's Hill (including area locally known as Schoolhouse Prairie)
- Naas (Admiralty Inlet) Natural Area Preserve
- Fort Casey State Park Golden Paintbrush Site
- Penn Cove Road
- San de Fuca schoolhouse
- Smith Prairie, including Pacific Rim Institute

RECOMENDATION

The Planning & Community Development Department recommends that the Planning Commission recommend approval of the changes to Island County's Fish and Wildlife Habitat protection regulations (ICC 17.02B).

Enclosures:

"A" – Finding of Fact and Amendments to the Island County Code Chapter 17.02B

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF THE URBAN
GROWTH AREA BOUNDARIES AND
JOINT PLANNING AREA OVERLAYS
FOR THE 2016 COMPREHENSIVE
PLAN UPDATE

RESOLUTION NO. C- -16
PLG-006-16

WHEREAS, Island County conducts planning activities in accordance with RCW 36.70, the Planning Enabling Act.

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990 to guide the development and adoption of comprehensive plans and development regulations of those counties required to plan under RCW 36.70A.040.

WHEREAS, Island County is required to plan under the GMA.

WHEREAS, RCW 36.70A.130(3)(b) requires UGAs to be revised to accommodate the urban growth projected in the succeeding twenty-year period.

WHEREAS, Goal 1 of the GMA states Island County should “encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.”

WHEREAS, Goal 2 of the GMA states Island County should “reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.”

WHEREAS, Goal 12 of the GMA states Island County should “ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”

WHEREAS, RCW 36.70A.110(1) requires Island County to designate urban growth areas in which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.

WHEREAS, RCW 36.70A.110(2) states Island County shall include areas sufficient to permit the twenty-years of urban growth that is projected based on the growth management population projections made by the Office of Financial Management.

WHEREAS, RCW 36.70A.110(2) allows counties to use discretion in accommodating growth and determining a reasonable land market supply factor using local circumstances.

WHEREAS, RCW 36.70A.110(3) states “urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.”

WHEREAS, the GMA requires that counties subject to the GMA adopt Countywide Planning Policies (CWPP) and further requires that these policies be developed with the cooperation of the municipalities within the county as per RCW 36.70A.210(2).

WHEREAS, in order to address the requirements of the GMA, Island County, and the jurisdictions within Island County first adopted CWPPs in 1992 which were subsequently revised in 1998 and 1999.

WHEREAS, in 1998, the Board of Island County Commissioners approved Ordinance C-123-98, which designated urban growth areas for Oak Harbor, Coupeville and Langley, and designated Freeland as a Rural Area of More Intense Development (RAID).

WHEREAS, on December 10, 2007, the Board of Island County Commissioners adopted the initial Freeland Subarea Plan and designation of Freeland as an NMUGA.

WHEREAS, on August 14, 2008, the Washington Supreme Court ruled, in case No. 80115-1, that UGAs must be large enough to accommodate the projected population increase, and cannot exceed the amount of land necessary to accommodate the urban growth projections, plus a reasonable land market supply factor.

WHEREAS, on April 1, 2013, Island County Planning & Community Development staff reached out to Oak Harbor, Coupeville and Langley to form an Intergovernmental Working Group (IWG) to better coordinate with the jurisdictions on the 2016 Comprehensive Plan update process, including updating the CWPP and population projections.

WHEREAS, on November 3, 2015, the Board of Island County Commissioners approved Ordinance C-100-15 revising the CWPP.

WHEREAS, the updated CWPPs created a methodology, CWPP 3.3.4 and Appendix A, to guide future population projections and allocations to ensure consistency in addressing future growth needs.

WHEREAS, the 2036 Island County population growth projection is estimated at 9,411, as adopted in Resolution C-76-13; and

WHEREAS, CWPP 3.3.9 allows UGAs to be reduced in size if population estimates or allocations indicate the UGA is larger than necessary to accommodate a 20 year supply of buildable lands, densities with the UGA have been increased such that the UGA is larger than necessary to accommodate a 20 year supply of buildable lands, or urban services cannot reasonably be provided to the area included in the proposed UGA.

WHEREAS, Island County Planning & Community Development conducted a Buildable Lands Analysis which determined that:

- a) Oak Harbor's UGA had adequate land to accommodate the 20 years of allocated growth and employment; and
- b) Coupeville's UGA had adequate land to accommodate the 20 years of allocated growth, with a slight deficiency in land available for employment; and
- c) both the Langley UGA and the Freeland NMUGA had excessive capacity to accommodate the 20 years of allocated growth and employment, and a reduction in those UGAs to be necessary.

WHEREAS, CWPP 3.2 states the County shall designate Potential Growth Areas (PGA) and areas of Long-Term Rural Significance (LRS) within the Joint Planning Areas (JPA) to guide and control future development and Urban Growth Area (UGA) expansions, and these shall be adopted as Comprehensive Plan Overlays which will apply in addition to any underlying comprehensive plan or zoning.

WHEREAS, CWPP 3.3.6 established a process of prioritizing which areas within the JPA, the UGA should be expanded into first, designated as PGA, which areas should be expanded into second, undesignated areas, and which areas should be expanded into last, designated as LRS.

WHEREAS, Island County Planning & Community Development worked with the Intergovernmental Working Group (IWG), which consisted of staff from Oak Harbor, Coupeville and Langley, and held 19 meetings to discuss updates to the CWPPs, population projections, JPA designations and UGA boundaries for the 2016 Comprehensive Plan update.

WHEREAS, Island County Planning & Community Development held 6 community meetings in Oak Harbor, Coupeville, Freeland and Langley to discuss JPA overlays and UGA boundaries for the 2016 Comprehensive Plan update, where general support was received for:

- a. the reduction of the Langley UGA; and
- b. the reduction of the Freeland UGA to “the smallest feasible size”; and
- c. the removing the Coupeville JPA.

WHEREAS, on April 18, 2016, the Langley City Council submitted to the County their recommendations for JPA designations.

WHEREAS, on April 22, 2016, the Mayor of Coupeville submitted a letter to the County approving the removal of the Coupeville JPA.

WHEREAS, the draft UGAs mapped as Planning Commission Findings of Fact Exhibits A, B, C and D are sufficient to permit the twenty-years of urban growth that is projected based on the growth management population projections and should be incorporated in the Draft Comprehensive Plan for public review and comment.

WHEREAS, the JPA mapped in Exhibit B, Planning Commission Findings of Fact Exhibit G, will be removed and the interlocal agreement between Island County and the Town of Coupeville adopted in 2002 by Ordinance C-02-02 will be amended to allow the reestablishment of a JPA if deemed necessary.

WHEREAS, that it would be beneficial to the process to review all requests and amendments to these maps and the related analysis of impacts after the completion of the public review period, and changes, if any, would be made at that time to create the final UGA boundaries and JPA overlays, which will be established with the adoption of the 2016 Island County Comprehensive Plan.

WHEREAS, JPAs may be reevaluated when necessary with Comprehensive Plan Updates.

WHEREAS, the Island County Planning Commission adopted Findings of Fact following the public hearing, attached hereto as Attachment B; **NOW, THEREFORE**,

IT IS HEREBY RESOLVED that the Board of Island County Commissioners directs the Department of Planning and Community Development to adhere the Board’s Findings of Fact and Statement Setting Forth the Factors Considered at the Hearing and Found to be Controlling, attached hereto as Exhibit B.

ADOPTED this _____ day of _____, 2016 following a public hearing.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

RICHARD M. HANNOLD, Chair

JILL JOHNSON, Member

HELEN PRICE JOHNSON, Member

ATTEST:

Debbie Thompson
Clerk of the Board

EXHIBIT A

Board's Findings of Fact and Statement Setting Forth the Factors considered at the
Hearing and Found to be Controlling

Board’s Findings of Fact and Statement Setting Forth the Factors considered at the Hearing and Found to be Controlling

The Board of Island County Commissioners approves of and incorporates the Findings of Fact of the Planning Commission attached as “Attachment A”.



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

ISLAND COUNTY PLANNING COMMISSION

Dean Enell, Chairperson

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522 ■ from S. Whidbey (360) 321-5111

FAX: (360) 679-7306 ■ P. O. Box 5000, Coupeville, WA 98239-5000

Internet Home Page: <http://www.islandcountywa.gov/>

~FINDINGS AND CONCLUSIONS~

TO: Board of Island County Commissioners

FROM: Island County Planning Commission

DATE: May 23, 2016

**REGARDING: The Urban Growth Area Boundaries and Joint Planning Area
Overlays for the 2016 Comprehensive Plan Update**

SUMMARY

Island County is required to review their Urban Growth Areas as a part of the 2016 Comprehensive Plan Update. The Countywide Planning Policies also direct the County to develop JPA overlays as a part of this update process. Based on the review conducted, the public and municipal feedback received to date, and the discussion by the Board of Island County Commissioners and Planning Commission at several open public meetings, draft maps have been prepared for inclusion in the Draft Comprehensive Plan for public review and comment.

In addition, Planning and Community Development will be drafting a Resolution of Substantial Progress to send to the Department of Commerce prior to June 30, 2016. Part of this Resolution should include draft UGA Boundaries and JPA Overlays as part of the demonstration of substantial progress on the update of the Island County Comprehensive Plan for the 2016 periodic update cycle.

FINDINGS OF FACT

1. Island County conducts planning activities in accordance with RCW 36.70, the Planning Enabling Act.

2. The Washington State Legislature passed the Growth Management Act (GMA) in 1990 to guide the development and adoption of comprehensive plans and development regulations of those counties required to plan under RCW 36.70A.040.
3. Island County is required to plan under the GMA.
4. RCW 36.70A.130(3)(b) requires UGAs to be revised to accommodate the urban growth projected in the succeeding twenty-year period.
5. Goal 1 of the GMA states Island County should “encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.”
6. Goal 2 of the GMA states Island County should “reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.”
7. Goal 12 of the GMA states Island County should “ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”
8. RCW 36.70A.110(1) requires Island County to designate urban growth areas in which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.
9. RCW 36.70A.110(2) states Island County shall include areas sufficient to permit the twenty-years of urban growth that is projected based on the growth management population projections made by the Office of Financial Management.
10. RCW 36.70A.110(2) allows counties to use discretion in accommodating growth and determining a reasonable land market supply factor using local circumstances.
11. RCW 36.70A.110(3) states “urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.”
12. The GMA requires that counties subject to the GMA adopt Countywide Planning Policies (CWPP) and further requires that these policies be developed with the cooperation of the municipalities within the county as per RCW 36.70A.210(2).
13. In order to address the requirements of the GMA, Island County, and the jurisdictions within Island County first adopted CWPPs in 1992 which were subsequently revised in 1998 and 1999.

14. In 1998, the Board of Island County Commissioners approved Ordinance C-123-98, which designated urban growth areas for Oak Harbor, Coupeville and Langley, and designated Freeland as a Rural Area of More Intense Development (RAID).
15. On December 10, 2007, the Board of Island County Commissioners adopted the initial Freeland Subarea Plan and designation of Freeland as an NMUGA.
16. On August 14, 2008, the Washington Supreme Court ruled, in case No. 80115-1, that UGAs must be large enough to accommodate the projected population increase, and cannot exceed the amount of land necessary to accommodate the urban growth projections, plus a reasonable land market supply factor.
17. On April 1, 2013, Island County Planning & Community Development staff reached out to Oak Harbor, Coupeville and Langley to form an Intergovernmental Working Group (IWG) to better coordinate with the jurisdictions on the 2016 Comprehensive Plan update process, including updating the CWPP and population projections.
18. On November 3, 2015, the Board of Island County Commissioners approved Ordinance C-100-15 revising the CWPP.
19. The updated CWPPs created a methodology, CWPP 3.3.4 and Appendix A, to guide future population projections and allocations to ensure consistency in addressing future growth needs.
20. The 2036 Island County population growth projection is estimated at 9,411, as adopted in Resolution C-76-13; and
21. CWPP 3.3.9 allows UGAs to be reduced in size if population estimates or allocations indicate the UGA is larger than necessary to accommodate a 20 year supply of buildable lands, densities with the UGA have been increased such that the UGA is larger than necessary to accommodate a 20 year supply of buildable lands, or urban services cannot reasonably be provided to the area included in the proposed UGA.
22. The Planning Commission finds that Island County Planning & Community Development conducted a Buildable Lands Analysis which determined that:
 - a. Oak Harbor's UGA had adequate land to accommodate the 20 years of allocated growth and employment; and
 - b. Coupeville's UGA had adequate land to accommodate the 20 years of allocated growth, with a slight deficiency in land available for employment; and
 - c. both the Langley UGA and the Freeland NMUGA had excessive capacity to accommodate the 20 years of allocated growth and employment, and a reduction in those UGAs to be necessary.

23. CWPP 3.2 states the County shall designate Potential Growth Areas (PGA) and areas of Long-Term Rural Significance (LRS) within the Joint Planning Areas (JPA) to guide and control future development and Urban Growth Area (UGA) expansions, and these shall be adopted as Comprehensive Plan Overlays which will apply in addition to any underlying comprehensive plan or zoning.
24. CWPP 3.3.6 established a process of prioritizing which areas within the JPA, the UGA should be expanded into first, designated as PGA, which areas should be expanded into second, undesignated areas, and which areas should be expanded into last, designated as LRS.
25. The Planning Commission finds that Island County Planning & Community Development worked with the Intergovernmental Working Group (IWG), which consisted of staff from Oak Harbor, Coupeville and Langley, and held 19 meetings to discuss updates to the CWPPs, population projections, JPA designations and UGA boundaries for the 2016 Comprehensive Plan update.
26. The Planning Commission finds that Island County Planning & Community Development held 6 community meetings in Oak Harbor, Coupeville, Freeland and Langley to discuss JPA overlays and UGA boundaries for the 2016 Comprehensive Plan update, where general support was received for:
 - a. the reduction of the Langley UGA; and
 - b. the reduction of the Freeland UGA to "the smallest feasible size"; and
 - c. the removing the Coupeville JPA.
27. The Planning Commission finds that on April 18, 2016, the Langley City Council submitted to the County their recommendations for JPA designations.
28. The Planning Commission finds that on April 22, 2016, the Mayor of Coupeville submitted a letter to the County approving the removal of the Coupeville JPA.
29. The Planning Commission finds that the draft UGAs mapped as Exhibits A, B, C and D are sufficient to permit the twenty-years of urban growth that is projected based on the growth management population projections and should be incorporated in the Draft Comprehensive Plan for public review and comment.
30. The Planning Commission finds that the JPA mapped in Exhibit G will be removed and the interlocal agreement between Island County and the Town of Coupeville adopted in 2002 by Ordinance C-02-02 will be amended to allow the reestablishment of a JPA if deemed necessary.
31. The Planning Commission finds that that it would be beneficial to the process to review all requests and amendments to these maps and the related analysis of impacts after the completion of the public review period, and changes, if any, would be made at that time to create the final UGA boundaries and JPA overlays, which will be established with the adoption of the 2016 Island County Comprehensive Plan

32. The Planning Commission finds JPAs may be reevaluated when necessary with Comprehensive Plan Updates.

CONCLUSION

The Island County Planning Commission has reviewed the maps enclosed as Exhibits A-G and hereby recommends that the Board of County Commissioners adopt a resolution directing Island County Planning and Community Development to:

- Incorporate the UGA boundaries and JPA overlays enclosed hereto as Exhibits A-F into the Draft Island County Comprehensive Plan for public review and comment;
- Include the approval of these draft maps in the Resolution of Substantial Progress to the Washington State Department of Commerce; and
- Amend the interlocal agreement with the Town of Coupeville to remove the JPA enclosed hereto as Exhibit G and outline a process for establishing a future JPA as deemed necessary.

Respectfully submitted through the Island County Planning Department to the Board of Island County Commissioners, pursuant to RCW 36.70.430, this _____ day of _____, 2016 by,

Dean Enell
Chair, Island County Planning Commission

Enclosures:

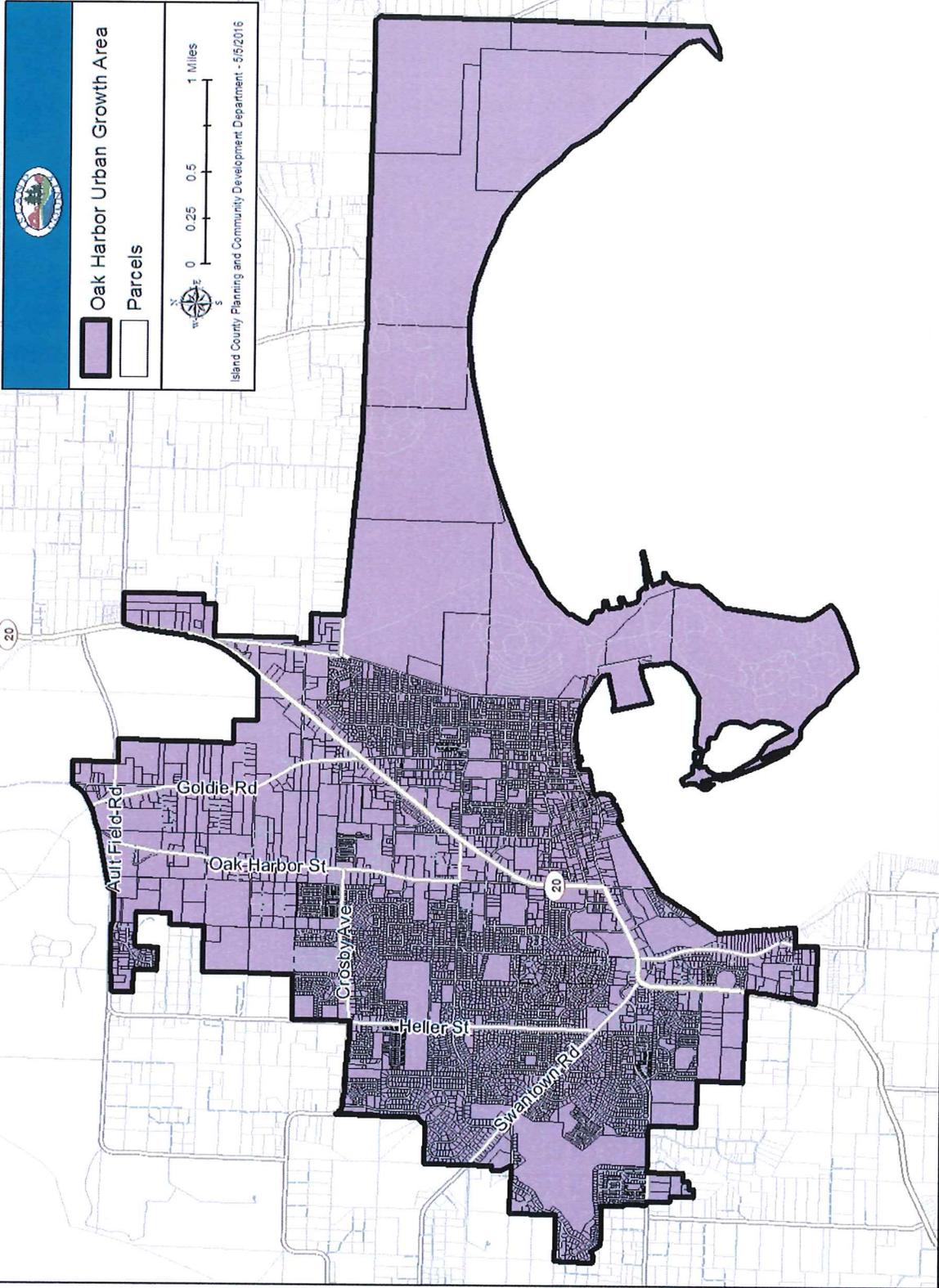
- Exhibit A - Map of Oak Harbor Urban Growth Area
- Exhibit B - Map of Coupeville Urban Growth Area
- Exhibit C - Draft Map of 2016 Freeland Non-Municipal Urban Growth Area
- Exhibit D - Draft Map of 2016 Langley Urban Growth Area
- Exhibit E - Draft Map of 2016 Oak Harbor Joint Planning Area Overlay Designations
- Exhibit F - Draft Map of 2016 Langley Joint Planning Area Overlay Designations
- Exhibit G - Map of Coupeville Joint Planning Area (Proposed To Be Removed)

EXHIBIT A

Oak Harbor Urban Growth Area

Oak Harbor Urban Growth Area

Island County Comprehensive Plan 2016



This map is intended to be used as a guide. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

EXHIBIT B

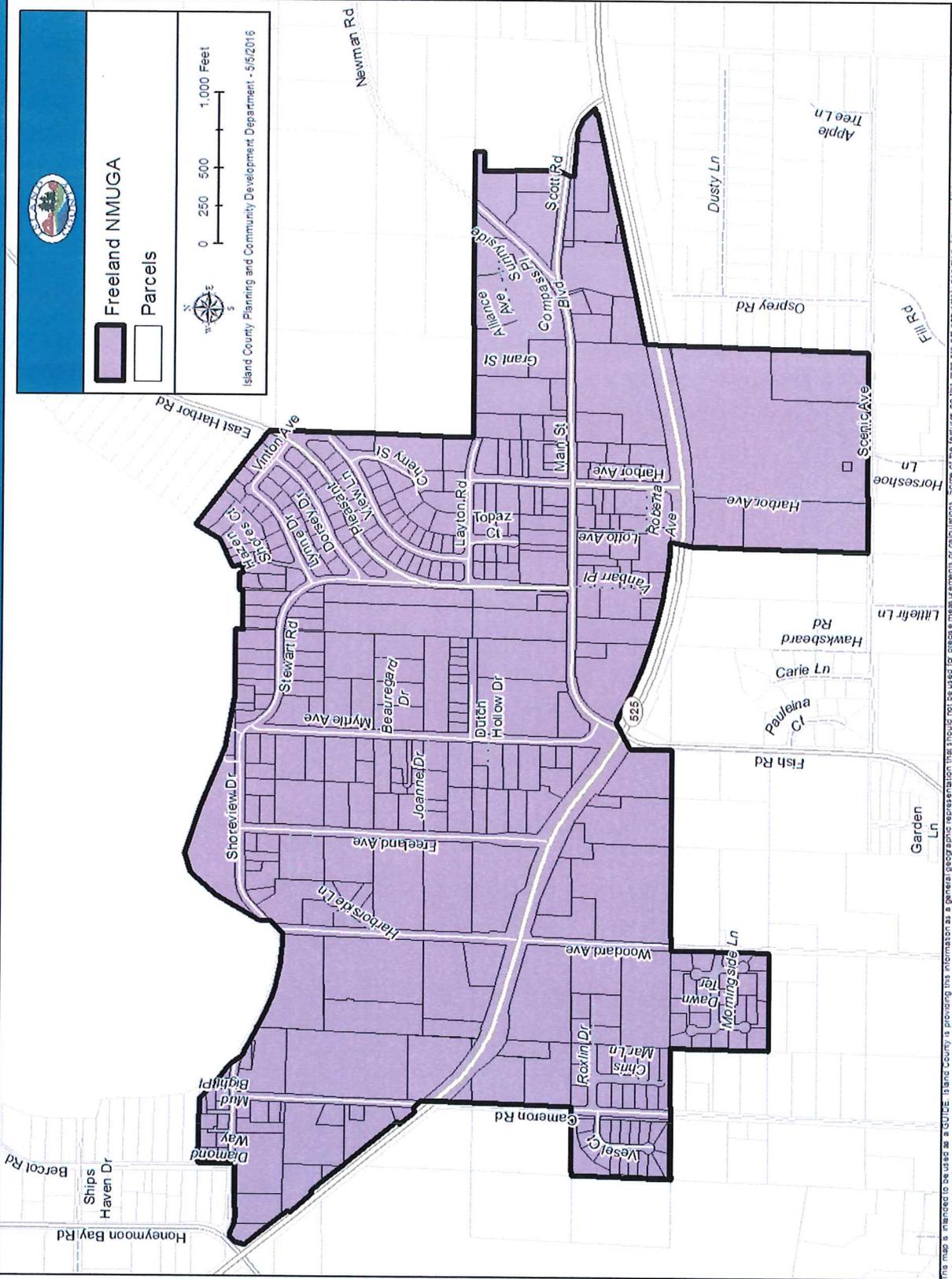
Coupeville Urban Growth Area (Town Boundaries)

EXHIBIT C

Draft Map of 2016 Freeland Non-Municipal Urban Growth Area

DRAFT 2016 Freeland Non-Municipal Urban Growth Area (NMUGA)

Island County Comprehensive Plan 2016



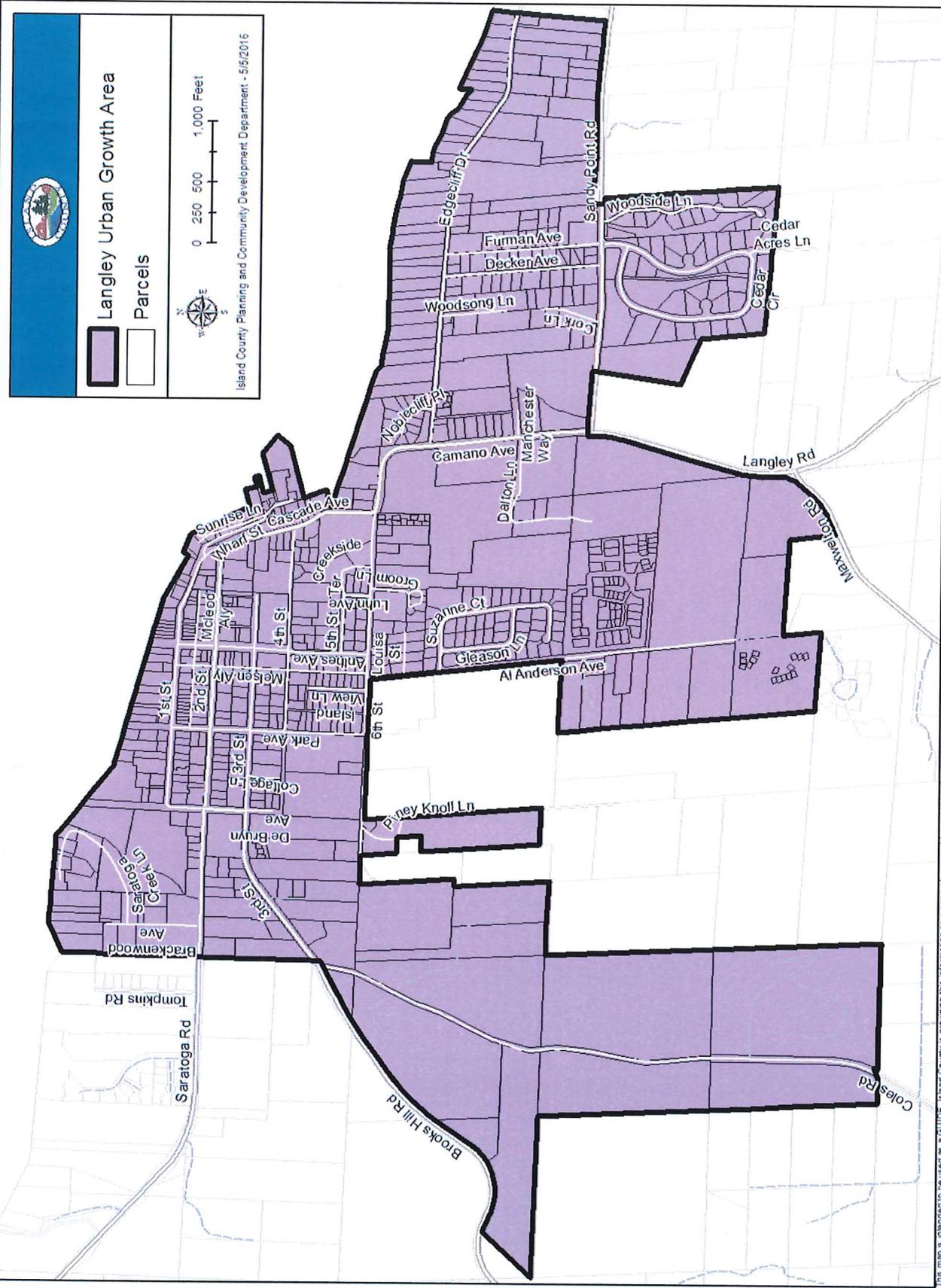
This map is intended to be used as a guide. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

EXHIBIT D

Draft Map of 2016 Langley Urban Growth Area

Draft Map of 2016 Langley Urban Growth Area

Island County Comprehensive Plan 2016



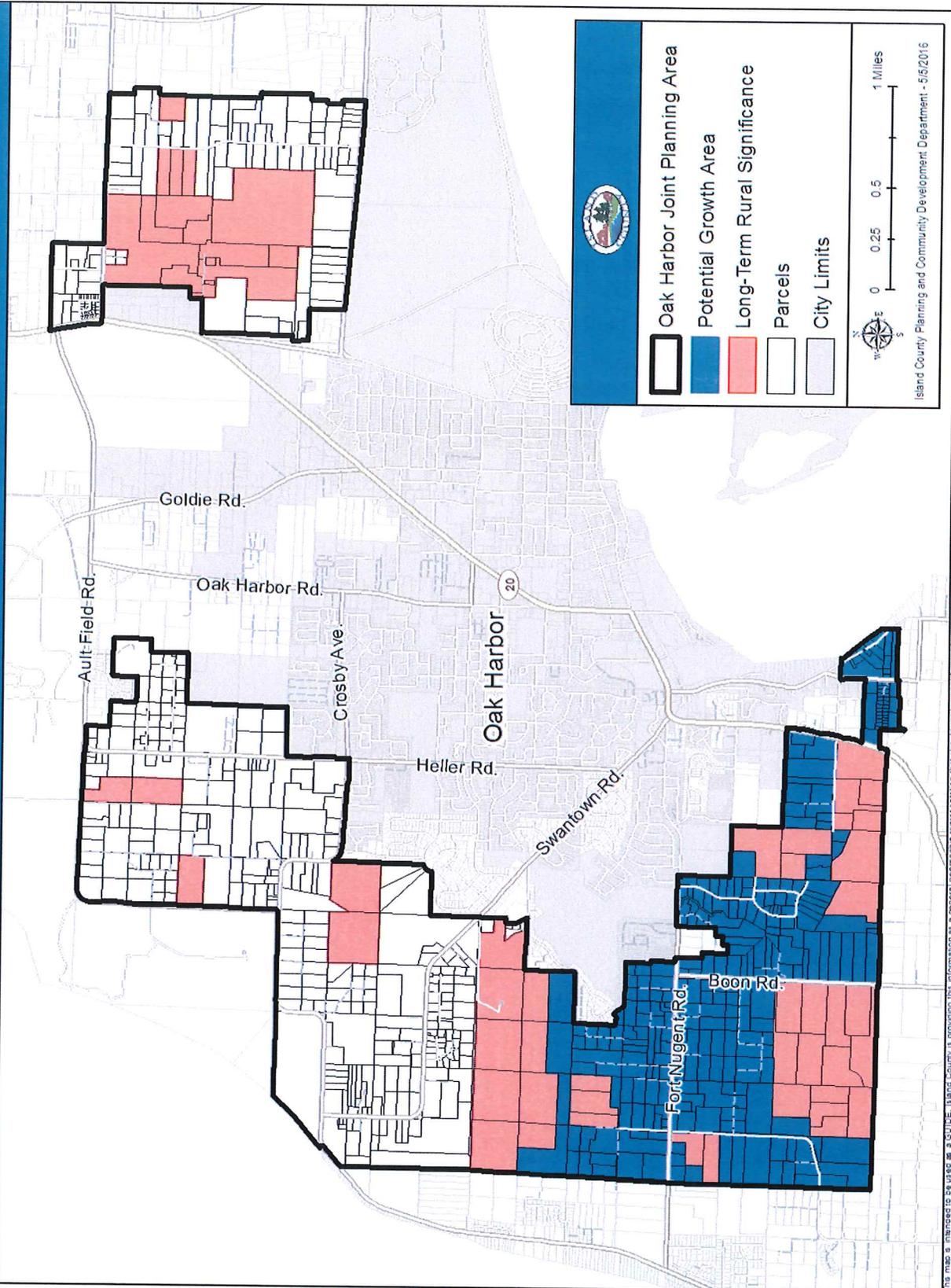
This map is intended to be used as a GUIDE. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

EXHIBIT E

Draft Map of 2016 Oak Harbor Joint Planning Area Overlay Designations

Draft Map of 2016 Oak Harbor Joint Planning Area Overlay Designations

Island County Comprehensive Plan 2016



Island County Planning and Community Development Department - 5/5/2016

This map is intended to be used as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any use of this map assumes all responsibility for use and agreed to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

EXHIBIT F

Draft Map of 2016 Langley Joint Planning Area Overlay Designations

EXHIBIT G

**Map of Coupeville Joint Planning Area
(Proposed To Be Removed)**



ISLAND COUNTY PUBLIC HEALTH M E M O R A N D U M

TO: Richard M. Hannold, Chair
Board of County Commissioners

FROM: Keith Higman
Health Services Director

SUBJECT: Public Health Work Session – June 1, 2016

Note: The first Public Health Work Session of the month is designated for informal discussion of any Board of Health matters.

Administration:

1. *Subject/Description:* None.
Attachment:
Action Requested:

Assessment & Healthy Communities:

1. *Subject/Description:* None.
Attachment:
Action Requested:

Community & Family Health:

1. *Subject/Description:* None.
Attachment:
Action Requested:

Environmental Health:

1. *Subject/Description:* None.
Attachment:
Action Requested:

Natural Resources:

1. *Subject/Description:* Puget Sound Partnership – Island County Local Integrating Organization (ILIO)
Attachment: a. Contract No. 2015-01; Amendment No. 6
Action Requested: Approval to move to the BOCC Consent Agenda. Legal and Risk reviews are complete.
2. *Subject/Description:* Proposed salmon recovery projects for 2016 Salmon Recovery Funding Board (SRFB) funding
Attachment: a. 2016 SRFB Proposed Projects
Action Requested: Discussion.
3. *Subject/Description:* Propose to separate the lead entity citizen committee responsibilities from the Water Resource Advisory Committee and assign those to a new citizen committee.
Attachments: a. Citizen's Committee Structure Draft
b. WRAC New Citizen's Committee Letter
Action Requested: Discussion and direction to develop committee structure and supporting resolutions.

Amendment #6Agreement Number: 2015-01
Title: Island County LIO – FFY2014 Funding

This agreement is made and entered into by and between the state of Washington, Puget Sound Partnership (PSP), and the below named firm, hereinafter referred to as "CONTRACTOR."

CONTRACTOR INFORMATION	Project Manager	
Island County PO Box 5000 Coupeville, WA 98239-5000	Lori Clark L.Clark@co.island.wa.us (360) 679-7352	UBI: 151000298 EIN: 193740040 DUNS: Type:
	Fiscal: Vanya Brown vbrown@co.island.wa.us (360) 678-7889	
PSP INFORMATION	Project Manager	
PUGET SOUND PARTNERSHIP 326 EAST D STREET TACOMA, WA 98421-1801	Suzanna Stoike Suzanna.stoike@psp.wa.gov (360) 701-4604	

PURPOSE

The purpose of this amendment is adjust the Task 5 budget as follows:

- Decrease subcontracts budget by eliminating result chains consultant in the amount of \$27,000
- Decrease subcontracts budget by eliminating the SI and IS team involvement in the amount of \$2,250.
- Increase subcontracts budget by \$4,801 to provide for additional data synthesis services for a new total of \$37,701.
- Increase the LIO Coordinator salary costs by \$19,717 for a new total of \$31,160
- Increase the LIO Coordinator benefits by \$4,733 for a new total of \$7,479

PERIOD OF PERFORMANCE

The period of performance remains unchanged for Task 5 from June 29, 2015 to September 30, 2016, as specified in Amendment #4.

COMPENSATION AND PAYMENT

Total compensation payable to CONTRACTOR remains unchanged.

EXHIBIT B, STATEMENT OF WORK

Statement of work remains unchanged

EXHIBIT C-1, BUDGET

Reducing subcontracts total budget by \$24,449 and increasing salary and benefits LIO Coordinator budget by \$24,449. (See Exhibit C-1 below)

All other Terms & Conditions of the original agreement remain in full force and effect.

APPROVAL

This amendment shall be subject to the written approval of the AGENCY'S authorized representative and shall not be binding until so approved. The amendment and agreement may be altered, amended, or waived only by a written amendment executed by both parties.

This amendment is executed by the persons signing below, who warrant they have the authority to execute the agreement.

Island County, Washington

Puget Sound Partnership

Board of County Commissioners Date
Richard M. Hannold, Chair

Jennifer S. Benn Date
Director of Administrative Services

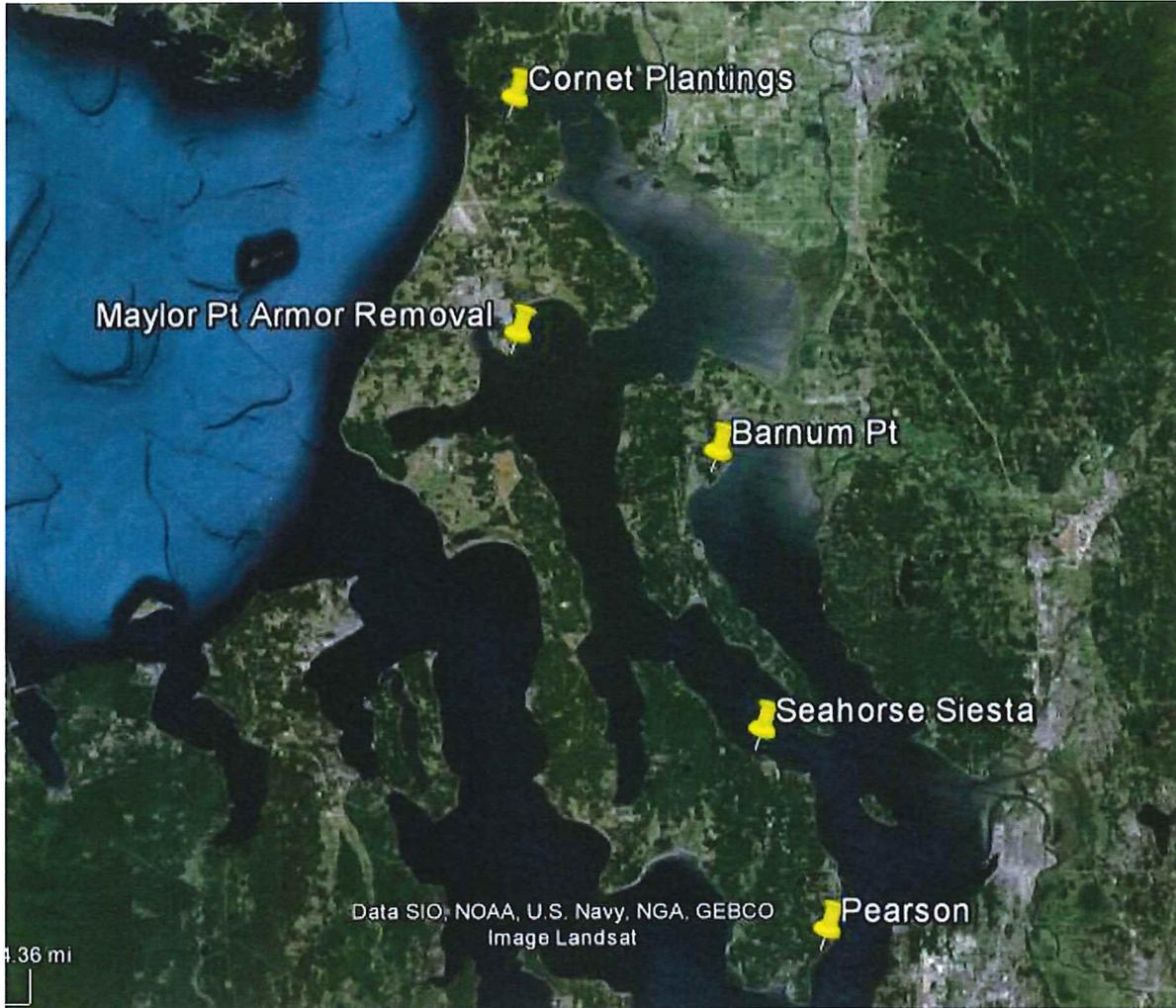
**Exhibit C-1
Revised Budget for Amendment #6**

CONTRACT: 2015-01 Amendment #6							
PROJECT TITLE: Island County LIO							
		TASK 5				TOTAL	
		Supplemental Grant funds to develop 5-year Ecosystem Recovery Plans and 2-year Implementation Plans					
	Job Classification	UNIT	RATE	UNITS	COST	UNITS	COST
SALARY COST	LIO Planner	HR	\$23.58	2,080	\$ 49,046	2080	\$ 49,046
	LIO Coordinator	HR	\$27.91	1,116	\$ 31,160	1116	\$ 31,160
TOTAL SALARY				3,196	\$ 80,206	3,196	\$ 80,206
BENEFITS	LIO Planner	HR	40%		\$ 19,618		\$ 19,618
	LIO Coordinator	HR	24%		\$ 7,479		\$ 7,479
TOTAL BENEFITS					\$ 27,097		\$ 27,097
OVERHEAD			15%		\$ 22,174		\$ 22,174
OTHER DIRECT COSTS	Office Supplies				\$ 1,500		\$ 1,500
	outreach materials				\$ 1,000		\$ 1,000
Total ODCs			\$ -		\$ 2,500		\$ 2,500
SUBCONTRACTS							\$ -
	Consultant-Data Synthesis		\$ 140.00	269	\$ 37,701		\$ 37,701
					\$ -		\$ -
					\$ -		\$ -
TOTAL SUBCONTRACTORS			0.00		\$ 37,701		\$ 37,701
TRAVEL EXPENSES			\$ -		\$ 322		\$ 322
TOTAL TRAVEL					\$ 322		\$ 322
TOTAL COSTS					\$ 170,000		\$ 170,000

2016 Salmon Recovery Funding Board Proposed Projects

BICC Work Session

June 1, 2016



2016	2015-2017 PSAR	2016 SRFB	2017-2019 PSAR	2017-2019 PSAR Large Capital
\$ Allocation	\$385,000	\$174,000	TBD	TBD
Cornet			\$29,400	
Maylor	\$345,000			
Seahorse Siesta	\$385,000	\$61,115		
Barnum	\$385,000	\$165,000		\$1,575,000
Pearson				\$1,500,000



Cornet Bay Plantings

Description: To provide on-going maintenance and monitoring of marine riparian plantings along the entirety of the restored Cornet Bay Shoreline. Maintenance will include periodic weeding, replacement planting, watering and browse protection. Monitoring will include inventorying plants and assessing health and survival rates to plan for needed replacement planting.

Sponsor: Northwest Straits Foundation

Cost: \$29,432 (\$35,032 total cost)



Maylor Point Armor Removal

Description: To remove 1,500 ft. of varied armor types from the toe of a feeder bluff. The armor was placed by the US Army Corps in 1978 as a “Low Cost Shore Protection” experiment. To be removed: 185 treated posts, 165 planks, 1300 tires, 10,000 square feet of concrete bags and over 16,000 square feet of angular rock. Preliminary designs and permits have already been funded.

Sponsor: Northwest Straits Foundation

Cost: \$345,094 (\$405,993 total cost)



Seahorse Siesta

Description: To remove a large barge and bulkhead from the base of a feeder bluff. The bulkhead and barge extends 98 ft. onto the beach from the toe of the bluff and 136 ft. along the shore. A small rockery will be constructed at the bottom of the path and above the +13 MLLW on the beach to allow for continued access to the beach by the community. Preliminary designs and permits have already been funded.

Sponsor: Northwest Straits Foundation

Cost: \$446,115 (\$524,841 total cost)



Barnum Point Acquisition

Description: To purchase 102 acres on Barnum point and build upon an earlier 27 acre acquisition now owned by Island County. There are 3 phases:

- Phase 1 – 37 acres (17 acres upland and bluff, 20 acres tidelands),
- Phase 2 – 30 acres (13 acres low bank waterfront, 17 acres tidelands),
- Phase 3 – 35 acres (all upland and bluff)

Sponsor: Whidbey Camano Land Trust

Cost: \$5,637,860

- Phase 1 - \$550,000 (\$1,250,000 total cost)
- Phase 2 - \$ (\$1,175,750 total cost)
- Phase 3 - \$ (\$1,753,485 total cost)

SRFB - \$550,000

PSAR - \$1,575,000

Other funding sources = Cash donations, Donated property, ALEA, WWRP



Pearson Acquisition

Description: To acquire 49 acres of undeveloped upland and feeder bluff, 10 acres of tidelands and 2800 ft. of shoreline. Piles of creosote timbers and left over motor oil will be removed.

Sponsor: Whidbey Camano Land Trust

Cost: \$1,500,000 (\$2,616,875 total cost). \$1,000,000 Federal Grant already secured.

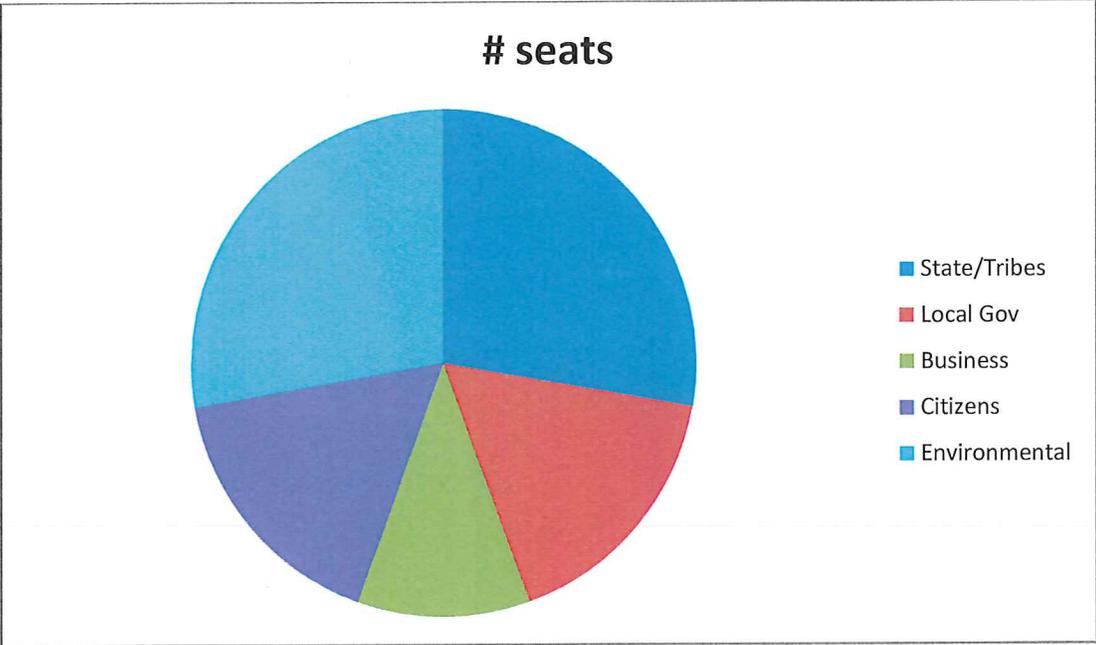


Island Lead Entity Citizen's Committee Structure - DRAFT

Potential New Members

RCW Group	Potential Agencies/Organizations	# seats
Counties	IC Long Range Planning Public Works Surface Water	1
Cities	City of Langley, City of Oak Harbor, City of Coupeville	1 rotating
Conservation Districts	Whidbey Island CD/Snohomish CD	1 (shared)
Tribes	Tulalip SRSC/Swinomish Stillaguamish	3
Regional Fish Enhancement Groups	Skagit FEG Sound Salmon Solutions	1 (shared)
Business Interests	Recreational fishing Ag Industry Penn Cove or commercial interest Commercial fishing Ports Oak Harbor Marina Marine Industry Historic waterfront Assoc.	2
Landowners/Citizens	Existing TAG/WRAC members	3 (1 from ea district)
Volunteer Groups	Sound Water Stewards	1
Environmental Groups & Habitat Interests	Whidbey Watershed Stewards Orca Network The Nature Conservancy ECONet Marine Resources Committee Island Local Integrating Organization Whidbey Camano Land Trust Northwest Straits Foundation	3
<i>State, Feds</i>	Wa. Dept. of Fish & Wildlife DNR Aquatic Lands US Navy Skagit College PSP (non-voting)	1 1

Current TAG voting seats = 19
 Current WRAC voting seats = 12





ISLAND COUNTY
WATER RESOURCES ADVISORY COMMITTEE

May 16, 2016

Board of Island County Commissioners
Commissioner Helen Price Johnson, District 1
Commissioner Jill Johnson, District 2
Commissioner Rick Hannold, District 3
PO Box 5000
Coupeville, WA 98239

RE: Salmon Recovery Citizen Committee Designation

Dear Commissioners:

The Water Resources Advisory Committee (WRAC), at its regular monthly meeting on May 5th, 2016, conducted a thorough discussion of the subject proposal presented by the WRIA 6 Salmon Recovery Lead Entity to separate salmon recovery responsibilities (RCW 77.85.050) from the charter of the WRAC (Island County Resolutions # C-50-99 and C-89-00) by establishing a new committee assembled from the current WRAC Technical Advisory Group (TAG) and other Board of Island County Commissioner appointments.

The discussion was comprehensive. Initially there was some disappointment expressed, as the Committee with its TAG subcommittee, has for 16 years carried out its salmon recovery responsibilities and produced the required plans and project evaluations resulting in significant funding of the projects that had been proposed. During the discussion, some members disputed the premise that the organizational structure of the WRAC was incompatible with the RCW definition of a Salmon Recovery Citizen's Committee. The argument is based on Island County Resolution C-50-99 which establishes the WRAC and defines a committee of essentially the same make-up as defined in RCW (77.85.050 (1)(b)) for salmon recovery.

One significant item discussed was County staff's assurance that a significant new, large work load in ground, surface and storm water support by the WRAC would soon be needed to revise the Coordinated Water System Plan and carry out Phase II of the Clean Water Utility involving Low Impact Development work as well as staff support to the WRAC, etc.

It was also pointed out that, with this proposed new structure, water issues and salmon issues will be separate. Specifically, the WRAC will address only water issues while the Salmon Recovery Citizen Committee will address only salmon issues.



ISLAND COUNTY
WATER RESOURCES ADVISORY COMMITTEE

In the end a vote was taken by the Committee as to whether it would support or oppose the establishment of the new Salmon Recovery Citizen's Committee. The majority voted to support separation from the WRAC.

In the course of your deliberations to establish the new committee and develop its details, the WRAC offers the following considerations:

- Do the voting members of this new committee have to be citizens of Island County (WRIA 6)? If so, some members of the current TAG may not be eligible.
- To obtain continued WRAC involvement, perhaps appointing one current WRAC member from each Island County Commissioner District to this new committee would be appropriate.
- How will the Board of Island County Commissioners find an appropriate distribution of skilled volunteers via appointments in the future?
- How will the new committee maintain active town, city, tribe, etc participation in the future or will it end up in the same position as the WRAC with minimal participation from outside entities?
- Institute a strong, written conflict of interest policy.

The WRAC stands by to support the new Salmon Recovery Citizen's Committee and looks forward to carrying out the increased duties projected for the WRAC.

Sincerely,

Water Resources Advisory Committee

by: Julius Budos J. Budos, Co-Chair
Donald H. Lee D. H. Lee, Co-Chair

Cc: Dawn Pucci, WRIA 6 Lead Entity Coordinator

Commissioners Office
Work Session
June 1, 2016

Subject/Description: Consider appointments to the Solid Waste Advisory
Committee
Attachment: yes
Action Requested:
Follow up:

Subject/Description:
Attachments: yes
Action Requested:
Follow up:



SOLID WASTE ADVISORY COMMITTEE

<http://www.islandcounty.net/publicworks/SolidWaste/SolidWasteAdvisoryCommittee.htm>

POSITION	MEMBER	TITLE	REPRESENTING
1.	Richard Hannold	Commissioner	Island County Board of Commissioners
2.	Andrea Krohn Maribeth Crandell- Alt.	Environmental Health Specialist	Island County Health Department
3.	Joantha Guthrie, Chair	Solid Waste Manager	Island County Public Works
4.	David Campbell	Owner, Island Recycling	Industry Representative
5.	Stan Berryman	Public Works Director	City of Langley
6.	Steve Beebe	Solid Waste Manager Cathy Rosen - Alternate	City of Oak Harbor
7.	Willy LaRue	Public Works Director	Town of Coupeville
8.	Diana Wadley	Regional Solid Waste Planner and Grant Officer	Department of Ecology
9.	Kent Kovalenko	Manager, Island Disposal (Waste Connections)	G-Permit Holder
10.	Carlton Paulmier	District Manager, Waste Management – Burlington	G-Permit Holder
11.	Rick Blank	Park Manager	Member-at-Large, North Whidbey
12.	Scott Sebelsky		Member-at-Large, Camano
13.	VACANT		Member-at-Large, Whidbey Island
14.	Aloha Hart		Member-at-Large – Central/South Whidbey

The Board received one application from Sarah Bergquist for Position #13